



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WINNEMUCCA DISTRICT OFFICE
705 East 4th Street
Winnemucca, Nevada 89445

6/4/86
G
IN REPLY REFER TO:
4700
(NV-023.5)

June 4, 1986

Craig C. Downer
P. O. Box 456
Minden, Nevada 89423

Copies:
DM, AMS, Nancy
Wheeler, Bryan,
Mitt Frei - NV 931
6-4-86 *unc*

Dear Mr. Downer:

Thank you for your letter of May 5 in which you provided comments and suggestions on our wild horse and burro Environmental Analyses (EA) and Gathering plans. We appreciate the time and effort you devoted to the review of these documents.

My staff and I have reviewed your comments/suggestions, and I will try to answer your concerns in the same order in which you presented them.

Many of the private lands in the checkerboard areas are no longer owned by the railroads. Much of this private land is owned by people who are not livestock permittees. The reason why the decision was made to remove all wild horses and burros from the checkerboard Herd Areas (HAs) was that we received requests from many of these owners of the private land to remove the animals. This decision (total removal) is part of our land-use planning decision documents, and was made only after we had received considerable public review and comment, including API and you.

I don't agree with your statement that no cooperative agreements represents a lack of effort (or commitment) on our part. You have mentioned several times in your letter the matter of cooperative agreements. I have attached a letter to you signed by Roger McCormack. Although this letter is dated 1981, the contents are still applicable. We cannot insist on cooperative agreements when the landowner is not a grazing permittee.

Rest assured that our office will keep you on our list for review and comments about our wild horse and burro plans.

We would like the opportunity to have you view our removal operations. Our first removal will start about July 1 of this year. We plan to remove 1,924 wild horses and burros from seven HAs located near Gerlach, Nevada. I might add that we are going to leave 1,778 wild horses and 10 burros in the seven HAs. In other words, through our CRMP and land-use planning process, it has been determined that 1,788 is the Appropriate Management Level (AML) for these seven HAs. Our second removal will start about October 1 of this year. We are proposing to remove 1,280 wild horses from eight HAs located near

Winnemucca. You are welcome to view these removals whenever it is convenient for you. Feel free to contact our office at an early date to work out details. You will receive a report on both removals.

The reference to the percentage of public land listed in the Paradise-Denio Checkerboard Gathering Plan is somewhat misleading to a reviewer. The second paragraph of this plan states "...the mountain ranges.." While it is correct that the HAs encompass all or part of the listed allotments, there are no wild horses in the Long Canyon, Asa Moore or Golconda Butte Allotments.

In the Winnemucca District, captured animals do not remain in the trucks for 24 hours. Twenty-four hours is the maximum time allowed by the 43 CFR 4700 regulations. Captured animals are usually transported no longer than four hours during our removals. Our capture procedures and techniques are very professional and humane, and the relatively short transportation time is just one of the many humane considerations.

If you are able to view our removal operations this summer, you will observe that brutality or mistreatment of wild horses does not occur in the Winnemucca District. District personnel who administer the removals will not permit, nor condone, such treatment.

In the first paragraph of page two of your letter, you again mention cooperative agreements. The BLM administers domestic livestock, and wild horses and burros under two different sets of laws and regulations. The wild horse and burro regulations (43 CFR 4720.2-1) require the BLM to remove wild horses and burros from private land if requested by the landowner, and as soon as practicable. For each of the checkerboard HAs, we have received such requests.

The legal action initiated by T Quarter Circle Ranches, Inc. that required the BLM to remove all wild horses from those HAs within their grazing allotments was settled by an agreement. All the HAs are located within checkerboard areas, and the BLM agreed to remove all wild horses by calendar year 1988.

The Fox and Lake Range HAs have an estimated wild horse population of 658 animals. An AML of 434 animals means that 66% of the population will be left in these HAs.

Although your recommendations to introduce burros into the Fox and Lake Range HAs may have merit, we are prohibited from doing so by Bureau policy. Except for unusual circumstances, such as complete elimination of a herd by disease, etc., we cannot introduce wild horses or burros from one HA into another HA.

Poodle and Calico Mountains are still managed as WSAs. According to the draft Wilderness EIS, the Calico Range was recommended for wilderness. Poodle Mountain was not recommended because of the large amount of private land within the WSA. The large amount of private land makes it impossible to manage for wilderness. The two areas, however, will be managed as WSAs until Congress decides otherwise.

The EA compared the intensity of public interest nationwide vs. statewide and locally. The reference did not mean to imply a lack of support for the wild horse program in Nevada.

Neither the Buffalo Hills Gathering Plan nor the EA stated that wild horses are not an integral part of the ecosystem they inhabit. By law and regulation, both the wild horse and burro must be considered as an integral part of the ecosystem during the formulation of land-use plans. I am quite concerned about your statement. Would you contact Dick Wheeler of our office and cite your reference, be it either the EA or Gathering Plan?

The AML of 1,142 in the Black Rock Range, Warm Springs Canyon and Calico Mountain HAS is not based on concurrent downward adjustment in livestock numbers. Adjustments (if necessary) in livestock numbers will be determined by management decisions based upon our monitoring program. The monitoring program has not yet been completed for those allotments in which the three HAS are located.

The removal of 1,049 wild horses from the Buffalo Hills, Granite Range, and a portion of Calico Mountain HAS is not "an arbitrary and capricious reduction" as you stated. The AML for these HAS was established only after extensive public review and comment (yours included) and any number of animals above this AML is considered excess for management purposes. The AML for these three HAS was established as 542 wild horses.

Our office has no indication that Equine Infectious Anemia is present in the above HAS.

You mentioned that 391 wild horses is a very small population number for the Sonoma Range HA. You could be right. This HA was inventoried (by helicopter) in June of 1985. At that time, 391 wild horses/burros were counted. Given the fact that our inventories probably do not count every animal, and accounting for reproduction, there probably are more than 391 wild horses and burros in this HA.

If requested by the landowner, the BLM is committed (by law and regulations) to remove wild horses/burros from fenced private land.

Neither the Sonoma Range Gathering Plan nor the EA proposed sterilization of wild horses.

Wild horses and burros are considered a part of the ecosystem. Wildlife population numbers are used to establish a starting level of analysis of rangeland resource responses to wildlife management. Management levels are the base value used to analyze impacts to rangeland from wild horse and burro management. Wild horses and burros as well as wildlife are two of the major resources within the Bureau's multiple use objectives. Multiple use, however, does not necessarily mean equal use by all resources on the same area of rangeland. Therefore, there are times when one use, such as wildlife, will exceed another use. This is the case for portions of the Granite Range HA. This area was designated in our land-use-plan to be managed primarily as wildlife habitat.

Although the wild horses and burros which presently occupy Nevada rangelands do not have a prehistory in America, they are treated and managed as a legitimate use of the public lands.

Any rangeland use if not managed within the framework of multiple use can be detrimental to the rangeland as well as other uses. Detrimental impacts to wild ungulates due to wild horse and burro use of limited resources is well documented.

Game species are discussed most often in relation to wild horses and burros because they are also ungulates. Interactions between wild horses and burros and wild ungulates, while being the most obvious, are also the most significant.

Mountain lion predation of wild horses and burros has been documented. A long-term study of mountain lion in Nevada, however, indicates the percent use to be insignificant in relation to predation on wildlife and domestic sheep. Due to the insignificant contribution of wild horses and burros to the mountain lion's and bobcat's prey base, removal of wild horses and burros will not adversely impact predator populations under normal circumstances.

NDOW manages the mountain lion as a game animal with closely watched tag and harvest limits by area to insure viable populations.

Thank you for your review and comments.

Sincerely yours,

A handwritten signature in cursive script that reads "Frank C. Shields". The signature is written in dark ink and is positioned above the printed name and title.

Frank C. Shields
District Manager

Enclosure



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Nevada State Office
300 Booth Street
P.O. Box 12000
Reno, Nevada 89520

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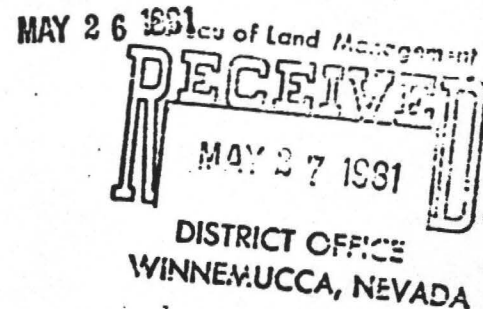
4700
(N-931.3)

Mr. Craig Downer
Animal Protection Institute
P. O. Box 22505
Sacramento, CA 95822

Dear Mr. Downer:

We have recently discussed your proposal of entering into a cooperative agreement to maintain wild horses/burros on mountain ranges in checkerboard land pattern areas owned by Southern Pacific Railroad, with Mr. Ted Longseth, District Supervisor, Southern Pacific Land Company (SPLC). It is my understanding that Mr. Longseth has relayed the results of these discussions to Mr. Ned Smith, Vice President, SPLC. Pursuant to these conversations, we have jointly reached the conclusion that maintenance of wild horses/burros in SPLC checkerboard land areas is impractical for the following reasons.

1. The SPLC has filed a request to remove horses from checkerboard lands owned by them and has not provided BLM with notification that this request is no longer in effect. As a result, we have no alternative but to remove wild horses in response to SPLC's request, as required by Section 4 of Public Law 92-195.
2. Not all of the private lands in a checkerboard land pattern are owned solely by the SPLC. Even if the SPLC agreed to enter into a cooperative agreement with the BLM to maintain wild horses/burros on checkerboard land, other land owners and individuals that lease land from the SPLC would still pursue removal through legal avenues (i.e., C-Punch Corp. v. Andrus, et al., Civ. No. R-80-266-BRT and T Quarter Circle Ranches, Inc. v. Watt, et al., Civ. No. R-81-110-ECR).
3. Tenure for the control of checkerboard land is tentative at best, since cooperative agreements with private individuals are not permanent and may be revoked at any time. As a result, continued management of wild horses/burros cannot be assured, and this hinders capital investment in long term management of the animals.
4. This proposal has been analyzed throughout all stages of the Bureau's land use plan (MFP I, II, and EIS) and has not been considered a viable option, even in the maximize wild horse/burro alternative.



If you have any areas of concern which I have not addressed to your satisfaction,
please feel free to contact me.

Sincerely yours,

By: Roger J. McCormack

Roger McCormack
Associate State Director, Nevada

CC:
Ned Smith, VP SPLC, San Francisco, CA
Ted Longseth, District Supervisor SPLC, Reno, NV

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