

6/20/94

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United States Department of the Interior



BUREAU OF LAND MANAGEMENT
ELKO DISTRICT OFFICE
3900 E. IDAHO STREET
P.O. BOX 831
ELKO, NEVADA 89801

IN REPLY REFER TO:
4710 (NV-015)

JUN 20 1994

Dear Reader:

Enclosed is a copy of the Draft Maverick-Medicine Wild Horse Gather Plan and the associated Preliminary Environmental Assessment (EA) (BLM/EK/PL-94/021) for your review. Please review the documents and provide comments in writing to the Elko District Office, Wells Resource Area, at the above address, within 30 days from the date of this letter. All comments will be considered for inclusion in the final Gather Plan and associated EA.

The 30 day comment period on the proposed action also serves as notification of the Bureau of Land Managements' intent to gather wild horses from public land. No sooner than 28 days from the date of this letter, the BLM proposes to gather wild horses from public lands in the State of Nevada.

The proposed gather will be conducted in the Elko District as shown on the enclosed Draft Gather Plan/Preliminary EA maps and as described below.

AREA	EA #	Reason for Gather	Approx.# to be removed	# to Remain
Maverick-Medicine	BLM/EK/PL-94/021	Implement Wild Horse Amendment	185	332

If you have questions, please call Kathy McKinstry, Wild Horse Specialist at (702) 753-0200.

Sincerely yours,

BILL BAKER, Manager
Wells Resource Area

Enclosures: Draft Gather Plan
Preliminary DR/FONSI
Preliminary EA

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

DRAFT

*Maverick-Medicine Herd Management Area
Wild Horse Gather Plan*

Elko District Office
Wells Resource Area
1994

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I. INTRODUCTION

A. Purpose

The proposed action is to implement the Wild Horse Amendment to the Wells Resource Management Plan (RMP). The Wild Horse Amendment (from now on referred to as the Amendment) was signed and approved on August 2, 1993. The Maverick-Medicine Herd Management Area (HMA) Gather Plan and associated Environmental Assessment (BLM\EK\PL-94\021) begins the implementation of the Amendment by proposing to gather wild horses down to initial herd size. The Amendment determined that the initial herd size in the Maverick-Medicine HMA is 389 horses; however since the Amendment became final, the West Cherry Creek Allotment Evaluation has been completed and the Proposed Multiple Use Decision (PMUD) has been mailed to the affected interests. The Final Multiple Use Decision (FMUD) is expected to be issued in the Summer of 1994 pending the outcome of any possible appeals. These documents determined the appropriate management level (AML) for the West Cherry Creek Allotment which then further refined the initial herd size of the Maverick-Medicine HMA, based on monitoring data. Thus the initial herd size for the Maverick-Medicine HMA is 332 horses. Each allotment evaluation which discusses wild horses will set an AML for wild horses in that allotment. Thus the initial herd size may be continually refined until all allotment evaluations for allotments which are contained in the Maverick-Medicine HMA are complete.

This document outlines the reasons for the gather and the process that will be involved in the gather. Included are approximate numbers of horses to be gathered, the number of horses to remain in the Maverick-Medicine HMA, the time and method of the gather and the handling and disposition of gathered horses. Neither this document nor the associated EA determined the number of horses to be managed for in the Maverick-Medicine HMA. This determination was made in the Wells RMP Wild Horse Amendment and the West Cherry Creek multiple use decision.

B. Area of Concern

The proposed gather area covers the Maverick-Medicine HMA. Also included are areas associated with the Maverick-Medicine HMA but which are outside the designated HMA boundary. The area is located in the Wells Resource Area of the Elko District, and is in eastern Elko County (refer to Map 1 and 2).

C. Reasons for Gather

- 1.) Reference to Land Use Plan/ Implementation of the Wild Horse Amendment to the Wells RMP

The removal is necessitated by the implementation of the Amendment which states:

The management of wild horses begins at initial herd size and will be maintained in designated HMAs.

The initial herd size in the Maverick-Medicine HMA has been established at 332 horses. The initial herd size was determined through monitoring and data evaluation. Should continued monitoring and allotment evaluations show the need for an adjustment in horse numbers, either upward or downward, an adjustment will be made. The Amendment redefines the HMA boundary so that the HMA now contains the western portion of the Cherry Creek range. Refer to Map 2 for the Maverick-Medicine HMA boundary.

- 2.) Reference to the Wild Horse and Burro Act

Public Law 92-195, as amended by FLPMA of 1976, Sec. 3 (b)(1) states:

The Secretary shall maintain a current inventory of wild free-roaming horses and burros on given areas of the public lands. The purpose of such inventory

shall be to; make determinations as to whether and where an overpopulation exists and whether action should be taken to remove excess animals; determine appropriate management levels of wild free-roaming horses and burros on these areas of the 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).

* Note: BLM policy prohibits the destruction of healthy excess wild horses.

D. Reference to Environmental Planning

The proposed action is in conformance with the Proposed Wells Resource Management Plan/Final Environmental Impact Statement (RMP/EIS), the Wells Resource Area Record of Decision (ROD), the Wells RMP Wild Horse Amendment, and the PMUD for the West Cherry Creek Allotment. The removal will incorporate policies of the Strategic Plan for Management of Wild Horses and Burros on Public Lands in order to achieve and maintain AML/initial herd size. Future FMUDs for the Spruce, Maverick/Ruby9, Bald Mountain, Odgers and North Butte Valley allotments will also conform to the objectives outlined in the Land Use Plans. The proposed action is also being written to be in conformance with the future FMUDs for the above mentioned allotments because this action is considered to be part of long term management for the Maverick-Medicine HMA. No additional Gather Plans or Eas will be written for future removals which maintain AML/initial herd size in the HMA unless a new removal technique is employed.

II. OBJECTIVES

A. Approximate Number of Horses to be Gathered

The latest census information (January 1994) shows a total of 439 horses in the Maverick-Medicine HMA. By the time the gather is completed one foaling season will be added to the population bringing the approximate number of horses in the HMA to 518 (adding an 18% increase to 439). The approximate number of horses to be gathered and removed is 186 and the number to remain is 332. Because of the age-selective criteria to be employed, it would be necessary to gather more horses than the number to be removed in order to reach AML. It is difficult to determine an exact number of horses to be gathered until a census flight is conducted just prior to the start of the gather.

Data from removals throughout Nevada indicate that approximately 57% of the horses in the Maverick-Medicine HMA will be in the target age group of 0-3 years of age. Approximately 65%-75% of the total HMA population may have to be gathered and aged in order to separate and remove the target age group.

The Amendment and the PMUD for the West Cherry Creek Allotment determined that 332 horses is the AML/initial herd size for the Maverick-Medicine HMA. Prior to the completion of the gather contract, it will be necessary to conduct a census to ensure that no more than 332 horses are in the HMA.

B. Time of Gather Operations

The gather is expected to take place through issuance of a removal contract during early fiscal year 1995 (FY95), and should last approximately two weeks. The start date for the removal contract will be dependent on funding available and Nevada removal priorities. Subsequent gathers in future years will also occur through the issuance of a removal contract. Under no circumstances will helicopter gathering be allowed during the foaling season (March 1 to June 30).

III. METHODS

A. Animal Management Methods to Achieve Initial Herd Size

1. Selective Removals

The removal age class for the Maverick-Medicine HMA will be horses 0-3 years of age. Future removals will occur under this plan to achieve and maintain AML. This criteria was selected as per the Strategic Plan for Management of Wild Horses and Burros on Public Lands to remove the most adoptable animals from the HMA while achieving AML in the shortest manner possible. Current BLM policy allows animals up to the age of 5 to be removed from the range when trying to achieve AML, then to remove only adoptable animals (ages 0-3) after AML is reached. In the Maverick-Medicine HMA, AML can likely be reached in one gather removing only weanable foals through horses the age 3.

2. Selecting Animals for Removal

The following criteria shall be used to determine which animals will be returned to the range or sent to Palomino Valley Center (PVC):

1. Mares older than the age group to be removed (4+) shall be paired with their foals and returned to the HMA.
2. When mares older than the age group to be removed (4+) will not pair with their foals, the foals shall be sent to PVC and the mares shall be returned to the HMA.
3. When mares older than the targeted age group to be removed (4+) will accept their foals, but either the mare or the foal or both are in poor physical condition and their survival on the range is questionable, the animals shall be held on site until either sufficiently healthy to survive on the range or the completion of the gather. If at the termination of the gather it still appears that the animal's survival is questionable, they shall then be sent to PVC.
4. When mares within the targeted age group to be removed (0-3) are captured and will accept their foals, pairs shall be sent to PVC.
5. When mares within the age group to be removed (0-3) are captured and will not accept the foals, both the mare and the foal shall be sent to PVC.

Priority shall be placed on removing males in the target age group, mares without foals in the target age group and mares with weanable foals in the target age group.

B. Gather Methods

The gather will be conducted through the FY95 Nevada Wild Horse/Burro Removal Requirements Contract and supervised by a Contracting Officer's Representative (COR) and a Project Inspector (PI). Sorting and aging operations will be conducted by the contractor and supervised by the COR/PI.

1. Helicopter Trapping

The main method of capture to be used will be a helicopter to bring the horses to trap sites. A parada horse will be released as the wild horses enter the trap wings to lead them into the trap. Roping will be allowed at the discretion of the COR. Under no circumstances shall animals be tied down for more than one hour.

The temporary traps and corrals will be constructed from portable pipe panels. A loading chute at the holding corral should be equipped with plywood sides or similar material to prevent injury to the horses' legs. Trap wings will be constructed of portable panels, jute netting, or other non-harmful material. All trap locations will be approved by the COR/PI prior to construction. Barbed wire or other harmful materials will not be allowed for wing construction. Common to both water and helicopter trapping is the need for a temporary holding facility where animals can be sorted by sex and age. Animals that are to be released back into the Maverick-Medicine HMA will need to be held separately from those animals being shipped to PVC. A separate pen for mares and foals will be necessary to allow pairing. The central holding facility may be adjacent to one of the trap sites or at a completely separate site.

Trap sites will be selected by the COR after determining the habits of the animals and the topography of the area. Specific sites may be selected by the contractor with the COR's approval within this general preselected area. Trap sites will receive cultural, and threatened and endangered plant and animal clearance prior to use.

At least four trap sites will be required to complete the gather. Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Additional trap sites may be required, as determined by the COR, to relieve stress to horses caused by conditions at the time of the gather (i.e., dust, rocky terrain, temperatures, numbers of horses being gathered, distance to main concentrations of horses, and the need to water trap, etc.).

Due to the many variables such as weather, time of year, location of horses, and suitable trap sites, it is not possible to identify specific trap locations at this time. They will be determined at the time of the gather.

The terrain in the removal area varies from flat valley bottoms to steep mountains, and the horses could be located at all elevations during the time of year that the gather is proposed. There are few physical barriers and fences in the area, and the contractor will be instructed to avoid them.

Animals determined to be in excess of AML and in the target age group should be shipped as soon as possible to avoid stress and the possibility of contracting diseases associated with confinement.

2. Water Trapping

Water trapping is an alternate method being considered to remove horses in limited areas where resource damage is occurring. If performed by BLM personnel, the BLM will be responsible for the transportation of horse to PVC. If water trapping is performed by contract, the contractor will have responsibility for the transportation of horses to PVC. Water trapping would be used in cases of chronic problems catching horses within a particular area and the continued occurrence of resource damage. Water trapping would also be used only in areas where it would be a feasible method, i.e. not trapping in areas with abundant water sources.

Water trapping will be conducted in accordance with accepted Nevada BLM procedures. A common method of water trapping is as follows: as a band of horses comes into the trap for water, the gate will be shut behind them. The horses will then be moved into an adjoining holding pen and the gate of the water trap opened to await the next band. The animals in the holding pen will have access to water.

C. Monitoring of Released Animals

The holding of horses in corrals during the gather operation increases the potential for band disruption. Additional monitoring of the HMA after the gather

will be necessary in order to guard against detrimental affects to the horses. For animals which are to be released back to the HMA, minimum standards will be to monitor the horses' condition by ground and/or air within 24 hours of their release. A flight will be scheduled within 72 hours after release to assure no animals are trapped behind a fence or other obstacle which would keep them from food or water. Subsequent flights will be conducted with ground checks following up the aerial observations, if needed.

Horses that are captured at a specific trap site will be marked with a grease pencil to ensure that, if needed, they are released in the vicinity of the trap location where they were captured.

D. Branded and Claimed Animals

A notice of intent to impound will be issued by the BLM prior to any gathering operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive a copy of this notice, as well as the Notice of Public Sale if issued.

The COR/PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the gathering area. If determined necessary at that time by all parties involved, horses will be sorted into three categories.

1. Branded animals with offspring, including yearlings.
2. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g. photo documentation, saddle marks, etc.).
3. Unbranded animals and offspring without obvious evidence of former private ownership.

The COR/PI, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming horses. The District Brand Inspector will determine ownership of branded animals and their offspring and if possible the ownership of unbranded animals determined not to be wild and free-roaming horses.

Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM pending notification of the owner or claimant.

A separate holding corral will be set up near the temporary holding corral to house these horses until the owner or claimant can pick them up.

The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges as determined appropriate by the Wells Area Manager in accordance with provisions in 43 CFR Subpart 4150. In the event settlement is not made, the horses will be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined and unbranded horses with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.

The District Brand Inspector will provide the COR/PI a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley (Reno) and for the branded or claimed horses where impoundment and trespass charges have not been

offered or received for shipment to public auction or another holding facility.

E. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR 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. A veterinarian can be called from Elko if necessary to care for any injured horses.

Disposal of the carcass will be in accordance with Instruction Memorandum No. NV-83-84.

F. Administration of the Contract

The BLM will be responsible, through a contract, for all capture, care and temporary holding until release. The COR will be the lead Elko District Wild Horse Specialist. The COR will be directly responsible for conducting the gather and will be assisted by the Wells Resource Area Wild Horse Specialist as a PI.

The COR and/or PI will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be through issuance of written instructions to the contractor, stop work orders and default procedures should the contractor not perform work according to the stipulations.

To assist the COR in administering the contract, BLM may have a second helicopter available at the gather site. This helicopter will be used to assure compliance and to assure that horses are not run too far too fast or in a manner that will cause bands to split up. It will be used as needed to assure that the contractor is complying with the specifications of the contract. If the contractor fails to perform in an appropriate manner at any time, the contract will not be allowed to continue until problems encountered are corrected to the satisfaction of the COR.

The COR is directly responsible for the conduct of the gathering operation, and is responsible for keeping the Elko District Manager and the Nevada State Office informed on the progress of the gathering operation. At least one authorized BLM employee (COR or PI) will be present at the site of capture at all times.

The District Manager is responsible for maintaining and protecting the health and welfare of the horses. To ensure the contractor's compliance to the contract stipulations, the COR and/or PI will be on site. However, the Wells Resource Area Manager and the Elko District Manager are very involved with guidance and input in to this gather plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the District Manager, Area Manager, COR and PI.

1. Contractors Briefing

The contractor, after award of the contract, will be briefed on his duties and responsibilities before the notice to proceed is issued. There will also be an inspection of the contractors equipment at this time to assure that it meets specifications and is adequate for the job. Any equipment that does not meet specifications must be replaced within 36 hours.

The contractor will also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations, and the presence of fences and other dangerous barriers.

2. 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. Use of private facilities is subject to approval by the COR.

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. 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.

IV. DETAILED SPECIFICATIONS

A. Further Helicopter Restrictions

1. The helicopter shall be used in such a manner that bands or herds will tend to remain together.
2. The rate of horse movement shall not exceed limitations set by the COR who shall consider terrain, weather, distance to be traveled, and condition of the animals.
3. When refueling, the helicopter must remain a distance of at least 1,000 feet or more from the temporary holding facility, vehicles (other than fuel truck), and personnel not involved in refueling.

B. 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 or injury.
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 6 feet 6 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. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and 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 non-skid 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. A minimum of 1.4 linear feet per adult animal and .75 linear feet per foal shall be allowed per standard 8 foot wide stocktrailer/truck.

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 twenty miles per load.

C. Trapping and Care

1. All capture attempts shall be accomplished by the utilization of water traps or a helicopter to herd the animals to the traps. A minimum of one saddle horse shall be available to accomplish roping if necessary. Roping will be done only when necessary, with prior approval by the COR. Under no circumstances shall animals be tied down for more than one hour.
2. The helicopter, when used, shall be used in such a manner that bands or herds will tend to remain together. Foals shall not be left behind.
3. 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.
4. It is estimated that at least four trap locations will be required to accomplish the work. 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.
5. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:
 - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high, 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.
 - b. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of 6 feet high.
 - c. All runways shall be a minimum of 20 feet long and a minimum of 6 feet high and shall be covered with plywood or like material a minimum of 1 foot to 5 feet above ground level.
 - d. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR.
 - e. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level. Eight linear feet of this material shall be capable of being removed or letdown to provide a viewing window.

- f. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.
6. No fence modification will be made without authorization from the COR. The contractor shall be responsible for restoration of any fence modification or damage which he has made.
7. 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.
8. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and stray 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.
9. 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. The contractor shall schedule shipments of animals to arrive at final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday.
10. The contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.
11. It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
12. The contractor shall restrain sick or injured animals so that they may be provided treatment by the COR. The COR will determine if injured animals must be destroyed and provide for destruction of such animals. The contractor may be required to dispose of the carcasses as directed by the COR.

D. 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 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. The frequency(s) used for this contract will be assigned by the COR when the radio is used. When a VHF/AM radio is used, the frequency will be 122.925 Mhz.
4. The contractor shall obtain the necessary FCC licenses for the radio system.
5. The proper operation, service and maintenance of all contractor furnished

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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. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

6. At time of contract completion the contractor shall provide the COR the total flight time (in hours/tenths), including ferry time to and from the contractors home base spent in performance of the contract.

E. Contractor-furnished Property

1. All hay, water, vehicles, saddle horses, helicopters and other equipment shall be provided by the contractor. Other equipment includes, but is not limited to, a minimum of 1,500 linear feet of 72-inch high (minimum height) panels for traps and holding facilities and enough water troughs for each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, rubber over metal) as to avoid injury to the animals.
2. The contractor shall furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.
3. The contractor shall furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 Mhz.

Prepared by:

Kathy McKinstry
Wells RA Wild Horse Specialist
Elko District Office

Date

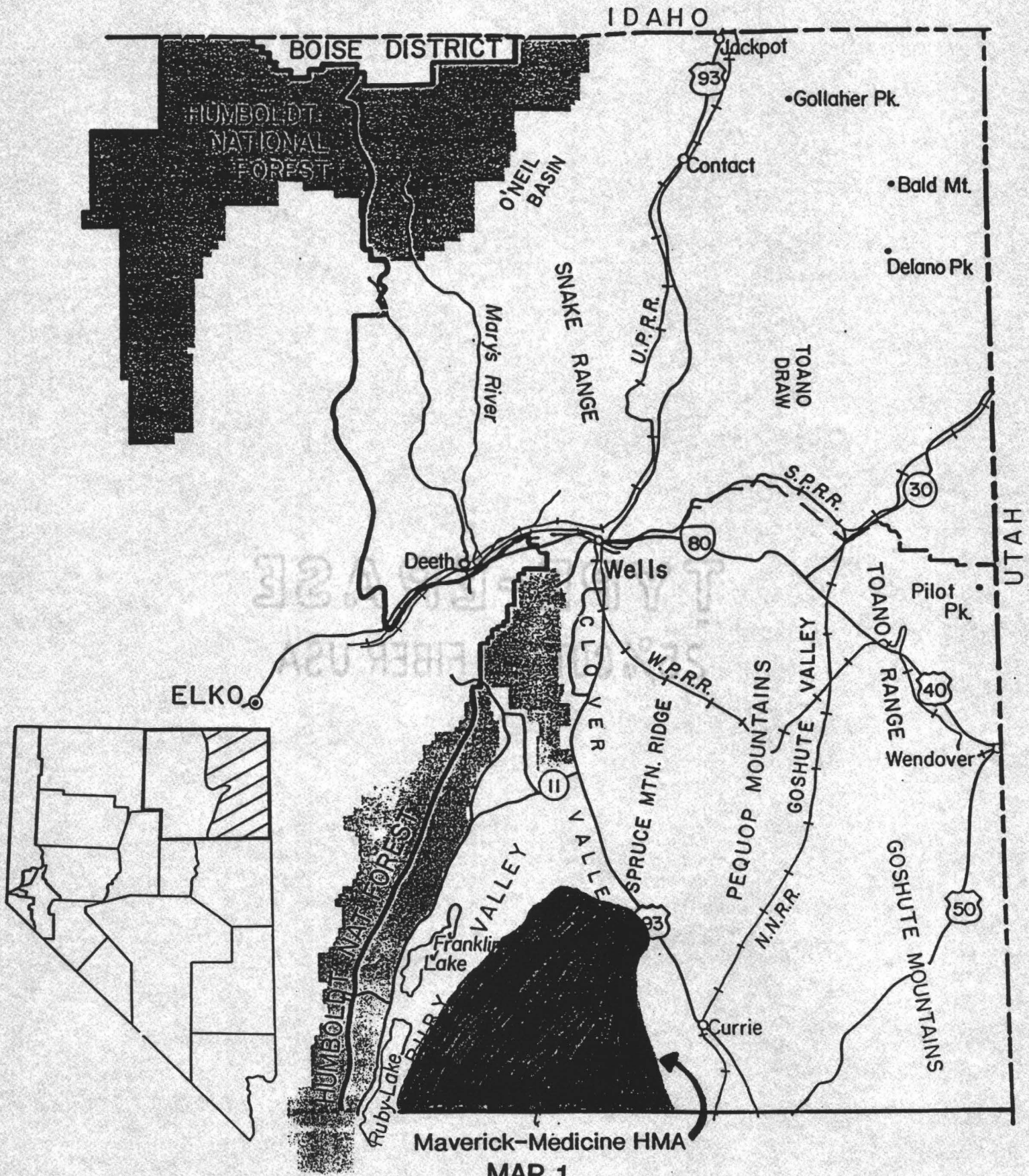
Approved by:

Bill Baker, Manager
Wells Resource Area
Elko District Office

Date

TYPE-ERASE
52% COTTON FIBER USA

WELLS RESOURCE AREA ELKO DISTRICT NEVADA





MAVERICK MEDICINE

5/1994

PRELIMINARY
FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD
Maverick-Medicine Herd Management Area Wild Horse Gather
BLM\EK\PL-94\021

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in Environmental Assessment BLM\EK\PL-94\021, I have determined that the action will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared.

Decision

It is my decision to authorize the Maverick-Medicine Herd Management Area Wild Horse Gather as described in the Proposed Action of BLM\EK\PL-94\000. The Special Project Requirements, as outlined in the Proposed Action will be adhered to.

Monitoring

The monitoring described in the Proposed Action is sufficient for this action.

Rationale

This action will begin the implementation process of the Wild Horse Amendment to the Wells Resource Management Plan. The action will bring wild horse numbers to an initial herd size within the Maverick-Medicine Herd Management Area and alleviate resource damage due to an overpopulation of horses.

The No Action alternative was not selected as wild horses would continue to exist at numbers much higher than stated in the Wells Resource Management Plan Wild Horse Amendment.

This proposed action is in conformance with the Wells Resource Management Plan and Wild Horse Amendment.

BILL BAKER, Area Manager
Wells Resource Area

Date

MAVERICK-MEDICINE HERD MANAGEMENT AREA WILD HORSE GATHER
BLM\EK\PL-94\021
4710

I. INTRODUCTION/PURPOSE AND NEED

Introduction

The Wild Horse Amendment to the Wells Resource Management Plan (EA-NV-010-92-063) was signed by the Nevada State Director on August 2, 1993, in order to establish Wild Horse Herd Management Areas (HMAs) in the Wells Resource Area. The establishment of the HMAs was necessary in order to solve management problems with checkerboard land pattern conflicts, identify habitat requirements and management practices, establish initial herd size, develop factors for adjustments in herd size, identify constraints on other resources, and to combine herd areas for the purpose of improving management of wild horses in the Wells Resource Area of the Elko District. Map 1 shows the location of the Wells Resource Area, and the general location of the Maverick-Medicine HMA.

In June 1992, the BLM completed the Strategic Plan for Management of Wild Horses and Burros on Public Lands. The Strategic Plan and current Nevada State policy directs the regional BLM offices to remove only adoptable animals from the range. Therefore, a selective removal policy must be used when removing wild horses from public lands. The Draft Maverick-Medicine HMA Gather Plan and associated EA (BLM\EK\PL-94\021) address this new policy.

Purpose and Need

The purpose of the proposed action is to gather wild horses in the area of the Maverick-Medicine HMA to reduce the herd from approximately 518 horses to 332 horses (a reduction of approximately 186 horses). The need for this action is to implement the Wells Resource Management Plan Wild Horse Amendment (the Amendment), and the Proposed Multiple Use Decision (PMUD) for the West Cherry Creek Allotment (which is expected to become final during the summer of 1994 pending the outcome of any possible appeals).

Land Use Plan Conformance Statement

The proposed action and alternatives described below are in conformance with the Wells Resource Management Plan and Management Determinations 1 and 3 of the Wild Horse Amendment which state:

1. Delineate and manage wild horses in four HMAs as follows: Antelope Valley Herd Area (includes 44 percent of the former Cherry Creek Herd Area); Goshute Herd Area; Maverick-Medicine Herd Area (includes 56 percent of the former Cherry Creek Herd Area); and Spruce-Pequop Herd Area.
2. Remove sufficient wild horses to attain the initial herd size and maintain populations at a level which will maintain a thriving natural ecological balance consistent with other resource values.

The proposed action and alternatives are also consistent with Federal, State and local laws, regulations, and plans to the maximum extent possible.

II. PROPOSED ACTION AND ALTERNATIVES

Proposed Actions

The proposed action is a Bureau initiated action which would be carried out by a contractor. The proposed action is to remove excess horses in the Maverick-Medicine HMA in order to meet the initial herd size in the HMA. The initial herd size of 332 horses was established in the Amendment and refined in the PMUD for the West Cherry Creek Allotment. The initial herd size may be refined as appropriate management levels (AMLs) are established as a result of the issuance of Final Multiple Use Decisions (FMUDs) for the grazing allotments contained in the HMA.

The initial herd size or AML will be maintained in the HMA by removing horses once every three years as per the Strategic Plan for Management of Wild Horses and Burros on Public Lands.

The actions would be accomplished through helicopter trapping and by utilizing an age selective removal strategy. Map 2 is a detailed depiction of the proposed gather area.

1. Helicopter Trapping

A helicopter would be used to locate bands of wild horses and herd them into traps. The gather would continue until horse numbers within the HMA are reduced to 332, the initial herd size for the HMA. Hazards such as cliffs and fences would be located in advance and avoided. Existing roads and trails would be used to facilitate the herding process.

Several temporary traps/corrals with deflector wings would be erected. Each trap would measure less than one acre in size. Temporary trap and corral sites would be selected by the contractor in coordination with the BLM. Each facility would be constructed from portable panels. These traps and corrals would be moved from place to place during the gathering operation and completely removed from the area after the contract is completed. It is estimated that four trap sites would be needed. Thus, less than four acres of land would potentially be disturbed. Every effort would be made to set the traps in previously disturbed areas such as gravel pits or halogeton flats.

Horses would be held in corrals adjoining the traps until they are either transported to Palomino Valley Center (PVC) or the central holding facility. If the horses are to be held at the trap for 10 hours or more, provisions for water and feed would be made by the contractor.

2. Age Selective Removal

To conduct an age selective removal, it would be necessary to gather a majority of the horses in the HMA for aging purposes. In the Maverick-Medicine HMA, this may require gathering up to 75% of the population within the HMA or 388 horses. The construction of a temporary facility consisting of pens, corrals, and loading and squeeze chutes would be necessary to sort and age the horses. This facility would be constructed with the same materials as discussed above and may be associated with one of the temporary trap sites. Horses that are gathered within the target age group (0-3) would be transported to PVC. Horses over the age of 3 would be released back into the Maverick-Medicine HMA.

Horses that are gathered from and released into the Maverick-Medicine HMA would be monitored according to the following standards:

- a. Check horses' condition by ground and/or air within 24 hours of their release.
- b. A flight would be scheduled within 72 hours of their release to assure no animals were trapped behind a fence or other obstacle which would keep them from food or water.
- c. Additional flights and subsequent ground checks would be conducted as needed.
- d. After a period of three weeks, monitoring would return to the normal schedule with added emphasis on the release area.
- e. All monitoring would be conducted by qualified BLM personnel.

All gather methods would be subject to the following Special Project Requirements:

- a. Horse handling would be kept to a minimum. Capture and transporting operations are sometimes traumatic to the animals. Minimizing the handling would increase the safety of the animals, as well as the handlers.
- b. No helicopter trapping would be allowed between March 1 and June 1 because of the potential stress to pregnant and lactating mares and the possibility of induced abortions. In addition, helicopter trapping would be delayed until after the foaling period for the area, and after foals are old enough to withstand the stress of gathering operations.
- c. Horses would not be moved by helicopter more than 10 miles during the gathering operations.
- d. A veterinarian would be on call during gathering operations.
- e. Helicopters would be used with caution. A qualified district BLM representative would be present during the gathering attempts to ensure strict compliance with the above mileage limitations and 43 CFR 4700 regulations.
- f. Captured horses that are determined by qualified personnel to be obviously lame, deformed, or sick would be humanely destroyed at the trap site.

In order to protect other resources, the proposed action would be subject to these additional Special Project Requirements:

- a. A cultural resources inventory by an archaeologist or district archaeological technician (DAT) would be made prior to any trap or holding facility construction. If significant cultural resources are discovered, the Wells Resource Area archaeologist would be notified and the

trap/holding facility would be moved to an area void of cultural resources.

- b. Trap sites or holding facilities would not be placed on sites where threatened, endangered, or candidate plant or animal species are present. Known roosting sites of both the Peregrine Falcon and Bald Eagle would be avoided when conducting low-level flights with the helicopter. If the gather is to occur during the nesting season of the Ferruginous Hawk, all potential trap and holding facility sites will be checked for nests. If an active nest is found, the trap/holding facility site will be relocated.
- c. Horses may be kept within temporary traps for no longer than three days unless approved by the authorized officer.
- d. If dust becomes excessive the contractor would be required to implement dust control, either in the form of water or spreading pea sized gravel.
- e. Every effort would be made to place temporary traps and holding corrals on non-erosive soils.
- f. Every effort would be made to reduce visual impacts by locating traps and holding facilities well off commonly traveled roads. The nature of capturing wild horses, itself, requires that the traps be well hidden.
- g. Trap sites which may overlap authorized land uses such as right-of-ways would require consultation with grant holders, and may result in trap relocation.

Alternatives

No Action

Under this alternative, the horse gather would not be implemented.

Alternatives Considered but Eliminated from Detailed Analysis

Gathering Using Wranglers on Horseback

The gathering of wild horses by wranglers on horseback as an alternative has been considered. This alternative involves wranglers on horseback locating the horses and attempting to drive them into portable traps. Wild horses are usually able to outrun the wranglers and scatter prior to reaching the trap. There is an increased risk of injury to the wild horses as well as to the wranglers and their saddle horses since hazards cannot be seen in advance. This method takes longer and is not cost effective. For these reasons, this alternative is not feasible and will not be considered further.

III. AFFECTED ENVIRONMENT

Proposed Action

The proposed project area is composed of topography typical of the Great Basin. The proposed gather area consists of rugged steep mountains which are covered with pinon-juniper woodlands. The gather area also consists of valleys which are composed of large alkaline playas dominated by greasewood and rabbitbrush. The mid-elevation benches are dominated by sagebrush-grassland vegetation.

The terrain varies in elevation and is interspersed with minor drainages.

The following critical elements of the human environment are not present or are not affected by the proposed action or alternatives in this EA:

- Air Quality
- Areas of Critical Environmental Concerns
- Farm Lands (prime or unique)
- Floodplains
- Native American Religious Concerns
- Paleontological Resources
- Threatened, Endangered or Candidate Species
- Wastes (hazardous or solid)
- Water Quality (drinking/ground)
- Wetlands/Riparian Zones
- Wild and Scenic Rivers
- Wilderness

Bureau specialists have further determined that the following resources, although present in the project area, would only be minimally affected, if at all, by the proposed action: Range (livestock operations), Lands (realty actions), Recreation, Geologic Resources, Forestry, and Soils/Watershed.

The following resources are present in the project area and are subject to analysis:

Vegetation: The Wells Resource Area supports vegetation typical of the Great Basin region. The extremes of climate, elevation, exposure, and soil type all combine to produce a diverse environment for a variety of vegetation types. The major vegetation type found in the project area is Sagebrush with various understories including Rabbitbrush and grasses. Other prevalent vegetation types include Pinon-Juniper, Saltbush, and Greasewood.

Wildlife: There are numerous species of wildlife occurring in the project area. Mule deer, pronghorn antelope, mountain lions, coyotes, bobcats and kit foxes are the main game and furbearer species present. Sage grouse, chukar, mourning doves, and cottontail rabbits constitute the major upland game species. In addition, a variety of non-game mammals, birds, and reptiles occur in the project area.

Cultural: Archaeological sites have been recorded throughout the proposed project area. Because the BLM does not know exact location of trap sites at this time, site specific cultural inventories have not been completed. However, an archeological inventory would be completed prior to trap construction.

Wild Horses: The last census of the Maverick-Medicine HMA occurred on January 26, 1994. This census found 439 horses within the newly amended HMA boundary. The estimated current population is 518. This was derived by applying a statewide average rate of reproduction of 18% to the last census figure.

Visual Resources: The proposed project would be occurring on lands designated as Visual Resource Management (VRM) Class II, III, and IV areas. All traps and holding facilities would be placed in

appropriate areas using methods which would be in accordance with the proper VRM Class designation.

The management of the Classes is as follows:

Class II

Changes caused by management activity should not be evident in the landscape. A contrast may be seen but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color and texture of the characteristic landscape.

Class III

Contrasts caused by management activity may be evident and begin to attract attention but should not dominate the view of the casual observer. However, changes should remain subordinate to the existing landscape.

Class IV

Contrast may attract attention and be a dominate feature of the landscape in terms of scale, however, every attempt should be made to minimize impacts through careful project placement, repeating basic elements of the inherent landscape.

Alternatives

The description of the affected environment for the No Action alternative would be the same as that for the proposed action.

IV. ENVIRONMENTAL CONSEQUENCES

Proposed Action

Vegetation: Vegetation may be disturbed as a result of erection of the portable traps and/or corrals. Some vegetation trampling may occur due to the concentration of horses within the one acre trap areas. Maximum disturbance for the proposed action would be less than four acres.

Wildlife: Some mammals, reptiles, and birds would be temporarily displaced from the trap sites and holding facilities. Animals may also be disturbed by the low-flying helicopter; this disturbance would be of very short duration. A slight possibility exists that non-mobile or site specific animals could be trampled.

Cultural: The surface disturbance resulting from holding large numbers of horses in a relatively small area and moving large numbers of horses through the same area could have negative impacts on cultural resources. This impact would be mitigated by adhering to the additional Special Project Requirement (a.). Because trap sites will be selected that are void of cultural resource, no historic properties will be effected by the trampling of horses.

Wild Horses: Approximately 388 horses could be affected by the proposed project. There would be increased stress and a disruption of their daily lives. Because the Bureau is directed to conduct an age selective removal, potentially 75% of the horses in the HMA could be gathered, sorted and aged even if they are not to be removed from the range.

Helicopter Trapping

The use of helicopters to capture excess wild horses may result in leppy foals and split bands, as well as injured horses. Incidents like these tend to be increased if the animals are pushed too hard. By adhering to the Special Project Requirements these impacts would be minimized.

Age Selective Removal

Removing a large segment of the three and under age classes will result in a herd dominated by animals four years and older. This situation may reduce the reproductive potential of the herd; however, the age classes of mares four through twenty will still be in place and will not put the population in danger of not reproducing adequately to maintain the population. The following table depicts the variation in foaling rates between age classes on the Nevada Wild Horse Range for the year 1987. The information was compiled by Dr. Stephen H. Jenkins, Department of Biology, University of Nevada, Reno.

AGE OF MARE	FOALING RATE
2	15%
3	50%
4	68%
5	58%
6-10	78%
11-15	80%
16-20	75%

A number of every age class should remain within the HMA to provide for each age class being represented within the population and will not put the population in danger of not maintaining itself.

The environmental consequences to other resources of an age selective removal are very much the same as those of a non-selective removal. Age selective removal has the added impact to horses in that of gathering an animal then releasing it back to the range if it does not fall into the target age group. After spending a few days in a holding facility, separated by sex, bands may break up and there will be increased fighting among studs to reestablish their bands upon release. Past age selective removals have shown that post-removal populations are in a state of relative upheaval for a week or two after release, then the bands begin to be reestablished and social behavior returns to normal.

Because there will be no relocation of animals from one HMA to another, there should be few problems with horses becoming trapped on a fenceline or unable to find water. Adherence to the monitoring as described in the Proposed Action section would lessen these possible impacts.

Visual Resources: The proposed project activities would result in minimal, temporary impacts. By adhering to Special Project Requirements f and g, the proposed activity would meet all VRM requirements.

Alternatives

No Action

Under this alternative the BLM would not be in conformance with the Wild Horse Amendment to the Wells Resource Management Plan and Wells Record of Decision. Under this alternative, horse numbers would continue to grow at an estimated 15-20% per year and would far exceed the initial herd size determined for the Maverick-Medicine HMA and continued degradation of resources would result.

Cumulative Impact Analysis: All resource values have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible as a result of the proposed action or alternative.

Monitoring Needs: The monitoring described in the Proposed Action is sufficient for this action.

V. CONSULTATION AND COORDINATION

List of Preparers

Kathy McKinstry - Wild Horses; Lead Preparer
Dave Vandenberg - Environmental Coordinator
Laura Gutzwiller - Wildlife, T&E Animals
Roy Price - Wildlife, T&E Plants
Dave Mermejo - Wilderness, Visual Resources
Bryan Hockett - Cultural Resources
Jeff Baker, Leticia Gallegos, Bruce Thompson - Range, Vegetation
Sarah Schmidt - Geology/Minerals
Carol Marchio - Soils/Watershed
Robert Marchio - Realty
Norman Ritter - Forestry

Persons, Groups or Agencies Consulted

Copies of this document are being sent to the following person, groups or agencies for comments:

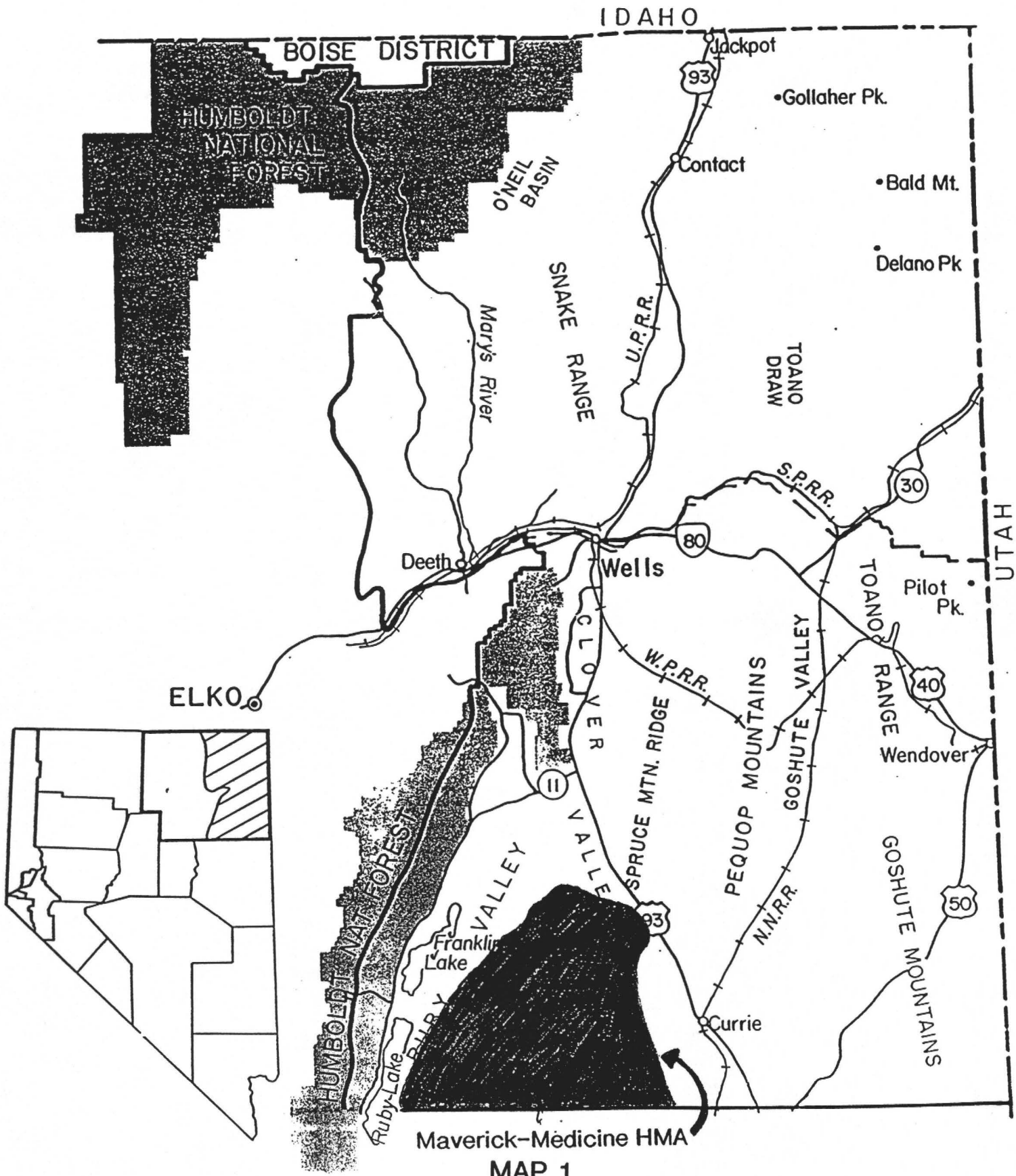
American Horse Protection Association
American Mustang and Burro Association
Animal Protection Institute of America
Commission for the Preservation of Wild Horses and Burros
Fund for Animals
Humane Society of Southern Nevada
Humane Society of the United States
International Society for Protection of Mustangs and Burros
National Mustang Association, Inc.
National Wild Horse Association
Nevada Outdoor Recreation Association
Nevada Farm Bureau Federation
Nevada Humane Society
Nevada State Department of Agriculture
Nevada Division of Wildlife Region II
Save the Mustangs
Sierra Club
Resource Concepts, Inc.
Rutgers Law School

United States Wild Horse and Burro Foundation
Wild Horse Organized Assistance
Craig C Downer
E.B. Robinson, Jr.

Permittees

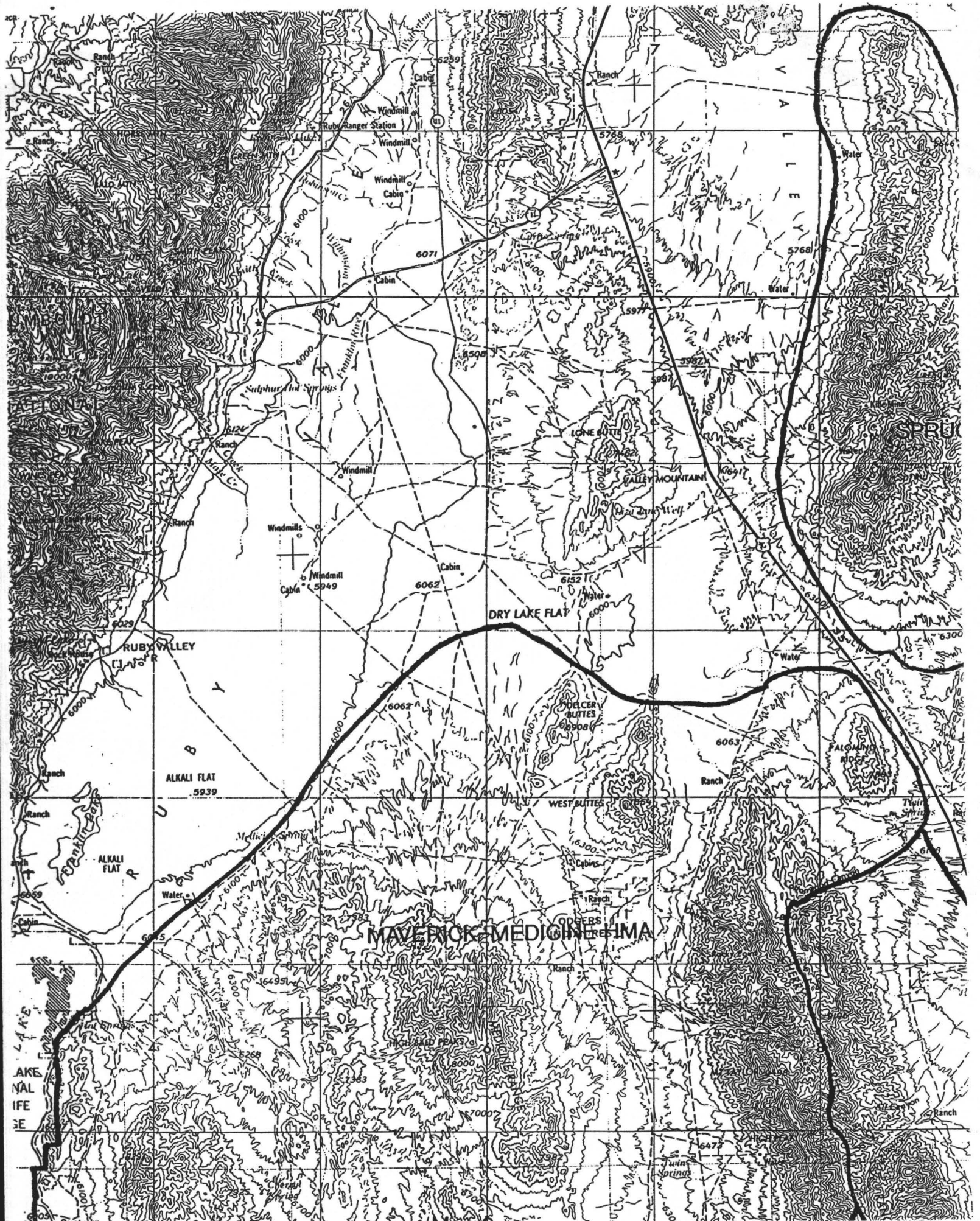
Kenneth Jones
Von L. and Marian Sorenson
Louise Lear, et al.
Stephen Boyer
William G. Dickinson
Bert Paris and Sons

WELLS RESOURCE AREA ELKO DISTRICT NEVADA



Maverick-Medicine HMA

MAP 1



7/11/94

BOB MILLER
Governor

STATE OF NEVADA

CATHERINE BARCOMB
Executive Director



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane
Suite 207A
Reno, Nevada 89509
(702) 688-2626

July 11, 1994

Bill Baker
BLM-Wells Resource Area
3900 East Idaho Street
Elko, Nevada 89801

Subject: ~~Draft Maverick-Medicine Wild Horse Gather Plan/EA~~

Dear Mr. Baker,

The Nevada Commission for the Preservation of Wild Horses appreciates this opportunity to comment on these planning documents that implement the Wild Horse Amendment to the Wells Resource Management Plan. Comments submitted to the Resource Area concerning the West Cherry Creek Allotment Evaluation and Draft Plan are pertinent to the issues discussed in your previous comments.

Due 20th July This is not recorded - sorry
It is unclear that the Proposed Draft FNSI is a proposed decision. Appeal/Protest may be in order and would require 14 DAYS Protest. Despite the 30 day, they will gather in 28.

Plan inadequate on the

Assessment did not
ex composition of the

Wild Horses and Burros on
ement or environmental

Area Gather Plan and
impacts to the herd's
genetic and/or viability. The action to selectively gathering
specific age and sex classes from the herd will affect the herd.

The purpose of the gather is administrative.

The land use plan amendment depleted the Maverick-Medicine Wild Horse Herd Area by excluding the checkerboard lands. Adjusting the existing herd to the initial herd is not based upon

Bill Baker
July 11, 1994
Page 2

monitoring data presented in the Cherry Creek Allotment Evaluation.

Data collected in the Pequop Herd Gather may support pending decisions.

Age, sex and recruitment data collected at the recent Pequop Herd Gather may provide better insight to the population status of the Maverick-Medicine Wild Horse Herd. We question your assumption that 18% recruitment occurred in 1994.

Re-structuring the Maverick-Medicine Herd could cause damage to the herd's viability.

Removal of the younger age class horses will impact the age composition, survival and productivity of this herd. Release of older age class horses to a reduced herd area will increase competition between livestock and degrade range condition.

Over use of key forage will trigger the land use amendment to unfairly reduce the Maverick-Medicine Herd.

The land use plan amendment established an allowable use level of only 10% of key winter forage by wild horses prior to livestock turnout. This limitation allocated forage to livestock without regard to the Bureau's duty to maintain a viable wild horse herd. It is impossible that the increased density of wild horses will exceed the allowable use level that will potentially reduce this herd below it's threshold.

SUMMARY

Due to the administrative procedures concerning the amendment, the Commission must pursue the decision making processes afforded by the Bureau of Land Management. Therefore, our issues we present should be better addressed prior to a multiple use decision or issues and provide better NEPA compliance to implement the land use plan amendment and national policies governing the welfare of the Maverick-Medicine Wild Horse Herd.

Sincerely,



CATHERINE BARCOMB
Executive Director

7/22/94



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
ELKO DISTRICT OFFICE
3900 E. IDAHO STREET
P.O. BOX 831
ELKO, NEVADA 89801

IN REPLY REFER TO:

4710 (NV-015)

JUL 22 1994

Commission for the
Preservation of Wild Horses
Catherine Barcomb, Executive Director
255 W. Moana Lane, Suite 207A
Reno, NV 89509

Dear Ms. Barcomb:

The Elko District Office is in receipt of your comments to the Draft Maverick-Medicine Wild Horse Gather Plan. We would like to take this opportunity to address your concerns.

Comment:

The Wild Horse Amendment Environmental Assessment did not address restructuring the herd age and sex composition of the Maverick-Medicine Wild Horse Herd.

Response:

The Environmental Assessment (EA) for the Wild Horse Amendment did not include an analysis of an age selective removal. One of the objectives of the amendment was to set an initial herd size in each herd management area (HMA); the amendment did not address the methods to be used to attain this objective as those methods may change according to Nevada State policy and directives. As of this writing, the District Offices are directed to remove only adoptable animals from the public lands, which means the younger age classes. As appropriate management levels (AMLs) are attained throughout the state and as adoption demand for older horses increases, the age selective criteria may be amended.

Comment:

The Strategic Plan for Management of Wild Horses and Burros on Public Lands has no Environmental Impact Statement or Environmental Assessment.

Response:

The Strategic Plan is not a decision document and therefore does not need to be supported by an environmental impact statement (EIS) or EA. The directives given in the Strategic Plan need to be supported by an EA for the specific management action.

Comment:

The Maverick-Medicine Wild Horse Herd Area Gather Plan and Environmental Assessment did not address the impacts to the herd's genetic and/or viability. The action to selectively gathering (sic) specific age and sex classes from the herd will affect the herd.

Response:

As outlined in the Wild Horse and Burro Fertility Management Policy and Procedures Task Group Final Report, an age specific selective removal program would target removing approximately 90 percent of the 1 to 3 year old animals with repeated removal every 3 years. Targeting of young age wild horses would reduce the number of animals of prime breeding age while allowing for the continued, although slowed, growth of the herd (emphasis added). Population modeling indicates that repeated treatments may be able to slow foal recruitment from the statewide average of 18 percent of the total population down to 10 percent. Normal age distribution would be achieved after approximately 12 years, following initial treatment. Slowing foal recruitment is our objective and would result in fewer gathers.

The Final Report does list some negative points to this treatment, one of which is the disruptive results to the social structure of the herd. The report does not list any impacts to the herds' genetic viability. At this time we feel the positive aspects outweigh the negative aspects of an age-selective removal. The EA for the Maverick-Medicine Wild Horse Gather Plan adequately addresses this impact to the horse herds.

Comment:

The land use plan amendment depleted the Maverick-Medicine Wild Horse Herd Area by excluding the checkerboard lands. Adjusting the existing herd to the initial herd is not based upon monitoring data presented in the Cherry Creek Allotment Evaluation.

Response:

The initial herd size for the Maverick-Medicine HMA was based on exclusively on monitoring as there are no checkerboard lands within the HMA. The initial herd size was based on a 10 percent use factor of key forage species (midpoint of slight use category) by wild horses prior to entry by livestock. This was determined to be the allowable level of use by wild horses while still not exceeding the total use of 55 percent by March 31st in areas used in common by all grazing animals.

The West Cherry Creek allotment evaluation further refined the initial herd size in the Maverick-Medicine HMA as a result of monitoring within the allotment.

Comment:

Age, sex and recruitment data collected at the recent Pequop Herd Gather may provide better insight to the population status of the Maverick-Medicine Wild Horse Herd. We question the assumption of 18 percent recruitment in 1994.

Response:

The Pequop wild horse removal was a very small gather of 62 animals. This small sample size would not be representative of the horse population in the Wells Resource Area. Normally, a statewide reproductive rate is used because of the reliability of a large sample size. The Wells Resource Area does have reproductive data specific to the Maverick-Medicine HMA. The reproductive rate, figured by the equation

Number of animals 0-1 year of age
Number of animals 1 year and older

was determined to be 14 percent as of a May 1994 census flight. This figure will be used in place of the 18 percent figure on page 2 of the Draft Plan, changing the approximate number of horses in the HMA from 463 to 455 and the number to be removed from 223 to 215.

Comment:

Removal of the younger age class horses will impact the age composition, survival and productivity of this herd. Release of older age class horses to a reduced herd area will increase competition between livestock and degrade range condition.

Response:

The impacts of an age selective removal are discussed at length in a previous response.

The size of the Maverick-Medicine HMA did not decrease as a result of the Amendment; rather it increased from 207,000 acres to 286,460 acres as a result of adding the western portion of the Cherry Creek Herd Area (HA) to the Maverick-Medicine HMA (the eastern portion was added to the Antelope Valley HMA). There will not be a resulting increase in competition with livestock due to this reduction in wild horse numbers, nor will there be any resulting degradation to the range.

Comment:

The Amendment set a limitation of 10 percent use of winter key forage by wild horses prior to livestock turnout. This limitation allocated forage to livestock without regard to the Bureau's duty to maintain a viable wild horse herd. It is impossible that the increased density of wild horses will exceed the allowable use level that will potentially reduce this herd below it's threshold.

Response:

The 10 percent use by wild horses prior to livestock turnout in combined winter use areas as established in the amendment is not currently being met in the Maverick-Medicine HMA. This is the reason the BLM is conducting a removal within the HMA. The initial herd size of 332 horses should achieve the 10 percent utilization objective. After the initial herd size is attained, continued monitoring and allotment evaluations will determine if utilization levels are proper and if a thriving natural ecological balance is being maintained.

Hopefully this fully addresses your concerns. The above referenced change to the Draft Plan will be incorporated in the Final Maverick-Medicine Wild Horse Gather Plan. If you have further questions or comments, please contact myself or Kathy McKinstry at the above address or phone (702) 753-0200.

Sincerely yours,

Robert Paul Marchio, for

BILL BAKER, Manager
Wells Resource Area