

**WILD HORSE ORGANIZED ASSISTANCE
APPEAL POINTS**

1. Use of Full Force and Effect violates Federal Regulations and prevents interests the right for a petition for stay of action.

Consistent with the Sonoma-Gerlach Management Framework Plan, the Resource Manager issued "Agreement for Implementation and Changes in Available Livestock Forage and Livestock Grazing Use Adjustments for Leadville Allotment" on December 6, 1989. This document set the objectives and schedule for adjustments to livestock and wild horses with the permittee. According to this livestock agreement, an allotment evaluation and manager's decision were scheduled for 1993.

The Final Decision was issued January 19, 1994 at the time when the Winnemucca District had issued contracts and actively gathering wild horses within the Leadville Allotment. The Nevada State Director issued an Instruction Memorandum, November 1993, stating that Full Force and Effect Decisions must allow affected interests the 30 day comment period allowed by law to comment on documents prior to an action taking place unless an emergency situation is established. This would allow for a request for a stay of the action or if necessary an injunction to be filed. The actions taken by the District is a violation of the Directors instructions as well as 43 CFR 4.21 (58 CFR 4939, January 19, 1993) for stay (suspension) of this decision.

Response:

Use of Full Force and Effect does not violate Federal Regulations and does not prevent affected interests the right for a petition for stay of action. Effective August 5, 1992, 43 CFR 4770.3 was amended to provide for placing wild horse and burro removal actions in full force and effect. Washington Office Instruction Memorandum No. 92-369 issued on September 29, 1992 established criteria for the use of full force and effect in removal decisions. Although a removal decision is issued full force and effect, a request for stay by affected interests may be filed under 43 CFR 4.21(b). The appellant is required to provide factual support for the request as outlined in 43 CFR 4.21(b)(1). The District did comply with federal regulations and Bureau policy applicable to removal plans as outlined below.

The draft Winter 1994 Wild Horse Removal Plan and preliminary Environmental Assessment were issued for public comment on December 13, 1993. The cover letter notified affected interests that it was anticipated that the final removal plan would be issued full force and effect to protect wildlife habitat (i.e. Lahontan cutthroat trout, desert dace) as well as to protect the wild horse population from a potential loss due to winter weather conditions. The cover letter also stated that the removal plan would not be implemented until a Final Multiple Use Decision had been issued and is in effect for the Leadville, and Soldier Meadows Allotments. Comments were to be provided to the District by January 13, 1994.

In conformance with Washington Office Instruction Memorandum No. 92-369 and Instruction Memorandum No. NV-94-011, a rationale for placing the Winter 1994 Wild Horse Removal in full force and effect was prepared. The District Manager approved the rationale on January 13, 1994, and the acting State Director concurred with the rationale on January 14, 1994.

Instruction Memorandum NV-94-032, dated December 9, 1993, states that the following policy will apply to all Nevada wild horse and burro removal decisions implemented under full force and effect. All draft gather plans will be made available to affected interests for a 30 day comment period. Affected interests will be provided a period of time to review all final gather plans issued under full force and effect. The length of time afforded to affected interests will be commensurate on the conditions mandating issuance of the decision under full force and effect. The final removal decision/gather plan will provide for a full 30 day delay from the date of issuance when such a delay will not jeopardize the health of the animals or their habitat. This waiting period may range from the full 30 days to implementation on the date of issuance. When conditions do not allow the full 30 day delay in taking action, those affected interests which have provided comment on the draft plan will be contacted to inform them of the need to expedite the proposed action. Wild Horse Organized Assistance did not provide comments on the draft Winter 1994 Wild Horse Removal Plan or preliminary Environmental Assessment.

The Final Full Force and Effect Multiple Use Decisions for the Leadville and Soldier Meadows Allotments were issued January 19 and January 24, 1994, respectively. On January 24, 1994 the Winter 1994 Wild Horse Removal plan was approved, and a pre-work conference was held with the gather contractor. The removal of wild horses started January 25, 1994 in the Leadville Allotment. Based on the rationale for placing the capture plan in full force and effect, the District implemented the capture plan on the day following issuance.

The Agreement for Implementation and Changes in Available Livestock Forage and Livestock Grazing Use Adjustments for Leadville Allotment only addressed livestock and, did not set objectives or a schedule for adjustments to wild horses.

2. The Final Decision extends the current land use plan without amendment and violates Bureau of Land Management Policy.

The Final Decisions short and long term objectives for riparian habitat were extended beyond the five year schedule of the land use plan to the years 2002 and 2014, respectively.

The Sonoma-Gerlach Resource Area Management Framework Plan III was completed in 1982. Range Management Decision Objective RM - 1 clearly states:

"5. At the end of the third and fifth year of grazing following the grazing decision make necessary adjustments based upon monitoring results and other data then available..."

Bureau of Land Management national Instruction Memorandum No. 86-706 states:

"BLM policy is to issue decisions or enter into agreements within 5 years of publication of a Range Program Summary following completion of a grazing environmental impact statement (EIS)."

The allotment evaluations and manager decisions affecting livestock and wild horse numbers or management are necessary to implement the land use plan in absence of proper activity plans. It is apparent that the Humboldt County Coordinated Resource Management Planning processes and activity planning processes could not meet the land use plan schedule. Therefore, it is reasonable that management actions of the second allotment evaluation and manager's decision concerning the Leadville Allotment must achieve land use plan objectives and decisions. Extending

the land use plan objectives is beyond the Resource Manager's discretion and will require amending the land use plan.

Response:

The Winter 1994 Wild Horse Removal Plan does not extend the current land use plan. The 1988 Allotment Evaluation and Livestock Grazing Agreement signed in 1989 met the requirements of the land use plan and Instruction Memorandum 86-706. The current re-evaluation is a continuation of the process. Factual support for this appeal point indicates that Wild Horse Organized Assistance is appealing the Notice of Final Full Force and Effect Multiple Use Decision - Leadville Allotment, which established the carrying capacity for livestock and wild horses, not the Winter 1994 Removal Plan. Refer to Appeal File No. N2-94-7 - Wild Horse Organized Assistance - Notice of Final Full Force and Effect Decision Leadville Allotment, for the Districts response to this appeal point.

3. Carrying Capacity of the Leadville Allotment must be established and available forage allocated fairly to wild horses.

This Final Decision, Notice of Final Full Force and Effect Multiple Use Decision - Buffalo Hills Allotment - February 9, 1993 and Notice of Full Force and Effect Multiple Use Decision - Soldier Meadows Allotment - January 24, 1994, established the carrying capacity or appropriate management levels for the Calico Mountains Wild Horse Herd Management Area. This appropriate management level is to be in a thriving natural ecological balance with livestock to achieve the allotment specific objectives of the Leadville Allotment. The Final Decision uses different procedure and criteria to determine appropriate management levels from the Buffalo Hills and Soldier Meadows Final Decisions.

Leadville Allotment Final Decision uses 50 percent utilization of key species of riparian habitat a procedure criteria for carrying capacity computations. The Buffalo Hills and Soldier Meadows Final Decisions use 60 percent utilization as the procedure criteria in their carrying capacity computations. This criteria is not consistent with the same ecosystem that directly affects the Calico Wild Horse Herd. Allocation of available forage was proportional to the land use plan in the Leadville and Soldier Meadows Final Decision and unknown in the Buffalo Hills Final Decision. Allocation of forage to horses was arbitrary.

Carrying capacity computations and appropriate management levels were established by procedures that weight averaged use pattern mapping data. Calculations based upon formula Example C of Appendix 2 of the "Rangeland Monitoring Analysis, Interpretation and Evaluation (TR 4400-7)" do not fully consider riparian habitat. Example C assumes rangeland production is not uniform and utilization is uniform. Utilization data confirms the conclusions of the Reevaluation that livestock distribution problems are causing heavy and severe use utilization of riparian habitats; thus the Final Decision, and others, are flawed in procedure to establish carrying capacity.

Response:

Carrying capacity for the Leadville Allotment was established by the Final Full Force and Effect Multiple Use Decision - Leadville Allotment on January 19, 1994. Refer to Appeal File No. N2-94-7 - Wild Horse Organized Assistance - Notice of Final Full Force and Effect Decision Leadville Allotment, for the Districts response to this appeal point.

Capture plans do not establish carrying capacity. Capture plans do outline the methods and procedures to be used in the capture and removal of excess wild horses and burros.

4. The Final Decision requires compliance to the National Environmental Protection Act.

Implementation of the "Strategic Plan for the management of Wild Horses and Burros on Public Lands" required the restructuring of the herds based upon adoptability. These actions were not assessed in a programmatic environmental impact statement or specific environmental assessment. Bureau of Land Management Policy must be consistent with applicable laws and regulations.

Allocation of available forage of the allotments carrying capacity require environmental analysis and consultation of affected interests. The Sonoma-Gerlach Final Grazing Environmental Impact Statement did not set the initial stocking levels for wild horses and livestock based upon composition and compatibility with multiple use. Monitoring data must be the basis for adjustment in ungulate populations to meet land use plan objectives.

Response:

The approved Winter 1994 Wild Horse Removal Plan was in compliance with the National Environmental Policy Act. On November 24, 1994 the District contacted Wild Horse Organized Assistance to solicit input and discuss the preparation of an environmental assessment for the Winter 1994 Wild Horse Removal Plan. The draft capture plan and preliminary environmental assessment were issued December 13, 1993 for public comment. The District did not receive any comments to the draft capture plan or preliminary environmental assessment from Wild Horse Organized Assistance. On January 19, 1994, an environmental assessment which analyzed the effects of a selective removal based on age criteria was approved. The final capture plan and environmental assessment is in accordance with the National Environmental Policy Act, and did analyze the selective removal of horses which occurs through implementation of the Strategic Plan for the Management of Wild Horses on Public Lands.

Factual support for the remainder of the appeal point which addresses allocation of available forage indicates that Wild Horse Organized Assistance is appealing the Leadville and Soldier Meadows Allotments Final Full Force and Effect Multiple Use Decisions, not the Winter 1994 Wild Horse Removal Plan. Refer to Appeal File No. N2-94-7 - Wild Horse Organized Assistance - Notice of Final Full Force and Effect Decision Leadville Allotment, and Appeal File No. N2-94-15 - Wild Horse Organized Assistance - Notice of Final Full Force and Effect Decision Soldier Meadows Allotment, for the Districts response to this aspect of the appeal point.

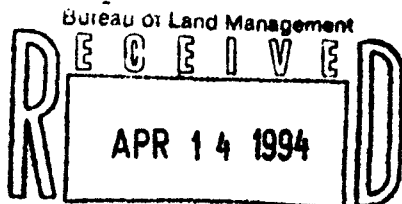
W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504



... a note from

Dawn Y. Lappin



April 11, 1994

DISTRICT OFFICE
WINNEMUCCA, NEVADA

Mr. Bud Cribley
Sonoma-Gerlach Resource Area
Bureau of Land Management
705 East 4th Street
Winnemucca, Nevada 89445

RE: Appeal - Appeal of the Winter 1994 Wild Horse Removal Plan and Environmental Assessment for the Black Rock Range; East and West, Calico Mountains, and Warm Springs Canyon HMA's

Dear Bud:

WHOA has failed to reach agreement with the Nevada Bureau of Land Management concerning issues of our appeal. Therefore, we restate previous errors of Soldier Meadows and Leadville Allotment Multiple Use Decisions that were the decision documents that have supported the gather plan we are appealing. The fact that this document was issued at a time when your District already had the gather crew working and a helicopter in the air prevented us from filing for a stay of the action as well as possibly filing an injunction to stop this gather, which is one of our appeal points. We have made every effort to work with the Bureau during our initial comments on these documents however our concerns were not addressed and satisfied. We have recently met with Billy Templeton, Nevada State Director and Mr. Bert Stanley from the Regional Solicitors Office in an attempt to resolve our appeal points. We have failed again to reach an agreement therefore are forced to appeal this document. In the interim until this is presented before the IBLA we are still willing to meet with you and your staff in efforts to resolve these conflicts. In the interim we are forced to file this appeal to hopefully gain your attention to these problems.

The gathers were in error because:

Use of Full Force and Effect violates Federal Regulations and prevents affected interests the right for a petition for stay of action.

Bud Cribley, Area Manager
April 11, 1994
Page 2

Consistent with the Sonoma-Gerlach Management Framework Plan, the Resource Manager issued "Agreement for Implementation and Changes in Available Livestock Forage and Livestock Grazing Use Adjustments for Leadville Allotment" on December 6, 1989. This document set the objectives and schedule for adjustments to livestock and wild horses with the permittee. According to this livestock agreement, an allotment evaluation and manager's decision were scheduled for 1993.

The Final Decision was issued January 19, 1994 at the time when the Winnemucca District had issued contracts and actively gathering wild horses within the Leadville Allotment. The Nevada State Director issued an Instruction Memorandum, November 1993, stating that Full Force and Effect Decisions must allow affected interests the 30 day comment period allowed by law to comment on documents prior to an action taking place unless an emergency situation is established. This would allow for a request for a stay of the action or if necessary an injunction to be filed. The actions taken by the District is a violation of the Directors instructions as well as 43 CFR 4.21 (58 CFR 4939, January 19, 1993) for stay (suspension) of this decision.

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"5. At the end of the third and fifth year of grazing following the grazing decision make necessary use adjustments based upon monitoring results and other data then available..."

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The allotment evaluations and manager decisions affecting livestock and wild horse numbers or management are necessary to implement the land use plan in absence of proper activity plans. It is apparent that the Humboldt County Coordinated Resource

Bud Cribley, Area Manager

April 11, 1994
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Management Planning processes and activity planning processes could not meet the land use plan schedule. Therefore, it is reasonable that management actions of the second allotment evaluation and manager's decision concerning the Leadville Allotment must achieve land use plan objectives and decisions. Extending the land use plan objectives is beyond the Resource Manager's discretion and will require amending the land use plan.

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Carrying capacity computations and appropriate management levels were established by procedures that weight averaged use pattern mapping data. Calculations based upon formula Example C of Appendix 2 of the "Rangeland Monitoring Analysis, Interpretation and Evaluation (TR 4400-7)" do not fully consider riparian habitat. Example C assumes rangeland production is not uniform and utilization is uniform. Utilization data confirms the conclusions of the Reevaluation that livestock distribution problems are causing heavy and severe utilization of riparian habitats; thus the Final Decision, and others, are flawed in procedure to establish a carrying capacity.

The Final Decision requires compliance to the National Environmental Protection Act.

Bud Cribley, Area Manager
April 11, 1994

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Implementation of the "Strategic Plan for the management of Wild Horses and Burros on Public Lands" required the restructuring of the herds based upon adoptability. These actions were not assessed in a programmatic environmental impact statement or specific environmental assessment. Bureau of Land Management Policy must be consistent with applicable laws and regulations.

Allocation of available forage of the allotment's carrying capacity require environmental analysis and consultation of affected interests. The Sonoma-Gerlach Final Grazing Environmental Impact Statement did not set the initial stocking levels for wild horses and livestock based upon composition and compatibility with multiple use. Monitoring data must be the basis for adjustment in ungulate populations to meet land use plan objectives.

WHOA has worked long and hard with the Winnemucca District to promote good, sound, range management with appropriate stocking levels. We feel that we've made every effort possible to avoid an appeal including the most recent meeting with Mr. Bert Stanley from the Regional Solicitors Office as well as the Nevada State Director Billy Templeton. Failure to reach an agreement has forced us to finally appeal these documents.

If you would like to discuss these issues or if you have any questions, please feel free to call.

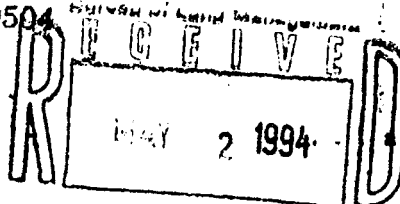
Sincerely,



DAWN LAPPIN,
Director

WHEOA

WILD HORSE ORGANIZED ASSISTANCE
 P.O. BOX 555
 RENO, NEVADA 89504



Dawn Y. Lappin

DISTRICT OFFICE
 WINNEMUCCA, NEVADA

March 15, 1994

Interior Board of Land Appeals
 Office of Hearings and Appeals
 4015 Wilson Boulevard
 Arlington, Virginia 22203

SUBJECT: Appeal of the Winter 1994 Wild Horse Removal Plan and
 Environmental Assessment for the Black Rock Range; East
 and West, Calico Mountains, and Warm Springs Canyon HMA's

Dear Sirs,

I have enclosed a copy of the letter sent to the District and the Regional Solicitor on the Leadville Allotment. Within the 30 days allowed us I am informing you of our intent to file an appeal with you on this decision. Within 30 days from this notice I will be forwarding a copy of our reasons directly to you.

The reason for this delay is that our agency as well as the Nevada Department of Wildlife and Wayne Howle from the Attorney Generals Office will be meeting with Billy Templeton, BLM Nevada State Director and Mr. Stanley, Regional Solicitor, on March 31, 1994. This meeting is an attempt to discuss this appeal as well as other appeals that have been filed and determine if we can settle some of these issues. We no more enjoy filing appeals than you do in receiving them. We feel that unless some of the issues can be settled locally that we will be writing many, many more appeals. This is not what we want to do. Hopefully, the meeting on the 31st will recognize our concerns and decisions can be made to prevent further appeals. However, if we can't resolve the issues we will be forwarding our appeal reasons to you at that time.

We hope you will understand this delay and realize that we are going to every effort possible to resolve the conflicts prior to adding to your already overfull list of appeals. If there is something else we must file in the interim, please advise us of that.

Interior Board of Land Appeals
March 15, 1994
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Thank you in advance for your time and interest.

Sincerely,

DL

DAWN Y. LAPPIN
Director

cc: Billy Templeton, State Director

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W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504

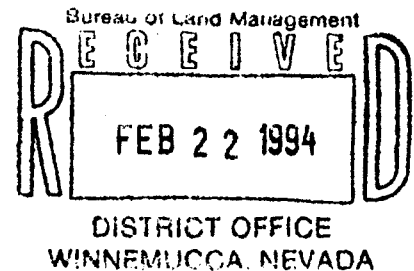


a note from

Dawn Y. Lappin

February 16, 1994

Ron Wenker, District Manager
BLM-Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445



Subject: Appeal of the Winter 1994 Wild Horse Removal Plan and Environmental Assessment for the Black Rock Range; East and West, Calico Mountains, and Warm Springs Canyon HMA's

Dear Mr. Wenker,

We have reviewed the above mentioned final documents regarding the gathers in these HMA's. WHOA is formally notifying you of our intent to appeal this gather plan.

According to 43 CFR Secs. 4.411 and 4.413, we are filing with you our "Notice of Appeal", our appeal points will be filed with IBLA, the Solicitor, and your District within 30 days of this notice.

Sincerely,

DAWN Y. LAPPIN
Director



WILD HORSE ORGANIZED ASSISTANCE
 P.O. BOX 555
 RENO, NEVADA 89504

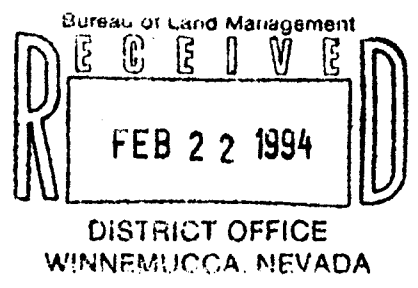


a note from

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February 16, 1994

Ron Wenker, District Manager
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 705 East 4th Street
 Winnemucca, Nevada 89445



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Sincerely,

DAWN Y. LAPPIN
 Director

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

IN REPLY REFER TO:
4720.1
(NV-026.8)

January 24, 1994

Dear Interested Party:

Enclosed is the final approved Winter 1994 Wild Horse Removal Plan and Environmental Assessment for the Black Rock Range; East and West, Calico Mountains, and Warm Springs Canyon Herd Management Areas (HMA's), along with the Decision Record/Finding of No Significant Impact for these documents.

This action constitutes my final decision for approval of the proposed action as analyzed in the environmental assessment and to implement the Winter 1994 Wild Horse Removal Plan. The action is in conformance with the Wild and Free Roaming Horse and Burro Act of 1971 (P.L. 92-195) section 1 and section 3(b)(1) and (2), as amended, the Sonoma-Gerlach and Paradise-Denio Land Use Plans dated July 9, 1982.

This decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Black Rock Range; East and West, Calico Mountains, and Warm Springs Canyon Herd Management Areas (HMA's) to reach the established appropriate management level in each of these HMA's. Immediate removal of wild horses in excess of the established appropriate management level is necessary to restore the range to a thriving natural ecological balance, to avert imminent damage to the range, to protect wildlife habitat (i.e. Lahontan cutthroat trout, desert dace) as well as to protect the wild horse population from a potential loss due to winter weather conditions. The full force and effect determination is in accordance with the code of federal regulations 43 CFR 4770.3(c).

Within 30 days from receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, in accordance with the code of federal regulations 43 CFR, part 4, subpart E. You are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitors Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890. Please provide this office with a copy of your appeal and Statement of Reasons. The appellant has the burden of showing that the decision appealed from is in error.

If you have any questions concerning this final decision, please contact Tom Seley at (702) 623-1500, or write to the address listed above.

Sincerely yours,

District Manager

Enclosure

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U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Winnemucca District Office

**Paradise-Denio Resource Area
&
Sonoma-Gerlach Resource Area**

**Black Rock Desert, Nevada, 1993-1994 and 1994-1995
Winter 1994**

Wild Horse Removal Plan

Winter 1994
Wild Horse Removal Plan

I. INTRODUCTION

The intent of this removal plan is to outline the methods and procedures to be used in the capture of approximately 2,100 wild horses and removal of approximately 1200 wild horses from the Black Rock Range: East and West, Calico Mountains and Warm Springs Canyon Herd Management Areas (HMAs). The removal would reduce the wild horse population in the Calico Mountains and Warm Springs Canyon HMA's to near the Appropriate Management Level (AML), while the Black Rock Range will be substantially above AML. The removal is proposed to begin on January 17, 1994 and to be completed by March 5, 1994.

II. GENERAL AREA DESCRIPTION - BACKGROUND DATA

A. Location

The capture areas are located in Humboldt County and northeast Washoe County, north of Gerlach, Nevada. Refer to the attached maps for the specific location of the capture areas.

The Warm Springs HMA is located in Humboldt County, Nevada, north of Gerlach, Nevada, and is a portion of the Sonoma-Gerlach Resource Area. The Black Rock Range: East (NV-209) and West (NV-227) HMA's are located in Humboldt County, Nevada, north of Gerlach, Nevada, and are a portion of the Sonoma-Gerlach Resource Area.

The Black Rock Range is located in the west-central portion of the Paradise-Denio Resource Area and the northwest portion of the Sonoma-Gerlach Resource Area. The Black Rock Range East HMA is located within the Paiute Meadows Allotment and the Black Rock Range West is located within the Soldier Meadows Allotment. The area is bordered on the north by the Charles Sheldon National Antelope Range, on the east and south by the Black Rock Desert, and on the west by the Black Rock Desert, the Summit Lake Indian Reservation and the Warm Springs Canyon HMA. The elevation ranges from 4,000 feet at the valley floor to 8,508 feet at Pahute Peak.

The area is comprised of approximately 195,694 acres; 183,715 acres (94%) of public land and 11,979 acres (6%) of private land.

The capture area contains the entire North Black Rock Range and Pahute Peak Wilderness Study Areas (WSA's), the Lahontan Cutthroat Trout Natural Area, and the western portion of the Black Rock Desert WSA. The designation of the Lahontan Cutthroat Trout Natural Area resulted in the area receiving Instant Study Area (ISA) status, which affords the same management as a WSA. Refer to the attached maps for the specific location of the WSA's and ISA.

2. Calico Mountains HMA (NV-222)

The Calico Mountains HMA is located within the northwest portion of the Sonoma-Gerlach Resource Area in the Buffalo Hills, Leadville, and Soldier Meadows Allotments. There is 36% of the HMA within the Buffalo Hills Allotment, 34% within the Leadville Allotment, and 30% within the Soldier Meadows Allotment. The area is bordered on the north by the Warm Springs Canyon HMA, on the east by the Black Rock Desert, on the south by the Black Rock Desert and Granite Range HMA, and on the west by the Susanville/Winnemucca District boundary. Elevations range from 4,000 feet at the valley floor to 8,491 feet at Donnelly Peak.

The area is comprised of approximately 157,166 acres; 157,066 acres (99.9%) public land and 100 acres (.1%) private land.

The capture area contains the Calico Mountains and High Rock Lake WSA's. Refer to the attached maps for the specific location of the WSA's.

3. Warm Springs Canyon HMA (NV-226)

The Warm Springs Canyon HMA is located in the northwest portion of the Sonoma-Gerlach Resource Area in the Soldier Meadows Allotment. The area is bordered on the north by the Charles Sheldon National Antelope Range, on the east by the Black Rock Range West HMA and Summit Lake Indian Reservation, on the south by the Calico Mountains HMA, and on the west by the Susanville/Winnemucca District boundary. Elevations range from 4,550 at the valley floor to 7,084 feet at Trough Mountain.

The area is comprised of approximately 83,136 acres; 82,485 acres (99%) public land and 651 acres (1%) private land.

There are no WSA's contained within the capture area.

B. Justification

The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195) as amended, Section 3(b)(1), "states that the Secretaries of Interior and Agriculture shall "determine appropriate management levels of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)." Section 3(b)(2) states, "that if an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken until all excess animals have been removed so as to restore a thriving natural

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ecological balance to the range, and protect the range from the deterioration associated with overpopulation."

1. Black Rock Range: East and West HMA's

The Paiute Meadows Allotment Evaluation and Final Full Force and Effect Multiple Use Decision dated April 12, 1993, and the Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision combined the Black Rock Range: East and West HMA's for the purpose of managing the wild horse population within the two HMA's as one population. The AML for the Black Rock Range is established at 186 head of wild horses in order to maintain a thriving natural ecological balance.

2. Calico Mountains HMA

The Buffalo Hills Allotment Re-Evaluation and Final Full Force and Effect Multiple Use Decision dated February 9, 1993 established the AML for the 36% of the HMA contained within the allotment. The Leadville Allotment Re-Evaluation and Final Multiple Use Decision established the AML for the 34% of the HMA contained within the allotment. The Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision established the AML for the 30% of the HMA contained within the allotment. The following table lists the AML to maintain a thriving natural ecological balance for the HMA by allotment.

<u>Allotment</u>	<u>AML Horses</u>
Buffalo Hills	142
Leadville	126
Soldier Meadows	<u>65</u>
Total	333

3. Warm Springs Canyon HMA

The Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision established that 175 wild horses and 24 burros is the AML that will maintain a thriving natural ecological balance within the HMA.

The removal plan will not be implemented until a Final Multiple Use Decision has been issued and is in effect for the Leadville and Soldier Meadows Allotments.

C. Reference to Environmental Assessment (EA)

An environmental assessment (No. NV-020-04-009) was prepared analyzing the environmental impacts of adjusting the numbers and age structure of wild horses in the Black Rock Range; East and West, Calico Mountains, and Warm Springs Canyon HMA's. A Programmatic EA (No. NV-020-7-24) analyzing the environmental consequences and

mitigating measures of different gathering methods was prepared and distributed for public comment in May 1987. After the incorporation of public comments, a Record of Decision and Finding of No Significant Impact was approved on August 4, 1987. This document is available for review at the Winnemucca District Office.

D. Population and Removal Data

The following table shows the AML, current population estimates, and number of wild horses and burros to remain in the capture areas. The population estimates are the results of a helicopter census conducted in September 1993.

<u>Capture Area</u>	Population Estimate		# to Remain
	<u>Horses/Burros</u>	<u>Horses/Burros</u>	
Black Rock Range	186/0*	901/0	186/0
Calico Mountains	333/0*	722/7	333/0
Warm Springs Cyn.	175/24	435/16	175/16

* There were no Burros found in the HMA when the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195) was passed.

Age structure information from past removals in these HMA's indicate that approximately 55% of the population is 5 years of age or younger. If the age structure of the current population is similar, approximately 1,200 horses will be removed from the HMA's.

Based on current policy, wild horses removed from HMA's cannot exceed 5 years of age, while horses removed from outside HMA's, private land or emergency gather areas (i.e. drought) cannot exceed nine years of age. However, horses which do not meet these criteria may be removed if adopted within Nevada.

All captured animals, five and younger will be shipped to the Palomino Valley Corrals. Wild Horses that are six years of age or older will be released back into their respective HMA's, if not selected for removal. Mares with foals will be released separately from the other release animals to ensure that the foals do not become separated from the mare.

Prior to release of older animals, each horse will be freeze branded on the left hip with the last two digits of the capture area HMA number to assist with the determination of movement between HMA's and the Susanville District. Blood sampling may be conducted on approximately 10% of the captured animals to collect base line genetic information.

III. Methods For Removal And Safety

The methods employed during this capture operation will be herding animals with a helicopter to a trap built with portable panels, or herding animals with a helicopter to ropers. The Bureau of Land Management will contract with a private party for this operation. The following stipulations and procedures will be followed during the contract to ensure the welfare, safety and humane treatment of the wild horses.

A. Trapping and Care of Animals

1. All capture attempts will be accomplished by the utilization of a helicopter. A minimum of one saddle horse shall be immediately available at the trap site to accomplish roping if necessary. Roping will be done only when necessary and only with prior approval by a BLM authorized officer. Under no circumstances shall animals be tied down for more than one hour.

2. The helicopter shall be used in such a manner that bands will remain together. Foals shall not be left behind. The project helicopter actions may occasionally be observed by a Government controlled helicopter. All actions of the Government helicopter will be coordinated with the Contractor to prevent interference with the project helicopter and contract operations.

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

3. The rate of movement and distance that animals travel shall not exceed limitations set by a BLM employee who will consider terrain, physical barriers, weather, condition of the animals and other factors.

The terrain in the removal areas varies from flat valley bottoms to mountainous, and the animals may be located at all elevations (ranging from 4,000 feet to 8,508 feet) depending upon weather conditions and precipitation.

Experience gained from past removals in these areas indicates the proposed action may cause undue stress to the animals. It will be difficult to remove animals from these areas without some concern for the welfare of the animals due to the following reasons.

a. The parent material in the capture areas ranges from granitic to basalt parent material. The volcanic material

is very sharp, and as a result, there is concern that some animals hoofs and fetlocks may become injured, especially the younger animals.

- b. There are steep and extensive escarpments in the capture areas which limit the areas where animals can be brought into the trap or ropers.

Prior to any gathering operation, BLM will provide for a pre-capture evaluation of existing conditions in the gather areas. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, topography, road conditions, location of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a conclusion as to whether the level of activity is likely to cause undue stress to the animals, and whether such stress would be acceptable to the animals if veterinarian expertise were present, or whether a delay in the capture activity is warranted. If it is determined that the capture efforts necessitate the services of a veterinarian, one will be obtained before the capture will proceed.

The Contractor will be provided with a topographic map of the removal area which shows acceptable trap locations and existing fences and/or physical barriers prior to any gathering operations.

The Contractor will also be appraised of the above conditions and will be given direction regarding the capture and handling of animals to ensure their health and welfare is protected.

4. It is estimated that a minimum of two trap sites will be required in each capture area to accomplish the work. All trap locations and holding facilities must be approved by a BLM employee prior to construction. The Contractor may also be required to change or move trap locations as determined by the BLM. All traps and holding facilities not located on public land must have prior written approval of the landowner.

Each general site will be selected by a BLM employee after determining the habits of the animals and observing the topography of the area. Site specific locations may be selected by the Contractor with the BLM's approval within this general preselected area. Trap sites will be located to cause as little injury and stress to the animals and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive cultural, and threatened/endangered plant and animal clearances prior to construction. Trap sites located within WSA's shall be

constructed on roads or ways and shall not extend farther than 50 feet from the edge of the road or way. Additional trap sites may be required, as determined by the BLM, to relieve stress caused by certain conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, deep snow, etc.).

Due to the many variables affecting the distribution of animals such as weather, health and condition, and time of year, it is not possible to identify specific locations at this time. They will be determined at the time of the removal operation.

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 for horses and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from the 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 without holes or separation of plies, or like material. The loading chute shall also be a minimum of 6 feet high.
 - c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet for burros, and shall be covered with plywood without holes or separation of plies, or like material a minimum of 1 foot to 5 feet above ground for burros and 1 foot to 6 feet for horses.
 - d. Wings shall not be constructed out of barbed wire or other material injurious to animals and must be approved by a BLM employee.
 - 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 without holes or separation of plies, burlap, jute, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.
 - f. All pens and runways used for the movement and handling of shall be connected with hinged self-locking gates.

6. No fence modifications will be made without authorization from the BLM. The Contractor shall be responsible for restoration of any fence modifications which he has made.

If the route the Contractor proposes to herd animals, passes through a fence, the Contractor shall be required to roll up the fence material and pull up the posts to provide at least a 50 yard gap. The standing fence on each side of the gap will be well flagged or covered with jute or like material for a distance of 50 yards from the gap on each side.

7. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to wet down the ground with water to ensure that dust does not pose a problem to personnel or to the animals.
8. Alternate pens within the holding facility shall be furnished by the Contractor to separate animals with small foals, sick and injured animals, and stray animals from the other animals. 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 BLM 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 BLM. The Contractor shall schedule to arrive at the final destination between 6:00 a.m. and 4:00 p.m.. No shipments shall be scheduled to arrive at final destination on Sundays or Federal holidays. Animals shall not be allowed to remain standing in trucks while not in transport for a combined period of greater than 3 hours.

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.

Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, rubber over metal) so as to avoid injury to animals.

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 if treatment by the Government is necessary. The BLM 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 BLM.

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. A BLM employee will have the primary responsibility for determining when an animal will be destroyed and will perform the actual destruction. When a BLM employee is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a diagnosis and final determination. Destruction shall be done in the most humane method available. A veterinarian can be called, if necessary, to care for any injured animal.

The carcasses of the animals which die or must be destroyed as a result of any infectious, contagious, or parasitic disease will be disposed of by burial to a depth of at least 3 feet.

The carcasses of the animals which must be destroyed as a result of age, injury, lameness, or noncontagious disease or illness will be disposed of by removing them from the capture site or holding corral and placing them in an inconspicuous location to minimize the visual impacts. Carcasses will not be placed in drainages regardless of drainage size or downstream destination.

13. Branded or privately owned animals whose owners are known will be impounded by BLM, and if not redeemed by payment of trespass and capture fees, will be sold at public auction. If owners are not known, the private animals will be turned over to the State for processing under Nevada estray laws.

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 ensure that captured animals are transported without undue risk or injury.
3. Only stock trailers with a covered top shall be allowed for transporting animals from traps to temporary holding facilities. Only bobtail trucks, stock trailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stock racks

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 providing three compartments within the trailer to separate animals. Trailers less than 40 feet shall have at least one partition gate providing two compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. 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 the final destination shall be equipped with at least one door at the rear end of the vehicle, which is capable of sliding either horizontally or vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough, so that the animals cannot push their hooves through the sides.

The Contractor will not be allowed to begin work on the contract until all vehicles and equipment are in compliance with these stipulations.

5. Floors of vehicles and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.

The adequacy of this material will be confirmed prior to every load by a BLM employee.

6. Animals to be loaded and transported in any vehicle shall be as directed by a BLM employee and may include limitations on numbers according to age, size, temperament and animal condition. The following minimum linear feet per animal shall be allowed per standard 8 foot wide stock trailer/truck:

1.40 linear foot per adult horse (11 square feet per adult horse)

1.00 linear foot per adult burro (8 square feet per adult burro)

.75 linear foot per horse foal (6 square feet per horse foal)

.50 linear foot per burro foal (4 square feet per burro foal)

The BLM employee supervising the loading of animals to be transported from the trap site to the temporary holding corral will require separation of small foals and/or weak animals from

the rest should it appear that the animals may be injured during the trip. The distance and condition of the road will be considered in making this determination. Animals shipped from the temporary holding corral to the BLM facility will be separated by sex and age class (including small yearlings). Further separation may be required should condition of the animals warrant.

The BLM employee supervising the loading may require the contractor to off load horses should it appear that there are too many animals on the vehicle.

7. The BLM 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 BLM shall provide for any brand and/or inspection services required for the captured animals. It is currently planned to ship all animals to the Palomino Valley facility. Communication lines have been established with the Palomino Valley personnel involved in off-loading the animals, to receive feedback on how the animals arrive. Should problems arise, gathering methods, shipping methods and/or separation of the animals will be changed in an attempt to alleviate the problems.

8. If a BLM employee determines that dust conditions are such that 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 roads is approximately 80 miles per load.

In general, roads in the capture areas are in fair to good condition. If a problem develops, speed restrictions shall be set or alternate routes used.

Periodic checks by BLM employees will be made as the animals are transported along dirt roads. If speed restrictions are in effect, then BLM employees will, at times, follow and/or time trips to ensure compliance.

C. 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 the fuel truck), and personnel not involved in refueling.

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3. The BLM shall have the means to communicate with the Contractor's pilot and be able to direct the use of the gather helicopter at all times. If communications cannot be established, the Government will take steps as necessary to protect the welfare of the animals.
4. The proper operation, service and maintenance of all Contractor furnished helicopters is the responsibility of the Contractor. The BLM reserves the right to remove from service, pilots and helicopters which, in the opinion of the BLM 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 BLM.
5. The contractor shall provide the Cor/PI with the total flight hours flown at the completion of the delivery order. The COR must submit a completed SERVICE CONTRACT FLIGHT HOURS REPORT to the local aviation manager and to the Contracting Officer.

IV. Responsibility and Lines of Communication

The Contracting Officers Representative, Tom Seley and Project Inspectors (Ron Hall, Nadine Jackson and Dave Stockdale) from the Winnemucca District, have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. However, the Sonoma-Gerlach Area Manager, Paradise-Denio Area Manager and the Winnemucca District Manager will take an active role to ensure the appropriate lines of communication are established between the field, District, State, and Palomino Valley Corral offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquires will be handled through the Sonoma-Gerlach Area Manager. This individual will be the primary contact and will coordinate the contract with the Palomino Valley Corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications will be enforced vigorously.

Should the Contractor show negligence and not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.

V. Signatures:

Prepared by: T Selby Date 1-19-94
Wild Horse and Burro Specialist
Sonoma-Gerlach Resource Area

Reviewed by: Ron Hill Date 1-19-94
Wild Horse and Burro Program Leader

Recommended by: [Signature] Date 1-19-94
Area Manager
Sonoma-Gerlach Resource Area

Recommended by: Jott Bellini Date 1-19-94
Area Manager
Paradise-Denio Resource Area

Approved by: Ron Wenker Date 1/24/94
District Manager

United States Department
of the Interior
Bureau of Land Management

EA FACE SHEET

OFFICE: Winnemucca (NV-020) FY & REPORT #: FY 94 NV-020-4-09

ACTION: Winter 1994 Wild Horse NO. OF PAGES: 9
Removal Plan

LOCATION: Buffalo Hills and SERIAL NO. NV-020-4-
Denio Planning Units

<u>TEAM SIGNATURES</u>	<u>TITLE</u>	<u>RESOURCE VALUES ASSIGNED</u>	<u>HOURS</u>
<i>T. Selley</i>	Wild Horse & Burro Specialist	Author/WH&B	6
<i>Richard J. plus</i>	Suprv. Range Conservationist	Range	
<i>Leigh K. Redick</i>	Range Conservationist	T & E Plants	
<i>Peggy McDuckie</i>	Archaeologist	Cultural	
<i>W. B. Bingham</i>	Wildlife/Fisheries Biologist	Fisheries Wildlife/T & E	
<i>Mike J. ...</i>	District Soil Scientist	Soil/Water/Air	
<i>Lynn A. Clemon</i>	Wilderness	Wilderness	

ENVIRONMENTAL
COORDINATOR: *Shall ...* 05 January 94
(Signature) (Date)

COMPLIANCE
OFFICER: *Tom Selley*
(Title or Name)

DISTRICT/AREA MANAGER *[Signature]*
(Signature)

DISTRICT/AREA MANAGER *Scott Belling 1-19-94*
(Signature)

(Date)

Environmental Assessment
Winter 1994
Wild Horse Removal

I. Description of Alternatives

A. Background Information

This document has been prepared to assess the environmental impacts of adjusting the numbers and age structure of wild horses in the Black Rock Range; East and West, Calico Mountains, and Warm Springs Canyon Herd Management Areas (HMAs). This EA does not assess the impacts of different methods of gathering horses. These impacts were analyzed and mitigating measures stipulated in a programmatic EA (No. NV-020-7-24) prepared in May 1987. After the incorporation of public comments, a Record of Decision and Finding of No Significant Impact was approved on August 4, 1987 and the assessment remains valid today. That EA is on file and available for review in the Winnemucca District Office.

B. Purpose and Need

The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195) Section 3(b)(1), as amended, states, " the Secretaries of Interior and Agriculture shall determine appropriate management levels (AML) of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)." Section 3(b)(2) as amended states, " that if an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken until all excess animals have been removed from the range so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with over population."

The purpose of the proposed action is to remove all wild horses five years and younger from the Black Rock Range, Calico Mountains, and Warm Springs Canyon HMA's in conformance with the Strategic Plan For Management Of Wild Horses And Burros On Public Lands (June 1992). The Paiute Meadows, Soldier Meadows, Leadville and Buffalo Hills Allotment evaluation's and multiple use decision's established the AML's for the proposed capture areas.

C. Proposed Action

The proposed action is to remove all animals (5 years and younger) in excess of AML in the Calico Mountains and Warm Springs Canyon HMA's. Due to the Bureau's selective removal policy, all animals five years of age and younger would be removed from the Black Rock Range, however the area could remain above AML.

The Paiute Meadows Allotment Evaluation and Final Full Force and Effect Multiple Use Decision dated April 12, 1993, and the Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision established the appropriate management level (AML) for the Black Rock Range at 186 head of wild horses in order to maintain a thriving natural ecological balance.

The Buffalo Hills Allotment Re-Evaluation and Final Full Force and Effect Multiple Use Decision dated February 9, 1993, the Leadville Allotment Re-Evaluation and Final Multiple Use Decision, and the Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision established the AML for the Calico Mountains HMA at 333 head of wild horses in order to obtain a thriving natural ecological balance.

The Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision established the AML for the Warm Springs Canyon HMA at 175 wild horses and 24 burros in order to obtain a thriving natural ecological balance.

The following table shows the AML, current population estimates, and estimated number of wild horses and burros to remain in the capture areas. The population estimates are the results of a helicopter census conducted in September 1993.

<u>Capture Area</u>	<u>AML</u>	<u>Population Estimate</u>	<u># to Remain</u>
	<u>Horses/Burros</u>	<u>Horses/Burros</u>	<u>Horses/Burros</u>
Black Rock Range	186/0*	901/0	186/0
Calico Mountains	333/0*	722/7	333/0
Warm Springs Cyn.	175/24	435/16	175/16

* There were no Burros found in the HMA when the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195) was passed.

Age structure information from past removals in these HMA's indicate that approximately 55% of the population is 5 years of age or younger. If the age structure of the current population is similar, approximately 1,200 horses (55% of 2058) would be removed from the HMA's.

Prior to release of older animals, each horse would be freeze branded on the left hip with the last two digits of the capture area HMA number to assist with the determination of movement between HMA's and the Susanville District. Blood sampling may be conducted on approximately 10% of the captured animals to collect base line genetic information.

The proposed removal operation is projected to begin January 17, 1994, and to be completed by March 5, 1994.

D. Alternatives to the Proposed Action

NO ACTION - Wild horses would not be gathered from the Black Rock Range, Calico Mountains, and Warm Springs Canyon HMA's which would result in continued degradation of the upland and riparian habitat. The overall health and condition of the herds could be adversely affected by a continued overpopulation of wild horses within these HMA's.

II. Affected Environment

A. Black Rock Range: East (NV-209) and West (NV-227) HMA's

The Black Rock Range is located in the Paradise-Denio and Sonoma-Gerlach Resource Areas. The Black Rock Range East is located within the Paiute Meadows Allotment and the Black Rock Range West is located within the Soldier Meadows Allotment. Elevations range from 4,000 feet at the valley floor to 8,508 feet at Pahute Peak. Vegetative types found within the HMA's vary from black greasewood, shadscale/budsage-grass at lower elevations to mountain sagebrush-bunch grass, mountain mahogany and quaking aspen at higher elevations.

The threatened Lahontan cutthroat trout (LCT) is found in Mahogany Creek, Summer Camp Creek, and Snow Creek. In addition to the existing populations of LCT, Coleman Creek and Battle Creek have been identified as potential re-introduction streams.

The area is comprised of approximately 195,694 acres; 183,715 acres (94%) of public land and 11,979 acres (6%) of private land.

The capture area contains the entire North Black Rock Range and Pahute Peak Wilderness Study Areas (WSA's), the Lahontan Cutthroat Trout Natural Area, and the western portion of the Black Rock Desert WSA. The designation of the Lahontan Cutthroat Trout Natural Area resulted in the area receiving Instant Study Area (ISA) status, which affords the same management as a WSA. Refer to the attached maps for the specific location of the WSA's and ISA.

B. Calico Mountains HMA (NV-222)

The Calico Mountains HMA is located within the Sonoma-Gerlach Resource Area in the Buffalo Hills, Leadville, and Soldier Meadows Allotments. Elevations range from 4,000 feet at the valley floor to 8,491 feet at Donnelly Peak. Vegetative types found within the HMA vary from shadscale/budsage-grass at lower elevations to mountain sagebrush-bunch grass, low sagebrush-bunch grass and quaking aspen at higher elevations.

Donnelly Creek has been identified as a potential LCT re-introduction stream.

The area is comprised of approximately 157,166 acres; 157,066 acres (99.9%) public land and 100 acres (.1%) private land.

The capture area contains the Calico Mountains and High Rock Lake WSA's. Refer to the attached maps for the specific location of the WSA's.

C. Warm Springs Canyon HMA (NV-226)

The Warm Springs Canyon HMA is located in the Sonoma-Gerlach Resource Area within the Soldier Meadows Allotment. Elevations range from 4,550 at the valley floor to 7,084 feet at Trough Mountain. Vegetative types found within the HMA vary from shadscale/budsage-grass at lower elevations to mountain sagebrush-bunch grass, low sagebrush-bunchgrass and mountain mahogany at higher elevations.

The threatened desert dace is found in a number of hot springs in the southeastern area of the HMA. Basalt cinquefoil, a category 1 sensitive species is also found around these hot springs.

The area is comprised of approximately 83,136 acres; 82,485 acres (99%) public land and 651 acres (1%) private land.

There are no WSA's contained within the capture area.

D. Critical Elements

The following critical elements are not affected: Air Quality, ACEC, Farmlands, Floodplains, Native American Religious Concerns, Solid or Hazardous Wastes, Wild and Scenic Rivers, and Paleontological Resources.

III. Environmental Consequences

A. Impacts of Proposed Action

1. Vegetation, soil, and water

Implementation of the proposed action would reduce the wild horse population to near AML in the Calico Mountains and Warm Springs Canyon HMA's which would help to promote a thriving natural ecological balance. This would result in an increase in vegetation density, vigor, reproduction, productivity, and forage availability.

The Black Rock Range would remain substantially above AML. There would be an increase in vegetation density, vigor, reproduction, productivity, and forage availability. However it would be less than would occur in the Calico Mountains and Warm Springs Canyon HMA's.

The proposed action would lessen the impact of hoof action on the soil around unimproved springs and stream bank riparian areas which should lead to an improvement in stream bank stability and improved riparian habitat conditions. There would also be a reduction in hoof action on upland habitat area and reduced competition for available water sources.

2. **Wildlife and Livestock**

The proposed action would result in reduced competition which would increase the quantity and quality of forage available to livestock and wildlife. There would be less disturbance associated with wild horses along stream bank riparian habitat and adjacent upland habitat. This should result in improved habitat conditions on existing and potential re-introduction LCT streams.

3. **Wild Horses**

Implementation of the proposed action would change the age structure within the HMA's from a normal age distribution to a population comprised primarily of horses six years and older. Social structure may be affected since the selective removal process would result in turning back more studs than mares, increasing the number of bachelor bands within the HMA's. Initially, this could lead to a decreased foaling and recruitment rate for the first year following removal as bands reorganize. However, the recruitment rate may increase after this due to a stabilization of social structure, and improved body condition of mares through reduced competition for forage. By increasing the number of studs, competition for mares may increase which could result in increased injuries to horses as studs compete for breeding partners. The number of wild horses in each HMA may stabilize as older age animals are lost from the population through natural processes. By releasing horses six years of age and older, the base genetic makeup of the herds should remain intact within the HMA's. Since the outcome of this action is not known, the populations would be monitored to determine the outcome of selective removal in these areas.

4. **Wilderness**

Wilderness values would be positively affected by implementation of the proposed action as it would result in an improved ecological condition of the plant communities that are aesthetically more appealing to the public than the existing situation.

B. **Alternative-No Action**

Wild horse populations would continue to increase, and the forage resource would continue to be degraded. Preferred forage species would continue to be over utilized resulting in decreases in vegetation densities, vigor, reproduction, productivity, and forage availability. If normal to above normal winter precipitation is received, there is a strong potential for a loss of wild horses from these areas. Below normal precipitation may result in decreased forage production which could lead to decreased body conditions (from good to fair to poor) of horses within the HMA's. Mares with foals would be affected more than studs or mares without foals.

The number of livestock authorized to graze the Paiute Meadows Allotment would temporarily be adjusted downward until wild horses numbers reach appropriate management level.

Livestock grazing would not be authorized in the Calico pasture of the Buffalo Hills Allotment. Livestock in the Leadville and Soldier Meadows Allotments would be moved within pasture, moved to another pasture, or removed from the allotment once established utilization levels are reached. If livestock are removed early from an allotment this would result in the livestock permittee not being allowed to fully utilize their authorized grazing use.

This alternative is not in compliance with the terms and conditions outlined by the U.S. Fish and Wildlife Service Biological Opinion for the Soldier Meadows Allotment, pursuant to section 7 of the Endangered Species Act of 1973. The Biological Opinion states, "in order to be exempt from the prohibitions of section 9 of the ACT, the Bureau must comply with these terms:

- a wild horse and burro gather shall occur during the winter of 1993-1994 and wild horse and burro AML's shall be achieved over 6 years using two gather cycles.
- wild horse and burro gathers shall avoid desert dace and LCT habitat and shall take place when the ground is frozen to minimize effects of trampling, machinery and ground crews."

C. Mitigating Measures

All phases of the gather and processing operation would be carried out according to Bureau policy with the intent of conducting as safe and humane an operation as possible.

To the extent possible, avoid concentrations of antelope and mule deer that are 50 head or larger while herding horses from the range to the capture site.

Desert dace/Basalt cinquefoil and LCT habitat shall be avoided while herding horses from the range to capture sites.

Trap sites shall not be placed within desert dace/basalt cinquefoil or LCT habitat.

As identified in programmatic EA NV-020-7-24, trap sites located within WSA's shall be constructed on roads or ways and shall not extend farther than 50 feet from the edge of the road or way.

As identified in programmatic EA NV-020-7-24, a cultural resources inventory would be conducted prior to construction of trap sites. If a cultural site is located, there would be no work conducted at that site unless, the site has been determined to be non-diagnostic or, if a no effect/no adverse effect determination has been made in consultation with the Nevada State Historic Preservation Office.

Mares with foals will be released separately from other release animals to ensure that foals do not become separated from the mare.

IV. Consultation

The following individuals were contacted during the preparation of this document.

Dawn Lappin	Wild Horse Organized Assistance
Cathy Barcomb	Commission for the Preservation of Wild Horses
Tom Pogacnik	Nevada State Office (BLM) WH&B Specialist
Roy Leach	Nevada Division of Wildlife

The U.S. Fish and Wildlife Service provided a Biological Opinion for the proposed Soldier Meadows Allotment Re-Evaluation and Multiple Use Decision pursuant to section 7 of the Endangered Species Act of 1973. The biological opinion contained terms and conditions for the capture of wild horses which have been incorporated as mitigating measures.

Decision Record/Finding of No Significant Impacts (FONSI)

Decision Record

Based on the Environmental Assessment (EA), the proposed action to adjust the numbers of wild horses on the Calico Mountains, Black Rock Range and Warm Springs Canyon HMAs is adopted in its entirety.

Rationale for Recommendation

The proposed action is in conformance with the terms and conditions outlined in the U.S. Fish and Wildlife Service Biological Opinion for the Soldier Meadows Allotment.

Impacts to the environment and natural resources would be minor.

The proposed action would promote the attainment of a thriving natural ecological balance within the HMA's.

The proposal is consistent with land use planning.

Mitigating Measures and Stipulations

The following mitigating measures, which were identified in the EA, will be adopted as stipulations.

All phases of the gather and processing operation would be carried out according to Bureau policy with the intent of conducting as safe and humane an operation as possible.

To the extent possible, avoid concentrations of antelope and mule deer that are 50 head or larger while herding horses from the range to the capture site.

Desert dace/Basalt cinquefoil and LCT habitat shall be avoided while herding horses from the range to capture sites.

Trap sites shall not be placed within desert dace/basalt cinquefoil or LCT habitat.

As identified in programmatic EA NV-020-7-24, trap sites located within WSA's shall be constructed on roads or ways and shall not extend farther than 50 feet from the edge of the road or way.

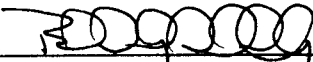
As identified in programmatic EA NV-020-7-24, a cultural resources inventory would be conducted prior to construction of trap sites. If a cultural site is located, there would be no work conducted at that site unless, the site has been determined to be non-diagnostic or, if a no effect/no adverse effect determination has been made in consultation with the Nevada State Historic Preservation Office.

Mares with foals will be released separately from other release animals to ensure that foals do not become separated from the mare.

FONSI

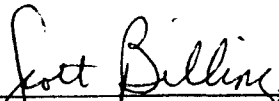
Based on the analysis in the environmental assessment, the adjustment of wild horse numbers within the Calico Mountains, Black Rock Range and Warm Springs Canyon HMAs would have no significant environmental impacts, therefore, an Environmental Impact Statement is not necessary according to section 102(2)(c) of NEPA.

The proposed action is in conformance with the Sonoma-Gerlach and Paradise-Denio MFP's. The proposed action would not cause any undue or unnecessary environmental degradation.



Bud C. Cribley, Area Manager
Sonoma-Gerlach Resource Area

1-19-94
Date



Scott Billing, Area Manager
Paradise-Denio Resource Area

1-19-94
Date

CAPTURE AREAS

Warm Springs Canyon

K R. INV 226

SUMMIT LAKE INDIAN RESERVATION

HOP RANCH MOUNTAIN

DIVISION PEAK

DONKEY PEAK 6287

Double Hot Springs

Calico Mountains

INV 224

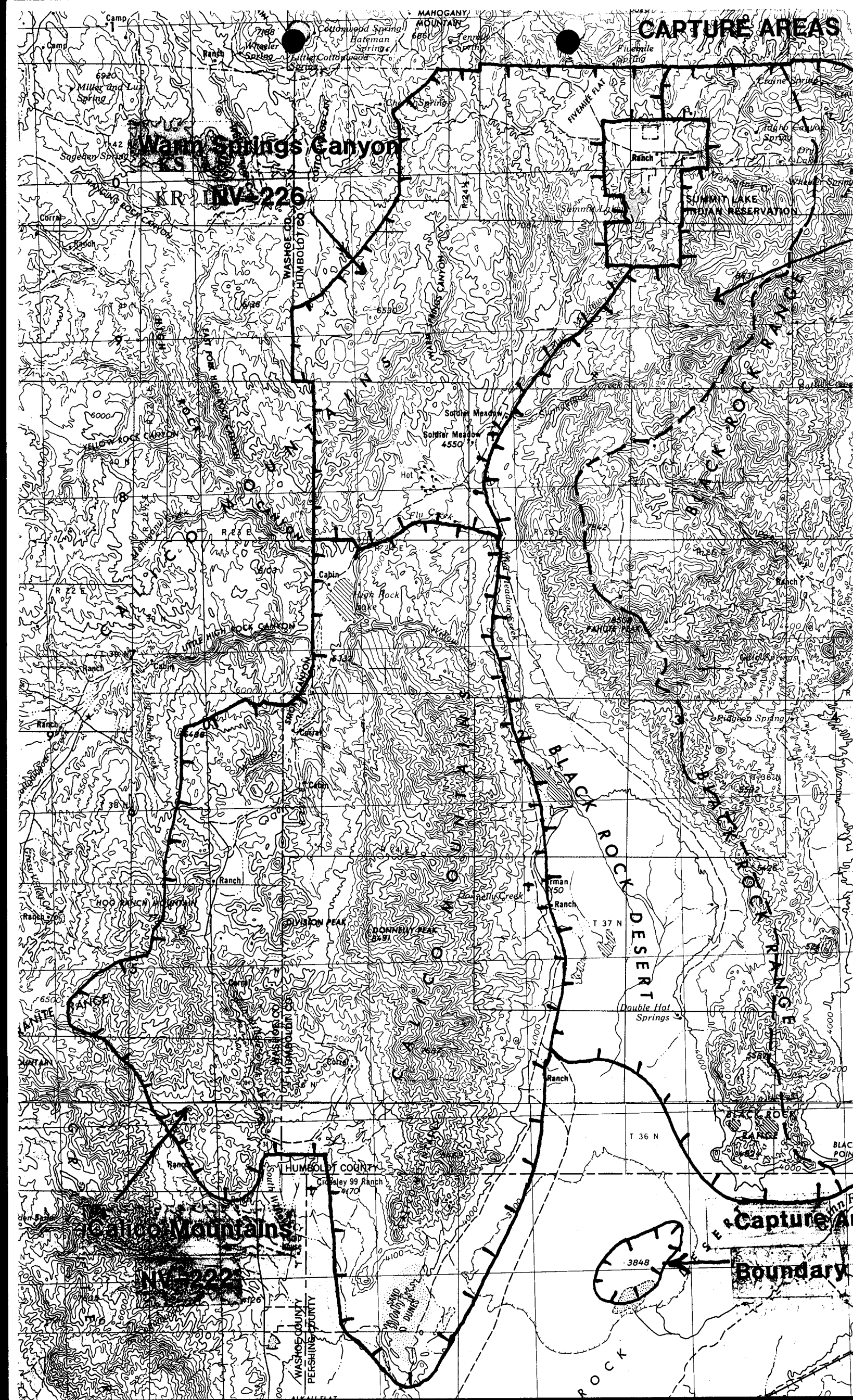
HUMBOLDT COUNTY

WASHOE COUNTY

PERSHING COUNTY

Capture Area

Boundary



CAPTURE AREAS

Black Rock Range

East NV-209

West NV-222

SUMMIT LAKE INDIAN RESERVATION

BLACK ROCK RANGE

BLACK ROCK DESERT

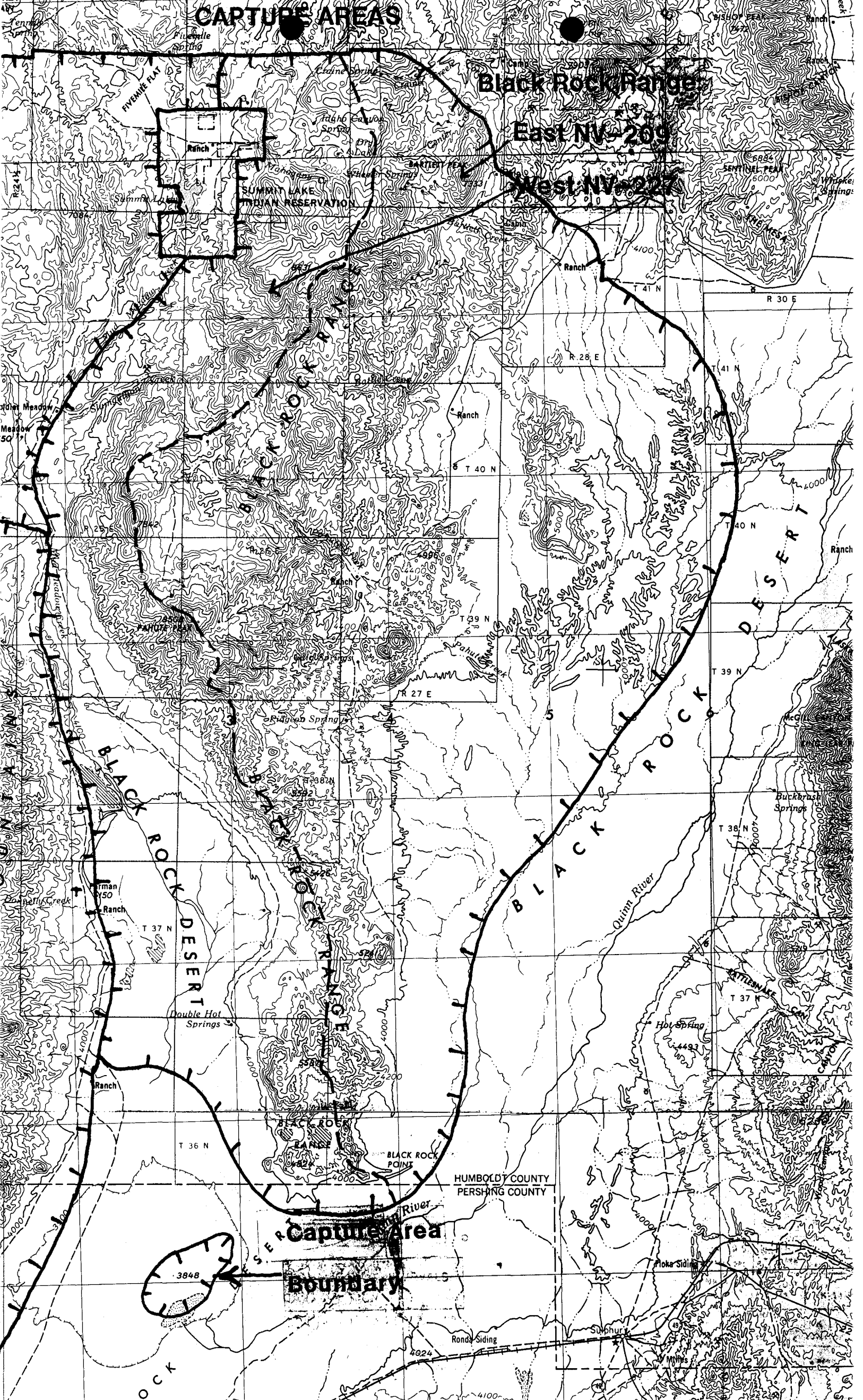
BLACK ROCK RANGE

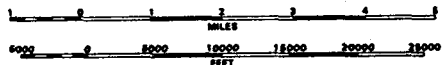
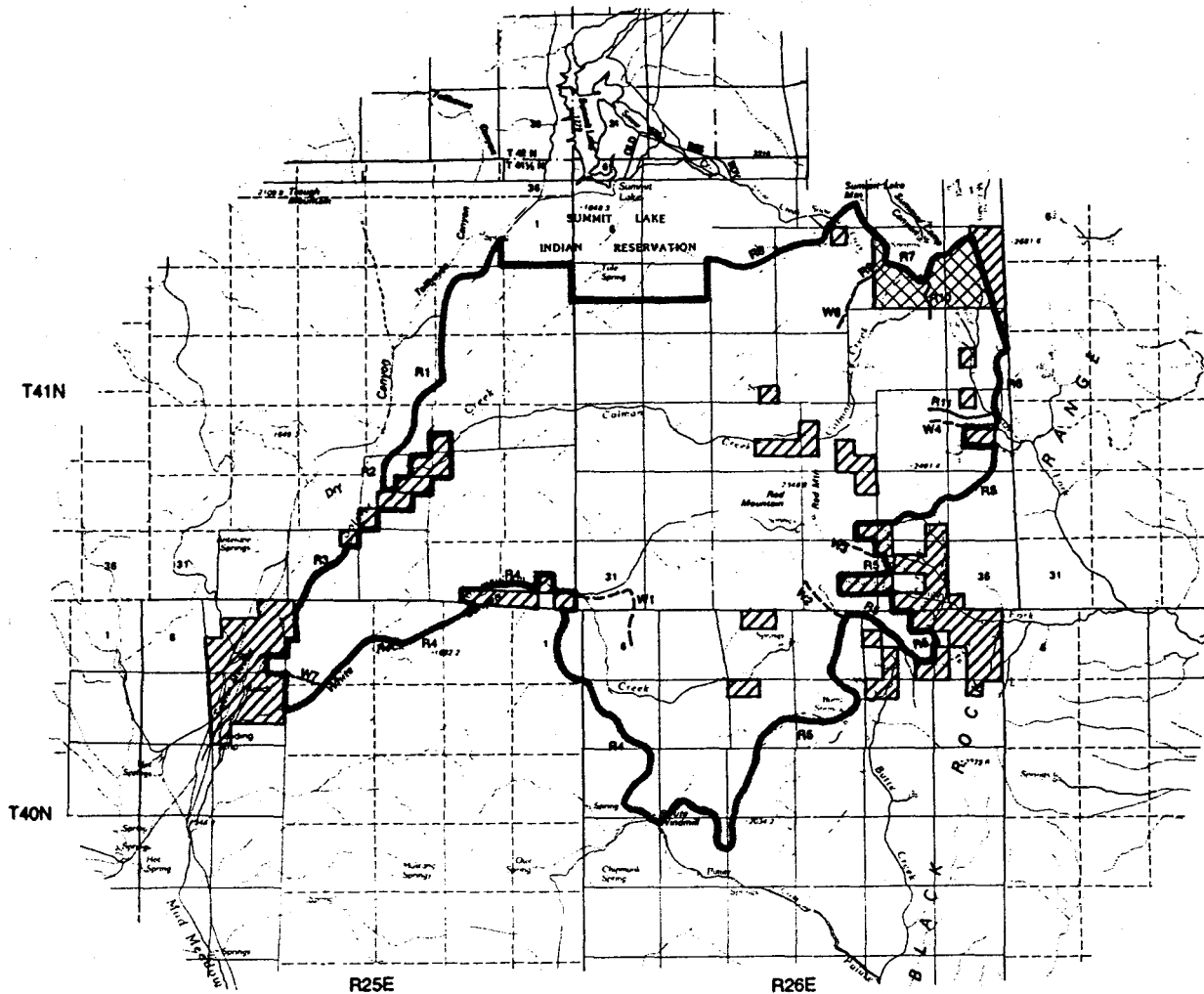
BLACK ROCK RANGE






BLACK ROCK DESERT




HUMBOLDT COUNTY
PERSHING COUNTY

Black Rock Point
Capture Area Boundary





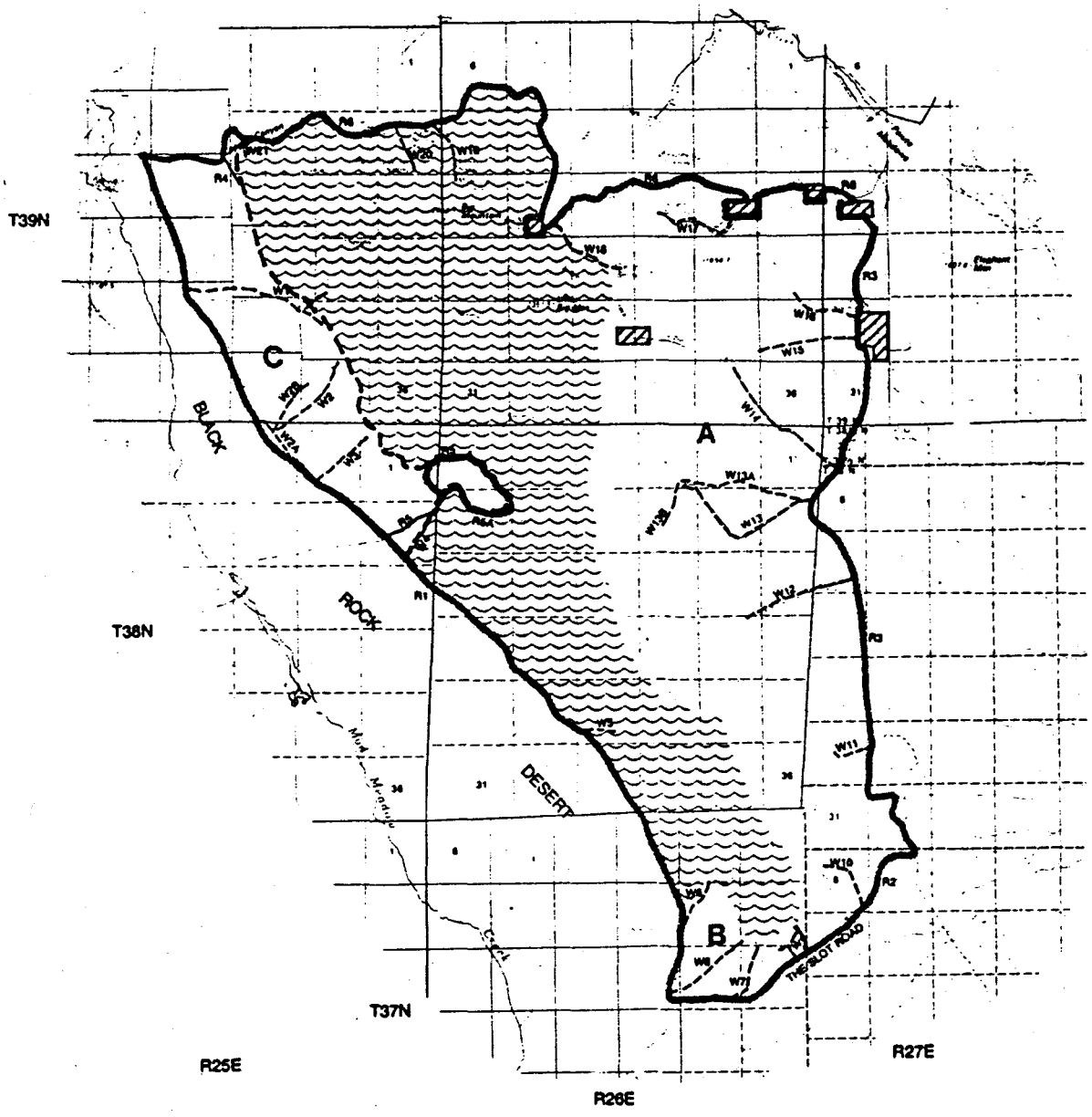
-  PORTION OF LAHONTAN CUTTHROAT TROUT INSTANT STUDY AREA WITHIN W.S.A.
-  PRIVATE LAND (SURFACE & MINERALS)
-  W.S.A. BOUNDARY
-  ROAD
-  WAY








-  PRELIMINARILY RECOMMENDED SUITABLE (None)
-  RECOMMENDED NONSUITABLE
-  ZONE (See Text)

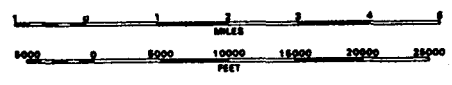


NV-020-622 NORTH BLACK ROCK RANGE RECOMMENDATIONS

N2 94 16



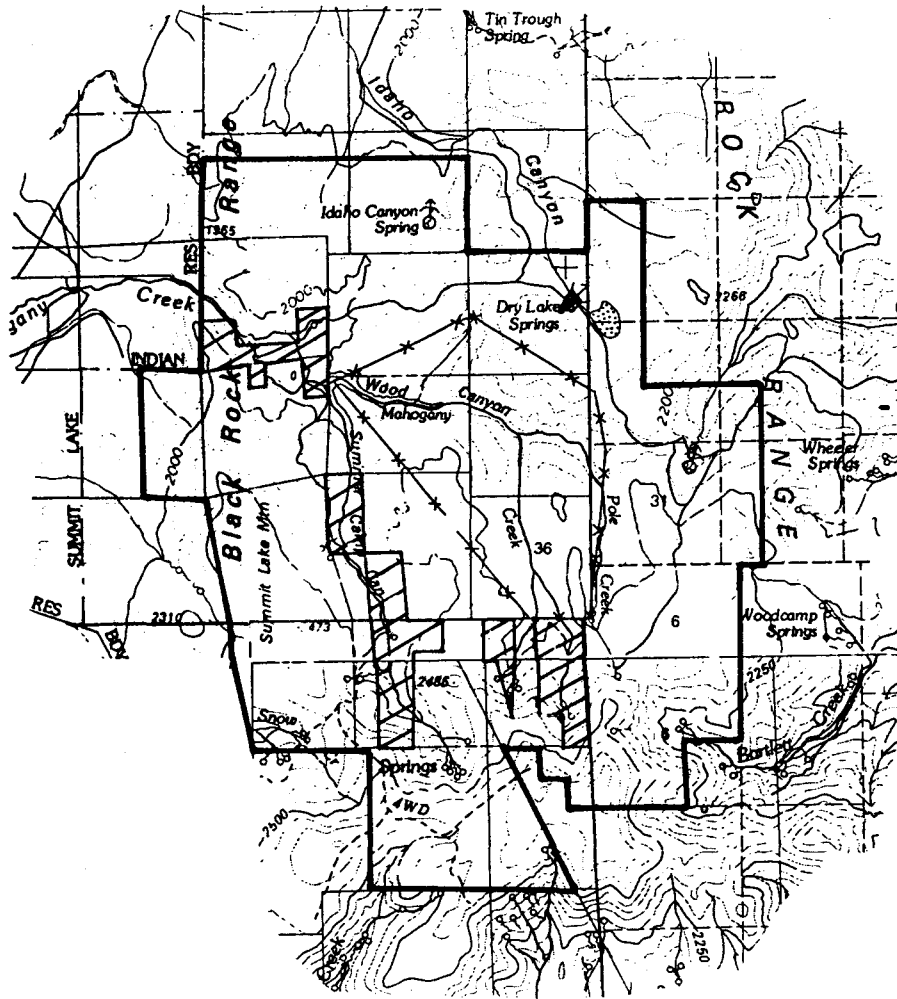
-  PRELIMINARILY RECOMMENDED SUITABLE
-  RECOMMENDED NONSUITABLE
-  ZONE (See Text)
-  PRIVATE LAND(SURFACE & MINERALS)
-  W.S.A. BOUNDARY
-  ROAD
-  WAY



N2 94 16
 NV-020-621 PAHUTE PEAK (SOUTH BLACK ROCK)
 RECOMMENDATIONS

R26E

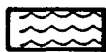
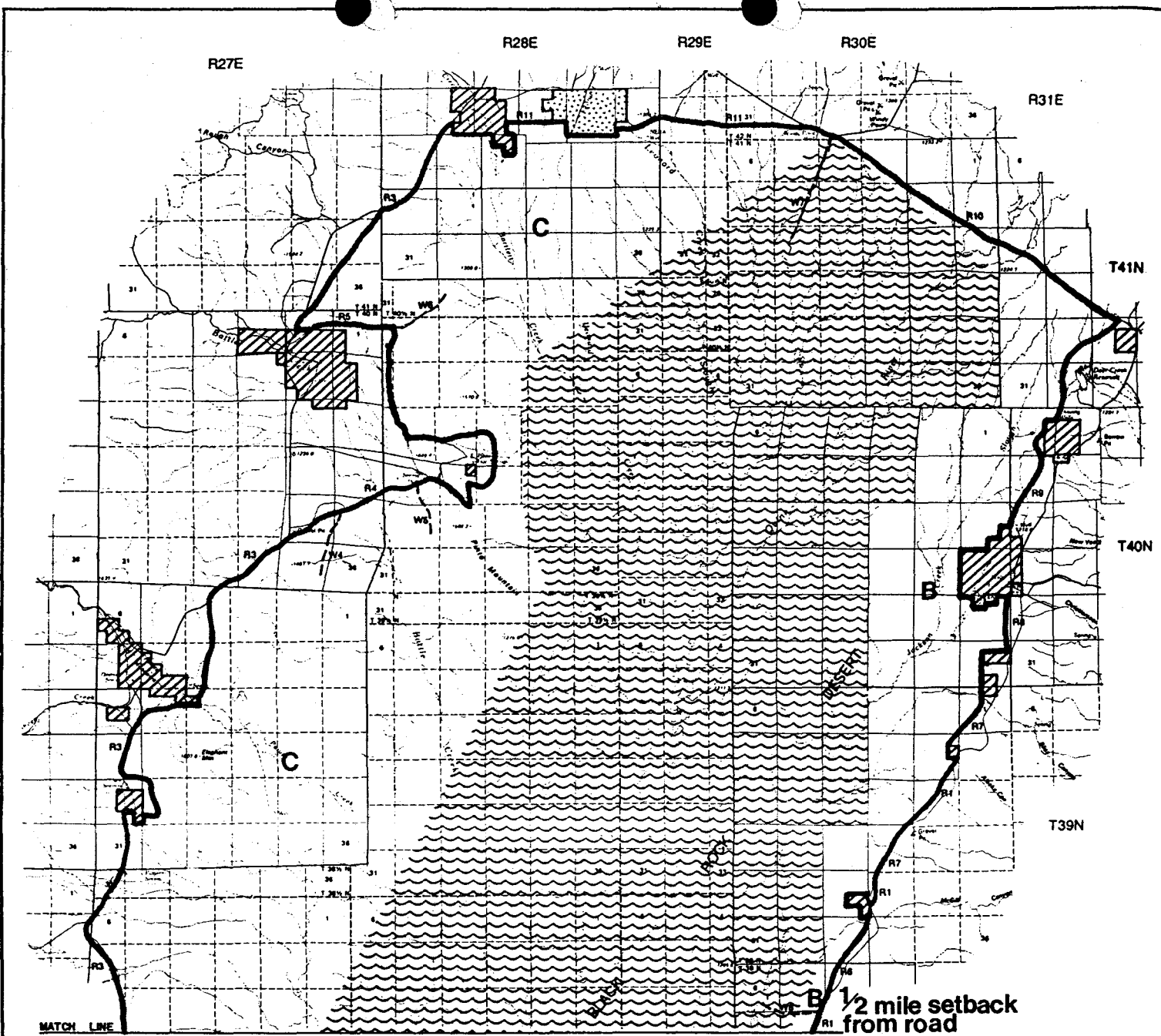
T42N



-  PRIVATE LAND
-  FENCE
-  RESERVOIR
-  DEVELOPED SPRING

EXISTING SITUATION
LAHONTAN ISA

N2 94 16



PRELIMINARILY RECOMMENDED SUITABLE



RECOMMENDED NONSUITABLE



ZONE (See Text)



PRIVATE LAND (SURFACE & MINERALS)



PRIVATE SURFACE (PUBLIC MINERALS)



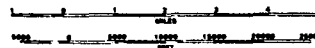
W.S.A. BOUNDARY



ROAD

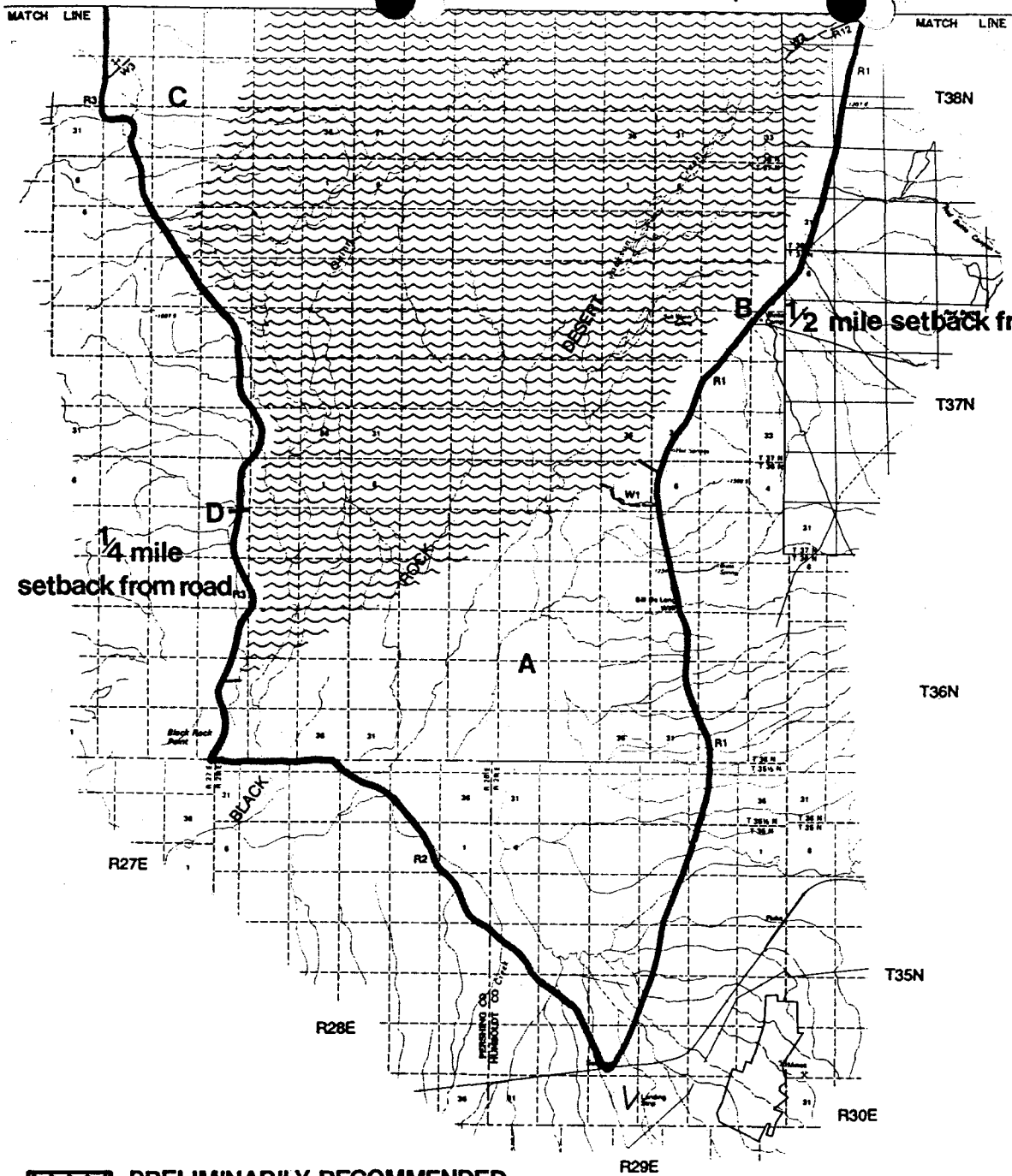


WAY



N2 94 16

NV-020-620 BLACK ROCK DESERT - NORTH RECOMMENDATIONS




 **PRELIMINARILY RECOMMENDED SUITABLE**

 **RECOMMENDED NONSUITABLE**

 **ZONE (See Text)**

 **W. S. A. BOUNDARY**

 **ROAD**

 **WAY**

 **MINE**



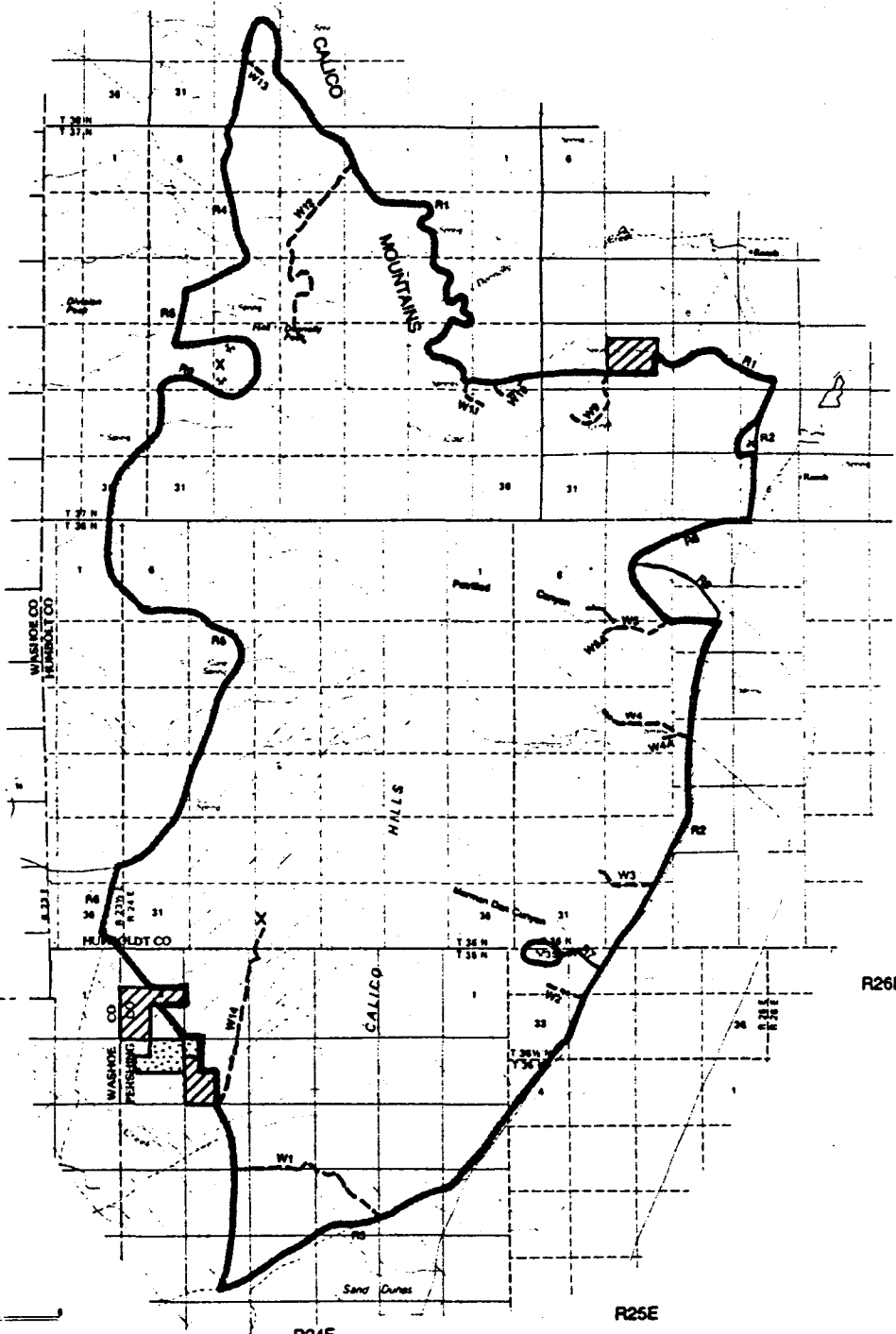
NV-020-620 BLACK ROCK DESERT - SOUTH RECOMMENDATIONS









T38N




T37N

T36N

T35N

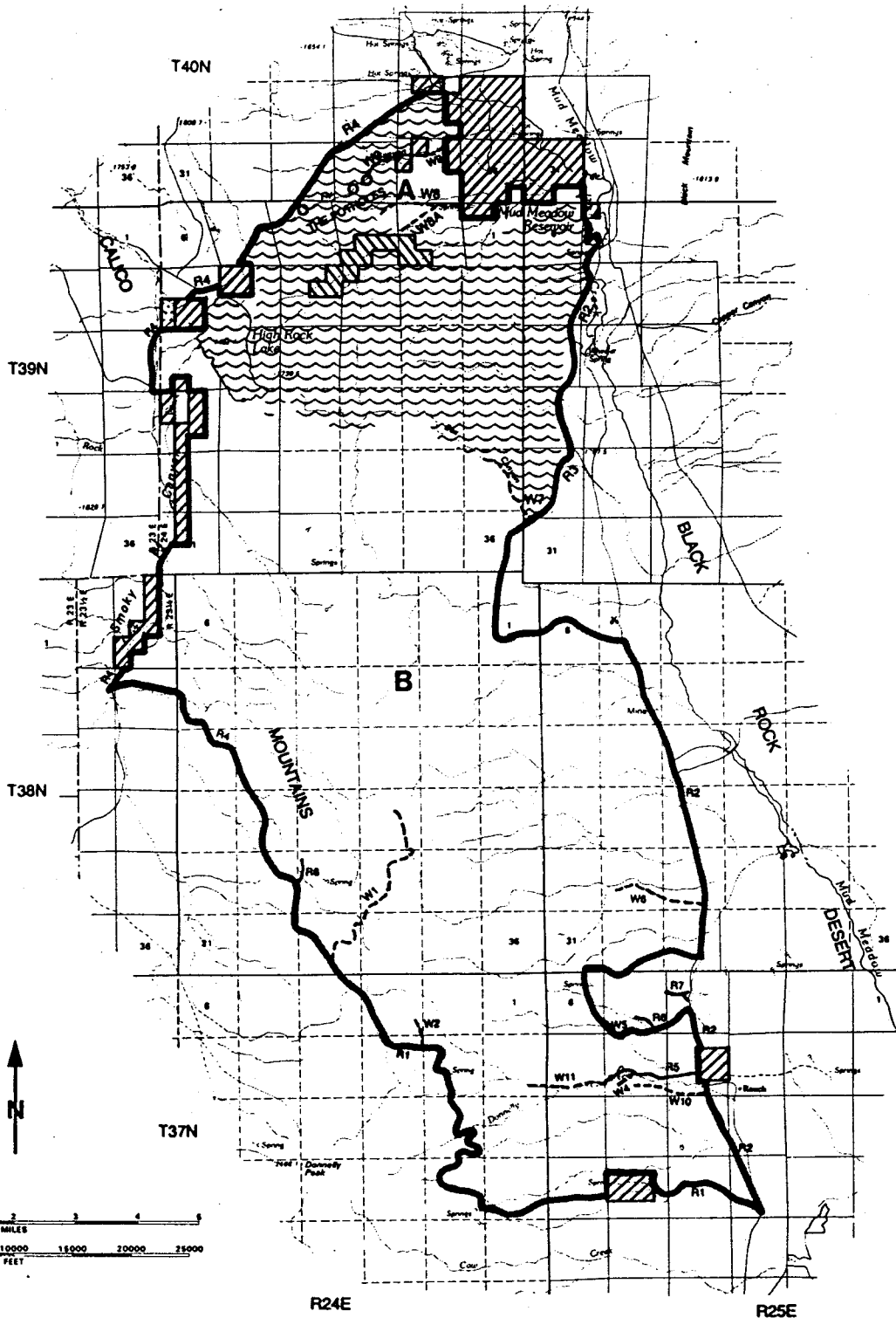









-  PRIVATE LAND (SURFACE & MINERALS)
-  PRIVATE SURFACE - PUBLIC MINERALS
-  W. S. A. BOUNDARY
-  ROAD
-  WAY
-  PROSPECT
-  MINE
-  GRAVEL PIT




-  PRELIMINARILY RECOMMENDED SUITABLE (None)
-  RECOMMENDED NONSUITABLE
-  ZONE (See Text)



N2 94 16
 NV-020-019 CALICO MOUNTAINS
 RECOMMENDATIONS



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

-  PRELIMINARILY RECOMMENDED SUITABLE
-  RECOMMENDED NONSUITABLE
-  ZONE (See Text)



112 06 16
 NV-020-007 HIGH ROCK LAKE
 RECOMMENDATIONS

Mrs. Dawn Lappin
Wild Horse Organ. Assist.
P.O. Box 555
Reno, NV 89505

Mr. Mark McGuire
Nevada Humane Society
P.O. Box KIND
Sparks, NV 89431

Mr. Richard Sewing
National Mustang Association, Inc.
P.O. Box 42
Newcastle, UT 84756

Honorable Harry Reid
324 Hart Senate Office Bldg.
Washington, D.C. 20510

U.S. Dept. of the Interior
Fish and Wildlife Service
Sheldon National Wildlife Refuge
Lakeview, OR 97630

David Harlow
U.S. Dept. of the Interior
Fish and Wildlife Service
4600 Kietzke Lane, Bldg. C
Reno, NV 89502

Ms. Nancy Whitaker
Animal Protection Institute of America
P.O. Box 22505
Sacramento, CA 95822

N2 94 16

Ms. Johanna H. Wald
Natural Resources Defense Council
1350 New York Avenue N.W.
Washington, DC 20005

Ms. Anna Charlton
Rutgers Law School
15 Washington Street
Newark, NJ 07102

The Mule Deer Foundation
1005 Terminal Way, Ste. 110
Reno, NV 89502

Honorable Barbara Vucanovich
300 Booth Street, Suite 3038
Reno, NV 89509

Barbara Spolter
The Wilderness Society
116 New Montgomery #526
San Francisco, CA 94105

Mr. Rick Sorensen
600 Orange Street
Chico, CA 95928

Ms. Rose Strickland
Sierra Club-Toiyabe Chapter
619 Robinson Ct.
Reno, NV 89503

N2 94 16

Ms. Karen Sussman
International Society for the Protection
of Mustangs and Burros
6212 East Sweetwater Ave.
Scottsdale, AZ 85254-4461

Mr. Craig C. Downer
P.O. Box 456
Minden, NV 89423

Nevada Woolgrower's Assn.
399 W. Rockwood Dr.
Elko, NV 89801

NV Federation of Animal Protection Organizations
P.O. Box 82038
Las Vegas, NV 89180-2038

State of Nevada
Division of State Lands
Capitol Complex
333 W. Nye Lane
Carson City NV 89710

Sierra Club Legal Def. Fund
1631 Glenarm Place, Suite 300
Denver, CO 80202

Dept. of Conservation and Natural Resources
State of Nevada
Room 213, Nye Building
Carson City, NV 89710

Fund for Animals
200 West 57th St.
New York, NY 10019

Governor's Office
State of Nevada
Carson City, NV 89701

Nevada Cattlemen's Association
501 Railroad Street, #207
Elko, NV 89801

Humane Society of So. Nevada
P.O. Box 82022
Las Vegas, NV 89180-2022

Ms. Cathy Barcomb
Commission for the Preservation
of Wild Horses
50 Freeport Blvd. #2
Sparks, NV 89431

Mr. Tom Ballow
Executive Director
Department of Agriculture
State of Nevada
P.O. Box 11100
Reno, NV 89510

U.S. Wild Horse and Burro Foundation
P.O. Box 81979
Las Vegas, NV 89189-1979

N2 94 16

Honorable James H. Bilbray
1785 East Sahara, Suite 445
Las Vegas, NV 89104

DeMar Dahl
State of Nevada Grazing Board
Deeth, NV 89823

Robert Sam
Summit Lake Indian Tribe
510 Melarkey
Winnemucca, NV 89445

Honorable Richard Bryan
364 Russell Senate Office Bldg.
Washington, D.C. 20510

Ms Deborah Allard
RFD No. 2, Box 2646
Brunswick, Maine 04011

U.S. Dept. of the Interior
Bureau of Land Management
705 Hall Street
Susanville, CA 96130

Chief of WH & B Operation U.S. Dept. of the
Interior
Bureau of Land Management
Palomino Valley Corrals
Box 3270
Sparks, NV 89432

29 92 15

Chairman Western Band of Shoshone
P.O. Box 1370
Winnemucca, NV 89446-1370

Wild Horse and Burro Comm
College of Natural Res.
Nat'l Academy of Science
Utah State University
Logan, UT 84322

Chairman University of Nevada-Reno
Renewable Natural Resources
University Station
Reno, NV 89557

U.S. Humane Society
2100 "L" Street, NW
Washington, D.C. 20037

American Horse Protection Assn.
1000 29th St. NW, Suite T100
Washington, D.C. 20007-3820

Humboldt County Commissioners
Courthouse, Room 205
Winnemucca, NV 89445

Pershing County Commissioners
Pershing County Courthouse
Lovelock, NV 89419

N2 94 16

Washoe County Commissioners
1001 East 9th
Reno, NV 89512

N2 94 10

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

In reply refer to:

JAN 13 1994

4700 (NV-026.8)

Memorandum

To: State Director, Nevada

From: District Manager, Winnemucca

Subject: Rationale for Placing the Winter 1994 Wild Horse Removal Plan in Full Force and Effect

If horses are not removed immediately the following impacts, as identified in the Buffalo Hills Allotment, Leadville Allotment, Paiute Meadows and Soldier Meadows Allotment re-evaluation and Multiple Use Decision will occur:

- The Black Rock Range East & West, Calico Mountains, and Warm Springs Canyon HMA's are located north of Gerlach, Nevada within steep rocky terrain that has very limited access. A removal in these HMA's in July/August 1986 resulted in many of the captured horses having foot injuries even though they were brought very slowly into trap sites. Based on past gathering experience in these HMA's, the District has found that winter or late fall removals results in the least amount of stress and injuries to wild horses. During the winter months wild horses are located closer to roads and potential trap sites, and foals are physically more mature.
- The existing wild horse population is 100% above AML in the Calico Mountains HMA. The existing wild horse population in the combined Black Rock Range East & West HMA's is 380% above AML, and 150% above AML in the Warm Springs Canyon HMA. During the 1992/1993 winter the area received normal winter precipitation after six years of drought that resulted in a loss of wild horses of approximately 43% from the Calico Mountains HMA, 19% from the Black Rock Range -West HMA, 37% from the Black Rock Range - East HMA, and 46% from the Warm Spring Canyon HMA. If normal to above normal winter precipitation is received, there is a strong potential for an above normal death loss of wild horses from these areas. If below normal precipitation (current situation) is received, it may result in decreased forage production which could lead to decreased body conditions (from good to fair to poor) of horses within the HMA's. The effect of decreased forage

N2 94 16

production and loss of body condition would be greatest on mares with foal.

- The combined carrying capacity for the Leadville Allotment is exceeded by the existing population of wild horses. The combined carrying capacity for the Soldier Meadows Allotment is almost exceeded by the existing population of wild horses. If horses are not removed this winter, progression toward the attainment of a Thriving Natural Ecological Balance will be delayed.
- The Nevada Wild Horse and Burro Gathering Contract # 1422-N651-C2-3806 expires June 30, 1994. It is not possible to accurately estimate increased cost to gather if the removal is not conducted this winter, however, if the increase in contract prices are similar to last year, it is estimated that costs may increase by \$17,600.00. The estimated cost increase is based on the difference between Schedule A & B of the existing contract and only considers the capture cost.
- Implementation of the livestock management actions alone would not allow attainment of resource objectives in the allotments. Livestock grazing management can not be effectively implemented (change in season of use, pasture level stocking, grazing system) within the allotments until the wild horse population is at, or below, AML.
- If wildhorse populations are not reduced to or near AML, livestock numbers will be directly or indirectly reduced in the affected allotments in the following ways:
 - The number of livestock authorized to graze the Paiute Meadows Allotment would temporarily be adjusted downward until wild horses numbers reach appropriate management level.
 - Livestock grazing would not be authorized in the Calico pasture of the Buffalo Hills Allotment.
 - Livestock in the Leadville and Soldier Meadows Allotments would be moved within pasture, moved to another pasture, or removed from the allotment once established utilization levels are reached. If livestock are removed early from an allotment this would result in the livestock permittee not being allowed to fully utilize their authorized grazing use.
- We will not be able to implement the Reasonable and Prudent Measures along with the Terms and Conditions outlined in the Fish and Wildlife Service's Biological Opinion on the proposed Soldier Meadows Allotment Livestock Grazing and Wild Horse and Burro Management Decision dated 12/2/93. This Biological Opinion is a response from formal consultation with the Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973, as amended. At issue are the potential adverse effects to


Lahontan Cutthroat Trout and Desert Dace habitats within the Soldier Meadows Allotment by wildhorses. This alternative is not in compliance with the terms and conditions outlined by the U.S. Fish and Wildlife Service Biological Opinion for the Soldier Meadows Allotment, pursuant to section 7 of the Endangered Species Act of 1973. The Biological Opinion states, "in order to be exempt from the prohibitions of section 9 of the ACT, the Bureau must comply with these terms:

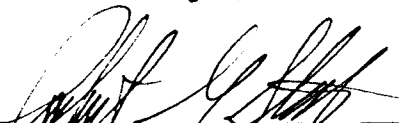
- a wild horse and burro gather shall occur during the winter of 1993-1994 and wild horse and burro AML's shall be achieved over 6 years using two gather cycles.

There have been no written comments received on the Draft Winter 1994 Removal Plan.

Based on the above rationale, I recommend that the Winter 1994 Removal Plan be issued Full Force and Effect.


 _____ Date: 1-13-94
 Bud Cribley
 Area Manager, Sonoma-Gerlach Resource Area


 _____ Date: 1/13/94
 Ron Wenker
 District Manager, Winnemucca

I concur: 
 _____ Date: 1-14-94
 Acting Billy Templeton
 State Director, Nevada

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

In reply refer to:

JAN 13 1994

4700 (NV-026.8)

Memorandum

To: State Director, Nevada

From: District Manager, Winnemucca

Subject: Rationale for Placing the Winter 1994 Wild Horse Removal Plan in Full Force and Effect

If horses are not removed immediately the following impacts, as identified in the Buffalo Hills Allotment, Leadville Allotment, Paiute Meadows and Soldier Meadows Allotment re-evaluation and Multiple Use Decision will occur:

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N2 94 26

production and loss of body condition would be greatest on mares with foal.

- The combined carrying capacity for the Leadville Allotment is exceeded by the existing population of wild horses. The combined carrying capacity for the Soldier Meadows Allotment is almost exceeded by the existing population of wild horses. If horses are not removed this winter, progression toward the attainment of a Thriving Natural Ecological Balance will be delayed.
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200 200 100

Lahontan Cutthroat Trout and Desert Dace habitats within the Soldier Meadows Allotment by wildhorses. This alternative is not in compliance with the terms and conditions outlined by the U.S. Fish and Wildlife Service Biological Opinion for the Soldier Meadows Allotment, pursuant to section 7 of the Endangered Species Act of 1973. The Biological Opinion states, "in order to be exempt from the prohibitions of section 9 of the ACT, the Bureau must comply with these terms:

- a wild horse and burro gather shall occur during the winter of 1993-1994 and wild horse and burro AML's shall be achieved over 6 years using two gather cycles.


There have been no written comments received on the Draft Winter 1994 Removal Plan.

Based on the above rationale, I recommend that the Winter 1994 Removal Plan be issued Full Force and Effect.



Bud Cribley
Area Manager, Sonoma-Gerlach Resource Area

Date: 1-13-94



Ron Wenker
District Manager, Winnemucca

Date: 1/13/94

I concur:

Billy Templeton
State Director, Nevada

Date: _____



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

IN REPLY REFER TO:

4720.1
(NV-026.8)

December 13, 1993

Dear Interested Party:

Enclosed is a copy of the draft Winter 1994 Wild Horse Removal Plan and Environmental Assessment for the Black Rock Range; East and West, Calico Mountains, and Warm Springs Canyon Herd Management Areas (HMA's). This constitutes notification that the Bureau intends to gather horses no sooner than 28 days from the date of this letter.

The purpose of this gather is to reduce the wild horse population to appropriate management level in order to promote progression toward attainment of a Thriving Natural Ecological Balance within these HMA's. It is anticipated that the final removal plan will be issued Full Force and Effect to protect wildlife habitat (i.e. Lahontan cutthroat trout, desert dace) as well as to protect the wild horse population from a potential loss due to winter weather conditions. The removal plan will not be implemented until a Final Multiple Use Decision has been issued and is in effect for the Leadville, and Soldier Meadows Allotments.

The proposed action is in conformance with the Wild and Free Roaming Horse and Burro Act of 1971 (P.L. 92-195) section 1 and section 3(b)(1) and (2), as amended, and the Sonoma-Gerlach Land Use Plan dated July 9, 1982.

Please review this document and provide comments by January 13, 1994. If you have any questions regarding the removal, please contact Tom Seley at (702) 623-1500.

Sincerely yours,

Bud C. Cribble, Area Manager
Sonoma-Gerlach Resource Area

Enclosure

4720.1
(NV-026.8)

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Winnemucca District Office

**Paradise-Denio Resource Area
&
Sonoma-Gerlach Resource Area**

**Wild Horse Management Plan (W-22) and W-22
Winter 1994**

Wild Horse Removal Plan

N2 94 10

Winter 1994
Wild Horse Removal Plan

I. INTRODUCTION

The intent of this removal plan is to outline the methods and procedures to be used in the capture of approximately 2,100 wild horses and removal of approximately 1200 wild horses from the Black Rock Range: East and West, Calico Mountains and Warm Springs Canyon Herd Management Areas (HMAs). The removal would reduce the wild horse population in the Calico Mountains and Warm Springs Canyon HMA's to near the Appropriate Management Level (AML), while the Black Rock Range will be substantially above AML. The removal is proposed to begin on January 17, 1994 and to be completed by March 5, 1994.

II. GENERAL AREA DESCRIPTION - BACKGROUND DATA

A. Location

The capture areas are located in Humboldt County and northeast Washoe County, north of Gerlach, Nevada. Refer to the attached maps for the specific location of the capture areas.

1. The Black Rock Range: East (NV-209) and West (NV-227) HMA's

The Black Rock Range is located in the west-central portion of the Paradise-Denio Resource Area and the northwest portion of the Sonoma-Gerlach Resource Area. The Black Rock Range East HMA is located within the Paiute Meadows Allotment and the Black Rock Range West is located within the Soldier Meadows Allotment. The area is bordered on the north by the Charles Sheldon National Antelope Range, on the east and south by the Black Rock Desert, and on the west by the Black Rock Desert, the Summit Lake Indian Reservation and the Warm Springs Canyon HMA. The elevation ranges from 4,000 feet at the valley floor to 8,508 feet at Pahute Peak.

The area is comprised of approximately 195,694 acres; 183,715 acres (94%) of public land and 11,979 acres (6%) of private land.

The capture area contains the entire North Black Rock Range and Pahute Peak Wilderness Study Areas (WSA's), the Lahontan Cutthroat Trout Natural Area, and the western portion of the Black Rock Desert WSA. The designation of the Lahontan Cutthroat Trout Natural Area resulted in the area receiving Instant Study Area (ISA) status, which affords the same management as a WSA. Refer to the attached maps for the specific location of the WSA's and ISA.

2. Calico Mountains HMA (NV-222)

The Calico Mountains HMA is located within the northwest portion of the Sonoma-Gerlach Resource Area in the Buffalo Hills, Leadville, and Soldier Meadows Allotments. There is 36% of the HMA within the Buffalo Hills Allotment, 34% within the Leadville Allotment, and 30% within the Soldier Meadows Allotment. The area is bordered on the north by the Warm Springs Canyon HMA, on the east by the Black Rock Desert, on the south by the Black Rock Desert and Granite Range HMA, and on the west by the Susanville/Winnemucca District boundary. Elevations range from 4,000 feet at the valley floor to 8,491 feet at Donnelly Peak.

The area is comprised of approximately 157,166 acres; 157,066 acres (99.9%) public land and 100 acres (.1%) private land.

The capture area contains the Calico Mountains and High Rock Lake WSA's. Refer to the attached maps for the specific location of the WSA's.

3. Warm Springs Canyon HMA (NV-226)

The Warm Springs Canyon HMA is located in the northwest portion of the Sonoma-Gerlach Resource Area in the Soldier Meadows Allotment. The area is bordered on the north by the Charles Sheldon National Antelope Range, on the east by the Black Rock Range West HMA and Summit Lake Indian Reservation, on the south by the Calico Mountains HMA, and on the west by the Susanville/Winnemucca District boundary. Elevations range from 4,550 at the valley floor to 7,084 feet at Trough Mountain.

The area is comprised of approximately 83,136 acres; 82,485 acres (99%) public land and 651 acres (1%) private land.

There are no WSA's contained within the capture area.

B. Justification

The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195) as amended, Section 3(b)(1), "states that the Secretaries of Interior and Agriculture shall "determine appropriate management levels of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)." Section 3(b)(2) states, "that if an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken, until all excess animals have been removed so as to restore a thriving natural ecological balance to the range,

and protect the range from the deterioration associated with overpopulation."

1. Black Rock Range: East and West HMA's

The Paiute Meadows Allotment Evaluation and Final Full Force and Effect Multiple Use Decision dated April 12, 1993, and the Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision combined the Black Rock Range: East and West HMA's for the purpose of managing the wild horse population within the two HMA's as one population. The AML for the Black Rock Range is established at 186 head of wild horses in order to maintain a thriving natural ecological balance.

2. Calico Mountains HMA

The Buffalo Hills Allotment Re-Evaluation and Final Full Force and Effect Multiple Use Decision dated February 9, 1993 established the AML for the 36% of the HMA contained within the allotment. The Leadville Allotment Re-Evaluation and Final Multiple Use Decision established the AML for the 34% of the HMA contained within the allotment. The Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision established the AML for the 30% of the HMA contained within the allotment. The following table lists the AML to maintain a thriving natural ecological balance for the HMA by allotment.

Age and sex structure information
for the allotments is as follows:

<u>Allotment</u>	<u>AML Horses</u>
Buffalo Hills	142
Leadville	126
Soldier Meadows	<u>65</u>
Total	333

3. Warm Springs Canyon HMA

The Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision established that 175 wild horses and 24 burros is the AML that will maintain a thriving natural ecological balance within the HMA.

The removal plan will not be implemented until a Final Multiple Use Decision has been issued and is in effect for the Leadville and Soldier Meadows Allotments.

C. Reference to Environmental Assessment (EA)

A preliminary environmental assessment (No. NV-020-04-000) was prepared analyzing the impacts of adjusting age structure, environmental consequences and mitigating measures of the proposed action. A Programmatic EA (No. NV-020-7-24) analyzing the environmental consequences and mitigating measures of the proposed

action was prepared and distributed for public comment in May 1987. After the incorporation of public comments, a Record of Decision and Finding of No Significant Impact was approved on August 4, 1987. These documents are available for review at the Winnemucca District Office.

D. Population and Removal Data

The following table shows the AML, current population estimates, and number of wild horses and burros to remain in the capture areas. The population estimates are the results of a helicopter census conducted in September 1993.

<u>Capture Area</u>	AML	Population Estimate	# to Remain
	<u>Horses/Burros</u>	<u>Horses/Burros</u>	<u>Horses/Burros</u>
Black Rock Range	186/0*	901/0	186/0
Calico Mountains	333/0*	743/7	333/0
Warm Springs Cyn.	175/24	435/16	175/16

* There were no Burros found in the HMA when the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195) was passed.

Age structure information from past removals in these HMA's indicate that approximately 55% of the population is 5 years of age or younger. If the age structure of the current population is similar, approximately 1,200 horses will be removed from the HMA's.

Based on current policy, wild horses removed from HMA's cannot exceed 5 years of age, while horses removed from outside HMA's, private land or emergency gather areas (i.e. drought) cannot exceed nine years of age. However, horses which do not meet these criteria may be removed if adopted within Nevada.

All captured animals, five and younger will be shipped to the Palomino Valley Corrals. Wild Horses that are six years of age or older will be released back into their respective HMA's, if not selected for removal. Mares with foals will be released separately from the other release animals to ensure that the foals do not become separated from the mare.

Prior to release of older animals, each horse will be freeze branded on the left hip with the last two digits of the capture area HMA number to assist with the determination of movement between HMA's and the Susanville District. Blood sampling may be conducted on approximately 10% of the captured animals to collect base line genetic information.

III. Methods For Removal And Safety

The methods employed during this capture operation will be herding

animals with a helicopter to a trap built with portable panels, or herding animals with a helicopter to ropers. The Bureau of Land Management will contract with a private party for this operation. The following stipulations and procedures will be followed during the contract to ensure the welfare, safety and humane treatment of the wild horses and burros.

A. Trapping and Care of Animals

1. All capture attempts will be accomplished by the utilization of a helicopter. A minimum of one saddle horse shall be immediately available at the trap site to accomplish roping if necessary. Roping will be done only when necessary and only with prior approval by a BLM authorized officer. Under no circumstances shall animals be tied down for more than one hour.
2. The helicopter shall be used in such a manner that bands will remain together. Foals shall not be left behind. The project helicopter actions may occasionally be observed by a Government controlled helicopter. All actions of the Government helicopter will be coordinated with the Contractor to prevent interference with the project helicopter and contract operations.

REMOVAL OPERATIONS

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

3. The rate of movement and distance that animals travel shall not exceed limitations set by a BLM employee who will consider terrain, physical barriers, weather, condition of the animals and other factors.

The terrain in the removal areas varies from flat valley bottoms to mountainous, and the animals may be located at all elevations (ranging from 4,000 feet to 8,508 feet) depending upon weather conditions and precipitation.

Experience gained from past removals in these areas indicates the proposed action may cause undue stress to the animals. It will be difficult to remove animals from these areas without some concern for the welfare of the animals due to the following reasons.

- a. The parent material in the capture areas ranges from granitic to basalt parent material. The volcanic material is very sharp, and as a result, there is concern that some animals hoofs and fetlocks may become injured, especially the younger animals.

- b. There are steep and extensive escarpments in the capture areas which limit the areas where animals can be brought into the trap or ropers.

Prior to any gathering operation, BLM will provide for a pre-capture evaluation of existing conditions in the gather areas. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, topography, road conditions, location of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a conclusion as to whether the level of activity is likely to cause undue stress to the animals, and whether such stress would be acceptable to the animals if veterinarian expertise were present, or whether a delay in the capture activity is warranted. If it is determined that the capture efforts necessitate the services of a veterinarian, one will be obtained before the capture will proceed.

The Contractor will be provided with a topographic map of the removal area which shows acceptable trap locations and existing fences and/or physical barriers prior to any gathering operations.

The Contractor will also be appraised of the above conditions and will be given direction regarding the capture and handling of animals to ensure their health and welfare is protected.

4. It is estimated that a minimum of two trap sites will be required in each capture area to accomplish the work. All trap locations and holding facilities must be approved by a BLM employee prior to construction. The Contractor may also be required to change or move trap locations as determined by the BLM. All traps and holding facilities not located on public land must have prior written approval of the landowner.

Each general site will be selected by a BLM employee after determining the habits of the animals and observing the topography of the area. Site specific locations may be selected by the Contractor with the BLM's approval within this general preselected area. Trap sites will be located to cause as little injury and stress to the animals and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive cultural, and threatened/endangered plant and animal clearances prior to construction. Trap sites located within WSA's shall be constructed on roads or ways and shall not extend farther than 50 feet from the edge of the road or way. Additional trap sites may be required, as determined by the BLM, to relieve

stress caused by certain conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, deep snow, etc.).

Due to the many variables affecting the distribution of animals such as weather, health and condition, and time of year, it is not possible to identify specific locations at this time. They will be determined at the time of the removal operation.

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 for horses and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from the 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 without holes or separation of plies, or like material. The loading chute shall also be a minimum of 6 feet high.
 - c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet for burros, and shall be covered with plywood without holes or separation of plies, or like material a minimum of 1 foot to 5 feet above ground for burros and 1 foot to 6 feet for horses.
 - d. Wings shall not be constructed out of barbed wire or other material injurious to animals and must be approved by a BLM employee.
 - 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 without holes or separation of plies, burlap, jute, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.
 - f. All pens and runways used for the movement and handling of shall be connected with hinged self-locking gates.
6. No fence modifications will be made without authorization from the BLM. The Contractor shall be responsible for restoration of any fence modifications which he has made.

If the route the Contractor proposes to herd animals, passes

through a fence, the Contractor shall be required to roll up the fence material and pull up the posts to provide at least a 50 yard gap. The standing fence on each side of the gap will be well flagged or covered with jute or like material for a distance of 50 yards from the gap on each side.

7. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to wet down the ground with water to ensure that dust does not pose a problem to personnel or to the animals.
8. Alternate pens within the holding facility shall be furnished by the Contractor to separate animals with small foals, sick and injured animals, and stray animals from the other animals. 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 BLM 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 BLM. The Contractor shall schedule to arrive at the final destination between 6:00 a.m. and 4:00 p.m.. No shipments shall be scheduled to arrive at final destination on Sundays or Federal holidays. Animals shall not be allowed to remain standing in trucks while not in transport for a combined period of greater than 3 hours.
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.

Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, rubber over metal) so as to avoid injury to animals.

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 if treatment by the Government is necessary. The BLM 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 BLM.

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. A BLM employee will have the primary responsibility for determining when an animal will be destroyed and will perform the actual destruction. When a BLM employee is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a diagnosis and final determination. Destruction shall be done in the most humane method available. A veterinarian can be called, if necessary, to care for any injured animal.

The carcasses of the animals which die or must be destroyed as a result of any infectious, contagious, or parasitic disease will be disposed of by burial to a depth of at least 3 feet.

The carcasses of the animals which must be destroyed as a result of age, injury, lameness, or noncontagious disease or illness will be disposed of by removing them from the capture site or holding corral and placing them in an inconspicuous location to minimize the visual impacts. Carcasses will not be placed in drainages regardless of drainage size or downstream destination.

13. Branded or privately owned animals whose owners are known will be impounded by BLM, and if not redeemed by payment of trespass and capture fees, will be sold at public auction. If owners are not known, the private animals will be turned over to the State for processing under Nevada estray laws.

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 ensure that captured animals are transported without undue risk or injury.
3. Only stock trailers with a covered top shall be allowed for transporting animals from traps to temporary holding facilities. Only bobtail trucks, stock trailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stock racks 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 providing three compartments within the trailer to separate animals.

Trailers less than 40 feet shall have at least one partition gate providing two compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. 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 the final destination shall be equipped with at least one door at the rear end of the vehicle, which is capable of sliding either horizontally or vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough, so that the animals cannot push their hooves through the sides.

The Contractor will not be allowed to begin work on the contract until all vehicles and equipment are in compliance with these stipulations.

5. Floors of vehicles and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.

The adequacy of this material will be confirmed prior to every load by a BLM employee.

6. Animals to be loaded and transported in any vehicle shall be as directed by a BLM employee and may include limitations on numbers according to age, size, temperament and animal condition. The following minimum linear feet per animal shall be allowed per standard 8 foot wide stock trailer/truck:

1.40 linear foot per adult horse (11 square feet per adult horse)

1.00 linear foot per adult burro (8 square feet per adult burro)

.75 linear foot per horse foal (6 square feet per horse foal)

.50 linear foot per burro foal (4 square feet per burro foal)

The BLM employee supervising the loading of animals to be transported from the trap site to the temporary holding corral will require separation of small foals and/or weak animals from the rest should it appear feel that the animals may be injured during the trip. The distance and condition of the road will be considered in making this determination. Animals shipped from the temporary holding corral to the BLM facility

will be separated by sex and age class (including small yearlings). Further separation may be required should condition of the animals warrant.

The BLM employee supervising the loading may require the contractor to off load horses should it appear that there are too many animals on the vehicle.

7. The BLM 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 BLM shall provide for any brand and/or inspection services required for the captured animals. It is currently planned to ship all animals to the Palomino Valley facility. Communication lines have been established with the Palomino Valley personnel involved in off-loading the animals, to receive feedback on how the animals arrive. Should problems arise, gathering methods, shipping methods and/or separation of the animals will be changed in an attempt to alleviate the problems.
8. If a BLM employee determines that dust conditions are such that 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 roads is approximately 80 miles per load.

In general, roads in the capture areas are in fair to good condition. If a problem develops, speed restrictions shall be set or alternate routes used.

Periodic checks by BLM employees will be made as the animals are transported along dirt roads. If speed restrictions are in effect, then BLM employees will, at times, follow and/or time trips to ensure compliance.

C. 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 Contractor's 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 the fuel truck), and personnel not involved in refueling.
3. The BLM shall have the means to communicate with the Contractor's pilot and be able to direct the use of the gather helicopter at all times. If communications cannot be established, the Government will take steps as necessary to

protect the welfare of the animals.

4. The proper operation, service and maintenance of all Contractor furnished helicopters is the responsibility of the Contractor. The BLM reserves the right to remove from service, pilots and helicopters which, in the opinion of the BLM 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 BLM.
5. The contractor shall provide the Cor/PI with the total flight hours flown at the completion of the delivery order. The COR must submit a completed SERVICE CONTRACT FLIGHT HOURS REPORT to the local aviation manager and to the Contracting Officer.

IV. Responsibility and Lines of Communication

The Contracting Officers Representative, Ton Seley and Project Inspectors (Ron Hall, Nadine Jackson and Dave Stockdale) from the Winnemucca District, have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. However, the Sonoma-Gerlach Area Manager, Paradise-Denio Area Manager and the Winnemucca District Manager will take an active role to ensure the appropriate lines of communication are established between the field, District, State, and Palomino offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquires will be handled through the Sonoma-Gerlach Area Manager. This individual will be the primary contact and will coordinate the contract with the Palomino Valley Corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications will be enforced vigorously.

Should the Contractor show negligence and not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.

V. Signatures:

Prepared by: _____ Date _____
Wild Horse and Burro Specialist
Sonoma-Gerlach Resource Area

Reviewed by: _____ Date _____
Wild Horse and Burro Program Leader

Recommended by: _____ Date _____
Area Manager
Sonoma-Gerlach Resource Area

Recommended by: _____ Date _____
Area Manager
Paradise-Denio Resource Area

Approved by: _____ Date _____
District Manager

Preliminary Environmental
Assessment
for the
Winter 1994 Wild Horse Removal

Environmental Assessment
Winter 1994
Wild Horse Removal

I. Description of Alternatives

A. Background Information

This document has been prepared to assess the environmental impacts of adjusting the numbers and age structure of wild horses in the Black Rock Range; East and West, Calico Mountains, and Warm Springs Canyon Herd Management Areas (HMAs). This EA does not assess the impacts of different methods of gathering horses. These impacts were analyzed in a programmatic EA (No. NV-020-7-24) prepared in May 1987. After the incorporation of public comments, a Record of Decision and Finding of No Significant Impact was approved on August 4, 1987 and the assessment remains valid today. That EA is on file and available for review in the Winnemucca District Office.

B. Purpose and Need

The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195) Section 3(b)(1), as amended, states, " the Secretaries of Interior and Agriculture shall determine appropriate management levels (AML) of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)." Section 3(b)(2) as amended states," that if an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken until all excess animals have been removed from the range so as to restore a thriving natural ecological balance to the range and protect the range from the deterioration associated with over population."

The purpose of the proposed action is to remove all wild horses five years and younger from the Black Rock Range, Calico Mountains, and Warm Springs Canyon HMA's in conformance with the Strategic Plan For Management Of Wild Horses And Burros On Public Lands (June 1992). The Paiute Meadows, Soldier Meadows, Leadville and Buffalo Hills Allotment evaluation's and multiple use decision's established the AML's for the proposed capture areas.

C. Proposed Action

The proposed action is to remove all animals (5 years and younger) in excess of AML in the Calico Mountains and Warm Springs Canyon HMA. Due to Bureau's selective removal policy, all animals five years of age and younger would be removed from the Black Rock Range, however the area could remain above AML.

The Paiute Meadows Allotment Evaluation and Final Full Force and Effect Multiple Use Decision dated April 12, 1993, and the Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision established the appropriate management level (AML) for the Black Rock Range at 186 head of wild horses in order to maintain a thriving natural ecological balance.

The Buffalo Hills Allotment Re-Evaluation and Final Full Force and Effect Multiple Use Decision dated February 9, 1993, the Leadville Allotment Re-Evaluation and Final Multiple Use Decision, and the Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision established the AML for the Calico Mountains HMA at 333 head of wild horses in order to obtain a thriving natural ecological balance.

The Soldier Meadows Allotment Re-Evaluation and Final Multiple Use Decision established the AML for the Warm Springs Canyon HMA at 175 wild horses and 24 burros in order to obtain a thriving natural ecological balance.

The following table shows the AML, current population estimates, and estimated number of wild horses and burros to remain in the capture areas. The population estimates are the results of a helicopter census conducted in September 1993.

<u>Capture Area</u>	<u>AML</u>	<u>Population Estimate</u>	<u># to Remain</u>
	<u>Horses/Burros</u>	<u>Horses/Burros</u>	<u>Horses/Burros</u>
Black Rock Range	186/0*	901/0	186/0
Calico Mountains	333/0*	743/7	333/0
Warm Springs Cyn.	175/24	435/16	175/16

* There were no Burros found in the HMA when the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195) was passed.

Age structure information from past removals in these HMA's indicate that approximately 55% of the population is 5 years of age or younger. If the age structure of the current population is similar, approximately 1,200 horses (55% of 2179) would be removed from the HMA's.

Prior to release of older animals, each horse will be freeze branded on the left hip with the last two digits of the capture area HMA number to assist with the determination of movement between HMA's and the Susanville District. Blood sampling may be conducted on approximately 10% of the captured animals to collect base line genetic information.

The proposed removal operation is projected to begin January 17, 1994, and to be completed by March 5, 1994.

D. Alternatives to the Proposed Action

NO ACTION - Wild horses would not be gathered from the Black Rock Range, Calico Mountains, and Warm Springs Canyon HMA's which would result in continued degradation of the upland and riparian habitat.

II. Affected Environment

A. Black Rock Range: East (NV-209) and West (NV-227) HMA's

The Black Rock Range is located in the Paradise-Denio and Sonoma-Gerlach Resource Areas. The Black Rock Range East is located within the Paiute Meadows Allotment and the Black Rock Range West is located within the Soldier Meadows Allotment. Elevations range from 4,000 feet at the valley floor to 8,508 feet at Pahute Peak. Vegetative types found within the HMA's vary from black greasewood, shadscale/budsage-grass at lower elevations to mountain sagebrush-bunch grass, mountain mahogany and quaking aspen at higher elevations.

The threatened Lahontan cutthroat trout (LCT) is found in Mahogany Creek, Summer Camp Creek, and Snow Creek. In addition to the existing populations of LCT, Coleman Creek and Battle Creek have been identified as potential re-introduction streams.

The area is comprised of approximately 195,694 acres; 183,715 acres (94%) of public land and 11,979 acres (6%) of private land.

The capture area contains the entire North Black Rock Range and Pahute Peak Wilderness Study Areas (WSA's), the Lahontan Cutthroat Trout Natural Area, and the western portion of the Black Rock Desert WSA. The designation of the Lahontan Cutthroat Trout Natural Area resulted in the area receiving Instant Study Area (ISA) status, which affords the same management as a WSA. Refer to the attached maps for the specific location of the WSA's and ISA.

B. Calico Mountains HMA (NV-222)

The Calico Mountains HMA is located within the Sonoma-Gerlach Resource Area in the Buffalo Hills, Leadville, and Soldier Meadows Allotments. Elevations range from 4,000 feet at the valley floor to 8,491 feet at Donnelly Peak. Vegetative types found within the HMA vary from shadscale/budsage-grass at lower elevations to mountain sagebrush-bunch grass, low sagebrush-bunch grass and quaking aspen at higher elevations.

Donnelly Creek has been identified as a potential LCT re-introduction stream.

The area is comprised of approximately 157,166 acres; 157,066 acres (99.9%) public land and 100 acres (.1%) private land.

The capture area contains the Calico Mountains and High Rock Lake WSA's. Refer to the attached maps for the specific location of the WSA's.

C. Warm Springs Canyon HMA (NV-226)

The Warm Springs Canyon HMA is located in the Sonoma-Gerlach Resource Area within the Soldier Meadows Allotment. Elevations range from 4,550 at the valley floor to 7,084 feet at Trough Mountain. Vegetative types found within the HMA vary from shadscale/budsage-grass at lower elevations to mountain sagebrush-bunch grass, low sagebrush-bunchgrass and mountain mahogany at higher elevations.

The threatened desert dace is found in a number of hot springs in the southeastern area of the HMA.

The area is comprised of approximately 83,136 acres; 82,485 acres (99%) public land and 651 acres (1%) private land.

There are no WSA's contained within the capture area.

D. Critical Elements

The following critical elements are not affected: Air Quality, ACEC, Farmlands, Floodplains, Native American Religious Concerns, Solid or Hazardous Wastes, Wild and Scenic Rivers, and Paleontological Resources.

III. Environmental Consequences

A. Impacts of Proposed Action

1. Vegetation, soil, and water

Implementation of the proposed action would reduce the wild horse population to near AML in the Calico Mountains and Warm Springs Canyon HMA's which would help to promote a thriving natural ecological balance. This would result in an increase in vegetation density, vigor, reproduction, productivity, and forage availability.

The Black Rock Range would remain substantially above AML. There would be an increase in vegetation density, vigor, reproduction, productivity, and forage availability. However it would be less than will occur in the Calico Mountains and Warm Springs Canyon HMA's .

The proposed action would lessen the impact of hoof action on the soil around unimproved springs and stream bank riparian areas which should lead to an improvement in stream bank stability and improved riparian habitat conditions. There would also be a reduction in hoof action on upland habitat area and reduced competition for available water sources.

2. Wildlife and Livestock

The proposed action would result in reduced competition which would increase the quantity and quality of forage available to livestock and wildlife. There would be less disturbance associated with wild horses along stream bank riparian habitat and adjacent upland habitat which should result in improved habitat conditions on existing and potential re-introduction LCT streams.

3. Wild Horses

Implementation of the proposed action would change the age structure within the HMA's from a normal age distribution to a population comprised primarily of horses six years and older. This may lead to a decrease in recruitment rate and a stabilization of the population. Social structure may be affected since the selective removal process would result in turning back more studs than mares, and increasing the number of bachelor bands within the capture areas. Since the outcome of this action is not known, the populations would be monitored to determine the outcome of this selective removal.

4. Wilderness

Wilderness values would be positively affected by implementation of the proposed action as it would result in an improved ecological condition of the plant communities that is aesthetically more appealing to the public than the existing situation.

B. Alternative-No Action

Wild horse populations would continue to increase. The forage resource, would continue to be degraded. Preferred forage species would continue to be over utilized resulting in decreases in vegetation densities, vigor, reproduction, productivity, and forage availability. If normal to above normal winter precipitation is received this year, there is a strong potential for a loss of wild horses from these areas.

C. Mitigating Measures

All phases of the gather and processing operation would be carried out according to Bureau policy with the intent of conducting as safe and humane an operation as possible.

To the extent possible, avoid concentration of antelope and mule deer that are 50 head or larger while herding horses from the range to the capture site.

Desert dace and LCT habitat shall be avoided while herding horses from the range to capture sites.

Trap sites shall not be placed within desert dace or LCT habitat.

As identified in programmatic EA NV-020-7-24, trap sites located within WSA's shall be constructed on roads or ways and shall not extend farther than 50 feet from the edge of the road or way.

As identified in programmatic EA NV-020-7-24, a cultural resources inventory would be conducted prior to construction of trap sites. If a cultural site is located, there would be no work conducted at that site.

Mares with foals will be released separately from other release animals to ensure that foals do not become separated from the mare.

IV. Consultation

The following individuals were contacted during the preparation of this document.

Dawn Lappin	Wild Horse Organized Assistance
Cathy Barcomb	Commission for the Preservation of Wild Horses
Tom Pogacnik	Nevada State Office (BLM) WH&B Specialist
Roy Leach	Nevada Division of Wildlife

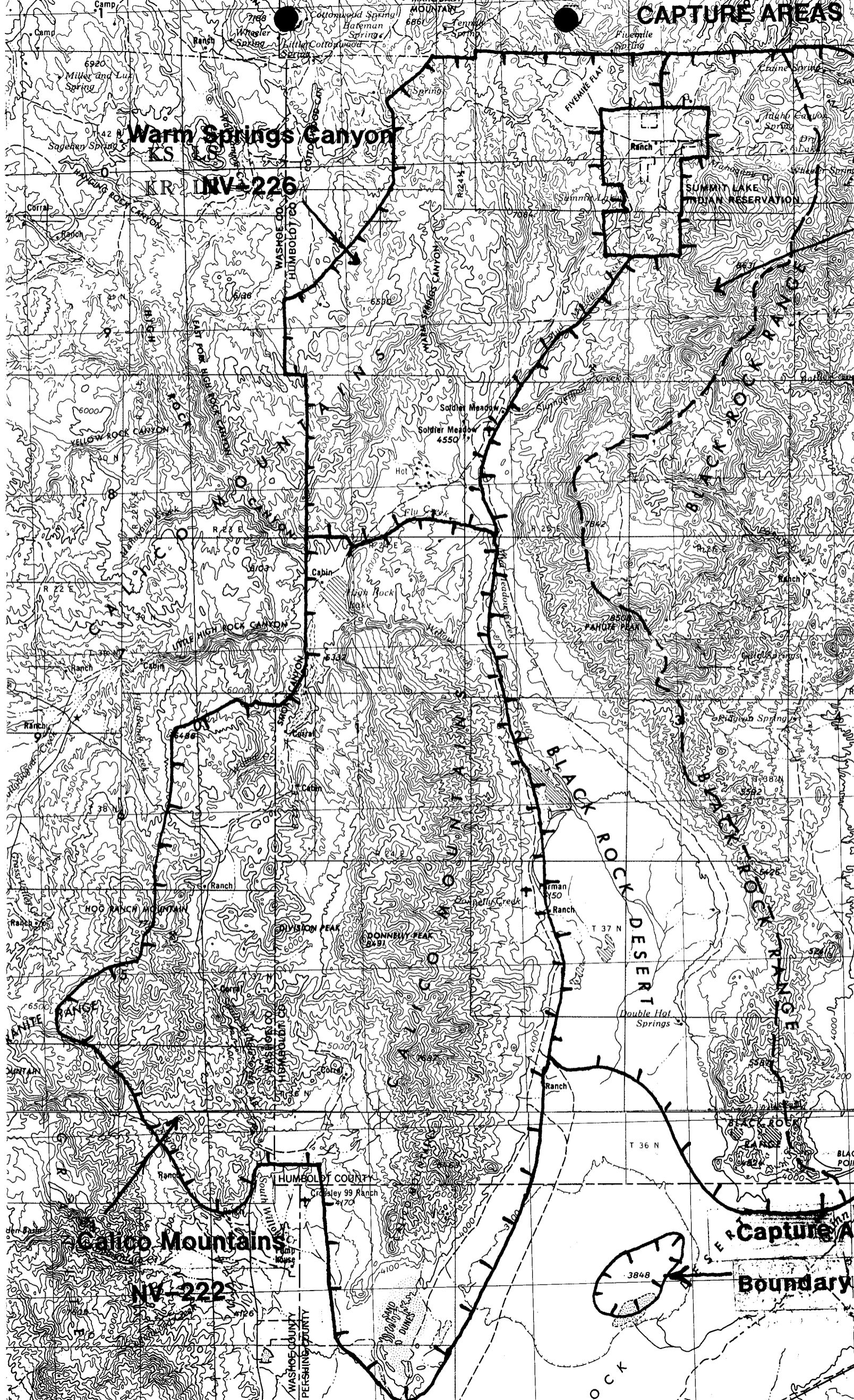
The Fish and Wildlife Service provided a biological opinion for the proposed Soldier Meadows Allotment Re-Evaluation and Multiple Use Decision pursuant to section 7 of the Endangered Species Act of 1973. The biological opinion contained terms and conditions for the capture of wild horses which have been incorporated as mitigating measures.

CAPTURE AREAS

Warm Springs Canyon

KS
KR
NV-226

SUMMIT LAKE INDIAN RESERVATION



Cato Mountains

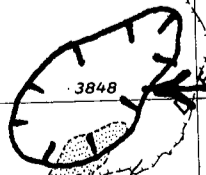
NV-222

HUMBOLDT COUNTY

WASHOE COUNTY
PERSHING COUNTY

Capture Area

Boundary

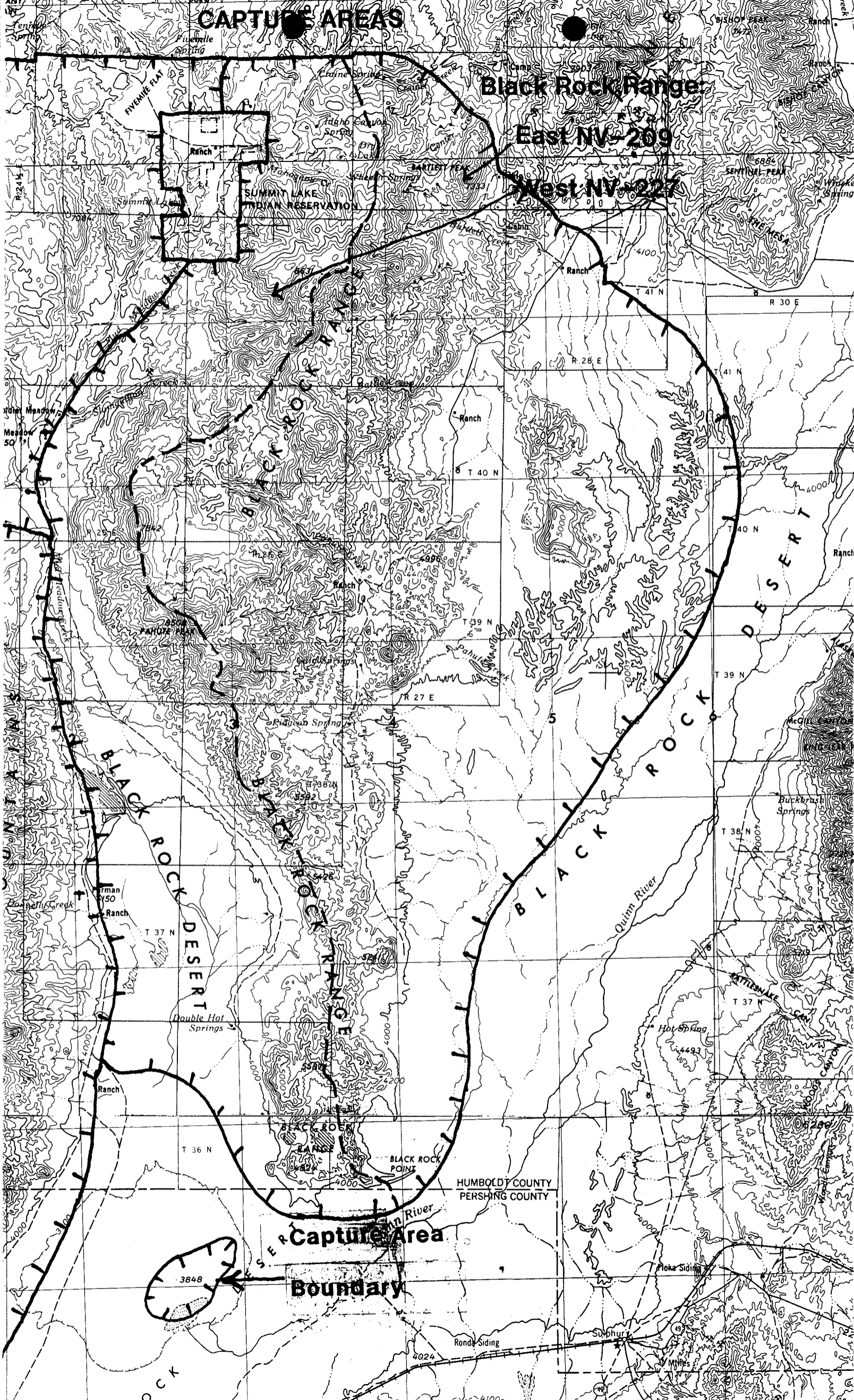


CAPTURE AREAS

Black Rock Range

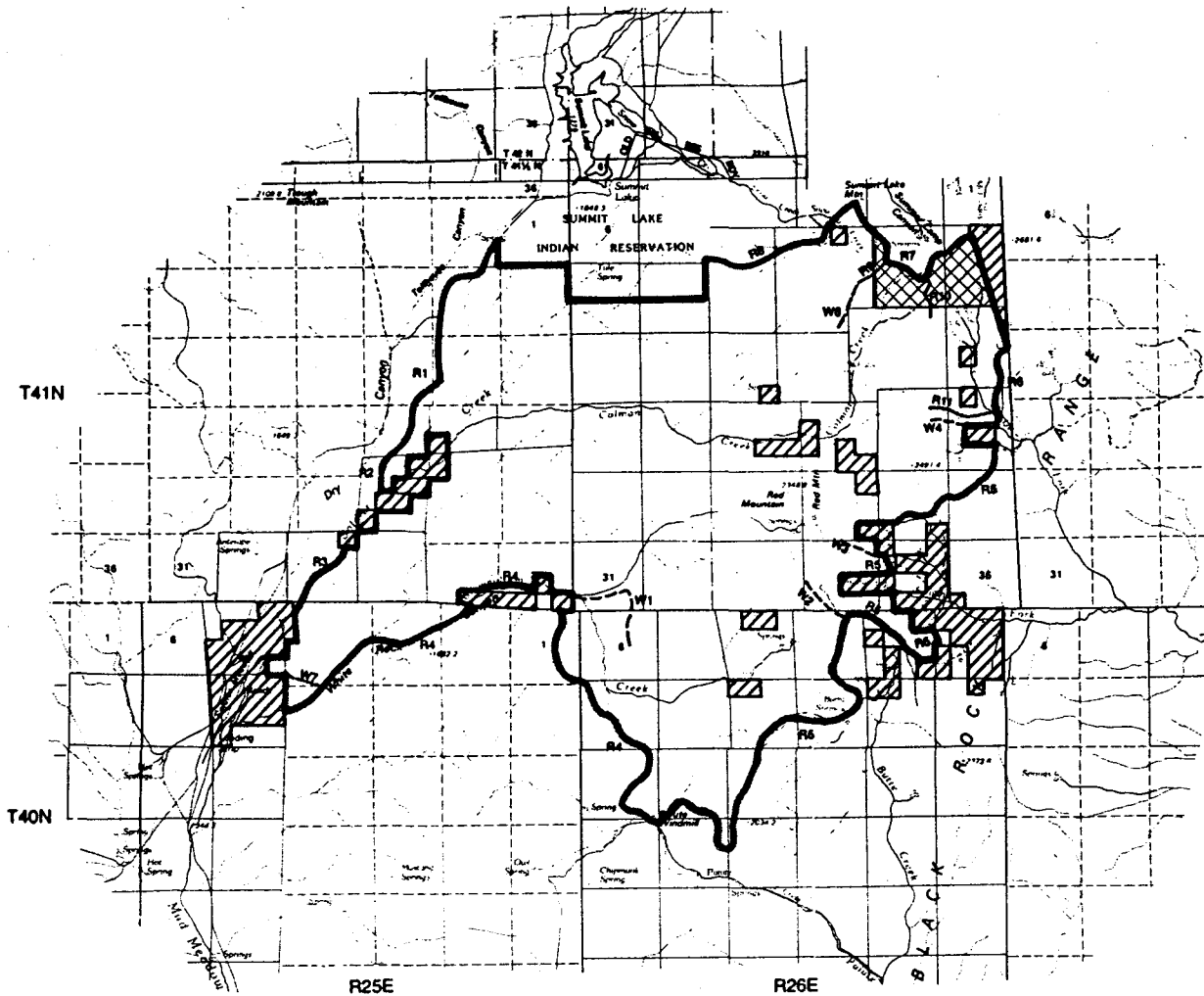
East NV-209






West NV-227






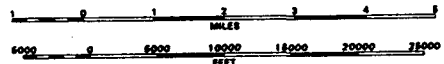
Capture Area
Boundary

HUMBOLDT COUNTY
PERSHING COUNTY



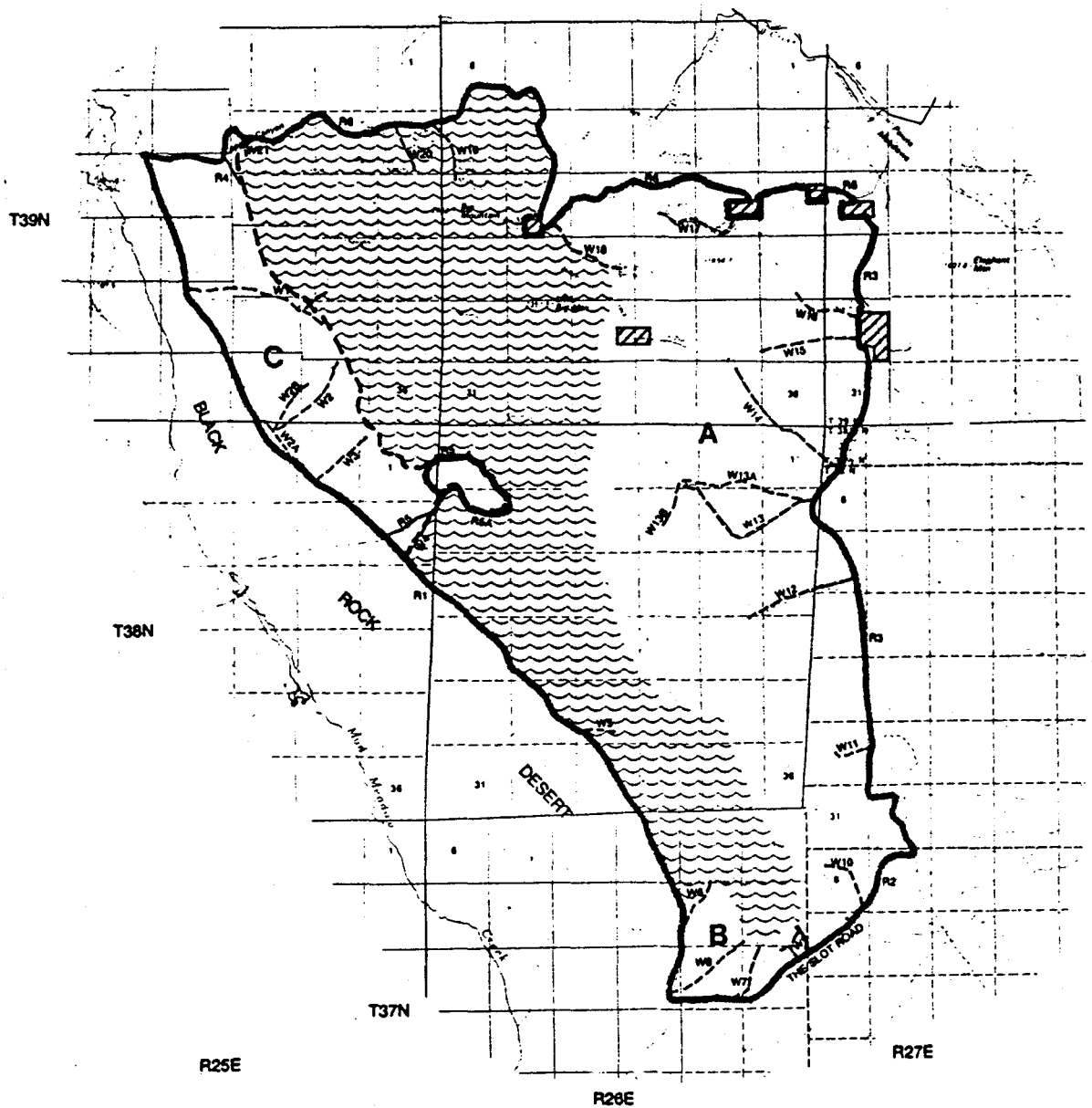
-  PORTION OF LAHONTAN CUTTHROAT TROUT INSTANT STUDY AREA WITHIN W.S.A.
-  PRIVATE LAND (SURFACE & MINERALS)
-  W.S.A. BOUNDARY
-  ROAD
-  WAY








-  PRELIMINARILY RECOMMENDED SUITABLE (None)
-  RECOMMENDED NONSUITABLE
-  ZONE (See Text)

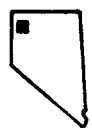
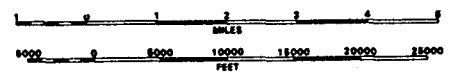


NV-020-622 NORTH BLACK ROCK RANGE RECOMMENDATIONS

N2 94 16



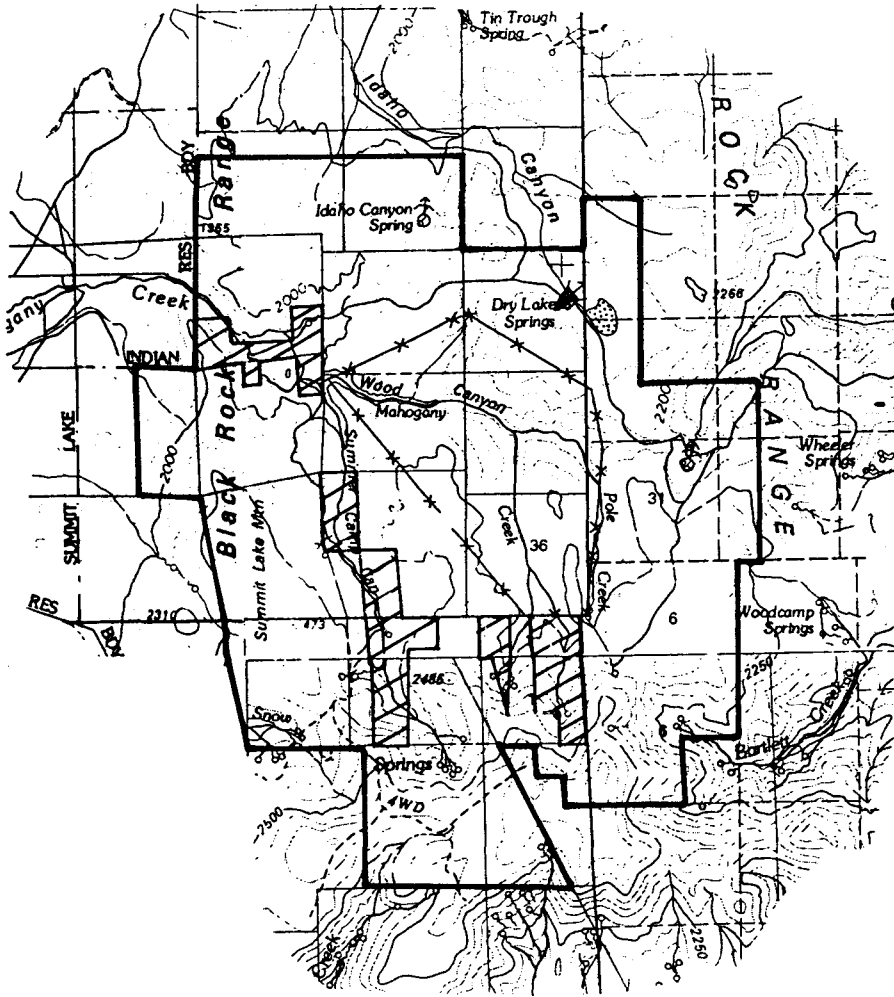
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-  RECOMMENDED NONSUITABLE
-  ZONE (See Text)
-  PRIVATE LAND (SURFACE & MINERALS)
-  W.S.A. BOUNDARY
-  ROAD
-  WAY







N2 94 16
 NV-020-621 PAHUTE PEAK (SOUTH BLACK ROCK)
RECOMMENDATIONS

R26E

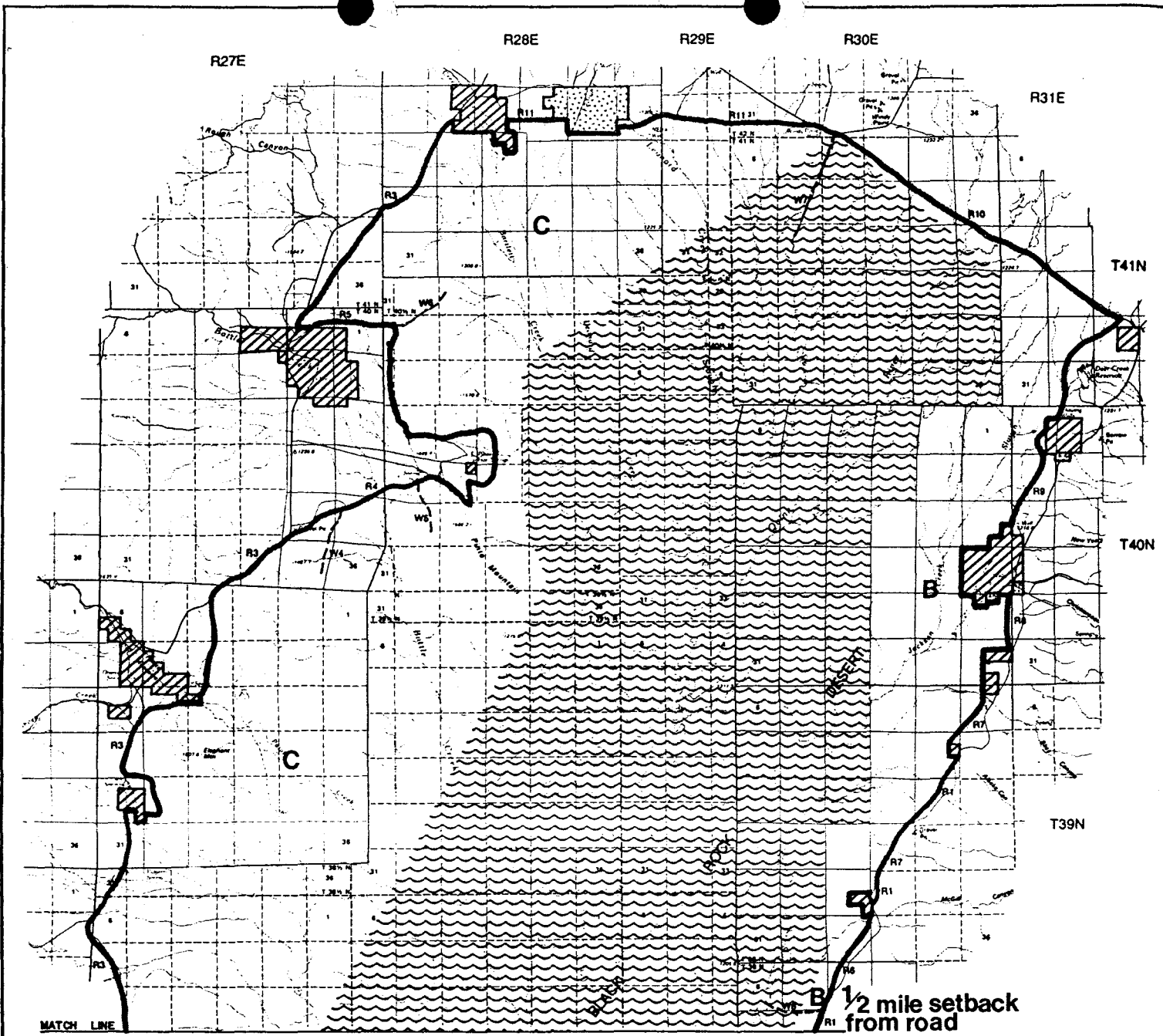
T42N



-  PRIVATE LAND
-  FENCE
-  RESERVOIR
-  DEVELOPED SPRING

EXISTING SITUATION
LAHONTAN ISA

N2 94 16



PRELIMINARILY RECOMMENDED SUITABLE



RECOMMENDED NONSUITABLE



ZONE (See Text)



PRIVATE LAND (SURFACE & MINERALS)



PRIVATE SURFACE (PUBLIC MINERALS)



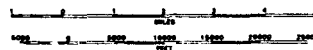
W.S.A. BOUNDARY



ROAD

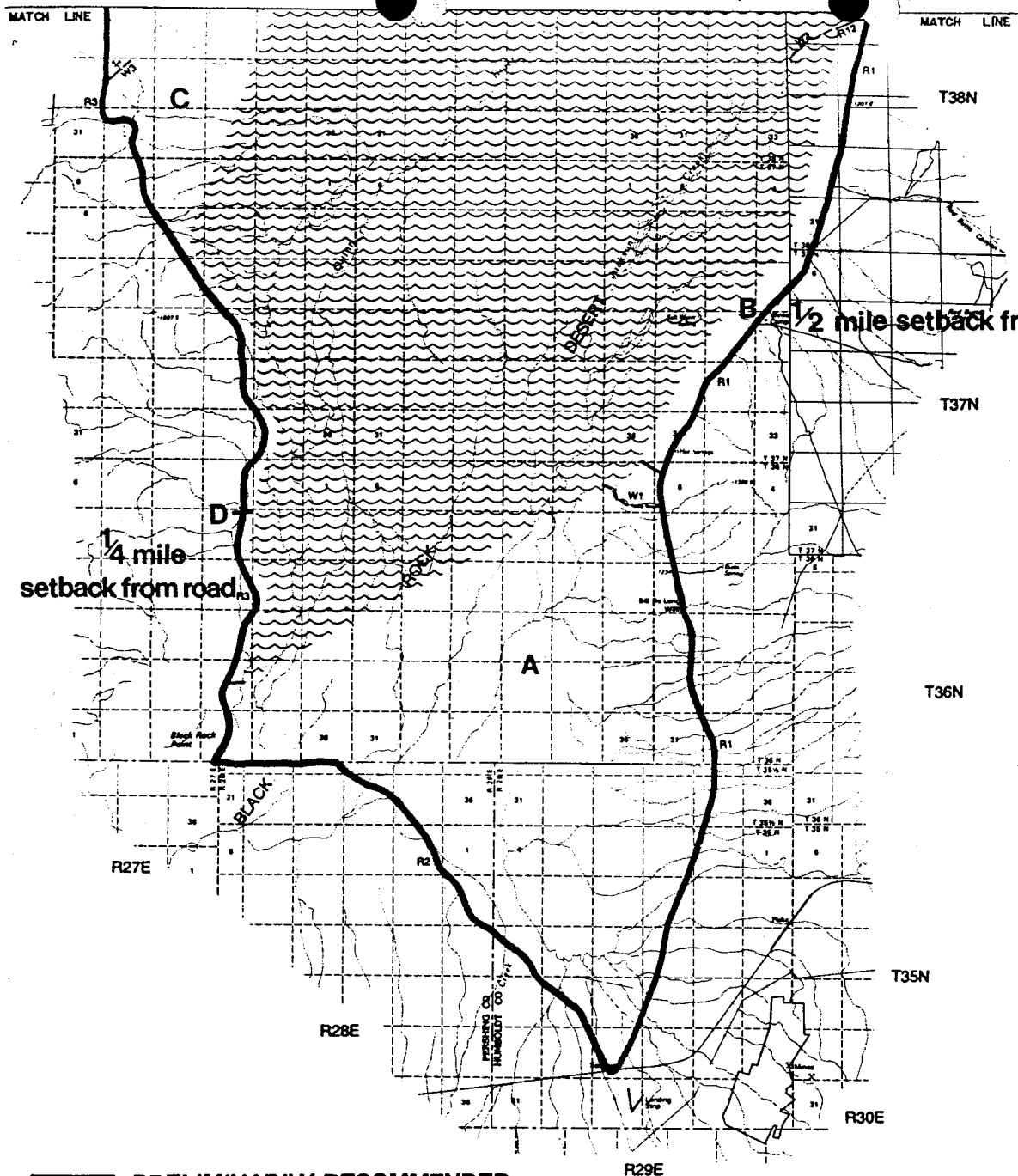


WAY



N2 94 16

NV-020-620 BLACK ROCK DESERT - NORTH RECOMMENDATIONS




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 **RECOMMENDED NONSUITABLE**

 **ZONE (See Text)**

 **W. S. A. BOUNDARY**

 **ROAD**

 **WAY**

 **MINE**



N2 94 16

NV-020-620 BLACK ROCK DESERT - SOUTH RECOMMENDATIONS

T38N

T37N

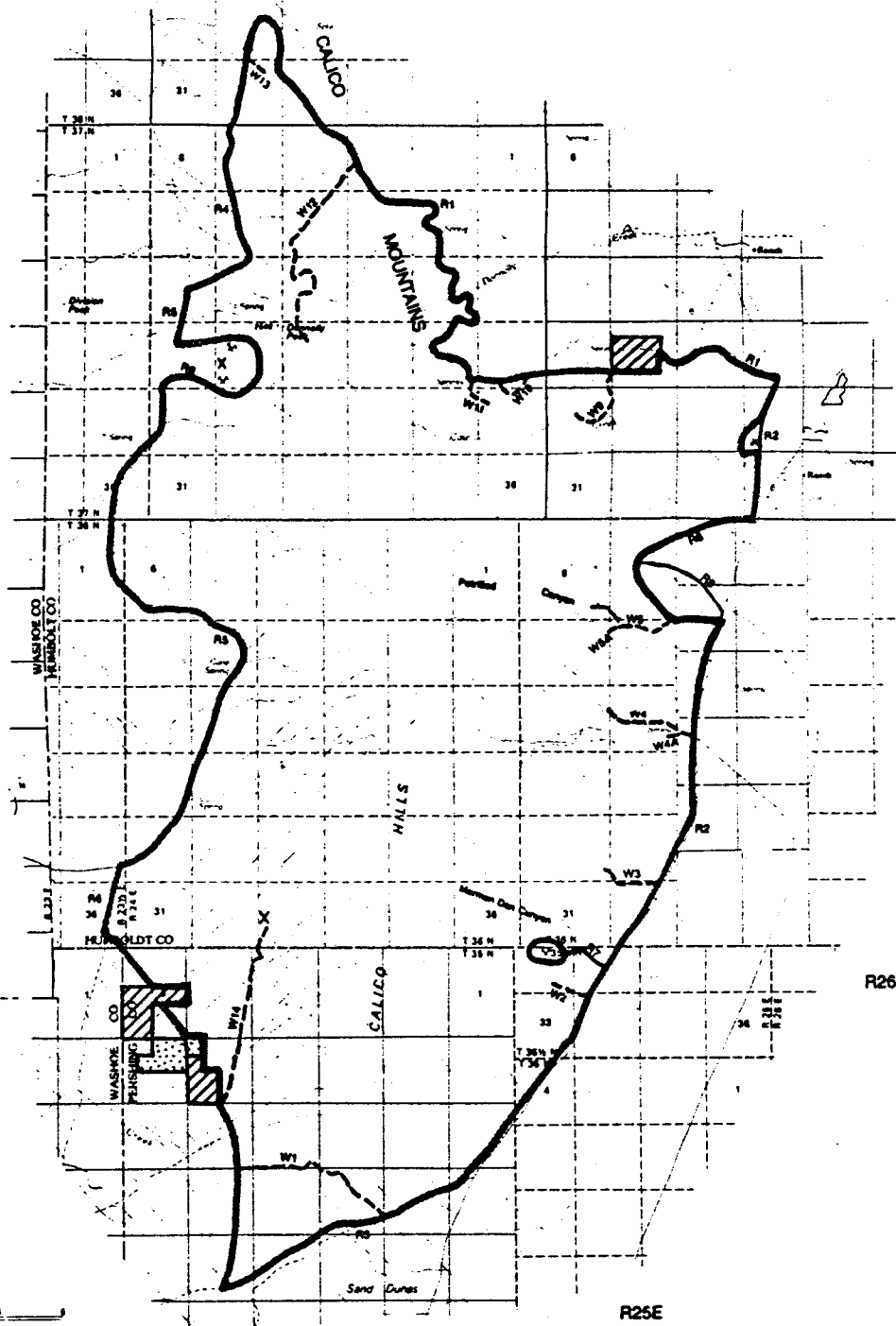
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T35N



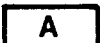
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R24E

R25E

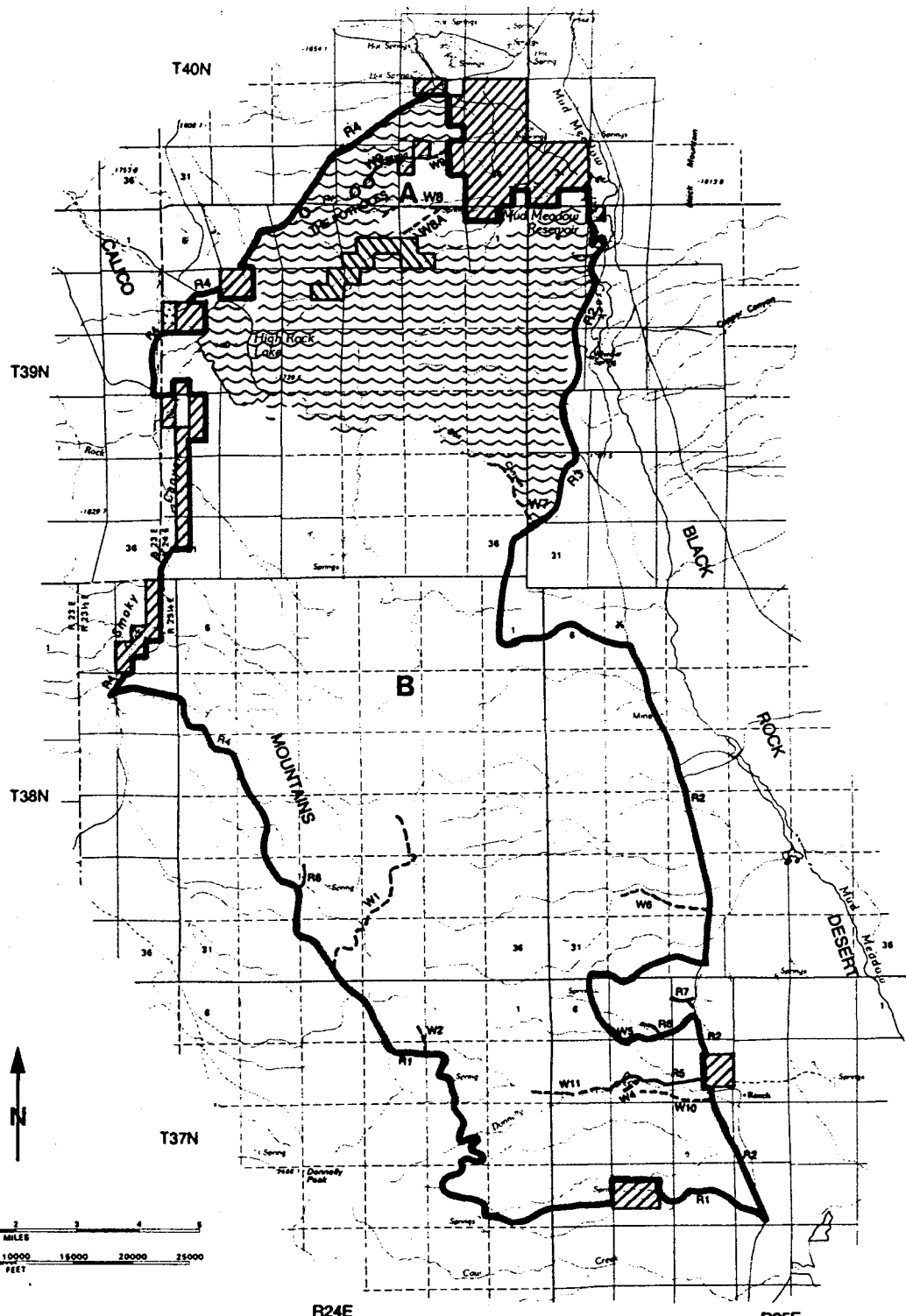









-  PRIVATE LAND (SURFACE & MINERALS)
-  PRIVATE SURFACE - PUBLIC MINERALS
-  W. S. A. BOUNDARY
-  ROAD
-  WAY
-  PROSPECT
-  MINE
-  GRAVEL PIT


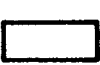
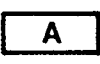
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-  RECOMMENDED NONSUITABLE
-  ZONE (See Text)



82 94 16
 NV-020-019 CALICO MOUNTAINS
 RECOMMENDATIONS



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

-  PRELIMINARILY RECOMMENDED SUITABLE
-  RECOMMENDED NONSUITABLE
-  ZONE (See Text)



NV-020-007 HIGH ROCK LAKE
RECOMMENDATIONS

Mrs. Dawn Lappin
Wild Horse Organ. Assist.
P.O. Box 555
Reno, NV 89505

Mr. Mark McGuire
Nevada Humane Society
P.O. Box KIND
Sparks, NV 89431

Mr. Richard Sewing
National Mustang Association, Inc.
P.O. Box 42
Newcastle, UT 84756

Honorable Harry Reid
324 Hart Senate Office Bldg.
Washington, D.C. 20510

U.S. Dept. of the Interior
Fish and Wildlife Service
Sheldon National Wildlife Refuge
Lakeview, OR 97630

David Harlow
U.S. Dept. of the Interior
Fish and Wildlife Service
4600 Kietzke Lane, Bldg. C
Reno, NV 89502

Susan Alden
P.O. Box 50334
Parks, AZ 86018

MAILING LIST
draft WINTER 1994
WINTER REMOVAL

+ 44
+ 1 for CAPTURE plan file

45 COPIES

N2 94 16

P.O. Box 22505
Sacramento, CA 95822

Ms. Johanna H. Wald
Natural Resources Defense Council
1350 New York Avenue N.W.
Washington, DC 20005

Ms. Anna Charlton
Rutgers Law School
15 Washington Street
Newark, NJ 07102

The Mule Deer Foundation
1005 Terminal Way, Ste. 110
Reno, NV 89502

Honorable Barbara Vucanovich
300 Booth Street, Suite 3038
Reno, NV 89509

Barbara Spolter
The Wilderness Society
116 New Montgomery #526
San Francisco, CA 94105

Mr. Rick Sorensen
600 Orange Street
Chico, CA 95928

Ms. Rose Strickland
Sierra Club-Toiyabe Chapter
619 Robinson Ct.
Reno, NV 89502

02 94 14

Ms. Karen Sussman
International Society for the Protection
of Mustangs and Burros
6212 East Sweetwater Ave.
Scottsdale, AZ 85254-4461

Mr. Craig C. Downer
P.O. Box 456
Minden, NV 89423

Nevada Woolgrower's Assn.
399 W. Rockwood Dr.
Elko, NV 89801

NV Federation of Animal Protection
Organizations
P.O. Box 82038
Las Vegas, NV 89180-2038

State of Nevada
Division of State Lands
Capitol Complex
333 W. Nye Lane
Carson City NV 89710

Sierra Club Legal Def. Fund
1631 Glenarm Place, Suite 300
Denver, CO 80202

Dept. of Conservation and Natural Resources
State of Nevada
Room 213, Nye Building
Carson City, NV 89710

N2 94 16

Fund for Animals
200 West 57th St.
New York, NY 10019

Governor's Office
State of Nevada
Carson City, NV 89701

Nevada Cattlemen's Association
501 Railroad Street, #207
Elko, NV 89801

Humane Society of So. Nevada
P.O. Box 82022
Las Vegas, NV 89180-2022

Ms. Cathy Barcomb
Commission for the Preservation
of Wild Horses
50 Freeport Blvd. #2
Sparks, NV 89431

Mr. Tom Ballow
Executive Director
Department of Agriculture
State of Nevada
P.O. Box 11100
Reno, NV 89510

U.S. Wild Horse and Burro Foundation
P.O. Box 81979
Las Vegas, NV 89189-1979

MS 94 100

100 East Sahara, Suite 1000
Las Vegas, NV 89104

DeMar Dahl
State of Nevada Grazing Board
Deeth, NV 89823

Robert Sam
Summit Lake Indian Tribe
510 Melarkey
Winnemucca, NV 89445

Honorable Richard Bryan
364 Russell Senate Office Bldg.
Washington, D.C. 20510

Ms Deborah Allard
RFD No. 2, Box 2646
Brunswick, Maine 04011

U.S. Dept. of the Interior
Bureau of Land Management
705 Hall Street
Susanville, CA 96130

Chief of WH & B Operation U.S. Dept. of the
Interior
Bureau of Land Management
Palomino Valley Corrals
Box 3270
Sparks, NV 89432

Chairman Western Band of Shoshone
P.O. Box 1370
Winnemucca, NV 89446-1370

N2 94 16

Wild Horse and Burro Comm
College of Natural Res.
Nat'l Academy of Science
Utah State University
Logan, UT 84322

Chairman University of Nevada-Reno
Renewable Natural Resources
University Station
Reno, NV 89557

U.S. Humane Society
2100 "L" Street, NW
Washington, D.C. 20037

American Horse Protection Assn.
1000 29th St.NW, Suite T100
Washington, D.C. 20007-3820

Humboldt County Commissioners
Courthouse, Room 205
Winnemucca, NV 89445

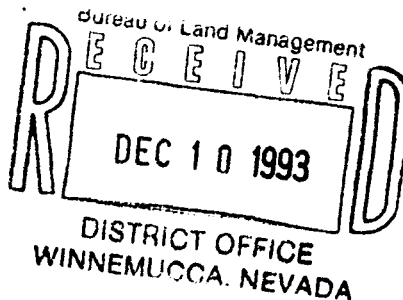
Pershing County Commissioners
Pershing County Courthouse
Lovelock, NV 89419

Washoe County Commissioners
1001 East 9th
Reno, NV 89512

02 06 16

020

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
NEVADA STATE OFFICE
P.O. Box 12000
850 Harvard Way
Reno, Nevada 89520-0006



In Reply Refer To
4720.1 (NV-960)

December 9, 1993

Instruction Memorandum No. NV-94- 032
Expires 9/30/94

To: District Managers, Nevada
Deputy State Directors and Staff Chiefs, NSO
Manager, National Wild Horse and Burro Center

From: State Director, Nevada

Subject: Issuance of Wild Horse and Burro Decisions under Full Force and Effect

Under 43 CFR 4770.3(c), the authorized officer may place a decision to remove excess wild horses and burros in full force and effect. Nevada Instruction Memorandum NV-94-011, details the conditions under which a full force and effect removal decision may be issued.

In an effort to provide the interested public with notification of impending gathers to be implemented under full force and effect, the following policy will apply to all Nevada wild horse and burro removal decisions issued under those rules.

Affected interests will be provided a period of time to review all final gather plans issued under full force and effect. The length of time afforded to affected interests will be commensurate on the conditions mandating issuance of the decision under full force and effect.

All draft gather plans will be made available to affected interests for a 30-day comment period except when herd or habitat conditions are critical and immediate action is required. The cover letter transmitting the draft capture plan will identify that, after consideration of all comments, the final removal decision will be placed in full force and effect.

The final removal decision/gather plan will provide for a full 30 day delay from the date of issuance when such a delay will not jeopardize the health of the animals or their habitat. When herd or habitat conditions preclude allowing the normal 30 day delay in removing

animals, the time allowed between issuance of the final removal decision/gather plan and the effective date of the decision will be based upon the severity of animal or habitat conditions. This waiting period may range from the full 30 days to implementation on the date of issuance. When conditions do not allow the full 30 day delay in taking action, those affected interests which have provided comment on the draft plan will be contacted to inform them of the need to expedite the proposed action.

The public shall be notified that there will be no extension of the delay period and that the proposed action will begin on or about the specified date. The public shall also be notified that any request for stay must comply with 43 CFR 4.21(b) and that it is commensurate upon the appellant to provide factual support for that request. The intent of this policy is to ensure that affected interests are afforded advance notification of our placing a removal decision/gather plan in full force and effect. Specialists in contact with affected interests should emphasize the importance of their participation in the establishment of an appropriate management level (the allotment evaluation and multiple-use decision) and the draft gather plan. Affected interests should be discouraged from waiting to comment until issuance of the final decision because input at this time limits their capability to influence the decision and our ability to incorporate any new data in the decision. In addition, failure to comment on a draft decision may limit an affected interest's ability to prevail on appeal to the Interior Board of Land Appeals (IBLA).

Because this policy is new and provides managers some discretion and flexibility, it is important that the Districts coordinate very closely with the Wild Horse and Burro National Program Office to ensure consistency in its application.

In addition to the normal rationale for placing a removal decision in full force and effect, Nevada Districts will also identify the anticipated amount of time which will be provided between the issuance of a decision and the initiation of the proposed removal action. The policy incorporated in this memorandum does not change the time frame or procedures for filing an appeal of wild horse and burro removal decisions.

If you have any questions concerning this policy please contact Tom Pogacnik at (702) 785-6476.

Billy R. Templeton
Billy R. Templeton

Distribution

Director (200) - 1 Room 5650, MIB
DSC (210) - 1

N2 94 16

COMMUNICATION RECORD

Name: DAWN LAPPIN		Subject: Capture Plan Black Rock, Wam, Calico	
Organization: WFOA		Delegated/Routed to:	
Address: 1445 hwy 11/24/93			
Phone: 851-4817		Due/Response Date:	
FAX:		From:	
Sequence & Dates	Follow-up Needed	Subject/I Said	Response/They Said
		doing co-ord, co-op CONSULTATION for CAPTURE Plan B. A. on Black Rock, Wam & Calico.	off commission in June
		told her we'd have statement that capture only implem when MUD sign yes after 7/15 yes Redd Area only found slight use A STON TAKING lots of now-ors	No comment on EM. did we put crown on Redd car is there enough to nose
		nothing new, still need to do on ground w/ everyone	Blk Rock Fence. IF CONTINUE then why have 1 HMA

N2 94 16