

KENNY C. GUINN
Governor

STATE OF NEVADA

4/17/01
CATHERINE BARCOMB
Administrator

RECEIVED
BLM-ELKO DISTRICT OFFICE
MANAGEMENT

2001 APR 23 AM 7:30



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
COMMISSION FOR THE
PRESERVATION OF WILD HORSES
885 Eastlake Boulevard
Carson City, Nevada 89704
Phone (775) 849-3625 • Fax (775) 849-2391

April 17, 2001

Helen Hankins, District Manager
BLM-Elko Field Office
3900 East Idaho Street
Elko, NV 89801-0611

ELKO DISTRICT		
DM		
ADM		
PLAN/NEPA		
LAW ENF		
NON-REN		
RENEWABLE	<input checked="" type="checkbox"/>	<i>CSG</i>
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<i>Donna DeW</i>		
RF CODE:		
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Dear Helen,

Thank you for the opportunity to review and comment on the closure of burn area's in the Little Humboldt, Tall Corral, Jakes Creek, and Bullhead Allotments. In my review I noticed a problem in Jakes Creek with wild horses inhabiting this area.

You have noted that the horses are outside of the HMA and inhabit Jake's Creek Allotment, approx. 40 wild horses. Under your own CFR's, it is required that you do not license domestic horse use in "area's inhabited by wild horses". The CFR does not say HMA it states areas inhabited by wild horses. You are in violation of your own CFR's by licensing these domestic horses.

There are numerous reasons for this law, not limited to the ones outlined below.

- 1) The co-mingling of wild horses and domestic could allow for confusion of horses intermingled, especially when not properly branded under state law.
- 2) The intermingling of domestic horses in wild horse herds can allow for domestic diseases to breach wild horses herds where they are not protected against disease by vaccinations as domestic horses are.
- 3) The problems related to a permittee rounding up their domestic stock when mingled with wild horses.

You have also noted that you intend on removing these horses outside the HMA "as BLM priorities allow". Is there a scheduled date for removal? With other high priorities in this State, the fear of more fires this year, etc., who knows when these horses might be removed. I would also wonder why the permittee has not insisted that, under your own laws, that you remove these trespass horses.

5/2/01



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-0611
<http://www.nv.blm.gov>

In Reply Refer To:
4130 (NV-015)
MAY 2 2001

Commission for the Preservation
of Wild Horses
c/o Ms. Catherine Barcomb, Administrator
885 Eastlake Blvd.
Carson City, NV 89704

Dear Cathy:

This letter is in response to your correspondence of April 17, 2001, concerning the Notice of Closure and Changes in Authorized Livestock Use for the Little Humboldt, Tall Corral, and Jakes Creek Allotments and the Little Humboldt Final Decision.

In the former correspondence, you expressed concerns about the authorization of domestic horse use in the Jakes Creek Allotment because wild horses are now present. The Jakes Creek Flat Pasture and Fenced Federal Range (FFR) have historically been licensed to allow domestic horse use. The Jakes Creek Flat and FFR pastures are not within a herd management area (HMA), nor are they within a herd area. The none to forty or so head that are currently inhabiting the rehabilitated area possibly came from the Snowstorm Mountains HMA. There is also a remote chance that they came from the Little Humboldt HMA, although 99% of that herd stays on Castle Ridge and areas north.

As you noted, the CFR's do not allow the licensing of domestic horses in "areas inhabited by wild horses". However, the BLM has no set policy or regulation regarding the licensing of domestic horse use adjacent to or near an HMA. If the area licensed for domestic horse use is adjacent to an HMA but physical barriers exist between the two areas, such as extreme topography, fences, or highways, then it has been our policy to license domestic horse use. If the permit holder for the domestic horse use refuses to keep his horses in the proper location or if wild stallions are continually breaching the barriers to get to domestic mares, then the BLM would re-evaluate the appropriateness of that domestic horse permit.

It is not our policy to immediately cancel domestic horse permits in response to wild horses expanding their range into areas where they were never intended to be managed. In fact, 43 CFR 4710.4 states that "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas". The presence of several fences and extreme topography between the Little Humboldt HMA and the pastures in question have historically been a preventative measure to keeping domestic and wild horses apart.

You state in your letter that you "...wonder why the permittee has not insisted that, under your own laws, you remove these trespass [sic] horses." 43 CFR 4720.2-1 **Removal of strayed animals from private**

lands, provides the private land owner relief when wild horses stray onto private lands. There is no direction in the CFRs pertaining to wild horses which stray from HMAs onto other public lands, except 43 CFR 4710.4 which was cited above and would pertain to this situation. We would like to assure you that the permittee has expressed concerns on reaching the goals and objectives for the burned area recovery and other resource objectives while wild horses continue to graze the area. In a meeting with Roy Shurtz, Oro Vaca ranch manager, on April 30, 2001, he again emphasized the need to remove the horses.

The BLM is concerned for the welfare of the wild horses. We do not wish to see the horses trapped within a seeding with limited access to water. In response to the situation, it is being proposed to gather and relocate the horses which are within the fire rehabilitation area on the Jakes Creek Allotment. The timing of the gather would be after the foaling season, or after July 1, 2001.

We would like to take this opportunity to also address your additional correspondence of April 17, 2001, concerning the Little Humboldt Final Decision. As you are aware, there are over 100 HMAs in Nevada, each requiring a multiple use decision to set appropriate management level (AML). The Elko Field Office has committed to setting AML in each herd management area by the end of fiscal year 2001. The exception to this is the Little Humboldt HMA. Because of the presence of Lahontan Cutthroat Trout (LCT), it was decided to address livestock grazing issues separately from wildlife, wild horses and other issues that are normally addressed in an allotment evaluation. This decision was made to respond as quickly as possible to the urgent nature of the ongoing habitat degradation. When the June 1, 1999, Final Decision was issued, it was not known how long the decision would be held up in litigation. The Elko Field Office staff decided to delay completion of the allotment evaluation until the issue of short term grazing was settled. The allotment evaluation is now scheduled for public review in December of 2001.

The Elko Field Office staff is confident in saying that wild horse numbers are currently too high in the Little Humboldt HMA based on several years of monitoring data. It is not necessary to have a complete allotment evaluation to make a preliminary determination of AML, nor to state that wild horses are a causal factor in not meeting standards and guidelines. Our data support such conclusions and will be brought forward in the allotment evaluation.

Sincerely yours,

Leticia Hista, acting

For CLINTON R. OKE
Assistant Field Manager
Renewable Resources