



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

3900 E. Idaho Street
P.O. Box 831
Elko, Nevada 89801

5/1/85
IN REPLY REFER TO:

4700 (NV-017)
NV-010-5-047

MAY 1 1985

Wild Horse Organized Assistance
P.O. Box 555
Reno, Nevada 89504

Dear Sirs:

Enclosed please find one (1) copy each of the Draft Environmental Assessment and Capture Plan for the proposed Cherry Creek, Goshute, Antelope Valley Wild Horse Gather.

We would appreciate your review and comments by May 31, 1985.

Thank you for your cooperation.

Sincerely yours,

RODNEY HARRIS
District Manager

Enclosure



United States Department of the Interior

IN REPLY REFER TO:

4700
(NV-931.3)

BUREAU OF LAND MANAGEMENT
NEVADA STATE OFFICE
300 Booth Street
P.O. Box 12000
Reno, Nevada 89520

MAY 9 1985

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


Dear Mrs. Lappin:

I have received your letter of April 21, 1985 regarding the draft Antelope Herd Management Area Plan and associated activity plans for range and wildlife.

Your thorough review of all the documents revealed concerns and problems in the draft that will be carefully evaluated before the development of the plans continue. Be assured that my policy and procedural direction relative to planning and coordination with affected interests has not changed for the Ely effort, as will be clearly shown in any final product.

Again, thank you for the interest and efforts you continue to undertake with the Districts in resolution of often complex issues in multiple use land management.

Sincerely,


Edward F. Spang
State Director, Nevada

cc: District Manager (NV-040)

52% COTTON FIBER 02A
1A6E-EBVSE

W H O A !

BOARD OF TRUSTEES
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In Memoriam

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

P. O. Box 555
Reno, Nevada 89504

(702)851-4817

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

April 21, 1985

Mr. Merrill DeSpain, District Manager
Bureau of Land Management, Ely District
Star Route 5, Box 1
Ely, Nevada 89301

Re: Antelope Range Coordinated Management Plan

Dear Mr. DeSpain:

Thank you very much for the opportunity to review the Draft Antelope Range Coordinated Management Plan (DARCMP). Having had some experience in CRMP, I approached the document with optimism; which quickly soured. The DARCMP easily attains the status of the most difficult document to track to the land use planning process. The CMP encompassed only about one-seventh of the entire Schell Resource Area, so it was necessary to compare the scattered information throughout the CMP to the Proposed Action of the Schell DEIS and Records of Decision. The maps for specific range improvements could not be read and the pages of the CMP were cut off, so references were not readily available.

Hence, my comments hereafter references our serious concern, and utter amazement. It most certainly reflects the impression that BLM has no intention of complying with the land use plans or objectives in the Schell MFP.

NUMBERS OF FORAGING ANIMALS

- Proposed Action Schell DEIS, pg. 1-1
- o 1) "grazing by livestock, wildlife, and wild horses continue at existing level.."
 - o pg. 1-7) "increases would only be made when monitoring shows additional forage.."
 - o 2) "initially leave wild horses at present levels of 5581 AUMs (1982).."
 - o 1-1) "initially license livestock use at the past three year (1977-1979) average license use level, or 136,669 AUMs.."



Page two, DARCMP

Coordinated Management Plan pg. 21

- o 1) Management Objectives, pg. 21
 - a. present numbers of wildlife
 - b. Interim numbers of livestock
 - c. 1982 levels of wild horses

- 2) HMAP, pg. GIII-10
 - "at this time it was decided that wild horses be set at 452.."

COMMENT:

All the above appear to comply with the Schell DEIS, except for the interim levels of livestock, with the Proposed Action and MFP decisions. But, compliance with land use plans stop at this point. What happened to all the work borne out of the Scoping, MFP I, II, the DEIS, and the FEIS? Was the CMP group given the option of eliminating the entire Proposed Action? The CMP does not reflect those decisions and in most cases exceeds the land use plan.

LIVESTOCK

- o Becky Springs Allotment (0101) pg. GIa-3
 - "Warren Robinson is at 40% and increasing herd size.."
- o Sampson Creek Allotment (0105) pg. GIe-3
 - "Warren Robinson is running near 40% of preference and plans to increase this use.."
- o Pg. GIe-9 states: "..if permittee were to activate preference the stocking level would be 2500 sheep.."
- o Pg. GI d-9 Chin Creek Allotment states: "..The AUMs needed to meet preference demand will be attainable by using these methods which changes these sites to a seral stage better suited for livestock.."

- o Pg. GI d-3 Management Objectives state: "..manage for the most appropriate seral stage to provide quantity, quality variety, and density of forage in order to meet requirements of the key foraging animal. The priority of uses will be established by consensus of livestock permittees, wildlife and wild horse interests and BLM." If the CMP is a product of that type of consensus, then certainly WHOA understands why preference is the key word in this document.
(Page 21, 71, and GI d-8)
- o Pg. GI f-7 Table and statements throughout the CMP indicates every bit of seeding will be needed to sustain existing preference. (CMP pg. GI d-7. GI d-9. GI a-3. GI e-3 GI e-9)

COMMENT:

Compare statement GId-3 "...manage for the most appropriate seral stage.." to the statement GId-9 "...The AUMs needed to meet preference demand will be attainable by using these methods, which changes these sites to a seral stage better suited for livestock."

The livestock numbers do not look like the BLM took the minimum level, as was done with wild horses, in fact the reader is unable to ascertain what the livestock numbers will be in the CMP, because those will be based on agreements not discussed in the CMP (GIII-11).

I demand to know how you can base livestock adjustments on the next three years worth of monitoring and use past utilization for wild horses! The CMP blatantly states increases in livestock will occur, and we both know the 55% reduction of wild horses will free-up additional AUMs for that increase. What about monitoring? (CMP III A. 1) a.)

The CMP violates the land use planning by reducing wild horses to replace them with livestock. This CMP takes Nevada policy back a step in time where wild horse reductions, massive and costly range improvements, and existing numbers of wildlife will benefit livestock, at the expense of other resource values.

FORAGE AND RANGE IMPROVEMENTS

Schell DEIS pg. 1-7

- o 4) "develop 4000 acres of multiple use seedings and 750 acres of wildlife seedings.." FOR THE ENTIRE SCHELL RESOURCE AREA!

The following compilation of data from the CMP shows how the CMP and BLM has exceeded, by the wildest dreams of the permittee, the land use planning.

- o Becky Springs pg. GIa-7= 2000 acres range conversion
- o Goshute Allotment pg. GId-8= 8000 acres range conversion
- o Sampson Creek Allotment pg. GIe-10= 2600 acres conversion
- o Tippett Allotment pg. GI f-7=18,140 acres range conversion

THE GRAND TOTAL OF RANGE CONVERSION IS 28,000 ACRES.
not 4750 acres as the proposed action!

- o Table GI f-7 indicates every bit of seeding will be needed to sustain existing preference.

RANGELAND DATA

The Schell DEIS states the resource area lacks basic soil mapping, range site delineation, and range condition. It's potential has not been determined. Thus forage production is unknown.

Page four DARCOMP

We question how you know how much seeding, etc. will be needed to sustain livestock at the present level or even preference. Has soil mapping, range site delineation, and range condition surveys been done since the MFP decision. If not, what are you doing assuming these many range improvements are necessary before the surveys are done? But WHOA understands why, because if you did not increase the livestock level to preference the range improvements would not be cost-effective! What an absolute disgrace! Where is the BLM's integrity?

The Becky Springs Allotment under category M shows a range type conversion of 1500 acres and seven miles of fence line! The Deep Creek Allotment under category C shows 10 miles of fence line!

The CMP on the otherhand indicates a severe deficiency of forage, even though that is not known either. How is that CMP or BLM, for that matter, alter the course from the Proposed Actions and MFP decisions? If you have done the studies, then the CMP proposals are illogical, irresponsible, costly, and counterproductive.

WILDLIFE

According to GII-28 antelope are at or above record numbers, which appears to conflict with NDOW report by Gilbertson. Who is correct?

Several studies, one of which is Hansen-Sheldon, 1982, inferred deer and antelope diets exhibited low overlap with those of wild horses (11 and 10% respectively); a slightly higher overlap exists with cattle (16 and 12% respectively). Of all the possible ungulate pairs, the diets of mule deer and antelope displayed the greatest overlap (76%), both relying heavily on forbs and browse. The highest being Erigeron spp. and Artemisia arbuscula. The only forb measurably consumed by wild horses was Lupinus lepidus. Which I understand is the flower Lupin and is poisonous. Evidently in small doses, the plant is not lethal. The other study inferred a symbiotic relationship between antelope and wild horses, with low dietary overlap, protection from predators, and a fondness for the same open country, but differing diet.

A good example of range improvements to benefit livestock over the needs of wildlife is the letter on page 71, that requests that seedings not be rehabilitated since they were just now becoming more desirable to wildlife as they approach the mid-seral stage. Compare that with the statement on pg. GId-9, wherein the CMP states "the AUMs needed to meet preference demand will be attainable by using these methods which changes the sites to a seral stage better suited for livestock."

I used to believe that permittees only directed their venom on wild horses and that BLM looked favorably on wildlife over wild horses. I do believe that wild horses are the number one target for the districts and that in the end, if their defenders do not come to their aid, wildlife will be next. While WHOA would defend wildlife, to the extent possible, I remind the BLM by attaching testimony from the Congressional Record H9060, on the purposes behind PL92-195. It states that wild horses should not be singled out for reduction when reductions are required for adverse range conditions. The page is marked and WHOA implores you to read the intent of PL92-195 and understand the consequences. Management of the wild horses would not be difficult if professionals recognized their legitimacy on the public rangelands and managed them in an equitable manner.

For curiosity sake please explain how livestock are competing with antelope habitat when the permit specifically states sheep? (G1e-3) However, sheep show a preference to shrub and forbs (DEIS pg2-6) therefore would impact mule deer.

WILD HORSE

CMP GIII-10 establishes a range of 250-600 wild horses for the appropriate management level (AML). CMP III A.(1)a states "wild horse populations will be adjusted to the lower AML... will benefit livestock and wildlife.." WHOA insists those numbers be the levels established in the Schell DEIS and that those numbers will only be adjusted based on monitoring data; as proposed for livestock. Why the lower number, why weren't they allowed to reach their maximum and then adjust? If indeed there is any basis for setting the minimum and maximum, other than to satisfy permittees.

CMP pg. GIII-11, para 4

Areas of greatest competition have been at valley bottoms..particularly in Spring Valley...heavy utilization of winterfat by wild horses.." There are several research studies which show only minimal use of shrub or forb species by wild horses (Hansen, Sheldon 1982). The CMP states "virtually no sheep utilize this area, does "virtually" mean no sheep or some sheep? The DEIS suggests that sheep have great preference for shrubs. Whatever, it is irresponsible, in light historical use by livestock to attribute destruction of winterfat by wild horses. Since wild horses were at a threatened level in 1971, reduced substantially in 1980, and considering a 5-7% rate of increase, it is impossible for the use to be attributed solely to wild horses. The statement "remnant population of winterfat, which indicates historical overgrazing, not something that occurred in the past few years. And since the CMP GId-7 states that three seedings are necessary to help reach preference, it also would indicate past and present use by livestock. Appendix G (84 #17) Key Area SCR 3.

Page six DARCMP

G1e-3 and G1e-4 states winter use of this area is not desirable due to wild horses and snow accumulation; the cattle would create drift problems....., so why is BLM proposing seedings in this area to reach preference?

I remember not too many years ago the Ely District attempted this same situation over the use of winterfat by wild horses, it didn't work then and it is not working now. Since there appears to be no range data to substantiate the need for the reduction, the horses can be adjusted according to monitoring, just like livestock, over the next three years.

ADJUSTMENTS AND MONITORING

The CMP blatantly states throughout the document that wild horses will be reduced, seedings will produce the necessary forage to sustain livestock preference. Therefore adjustments in wild horse numbers at this time is not justified. The Schell DEIS and Proposed Action states the horses will begin at 5581 AUMs and adjustments in numbers will only be made when monitoring shows additional forage. The time frame for monitoring is three years, hence there can be no adjustment in numbers of wild horses until there is sufficient data to substantiate the need. And if and when the horses reach maximum levels, you may take the excess and place them in the herd management areas of White River and Moriah.

If wild horses are reduced below the 452 level then monitoring at the 250 level is illogical. The Schell DEIS Proposed Action states how numbers will be based..on monitoring. What are you people trying to accomplish with CMP, the very things you weren't successful at in Scoping, MFP I, II, DEIS and FEIS?

If the CMP proposal is allowed to occur it will convince the conservation community of what they've long suspected; that BLM will "do nothing and monitor" and is only a temporary ploy to lessen criticism of overgrazing and mismanagement.

COORDINATION OF CMP

Table 1 of the CMP lists 363,523 acres of the Elko District. Supposedly the area is not addressed for management purposes, but the wild horse herd ranges throughout this area. Any management coordination between Ely and Elko has escaped me in the CMP. How can you reconcile the management of these horses, their proposed reduction, knowing full well the proposed fence in the Dolly Varden Flat will separate the herd in two? Suspicion tells me it is all part of the plan to reduce the wild horses on the Ely side even more than the CMP document states.

Page seven DARCMP

In seven pages I have identified major infractions in the land use plan 1) interim levels of livestock (instead of 136,669) 2) reduction of wild horses without sufficient data 3) range conversions in excess of land use plan 4) range improvements in "M" category 5) range improvements without benefit of soil mapping, range site delineation, and range condition surveys 6) lack of coordination between two districts on the same wild horse herd 7) and massive range improvements whose costs and effectiveness has not been established as necessary.

Now I know I probably missed some of the problems associated with the CMP and the land use decisions; but based on what information was provided by the CMP; WHOA is justified in its' objections to this document. Should BLM ignore the land use decisions and implement this plan WHOA will have no choice but to take legal recourse. BLM will no longer reduce wild horses under the guise of range deterioration, based on assumptions and speculation, and then increase use by livestock.

WHOA WANTS TO KNOW HOW MUCH THIS DOCUMENT COST THE TAXPAYERS?!

The National Mustang Association is to be commended on its' participation in the development of waters for all uses in the Schell Resource Area. The CMP infers the NMA represents wild horse interest groups, this is not the case. They represent their own organization and philosophies.

WHOA cannot and will not accept this document as a representation of the land use decisions. WHOA demands an answer to the questions and inconsistencies with the land use plan.

Most sincerely,

Dawn Y. Lappin (Mrs.)
Director

cc: E.F.Spang
David A. Hornbeck
Sierra Club
Natural Resources Defence Council
International Society for the Protection of Mustangs and
Burros
National Mustang Association

est. 1985

ENVIRONMENTAL ASSESSMENT NO. NV-010-5-047

Cherry Creek-Goshute-Antelope Valley
Wild Horse Gather

I. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

The Wells Resource Area, Elko District, and the Schell and Egan Resource Areas, Ely District, are proposing to remove excess wild horses from three wild horse herd areas located primarily in the southeast portion of Elko County, Nevada and extending into the northeast portion of White Pine County, Nevada (see maps 1, 2, and 3).

A. Introduction

The 1971 Wild Horse and Burro Act (Public Law 92-195) directed the Bureau of Land Management to protect and manage wild horses in established ranges as components of public lands in a manner that is designed to achieve and maintain a "thriving natural ecological balance".

In 1978 Congress passed the Public Range Lands Improvement Act (PRIA) (Public Law 95-514), amending the 1971 Act. PRIA requires BLM to maintain a current inventory of wild horses on given areas of the public lands so that determinations can be made as to whether overpopulation exists and whether action should be taken to remove excess animals. PRIA defines "excess" horses as those that "have been removed or must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple use relationship in that area".

In planning for management of the wild horses, including determination of desirable numbers, BLM is directed by Section 202 of the Federal Land Policy and Management Act of 1976 (Public Law 94-579) to utilize a multiple-use planning system to determine appropriate actions needed to achieve proper population levels. Such planning actions which significantly affect the human environment are required by the National Environmental Policy Act of 1969 to have the environmental consequences analyzed and documented in an Environmental Impact Statement (EIS). The Schell Resource Area completed the Schell Management Framework Plan (MFP) in April 1983. One of the required elements of this MFP was to prepare a grazing EIS, which was completed in September 1982. Following the completion of the EIS, the grazing decisions were made a part of the MFP. A summary of the Schell MFP and Record of Decision for the Schell Grazing EIS was released in July 1983.

1 The Wells Resource Area completed a Management Situation Analysis in May 1982. This document provided the information base for preparation of alternatives in the EIS portion of the proposed Resource Management Plan (RMP). The Wells Draft RMP was issued in May 1983, along with an EIS analyzing the proposed action of the RMP. A proposed RMP and final EIS were issued in November 1983. A Record of Decision summarizing the major management decisions adopted is expected to be issued in June 1985. A Rangeland Program Summary (RPS) is expected to be issued in September 1985. This RPS will summarize the range program decisions to be adopted.

2 Both the Schell MFP and the Wells RMP are designed to provide a framework for future management of the public lands and resources consistent with existing legislation, regulations, and policy. Implementation of these management plans requires the development of activity plans to identify site-specific management actions. In the case of wild horses, a Wild Horse Herd Management Area Plan would be developed for each herd area to determine appropriate actions needed to achieve the populations established in the management plans. The Proposed Wells RMP/Final EIS proposes horse populations in the Elko District to be managed at 80-100% of the 1981 census levels.

3 The Schell Resource Area Decision Summary and Record of Decision identified the initial stocking level for wild horses to be present in each herd area as determined by the 1983 inventory. The Schell Resource Area has drafted the Antelope Range Coordinated Management Plan which includes the Herd Management Area Plan (HMAP) for the Antelope Valley herd. This HMAP identifies the "optimum" number of horses for this herd area (including portions of both the Elko and Ely districts) to be those present during the 1981 inventory, with a range of 250-600.

4 Prior to identification of wild horse herd area boundaries, an emergency removal of 41 wild horses was conducted in this general area in August of 1978. This followed reports from the Nevada Department of Wildlife that approximately 150 wild horses and pronghorn antelope were declining in condition due to inadequate supplies of water. This proved to be an unsuccessful attempt because it simply reduced pressure on critically short water supplies only for a temporary period.

5 The following year concerns arose about recurring shortages of water and general range deterioration. One of the significant contributing factors was believed to be the result of steadily increasing and unmanaged wild horse populations which reside in this area yearlong. Therefore, 711 horses were removed from an estimated total population of 1,200 in January of 1980.

6 Fund restrictions and wide-spread controversy regarding wild horse manipulation have generally complicated this aspect of habitat management. The proposed project area has regularly been focused on by Nevada State agencies and area news media who echo the Bureau of Land Management's concern that vegetation and short supplies of surface water (needed by horses, wildlife, and livestock) are being stressed beyond acceptable management limits.

Current inventory data shows that wild horse numbers have again reached a level very near that which existed prior to the removal of horses in 1980. The range condition and ecological balance of the area once again are being threatened. In addition to population increases, herds also appear to be expanding their range into areas not formerly occupied. The proposed action is considered long-term management consistent with the proposed Wells RMP/Final EIS and the Schell Resource Area's Draft Antelope Range Coordinated Management Plan.

B. Proposed Action

An estimated 453-544 excess wild horses are proposed to be removed from the Cherry Creek, Goshute, and Antelope Valley Wild Horse Herd Areas (see maps 1, 2, and 3) in September of 1985. The proposed gathering operation would remove the following numbers of horses in each herd area:

<u>Herd Area</u>	<u>Nos. to be Managed</u> ¹	<u>Latest Inventoried Population</u> ²	<u>Nos. to be Gathered</u>
Antelope Valley (Elko)	131 to 164	249	118
Antelope Valley (Ely) ³	119 to 288	303	184
Cherry Creek (Elko & Ely)	51 to 64	84	33
Goshute	<u>96 to 120</u>	<u>214</u>	<u>118</u>
Total	397 496	850	453

1 Those numbers to be managed in the Cherry Creek, Goshute, and Antelope Valley (Elko) Herd Areas are 80-100% of the 1981 population as per the Proposed Wells Area RMP. Those numbers to be managed in the Antelope Valley (Ely) Herd Area are consistent with the optimum and lower levels identified in the Schell Resource Area's Draft Antelope Range Coordinated Management Plan (41-100% of the 1981 population level).

2 The Cherry Creek and Goshute Herd Areas were inventoried in 1984. The Antelope Valley Herd Area was inventoried in 1983.

3 This Antelope Valley (Ely) management level is contingent upon approval of the ARCMP. Otherwise, the Schell MFP-EIS established management level of 303 horses will apply. If the ARCMP is not approved, only pre-gather census numbers above this level will be gathered.

Based on the most current information available (1983 and 1984 data), 453 excess horses would be removed to meet the proposed management levels. An inventory of current wild horse numbers will be conducted in 1985, prior to the proposed gather. It is anticipated that the updated census information could show as much as a 20 percent increase in total population, requiring the removal of 544 horses.

Several temporary traps with deflector wings encompassing less than one acre would be constructed on public lands in each herd area. Temporary trap and corral sites would be selected by the contractor and approved by BLM. Each facility would be constructed from portable pipe panels. These traps would be moved from place to place during the gathering operation and completely removed from the area after the contract is completed. A contracted helicopter and experienced wranglers would be used to drive and direct horses to each trap site in an efficient and careful manner. Hazards such as cliffs and fences would be scouted in advance and existing roads and trails would be used. Horses would be truck hauled to temporary holding facilities in Palomino Valley, Nevada, for processing, then shipped to distribution centers for adoption. Horses that might be held at the trap site in excess of 24 hours would have food and water provided. Gathered horses which are branded or privately owned would be treated either under Nevada estray laws if they are unclaimed animals, or as unauthorized animals in accordance with 43 CFR 4720, if they are claimed horses.

C. Alternatives

Current economic and political constraints limit "technically feasible and reasonably available" alternatives which could be expected to attain the objectives of the proposed action.

The RMP and MFP are designed to be a comprehensive, long range plan which has set the framework and guidelines for future site specific activity plans. The Wells RMP and the Schell Resource Area's Draft Activity Plan have established the 1981 population levels as the objectives for future management.

1) Remove more horses than the proposed action.

Under this alternative, wild horse numbers would be reduced to less than 80% of the 1981 level in the Elko District. This alternative was identified in the Draft Wells RMP/EIS as the "Resource Production Alternative" and proposed a 50% reduction of the 1981 population level. The analysis of the environmental consequences for this alternative can be found in the Draft Wells RMP/EIS. Since this alternative is not consistent with the Proposed Wells RMP it will not be considered further.

2) Remove fewer horses than the proposed action.

Under this alternative, current wild horse numbers would be reduced only slightly, resulting in a population level greater than that of 1981. A similar alternative was identified in the Draft Wells RMP/EIS as the "Resource Protection Alternative" and proposed a 100% increase in the 1981 population level. An analysis of the environmental consequences for this alternative can be found in the Draft Wells RMP/EIS. Herd reductions of less than the proposed action would not significantly reduce habitat competition. Therefore, this alternative will not be considered further.

3) No Action

Under this alternative, no wild horses would be gathered.

II. DESCRIPTION OF THE EXISTING ENVIRONMENT

A complete description of the existing environment can be found in the Draft Wells RMP/EIS and Draft Schell Grazing EIS.

A. Non-living Components

The topography of these herd areas consists of valley floors, alluvial fans, canyons, mountains, steep ridges, and basins. Annual precipitation varies from 20 inches in higher elevations to eight inches or less at the lower elevations. The bulk of the precipitation occurs through early spring rains and winter snows. Temperatures range from summer maximums in excess of 90° F. to winter lows falling below zero.

Air quality is good although short-term increases in fugitive dust levels occur as the result of climatic variations and vehicular traffic.

Soil textures are generally loams, clay loams, and silt loams, most of which are capable of supporting desirable species of vegetation. The following table depicts soil characteristics:

<u>General Distribution</u>	<u>Principal Soil Orders</u>	<u>Productivity</u>	<u>Erosion Susceptibility</u>
Mountains	Mollisols	Moderate-High	Moderate
Benches and Alluvial Fans	Aridisols	Moderate	Moderate
Valley Floors	Aridisols and Entisols	Low	Slight

Springs, reservoirs, and intermittent streams provide a sparse water supply of generally fair to good quality. Competition by large animals (wildlife, horses, livestock) for use of the water is a threat to future maintenance of water quality as evidenced by excessive trampling of undeveloped springs and seeps.

B. Living Components

1. Terrestrial Plants

Major plant associations may be characterized as big sagebrush-grass, low sagebrush-grass, and winterfat-saltbush flats.

The dominant shrub in the sagebrush-grass community is big sagebrush (Artemisia tridentata), low sagebrush (Artemisia arbuscula), and/or black sagebrush (Artemisia nova). Common grasses include bluebunch wheatgrass (Agropyron spicatum), Indian ricegrass (Oryzopsis hymenoides), Idaho fescue (Festuca idahoensis) and Sandberg bluegrass (Poa secunda). Forbs include arrowleaf balsamroot (Balsamorhiza sagittata) and lupine (Lupinus spp.). Utah juniper (Juniperus osteosperma) is associated with an understory of sagebrush and grass. In addition, widespread patches of aspen (Populus tremuloides), bitterbrush (Purshia tridentata), and curlleaf mountain mahogany (Cercocarpus ledifolius) are found at the higher elevations.

The valley floor is dominated by shadscale (Atriplex confertifolia), winterfat (Ceratoides lanata), sweetsage (Atriplex nuttallii), cheatgrass (Bromus tectorum), Indian ricegrass (Oryzopsis hymenoides) and Russian thistle (Salsola kali). There are also extensive areas of greasewood (Sarcobatus vermiculatus) in the saline bottoms. Invasions of halogeton (Halogeton glomeratus) are common on disturbed areas. There are also extensive areas of little rabbitbrush (Chrysothamnus viscidiflorus).

There are two plant species "of special concern" currently on the State of Nevada Watch List which are known to exist within these three herd areas:

Coryphantha vivipara var. rosea is known to exist southwest of Wendover, Nevada in section 32, T. 33 N., R. 69 E. This plant is generally found on gravelly limestone or volcanic slopes, brushy hillsides and alluvial fans. Other plants found to be associated with this species are littleleaf horsebrush, Indian ricegrass, halogeton, and cheatgrass.

Thelypodium saggittatum var. ovalifolium is known to exist northeast of Lages Station, Nevada in sections 12 and 13, T. 25 N., R. 65 E. This plant is generally found on moist clay soils by springs, streams, or lakes. This plant is found to be associated with sagebrush, greasewood, and rabbitbrush.

2. Aquatic and Riparian Plants

The major aquatic and riparian plants are willow (Salix spp.), cattail (Typha latifolia), coontail (Ceratophyllum spp.), duckweed (Lemna spp.), horsetail (Equisetum spp.), lovegrass (Eragrostis spp.), monkey flower (Mimulus spp.), pondweed (Potamogeton spp.) and rabbitfoot grass (Polypogon monspeliensis).

3. Aquatic Animals

Common aquatic or riparian area mammals which inhabit these areas include the beaver and raccoon. Several species of water-associated birds have been observed utilizing streams, springs, and reservoirs. Several species of amphibians and fish are also found in this area.

The Relict (Steptoe) Dace is listed as a rare fish species by the State of Nevada and is a "Category 2" species being considered for listing as threatened or endangered by the U.S. Fish and Wildlife Service. It's distribution is limited to several valleys in Elko and White Pine counties within the subject area. Rainbow and brook trout are also present within the gathering area. Rainbow and brook trout exist within McDermid Creek and rainbow trout exist within Taylor Creek. Both these drainages are located within the Cherry Creek Herd Area.

4. Terrestrial Animals

The most common species of mammals that can be seen are domestic cattle and sheep, horses (domestic and wild), mule deer, pronghorn, bobcat, badger, black-tailed jackrabbit, cottontail rabbit and Belding's ground squirrel.

The more common species of birds include sagegrouse, chukar, golden eagle, and red-tailed hawk. The Goshute Mountains have been identified as a major fall migration route for many species of raptors. A variety of passerine and non-passerine birds occur in the subject area. Bald eagles and peregrine falcons, both endangered species, are known to inhabit these herd areas during the months of November through March.

Horses have occurred in this area for many years. They are all descendents of ranch horses that were released in the area and have continued to propagate and increase. It has been documented by Anthony Amaral in his book, Mustang, that no horses occurred in the Great Basin prior to settlement by trappers, miners and ranchers. Aerial census efforts conducted in 1983 estimated 552 horses in the Antelope Valley Herd Area (249 in Elko County and 303 in White Pine County). The Cherry

Creek and Goshute Herd Areas were inventoried in 1984 with 84 and 214 horses counted respectively. Herd use areas have been established based on historical data and observation. There is considerable movement of horses between herd use areas and across administrative boundaries. For example, horses in the Cherry Creek Herd move freely north and south of the Elko-White Pine County line, as well as, east and west into adjacent herd areas in Elko County. Horse movements are based primarily on forage conditions and availability of water. Horses prefer grasses and grasslike species, but they also will use shrubs and forbs when necessary.

Mule deer and pronghorn are important species within these herd areas. An estimated 195 pronghorn inhabit these areas in Elko County yearlong. According to the Draft Schell Grazing EIS, pronghorn numbers in the White Pine County portion of the Antelope Valley Herd area are thought to be at their highest levels in ten years.

Pronghorn food consumption is influenced by seasonal preference, availability and quality of forage. Shrubs, such as sagebrush, provide crucial food and cover requirements for pronghorn winter survival. Forbs and grasses are more important than shrubs as food items in spring and summer, but shrubs remain valuable for kidding habitat.

An estimated 3,200 deer winter in these areas of Elko County. There is a summer population of approximately 800 deer. Both yearlong and winter habitat exists within the White Pine County portion of the Antelope Herd Area. According to the Draft Schell Grazing EIS, deer numbers in this area have not been increasing and may even be "below a threshold where a small mortality factor, such as predation, could severely limit population growth".

Mule deer concentrations are greatest in portions of the proposed gather area with mountain shrub and sagebrush-grass vegetation types. Shrubs, especially big sagebrush, antelope bitterbrush, and curlleaf mountain mahogany provide key forage for deer. The use of grass and forbs increases in the spring and summer months. One of the most critical elements is the amount and quality of browse available during winter months. In the gather area, water on summer range is also a limiting factor to deer and other species of wildlife.

Livestock graze portions of 19 allotments within the proposed gathering area. Although some of the higher elevation ranges may receive spring-summer-fall use, the area is primarily grazed during the winter months. Available use by allotment is shown as follows:

<u>Allotment Name</u>	<u>Range User(s)</u>	<u>Active Grazing Preference(AUMs)</u>
Big Springs	Flying S Land and Cattle Co.	18,272 *
Pilot	Bill Wall (leased to J. R. Simplot until 3/31/86)	12,941 *
Leppy Hills	Lee Pritchett	3,746 *
Utah-Nevada	Charles Kippen	13,766 *
Spruce	Von and Marian Sorensen Loyd Sorensen Kenneth Jones	35,565 *
Lead Hills	Clarence Keller	7,930 *
White Horse	L. W. Peterson	7,500 *
West White Horse	Metta Richins	670 *
Sugarloaf	Charles Young and John Young	3,105
Ferber Flat	Jerry Jaques	2,735
Badlands	Scott Moore	1,407
	Reed Robison	1,240
Goshute Mtn.	Scott Moore	465
Antelope Valley	Reed Robison	5,072
Boone Springs	Heguy Brothers	3,198
Currie	Louise Lear	3,777
	Stowell Brothers	910
North Butte Valley	William Dickinson	1,645 *
West Cherry Creek	Bert Paris and Sons	2,661 *
Chin Creek	Reed Robison	13,115 *
Deep Creek	Reed Robison	2,083 *
	Rao Bateman	
	Mable Bates	
	Gail Parker	
Becky Spring	Metta Richins	3,842
	Kay Lear	
	Warren Robison	

<u>Allotment Name</u>	<u>Range User(s)</u>	<u>Active Grazing Preference(AUMs)</u>
Sampson Creek	Warren Robison	1,592 *
Tippett	Bill Rosevear Intermountain Ranches, Ltd. Melvin Gardner	14,455 *
Cherry Creek	Cordano Estate (leased to Stowell Brothers until 4/1/86) Kay Lear Salvi Ranches Dave Carter Gordon and Irene Foppiano	748 * 125 716 4,845 606
Goshute Basin	Cordano Estate (leased to Stowell Brothers until 4/1/86 Bert Paris and Sons	99 534
Indian Creek	Cordano Estate (leased to Stowell Brothers until 4/1/86) Kay Lear	106 71
McDermitt Creek	Kay Lear	630

* Includes areas outside the gathering area.

C. Ecological Interrelationships

Ecological interrelationships are complex and diverse. For purposes of this analysis, discussion has been limited to major relationships concerning environmental elements affected by wild horses. Wild horses, as with other large mammals, are selective in their grazing patterns. That is, they tend to graze some plants heavily and others not at all. As numbers of horses increase, these areas of overuse become larger and desirable plants are replaced by undesirable and less palatable species. This is evidenced by the invasion into white sage flats in the gathering area by halogeton and little rabbitbrush. This in turn lowers the carrying capacity for all animals including horses.

Vegetative condition is generally poor in the subject area and trend is static or downward. Desirable grasses such as Indian ricegrass and bluebunch wheatgrass, and Idaho fescue at higher elevations, have decreased in response to heavy grazing to the extent that remaining plants have low vigor or are protected by shrubs. Browse species, such as white sage, have been severely grazed and vigor is poor due to continued overuse. Undesirable and unpalatable species such as halogeton and little rabbitbrush are increasing.

Where livestock and wild horses have access to streams, damage to the riparian areas has occurred from excessive grazing along stringer meadows and from trampling and trailing along the streams.

Riparian areas will respond positively and rapidly if the disturbing factors are removed. Willows will increase along streambanks when terminal leaders are not removed, due mainly to the increase of suckering and sprouting. When streams have extensive downcuts, the lowered water table will not allow the meadow vegetation to reestablish itself, and big sagebrush and rubber rabbitbrush (C. nauseosus) will invade and effectively take over the site. In order to rehabilitate such a site, it is necessary to raise the water table to a point where the brush species cannot survive due to saturation of soils. This would require the use of artificial structures.

Wild horses, livestock, pronghorn and deer, are the largest forage consumers in the subject area. Smaller consumers include jack-rabbits, cottontails and small rodents. These herbivorous species provide food for the various carnivores. The largest carnivores, the mountain lion and coyote, can usually kill very young pronghorn or deer fawns. Smaller forage consumers are preyed upon by coyotes, mountain lions, badgers, bobcats, eagles, hawks, and other predators. Both herbivore and carnivore carcasses serve as food for the various scavengers, both vertebrate and invertebrate.

Competition for space, forage, and water between livestock, wildlife, and wild horses affects their survival and reproductive rates. Pronghorn are particularly susceptible to these ecological limits as they do not compete well for limited water supplies.

D. Human Values

Contrasting and varied topography make the gathering area visually pleasing to many people. Major population centers are far removed, the nearest community being Wendover, Utah, which is located 35 miles to the northeast.

Wild free-roaming horses were declared to be "living symbols of the historic and pioneer spirit of the West" by Public Law 92-195, the Wild Horse and Burro Act. As such, they have educational, scientific, and cultural values to the people of the region and nation. Local attitudes are varied regarding the presence of wild horses, both generally and in the subject area. The greatest potential interest in preserving and viewing wild horses arises from large urban areas both on a state and national basis. It is believed that little recreational use of horses, either by viewing or photography, is made by visitors in the area.

Significant cultural resource areas are present throughout these herd areas. Both aboriginal and early historic sites exist. Aboriginal sites include open sites with ground and chipped stone, as well as ceramics. There are also sheltered sites with wood and bone artifacts, other perishables, and some rock art. Historic sites include homesteads and ranches, mining camps, trails, trash scatters and sheep and cattle camps.

On November 14, 1980, the Nevada State Director released his Wilderness Study Area (WSA) decisions. The Goshute Peak and Bluebell WSAs are located within the Goshute Herd Area (Elko District, Wells Resource Area). The Goshute Canyon WSA is located in the southern portion of the Cherry Creek Herd Area (Ely District, Egan Resource Area). The Interim Management Policy and Guidelines for Lands Under Wilderness Review, dated December 12, 1979, as revised July 12, 1983, allows temporary facilities for management of wild horses and burros to be installed if they satisfy the "nonimpairment criteria".

Recreational values are numerous within the proposed gather area. Deer, pronghorn, and upland game hunting occur throughout the proposed gathering area. Hunting seasons for deer normally occur from early October through mid-November and from mid-August through early September for pronghorn. Upland game seasons extend from September through late January. Trapping activities are high throughout the proposed gather area, primarily from October through mid February.

III. ANALYSIS OF PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action: Remove 453 to 544 Wild Horses

1. Environmental Impacts

a. Non-living Components

Negligible impacts to air quality would occur during gathering operations and handling of horses, resulting from helicopter and vehicle exhaust emissions. Short-term increases in transient dust levels caused by operation of ground vehicles and running horses would occur.

Sites which presently exhibit active soil erosion would be positively impacted as would the water quality of sources presently exhibiting severe trampling and resultant contamination through sediment increase and/or fecal deposits in water.

Reduced competition between livestock, wildlife, and wild horses for limited water supplies would be a high positive impact.

The horse gathering operation and handling of horses would be conducted at least $\frac{1}{4}$ mile away from water, therefore no direct impact on water quality would result. Reduced wild horse numbers would lessen grazing and trampling at waterholes and riparian areas, contributing to a more favorable habitat for all animals.

b. Living Components

An area less than one acre in size at each trap location would be severely trampled during gathering operations. Vegetative regeneration would be expected within two to three years depending on climatic conditions. Trap sites located at known threatened plant locations would severely damage or eliminate these plants.

The intensity of livestock grazing is expected to remain at approximately the same level. The objective of the Proposed Wells RMP/EIS is to provide for livestock grazing consistent with other resource uses resulting in an increase in livestock use of 1.7 percent over the entire resource area. This would be 23 percent below active grazing preference. The Schell Grazing EIS proposes to establish an initial stocking rate based on the present level of livestock use. The present level of use is a 48 percent reduction from active grazing preference. Both resource areas would make adjustments in livestock use after sufficient monitoring data is available.

A reduction in the horse population would be consistent with the Proposed Wells RMP/Final EIS as well as the Draft Antelope Range Coordinated Management Plan. Reducing horse numbers to the proposed management levels would have a positive impact on terrestrial plants over a period of time. Decreased grazing pressure would slow downward trends in overall range condition.

Because activities would be conducted away from water, no adverse impacts would be anticipated on Relict (Steptoe) Dace as a result of the gathering operation.

A negative impact on wild horses would be expected during gathering and handling. This would result from traumatic effects of capturing, trapping, loading, and hauling the animals. Enough horses would remain to maintain a viable herd and provide for interaction between bands. Reduced competition between wildlife, livestock, and horses for limited water, forage and space would result in higher survival and reproduction rates for each.

A negligible impact to wildlife is expected during the gathering process. Wildlife could be temporarily frightened or displaced by the increased activity in the area. Because the proposed gathering operation would take place in September or October, there would be no impacts to wintering bald eagles or peregrine falcons. However, an increased chance of displacement and/or possible collisions with these birds would occur if the gathering operation were postponed until November to March.

c. Ecological Interrelationships

A decrease in the horse population to the 1981 level would result in a positive impact on vegetative species composition. Palatable plant species would remain established and regain their vigor from reduced competition for forage. Unpalatable invader species would not become dominant.

d. Human Values

Removal of excess wild horses would result in improved range conditions and forage quality. Improvements in habitat conditions would subsequently result in upward trends in big game and upland game populations and improved hunting opportunities.

Removal of wild horses would reduce viewing opportunity and may affect those who value horses. In addition, the removal may reduce observation of poor quality and starved horses.

Much biological information can be obtained from the gathered animals (e.g. sex and age ratios, parasites, diseases, etc.). All of this information would be useful in management of the horses in the future.

Because all necessary facilities would be temporary, the gathering operation would not affect the visual quality of the subject area. In addition, the proposed use of temporary structures for gathering wildhorses satisfies the nonimpairment criteria identified in the Interim Management Policy and Guidelines for Lands Under Wilderness Review.

The construction and use of temporary horse traps and holding facilities located on or near aboriginal or historic sites would adversely affect these cultural resources.

2. Mitigating Measures

- (1) Horse handling will be kept to a minimum.
- (2) No gathering will be allowed between March 1 and August 31 because of potential stress to pregnant and lactating mares and possibility of induced abortions. Foals should be able to withstand the stress of gathering operations after August 31.
- (3) A veterinarian will be on call during the gathering operation.

- (4) A qualified Bureau employee will be present during gathering attempts and will make a careful determination of a boundary line to serve as an outer limit within which attempts will be made to herd horses to a given trap. Topography, distance, weather, and current conditions of the horses will be considered in setting the mileage limits so as to avoid undue stress on the horses while they are being herded.
- (5) Trap sites will not be placed in areas of any known listed or proposed threatened or endangered plant species. Trap sites located within a ten mile radius of known plants will require an inspection of the proposed site by a qualified Bureau employee.
- (6) Captured horses that are obviously lame, deformed, or sick will be humanely disposed of at the trap site.
- (7) A cultural resources investigation by an archaeologist or district archaeological technician will be conducted prior to any trap construction. If cultural values are discovered, an alternate trap site will be selected. A cultural resource report will be completed after the survey.
- (8) All corral panels will be from 72" to 84" high in order to prevent horses from jumping out of traps.
- (9) Trap sites will not be placed within $\frac{1}{2}$ mile of water sources, such as streams, springs, reservoirs, or troughs.
- (10) Temporary traps and corrals will be removed within 30 days following the gathering operation.
- (11) Motor vehicle usage within the Blue Bell, Goshute Peak, or Goshute Wilderness Study Area will be limited to existing roads or "ways". Cross country use by motor vehicles within these areas must be authorized by the Wells or Egan Resource Area Manager.

2. Residual Impacts

Reduced competition for water and vegetation should result in improved plant vigor, condition, and reproductive potential. A sufficient horse population would remain to maintain a viable horse herd.

4. Relationship Between Short-term Use and Long-term Productivity

The proposed action would cause minimal soil and vegetation disturbance, and may cause injuries and/or deaths of some wild horses. Long-term productivity of the vegetative resources should improve by reducing the number of wild horses to the 1981 population levels in conjunction with limited increases in livestock use as outlined in the Wells RMP/EIS and Schell Grazing EIS.

Reduced grazing pressure will progressively enhance both vegetative condition and wildlife populations until the wild horse population again reaches its current level. Based on an assumed natural population increase of 15 percent per year, this would take seven to eight years.

5. Irreversible or Irretrievable Commitments of Resources

None

B. Alternative

No Action.

1. Environmental Impacts

a. Non-living Components

Uncontrolled horse populations combined with wildlife and livestock use would have a negative impact on soils susceptible to erosion. Competition for water would continue to increase, resulting in continued overgrazing and trampling of these existing waterholes and riparian areas.

b. Living Components

A high negative impact on vegetation and animals is anticipated under this alternative. Uncontrolled horse numbers would increase to the point that most available forage would be used, to the increasing detriment of livestock, wildlife, and horses themselves. Some animals may die of thirst due to limited water supplies.

Horses use the area on a yearlong basis. Available remaining forage would be adversely affected if a reasonable relationship between numbers of horses, wildlife and livestock is not attained.

c. Ecological Interrelationships

A high negative impact on vegetative species composition would be anticipated from this alternative. Uncontrolled horse numbers combined with livestock and wildlife use would have a continuing adverse effect on desirable vegetative species. Continued heavy grazing of preferred forage plants would cause continued loss of plant vigor and reproductive capacity, and an increase in undesirable forage species. This would eventually result in lower productivity and population declines for most animals.

d. Human Values

There would be greater opportunity to view horses through steadily increasing populations. However, increased mortality of wild horses would offend many people's values. In addition, the poor quality of horses resulting from poor nutrition would detract from the viewers pleasure in being able to see large horse herds.

2. Recommended Mitigating Measures

None.

3. Residual Impacts

Wild horse populations would continue to increase resulting in further deterioration of vegetation and reduced carrying capacities. A decrease in habitat condition and increased competition for space, forage and water would result in continued expansion into areas not currently occupied by wild horses.

4. Relationship Between Short-term Use and Long-term Productivity

Continued overuse would result in the eventual loss of soil and desirable plants through erosion and a general reduction of habitat productivity on a long-term basis.

5. Irreversible and Irretrievable Commitments of Resources

Continued overgrazing of forage resources would result in wind and water erosion of unprotected soils.

IV. PERSONS, GROUPS, AND GOVERNMENT AGENCIES CONSULTED

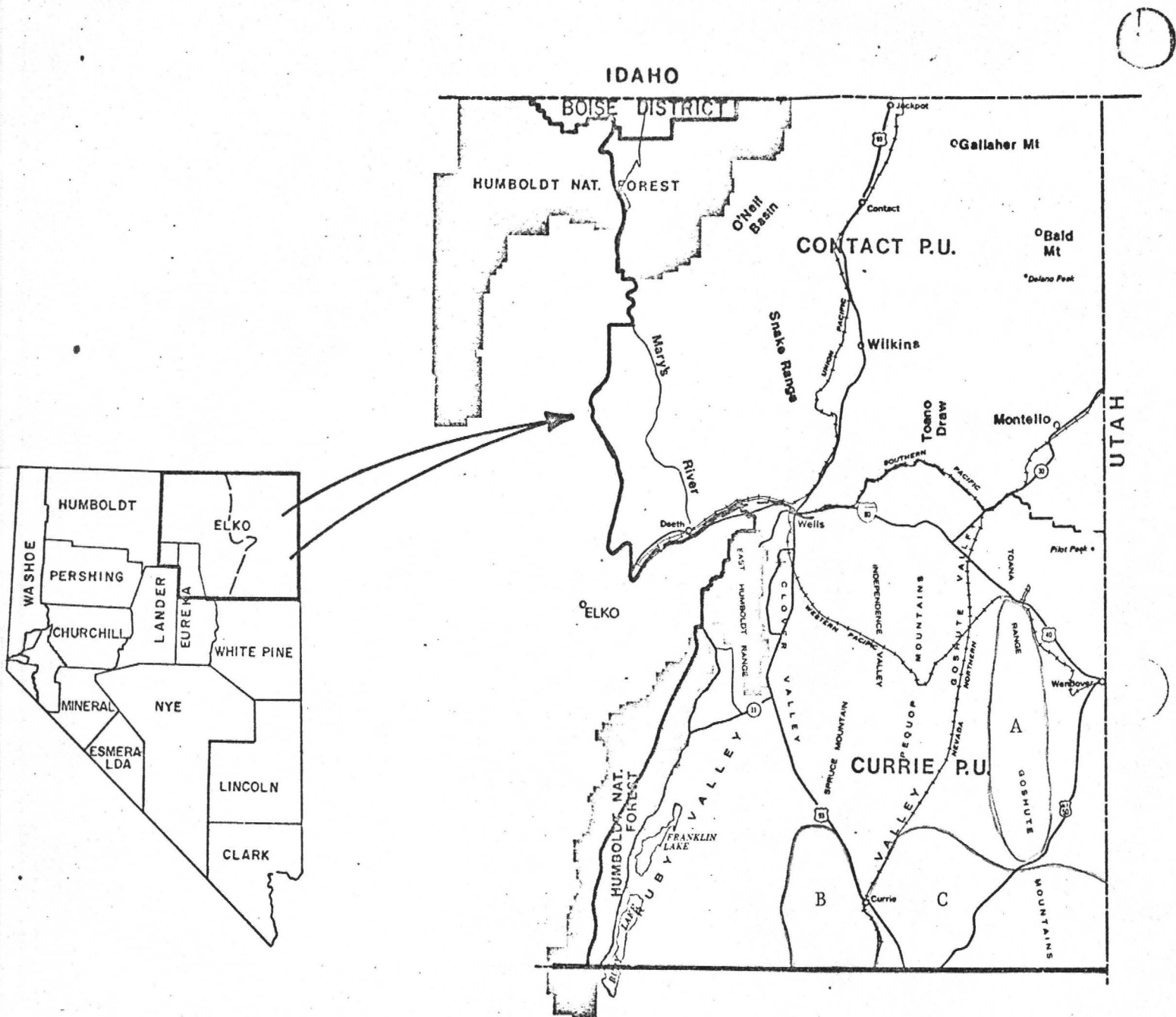
American Horse Protection Association - Washington, D.C.
American Humane Society - Denver, Colorado
Animal Protection Institute - Sacramento, California
The Center for Wild Horse and Burro Research - Westminster, Colorado
Funds for Animals - Salt Lake City, Utah
International Society for the Protection of Mustangs and Burros -
Reno, Nevada 89506
National Mustang Association - Newcastle, Utah
National Wild Horse Association - Las Vegas, Nevada
Nevada Cattlemen's Association - Elko, Nevada
Nevada Department of Wildlife, Region II - Elko, Nevada
Sierra Club - Reno, Nevada
State Clearinghouse, Nevada State Planning Coordinator - Carson City,
Nevada
U.S. Fish and Wildlife Service - Reno, Nevada
U.S. Humane Society - Washington, D.C.
Wild Horse Organized Assistance - Reno, Nevada
Wild Horse and Burro Committee for National Academy of Science -
Logan, Utah

V. PARTICIPATING STAFF

Bruce Portwood - Wild Horse and Burro Specialist, Elko District, BLM
Rex Baxter - Wildlife Management Biologist, Elko District, BLM
Kevin Carson - Outdoor Recreation Planner, Elko District, BLM
Loran Robinson - Range Conservationist, Ely District, BLM
Timothy Murphy - Archaeologist, Elko District, BLM
Kurtis Ballantyne - Threatened and Endangered Species Coordinator, Elko
District, BLM
Robert Brown - Wild Horse and Burro Specialist, Ely District, BLM

IV. REFERENCES

Amaral, Anthony. Mustangs. Reno: University of Nevada Press, 1977.



- A = GOSHUTE HERD AREA
- B = CHERRY CREEK HERD AREA
- C = ANTELOPE VALLEY HERD AREA

WELLS PLANNING AREA

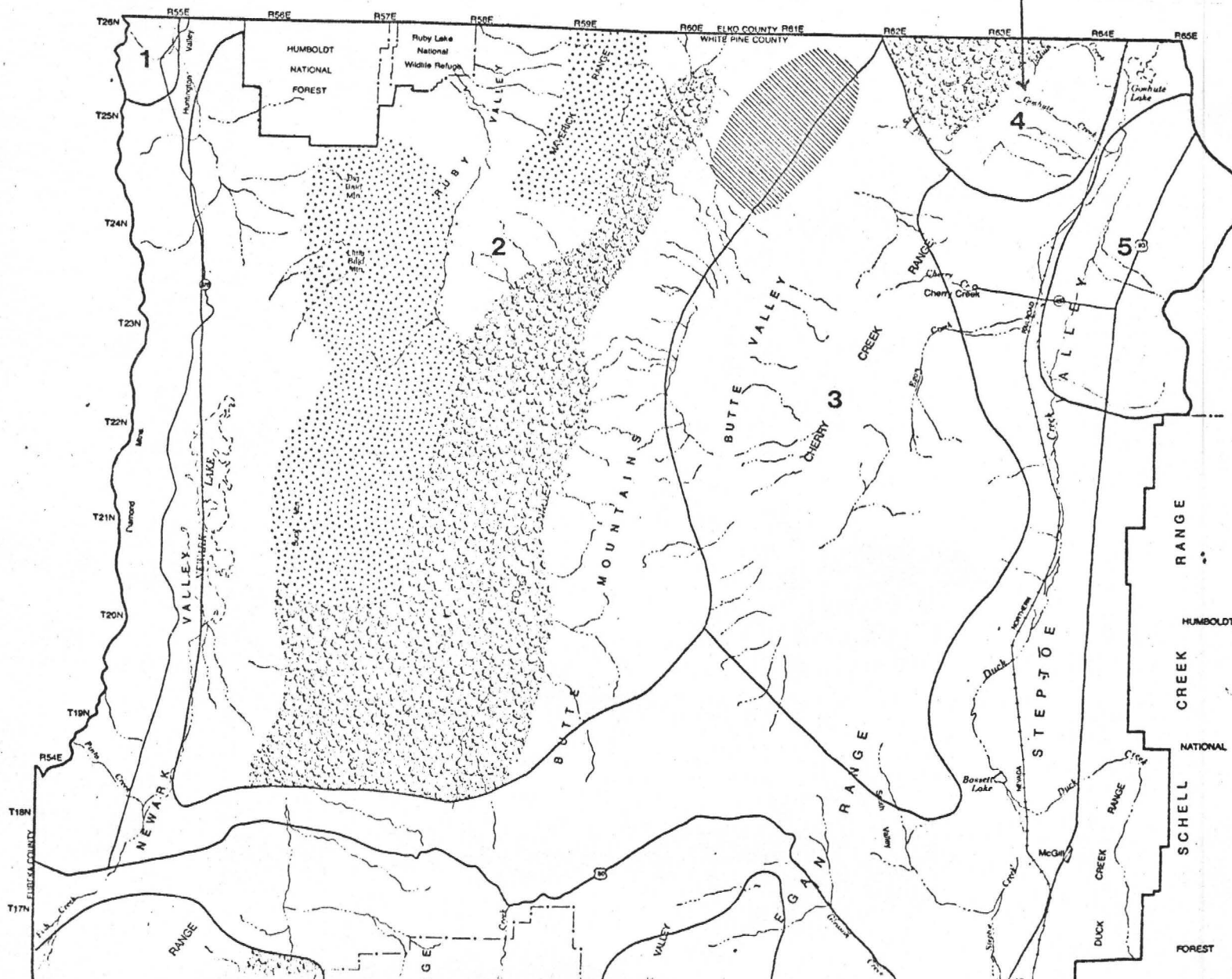
Elko District ——— Nevada

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EGAN RESOURCE MANAGEMENT PLAN

WILD HORSE HERD USE AREAS

1983

CHERRY CREEK HERD AREA
(EGAN RESOURCE AREA)



MAP #2

20

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT




SHELL ENVIRONMENTAL IMPACT STATEMENT

WILDLIFE




1982

Source: Information taken from overlays located at BLM —
Ely District Office, Ely, Nevada.





KEY RANGE

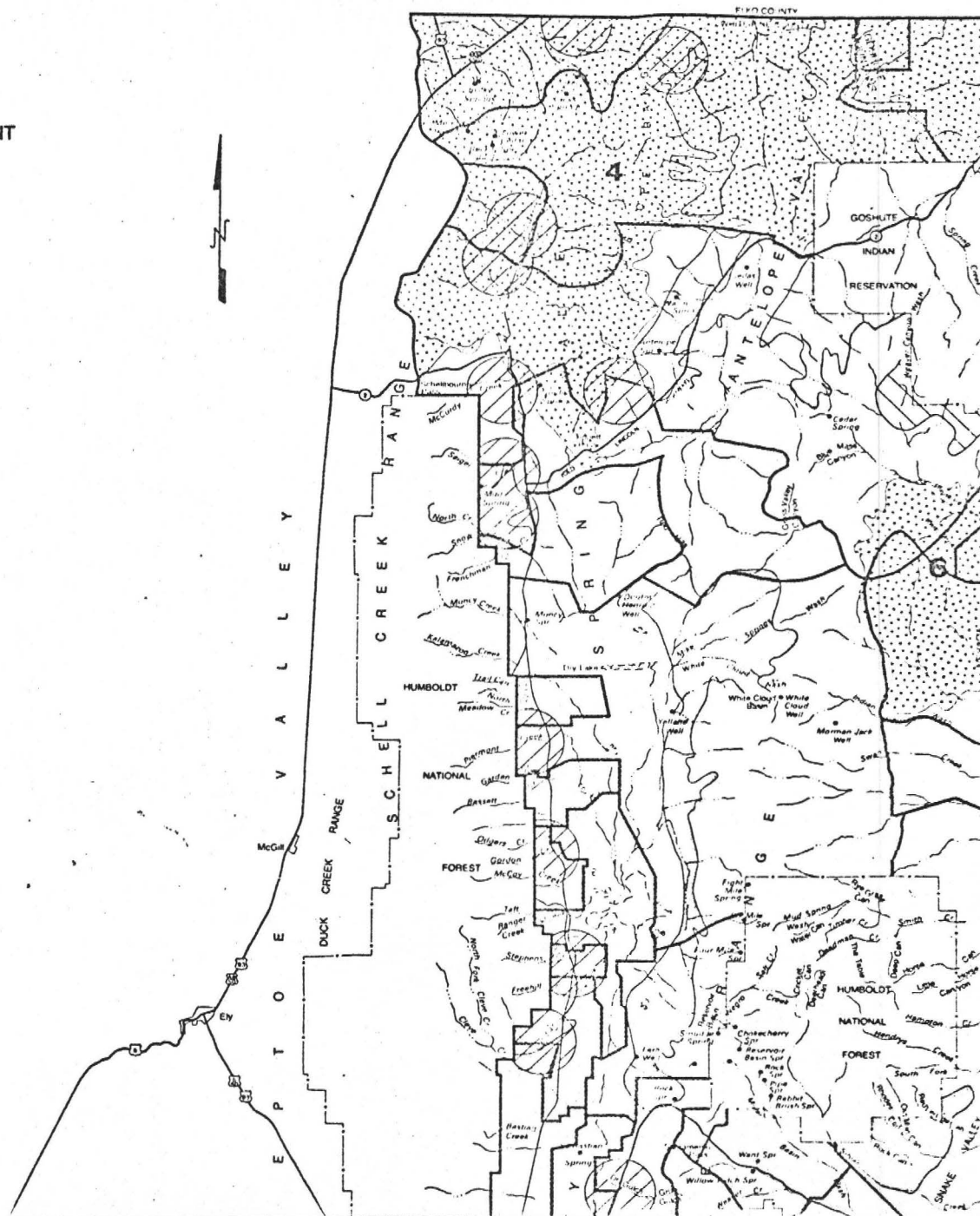
-  MULE DEER
-  PRONGHORN ANTELOPE
-  SAGE GROUSE (STRUTTING GROUNDS)

PROPOSALS

-  PRONGHORN ANTELOPE INTRODUCTION
-  BIGHORN SHEEP INTRODUCTION
-  ELK HERD ESTABLISHMENT

HORSE HERDS

-  1 Seaman Herd
-  2 Dry Lake Herd
-  3 Wilson Creek Herd
-  4 Antelope Herd
- 5 White River Herd
- 6 Morlah Herd



WILD HORSE CAPTURE PLAN

Antelope Valley - Cherry Creek - Goshute Herd Use Areas

Introduction

The majority of the proposed gathering area is located in the Currie Planning unit of the Wells Resource Area. This area is generally the southeast portion of Elko County. The gathering area also includes a portion of the northeast corner of White Pine County in the Ely D.O. The area covers three wild horse herd use areas (see attached maps).

This document outlines the process that will be involved in the wild horse gather for the Antelope Valley, Cherry Creek and Goshute wild horse herd areas. Included are the number of horses to be captured, the time and method of capture and the handling and disposition of captured horses.

None of the herd use areas are covered by a herd management plan, however an RMP-EIS has been developed for the Wells Resource Area and an EIS has been done on the Schell Resource Area and Egan Resource Area of the Ely District. The Ely portion of the antelope herd area is covered by a draft coordinated management plan. This plan established numbers of horses to be managed in the Ely portion of the antelope herd area. These documents have established upper and lower limits of wild horse numbers, and this proposed gather is to reduce horse numbers to conform to the EIS levels, and the antelope coordinated management plan. This action is therefore, considered a part of long term management.

Number of Horses to be Gathered

The proposed number of horses to be gathered is shown by herd area as follows:

<u>Herd Area</u>	<u>Nos. to be Managed</u>	<u>No. Inventoried</u>	<u>Nos. to be Gathered</u>
Antelope Valley (Elko)	131 to 164	249	118
Antelope Valley (Ely)	119 to 288	303	184
Cherry Creek(Elko/Ely)	51 to 64	84	33
Goshute	96 to 120	214	118
Total	397 636	850	453

A census will be done prior to the gathering operation and numbers of horses to be gathered may be increased depending on the spread between the census and the minimum management number. It is estimated that this could increase the numbers to be gathered by 20%.

Time and Method of Capture

The gather is expected to take place during September or October 1985, and last approximately three weeks.

The method of capture to be used will be a helicopter to bring the horses to trap sites and horseback riders at the wings of portable traps. The temporary traps and corrals will be constructed from portable pipe panels. Trap will need a holding area for horses prior to transport to the temporary holding facility.

Trap sites will be selected by the contractor and approved by the COAR. Trap sites will receive cultural and T&E plant and animal clearance prior to use.

Branded and Claimed Animals

Branded horses or claimed horses that are not branded, e.g. photo documentation, saddle marks or other identification, will be sorted from wild horses at the holding facility in the gathering area for inspection by the COAR/PI and State Brand Inspector. The determination that unbranded horses are wild, free roaming animals will be ultimately decided by the COAR/PI. The State Brand Inspector will determine the ownership of animals that are not wild and free roaming. A foal or yearling still following a claimed mare that is determined not to be a wild free-roaming animal and can be identified as her offspring will be considered privately owned.

Claimed horses that have been determined to be privately owned will not be released until the owner has paid trespass charges in accordance with 43 CFR 4720. This charge will include the value of forage consumed, a per head share of helicopter or contract costs and other associated costs as determined appropriate by the Wells, Schell or Egan Area Managers.

Destruction of Injured or Sick Animals

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR 4740.3-1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COAR will make this determination, with advice from a veterinarian, when unsure of the severity of the illness or injury. Destruction will be done in the most humane method available.

Disposal of the carcass will be in accordance with I.M. No. NV-83-84.

Administration of the Contract

The COAR will be the Elko District Wild Horse Specialist. The COAR will be directly responsible for conducting the roundup and can appoint other BLM personnel to assist with the roundup as necessary. The Ely District Wild Horse Specialist will serve as project inspector when gathering operations are taking place in the Ely District.

The COAR is directly responsible for the conduct of the gathering operation, and is responsible for keeping the Elko District Manager, the Ely District Manager and the Nevada State Office informed on the progress of the gathering operation.

Contractors Briefing

The contractor, after award of the contract, will be briefed on his duties and responsibilities before the notice to proceed is issued.

Public Meeting

One public meeting will be held in Elko at a place and time to be announced prior to the start of the gather. This meeting is required by law to get public input on the use of helicopter in the gathering process.

Temporary Holding Facility

The holding facility shall be on public land unless an agreement is made between the contractor and a private landowner for use of private facilities. When private land is used, the contractor must guarantee BLM, and the public, access to the facility and accept all liability for use of such facilities. The contractor shall provide all feed, water, labor and equipment to care for captured horses at the holding facility, and transportation of captured horses from the temporary holding facility to the Nevada Distribution Center, Palomino Valley (Reno), Nevada. All work will be done according to the following specifications and attached work location map. All labor, vehicles, helicopters, traps, troughs, feed, temporary holding facilities and other equipment, including but not limited to the aforementioned, shall be furnished by the contractor. BLM will furnish contract supervision.

Stipulations and Specifications

Helicopter and Pilot

SPECIFICATIONS

The helicopter(s) and pilot(s) furnished by the Contractor shall be certified under provision of FAR, Part 135, "Air Taxi Operator/Commercial Operators." His operations specifications shall authorize operation of the category and class of aircraft and conditions of flight required under this contract and both the aircraft and pilot must be carded by the Office of Aircraft Services, Department of the Interior. Further, under the terms of 43 CFR 4730 7-2, the contract shall be governed by the following reservations and restrictions:

1. The Contracting Officer's Authorized Representative (COAR) and/or project inspector shall have the means to communicate with the pilot and be able to direct the use of the helicopter at all times. The frequency(s) used for this contract will be 122.9 MHz. The Contractor shall furnish a VHF/AM radio transceiver operating on a frequency of 122.9 MHz (or 122.85 MHz, or other available air-ground FAA frequency) installed in the support truck. The same frequency shall be available in the helicopter VHF/AM airways communication radio. A company owned FM radio system in the support truck and the helicopter may be used in lieu of the VHF/AM system. The Contractor shall obtain the necessary FCC licenses for the radio system. If the contractor is unable to communicate on this frequency(s) through the aircraft VHF/AM transmitter/receiver, or does not have a company owned FM system, the Government shall furnish a "slip-in" portable radio. The Government radio will be:

Manufacturer: GE Model: HN-56 Porta-Mobil II

(Special requirement for "slip-in" VHG/FM portable radio.) The transmitter selector system shall supply microphone excitation voltage (talk-voltage) (from the aircraft 28-volt DC system through a suitable resistor network) to the microphone jack for the "slip-in" portable radio ("Forest Net" or FM-II) transmit positions. A blocking capacitor shall be provided to separate the

aircraft microphone excitation voltage from the portable radio interface connector. The interphone shall be an override type that will operate at any time regardless of the position of the transmitter selector switch. The illustrations attached show the equipment requirements to be contractor furnished and maintained for the Government furnished slip-in unit.

2. All pilots and helicopters provided by the contractor shall comply with all Federal air regulations and regulations of the Board of aeronautics of the state in which the work project is located, and shall follow what are recognized as safe flying practices. Both the pilot(s) and helicopter(s) shall have valid federal, state, and local certificates and permits.

3. The proper operation service and maintenance of all helicopters is the responsibility of the contractor. The Bureau of Land Management reserves the right to remove from service, pilots and helicopters, which in the opinion of the Contracting Officer, COAR, or Project Inspector, violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters, as the case may be, within 48 hours. All such replacements must be approved, in advance of operation, by the Contracting Officer or his representatives.

4. The COAR and/or Project Inspector shall be able to observe the effects of the use of the helicopter or the well-being of the animals. The Contractor may be required to transport via helicopter, the COAR and/or Project Inspector to a location which allows for such observation. Pilots must meet the Department of the Interior requirements for the carrying of passengers as outlined in OAS Operational Procedures Memorandum 84-2. The helicopter shall meet the equivalent memorandum 84-4.3A and personal protective equipment requirements and flight and crew duty time limitations set forth in OAS. Operational Procedure Memorandum 84-1 will be followed.

5. The contractor shall supply, at no additional expense, a service truck with driver for fueling helicopter(s). The service truck shall be equipped as follows:

A. Fuel filter-water separator unit of a size compatible with pump capacity such as Facet P/N 050970 for 20 gallon per minute; 050971 for 10 gallon per minute; or equal. Units will also include a positive fuel filter shut-off to prevent contamination such as Facet Go-No-Go fuse or equal. The filtering components shall be changed annually and the cannister placarded with the date of change.

B. Sump drain positioned at lowest part of fuel tank.

C. Grounding and bonding wires.

D. "No Smoking" signs.

E. Fire extinguisher for service truck (10 pounds or better).

F. Fuel trucks will be marked for type of fuel carried.

6. Inspection of helicopters, pilots and support equipment. After award of contract and prior to start of work, inspection of Contractor's helicopter, pilot, relief pilot or pilots, and service facilities may be made. The inspection will take place at the designated base of operations or such other location as may be approved by the Contracting Officer. Each pilot shall, at the discretion of the Contracting Officer, pass an agency flight evaluation check in make and model of helicopter supplied by the contractor at no expense to the Government. The contractor shall make available an aircraft of the make and model to be used in this contract with dual controls for this evaluation.

7. Substitutes of helicopter and pilot - During the period of this contract, the contractor may furnish substitute helicopters and pilots. Any helicopter or pilot furnished shall fully meet the qualifications of this contract. Substitution of either helicopter or pilot will be in writing by the Contracting Officer. Substitute pilot will be required whenever regular pilot is unavailable for any reason, including, but not limited to, flight-hour limitations. The contractor shall be required to replace or repair damaged or inoperative equipment within 48 hours after receipt of notification from the Contracting Officer or COAR.

8. Risk Damages - Contractor shall assume all risks in connection with performance of contract; and shall be liable for and hold Government harmless on account of any damages to persons or property in connection with prosecution of work, including aircraft pilot or other employees of contractor.

Any of the above referenced OAS Operational Procedures are available from:

Bureau of Land Management
Division of Fire & Aviation Management (740)
18th & C Sts. NW
Washington, D.C. 20240
Telephone: (202) 653-8800

9. Under the provisions of 43 CFR 4740.2(a), the use of the helicopter and motor vehicles in the capture and transportation of horses shall further be regulated in the following manner:

- a. The helicopter shall be used in such a manner that bands or herds will tend to remain together.
- b. The rate of movement shall not exceed limitations set by the COAR and/or Project Inspector who shall consider terrain, weather, distance to be traveled and condition of animals.
- c. All such transportation shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of horses and burros.
- d. 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 or injury.
- e. Vehicles shall be inspected and approved by the COAR/Project Inspector prior to award of the contract or at the prework conference.

- f. Where required by the COAR and/or Project Inspector, animals shall be sorted as to age, size, temperment, sex and condition when transporting them so as to minimize, to the extent possible, injury due to fighting and trampling.
- g. Trailers (including gooseneck or bumper pull) or other suitable equipment as approved by the COAR/Project Inspector may be used to transport horses from the traps to the temporary holding facility. Bob-tail trucks, tractor pulled single deck trailers will be permitted for transportation of captured horses to the Nevada Distribution Center, Palomino Valley (Reno). Trailers 30 feet in length will be required to have two sections (one partition) and trailers 40 feet or longer will have three sections (2 partitions).
- h. The COAR and/or Project Inspector shall consider the condition of the animals, weather conditions, type of vehicles and distance to be transported when planning for the shipment of captured animals.
- i. The COAR shall provide for brand inspection services.

10. All trapping of horses shall be subject to the following reservations/restrictions:

- a. All trapping attempted under this contract shall be accomplished utilizing a helicopter to herd the wild horses into the traps. Wing riders may be used as necessary. Roping will be done only when necessary as determined by the COAR and/or Project Inspector. Under no circumstances will horses be tied down for more than one hour.
- b. The COAR/Project Inspector shall have the option at any time to ride in the helicopter to monitor the gathering.
- c. All materials and labor to build, repair and remove the traps and holding corrals will be provided by the contractor.
- d. All traps and holding corrals will be located on BLM land unless the contractor makes an agreement with the private land owners to use their facilities. And the locations will be approved by the COAR and/or PI prior to construction.
- e. All trap wings and holding corrals will be constructed to handle wild horses safely and humanely. Trap wings and holding corrals will be constructed with portable panels, unless otherwise approved by COAR/PI; the top rail of the trap will not be less than 72 inches high and the bottom rail will not be more than 12 inches from the ground level. Holding corrals will not be less than 96 inches high and the bottom rail will not be more than 1 inch from the ground level. Traps and holding corrals will be round or oval in design and will not be less than 40 feet in diameter. Holding corrals may be required to be larger as determined by the COAR/PI.
- f. All trap and camp sites will be cleaned of all litter and debris when abandoned, to the satisfaction of the COAR.

11. Captured horses shall generally not be held more than 72 hours prior to transporting to Palomino Valley (Reno), Nevada. Exceptions to the 72 hours maximum may only be granted by the COAR/PI.

12. Horses held for 10 hours or more in the traps or holding facility will be provided good quality hay at the rate of not less than (2) two pounds of hay per 100 pounds of body weight per day, or as directed by the COAR and/or PI.

13. Horses held for 10 hours or more in the traps and/or the holding facility will be provided, by the contractor, fresh clean water in an amount sufficient to satisfy the demand as directed by the COAR and/or PI.

14. The COAR and/or PI shall be responsible for determining the need and provide for the treatment of sick or injured animals. The COAR and/or PI shall also determine if an injured animal must be destroyed and provide for destruction of the animals. The contractor shall dispose of carcasses as directed by the COAR and/or PI.

15. The contractor will be required to furnish locks and chains to lock outside gates of the holding corrals if deemed necessary by the COAR.

16. Contractor Furnished Property:

All feed, water, vehicles, helicopters, fuel and maintenance for vehicles, traps, holding facilities, loading chutes (no open sided chutes; open sided chutes must be lined with plywood or other suitable material) troughs and any other necessary equipment.

The contractor will be required to provide the temporary holding corrals, squeeze chutes and manpower to assist the Brand Inspector in his duties.

Contractor shall provide sufficient experienced personnel and saddle horses with appropriate tack to complete the required work.

17. Roundup Procedures within Contract Area:

The COAR/PI will determine specific roundup areas and number of horses within general contract area as animal concentration and weather conditions dictate.

18. Only those bids from contractors with a proven background of capability and experience in handling wild horses will be considered.

Prepared by:

BRUCE E. PORTWOOD
Wild Horse & Burro Specialist
Elko District Office

Date

Reviewed by:

Reviewed by:

JOHN A. PHILLIPS
Wells Area Manager
Elko District Office

Date

WAYNE LOWMAN
Schell Area Manager
Ely District Office

Date

HOWARD HEDRICK
Egan Area Manager
Ely District Office

Date

Approved by:

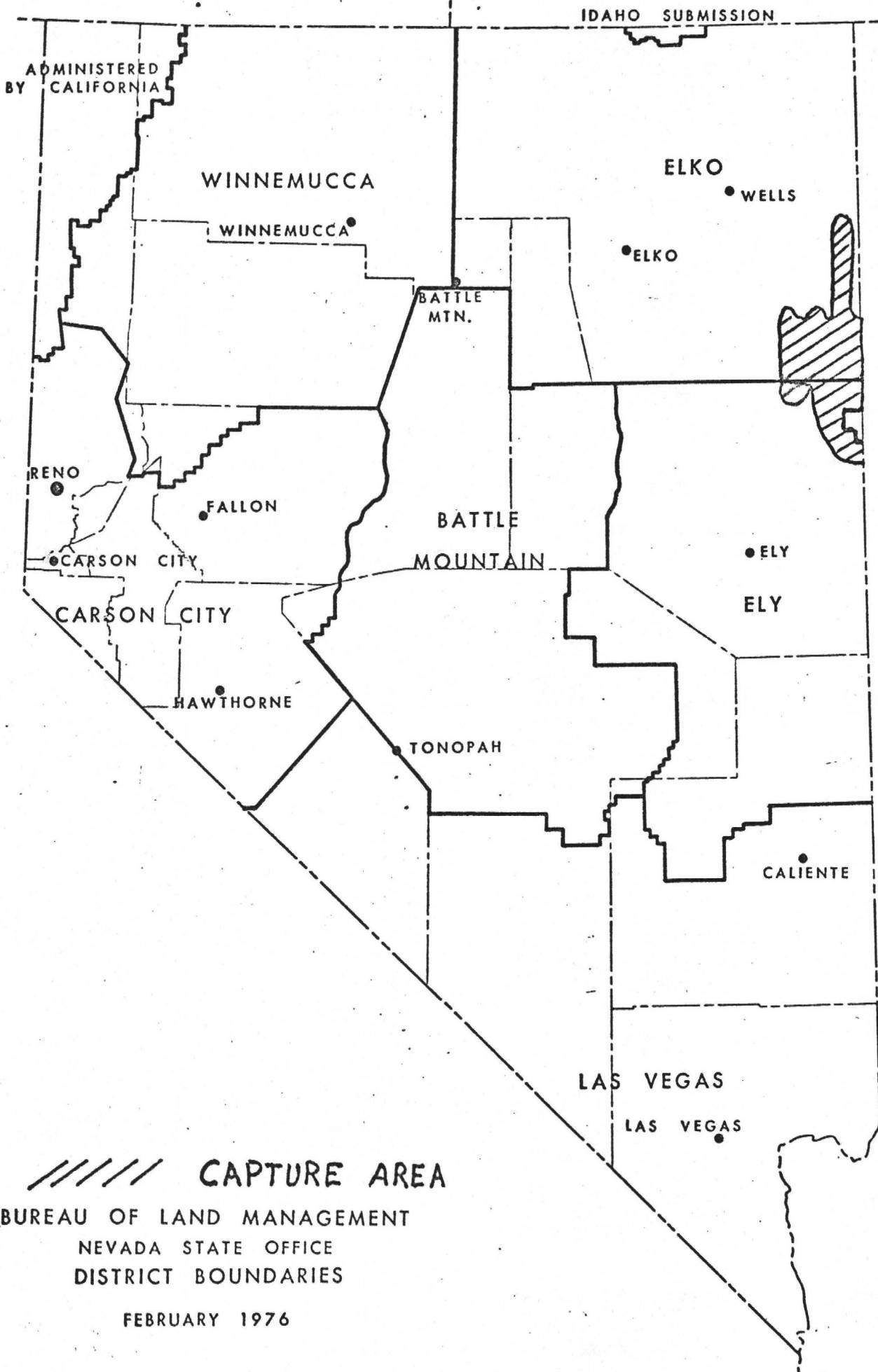
Approved by:

RODNEY HARRIS
District Manager
Elko District Office

Date

MERRILL DeSPAIN
District Manager
Ely District Office

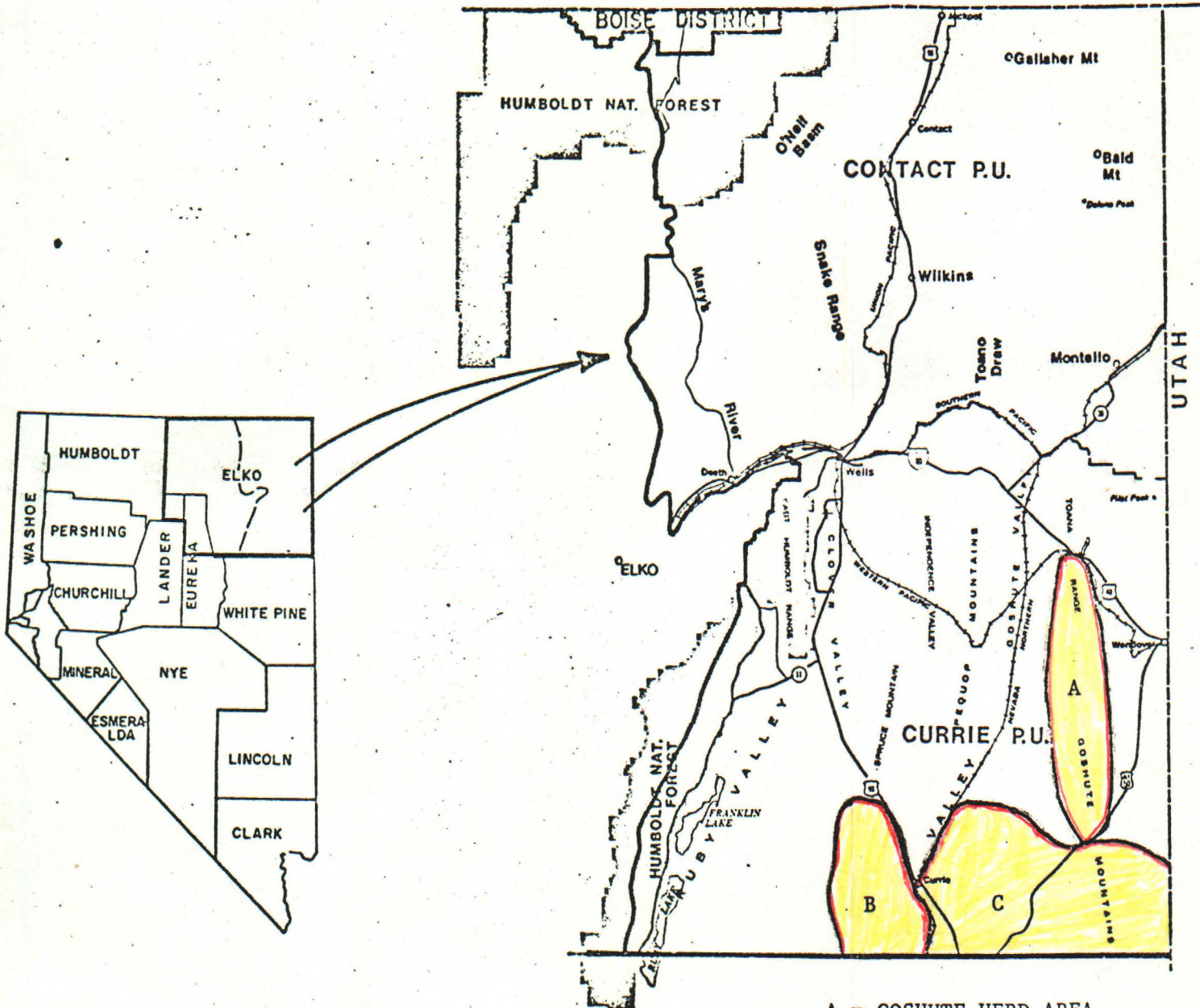
Date



BUREAU OF LAND MANAGEMENT
 NEVADA STATE OFFICE
 DISTRICT BOUNDARIES

FEBRUARY 1976

IDAHO



- A = GOSHUTE HERD AREA
- B = CHERRY CREEK HERD AREA
- C = ANTELOPE VALLEY HERD AREA (ELKO COUNTY PORTION)

WELLS PLANNING AREA

Elko District ——— Nevada

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT




SCHELL ENVIRONMENTAL IMPACT STATEMENT

WILDLIFE




1982

Source: Information taken from overlays located at BLM -
Ely District Office, Ely, Nevada.

KEY RANGE

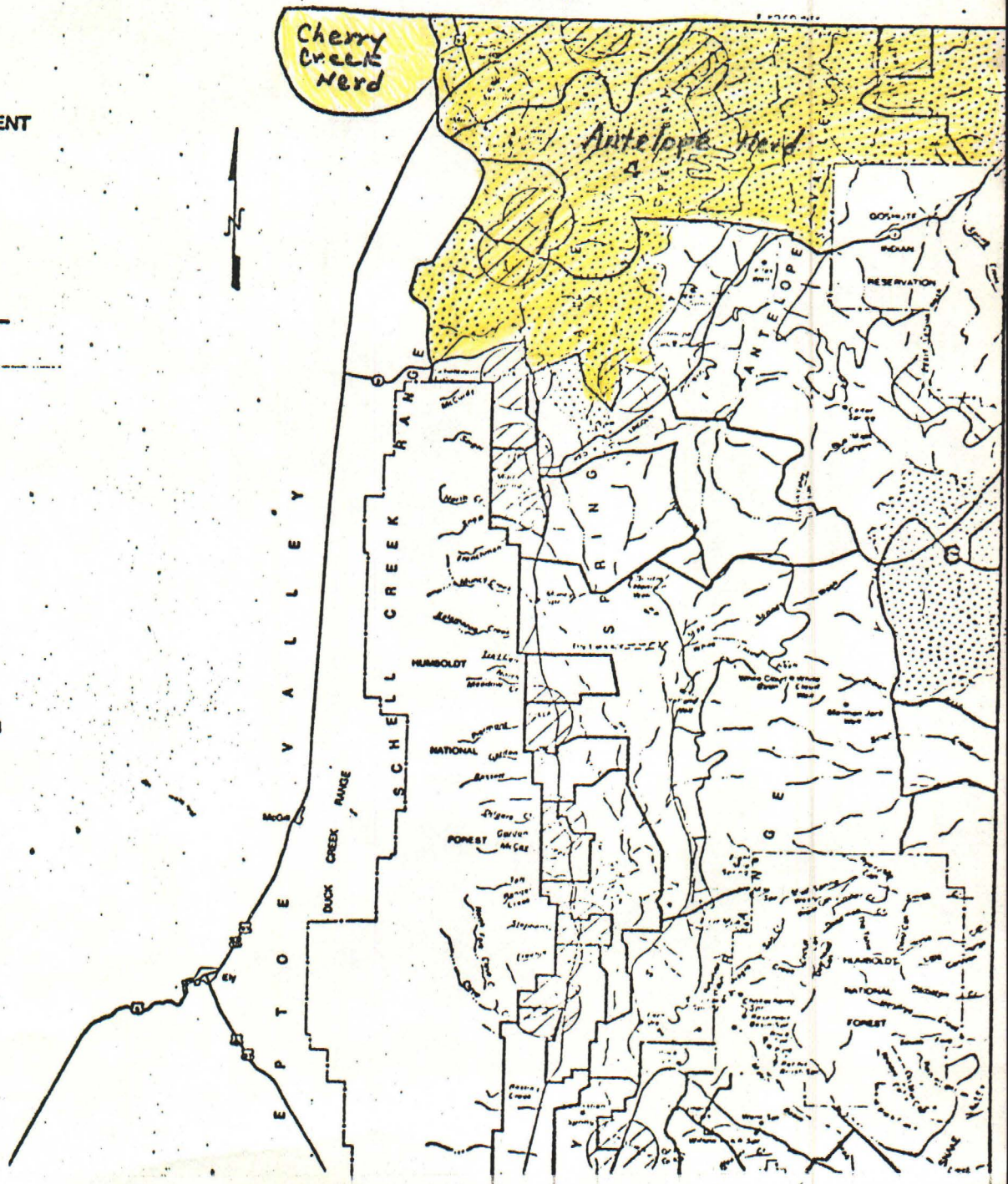
-  MULE DEER
-  PRONGHORN ANTELOPE
-  SAGE GROUSE (STRUTTING GROUNDS)

PROPOSALS

-  PRONGHORN ANTELOPE INTRODUCTION
-  BIGHORN SHEEP INTRODUCTION
-  ELK HERD ESTABLISHMENT

HORSE HERDS

-  1 Seaman Herd
-  2 Dry Lake Herd
-  3 Wilson Creek Herd
-  4 Antelope Herd
-  5 White River Herd
-  6 Mervah Herd



6/24/85

W H O A !

BOARD OF TRUSTEES
DAVID R. BELDING
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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

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

June 24, 1985

COPY

Mr. Rodney Harris
Bureau of Land Management
Box 831
Elko, Nevada 89801

Dear Mr. Harris:

Thank you very much for the opportunity to comment on the Environmental Assessment for the Cherry Creek, Goshute, Antelope Valley Wild Horse Gather.

Enclosed is WHOA's review of the ARCMP that supposedly was "coordinated" with this proposal. The context of each is highly disturbing.

The Schell MFP and the Wells RMP "are designed to provide a framework for future management of the public lands and resources consistent with legislation..."

Page 2, paragraph 3

The Antelope Range CMP far exceeded the proposed action under the land use planning and is illegal in its' present context; hereafter the ARCMP is not given any legitimacy.

Page 2, paragraph 4

What data does Elko District have that separates out horse use from cow use? Does the Elko District have utilization studies that show over the allowable use factor, and if so does the grazing system allow for the analization of the specific offender?

Page 2, paragraph 6

Does the BLM propose to follow the List/Watt instruction of using the current levels of livestock and monitoring? How can the BLM ignore previous range data as being inadequate to reduce livestock numbers, but use the same data to reduce wild horse numbers?



Page two

Page 3, paragraph 1

In 1980 the wild horses were estimated to be at 1200, the latest inventory records show approximately 850; yet paragraph one states "current inventory data shows wild horse numbers have again reached a level very near that which existed in 1980."

History shows that Elko summarily removed any wild horse threat elsewhere in the District, and livestock outnumber wild horses and wildlife put together; therefore the natural assumption of any threat to ecological balance would be on the side of livestock, not wild horses. The few remaining areas for wild horses should be managed based on data, not politically expedient removals.

Page 3, Table

Shows 850 as the latest inventory, and a high 10% increase shows your below the 850; and many hundreds below the 1980 levels.

Page 7, paragraph 7

It is immaterial to WHOA how and why the animals are where they are; the law states they will be protected, managed and controlled in the areas where they occurred in 1971. It reflects Mr. Amaral's opinion, many of us do not agree, but I don't see you putting our disagreement in the document.

Page 10. Allotment

The total active preference for livestock is 170,172 AUMs, the 850 (inventoried) wild horses use 10,200 AUMs; so cows outnumber horses 20 to 1, yet you proposed to reduce wild horses!

Page 10 C

Is BLM stating that Wild Horses are solely responsible for the halogeton invasion of white sage areas? Send us the proof.

Page three

In summary, I could go on, but WHOA is weary of playing the games BLM appears to enjoy. Instead I will enclose for you a copy of a letter received from Mr. Spang regarding the ARCMP that was supposedly so closely coordinated with your district. My concerns and the major flaws in that CMP have not been addressed, so regardless of the rest of the plan; WHOA cannot support the inclusion of that document, nor do we buy your assumptions for the remaining wild horse herd use area.

Most sincerely,

Dawn Y. Lappin (Mrs.)
Director

cc: David A. Hornbeck, Esq.
Board of Trustees