

G 10/14/88

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Winnemucca District Office
705 East Fourth Street
Winnemucca, Nevada 89445

In reply refer to:
4700 (NV-023.4)

October 14, 1988

Memorandum

To: State Director, Nevada (NV-931.3)
From: District Manager, Winnemucca
Subject: Your Telephone Request of 10/13/88

In accordance with the subject request, copies of the following documents are transmitted:

1. P-D/S-G final Wild Horse Removal Plan.
2. Buffalo Hills draft Wild Horse Removal Plan.
3. Pertinent information from the Sonoma-Gerlach and Paradise-Denio Land Use Plans (MFP-III) decision documents.

Animal Protection Institute appealed the draft Removal Plan for the Buffalo Hills HMA. Mr. Craig Downer appealed the approved Removal Plan for the North Stillwater, Calico Mtn., Granite Range, Jackson Mtn., and the Fox and Lake Range HMA's. Mr. Downer appealed only the proposed removals from the North Stillwater and Granite Range HMA's.

The following information is presented in narrative and tabular form.

Condition of Wild Horses

The condition of the wild horses was observed in the North Stillwater, Calico Mtn., Fox and Lake Range, Granite Range, Buffalo Hills and Jackson Mtn. HMA's. These observations extended throughout the year, but primarily from April through September - the latest observations being in the month of September. The animals in each HMA were observed at least twice, and some HMA's were monitored more than twice - such as the Buffalo Hills HMA. The observations were conducted by two PFT and one NTE who work full time in the WH&B program.

The condition of the wild horses observed was good. The animals were generally in good flesh condition, and no serious problems were noted in any of the HMA's. The lack of water in certain areas required the animals to travel further than normal, but no problems were noted.

Available and Quantifiable Data Which Would Support the Proposed Removal of Wild Horses.

1. North Stillwater, Fox and Lake Range, Jackson Mtns. and Buffalo Hills HMA's.

There is no monitoring and other data available that could be used to support the proposed removal of wild horses from these HMA's.

2. Granite Range HMA

There is resource damage occurring in riparian areas. This can not be associated with any one grazing use, but wild horse use is contributing to the problem. The area of the Fox Mtn. burn is receiving heavy use on specific species that can be attributed to wild horse use.

3. Calico Mtn. HMA

The Leadville Allotment, within the Calico Mtn. HMA, has shown heavy use in the past which can be attributed directly to wild horses since there was no livestock grazing licensed.

The Calico pasture is receiving resource damage on riparian areas which can not be associated with just wild horses since livestock also use the area.

Since the Soldier Meadows allotment has not has substantial livestock use in the Calico portion, the damage occurring on riparian areas can be associated predominately with wild horses.

Table One - FY'89 Proposed Removal of Wild Horses

	AML	Current*	Proposed #
HMA Name	Horses/Burros	Est. Population	To Remove
2 North Stillwater	82/0	** 149/0	107/0
1 Jackson Mtns.	215/0	** 413/0	64/0
1 Calico Mtns.	514/0	**1013/0	492/0
2 Buffalo Hills	272/0	* 644/0	549/0
1 Fox and Lake Range	434/1	** 538/0	174/0
2 Granite Range	176/0	** 563/0	280/0

1 - Proposed removal action has not been appealed.

2 - Proposed removal action has been appealed.

* - Based upon an aerial census conducted in August of 1988.

** - Based upon an aerial census conducted in September of 1988.

The AML's for all of the above HMA's were established by the Paradise-Denio and Sonoma-Gerlach Land Use Plan decision documents.

The proposed removal numbers for the P-D/S-G Contract will be changed to reflect current estimated population numbers.

Robert J. Meany
A. Sterling

DISTRICT MANAGER'S DECISION - WILD HORSE AND BURRO PROGRAM -
NON-CHECKERBOARD LANDS

Establish wild horse and burro numbers by herd use area using the following criteria.

Existing/current WH&B numbers (as of July 1, 1982) will be used as a starting point for monitoring purposes except where one of the following conditions exist.

1. Numbers are established by adequate and supportable resource data.
2. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District Manager.
3. Numbers are established by formal signed agreement between affected interests.
4. Numbers are established through previously developed interim capture/management plans. Plans are still supportable by parties consulted in the original plan. EAs (EARs) were prepared and are still valid.
5. Numbers are established by court order.

Sonoma-Gerlach Resource Area
AML's

<u>Herd Use Area</u>	<u>Wild Horse/Burros</u>	<u>Current Established Population</u>				
		<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>
Buffalo Hills	272/0	821/0				
1/ Lava Beds	375/40 2/	706/243				
Fox and Lake Range	434/1	608/0				
Warm Springs Canyon	294/10	314/16				
Black rock Range West	424/0	333/0				
Seven Troughs	215/64 2/					
Granite Range	176/0	456/0				
Calico Mountains	514/0	1006/0				
Selenite Range	0/0 2/	0/0				
Blue Wing Mountains	50/39 2/	50/22				
Tobin Range	19/0	6/0				
Augusta Mountains	261/0	Managed by the Carson City District				
Kamma Mountains	50/0 2/					
Stillwater Range	52/0	189/0				
Shawave-Nightingale	187/0 2/	293/0				

2/ The changes in the above AML numbers were made as a result of the Blue Wing/ Seven Troughs CRMP agreement which was signed on July 24, 1984.

1/ Includes Seven Troughs and Kamma Mtns. population.

Updated by: *Dieth Wheeler*
WH&B Specialist
Date: 4/29/88

Approved: *Gerald Brandt*
S-G Area Manager
Date: 5-12-88

SONOMA GERLACH RESOURCE AREA

MFP DECISIONS

WILD HORSE AND BURRO PROGRAM

Objective: WH/B-1

Maintain and protect a viable population of wild horses and burros on public lands. Achieve and maintain a thriving natural ecological balance on the forage resource.

WHB 1.1

DISTRICT MANAGER'S DECISION - WILD HORSE AND BURRO PROGRAM - NON-CHECKERBOARD LANDS

Establish wild horse and burro numbers by herd use area using the following criteria.

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1. Numbers are established by adequate and supportable resource data.
2. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District Manager.
3. Numbers are established by formal signed agreement between affected interests.
4. Numbers are established through previously developed interim capture/management plans. Plans are still supportable by parties consulted in the original plan. EAs (EARs) were prepared and are still valid.
5. Numbers are established by court order.

Sonoma-Gerlach Resource Area

<u>Herd Use Area</u>	<u>Wild Horses/Burros</u>	<u>Existing Numbers</u>
Buffalo Hills	272/0	"
X Lava Beds	132 350/13 54	"
Fox and Lake Range	434/1	"
Warm Springs Canyon	294/10	"
Black Rock Range West	424/0	"
X Seven Troughs	762 662/105	"
Granite Range	176/0	"
Calico Mountains	514/0	"
Selenite Range	12/1	"
Blue Wing Mountains	89/48	"
Tobin Range	19/0	"
Augusta Mountains	261/0	"
X Kamma Mountains	38/0	"
Stillwater Range	52/0	"
Shawave-Nightingale	254/11	"

Revised
5/12/88

Buffalo Hills	Buffalo Hills	272/0
Lava Beds	Blue Wing	85309/44 ⁵⁴ X
	Seven Troughs	4744/20X
Fox and Lake Range	Rodeo Creek	334/1
	Pole Canyon	100/0
Warm Springs	Soldier Meadows	294/10
Black Rock Range West	Soldier Meadows	424/0
Seven Troughs	Seven Troughs	619/34
	Blue Wing	143/71
Granite Range	Buffalo Hills	176/0
Calico Mountains	Buffalo Hills	107/0
	Calico	42/0
	Leadville	248/0
	Soldier Meadows	117/0
Selenite Range	Blue Wing	12/1
Blue Wing Mountains	Blue Wing	89/48
Tobin Range	Goldbanks	0/0
	Pleasant Valley	0/0
	Pumpnickel Valley	17/0
	South Buffalo	2/0
Augusta Mountains	Jersey Valley	261/0
Kamma Mountains	Seven Troughs	38/0
Stillwater Range	Pleasant Valley	0/0
	South Rochester	36/0
	Rawhide	0/0
	South Buffalo	16/0
	Jersey Valley	0/0
	Cottonwood Canyon	0/0
Shawave-Nightingale	Blue Wing	254/11

176
107
42
272
597

WH&B 1.3

Remove wild horses and burros from the checkerboard Horse Use Areas (HUAs) listed below unless a cooperative agreement providing for the retention and protection of wild horses and burros is consummated with the affected private landowner(s). Cooperative agreements have not been obtained on the following areas and wild horses should be removed.

	HUA	Present Est. #s*
		<u>Horses/Burros</u>
1.	Sonoma	330
2.	Humboldt	705
3.	Trinity	271
4.	East Range	315
5.	Antelope	226/21
6.	Truckee	75
	TOTALS	<u>1,922/21</u>

* Present numbers estimated from 1977 inventory using an 1% net increase per year

Paradise-Denio MFP III
Wild Horses and Burros 1.1

As Currently Written:

WILD HORSE AND BURRO PROGRAM - NON-CHECKERBOARD LANDS

Establish wild horse and burro numbers by herd use area using the following criteria:

Existing/current WH&B numbers (as of July 1, 1982) will be used as a starting point for monitoring purposes except where one of the following conditions exist:

1. Numbers are established by adequate and supportable resource data.
2. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District Manager.
3. Numbers are established by formal signed agreement between affected interests.
4. Numbers are established through previously developed interim capture/management plans. Plans are still supportable by parties consulted in the original plan. EAs (EARs) were prepared and are still valid.
5. Numbers are established by court order.

Paradise-Denio Resource Area

<u>Herd Use Area</u>	<u>Wild Horses/Burros</u>	
Owyhee-Bullhead	250/0	CRMP Numbers
Jackson Mountains	215/0	Existing Numbers
McGee Mountain	0/41	Existing Numbers
Black Rock Range East	59/0	Existing Numbers

<u>Herd Use Area</u>	<u>Allotment</u>	<u>Wild Horses/Burros</u>
Owyhee-Bullhead	Little Owyhee	200/0
	Bullhead	50/0
Jackson Mountains	Jackson Mountains	160/0
	Deer Creek	20/0
	Happy Creek	35/0
McGee Mountains	Alder Creek	0/41
Black Rock Range East	Palute Meadows	59/0

Change To:

The decision will remain as originally written.

Rationale:

43 CFR 4730.3 states:

The biological requirements of wild free-roaming horses and burros will be determined based upon appropriate studies or other available information. The needs for soil and watershed protection, domestic livestock, maintenance of environmental quality, wildlife, and other factors will be considered along with wild free-roaming horse and burro requirements. After determining the optimum number of such horses and burros to be maintained on an area, the authorized officer shall reserve adequate forage and satisfy other biological requirements of such horses and burros and, when necessary, adjust or exclude domestic livestock use accordingly.

The district does not have adequate supportable data upon which to establish the number of wild horses and burros to be maintained on each herd use area. Wild horses and burros must be considered comparable with other resource values in the development of resource management plans. Livestock, wild horses and burros would be kept at existing numbers as a starting point for monitoring purposes unless the conditions listed in the above decision existed. The monitoring program is being designed to determine what the proper stocking level for livestock, wild horses and burros is for each allotment. Adjustments in the numbers of animals to be grazed on each area will be determined through this monitoring process as outlined in Range Management Decision 1.1.

Persons-Organizations That Have Protested This Decision:

1. Nevada Division of State Lands, Carson City, Nevada.
2. Nevada Department of Agriculture, Carson City, Nevada.

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Winnemucca District Office

Sonoma-Gerlach Resource Area

WILD HORSE/BURRO MANAGEMENT

BUFFALO HILLS

WILD HORSE REMOVAL (GATHERING) PLAN

I. Introduction

The intent of this removal (gathering) plan is to outline the methods and procedures to be used in removing approximately 549 wild horses from the Buffalo Hills Herd Management Area (HMA). Refer to the attached maps for specific locations and to II. C. for additional specifics. The removal operation is scheduled to begin about October 3, 1988, and be completed by November 11, 1988.

II. General Area Description-Background Data

A. Location and Land Status

The geographical center of the Buffalo Hills HMA is located approximately 13 miles west of Gerlach, Nevada, and 55 miles northwest of Fernley, Nevada. The HMA is administered by the Sonoma-Gerlach Resource Area (RA). The HMA is situated entirely within the Buffalo Hills grazing allotment. The Buffalo Hills grazing allotment is part of the Buffalo Hills Planning Unit.

The Buffalo Hills HMA is roughly 36 miles long in a north-south direction and 12 miles wide in an east-west direction. The low country is dominated by shadscale-greasewood types. As elevation increases and soils change, these types give way to sagebrush - grass and juniper types.

The Buffalo Hills were flown December 15, 1978 (by fixed wing aircraft) to determine winter use areas and to try to form some generalizations about migration patterns and seasonal use areas within the herd use area. This flight showed that the majority of the horses congregated on the foothills on the southeast side of the range. The inventory conducted January 28, 1975, revealed an even distribution of animals throughout the range. The majority of the HMA is between 5,000-6,000 feet in elevation. During mild winters the wild horses will not move down to the lower elevations and will use the same general area yearlong. In 1978 there was an unusually heavy accumulation of snow cover which forced the animals down to the lower elevations. An aerial (helicopter) census will be conducted in July of 1988 - about 2.5 months prior to the removal. This census will help determine concentration of animals. In addition, the HMA will be inventoried about one week prior to the removal by a fixed wing aircraft to determine concentration of animals.

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

B. Reference to Land Use Plan (LUP)

The LUP for the Sonoma-Gerlach RA was approved on July 9, 1982. The LUP (Management Framework Plan-Step III) decision was to manage

for wild horses and burros in those HMAs where they existed prior to 1971, and to remove all wild horses and burros from the checkerboard Herd Areas (HAs).

The appropriate Management Level (AML) for the HMA is 272 wild horses. Therefore, to fully implement the LUP decision to attain AML's, 549 wild horses need to be removed.

The proposed removal of excess animals would occur in non-checkerboard HMAs.

Population Data

HMA Name	Appropriate Management Level (AML) Horses/Burros	1988 Estimated Population ^{1/} Horses/Burros	Proposed Number to be Removed Horses/Burros
Buffalo Hills	272/0	821/0	549/0

^{1/} Population estimate based upon an aerial census conducted in August of 1983.

A pre-removal census will be conducted in July of 1988 using a B-1 helicopter.

C. Activity Plans

A draft Herd Management Area Plan (HMAP) will be initiated in 1988. The HMAP will be finalized in 1989.

A Habitat Management Plan (HMP) which covers the entire HMA was approved in 1978. The HMP is currently being revised to meet HMP standards.

An Allotment Management (AMP) that encompasses all of the HMAP was approved in 1988.

III. Justification

Section 14 of Public Law 95-514, the "Public Rangelands Improvement Act of 1978," states that the Secretaries of Interior and Agriculture shall "determine appropriate management levels of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)."

A land use plan (Management Framework Plan - Step III) has recently been developed for the Sonoma-Gerlach RA. A major portion of this plan was the preparation and publication of a Grazing Environmental Impact Statement which analyzed five different alternatives to manage public

lands: (1) distribute available vegetation to livestock, wildlife, and wild horses/burros; (2) no action; (3) no livestock grazing, (4) maximize livestock; and (5) maximize wild horses/burros. The final analysis culminated with the issuance of the Winnemucca District Manager's Management Framework Plan (MFP) Step III Decisions on June 30, 1982. The decisions received the State Director's concurrence on July 9, 1982. The MFP III (LUP) WH/B decision number 1.1 provides for the retention and management of wild horses/burros on non-checkerboard lands in the resource area. The decision stated that existing/current numbers (as of July 1, 1982) would be used as a starting point for monitoring purposes except where one of the following conditions exist:

1. Numbers are established by adequate and supportable resource data.
2. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District Manager.
3. Numbers are established by formal signed agreement between affected interests.
4. Numbers are established through previously developed interim capture/management plans. Plans are still supportable by parties consulted in the original plan. EAs (EARs) were prepared and are still valid.
5. Numbers are established by court order.

None of the above five conditions are applicable to this proposed plan of removal, and the existing/current numbers (as of July - 1982) will be used as a starting point for monitoring purposes.

IV. Removal Plan and Methods

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

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

If a decision is made to proceed with the removal, a veterinarian will be present at the trap site the very first day of gather operations. Experience gained from past removals in this HMA indicate the proposed action may cause undue stress to the animals. It is difficult to remove animals from this HMA without some concern for the welfare of the animals due to the following reasons:

1. The parent material is composed almost exclusively of flood basalts. This 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.
2. The presence of thick stands of juniper allows some animals to seek cover during removal operations. As a consequence, these animals have to travel further before they are captured.
3. A very steep escarpment exists along the southwest, south and southeast sides of the HMA. This geologic feature limits areas where animals can be brought into the trap.
4. Very few roads available for trap locations and transportation purposes.
5. The entire HMA is within a Wilderness Study Area (WSA) boundary. A WSA restricts the location of trap sites and constrains removal operations. Refer to IV.A.15.

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

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

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

A. Trapping and Care of Animals

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

It is expected that the number of animals that are driven into the traps will vary from one to 35 horses at a time.

2. It is estimated that a minimum of three temporary trap and corral sites (see map) will be required to remove the 549 excess wild horses. Additional temporary trap sites may be necessary if the animals disperse from their home ranges once removal operations start. The removal operations will start on the west side of the HMA, then continue on the south side, and finish on the east side. All temporary trap locations will be selected by the COR.
3. All trap locations and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have prior written approval of the landowner.
4. All traps, wings, and holding facilities shall be constructed, maintained, and operated to handle the animals in a safe and humane manner. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of six feet high. All runways shall be a minimum of 20 feet long and a minimum of six feet high and shall be covered with plywood or like material a minimum of one foot to five feet above ground level. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of one foot to five feet above ground level. Floors of vehicles used for transporting the animals and the loading chute shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings to prevent injuries.
5. The contract helicopter shall be used in such a manner that bands or herds will remain together as much as possible.
6. The project helicopter actions may occasionally be observed by a Government-controlled helicopter. All actions of the Government helicopter will be coordinated with the contractor to prevent interference with the project helicopter and contract operations.

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

7. The rate of movement and distance the animals travel shall not exceed limitations set by the COR who will consider terrain, physical barriers, weather, condition of the animals, and other factors.
8. When excessive dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water at such location as directed by the COR.
9. Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estray animals from the other horses. Where required by the COR, animals shall be sorted as to age, number, size, temperament, sex, and condition, when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling.
10. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR.
11. Animals held for 10 hours or more in the traps and/or holding facilities shall be provided fresh clean water by the contractor, in an amount of a minimum of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.
12. It is the responsibility of the contractor to provide security to prevent loss, injury, or death of captured animals until delivery to final destination.
13. The contractor shall restrain sick or injured animals so that they may be provided treatment by the COR. The COR will determine if injured or sick animals must be destroyed and provide for destruction of such animals. If the COR cannot determine the severity of the injury or illness, a veterinarian will be consulted before the animal is destroyed. The contractor shall dispose of the carcasses as directed by the COR.

14. 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.
15. All temporary trap sites located within the WSA boundaries will be placed on existing roads and ways, not to exceed 50' either side of the access route. Cross-country travel would be allowed so long as it does not cause impacts inconsistent with the requirements of the non-impairment criteria outlined in the IMP. Refer to map labeled for a delineation of the WSA boundary.
16. The on site Project Inspector (PI) and Contracting Officers Representative (COR) will have clear lines of authority and responsibilities, and will have the ability to communicate on a moment's notice with management, and the Contracting Officer. This provision is intended to assure that any contractual problems which may affect the animals or their habitat can be resolved with minimal delay.
17. The District Manager will be responsible for establishing communication procedures which provide a clear course of action to prevent contracting problems when situations which are beyond the PI's and COR's authority occur, particularly when such problems involve the safety and welfare of the wild horses.

B. Helicopter, Pilot, and Communications

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

C. Motorized Equipment

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

VI. Signatures

Lead responsibility:

Richard D. Wheeler

Richard D. Wheeler, Wild Horse and Burro
Specialist

4/20/88

Date

Gerald L. Moritz

Gerald L. Moritz, Environmental Coordinator

27 April 88

Date

Gerald P. Brandvold

Gerald P. Brandvold, Area Manager
Sonoma-Gerlach Resource Area

4-26-88

Date

Submitted to State Director by:

Robert J. Neary

Robert J. Neary
Acting District Manager, Winnemucca

5/3/88

Date

Approved by:

Edward F. Spang
State Director, Nevada

Date

H19E

R21E

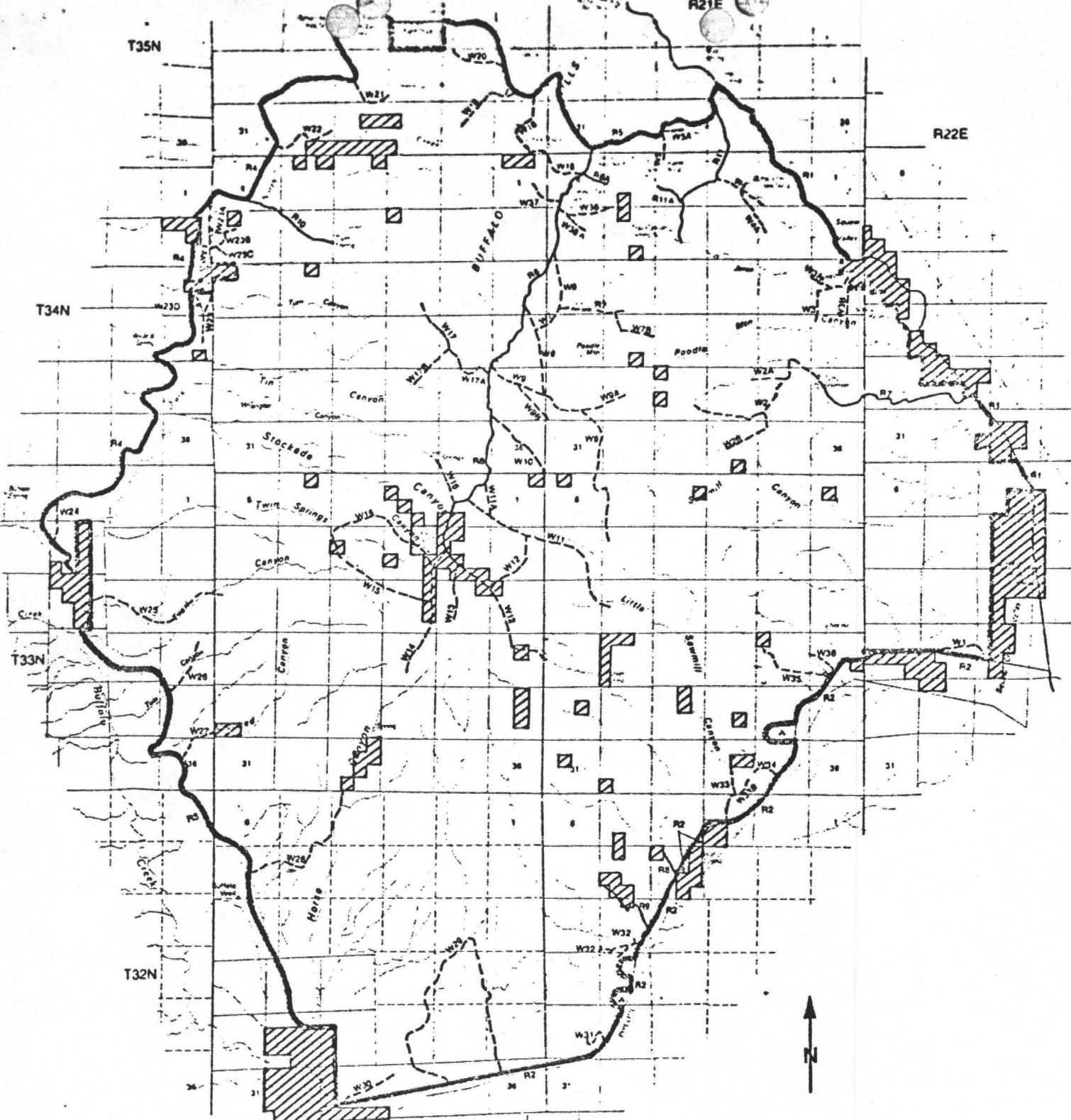
T35N







R22E

T34N

T33N

T32N

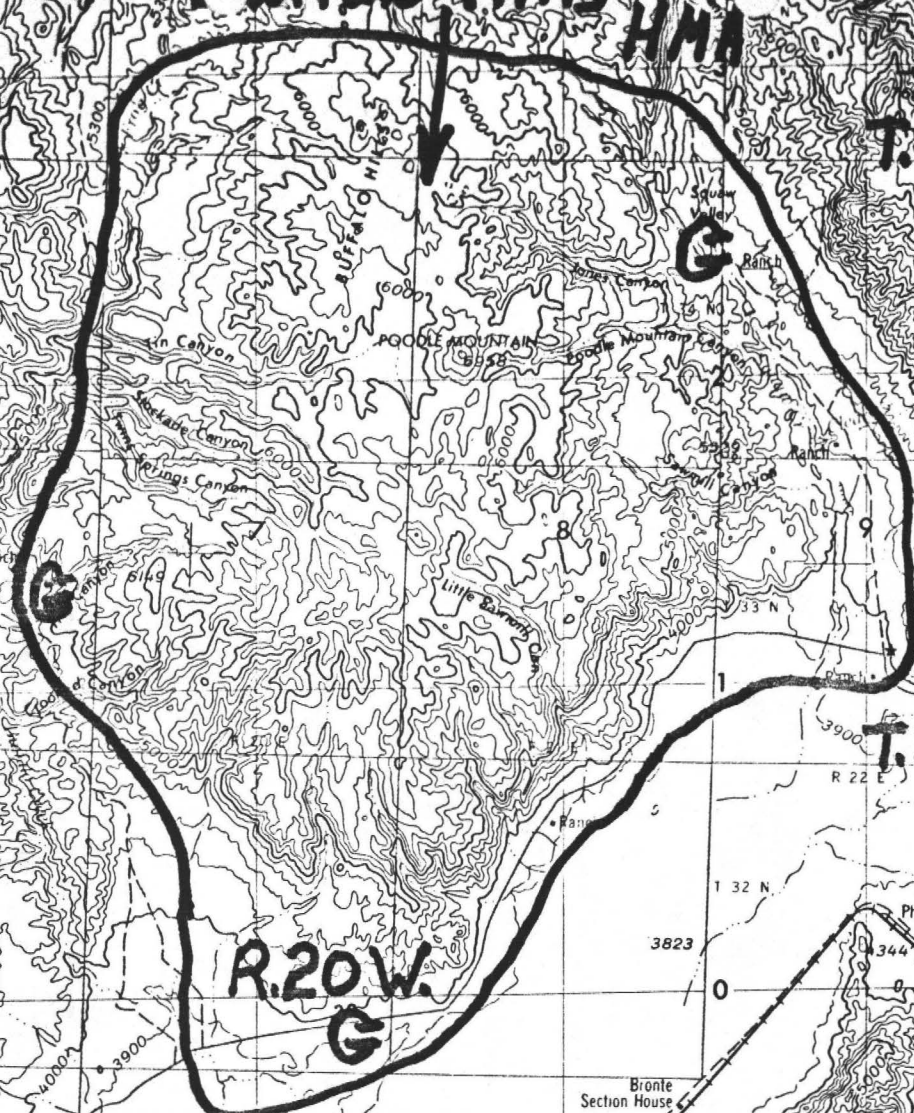


-  PRIVATE LAND (SURFACE & MINERALS)
-  PRIVATE SURFACE (PUBLIC MINERALS)
-  W. S. A. BOUNDARY
-  ROAD
-  WAY
-  GRAVEL PIT



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

Cuffalo Hills HMA



T.35 N.

T.33 N.

R.20 W.

G - Temporary Trap Locations

77 Miles
Fenby

SMOKE CREEK

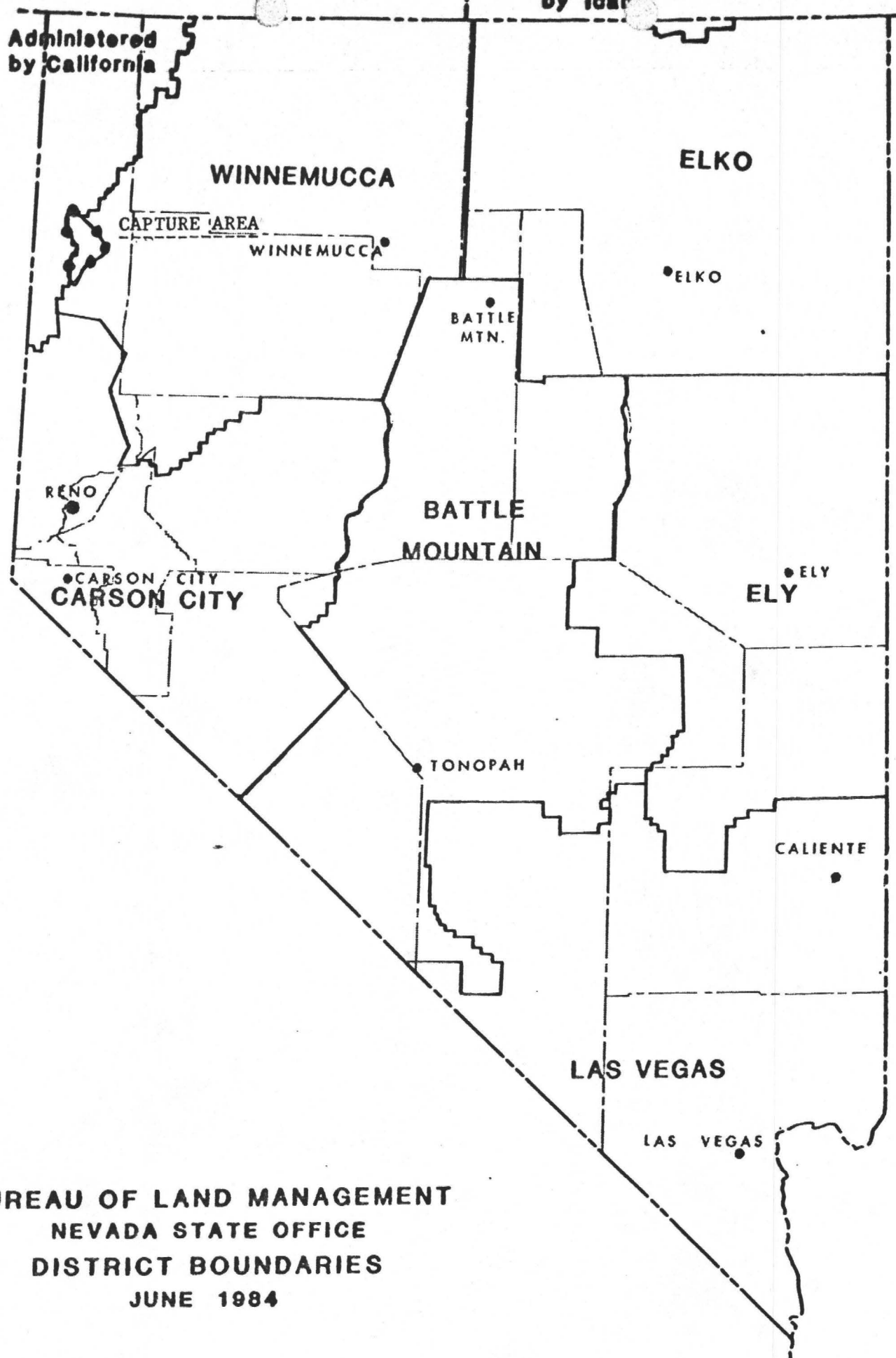
BLACK ROCK
EMIDIO DESERT

KR LR
KQ LO
DESERT

800 Isobars VIA L E Y

Administered
by Idah

Administered
by California



BUREAU OF LAND MANAGEMENT
NEVADA STATE OFFICE
DISTRICT BOUNDARIES
JUNE 1984



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
NEVADA STATE OFFICE
850 HARVARD WAY
P.O. BOX 12000
RENO, NEVADA 89520-0006

IN REPLY REFER TO

4700
(NV-931.3)

RECEIVED

JUL 22 1988

JUL 25 1988

BUREAU OF LAND MGMT
WINNEMUCCA, NEVAD

MEMORANDUM

To: District Manager, Winnemucca
From: State Director, Nevada
Subject: Wild Horse/Burro Removal Plan

Attached please find the approved Removal Plan for the Fox and Lake Range, Calico Mts., Jackson Mts., Granite Range and North Stillwater HMAs. You may proceed with the proposed removal as soon as all necessary contractual arrangements have been made.

1 Attachment
1 - Removal Plan
As Stated

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Winnemucca District Office

Sonoma-Gerlach and Paradise-Denio Resource Areas

WILD HORSE/BURRO MANAGEMENT

WILD HORSE REMOVAL (GATHERING) PLAN
FOR FIVE HERD MANAGEMENT AREAS

I. Introduction

The intent of this removal (gathering) plan is to outline the methods and procedures to be used in removing approximately 1,117 excess wild horses from five Herd Management Areas (HMAs). The proposed action would result in the attainment of Appropriate Management Levels (AMLs) for these five HMAs.

The excess animals would be removed from the Fox and Lake Range, Calico Mountains, Granite Range, Jackson Mountains, and the North Stillwater Range HMAs. Refer to the attached maps for specific locations and to II. C. for additional specifics.

The proposed removal operation would begin about November 14, 1988, and be completed by January 20, 1989.

II. General Area Description-Background Data

A. Location and Land Status

The Calico Mountains, Fox and Lake Range and the Granite Range HMAs are within close proximity to each other, and are located near the town of Gerlach, Nevada. The Jackson Mountains HMA is located about 45 air miles northwest of Winnemucca, Nevada. The North Stillwater HMA is located about 66 air miles southwest of Winnemucca, Nevada.

Land Status

HMA Name	Public Land	Private Land	Total	Percent of Public Land
Fox and Lake Range	207,279	5,373	212,652	97
Calico Mountains	80,500	100	80,600	99
Jackson Mountains	274,510	13,828	288,338	95
Granite Range	88,506	13,144	101,650	87
North Stillwater	131,104	Unknown	Unknown	--

B. Reference to Land Use Plans (LUPs)

The LUP for the Sonoma-Gerlach and Paradise-Denio Resource Areas (RAs) were approved on July 9, 1982. The LUP (Management Framework Plan-Step III) decision was to manage for wild horses and burros in those HMAs where they existed prior to 1971, and to remove all wild horses and burros from the checkerboard Herd Areas (HAs).

The AML (30 wild horses) for the portion of the North Stillwater HMA located in the Carson City District, but administered by the Winnemucca District, was established through the Carson City District's LUP process and specifically by the Lahontan Resource Management Plan.

The proposed removal of excess animals would occur in non-checkerboard HMAs.

C. Population and Removal Data

The proposed removals of excess wild horses would occur in the following HMAs, and in the priority as listed in descending order.

HMA Name	1988 Estimated Population Horses/Burros	Appropriate Management Level (AML) Horses/Burros	Proposed Number to be Removed Horses/Burros
Granite Range	456/0 <u>2/</u>	176/0	280/0
Calico Mountains	1006/0 <u>2/</u>	514/0	492/0
Fox & Lake Range	608/0 <u>2/</u>	434/1	174/0
Jackson Mountains	279/0 <u>1/</u>	215/0	64/0
North Stillwater	189/0 <u>3/</u>	82/0	107/0
		Total =	<u>1117/0</u>

- 1/ Based upon an aerial census conducted by a B-1 helicopter in July of 1986.
- 2/ Based upon an aerial census conducted by a B-1 helicopter in June of 1986.
- 3/ Based upon an aerial census conducted by a B-1 helicopter in October of 1986.

A pre-removal census will be conducted in August of 1988 using a B-1 helicopter.

III. Justification

Section 14 of Public Law 95-514, the "Public Rangelands Improvement Act of 1978," states that the Secretaries of Interior and Agriculture shall "determine appropriate management levels of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)."

A land use plan was completed for the Sonoma-Gerlach and Paradise-Denio Resource Areas in 1982. A major portion of this plan was the preparation and publication of a Grazing Environmental Impact Statement which analyzed five different alternatives to manage public lands: (1) distribute available vegetation to livestock, wildlife, and wild horses/burros; (2) no action; (3) no livestock grazing, (4) maximize livestock; and (5) maximize wild horses/burros. The final analysis culminated with the issuance of the Winnemucca District Manager's Management Framework Plan (MFP) Step III Decisions on June 30, 1982. The decisions received the State Director's concurrence on July 9, 1982. The MFP III (LUP) WH/B decision number 1.1 provides for the retention and management of wild horses/burros on non-checkerboard lands in the resource area. The decision stated that existing/current numbers (as of July 1, 1982) would be used as a starting point for monitoring purposes except where one of the following conditions exist:

1. Numbers are established by adequate and supportable resource data.

2. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District Manager.
3. Numbers are established by formal signed agreement between affected interests.
4. Numbers are established through previously developed interim capture/ management plans. Plans are still supportable by parties consulted in the original plan. EAs (EARs) were prepared and are still valid.
5. Numbers are established by court order.

None of the above five conditions are applicable to this proposed plan of removal, and the existing/current numbers (as of July 1, 1982) will be used as a starting point for monitoring purposes.

IV. Removal Plan and Methods

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

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

If a decision is made to proceed with the removal, a veterinarian will be present at the trap site the very first day of gather operations to check the condition of the animals. Experience gained from past removals in these HMAs indicate the proposed action may cause undue stress to the animals. It is difficult to remove animals from these HMAs without some concern for the welfare of the animals due to the following reasons:

1. The parent material is composed almost exclusively of flood basalts. This 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.
2. The presence of thick stands of juniper allows some animals to seek cover during removal operations. As a consequence, these animals have to travel further before they are captured.
3. There are steep and extensive escarpments in the Granite Range, Calico Range, and North Stillwater Range HMAs. These geological features limit areas where animals can be brought into the trap.

4. Except for the Granite Range HMA, there are Wilderness Study Areas (WSAs) in all of the HMAs. A WSA designation restricts the choices for suitable trap sites constrains removal operations. Refer to IV.A.15.

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

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

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

A. Trapping and Care of Animals

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

It is expected that the number of animals that are driven into the traps will vary from one to 35 horses at a time.

2. It is estimated that a minimum of ten temporary trap and corral sites (see map) will be required to remove the 1,117 excess wild horses. Additional temporary trap sites may be necessary if the animals disperse from their home ranges once removal operations start. The removal operations will start in the Granite Range, then move to the Calico Mountain Range, then to the Fox and Lake Range, then to the Jackson Mountains, and finally to the North Stillwater Range HMA. Refer to attached maps for specifics. All general temporary trap locations will be selected by the COR.

3. All specific trap sitings and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have prior written approval of the landowner.
4. All traps, wings, and holding facilities shall be constructed, maintained, and operated to handle the animals in a safe and humane manner. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of six feet high. All runways shall be a minimum of 20 feet long and a minimum of six feet high and shall be covered with plywood or like material a minimum of one foot to five feet above ground level. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of one foot to five feet above ground level. Floors of vehicles used for transporting the animals and the loading chute shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings to prevent injuries.
5. The contract helicopter shall be used in such a manner that bands or herds will remain together as much as possible, and foals do not become separated from their mothers.
6. The project helicopter actions may occasionally be observed by a Government-controlled helicopter. All actions of the Government helicopter will be coordinated with the contractor to prevent interference with the project helicopter and contract operations.

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

7. The rate of movement and distance the animals travel shall not exceed limitations set by the COR who will consider terrain, physical barriers, weather, condition of the animals, and other factors.

8. When excessive dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water at such location as directed by the COR.
9. Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estray animals from the other horses. Where required by the COR, animals shall be sorted as to age, number, size, temperament, sex, and condition, when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling.
10. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR.
11. Animals held for 10 hours or more in the traps and/or holding facilities shall be provided fresh clean water by the contractor, in an amount of a minimum of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.
12. It is the responsibility of the contractor to provide security to prevent loss, injury, or death of captured animals until delivery to final destination.
13. The contractor shall restrain sick or injured animals so that they may be provided treatment by the COR. The COR will determine if injured or sick animals must be destroyed and provide for destruction of such animals. If the COR cannot determine the severity of the injury or illness, a veterinarian will be consulted before the animal is destroyed. The contractor shall dispose of the carcasses as directed by the COR.
14. 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.
15. All temporary trap sites located within the WSA boundaries will be placed on existing roads and ways, not to exceed 50' either side of the access route. Cross-country travel would be allowed so long as it does not cause impacts inconsistent with the requirements of the non-impairment criteria outlined in the

IMP. Refer to maps labeled for a delineation of the WSA boundaries.

16. The on site Project Inspector (PI) and Contracting Officer Representative (COR) will have clear lines of authority and responsibilities, and will have the ability to communicate on a moment's notice with management, and the Contracting Officer. This provision is intended to assure that any contractual problems which may affect the animals or their habitat can be resolved with minimal delay.
17. The District Manager will be responsible for establishing communication procedures which provide a clear course of action to prevent contracting problems when situations which are beyond the PI's and COR's authority occur, particularly when such problems involved the safety and welfare of the wild horses.

B. Helicopter, Pilot, and Communications

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

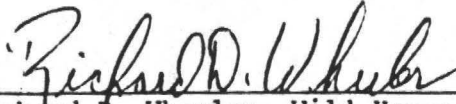
C. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals.
2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to insure that captured animals are transported without undue risk, injury, or delay.


3. Only stocktrailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stocktrailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stockracks of transporting vehicles shall be a minimum height of six feet six inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate the animals. The use of double deck trailers is unacceptable and shall not be allowed.
4. All vehicles used to transport animals to final destination shall be equipped with doors at the rear end of the vehicle. At least one of these rear doors shall be capable of sliding either horizontally or vertically.
5. Floors of vehicles shall be covered and maintained with a nonskid surface such as sand, mineral soil, or wood shavings, to prevent the animals from slipping.
6. The number of animals to be loaded and transported in any vehicle shall be as directed by the COR and may include limitations on numbers according to age, size, sex, temperament, and animal condition.
7. The COR shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, or other factors when planning for the movement of captured animals. The COR shall provide for any brand and/or inspection services required for the captured animals.
8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which animals may have to be transported on dirt road is approximately 60 miles per load.

VI. Signatures

Lead responsibility:

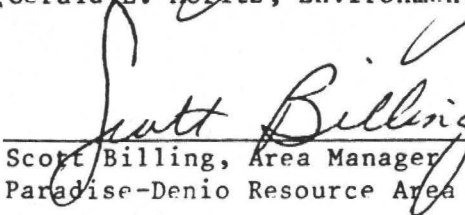


Richard D. Wheeler, Wild Horse and Burro
Specialist

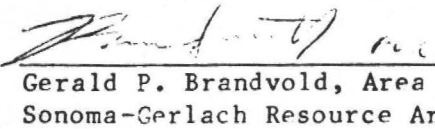
 4/26/88
Date


For: Gerald L. Moritz, Environmental Coordinator

7/20/88
Date

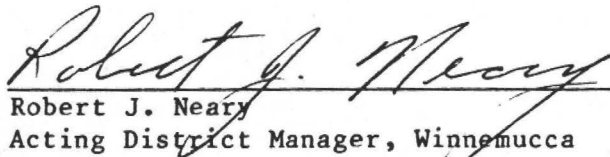

Scott Billing, Area Manager
Paradise-Denio Resource Area

7-20-88
Date


Gerald P. Brandvold, Area Manager
Sonoma-Geolach Resource Area

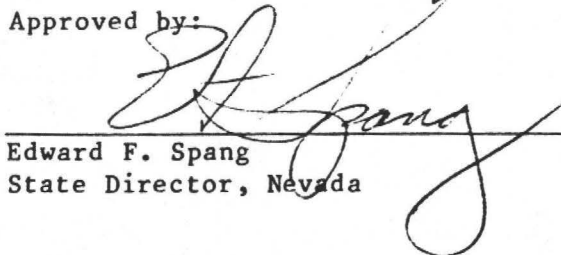
7/20/88
Date

Submitted to State Director by:


Robert J. Neary
Acting District Manager, Winnemucca

7/20/88
Date

Approved by:


Edward F. Spang
State Director, Nevada

7/22/88
Date

FOX AND LAKE RANGE

SMOKE CREEK DESERT

KR LR
KQ LC
DESERT

TRAP SITE #6 G

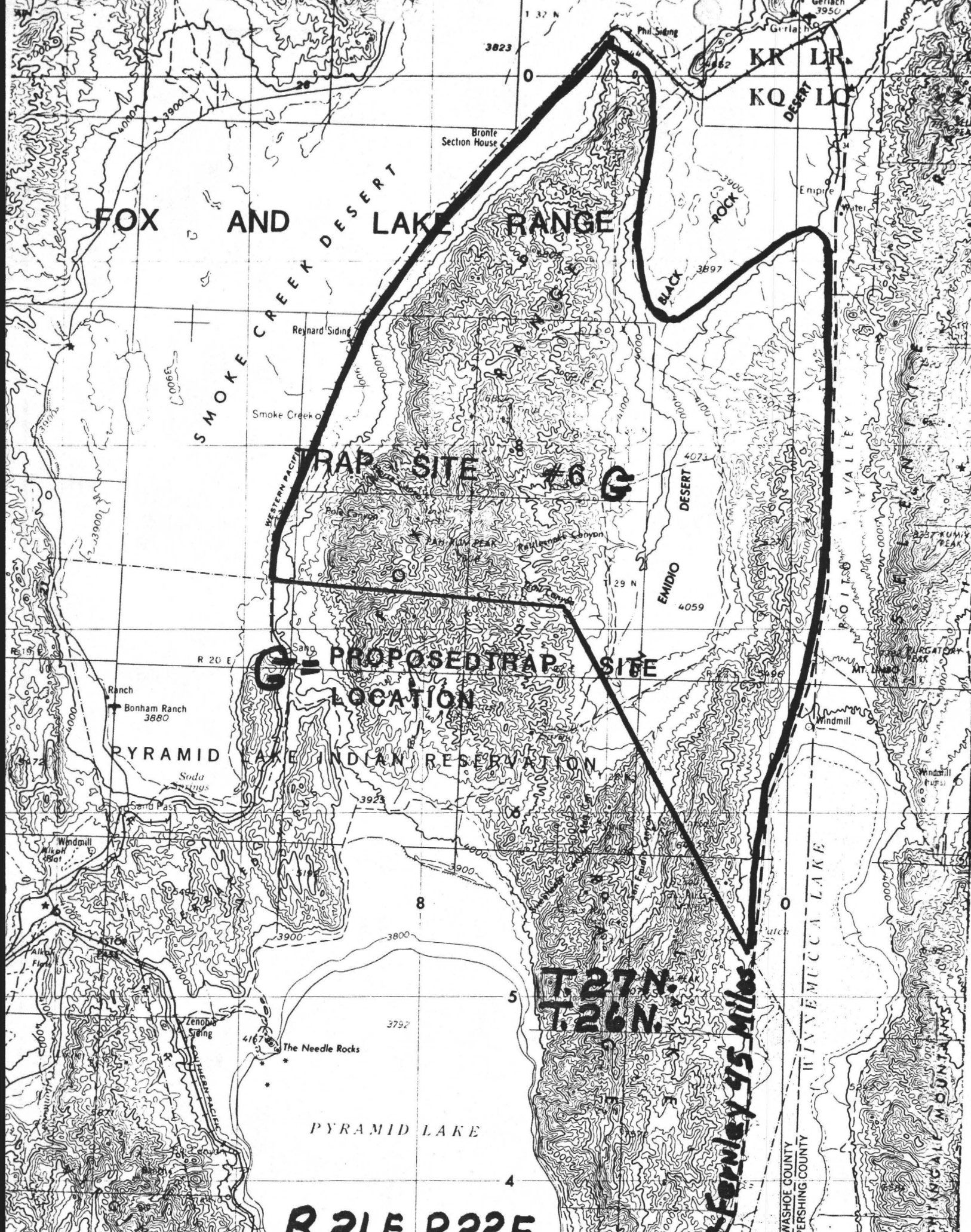
G = PROPOSED TRAP SITE LOCATION

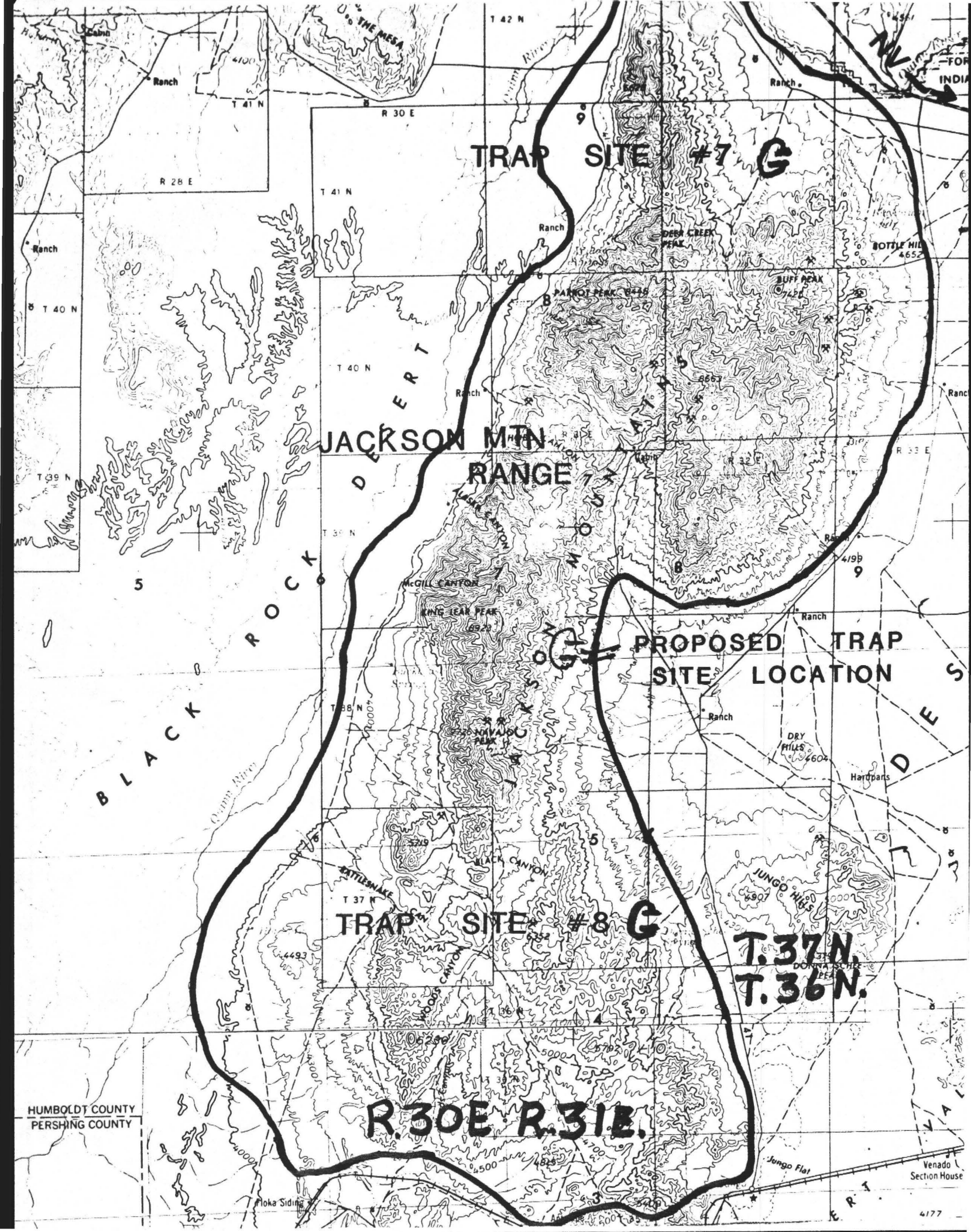
PYRAMID LAKE INDIAN RESERVATION

T. 27 N.
T. 26 N.

Fernley 9.5 Miles

R. 21 E R 22 E





TRAP SITE #7 G

JACKSON MOUNTAIN RANGE

PROPOSED TRAP SITE LOCATION

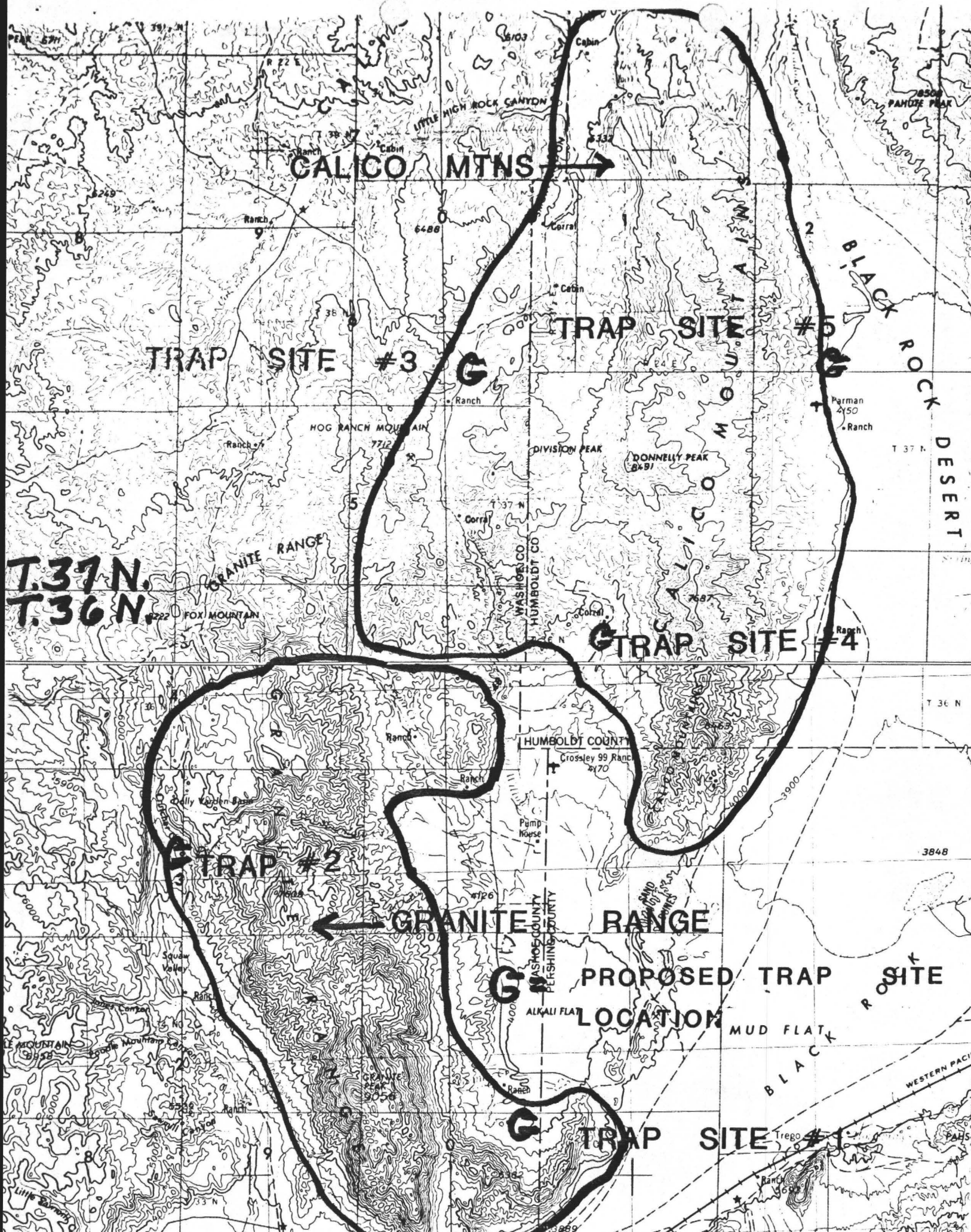
TRAP SITE #8 G

T. 37N.
T. 36N.

R. 30E R. 31E.

HUMBOLDT COUNTY
PERSHING COUNTY

Venado Section House



CALICO MOUNTAINS →

TRAP SITE #3

TRAP SITE #5

BLACK ROCK DESERT

T.37 N.
T.36 N.

TRAP SITE #4

TRAP #2

HUMBOLDT COUNTY

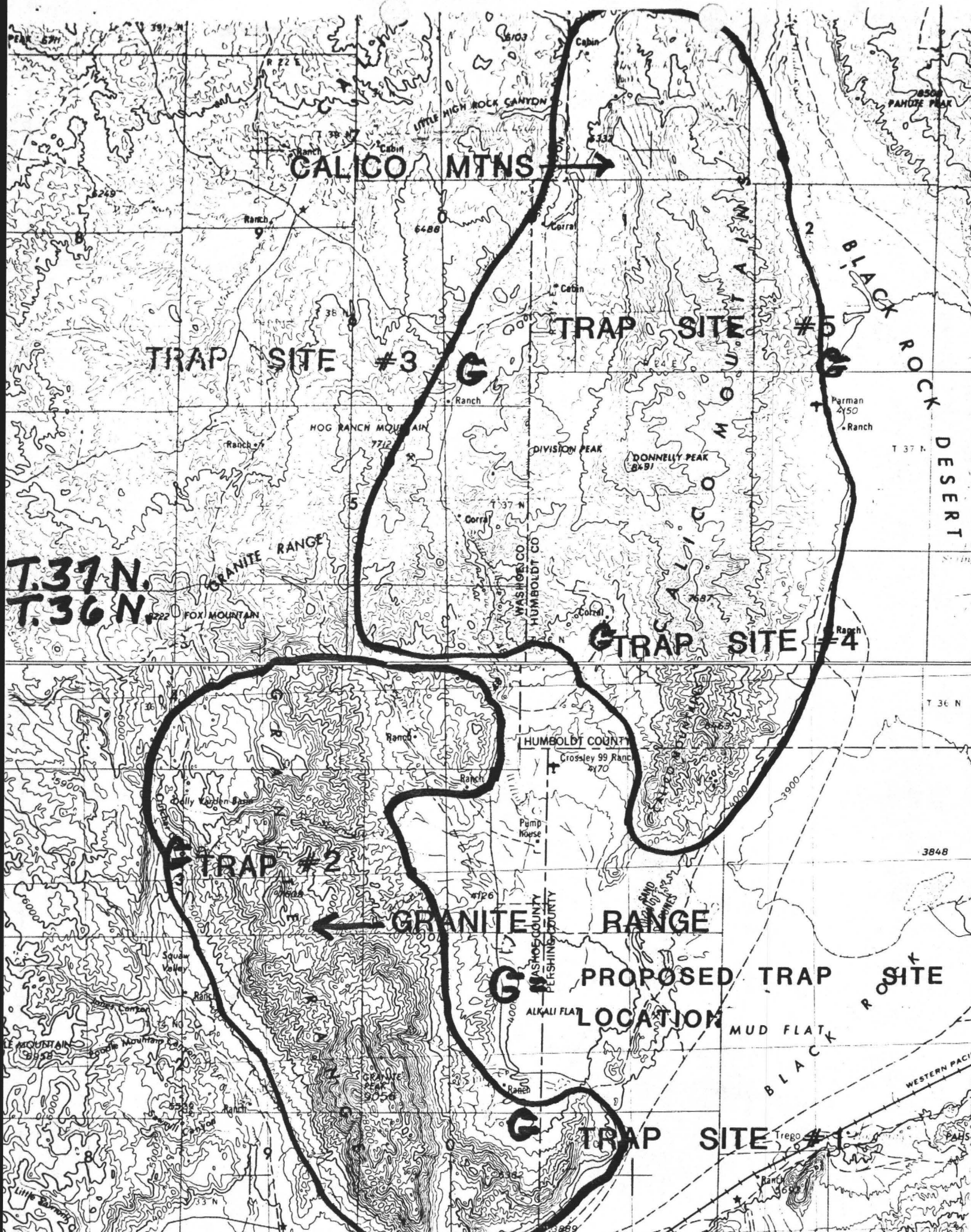
GRANITE RANGE

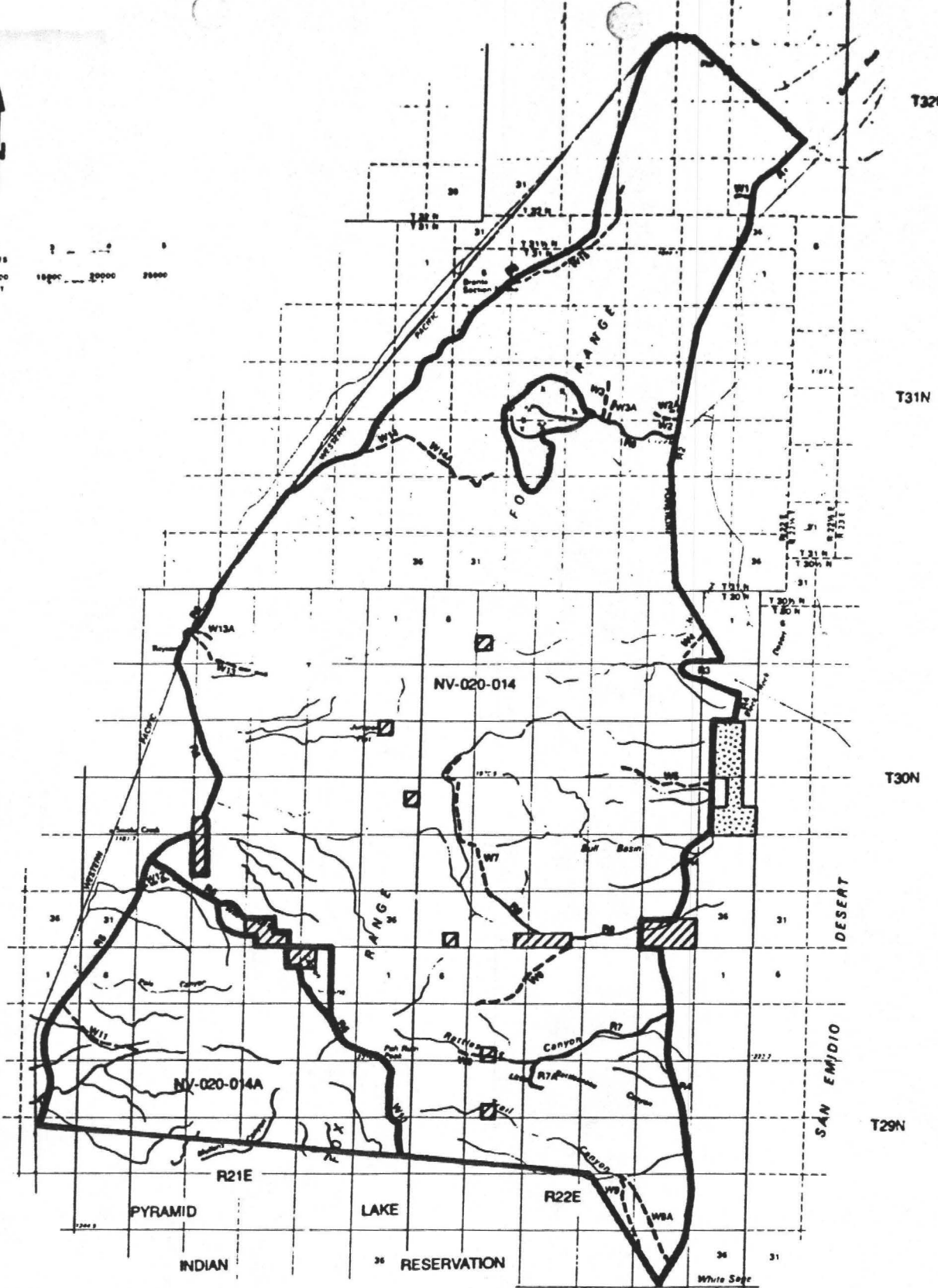
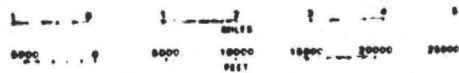
PROPOSED TRAP SITE
LOCATION








TRAP SITE #1

BLACK ROCK DESERT

WESTERN PACIFIC



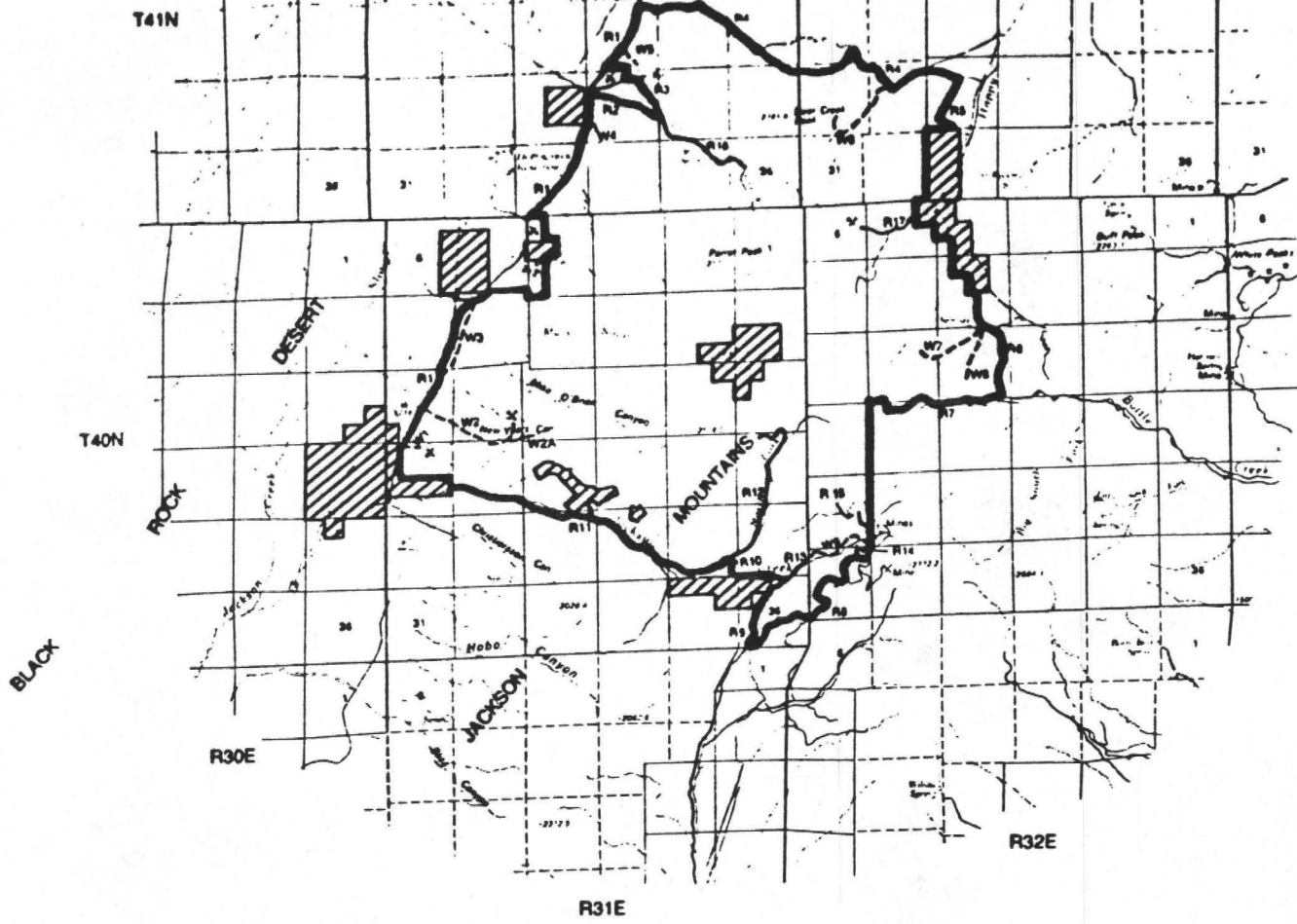



-  PRIVATE LAND (SURFACE & MINERALS)
-  PRIVATE SURFACE - PUBLIC MINERALS
-  W.S.A. BOUNDARY
-  ROAD
-  WAY
-  PROSPECT
-  MINE

WSA LOCATED WITHIN THE FOX & LAKE RANGE HMA.

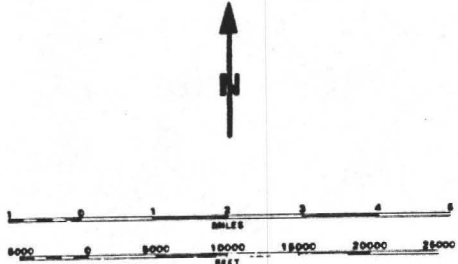


NV-020-014A FOX RANGE (POLE CREEK)

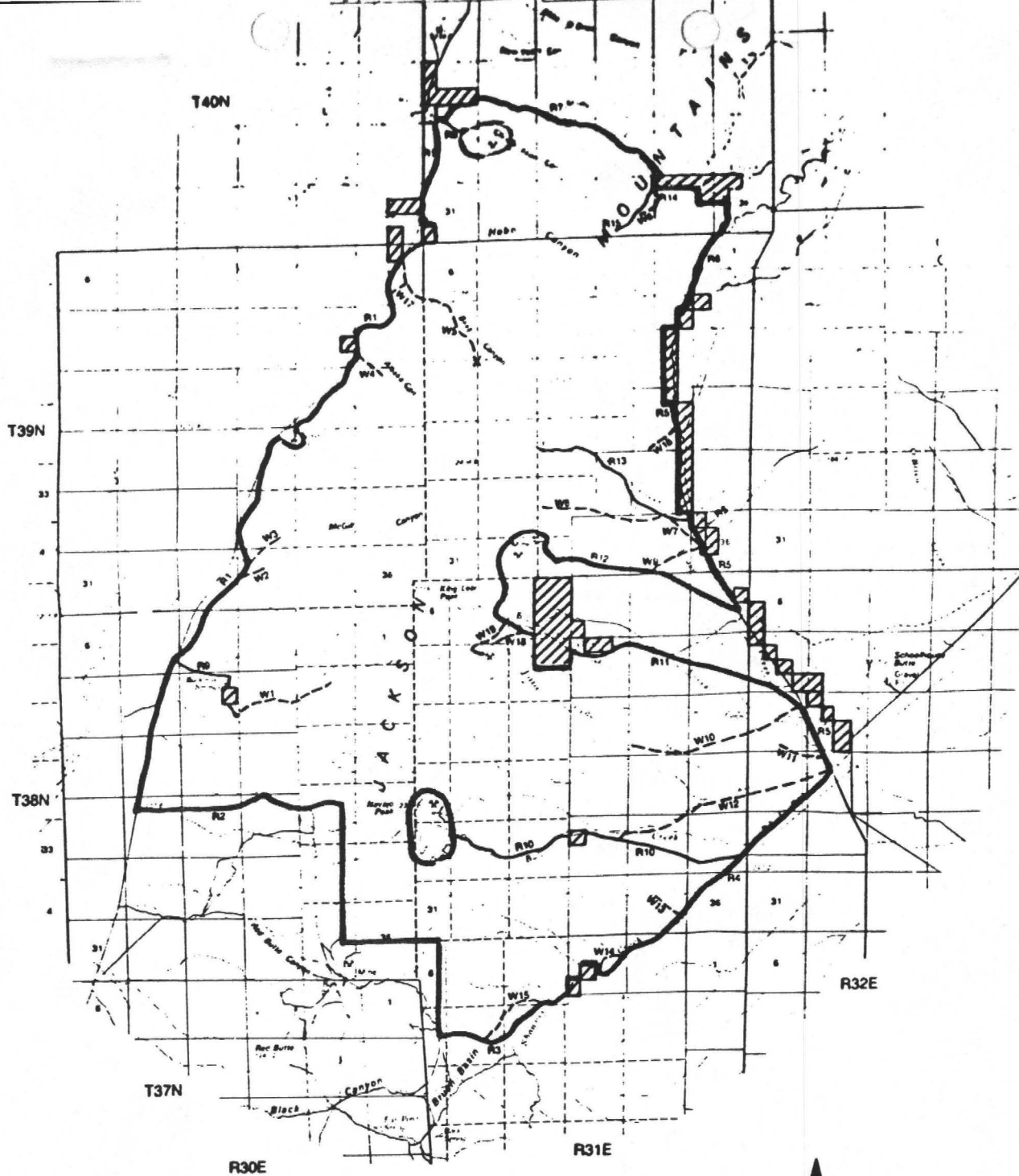









-  PRIVATE LAND (SURFACE & MINERALS)
-  PRIVATE SURFACE (PUBLIC MINERALS)
-  W.S.A. BOUNDARY
-  ROAD
-  WAY
-  MINE
-  GRAVEL PIT

WSA LOCATED WITHIN THE JACKSON MTNS. HMA.



NV-020-606 NORTH JACKSON MTNS.



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

WSA LOCATED WITHIN THE JACKSON MTS. HMA.



NV-020-603 SOUTH JACKSON MTS.

T38N

T37N

T36N

T35N

CALICO

MOUNTAINS

HILLS

CALICO









Santa Dunes

R26E

R25E

R24E



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

WSA LOCATED WITHIN THE CALICO MTN. HMA.



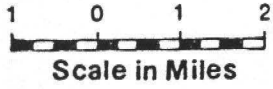
NV-020-019 CALICO MOUNTAINS

R 33 E

R 34 E

R 35 E

T 24 N



LEGEND

- WSA BOUNDARY
- PRELIMINARILY SUITABLE
- NON SUITABLE
- ROADS
- WAYS
- PRIVATE LAND

SUITABILITY RECOMMENDATIONS
 STILLWATER RANGE NV-030-104
 MAP 7

9/26/88

W H O A !

BOARD OF TRUSTEES
DAVID R. BELDING
JACK C. McELWEE
GORDON W. HARRIS
BELTON P. MOURAS
GERTRUDE BRONN, Honorary

WILD HORSE ORGANIZED ASSISTANCE
INC.

A Foundation for the Welfare of
Wild Free-Roaming Horses and Burros

P. O. Box 555
Reno, Nevada 89504
Telephone 323-5908
Area Code 702

In Memoriam

LOUISE C. HARRISON
VELMA B. JOHNSTON, "Wild Horse Annie"

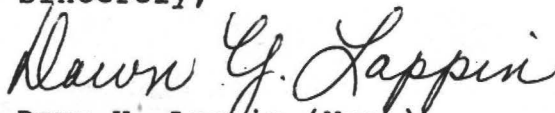
September 26, 1988

United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
4015 Wilson Boulevard
Arlington, Virginia 22203

Dear Sir:

I wish to submit the following statements in the appeals of the Buffalo Hills removal plan submitted by Animal Protection Institute. I have not been able to obtain a copy of the draft document which I had hoped to submit in support of my arguments, which I understand is entitled "Buffalo Hills Allotment Evaluation, August, 1988." I requested a copy from the Winnemucca District office and was refused, even though the same document had been sent to the Nevada Department of Wildlife. I am however enclosing a copy of the Nevada Department of Wildlife's response to the plan and also a copy of a letter from Johanna Wald of Natural Resources Defense Council, raising obvious questions that need to be raised on the proposed increase in livestock.

Sincerely,

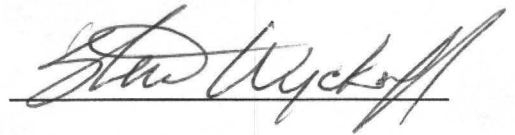


Dawn Y. Lappin (Mrs.)
Director



PROOF OF SERVICE

I hereby state and attest that the statements of WHOA in with regard to API's appeal of the Buffalo Hills HMA wild horse removal plan has been mailed to the following parties Ed Spang, Director, Nevada State BLM, Reno, Nevada; Burt Stanley, Regional Director, Sacramento, California; District Manager, Winnemucca, Nevada; and API, Sacramento, California with proper addresses and by certified mail.



Dated 9-28-88

WHEOA!

BOARD OF TRUSTEES

DAVID R. BELDING

JACK C. McELWEE

GORDON W. HARRIS

BELTON P. MOURAS

GERTRUDE BRONN, Honorary

In Memoriam

LOUISE C. HARRISON

VELMA B. JOHNSTON, "Wild Horse Annie"

WILD HORSE ORGANIZED ASSISTANCE
INC.

A Foundation for the Welfare of
Wild Free-Roaming Horses and Burros

P. O. Box 555
Reno, Nevada 89504
Telephone 323-5908
Area Code 702

STATEMENTS TO BE ENTERED

RE: IBLA 88-591
Buffalo Hills HMA
Wild Horse Removal Plan



STATEMENTS TO BE ENTERED
ON BEHALF OF
THE API APPEAL RE: BUFFALO HILLS HMA
IBLA 88-591
BY
W H O A

I am Dawn Lappin, Director of the Wild Horse Organized Assistance, Inc. (WHOA), and have been actively involved as an interested party to the wild horse program for many, many years. I was recognized by the federal court in 1978 to testify as an expert on the subject of wild horses in a case being heard at that time. I respectfully request the IBLA to recognize my long standing experience and cumulative knowledge and accept these arguments and the attached documents in your consideration of API's appeal of the decision to reduce the wild horse population in the Buffalo Hills HMA.

With regard to the Buffalo Hills HMA, WHOA responded to the Sonoma-Gerlach Environmental Impact Statement in 1981 and I personally served on the defunct CRMP committee for Buffalo Hills.

BLM's justification for the current reduction is stated on Page Two and Three of the attached "Gather Plan" signed by the State Director in January 1986. (See Attachment I.) It declares that the AML of 272 horses was set by the CRMP committee.

I wish to state emphatically that no AML was set by that CRMP committee. Attached is a copy of WHOA's letter to the Winnemucca District Manager in response to the original draft plan for the proposed removal. Please see Attachment II which

which on Page Two outlines the fact the CRMP Committee was never fully operative and no AML was agreed upon. Also included with Attachment II are BLM's two responses to WHOA's ongoing challenge of population estimates in the Winnemucca District which constitute BLM's "timely" response to my March 1985 inquiry. I submit these letters for your perusal as substantiating the claim made by API that the CRMP committee is in fact defunct and to tell you that it was never fully operative and no decision was ever agreed upon with regard to the AML.

I am entering into API's appeal at this time specifically to bring to your attention the fact that BLM is in the position at this time of pursuing a reduction of the wild horse population in Buffalo Hills HMA while at the same time proposing an increase in the grazing usage of the allotment. This is a very difficult argument for me to present because I have the Nevada State Department of Wildlife's response to the evaluation and proposed increases but am unable to obtain a copy of the actual proposal.

BLM denies that it is an actual proposal. The Nevada State BLM Office calls it an "internal document" in a rough draft form not yet ready for public review. However, the attached Nevada Department of Wildlife response (please see Attachment III) refers to an evaluation received to which they are officially responding. If it were mere input informally requested by BLM in a pre-draft state as the Nevada State Office claims, there would

be no need for the Nevada Department of Wildlife (NDOW) to cite legal standing or refer to their own action as "review and comment" or refer to the evaluation as a "prepared document."

Also attached as Attachment IV is a letter from the National Resource Defense Council raising several questions which presumably have been gleaned from the NDOW Response to the Evaluation and proposals. (Please see Attachment IV.)

WHOA wishes to raise two points. First, the failure of the BLM to submit the "prepared document" to all interest parties simultaneously and this abject refusal on the part of BLM to allow wild horse interest groups to be equal participants in the public participation process related to grazing adjustment considerations in the Buffalo Hills HMA.

With regard to the second point WHOA wishes to raise, unfortunately the Evaluation document is unavailable to WHOA. Without the document, I can only raise the point based on deduction and inference. I originally obtained the information that it included a 21 percent increase for horses casually and informally in a telephone conversation with NDOW in early August. All efforts on my part to substantiate that information since have been met with a stonewall at both the Nevada State Office and the Winnemucca District Office. However, on the basis of my experience with the policies and attitudes of BLM it would follow

that they would propose proportionate increases for both horses and cattle.

I ask IBLA to request BLM (in what ever manner this can be done) to produce the evaluation document to which Nevada Department of Wildlife is responding to make it part of these records. I wish IBLA to consider the fact that the only purpose in keeping the document out of the hands of wild horse proponents is because it so clearly contradicts the justification for the removal plan to reduce Buffalo Hills' wild horses to an alleged "AML of 272" horses.

API has requested and WHOA fully concurs that the existing number of horses in the Buffalo Hills be considered the AML and that any adjustments to these numbers be based on range data.

WHOA further concurs with API's request that no further removals be allowed until an HMAP is written which will define wild horse habitat needs and requirements and state site-specific management objectives for wild horses in the Buffalo Hills HMA.

I submit these statements to you in the form of an Intervenor if IBLA will at this time recognize WHOA as a party to the action; if not please accept this as an Amicus brief to be added to the arguments presented by API.

Submitted this 26th day of September, 1988.

U.S. Department of the Interior

Bureau of Land Management

Winnemucca District Office

Wild Horse/Burro Management

4740

Sonoma-Gerlach Resource Area

BUFFALO HILLS CRMP AREA

BUFFALO HILLS, GRANITE RANGE, CALICO MOUNTAIN HERD USE AREAS

GATHERING PLAN

**BUFFALO HILLS-GRANITE RANGE-CALICO MOUNTAIN
WILD HORSE GATHERING PLAN**

I. Introduction

The intent of this gathering plan is to outline the methods and procedures to be used in removing wild horses from the Buffalo Hills, Granite Range, and Calico Mountain Herd Use Areas (HUAs). The plan involves removal of about 1,049 horses over a period of two months on lands administered by the BLM. The field operation will begin about October 1, 1985. This will leave approximately 272 wild horses in the Buffalo Hills HUA and 149 in the Calico Allotment of the Calico Mountain HUA.

II. General Area Description

The three HUAs are within close proximity to each other and are located very near the town of Gerlach, Nevada. The proposed gather areas (see attached map) include all of the Buffalo Hills and Granite Range HUAs and that portion of the Calico and Buffalo Hills Allotments which lie within the Calico Mountain HUA. The Buffalo Hills and Granite Range HUAs are located exclusively within the Buffalo Hills Allotment.

The last aerial census to be conducted in the Buffalo Hills, Granite Range, and Calico Mountain HUA was conducted in 1983. The results were:

	<u>Number of Wild Horses</u>	
	<u>Adults</u>	<u>Foals</u>
<u>Buffalo Hills Allotment</u>		
Buffalo Hills HUA	574	148
Granite Range HUA	211	57
Calico Mountain HUA	158	40
<u>Calico Allotment</u>		
Calico Mountain HUA	86	18
TOTALS	1,029	263

Two foaling seasons have occurred since the 1983 census was conducted, and the proposed numbers to be removed are:

Buffalo Hills HUA	618
Granite Range HUA	208
Calico Mountain HUA	223
TOTALS	1,049

There are six major vegetative types or communities occurring within the boundaries of the Granite Range HUA. These are: (1) big sagebrush (Artemisia tridentata), (2) low sagebrush (Artemisia arbuscula), (3) Utah juniper (Juniperus ostersperma), (4) mountain shrub, (5) black greasewood (Sarcobatus vermiculatus), (6) shadscale (Atriplex confertifolia).

Vegetative types in the Calico Mountain HUA range from low and big sage-grass types intermingled with mountain browse types in the higher Elevations, to sagebrush-grass types at moderate elevations, to shadscale-shrub and greasewood types in the valley bottoms.

The vegetation in the Buffalo Hills HUA is characterized by big sagebrush, saltbush (Atriplex spp.), bud sage (Artemisia spinescens), low sage (Artemisia arbuscula), Utah juniper, rabbitbrush (Chrysothamnus spp.), horsebrush (Tetradymia glabrata), Sandberg bluegrass (Poa secunda), cheatgrass (Bromus tectorum), squirreltail (Sitanion hystrix), needlegrass (Stipa spp.), buckwheat (Eriogonum spp.), filaree (Erodium cicutarium), halogeton (Halogeton glomeratus), Russian thistle (Salsola kali), and tansymustard (Descurainia spp.).

The highest elevation in the three HUAs is 9,056 feet at Granite Peak (Granite Range HUA). The lowest elevation is 3,823 feet in the Buffalo Hills HUA.

Land status is:

<u>Herd Use Area</u>	<u>Public Land</u>	<u>Private Land</u>	<u>Total</u>	<u>Percent of Public Land</u>
Buffalo Hills	123,498	8,912	132,410	93
Granite Range	88,506	13,144	101,650	87
Calico Mountain *	80,500	100	80,600	99

* Includes only the Calico and Buffalo Hills Allotments of the Calico HUA

The following table shows the results of all removals conducted in the three HUAs:

	<u>Year</u>	<u>Number Removed</u>
Granite Range	No Gathers	
Calico (Calico Allotment)	No Gathers	
Buffalo Hills	1979	533

III. Justification

Section 14 of Public Law 95-514, the "Public Rangelands Improvement Act of 1978," states that the Secretaries of Interior and Agriculture shall "determine appropriate management levels of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)."

A land use plan has recently been developed for the Sonoma-Gerlach Resource Area. A major portion of this plan was the preparation and publication of a Grazing Environmental Impact Statement which analyzed five different alternatives to manage public lands: (1) distribute available vegetation to livestock, wildlife, and wild horses/burros; (2) no action; (3) no livestock grazing, (4) maximize livestock; and (5) maximize wild horses/burros. The final analysis culminated with the issuance of the Winnemucca District Manager's Management Framework Plan (MFP) Step III Decisions on June 30, 1982. The decisions received the State Director's concurrence on July 9, 1982. The MFP III wild horse and burro (WH/B) decision number 1.1 addresses HUAs that are in non-checkerboard lands. It states:

WHB 1.1

DISTRICT MANAGER'S DECISION - WILD HORSE AND BURRO PROGRAM -
NON-CHECKERBOARD LANDS

Establish wild horse and burro number by herd use area using the following criteria:

Existing/current WH&B numbers (as of July 1, 1982) will be used as a starting point for monitoring purposes except where one of the following conditions exist:

1. Numbers are established by adequate and supportable resource data.
2. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District Manager.
3. Numbers are established by formal signed agreement between affected interests.
4. Numbers are established through previously developed interim capture/management plans. Plans are still supportable by parties consulted in the original plan. EAs (EARs) were prepared and are still valid.
5. Numbers are established by court order.

A CRMP plan was prepared for the Buffalo Hills and Calico Allotments. Although the CRMP plan has not been signed, the appropriate management level (AML) for wild horses was agreed upon by all participating members of the CRMP Committee. These numbers are:

Calico Mountain HUA	149 horses
Granite Range HUA	121 horses
Buffalo Hills HUA	272 horses
	<u>542 horses</u>

IV. Capture Plan and Methods

Wild horses will be rounded up through the use of a helicopter. The horses will be directed toward temporary capture corrals by means of a helicopter. Wings (from 1/8 to 1/4 mile) will be constructed leading into the corral. When the horses have been driven to within 1/4 to 1/2 mile of the trap, riders on horseback will then flank the animals and guide them into the trap. Once the horses are in the trap the gate will be closed by hand. Should a horse break back at the trap, it will be roped, if possible, by the riders.

It is expected that the number of animals that are driven into the traps will vary from one to 35 horses at a time.

The capture corrals will generally be circular (100' in diameter) and constructed of approximately 90 to 100 portable panels (height 6' to 7'). Each trap will have in addition a small holding corral (100' in diameter) adjoining the trap. This corral will also be circular and constructed from portable panels. The trap will be camouflaged with sagebrush or juniper.

Captured horses will be loaded into stock trailers to be transported from the traps to the holding facilities.

Wings constructed or meant for restraint will be made from portable panels (6' to 7' high), but other devices used to turn horses will be made from white rope or ribbon stretched on 6 1/2' steel fence posts. The fence posts will be spaced from 50' to 100' apart, depending upon the terrain.

The helicopter will carry a Bureau employee when necessary and, should the horses become unnecessarily stressed, the BLM employee will instruct the pilot to break off the pursuit so that the animals may rest and recover. All attempts will be made to move and keep bands together.

A Bureau of Land Management employee will make careful determination of boundary lines to serve as an outer limit within which attempts will be made to herd horses to a given trap. Topography, distance, and current condition of the horses are factors that will be considered in setting the limits to avoid undue stress on the horses while they are being herded. Each area will be flown prior to the start of trapping to locate any hazards to the horses while being herded (fences, cliffs, etc.).

More than one trap site will be needed in the capture area. Each site will be located after the habits of the horses in that area are determined. In general, trap sites will be located to cause as little damage to the natural resources of the area as possible. Sites will be located close to existing roads when possible, and all sites will be approved by a qualified Bureau employee.

All temporary trap sites located within the WSA boundaries will be placed on existing roads and ways, not to exceed 50' either side of the access route. Cross-country travel would be allowed so long as it does not cause impacts inconsistent with the requirements of the nonimpairment criteria outlined in the IMP. Refer to maps labeled Poodle and Calico Mountain for a delineation of the WSA boundaries.

As the horses are captured at the trap sites they will be loaded onto gooseneck trailers or stock trucks and shipped to Palomino Valley or to temporary holding corrals in the area.

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.

The area adjacent to each trap site will be thoroughly worked by the helicopter until the authorized officer determines the trap should be moved to another location.

Captured horses that are obviously lame, deformed, or sick will be humanely disposed of at the trap site. If an animal has to be destroyed the carcasses will be placed in as inconspicuous a location as possible to minimize the visual impact. The carcasses will not be placed in the bottoms of drainages and will be scattered so as not to concentrate them in one area.

Any horses that have been moved to the temporary holding corrals will be shipped by single deck trucks only, as transportation is available, to the Bureau's Palomino Valley corral facility.

The sole responsibility of the gathering crew is to capture the wild horses/burros in the safest and most humane manner. The district authorized officer will make the determination as to which horses will be shipped to the Palomino Valley corral facility and which horses will be released for study purposes or humanely destroyed at the trap site by a qualified Bureau employee.

Any transportation of captured animals will be subject to the following humane procedures as outlined in CFR section 4740.2(b) (1-5) and 4740.2(c):

- (1) All such transportation shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of horses and burros.
 - (2) Vehicles shall be in good repair, of adequate rated capacity, and carefully operated so as to insure that captured animals are transported without undue risk of injury.
 - (3) Vehicles shall be inspected and approved by an authorized officer prior to use.
 - (4) Where necessary and practical, animals shall be sorted as to age, size, temperament, sex, and condition when transporting them so as to minimize, to the extent possible, injury due to fighting and trampling.
 - (5) The authorized officer shall consider the condition of the animals, weather conditions, type of vehicles, and distance to be transported when planning for the movement of captured animals.
- (c) The transportation of wild free-roaming horses and burros shall be under humane conditions. Unless otherwise approved by the authorized officer, transportation shall be limited, in sequence, to a maximum of 24 hours followed by a minimum of five hours of on-the-ground rest with adequate feed and water.

V. Stipulations For Gathering

1. Archeological clearance will be done on all trap sites prior to their construction. If archeological values are present, trap sites will be moved. Traps will not be placed near any of the identified historic sites. The Nevada Division of Historic Preservation and Archeology will be notified before any action is taken.
2. All corral panels will be from 72" to 84" high in order to prevent horses from jumping out of traps.
3. Brutality to horses in any form will not be tolerated. Any person who mistreats any horse will be dismissed immediately from the roundup operation.
4. The helicopter shall be under the direct supervision of a duly authorized BLM employee. He must be able to communicate with the pilot and be able to direct the use of the helicopter so as to observe the effects on the well being of the animals.
5. Only experienced horseback riders will be used in the gathering operations.
6. All saddle horses will be properly shod and over three years in age. All saddles and tack will be in good repair.
7. Equine Infectious Anemia (EIA) samples will be taken at the holding facilities at Palomino Valley.
8. Only experienced drivers will be used to transport the horses to the holding facilities.
9. The helicopter will have radio communication with the Authorized Officer or his designated representative at all times.
10. The United States Fish and Wildlife Service and the Nevada Department of Wildlife will be notified before any action is taken.
11. Disturbed ground around each trap site will be rehabilitated in such a manner that is determined feasible by the District Specialist.
12. A qualified Bureau employee will clear all sites prior to construction, to insure that a trap will not significantly impact any Federal or State listed or proposed threatened or endangered sensitive plant species. If significant disturbance is anticipated, the trap site will be moved.
13. A veterinarian will be on call at all times during the roundup operation. The veterinarian will never be more than 150 miles from the roundup operation. In an emergency, the veterinarian could be helicoptered in, arriving in one to one and a half hours.

14. Every effort will be made to locate a trap near existing horse trails so that once the animals are started towards the capture area they will be able to pick a natural route and proceed at their own pace.
15. Allowances are made for high temperatures so that horses are not driven long distances in hot conditions.
16. Captured animals shall not be held in traps or temporary holding facilities more than 24 hours prior to transportation to Palomino Valley. Horses held for 10 hours or more in the traps and/or holding facilities will be provided fresh clean water and good quality hay.
17. Roping will be done only at the direction of the authorized officer. Under no circumstances will horses be tied down for more than one hour.
18. Wildlife and domestic livestock will not be disturbed or harrassed during any part of the operation.
19. All temporary trap sites located within the WSA boundaries will be placed on existing roads and ways, not to exceed 50' either side of the access route. Cross-country travel would be allowed so long as it does not cause impacts inconsistent with the requirements of the nonimpairment criteria outlined in the IMP. Refer to maps labeled Poodle and Calico Mountain for a delineation of the WSA boundaries.

VI. Signatures

Lead responsibility:

Richard D. Wheeler
Richard D. Wheeler
Wild Horse and Burro Specialist

3-18-85
Date

Reviewed by:

Gerald L. Moritz
Gerald L. Moritz
Environmental Coordinator

19 March 85
Date

Gerald P. Brandvold
Gerald P. Brandvold
Sonoma-Gerlach Resource Area Manager

3-19-85
Date

Submitted to State Director by:

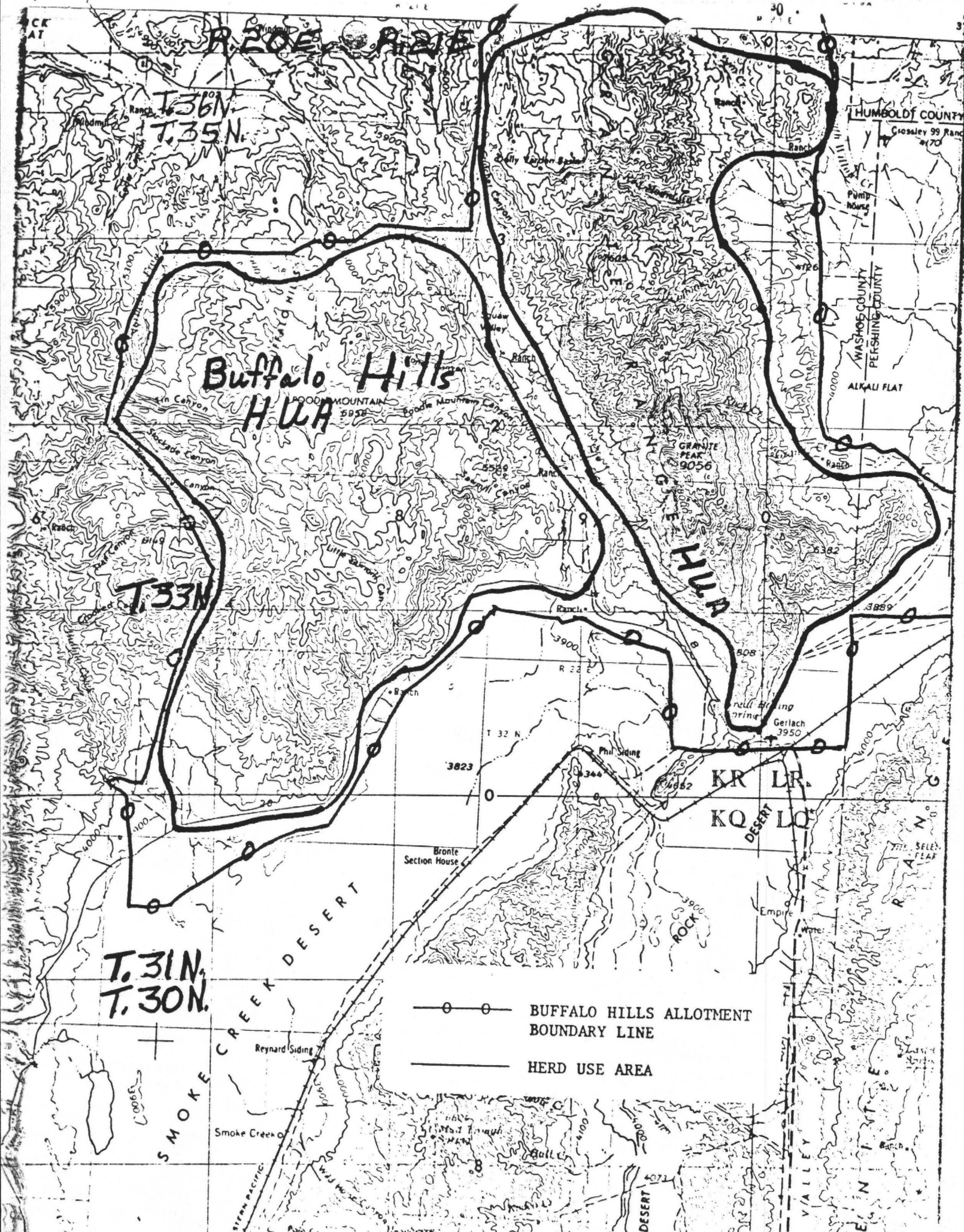
Robert J. Neary
For Frank C. Shields
District Manager, Winnemucca

3/19/85
Date

Approved by:

E. F. Spang
Edward F. Spang
State Director

1/28/86
Date



R. 20E R. 21E R. 22E

T. 36N
T. 35N

HUMBOLDT COUNTY

Grosley 99 Ranch
4170

WASHOE COUNTY
PERSHING COUNTY

ALKALI FLAT

Buffalo Hills
HUA

T. 33N

HUA

T. 31N
T. 30N

SMOKE CREEK DESERT

—○—○— BUFFALO HILLS ALLOTMENT
BOUNDARY LINE
— HERD USE AREA

KR LR
KQ LC

DESERT

THE SELE
FLAT

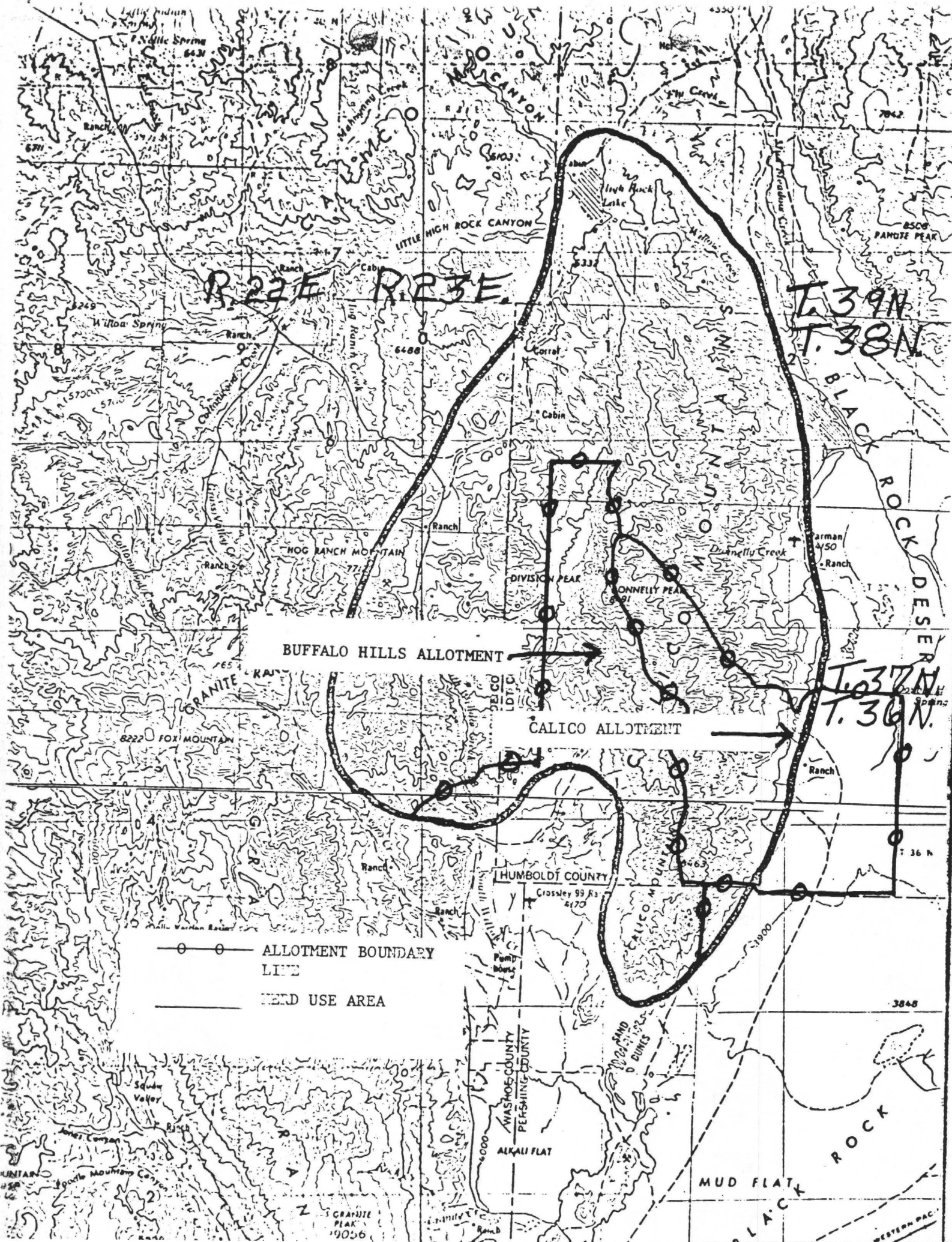
Smoke Creek

EMPIRE PACIFIC

DESERT

VALLEY

E. N



R. 22 E R. 23 E

T. 39 N
T. 38 N

BUFFALO HILLS ALLOTMENT

CALICO ALLOTMENT

T. 37 N
T. 36 N

○ — ○ ALLOTMENT BOUNDARY LINE
— FIELD USE AREA

HUMBOLDT COUNTY

WASHOE COUNTY
PERSHING COUNTY

MUD FLAT
BLACK ROCK

GRANITE PEAK
9056

ALKALI FLAT

SAND
DUNES

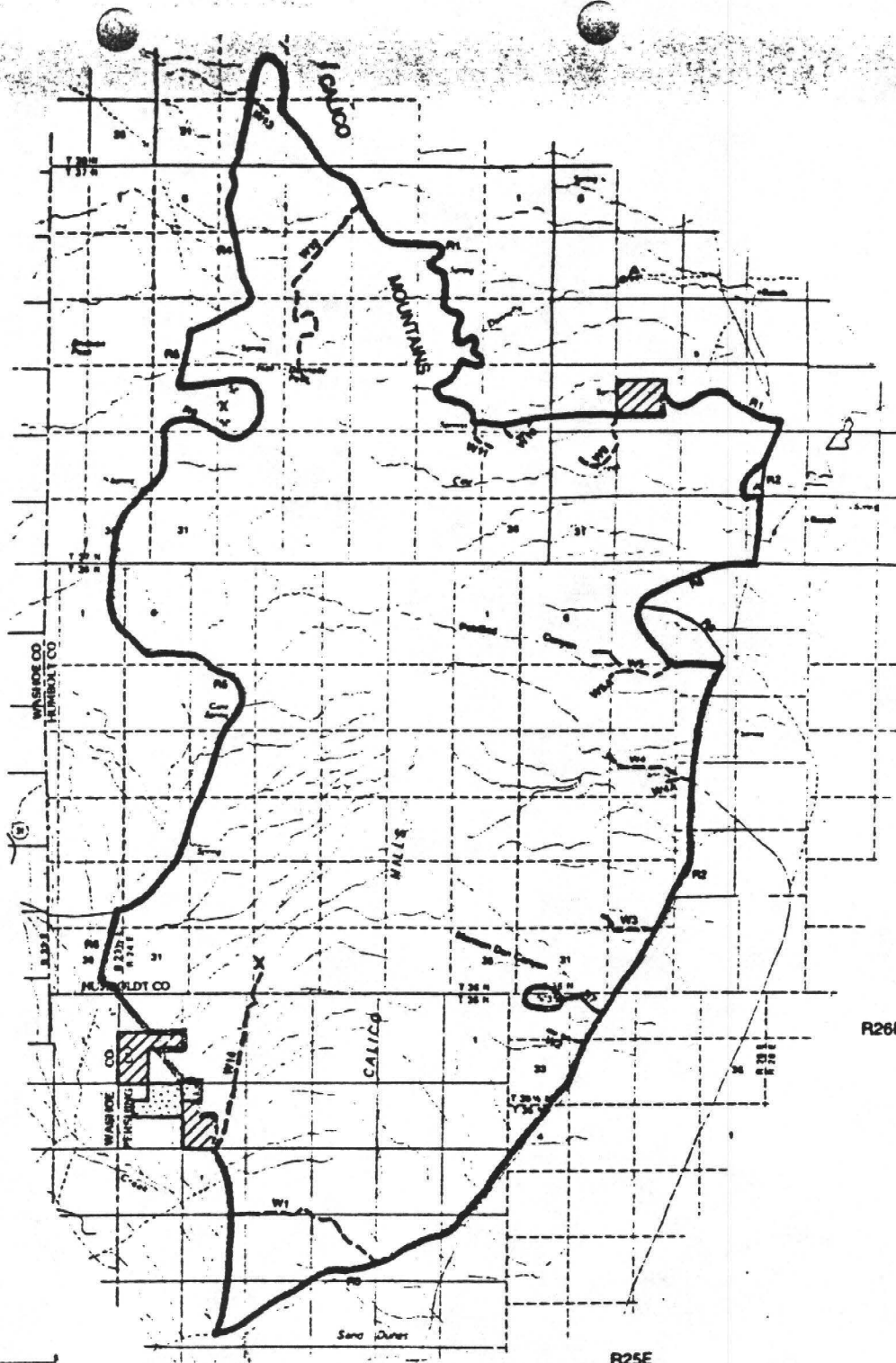
WESTERN PAC

T38N

T37N

T36N

T35N











R26E

R25E

R24E



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



NV-020-019 CALICO MOUNTAINS

R19E

R21E

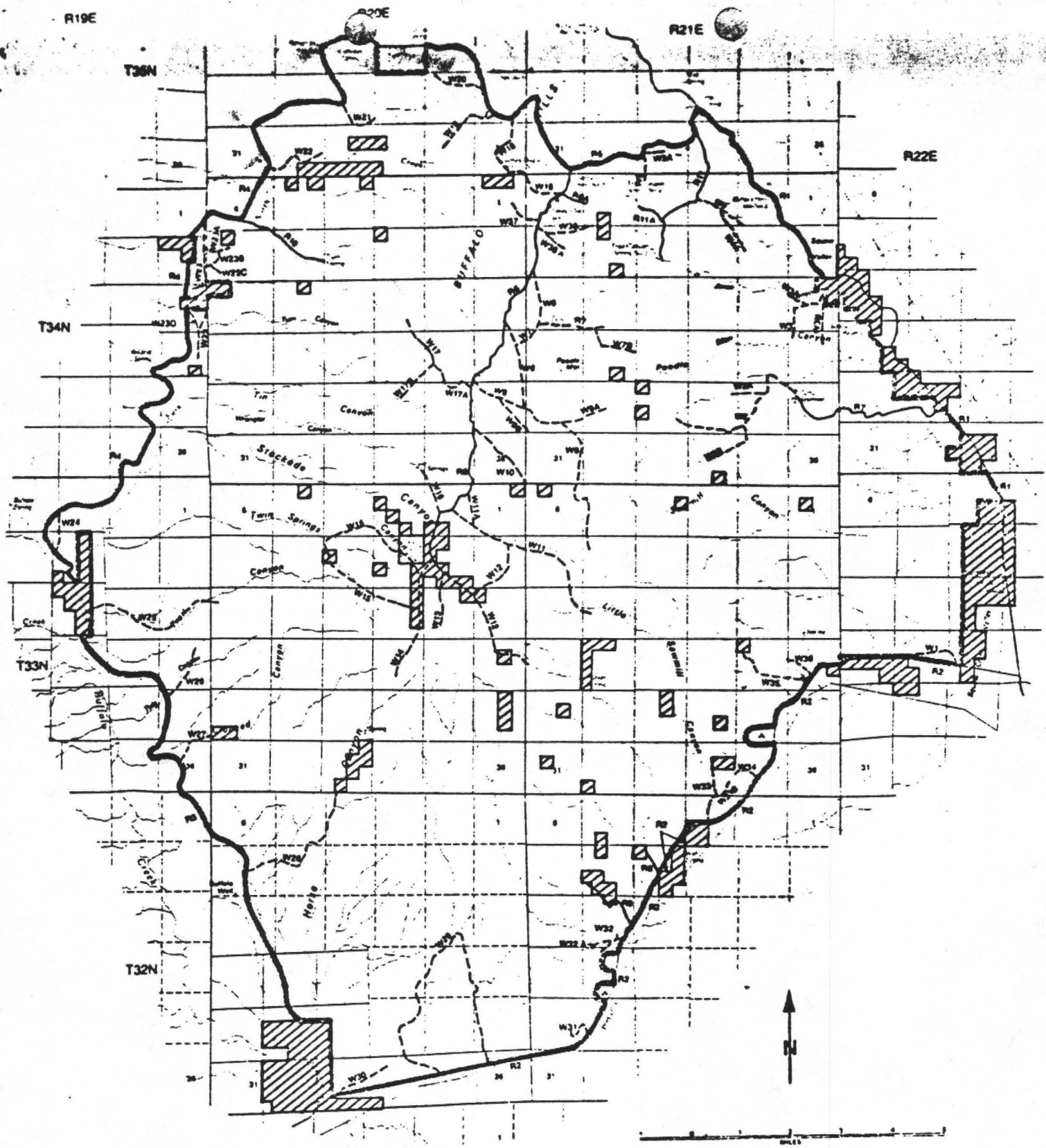
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
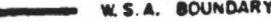



T36N

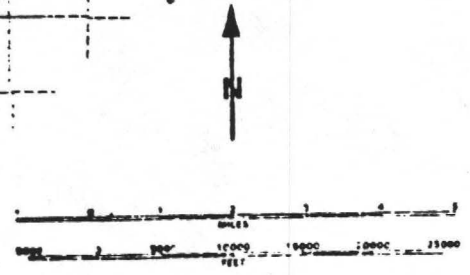
T34N

T33N

T32N



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



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

copy

W H O A !

BOARD OF TRUSTEES
DAVID R. BELDING
JACK C. McELWEE
GORDON W. HARRIS
BELTON P. MOURAS
GERTRUDE BRONN, Honorary

WILD HORSE ORGANIZED ASSISTANCE
INC.
A Foundation for the Welfare of
Wild Free-Roaming Horses and Burros

P. O. Box 555
Reno, Nevada 89504
Telephone 851-481
Area Code 702

In Memoriam

LOUISE C. HARRISON
VELMA B. JOHNSTON, "Wild Horse Annie"

March 21, 1985

Mr. Frank Shields, District Manager
Bureau of Land Management
705 East 4th Street
Winnemucca, Nevada 89445

Dear Mr. Shields:

Thank you for the opportunity to review the tentative schedule for implementation of the multiple resource management decisions. (4700/1791-NV-027.8)

Please send WHOA the data and the calculations upon which the estimated rates of increases were based; Paradise/Denio-14%, and Sonoma/Gerlach-11%. The projections, using BLM's percentages are flawed. An example is the Calico Mountains (Soldier Meadows/Leadville) portions.

1982-	365	+	11%	=	40
1983-	405	+	11%	=	45
1984-	450	+	11%	=	50
1985-	500;	yet your estimate is 718.			

Using a 14% rate of increase;

1982-	365	+	14%	=	51
1983-	416	+	14%	=	58
1984-	474	+	14%	=	66
1985-	540;	yet your estimate is 718.			

Since WHOA still cannot match your projection, we used a higher rate of increase, which we feel is unbelievable; we still came out lower than your projections:

1982-	365	+	22%	=	80
1983-	445	+	22%	=	98
1984-	543	+	22%	=	119
1985-	662				

Is BLM trying to tell WHOA that forage conditions are so perfect in the Calico's as to promote an increase above 22%? Therefore WHOA needs to understand how the BLM calculated these estimates and what they were based on.



page two

-In addition to the above problem, the asterik at the bottom of page one of the letter 4700/1791 (NV-027.8) implies that there is a consensus of the Buffalo Hills CRMP on the AML. In personal communication with Dick Wheeler, he informs me that myself and Helen Reilly are the horse representatives on that CRMP. I attended only one meeting, wherein the permittees argued over who was going to get Casey's AUMs. I spoke with Helen Reilly on March 20th and she informs me that she was not a signatory to any such agreement either. So I contacted Rose Strickland, who is a member of that CRMP and attended many meetings. She informs me that no such consensus was reached or even came up. Therefore, we would like to have minutes of the meeting and the attendants where that consensus was reached.

This letter is to inform BLM that WHOA does not and will not support any such levels as referred to in 4700/1791 (NV-027.8). WHOA would greatly appreciate a timely response to these questions.

Most sincerely,

Dawn Y. Lappin (Mrs.)
Director

cc: Board of Trustees
David A. Hornbeck
Helen Reilly ✓
Rose Strickland
E. F. Spang



United States Department of the Interior

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

copy
IN REPLY REFER TO:
4700
(NV-023.5)

June 26, 1986

Mrs. Dawn Y. Lappin, Director
WHOA, Inc.
P. O. Box 555
Reno, NV 89504

Dear Mrs. Lappin:

The Winnemucca District recently conducted an aerial census of eight HAS using a Bell 47G3 B-1 helicopter. The following table shows the results of the census, and is provided for your information.

<u>Herd Area Name</u>	<u>1986 Estimated Population Horses/Burros</u>	<u>Actual Population from June 1986 Census Horses/Burros 1/</u>	<u>Difference in Estimated and Actual Population Numbers</u>
Fox and Lake Range	658/1	913/0 <i>AML 434</i>	+254
Buffalo Hills	987/0	1,015/0 <i>272</i>	+28
Granite Range	367/0	370/0 <i>121</i>	+ 3
Calico Mountains	1,210/0	1,375/0 <i>514</i>	+165
Warm Springs	446/15	823/0 <i>294</i>	+362
Black Rock Range-West	644/0	<u>2/</u> <i>424</i>	+568
Black Rock Range-East	<u>101/0</u>	1,313/0 <i>59</i>	
Jackson Mountains	<u>319/0</u>	<u>215/0</u> <i>215</i>	<u>-104</u>
Total	4,732/16	6,024/00	+1,276

1/ Includes both adult and foal population.

2/ Included with Black Rock Range/East Count

If you have any questions, please contact our office.

Sincerely yours,

Frank C. Shields
Frank C. Shields
District Manager



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WINNEMUCCA DISTRICT OFFICE
705 EAST 4TH STREET
WINNEMUCCA, NEVADA 89445



IN REPLY REFER TO:

4700
(NV-027.12)

September 1, 1988

Wild Horse Organized Assistance
c/o Dawn Lappin
P.O. Box 555
Reno, NV 89504

Dear Ms. Lappin:

The Winnemucca District conducted an aerial census of the Buffalo Hills Herd Area (HA) on July 12, 1988 using a Bell 47G3B-1 helicopter. The results of the census are shown below and is provided for your information.

<u>Herd Area</u>	<u>1988 Estimated Population Horses</u>	<u>Actual Census Population Horses</u>	<u>% Foals</u>	<u>Difference in Estimated and Census Population Numbers</u>
Buffalo Hills Allotment	804	602	9.5	-202
Coyote Allotment	<u>1/</u> <u>14</u>	<u>42</u>	2.4	<u>+ 28</u>
TOTALS	822	644		-174

1/ The Coyote Allotment is adjacent to the Buffalo Hills HA and does not lie within the HA.

It appears that there has been a lower than normal conception and survival rate for colts during the last two years because of drought conditions.

If you have any questions, please contact our office.

Sincerely yours,

Gerald P. Brandvold
Area Manager, Sonoma-Gerlach



STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022
(702) 789-0500

RICHARD H. BRYAN
Governor

WILLIAM A. MOLINI
Director

September 6, 1988

Mrs. Dawn Y. Lappin, Director
Wild Horse Organized Assistance
P.O. Box 555
Reno, NV 89504

Dear Dawn:

In response to your recent telephone call, please find enclosed a copy of our comments on the draft Buffalo Allotment evaluation document. We are somewhat confused and considerably concerned with the direction the Winnemucca District of the BLM is headed in terms of land use planning and the use of monitoring if the Buffalo evaluation is indicative of progress being made throughout the remainder of the district. We have consistently supported the Bureau's monitoring program as a means of identifying resource related problems with an understanding that monitoring related decisions would be issued in a timely fashion to correct the identified problems.

We appreciate your interest in focusing on those portions of the land use planning process which are intended to insure that public lands are managed in good or better condition. If I can provide any additional input or answer any wildlife related questions, please feel free to advise.

Sincerely,

WILLIAM A. MOLINI, DIRECTOR

Robert P. McQuivey
Robert P. McQuivey
Habitat Division Chief

RPM:pw

Enclosure



STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022
(702) 789-0500

Nevada Department of Wildlife
Region 1 Ph-423-3171
380 West B Street
Fallon, Nevada 89406

WILLIAM A. MOLINI
Director

RICHARD H. BRYAN
Governor

August 12, 1988

Bureau of Land Management
Winnemucca District
Mr. Robert Neary
705 East Fourth Street
Winnemucca, Nevada 89445

RE: Allotment Evaluations - Buffalo Allotment

Dear Bob:

Pursuant to Nevada Revised Statutes, Section 501.351, and our Memorandum of Understanding, dated November 12, 1970, the Nevada Department of Wildlife appreciates the opportunity to review and comment upon this evaluation prepared by the Sonoma-Gerlach Resource Area. Our agency's interests in this allotment stems from our intensive participation in the Coordinated Resource Management Planning processes that failed several years ago. We are somewhat confused as to the results of our efforts and the final development of an allotment management plan. According to our records, there is no current activity plan for this allotment.

We offer the following specific comments:

Allotment Objectives

Short term objectives should be developed as management actions or standards not subject to change in future activity plans. Key species for upland habitat includes some species that cannot endure 50 percent utilization.

Monitoring and Inventory

Use Pattern Mapping data indicates that excessive utilization on key wildlife habitat has occurred consistently with livestock numbers below active preference on all pastures.

Mr. Robert Neary
August 12, 1988
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Wildfires have caused a direct loss to wildlife habitat and management practices have doubled the jeopardy for surviving mule deer. Mountain browse vegetation was not reintroduced to the wildfire sites and two years rest from livestock did not allow this browse to reestablish. During the two years of rest on wildfires, livestock were concentrated on other areas increasing competition with wildlife. Without adequate management to reestablish big game habitat and lessen competition, it is highly unlikely that long term objectives will be met.

Water quality data for Red Mountain, Cottonwood, Granite and Rock Creeks is alarming and deserve immediate attention. Practices that have reduced water quality are in violation of the Clean Water Act.

Management Actions and Other Factors

Department mule deer population data indicates that the five year average for mule deer fawn loss on this allotment is 42 percent. This loss significantly exceeds the statewide average of 28 percent. This data suggest a serious habitat problem on the Buffalo Allotment.

The District discloses that 11,112 AUMs of active preference are available to resolve serious resource problems on this allotment.

Management Evaluation

We concur with the District that short term objectives are not being met and thus, long term objectives are unlikely to be met. We recognize that monitoring is not providing needed baseline data to assess allotment objectives. Professional judgement agrees a general decline in wildlife habitat condition that has and is occurring on this allotment.

Long term objectives should reflect a need for improvement and not maintenance of wildlife habitat.

Conclusion

Our agency cannot detect supportive data to conclude that upland objectives are being met or that progress is being achieved to meet the land use plan decisions. We would agree with the District that riparian and wetland objectives have not been met and are showing a decline since the land use plan.

Mr. Robert Neary
August 12, 1988
Page 3

Data and opinions expressed in this evaluation indicates that much of this allotment is unsuitable for livestock grazing. The water distribution and terrain cannot support current operations on this allotment.

Based upon the limited monitoring data of this allotment, wild horse and burro numbers are beyond the carrying capacity.

Conclusions drawn on page 23, Section D, discussing stocking rates and management, are baffling and not supported by this evaluation.

Recommendations

We agree that the numbers of deer, pronghorn and bighorn should be increased. The use of 21.3 percent increase in big game numbers is unfounded and not based upon wildlife habitat objectives.

1. Reduce wild horse and burro numbers to be compatible with riparian and wetland utilization levels.
2. Adjust livestock numbers, season of use and management with the best available data. We suggest the District consider the 1978 Range and Watershed Inventories as a baseline.
3. Retire 11,112 AUMs of active preference to meet MFP III Decisions WL 1.4a and WL 1.4b.
4. Disregard the recommendation to increase livestock by 21.3 percent.
5. The proposed winter uses of the grazing system is in direct conflict with crucial wildlife habitat for big game. These actions will degrade habitat and decrease fawn survival.
6. Fox Mountain Fire should be restored to big game habitat with reestablishment of mountain browse species.
7. All stream bank riparians and wetlands should be fenced where livestock and wild horse numbers exceed their carrying capacities.
8. All short term objectives should be developed as management actions or standards not subject to change in new activity plans. Key species for wetland and riparian habitats are too limited.
9. Ecological condition classification should not interfere with setting allotment objectives or necessary monitoring studies.

Mr. Robert Neary
August 12, 1988
Page 4

Bob, we are confused and surprised as to the conclusions drawn from this evaluation. Wildlife is the primary objective of this allotment and other uses are secondary by your land use decisions. We suggest the District take corrective actions to lessen conflicts and restore necessary habitat to support wildlife resources.

Sincerely,



Richard T. Heap, Jr.
Regional Manager
Region I

REL:ph

cc: Habitat, Reno
Mike Doble
Mark Warren



Natural Resources
Defense Council

90 New Montgomery
San Francisco, CA 94105
415 777-0220

September 6, 1988

Winnemucca District Manager
Bureau of Land Management
705 East 4th Street
Winnemucca, Nevada 89445

Dear Sir or Ms.:

I have just been informed that the Bureau of Land Management (BLM) has granted a permanent increase in livestock numbers in the Buffalo Hills Allotment, Sonoma-Gerlach Resource Area. I would appreciate it very much if you would confirm the granting of this increase in writing at your earliest convenience.

I would also appreciate it if you would provide me with some additional information about this increase. Specifically, would you please provide me with written answers to the following questions as well as copies of documents described below:

- 1) On how many years of monitoring data was this permanent increase based? More specifically, how many years of each of the following kinds of data -- ecological site condition and trend, actual use, climate, utilization, wildlife habitat, wild horse, riparian and aspen habitat, aquatic habitat and water quality -- does the BLM have for the Buffalo Hills Allotment?
- 2) Was this increase accomplished through an agreement or through a decision of the BLM?
- 3) Is the increase in livestock numbers being phased in over a five-year period? If not, why?
- 4) Is it true that, although livestock numbers have been increased, wild horse numbers in the allotment will be, or have been, reduced significantly? Which specific data reveal the need for this reduction and how do they reveal it?
- 5) Did the permanent increase in livestock numbers granted by the BLM involve or result in an increase in the

Winnemucca District Manager
Bureau of Land Management
September 6, 1988
Page 2

preferences of the operators whose livestock graze the Buffalo Hills Allotment?

If not, what was the precise nature of the increase?

6) How many acres of the allotment are in excellent ecological condition? How many in good, fair and poor? What are the trends in condition for the allotment?

7) In how many other allotments in the Sonoma-Gerlach Resource Area has the BLM permanently increased livestock numbers? In each case, on how many years of what kinds of monitoring data was the increase based? In each case, over how many years is the increase being phased in? In each case, was the increase accomplished through an agreement or a decision of the BLM?

8) In how many allotments in the Sonoma-Gerlach Resource Area has the BLM permanently reduced livestock numbers? In each case, on how many years of what kinds of monitoring data was the reduction based? In each case, over how many years is the reduction being phased in? In each case, was the reduction accomplished through an agreement or a decision?

9) Was the increase in livestock numbers based on a final allotment evaluation prepared by the BLM? If not, on what kind of documentation was it based? Was an environmental assessment prepared prior to the decision to grant the increase? Please send me a copy of the written documents prepared by the BLM for use in deciding whether to grant this increase.

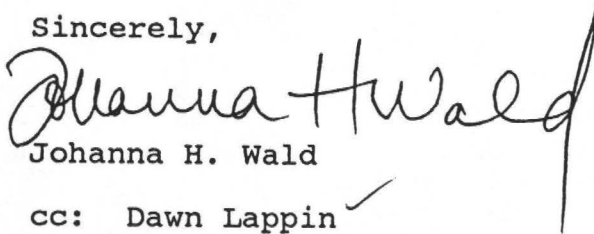
10) What opportunities for public participation were provided prior to the granting of this permanent increase? Specifically, which organizations and members of the general public were informed of the proposed increase and invited to comment on it? Please supply me with copies of any and all written materials that the BLM provided to members of the general public for review and comment.

11) Did the Nevada Department of Wildlife submit written comments on this permanent increase before it was granted? If so, would you please send me a copy of their comments.

Winnemucca District Manager
Bureau of Land Management
September 6, 1988
Page 3

Thank you in advance for supplying me with the answers to the above questions and the requested documents. I am looking forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Johanna H. Wald". The signature is written in dark ink and is positioned above the printed name.

Johanna H. Wald

cc: Dawn Lappin ✓
Rose Strickland



VELMA B. JOHNSTON
 "Wild Horse Annie"
 140 GREENSTONE DRIVE
 RENO, NEVADA 89502

Wild Horse Annie and Hobo

The paragraph with the "*" is critical to my argument to BIA that NDOW has been given unfair advantage in review of the allotment evaluation for Buffalo Hills. The paragraph admits that NDOW should only comment on objections and not conclusions regarding these objections. I pointed out to BIA that NDOW's comments covered the entire area of conclusions regarding mgt., if they can do it, so should I, you, & others be provided with the opportunity also! Please keep these for your eyes only as BEM is not aware that I have a response to an argument I knew their going to use

Don + distribute

4110

Mr. Bob Schweigert
Intermountain Range Consultants
Post Office Box 1033
Winnemucca, NV 89445

AUG 12 1988

Dear Mr. Schweigert:

Review of your letter dated, June 27, 1988, concerning the allotment evaluation process underway in the Winnemucca District indicates you have two concerns.

The first concern relates to permittees and their consultants not being involved early on in the allotment evaluation process.

* The Bureau's position is to seek close consultation, coordination, and cooperation with all interest groups involved in and affected by public land management issues. As you know, from your involvement in cooperative monitoring efforts on your clients' allotments, you often conduct monitoring efforts jointly with BIM personnel from the District Office, and have provided the Bureau with data in several cases.

Following this data collection we conduct evaluations to determine if existing management is meeting the multiple use objectives established by the Land Use Plan for an allotment, or if not, what changes in management are required.

The evaluation addresses only those multiple use objectives that are affected by livestock grazing on public lands. This requires a multi-disciplinary review of both the objectives and the data. One stage may occur before another, but be assured I am requiring appropriate coordination before any action is taken. The permittee will be heavily involved in this process.

Your second concern related to the Bureau submitting the evaluations to "...outside entities, specifically the Nevada Department of Wildlife...(when) permittees still have not been allowed any participation in the evaluation process whatsoever."

* As discussed above, these allotment evaluations relate to attainment of multiple use objectives that may be impacted by livestock grazing on public lands. Prior to a conclusion on wildlife objectives, consultation with the Nevada Department of Wildlife on data relevant to the evaluation as well as

the Department's specific population data is required. Be assured that there is no intent to circumvent or preclude the timely involvement of the livestock permittee in the allotment evaluation process.

With this understanding hopefully you will reconsider your advisement of clients to not share monitoring data with the Winnemucca District Office. Mutual cooperation is surely in the best interests of your clients and our shared commitment to sound land management decisions.

Sincerely,
Sgd. Edward F. Spang

Edward F. Spang
State Director, Nevada

- cc: District Manager, Winnemucca
- Nevada Garvey Ranches
- Circle A Ranches
- EK Ranches
- Bob Thomas
- DeLong Ranches, Inc.
- Barnes Cattle Co.
- Roy Shurtz

Mr. Bob Thomas
Post Office Box 5
Winnemucca, NV 89426

!EHines/DGoicoechea:Vlc
!08/10/1988
!ERAD1C

Winnemucca, NV 89426

Circle A Ranches
Winnemucca, Nevada

Winnemucca, NV 89426

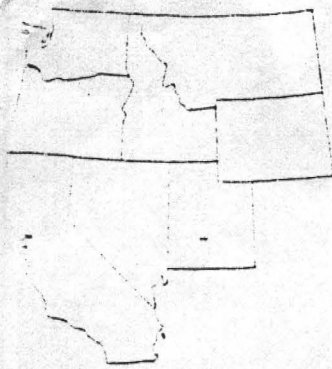
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WINNEMUCCA, NV 89445

PT. 2, BOX 2797
HEMISTON, OR 97038
(503) 567-3073



June 27, 1988

Ed Spang, State Director
Bureau of Land Management
P.O. Box 12,000
Reno, Nevada 89520

Dear Mr. Spang:

We have previously stated our concerns regarding the ongoing allotment evaluations being conducted by the Bureau of Land Management in Nevada. These concerns included the fact that permittees and their consultants are not being included in the evaluation process early in the procedure, nor to the extent which would be most advantageous to the Bureau's process.

We have repeatedly requested early consultation in the evaluation process in the several allotments on which Intermountain is conducting range monitoring. We have been told that following evaluation by the local range conservationist, the district range staff, and, at least in initial evaluations, the Nevada State Office staff, we would be allowed our "consultation" in the allotment analysis.

* This is, as I have stated in previous letters, a reversal of the natural process of evaluation, since it is more logical to start with the consultation of those permittees and their employees or contractors who have the most knowledge of the allotment, and proceed to those who know less as the process continues. I have expressed my concerns about the "ink being dry" on the evaluations before the permittees are allowed their input, and will simply reiterate that concern at this time.

Of far greater concern at this time is information we have obtained from the Winnemucca District to the effect that you have instructed the districts to submit, or your staff is submitting, to outside entities, specifically the Nevada Department of Wildlife, your evaluations following review by your staff. At this point, the permittees still have not been allowed any participation in the evaluation process whatsoever.

* The Winnemucca District is currently involved in having range cons, most of whom have not even been on the allotments they are evaluating, writing evaluations which are then evaluated and revised by range staff who almost assuredly are unfamiliar with the allotments, with further input by State Office staff who would be hard-pressed to find the allotments, and now apparently further input by NDOW, who have their own motives and motivations in any evaluation.


It is apparent to us that the Bureau is treading the same path it attempted to follow after the 1978 Range Survey and data input from nearly everyone except those most intimate with the allotments and the grazing of the allotments.

If any allotment evaluations have left the confines of the Bureau for input or evaluation by outside entities, we expect the Bureau to give like consideration to the permittees at the same time. Such an approach is only fair and equitable to the people most involved and most affected by the evaluations.

Intermountain is advising all of our clients to provide no more monitoring data to the Bureau until such time as we are also allowed input to the evaluations themselves. Monitoring data is not always self-explanatory, and rather than risk the Bureau's misinterpretation or misapplication of data without opportunity for explanation, we believe the data is better retained until the consultation "phase" of the allotment evaluations.

I will appreciate your response.

Sincerely yours,



Bob Schweigert

cc:

Scott Billing
Nevada Garvey Ranches
Circle A Ranches
EK Ranches
Bob Thomas
DeLong Ranches, Inc.
Barnes Cattle Co.
Roy Shurtz