



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
SURPRISE RESOURCE AREA  
P.O. BOX 460  
CEDARVILLE, CALIFORNIA 96104-0460



IN REPLY REFER TO:  
1793(CA-028)  
CA-028-93-03

October 8, 1993

CERTIFIED MAIL #P 382 292 834  
RETURN RECEIPT REQUESTED

Wild Horse Organized Assistance  
c/o Dawn Lappin  
15640 Sylvester Road  
Reno, NV 89511

Dear Dawn:

The purpose of this letter is to briefly respond to the protests and transmit the Record of Decision, which is enclosed, for the Wild Horse Gathering and Removal: Bitner, High Rock, Nut Mountain, and Wall Canyon Herd Management Areas Environmental Assessment (CA-028-93-03). The final Helicopter Gathering Plan for Wild Horses in the Bitner, High Rock, Nut Mountain, and Wall Canyon Herd Management Areas is also enclosed. The EA that you received for review on or about June 22, 1993 will be referenced in this letter. Forty individuals and groups had an opportunity to review the EA. We received four letters, one was affirmative and three were not. To generalize, the protests said that BLM did not follow established regulatory and administrative procedures in selecting the proposed alternative. Livestock use of the area was not adequately considered. Wild horse population viability was not taken into account. All the comments have been carefully reviewed.

In summary, the Record of Decision establishes an appropriate management level for the four herd management areas, based on the current monitoring data. It also provides for gathering and removing excess wild horses to the minimum management number, which will help restore a thriving natural ecological balance in combination with all the uses of the range.

## **Establishment of Wild Horse Appropriate Management Levels (AMLs)**

The AMLs for the Bitner, Nut Mountain, and Wall Canyon Herd Management Areas (HMAs) were calculated using 1992's, the most recent year's, utilization pattern mapping and wild horse counts and the "Desired Stocking Level" formula. The results were also compared with the most recent trend and condition studies, wild horse counts from past gathers, calculations of riparian area forage production and analyses from a wild horse diet study from this Resource Area, along with utilization pattern mapping and livestock actual use since 1988.

From this analysis there was no evidence that there was surplus forage to be allocated to additional herbivores. The analysis of monitoring and other data presented in the EA indicated that the 1992 wild horse numbers, in a multiple use context, were above the capacity of the drinking water and riparian forage production.

New population level calculations were only made for wild horses, because the key areas chosen for doing the calculations were only used by wild horses. This was done to reduce the confounding influence of cattle utilization. This could only have been done in 1992, because of the large reductions in livestock due to the drought. Wildlife utilization was not differentiated, because it was usually masked by horse and/or cattle use. Also, the Nevada Department of Wildlife does not release wildlife counts to the BLM, so we do not know how many antelope or deer the observed utilization represented. The separation of cattle from wild horses was explained in the EA, Appendix 2.

The AMLs were close to the population levels in our existing land use planning document, because those levels were set using a vegetation inventory and monitoring and calculated from the resulting vegetation production estimates. The results were presented in Tables 3 and 4 on pages 11 and 12 in the EA.

For the High Rock HMA, East of Canyon Home Range, the AML was set based on the criteria from the Land Use Plan of minimal wild horse use in the canyon bottoms during the growing season. Counts during the summer of 1992 found 55 wild horses in the bottom of High Rock and Pole Canyons. When there were 30 - 40 wild horses on this home range, they had adequate water and forage in the uplands and did not use the canyon bottoms.

### **Livestock Management on these HMAs**

Rangeland condition has been improving, and in some cases dramatically, due to the livestock and wild horse management which has occurred in this area. The exception is many riparian areas. We want to continue the trend on the uplands and begin improving the riparian areas.

Livestock numbers were not addressed at this time for five reasons. 1) The key areas used in the desired stocking rate calculations only had wild horse utilization (plus unmeasured wildlife use). 2) Changes in permitted cattle numbers occur through Allotment Plan Evaluations. Currently other allotments are being evaluated. Allotment evaluations for these allotments will occur in the future. 3) Cattle numbers, season of use, and pasture rotations in this area have been adjusted annually to help meet resource management objectives and in response to the drought. 4) One of the areas has no livestock grazing, High Rock HMA, East of Canyon Home Range. 5) Livestock management actions have been implemented to address riparian issues.

There are significant differences between wild horse and cattle management. Cattle numbers are adjusted at least once a year, and in High Rock permanently, to zero. Cattle seasons of use, numbers, and pasture rotations are adjusted annually. For example in 1992, due to the drought, actual use averaged 50% of active preference for the Resource Area. On the Bitner Allotment

actual use was 24% of active preference; on Nut Mountain it was 56%, and on Wall Canyon it was 47%. In 1993, a wet year, the permitted use on Bitner is about 50% of active preference, about 90% on Nut Mountain and 50% on Wall Canyon. Annual livestock adjustments, within the parameters of the Management Framework Plan and Allotment Management Plans, do not require a decision. These changes must be made within a couple months.

For wild horse habitat management, the only practical tool for maintaining a thriving natural ecological balance is periodic population adjustment.

### **Livestock Management Actions to Address Riparian Issues**

On the Bitner Allotment, in the Bitner HMA, a major consideration in the 1993 cattle movement plan was when they would be in the "Twin Lakes" Valley and Badger Creek. The cattle used the "Twin Lakes" area in early summer, avoiding both the early spring and hot season use periods. They will be in Badger Creek in the fall. This avoids the early spring and hot season use periods, but leaving adequate residual vegetation to control spring flows becomes more important. There is not likely to be regrowth after the cattle leave Badger Creek.

The Bitner Allotment was used in conjunction with the South Catnip Allotment on the Sheldon Antelope Refuge. Due to the changes in management of the Sheldon, livestock management on the Bitner Allotment is being reevaluated.

The Nut Mountain Allotment, in the Bitner and Nut Mountain HMAs, has a deferred rotation grazing system in place. There are six use areas in five pastures. Proper utilization of all habitat types was the goal of this grazing system. For 1993, one turnout area, Hanging Rock Use Area, had been in non-use for several years, because of the drought. The other turnout area, the North End, was stocked at  $\pm 50\%$  of carrying capacity. In late spring, cattle were moved into the Salt Grass Pasture and the Nut Mountain Use Area. In late summer, cattle were moved into the Cavalry Camp Seeding and the Lake Pasture. The rotation has been annually adjusted based on weather conditions and the previous years use.

For 1993, cattle use on the Wall Canyon Allotment in the Wall Canyon HMA, was scheduled to avoid the spring wet season. Most of the use period was during late spring and early summer when cattle used riparian areas the least and riparian areas are most resilient to cattle use. There was some overlap into mid-summer use.

The Wall Canyon Allotment has been used in conjunction with the Badger Mountain Allotment on the Sheldon. For 1993, the Wall Canyon Allotment was also used with the Soldier Meadows Allotment on the Winnemucca District. Through coordination with the Winnemucca District, the permittee, and the Sheldon, a grazing system for this area is being developed. The purpose of this grazing system is protection of riparian habitats for threatened and endangered fish.

The part of the Massacre Mountain Allotment which contains the High Rock HMA, East of Canyon Home Range, has been closed to livestock grazing since 1984.

While these actions have and continue to produce improvements, the missing element appears to be control of wild horse numbers. The Proposed Action will address the wild horse part of the riparian utilization problem.

### **Are the Proposed Minimum Management Levels Below Minimum Viable Wild Horse Population Levels?**

The HMAs involved in this Decision are four administrative divisions of the Black Rock/Massacre wild horse range. This area includes much of the Surprise Resource Area, the northwest part of the Sonoma/Gerlach Resource Area, and the Sheldon Antelope Refuge. Presently this area has around 5,000 horses. This is the genetic pool containing these HMAs. In the winter of 1992-93 all the horses from the northwestern part of the Black Rock/Massacre area were forced onto the High Rock Canyon winter range. There appears to be ample opportunity for genetic diversity.

Presently there is no information to suggest that these herds have genetic abnormalities caused by inbreeding. However, the BLM plans in subsequent removals to begin using a blood testing procedure for genetic similarity as part of the veterinary care of wild horses that are gathered. This blood test will indicate if a herd is becoming inbred. The Herd Management Area Plans provide for the introduction of wild horses from other areas if inbreeding becomes a problem on an HMA.

The comments on the EA can be summarized as the Surprise Resource Area did not follow established regulatory and administrative procedures in reaching this decision. The EA showed that the Surprise Resource Area used the most recent monitoring data, all other available information, and considered the other uses in the area to establish AMLs for these wild horse herd management areas. The EA clearly showed that the optimum number of wild horses for which there was habitat, in a multiple use setting, and documented as the AML, was less than the number of horses on the HMAs. This constitutes excess wild horses, which the BLM is obligated to remove to attain a thriving natural ecological balance.

If you have any questions or comments, please contact the Surprise Resource Area at (916) 279-6101, or write to the address listed above.

Sincerely,

*Richard T. Watson, acting*

J. Anthony Danna  
Surprise Resource Area Manager

Enclosures (2)

- 1-Record of Decision
- 2-Helicopter Gathering Plan

**LETTERS SENT TO:**

P 382 292 834 Wild Horse Organized Assistance  
c/o Dawn Lappin  
15640 Sylvester Road  
Reno, NV 89511

P 382 292 835 Commission for the Preservation of Wild Horses  
c/o Cathy Barcomb  
Stewart Facilities - Capitol Complex  
Carson City, NV 89710

P 382 292 836 Animal Protection Institute of America  
2831 Fruitridge Road  
P.O. Box 22505  
Sacramento, CA 95822

P 382 292 837 The Whole Horse Institute  
c/o Mary Ann Simonds  
3318 Doral Court  
Walnut Creek, CA 94589

P 382 292 838 American Horse Protection Association  
Attn: Robin C. Lohnes, Executive Director  
100 29th St., N.W., Suite T-100  
Washington, D.C. 20007

P 382 292 839 International Society for Protection of Mustangs & Burros (ISPMB)  
c/o Karen Sussman  
6212 East Sweetwater Avenue  
Scottsdale, AZ 85254

P 382 292 840 Rich Heap  
Nevada Department of Wildlife  
380 West "B" Street  
Fallon, NV 89406

P 382 292 841 George Berrier  
1151 Pacific Avenue  
Rio Oso, CA 95674

P 382 292 842 Paul Clifford  
2955 Berkshire  
Cleveland, OH 44118

P 382 292 843

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

Wes Cook  
P.O. Box E  
Cedarville, CA 96104

Becky Borquez  
9724 La Canada Way  
Shadow Hills, CA 91040

Holly Carson  
Equestrian Trail  
13741 Foothill Blvd. #220  
Sylmar, CA 91342

C. Brown  
1220 Tasman, Sp. 318  
Sunnyvale, CA 94089

Tom Ballow  
Nevada Dept. of Agriculture  
P.O. Box 11100  
Reno, NV 89510

Richard Elliot  
California Dept. of Fish & Game  
601 Locust Street  
Redding, CA 96001

Rick Delmas  
Modoc County Extension Service  
202 West 4th St.  
Alturas, CA 96101

Rick Hanks  
Bureau of Land Management  
705 Hall Street  
Susanville, CA 96130

Ernest Eaton  
P.O. Box 503  
Cedarville, CA 96104

Diane Henderson  
U.S. Forest Service  
441 N. Main  
Alturas, CA 96101

Oscar Hernandez  
Soil Conservation Service  
1030 N. Main, Suite 101  
Alturas, CA 96101

Jeanni Conlan  
USDA-ASCS  
P.O. Box 1205  
Fallon, NV 89406

Tom Espil  
P.O. Box 660  
Eagleville, CA 96110

Barry Reisweg  
U.S. Fish & Wildlife Service  
P.O. Box 111  
Lakeview, OR 97630

Sherm Swanson  
Renewable Natural Resources  
1000 Valley Road  
Reno, NV 89512

Edith Asrow  
U.S. Forest Service  
P.O. Box 220  
Cedarville, CA 96104

Bill Laxague  
P.O. Box 520  
Cedarville, CA 96104

Link Grove  
P.O. Box 5  
Eagleville, CA 96110

Jack Luntney  
2495 Athens Ave.  
Redding, CA 96001

John Schreiber  
Modoc County Supervisor  
P.O. Box 253  
Cedarville, CA 96104

R.C. Roberts  
Susan Valley Ranch  
P.O. Box 270  
Standish, CA 96128

Don Coops  
P.O. Box 159  
Cedarville, CA 96104

Raymond Page  
P.O. Box 157  
Cedarville, CA 96104

John Laxague  
P.O. Box 10  
Cedarville, CA 96104

Bill Wilson  
202 West 4th  
Alturas, CA 96101

Fred Wright  
1122 Greenbrae Drive  
Sparks, NV 89431

Jean Schadler  
P.O. Box 23  
Adel, Or 97620

James Stokes  
7294 Churn Creek Road  
Redding, CA 96002

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 c/o Karen Sussman  
 6212 East Sweetwater Avenue  
 Scottsdale, AZ 85254

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 Karen Sussman

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 Bureau of Land Management

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 3. Article Addressed to:  
 Animal Protection Institute  
 8831 Fruitridge Rd.  
 P.O. Box 92505  
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 American Horse Protection Assoc.  
 Attn: Robin C. Lohnes  
 100 29th St. N.W., Suite T-100  
 Washington, DC 20007

4a. Article Number  
 P 382 292 838

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 Robin C. Lohnes

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 Bureau of Land Management

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 3. Article Addressed to:  
 Commission for Preservation of Wild Horses  
 c/o Cathy Barcomb  
 Skidder & Facilities (Comp.)  
 Carson City, NV 89710  
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3. Article Addressed to:  
 The White Horse Institute  
 c/o Mary Ann Simonds  
 3318 Dore Court  
 Walnut Creek, CA 94589

4a. Article Number  
 P 382 292 837

- 4b. Service Type
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  - Insured
  - Certified
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  - Express Mail
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7. Date of Delivery  
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5. Signature (Addressee)  
 Mary Ann Simonds

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)  
 Bureau of Land Management

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Signature (Agent)  
 Signature (Addressee)  
 3. Article Addressed to:  
 Wild Horse Organized Assistants  
 c/o Dawn Lippin  
 15640 Sylvester Rd.  
 Reno, NV 89511  
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3. Article Addressed to:  
 Nevada Dept. of Wildlife and Management  
 C/o Rich Heap  
 380 West "B" St.  
 Fallon, NV 89406

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 P 382 292 840

4b. Service Type  
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 Cedarville, CA 96104  
 95674

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*[Signature]*

6. Signature (Agent)  
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 Paul Clifford  
 2955 Berkshire  
 Cleveland, OH 44118

4a. Article Number  
 P 382 292 842

4b. Service Type  
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# RECORD OF DECISION

## DECISION

This is the Record of Decision for the Wild Horse Gathering and Removal: Bitner, High Rock, Nut Mountain, and Wall Canyon Herd Management Areas Environmental Assessment (CA-028-93-03). The decision is to adopt the Appropriate Management Levels (AMLs), which were calculated and discussed in the EA and are shown below, and to implement the "Proposed Action" from the EA. Based on 1993 wild horse counts, the number of horses gathered on the Bitner and perhaps Nut Mountain HMAs may be less than the projected numbers in the EA. **The AML minimum number of wild horses will remain on the range following the removal. The number of wild horses removed during the gather will be adjusted to ensure that the minimum number does remain.**

There are two parts to this decision. Part one is setting the current AMLs and management ranges to attain a thriving natural ecological balance for the four herd management areas (HMAs). Part two is the wild horse gather and removal to the minimum population levels.

### APPROPRIATE MANAGEMENT LEVELS

HERD MANAGEMENT AREA	APPROPRIATE MANAGEMENT LEVEL	AML MANAGEMENT RANGE
Bitner	20	15 - 25
High Rock, East of Canyon Home Range	35	30 - 40
Nut Mountain	42	30 - 55
Wall Canyon	20	15 - 25

#### Bitner HMA

The management range for the Bitner HMA is 15 - 25 wild horses. The analysis supported the existing management levels. While livestock numbers were way down in 1992, so was production, because of the drought. The analysis showed that there was not extra forage to allocate on this HMA, that the current 40 wild horses were too many, and that 15 - 25 wild horses would result in a thriving natural ecological balance in combination with the other uses of the area.

#### Nut Mountain HMA

The management range for the Nut Mountain HMA is 30 - 55 wild horses. The reasoning is

similar to that for the Bitner HMA.

### Wall Canyon HMA

The management range for the Wall Canyon HMA is 15 - 25 wild horses. The analysis found that in 1992 there was habitat for a maximum of 58 wild horses and a management range of 28 - 58 horses. This management range was not implemented for three reasons:

1) All the riparian areas in the Wall Canyon HMA are in poor condition and continue to receive extreme wild horse utilization. There is potential riparian habitat along both Wall Canyon Creek and Cottonwood Creek which has been converted to upland vegetation by the long history of overgrazing. The few meadows and riparian areas that remain along Cottonwood Creek were wild horse concentration areas during 1992. In other words the most sensitive sites received some of the heaviest wild horse use.

2) In 1988 there were 19 wild horses on this HMA. In 1992 there were 79. This was an average population increase of 43% per year. This was double the average rate of increase on the Surprise Resource Area. The rate of increase on this HMA is due more to immigration than reproduction. There are 5,000 wild horses immediately east of the Wall Canyon HMA. As a result of influx of horses from the east, it would not matter if this HMA was managed for no horses. Wild horses would always be present.

Wild horse immigration onto Wall Canyon must be accounted for in the AML. If the 1988 - 1992 rate of increase continues, the wild horse population on Wall Canyon will exceed 58 head in four years. If 28 horses were returned to the range, wild horse numbers would exceed 58 head in just two years. If the rate of increase is slower during the next evaluation period, then more horses can be left on the HMA at later gathers.

3) The increased wild horse carrying capacity that was calculated in the analysis resulted from the reduction in livestock during the 1992 grazing season, not from an increase in available forage on the HMAs.

The 15 - 25 management level must be used to address the riparian condition problem, allow habitat for the immigrating wild horses, and develop a thriving natural ecological balance in combination with the other herbivores on the range.

### High Rock HMA, East of Canyon Home Range

Counts made in the Fall of 1992 found 55 wild horses in the bottom of High Rock and Pole Canyons. An aerial count made on August 28, 1993 found 11 wild horses in the bottom of High Rock and Pole Canyons. Wild horse use during the growing season prevents the achievement of the land use plan goal of all plant communities at site potential. When horse numbers were within the 30 - 40 management range, they did not use the canyon bottoms during the summer. This was leading towards the goal of all plant communities at site potential and also helping

protect cultural sites.

## **WILD HORSE GATHER AND REMOVAL**

Gather as many wild horses as feasible from the Bitner, Nut Mountain, and Wall Canyon HMAs and the High Rock HMA, East of Canyon Home Range. Return enough horses to the range to ensure that the minimum management number of horses are on each HMA. Choose the wild horses returned to the range according to the criteria in the 1993 gather plan (Appendix 1). Place removed horses into the BLM wild horse adoption program.

## **FULL FORCE AND EFFECT**

This decision is issued **FULL FORCE AND EFFECT** to allow for the immediate removal of excess wild horses and burros from the Bitner, Nut Mountain, and Wall Canyon HMAs and the High Rock HMA, East of Canyon Home Range to reach the established appropriate management levels. Immediate removal of wild horses and burros in excess of the established appropriate management level is necessary to restore the range to a thriving natural ecological balance and to reduce and end damage to riparian habitats.

## **AUTHORITY**

The Wild Free-Roaming Horse and Burro Act, as amended, 16 U.S.C. 1331-1340 provides the statutory authority for the management of wild and free-roaming horses on the public lands. Section 3(b)(2) of the act provides the statutory authority for the removal of excess wild horses. Excess wild horses and appropriate management levels were defined in the act and BLM policies. The stipulations for humane gathers and handling were also codified in the act.

The full force and effect determination is in accordance with the regulations at 43 CFR 4770.3(c).

## **JUSTIFICATION**

The act requires that excess wild horses be removed from the public lands. Excess wild horses are wild horses "which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area." The number of excess wild horses may only be determined through the analysis of current monitoring data.

The current AMLs for the Bitner, Nut Mountain, and Wall Canyon HMAs were calculated from the maximum wild horse carrying capacities determined using a standard method (BLM Technical Reference 4000-7, Appendix 2, Page 1, p.54) from 1992 utilization pattern mapping (BLM Technical Reference 4400, Section 5.23) and wild horse counts. We had additional information available. Analysis of all the information available to us clearly showed that there was no excess forage that should be allocated to additional users.

Through the land use planning process and the grazing EIS, the High Rock HMA, East of Canyon Home Range, was identified as having exceptional cultural, historic, vegetation, and wildlife resource values. Wild horses were identified as a conflicting use. Through compromise among the affected interests, it was decided that a small number of wild horses, which did not negatively impact the primary resource values, would be permitted to use the area. This AML is based on establishing a wild horse herd that could use the HMA with little or no impact on the canyon bottoms. Wild horses were using springs in the canyon bottoms during the 1992 and 1993 growing seasons. This constituted significant impact to the canyon bottoms.

The comments on the EA suggested that this decision would be appealed. Issuing this decision in Full Force and Effect will result in the action not being stayed during the appeals process. Implementing this decision in an expeditious manner is necessary to return wild horses to balance with the productivity of their habitat in a multiple use setting and to achieve a thriving natural ecological balance.

### **APPEAL PROCEDURE**

This decision is issued full force and effect to allow for the immediate removal of excess wild horses and burros from the Bitner, Nut Mountain, and Wall Canyon HMAs and the High Rock HMA, East of Canyon Home Range to reach the established appropriate management levels. Immediate removal of wild horses and burros in excess of the established appropriate management level is necessary to restore the range to a thriving natural ecological balance and to reduce and end damage to riparian habitats. The full force and effect determination is in accordance with the regulations at 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 regulations at 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 Solicitor's 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 wish to file a petition for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR 4.21. Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington VA 22203, and to the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

A petition for a stay of a decision pending appeals shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

### **FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD**

I have reviewed the environmental assessment, including the comments, and resolution of any potentially significant environmental impacts. I have determined that the selected actions with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed action as modified in the "Decision" is in conformance with the approved land use plan. It is my decision to implement these actions with the mitigation measures identified below.

Mitigation Measures/Stipulations: Implementation of the proposed action following the Susanville District wild horse management policies will result in safe and humane treatment of the horses. No residual impacts are anticipated and no mitigation measures will be required.

*Roger Fensch*  
Environmental Coordinator

10-7-93  
Date

*Richard R. Watman, acting*  
Area Manager

10/08/93  
Date

# HELICOPTER GATHERING PLAN FOR WILD HORSES IN THE BITNER, HIGH ROCK, NUT MOUNTAIN, AND WALL CANYON HERD MANAGEMENT AREAS

## INTRODUCTION

The purpose of this removal plan is to outline the methods and procedures to be used in removing approximately 180 wild horses from the Bitner, Wall Canyon, Nut Mountain and High Rock Herd Management Areas. The proposed action would take wild horse numbers to the lower limit of the population range for each area. The populations of wild horses would then be allowed to increase for four years, at which time, it is projected that the populations would be at the upper end of the established population range. At that time, the need for another removal would be determined based upon current monitoring data.

The proposed removals would begin sometime after October 1, 1993 and would take three to four weeks to complete. If the removals are not completed during this time due to adverse weather or other reasons, gathering operations will resume in August, 1994.

## GENERAL AREA DESCRIPTION - BACKGROUND DATA

The HMAs are located approximately 40 miles east of Cedarville, California. The HMAs are in northern Washoe and Humboldt Counties, Nevada. The acreage and land status for each HMA is as follows:

<u>HMA Name</u>	<u>Acres Private</u>	<u>Acres Public</u>	<u>Total Acres</u>
Bitner	7,110	43,550	50,660
Nut Mountain	1,840	38,840	40,680
Wall Canyon	1,400	47,877	49,277
High Rock	653	114,447	115,100

The Herd Management Areas are located in the Cowhead Massacre Planning Unit of Surprise Resource Area. The Environmental Impact Statement for the Unit was completed in 1980.

Elevations range from 5,000 feet to 6,900 feet within the areas.

Vegetation is typical of the western Great Basin Ecosystem. Various species of sagebrush dominate the aspect. The dominant perennial grasses are Sandberg bluegrass, bottlebrush squirreltail, Thurber's needlegrass, and Idaho fescue.

Appropriate management levels for wild horses in the Bitner, Wall Canyon and Nut Mountain HMAs were derived from an analysis of the current monitoring data. In these three HMAs the

goal is to have wild horses be part of a thriving natural ecological balance among the multiple uses.

The AML for the High Rock HMA, East of Canyon Home Range, was also established to maintain a thriving natural ecological balance, which was defined in the land use plan, as a primitive setting in the canyon bottoms and preservation of archeological and historical sites. Grazing was determined to be incompatible with these goals. Therefore, forage was allocated for a low number of wild horses and livestock grazing was eliminated. Monitoring found wild horses using the canyon bottoms during the 1992 and 1993 growing seasons.

Proposed gathering and removal for FY 1993 will be conducted in the "East of Canyon" Home Range of the High Rock HMA (CA-264), the Bitner HMA (CA-267), the Wall Canyon HMA (CA-265), and the Nut Mountain HMA (CA-266).

## JUSTIFICATION

The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195) as amended, Section 3(b)(2) states "...if an overpopulation exists on a given area of 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, in the following order and priority 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 the overpopulation."

The 1993 Analysis for the Bitner, Nut Mountain, and Wall Canyon HMAs established the AMLs for the HMAs as follows:

<u>HMA Name</u>	<u>Appropriate Management Level (AML)</u>
Bitner	20
Wall Canyon	20
Nut Mountain	43

The AML is the median number between the maximum and minimum management levels necessary to achieve and maintain a thriving natural ecological balance in each area.

For the East of Canyon Home Range of the High Rock HMA, the AML has been established at 35. Maintenance of wild horse numbers at this level since 1985 has protected cultural and historic sites, permitted the plant communities to move toward site potential, and preserved the primitive nature of the canyons. When wild horse numbers increase above the upper management range the resource management goals are not met.



Based on the monitoring data, management levels have been established as follows:

<u>HMA Name</u>	<u>Population Range.</u>
Bitner	15-25
Wall Canyon	15-25
Nut Mountain	30-55
High Rock (East of Canyon Home Range)	30-40

The maximum number for each HMA is the wild horse carrying capacity of the HMA from the analysis of the 1992 monitoring data. The minimum number is the number of horses which in four years, at the average rate of increase, will reach the maximum number. It is calculated from the maximum number. In four years, the current monitoring data will be evaluated, and a decision made regarding the need for further removal.

## POPULATION AND REMOVAL DATA

The Bitner HMA was last gathered in the fall of 1988 when 33 horses were gathered. Thirteen horses were returned to the HMA at that time. The HMA was placed under structured management<sup>1</sup> with the removal.

The Nut Mountain HMA was last gathered in the fall of 1988. At that time 70 animals were gathered and 30 were released back to the HMA. The herd was structured at that time.

The Wall Canyon HMA was also last gathered in 1988 when 142 animals were gathered with 123 being removed. A population of 19 animals was left on the HMA at that time.

The last removal in the East of Canyon Home Range of the High Rock HMA occurred in the fall of 1988. At that time, 53 animals were gathered, 33 released back to the range, and 20 removed.

The population of wild horses in each area is estimated as follows:

<u>HMA Name</u>	<u>1992 Census</u>	<u>9/1993 Projection</u>
Bitner	40	48
Nut Mountain	52	62

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<sup>1</sup>A base herd within a herd management area that has been established through the selection and retention of primarily older animals which are well adapted to the specific area.

Wall Canyon	78	94
High Rock (East of Canyon Home Range)	55	66

Estimates for wild horses are based on the projected average annual increase of 20%

Estimated gathering and removal for each area is as follows:

<u>HMA Name</u>	<u>Est. # to Gather</u>	<u># Return To The Range</u>	<u># to Remove</u>	<u>Total to Remain</u>
Bitner	48	15	33	15
Nut Mountain	62	30	32	30
Wall Canyon	94	15	79	15
High Rock (East of Canyon Home Range)	66	30	36	30
Totals	----- 270	----- 90	----- 180	----- 90

The "Total to Remain" is the minimum number of horses that will be on the HMAs when the gather and removal has been completed. The other figures for capture and removal are estimates. It is recognized that all animals within each area cannot be practically captured. Enough animals will be released to insure that the number of wild horses falls within the established population range. Any base herd horses that have died since the last structuring and removal will be replaced with young animals from those gathered. It is recognized also that the minimum range figure may not be able to be achieved by removing only horses five years and younger. The removal of older horses will only be done if they can be readily placed through adoption or put into the prison gentling program. This is likely to be the case on Wall Canyon where many horses cross over from the Winnemucca District.

## **METHODS OF REMOVAL**

Gathering will be conducted by the Susanville District wild horse gathering crew.

Gathering of wild horses will be done by using a helicopter to herd the animals to a trap constructed of portable pipe panels. The helicopter will be used in such a manner that bands will remain together. Rate of movement and distance animals travel will be based on terrain, physical barriers, weather and condition of animals. All traps and wings will be constructed in such a manner to facilitate safe, humane capture of animals. At all times, gathering will be the under direct supervision of a duly authorized employee of the Bureau of Land Management. Humane procedures prescribed by the BLM will be used in all gathering and handling operations.

The majority of the wild horses in each herd management area will have to be gathered so the AMLs can be achieved by removing only horses five years old or younger. This will be done only if practical and at no time will horses be placed under undue stress during the gathering operation. The welfare and humane treatment of the animals will remain the district's highest priority.

Captured animals will be shipped to the BLM's Litchfield Wild Horse and Burro Holding Facility in straight deck trucks. Here the animals will be sorted by age and sex. The Litchfield Facility is well set up to provide for humane handling, preparation, and care of captured animals, with a minimum of stress. It is planned to excess only animals of the ages four and under. Older animals will be released back to the area from which they were captured. Animals to be released back to the home range will be kept separate from the other animals and released back to the home range as quickly as possible. Younger animals will be released back to the home range as necessary to insure the population of animals falls within the population range established from the appropriate management level.

All publicity, formal public contact and inquiries will be handled through the Surprise Resource Area Manager.

## REFERENCE TO ENVIRONMENTAL ASSESSMENT

Environmental Assessment No. EA-CA-028-93-03 was prepared in April, 1993 to analyze impacts associated with the removal and age structure re-adjustment.

## PUBLIC NOTIFICATION

The proposed use of a helicopter and motor vehicles for removal of wild horses from the Bitner, Wall Canyon, Nut Mountain and High Rock HMAs was presented at the Susanville District Multiple Use Advisory Council Meeting on September 28, 1993 in Susanville, California. The Board Meeting was be open to the public.

Prepared by: *Robert D. Jeff*  
Wild Horse and Burro Specialist

Date *10/08/93*

Approved by: *Richard F. Westerman*  
Area Manager, Surprise R.A.

Date *10/09/93*

UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
SURPRISE RESOURCE AREA  
P.O. Box 460  
Cedarville, CA 96104

4370(CA-028)

MEMORANDUM

September 27, 1993

TO: District Manager, Susanville District

FROM: Area Manager, Surprise Resource Area

SUBJECT: Rationale for Placing the Record of Decision for the Wild Horse Gathering and Removal: Bitner, High Rock, Nut Mountain, and Wall Canyon Herd Management Areas Environmental Assessment in Full Force and Effect to allow the immediate removal of excess wild horses from the Bitner, Nut Mountain, and Wall Canyon HMAs and the High Rock HMA, East of Canyon Home Range.

Forty copies of the EA were sent out for public comment. Four responses were received. One of the comment letters was generally in support of the decision. The other three were not. Those three letters were very similar.

The Nevada Department of Wildlife, the Nevada Commission for the Preservation of Wild Horses, and the Wild Horse Organized Assistance questioned whether the Surprise Resource Area had followed established BLM procedures and policies in the establishment of the Appropriate Management Levels. The second two respondents were also concerned that the minimum management levels would provide sufficient wild horse herd genetic diversity. The Surprise Resource Area's response to these issues is enclosed.

The reasons for placing this decision into full force and effect are:

- 1) The potential exists for serious deterioration of riparian habitats if a removal action is not implemented immediately. A thriving natural ecological balance does not exist, and failure to remove excess wild horses will compound the situation.
- 2) Damage to the vegetative resource, specifically riparian areas, which is occurring due to excess wild horses will continue and intensify as animal numbers increase during any delay.
- 3) Wild horse AMLs were established based on the most current monitoring data. In addition annual livestock management adjustments have been made to address the riparian utilization and riparian functional ability problems. The livestock management has been having some affect, but without including wild horses, a thriving natural ecological balance cannot be achieved.
- 4) Delay in removing the excess wild horses would cause the BLM to spend more money when a removal finally did occur due to the increased number of horses that would have to be removed. The public interest would not be served by this delay and increase in spending.

5) If this full force and effect decision were reversed by IBLA through resolution of an appeal at a later date, the wild horse populations would rebuild through reproduction and immigration.

6) It appears likely that this decision will be appealed. The consequences of a long delay for the appeal process would further degradation of the rangeland resources.

The potential for serious range deterioration exists if the decision is not immediately implemented. Placing the decision in Full Force and Effect will avert staying the action through possible appeals.

Based on the above rationale, I recommend that the Decision be placed in Full Force and Effect.

*Richard F. Watman, acting*      9/27/93  
J. Anthony Danna      Date  
Surprise Resource Area Manager

I concur: *Herrick E. Hanks*      10/7/93  
Herrick E. Hanks      Date  
Susanville District Manager