9-12-94

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:

4700 (CA-028)

September 12, 1994

Commission for the Preservation of Wild Horses
c/o Ms. Cathy Barcomb
255 West Moana, Suite 207A
Reno, NV 89509

Dear Ms. Barcomb:

Enclosed is a copy of the Draft Wild Horse Gathering and Removal Environmental Assessment (EA) for the Buckhorn and Coppersmith Herd Management Areas. The comment period for this Draft EA will be 30 days from receipt.

If you have any questions or comments, please don't hesitate to call (916) 279-6101. Thank you for your interest.

Sincerely,

Roger Farschon

Roger Farschon
Acting Area Manager

916-
279-2171 FAX

Hasn't consult NDOW, violates our Agreement: set hound by winter kill of 93

RICK HANKS, DM
TONY DANA, AM

[redacted]

9-12-94

DRAFT ENVIRONMENTAL ASSESSMENT BUCKHORN AND COPPERSMITH HERD MANAGEMENT AREA GATHER - FY 1995

CA-028-94-08

Susanville District
Surprise Resource Area
September 12, 1994

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BACKGROUND

The Proposed Action would occur on the Surprise Resource Area, Tuledad/Home Camp Planning Unit, Washoe County, Nevada and Lassen and Modoc Counties, California.

Public Law 92-195, known as the Wild Free-Roaming Horse and Burro Act - The general concept of the Law is to preserve healthy thriving populations of wildhorses and burros for future generations to enjoy. Some specific portions of the Law that have a bearing on wildhorse management are as follows:

> Section 1 - "It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands."
>
> Section 3.(a) - "The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands."
>
> "All management activities shall be at the minimal feasible level and shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands."
>
> Section 3.(b) - "Where an area is found to be overpopulated, the Secretary, after consulting with the Advisory Board, may order old, sick, or lame animals to be destroyed in the most humane manner possible, and he may cause additional excess wild free-roaming horses and burros to be captured and removed for private maintenance under humane conditions and care."

Public Law 94-579, known as the "Federal Land Policy and Management Act" passed October 21, 1976, states in its preamble as follows:

> "To establish public land policy; to establish guidelines for its administration; to provide

for the management, protection, development, and enhancement of the public lands; and for other purposes."

Section 102.(a)(8) states: "The Congress declares that it is the policy of the United States that the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use."

Section 103.(a) states: "Without altering in any way the meaning of the following terms as used in any other statute, whether or not such statute is referred to in, or amended by, this Act, as used in this Act."

Section 202(a) states: "The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses."

Section 202(c)(1) and (7) states: "In the development and revision of land use plans, the Secretary shall - (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law; (7) weigh long-term benefits to the public against short-term benefits."

Section 404 provides for the gathering of wild horses and burros using the helicopter.

Public Law 94-579 provides the basic planning for tracts of public lands administered by the Bureau of Land Management. This law calls for multiple use management with long term benefits to the American public.

Wild horse management is a portion of this bigger plan and is subject to restrictions placed on it by such Land Use Plans. The Land Use Plan should set limits on wild horse populations to integrate wild horse use into the total use. Also this plan may place other restrictions on horse use and management.

Public Law 95-514 known as the Public Rangelands Improvement Act was passed on October 25, 1978.

Section 2(a)(6) states: "The Act of December 15, 1971 (85 Stat. 649, 16 U.S.C. 1331 et seq.), continues to be successful in its goal to protecting wild free-roaming horses and burros from capture, branding, harassment and death, but that certain amendments are

necessary thereto to avoid excessive costs in the administration of the Act, and to facilitate the humane adoption or disposal of excess wild free-roaming horses and burros which because they exceed the carrying capacity of the range, pose a threat to their own habitat, fish, wildlife, recreation, water and soil conservation, domestic livestock grazing and other rangeland values."

Section 2(b)(4) states: "Continue the policy of protecting wild free-roaming horses and burros from capture, branding, harassment, or death, while at the same time facilitating the removal and disposal of excess wild free-roaming horses and burros which pose a threat to themselves and their habitats and to other rangeland values."

Section 4(b) states: "The Secretary shall manage the public rangelands in accordance with the Taylor Grazing Act (43 U.S.C. 315-315(o), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-1782) and other applicable law consistent with the public rangelands improvement program pursuant to this Act. Except where the land use planning process required pursuant to section 202 of the Federal Land Policy and Management Act (43 U.S.C. 1712) determines otherwise or the Secretary determines and set forth his reasons for this determination that grazing uses should be discontinued (either temporarily or permanently) on certain lands, the goal of such management shall be to improve the range conditions of the public rangelands so that they become as productive as feasible in accordance with the rangeland management objectives established through the land use planning process and consistent with the values and objectives listed in sections 2(a) and (b)(2) of this Act."

Section 12 provides for the "Experimental Stewardship Program" which allows for experimental approaches to managing rangelands.

Section 14 deals with determinations of over population and how to conduct population reductions.

Section 14(b)(1) states in part: "and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals or other options (such as sterilization, or natural controls on population levels."

Note that this portion of Section 14 provides for other options (not specified) for population control.

Section 14(b)(2) in part states: "Where the Secretary determines on the basis of (i) the current inventory of lands within his jurisdiction; (ii) information contained in any land use planning completed pursuant to section 202 of the Federal Land Policy and Management Act of 1976; (iii) information contained in court ordered environmental impact statements as defined in section 2 of the Public Range Lands Improvement Act of 1978; and (iv) such additional information as becomes available to him from time to time, including that information developed in the research study mandated by this

section, or in the absence of the information contained in (i-iv) above on the basis of all information currently available to him, that 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 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 overpopulation."

Section 14(2)(b)(B) provides for what has become known as the "Regular Adoption Program" which offers wild horses for private ownership.

Section 14(2)(b)(c) provides for the destruction of wild horses for which no adoption demand exists.

Section 14(b)(3)(b) states: "A new subsection (f) is added to section 2 of the Act of December 15, 1971, as amended (16 U.S.C. 1332) to read as follows: (f) excess animals means wild free-roaming horses or burros (1) which have been removed from an area by the Secretary pursuant to applicable law or, (2) 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 Proposed Action is subject to the Tuledad/Home Camp Management Framework Plan 3 (MFP) of 1977. This MFP is in compliance with the above Public Laws and the Proposed Action has been reviewed for conformance with the resource decisions found in the MFP (43 CFR 1610.5, BLM MS 1617.3). The following are MFP decisions which have a direct impact on wildhorse herd management in the Buckhorn and Coppersmith wildhorse herds:

Range Management Decision H 1.1 - Manage and protect a viable, self sustaining horse population.

Range Management Decision H 1.4 - Manage and protect no less than 100 horses in the Tuledad Planning Unit.

Range Management Decision H 2.1 - Remove excess number of horses from the area.

Range Management Decision H 3.1 - Develop management plans for each herd management area.

Range Management Decision H 6.1 - Conduct routine inventories (of wildhorse populations).

Range Management Decision RM 1.1 - 1) Initiate a systematic livestock management plan for the Tuledad Allotment. 6) Implement a monitoring system capable of providing reliable data to assess achievement of management objectives.

In 1984, MFP Range Management Decision H 3.1 was implemented and Herd Management Area Plans (HMAP) were developed for the Buckhorn and Coppersmith wildhorse herds. These plans were developed as part of the Modoc/Washoe Experimental Stewardship Wild Horse Experiment which was initiated in 1982. Six factors were compared among three wildhorse herds; 1) adoptability of excess horses, 2) effects of inbreeding compared with outbreeding, 3) herd health, 4) herd viability, 5) herd manageability, and 6) management and adoption costs. The Buckhorn and Coppersmith HMAP's called for Structured Herd Management to be used to manage the two herds.

To achieve this type of management, the objectives of the Coppersmith HMAP include:

1) Maintaining a healthy and viable wild, free-roaming horse herd in the Coppersmith HMA. (RM decision H 1.1),
2) Maintaining a minimum of 50 and a maximum of 75 head of wildhorses through periodic removal. (RM H 1.4, 2.1),
3) Developing a highly adoptable horse through the selection of desirable breeding horses, and
4) Providing a highly adoptable horse for the Adoption Program through the selection of horses 4 years and under for adoption.

The objectives of the Buckhorn HMAP include the above four, plus:

5) Reducing inbreeding problems through the introduction of new animals into the herd from other wild and free-roaming horse herds, and
6) Providing at least two full years of rest on the Cottonwood Mountain Burn Area through grazing exclusion.

To meet these objectives, selection criteria, to be used during periodic gathers, were developed for each of the herds. The Coppersmith wildhorse herd would be selected for:

1) Light saddle horse conformation,
2) Dark hooves,
3) All coat colors, and
4) Size of 15 hands or more.

The Buckhorn wildhorse herd would be selected for,

1) Light saddle horse conformation,
2) Dark hooves,
3) All coat colors, with an emphasis on maintaining the existing variety of paints, sorrels, palominos, greys, and roans, and
4) Size of 15 hands or more.

Following the MFP in 1978, a Grazing Environmental Impact Statement (GEIS) covering the Tuledad/Home Camp Planning Unit was written. This GEIS analyzed the effects of a variety of livestock management systems on the environment, including wildhorses. The selected grazing program from the GEIS was outlined in the Tuledad/Home Camp Range Program Summary (RPS). Implementation progress has been summarized in subsequent RPS Updates.

The Tuledad Allotment contains both the Buckhorn and the Coppersmith HMA's. In 1980, MFP decision RM 1.1 was implemented and the Tuledad Allotment Management Plan (AMP) was developed. This was the first AMP implemented following the completion of the Tuledad/Home Camp GEIS.

In 1986, the Bureau began an evaluation of grazing management practices in the Tuledad Allotment. This evaluation, which included communication and coordination with the Modoc/Washoe Experimental Stewardship Committee, the California Department of Fish and Game and the Nevada Department of Wildlife, was completed in 1991.

Very generally, the evaluation concluded that most of the upland plant communities are moving toward meeting the objectives set in the MFP and in the Tuledad AMP. These communities are changing to become more like the Soil Conservation Service (SCS) established "climax" communities, or site potential. As these communities move toward SCS site potential, the health and extent of the antelope bitterbrush stands within some of the communities continues to decline. Antelope bitterbrush is a lower or mid-successional species for most of the upland communities in the Tuledad Allotment; it is recognized as occupying very small portions of these upland communities when they are at site potential. In the absence of disturbance in these communities, much of the antelope bitterbrush has become decadent or has died. Only a small percentage of the antelope bitterbrush stands show improvement.

Since the AMP was implemented in 1980, few conclusive studies have been performed in the riparian, aspen, or mountain brush stands in the Tuledad Allotment. Results of the few studies performed in riparian areas are mixed. Some riparian areas appear to be meeting the objectives of the AMP, while others show little change from 1980 and remain in poor condition.

The "Tuledad Interim Grazing Decision" was issued prior to the 1992 grazing season to address the livestock impacts on antelope bitterbrush and riparian communities within the allotment. This decision is currently in effect.

A comprehensive and fully integrated plan is being developed which will fully address the unresolved conflicts, including wildhorse use, in the antelope bitterbrush, aspen, riparian, and mountain brush communities. This plan will include both the Buckhorn and the Coppersmith wildhorse herds.

NEED FOR ACTION

Three conditions currently exist which indicate action is needed to continue to adequately manage the Buckhorn and Coppersmith wildhorse herds.

1. Snowfall in the winter of 1992-3 was above average, but other weather conditions were about normal. The wildhorses from the Buckhorn and Coppersmith HMA's wintered in south Surprise Valley and Duck Flat, respectively. A population census was conducted in February 1993 on these winter ranges. The horses were found in large bands on relatively few acres adjacent to private agricultural lands. Most were foraging on brush, including big sagebrush, western juniper, and black greasewood, due to the deep snows. The majority of the horses survived the winter (permittees on the Tuledad Allotment reported five dead horses in the spring of 1993); however, despite some unofficial supplemental feeding of hay by local landowners during the late winter, most of the animals were very thin and had a difficult time returning to summer pasture. Reproductive rates dropped from an estimated 26% between 1986 and 1989, to 15% in 1993 for the Buckhorn Herd. The Coppersmith Herd showed little change in reproductive rates (18%); however, the census which was conducted to obtain this information for the Coppersmith HMA in September 1993 was incomplete. Adjacent herds on similar types of both summer and winter habitats, and which were known to be exceeding summer range carrying capacity, experienced substantial winter die-offs during the same period.

2. The land managed within the Buckhorn and Coppersmith HMA's is currently involved in the East Lassen Integrated Management Plan (ELIMP), a long-term, large-scale planning process. It is estimated that this process will take at least 18 months to complete and an additional 12 to 18 months to fully implement the first set of necessary management changes. Until this process is complete, it is important that management actions continue to be taken to protect the vegetation and soils from excessive use. Wildhorse populations in the two HMA's are currently nearing levels which have caused resource damage in the past, especially in riparian habitats and on sensitive soils.

3. The general public, the California Department of Fish and Game, and the Nevada Department of Wildlife have expressed concerns that wildhorses are currently having "unreasonably" high negative impacts on wildlife habitat, especially in riparian areas on the Tuledad Allotment. Through the ELIMP process, "reasonable" impacts to be expected from wildhorse use will be defined and these impacts will be weighed against other resource values and uses.

PROPOSED ACTION

In order to prevent a die-off from occurring in the near future the wildhorse populations on the Buckhorn and Coppersmith HMA's need to be reduced to the carrying capacity of their winter ranges. In light of the condition of the horses in the spring of 1993, the winter habitat carrying

capacity was probably met during the 1992-93 winter. Therefore, the proposed action is to reduce existing wildhorse numbers on the Buckhorn and Coppersmith HMA's to a management range that would put the horse populations within their winter range carrying capacities for the next three years. This would serve to:

1) Maintain two healthy and viable wild, free-roaming horse herds.
2) Protect the vegetation and soil resources from excessive use during the ELIMP process.
3) Address public concerns over current impacts of wildhorses on the wildlife and wildlife habitat in the Tuledad Allotment.

Table 1. Herd Management Areas and Proposed Wildhorse Population Levels.

HMA	(1) Winter range Maximum Carrying Cap.	(2) Estimated Existing Population	(3) Number to be left on HMA	(4) Number to be removed from HMA
Buckhorn	89	122	59	63
Coppersmith	74	104	52	52
	163	226	111	115

(1) Aerial census of winter range, April 15, 1993 (85 adults and 4 foals).
(2) Ground census (horseback) of the two central portions of the HMA's performed by volunteers from the American Mustang and Burro Association, Inc and Surprise Resource Area personnel, June 22-23, 1994 (this census did not cover the full area of the HMA's).
(3) Reducing the herds to this level would maintain the populations within winter range carrying capacity for 3 years, assuming 20% annual increase.
(4) Based on estimated existing populations. A comprehensive aerial census will be conducted prior to any gather. The actual numbers to be removed would be based on this aerial census.

During this proposed gather, the age and sex ratio of these herds would be restructured according to the "Susanville District Wild Horse and Burro Policy."

For specifics of the gather see the "Helicopter Gathering Plan for Wildhorses in the Buckhorn and Coppersmith Herd Management Areas" (appendix 1).

OTHER ALTERNATIVES

1. Gather wildhorses on the four HMA's, but do not structure the herds. This alternative was not given further consideration, because it violates the BLM policy of selectively removing younger horses at gathers. Also it is outside the criteria of the "Susanville District Wild Horse and Burro Policy" and "Modoc/Washoe Experimental Stewardship Wild Horse Experiment."

2. Do not gather wildhorses at this time. Wait until the East Lassen EIS and subsequent activity plans have been completed (2 to 3 years).

The proposed action and alternatives do not address livestock, because they were addressed in the "Tuledad Allotment Interim Grazing Decision". The current problem is wildhorse numbers exceeding the capacity, not the productivity, of their winter ranges.

ISSUES

Three specific issues will be addressed in this EA: 1) Wildhorse populations in balance with the carrying capacities of their winter ranges. 2) Affects on wildhorses. 3) Concerns of the general public, the California Department of Fish & Game, and the Nevada Department of Wildlife concerning wildhorses within the Tuledad Allotment; along with the effects of the alternatives on wilderness and cultural resources and interactions with livestock management.

DESCRIPTION OF THE ENVIRONMENT

WATER

1994 was the seventh year out of the past eight with below normal precipitation in northwestern Nevada. For some adjacent areas with long term weather records, the 1993-94 water year was the driest in history (Medford, OR). This year's results are that drinking water amounts and sources for all animals have been reduced. Grass production was very good, while forb production was much less than in 1993. The precipitation that came was optimally timed for grass growth. Annual growth of shrubs was about normal.

Animals, including wildhorses, wildlife, and cattle, have concentrated around the remaining water sources. Increased animal concentrations have resulted in heavier than normal trampling impacts on riparian vegetation and soils.

The winter of 1992-93 was wetter than normal and drinking water was more available in 1993. However, the adverse affects of severe use on the areas around perennial water sources during the drought persisted and continue. The amount precipitation required for ground water recharge and recovery of normal spring and stream flows is not known; therefore, the long-term effects of the winter of 1992-93 are unknown.

SOILS AND VEGETATION

The HMA's lie in the southwest corner of the Surprise Resource Area in northeastern Washoe County, Nevada and northeastern Lassen County, and southeastern Modoc County, California. The soils are foothill soils extending south from the Warner Mountains, and desert and volcanic influenced soils typical of the northwestern Great Basin. Sagebrush/grassland is the dominant vegetation community. There are large areas of low sagebrush. Big sagebrush is abundant in areas with deeper soils. Areas with higher salinity are dominated by greasewood. At the higher

elevations and in some areas with better moisture regimes, mountain brush species enter the plant community. Other soil and vegetation features of the area include shallow alkaline lakes which are dry playas for part or all of the year, aspen patches in some snowdrift sites and higher moisture areas at higher elevations, and spring meadows which are scattered throughout the two HMA's.

Grasses and grass-like plants make up about 15% of the total vegetation. Riparian areas occupy less than 1% of the total area. The plant communities on the four HMA's range from early to late successional stages. Trend is generally moving toward SCS identified site potentials in upland areas, as a result of changes in livestock management and maintenance of both livestock and wildhorse numbers around carrying capacity over the past 10 - 20 years.

WILDLIFE

These HMA's provide habitat for the large variety of wildlife typically found in the northwestern Great Basin. The most common species include pronghorn antelope, sage grouse, black-tailed jackrabbits, horned larks, Brewer's sparrows, deer mice, coyotes, raptors, and bobcats. There are mule deer in areas where big sagebrush and other taller shrubs provide cover.

During the summer of 1992 competition for water between pronghorn antelope and wildhorses was observed at several different locations. Intra- and inter-specific interaction and stress has increased. Displacement of pronghorn antelope and cattle by wildhorses at water holes has been observed. Pronghorn antelope will frequently wait until wildhorses leave the area before attempting to use water holes. As water becomes scarce in the late summer, and as numbers of wildhorses increase, the amount of time available for pronghorn antelope to use water holes is steadily decreasing.

Although mule deer do not appear to be a major faunal component of either the current climax plant community or the ecosystem that existed at the time of contact with Europeans, the mule deer licensing practices and policies of the California Department of Fish & Game have drawn public attention to the East Lassen Deer Herd.

THREATENED AND ENDANGERED SPECIES

No federally listed threatened or endangered plants or animals are known to occur within the two HMA's.

WILDHORSES

Conformance with the HMAPs, specifically keeping wildhorse numbers within the carrying capacity of the range in combination with the other uses of the range, has resulted in thriving wildhorse herds. This was reflected by the low death loss during the winter of 1992-93, while some neighboring horse herds had significant death losses. The annual rates of increase for these herds in the 1986 - 1989 period, the time between the last two gathers, was 26% for the Buckhorn herd and 18% for the Coppersmith herd.

Wildhorse Diets

A study of herbivore diets on the **Tuledad Allotment** using fecal analysis found that through the year wildhorse diets contained 89.76% grass and grass-like plants. Spring diets were the most varied. Several early spring samples contained less than 50% grass and up to 60% forbs and shrubs. Winter samples were mostly grasses and grass-like species. Some samples contained 100% grass. Fifty six samples were collected from four different habitat types, juniper/shrub, sagebrush/mixed shrub, mountain shrub, and wet meadow/juniper habitat types.

The main conclusions drawn from this study which pertain to wildhorses include:

1) Wildhorses depend primarily on grasses throughout the growing season and during open winters.
2) Wildhorse diets normally have little overlap with pronghorn antelope, mule deer, or domestic sheep diets in the summer and fall when forage supplies are shortest.
3) Wildhorse diets greatly overlap cattle diets throughout the spring, summer, and fall.
4) The time of greatest dietary overlap among wildhorses, pronghorn antelope, mule deer, domestic sheep, and cattle is in the spring when there is an abundance of forage.

Current Wildhorse Population Levels and Herd Behavior

Topography in the two HMA's greatly affects the accuracy of censuses. The Coppersmith HMA has more western juniper and steep canyons which conceal wildhorses from aerial counts. The Buckhorn HMA has more low sagebrush, rolling hills, and open ephemeral lakebeds which maximize wildhorse visibility from the air. Therefore, aerial counts in the Buckhorn HMA tend to vary less than aerial counts in the Coppersmith HMA. The time of year, time of day, and water supply can greatly affect the numbers of wildhorses counted in the Coppersmith HMA. Counts conducted late in the year when most of the horses are in the highest elevations of the HMA, late in the day when horses are coming in to water, and on dry years when water sources are limited yield the most accurate counts.

Topography also affects wildhorse behavior. These two HMA's have an unusually high range of elevations throughout. There are numerous steep canyons, rims, and rocky soils which limit wildhorse movements within the HMA's. This type of topography results in individual bands of wildhorses occupying very specific and consistent yearly "home ranges" during the spring, summer, fall, and open winters. These bands stay in their home ranges until winter snows forces them into lower elevations, and they return to their home ranges as soon as the weather and snow levels allow them in the spring. The loyalty of the lead mares in these bands to their individual home ranges results in little

mixing of adult horses between the two HMA's in the summer. Younger horses and bachelor bands, especially in home ranges along the edges of the HMA's, may move between the two HMA's; however, fences, private land, and topography severely restricts this movement. Winter ranges for the two herds are similarly separated by private land and fences which restrict movement between the two herds on all but the snowiest winters when horses are desperate for forage and are able to walk over fences on the snow.

Monitoring Results and Recommended Management Levels

The monitoring data used for this assessment were:

Observations of wildhorse condition through the winters of 1992-93 and 1993-94.
Wildhorse counts from February 1993 to the present.
Reproductive rates from 1986 to the present.

The current monitoring data found that the present wildhorse numbers are not in balance with a "thriving natural ecological balance and multiple use relationships" on the Buckhorn and Coppersmith HMA's. IM 90-30 defined "thriving natural ecological balance" as "the condition of the public range that exists when resource objectives related to wildhorses and burros in approved land use and/or activity plans have been achieved."

The first wildhorse objective in the Tuledad/Home Camp MFP Summary is, "Protect and manage wild and free-roaming horses ... as components of the public land in a manner to achieve ecological balance with other uses." The poor condition and deaths of wildhorses following the winter of 1992-3 indicated that wildhorse populations were not in balance with their winter range carrying capacities.

The management levels for the Coppersmith HMA would not be changed at this time. The wildhorse count in the spring of 1993 indicated that the current management levels were appropriate. The management levels of the Buckhorn HMA would be increased from 50 - 75 horses to 59 - 85 horses. The range was determined by using the 1993 spring count as the maximum value (89 head - 4 foals = 85 horses that had overwintered). The minimum number was set by calculating backwards from 85 horses for three years, assuming an annual rate of population increase of 20%. (20% annual increase is the average for HMA's on the SRA.)

Table 2. Wildhorse Management Levels for the Buckhorn and Coppersmith HMA's.

HMA	MFP MIN	RECOMMENDED MIN	MFP MAX	RECOMMENDED MAX
BUCKHORN	50 horses	59 horses	75 horses	85 horses
COPPERSMITH	50	50	75	75

WILDERNESS

A portion of the Buckhorn HMA lies within the Buffalo Hills Wilderness Study Area (WSA) (CA-020-619). The Interim Management Plan (IMP) permits installation of temporary facilities in WSAs for the purpose of gathering wildhorses, as long as they satisfy the nonimpairment criteria.

CULTURAL RESOURCES

All the proposed trap sites have received cultural surveys and been approved for use.

LIVESTOCK

Both of the HMA's lie within the Tuledad Allotment.

Beginning with the 1934 passage of the Taylor Grazing Act and the end of nomadic sheep bands, livestock numbers using the land within the two HMA's has been continuously reduced. Two livestock adjudications and the GEIS have reduced the livestock Animal Unit Months (AUM) from over 23,000 to 9,982 AUMs. Through inactive permits and voluntary reductions in use, the actual number of AUMs currently being used on the Tuledad Allotment is approximately 5000 AUMs.

The Tuledad Allotment Management Plan (AMP) was implemented in 1980. The grazing system selected from the GEIS for the AMP was outlined in the Tuledad/Home Camp Range Program Summary (RPS). The AMP called for a two pasture rest-rotation grazing system for the Tuledad Allotment. Each year, one pasture was to be used before seedripe on grasses and the second pasture was to be used after seedripe on grasses. The following year, the pastures would be switched. Implementation progress has been summarized in subsequent RPS Updates.

Over time, through fencing, seeding, fire rehabilitation, and recognition of seasonal use patterns, the two pastures in the allotment were divided into nine "use areas". These use areas include seven native range and two seedings. They have allowed for annual management flexibility, as well as additional seasonal and year-long rest within the two pasture system.

> The Tuledad and Worland Crested Wheatgrass Seedings are located on the western edge of Duck Flat below 4800 feet. These seedings typically reach range readiness by April 1 and provide the permittees with early April turnout for approximately 400 cattle. Sheep use is not permitted in the seedings.
>
> The Bare Creek and Rye Patch Areas are low elevation "use areas," generally below 5700 feet. These "use areas" provide early season forage for both cattle and sheep. Range readiness in these units is based on perennial grasses (Poa secunda and Sitanion hystrix) and normally occurs around April 16. Cattle use is permitted after range readiness has been reached.

Early season use is alternated annually between the Rye Patch and Bare Creek Use Areas. The areas are not fenced from the South or North Pastures, respectively; however, the elevation differences on each pasture significantly influence livestock use patterns. When the South Pasture is scheduled for late use, cattle will generally not use the dry lower Rye Patch Use Area. The analogous situation is true for the Bare Creek Use Area in the North Pasture. Although some drift to the lower elevation use areas does occur, cattle and sheep are not herded into the low elevation use areas. This provides riparian areas within these areas yearlong rest.

Sheep are allowed onto the unit after March 26. This on-date coincides with the off-date for Winnemucca District Allotment (Coyote AMP). Range readiness is not a turnout criteria for sheep use, because sheep use and movements are closely controlled by the herders and they are grazing dried grasses, dormant shrubs, and annual forbs, all of which regrow after the sheep have moved on. Sheep lamb in the Rye Patch and Bare Creek Use Areas, then are split into three ewe/lamb bands and one small ewe only band (dry ewes). The ewe/lamb bands skim the entire allotment before going to summer range on the Modoc National Forest. The dry band continues to move through the allotment all season.

The North and South Use Areas are the largest areas in the allotment and lie between 5700 feet and 6800 feet. The two units receive alternate year treatments of early use (May 16 to July 15) and late use (July 16 to September 30). The late use period is based on seed ripe of key perennial grass species in the pasture. Seed ripe normally occurs between July 16 and July 30. Late season cattle use is restricted to the scheduled late use pastures.

The Cottonwood, Bald Mountain, and Boot Lake Areas are high elevation units (6500 feet to 7700 feet). These units usually do not receive cattle use before July 16. Sheep are allowed to skim lightly through the Cottonwood and Boot Lake units in late June (June 16 - June 30). Sheep trail back through these three units in the fall (early October) on their way to winter range.

Between 1986 and 1991 the AMP was evaluated. Several problems were identified, including continued poor condition of several antelope bitterbrush stands, lack of adequate monitoring on riparian systems, and failure of many riparian systems (especially the higher elevation riparian areas) to meet the objectives of the AMP. The California Department of Fish and Game, and the Nevada Department of Wildlife are unhappy with the health of the East Lassen County mule deer herd; they feel resource conditions on the Tuledad Allotment, and several other BLM allotments, are contributing to the poor winter survival of this mule deer herd.

To address the problems of the AMP and the concerns of both the game agencies and the general public, a three-phase strategy was developed.

The first phase was to issue Interim Grazing Decisions (IGD) which effect immediate, short-term changes in grazing practices on the Tuledad and Twin Peaks Allotments. The changes made in the Tuledad Allotment IGD in 1992 include:

1) Alternating early and late season use of the North and South Pastures on a two year, rather than an annual basis. This is to allow for more successful reproduction of antelope bitterbrush which flowers and sets seed on two-year-old wood.
2) Not allowing any late season (after "red juice stage") use in three key antelope bitterbrush stands on the Coppersmith Hills, Buckhorn Road, and Cottonwood Mountain. To comply with this portion of the IGD, the Tuledad Allotment permittees are using a rider to move cattle out of the key antelope bitterbrush stands when cattle are making late season use in the pasture.
3) Initiating intensive riparian area utilization monitoring on 14 riparian areas throughout the allotment.
4) Limiting use of these riparian areas to an average 2" stubble height.

The second phase, now in progress, is to develop an Integrated Management Plan that would address issues associated with the entire East Lassen Deer Herd area. This integrated, comprehensive plan will establish habitat objectives for specific planning compartments within the area. From 1992 through 1994 vegetation data was collected so that critical habitat features can be described or quantified. Monitoring data for all the allotments has been collected since 1992 for development of the integrated plan. Wildlife population data and desired mule deer habitat descriptions will need to be provided by the wildlife agencies before completion of the plan. The plan is estimated to be completed within 18 months.

The third phase, implementation of the integrated plan, is anticipated to be completed within 12 to 18 months of completion of the integrated plan. Once the integrated plan is completed, a management program addressing the long term goals for the East Lassen Herd Area will be put into effect.

IMPACTS OF THE ALTERNATIVES

Three issues were identified for assessing the alternatives: 1) Wildhorse populations in balance with their winter ranges' carrying capacities. 2) Affects on wildhorses. 3) Concerns of the general public, the California Department of Fish & Game, and the Nevada Department of Wildlife concerning wildhorses within the Tuledad Allotment. The analysis of alternatives will focus on these three issues along with the effects of the alternatives on wilderness and cultural resources and interactions with livestock management.

WINTER RANGE

Proposed Action

Implementing the proposed action would put the number of wildhorses in balance with the capacity of their known winter range for years with above average snow fall.

Alternative 2

Implementing alternative 2 would mean that in a year with above average snowfall, there will not be enough winter range to support the population of wildhorses and some die-offs will occur.

WILDHORSES

Proposed Action

Implementing the proposed action would put the wildhorse populations on the Buckhorn and Coppersmith HMA's within the known carrying capacity of their winter ranges for a year with above average snowfall. In the spring of 1993 there were 89 horses on the Buckhorn HMA, 74 horses on the Coppersmith HMA, and five horses were found dead. Based on the generally poor condition of horses in these two herds by spring and the deaths, it is our belief that a serious winter die-off of wildhorses was narrowly averted in the winter of 1992 - 93. The intervening year has seen these horse herds increase in number to at least 122 for the Buckhorn herd and 104 in the Coppersmith herd. The BLM believes that it is our responsibility to maintain wildhorse numbers within the known limits of the existing habitat consistent with the way the horses use that habitat. Presently wildhorse populations on the Buckhorn and Coppersmith HMA's are above the known carrying capacity of their winter ranges.

The other benefit to wildhorses of being gathered is reduced competition between bands for water, forage, space, and seasonal ranges. Implementing the proposed action would result in the removal of approximately 115 wildhorses from these HMA's. The selection of excess horses for removal and placement in the Susanville adoption program would be carried out following the "Susanville District Wild Horse and Burro Policy." The goals of this plan are to make wildhorse gathering as safe as possible for the horses, assure that the excess horses are adopted into adequate, healthy settings, and the horses that remain on the range are healthy and vigorous and within the carrying capacity of their habitat.

Restructuring the Coppersmith herd maintains herd integrity. The Buckhorn herd, as part of the "Wild Horse Experiment" receives new horses from other areas, which fit the selection criteria for the Buckhorn herd. Only younger horses are removed from the range, so band social structures and use areas are left intact. Younger horses are also more adoptable. Gathering provides the opportunity to see many of the horses in the herd. It is the only time that accurate age structures, sex ratios, health, and reproductive rates of the herds are determined. This information is necessary for BLM to properly manage the horses.

The BLM is required to manage public lands in a multiple use context, including wildhorses. These herds were last gathered in **1989**. In the intervening years our counts

have become more opportunistic. The HMAP files show that through the 1980's, while the "Wild Horse Project" was a higher priority, the sex ratio, age structure, and other population characteristics of these herds were well documented. As other priorities have emerged, knowledge of these herds has declined.

Gathering is inherently risky. Running wildhorses into a trap then loading them onto a truck, is a source of risk and stress for the animals. Horses have been injured and killed during gathering, but it is not common. Foals can be separated from mares (although few young foals are present in the herds by late summer and fall). Band social structure can be disrupted by mixing with other bands or leaving a band with too few individuals.

Alternative 2

Implementing alternative 2 would mean that horses will not be gathered from these HMA's at this time. The horses will not face any of the stress or potential dangers associated with gathering. There will be no disruption of band structure or separation of foals from mares due to gathering.

Implementing alternative 2 increases the risk of die offs during a heavy winter. Of course, we do not know what the winter of 1994-5 will be like. It may be an open winter with no problems, or it may be a severe winter that will tax whatever number of horses are on the range. It is believed that the history of regular gathering and removal and keeping wildhorse populations within the carrying capacity of the range accounts for the low winter mortality during the winter of 1992-3. In some adjacent areas large numbers of horses died during the winter of 1992-3.

Implementing alternative 2 would mean that the current estimated numbers, age structure, sex ratio will continue to be used in managing these herds. Management based on estimates will continue. The much needed infusion of information will not happen.

Table 6 shows projected wildhorse populations on the HMA's for the "Proposed Action" and "Alternative 2."

Table 3. Wildhorse Population Projections*: Proposed Action and Alternative 2.

HMA	FEBRUARY 1993 COUNTS	APRIL 1993 COUNTS	JUNE 1994 COUNTS	1995		1996		1997	
				PROP	ALT 2	PROP	ALT 2	PROP	ALT 2
BUCKHORN	65 horses	89	122	59	146	70	175	85	210
COPPERSMITH	65	74	104	50	124	60	149	72	179

* Projections assume 20% annual increase in numbers, which is the average wildhorse annual population increase on the Surprise Resource Area.

GAME AGENCIES

Proposed Action

Implementing the proposed action would meet the BLM's commitment to the Nevada Department of Wildlife and the California Department of Fish & Game to manage wildhorses in balance with the wildlife resources within the two HMA's.

Alternative 2

Implementing alternative 2 would result in the BLM not attempting to meet its commitment to the Nevada Department of Wildlife and the California Department of Fish & Game to manage wildhorses in balance with the wildlife resources within the two HMA's in the fall of 1994.

WILDLIFE

The magnitude of the effects of either alternative on wildlife is believed to be relatively small. There are not a lot of horses being considered, and we are not considering removing all the horses from these HMA's. Therefore the differences between the alternatives is one of degree and direction of change, not a major alteration of the current situation.

Proposed Action

Implementation of the proposed action would reduce the competition between wildhorses and pronghorn antelope, and probably other species of wildlife, for drinking water. Horses are the largest animal in this area; whenever there is direct competition between horses and other herbivores for drinking water, horses will dominate.

Reducing wildhorse numbers may slightly benefit animals which use meadows for important stages of their development such as sage grouse, which use meadows for rearing their chicks. With fewer horses present some of the spring meadows may receive lighter wildhorse utilization, reducing the chances of nest trampling by wildhorses and increasing the height of the herbaceous vegetation which protects nests and young animals from predation.

Reducing wildhorse numbers is not believed to have a significant impact on mule deer populations in the area. Mule deer and wildhorses have little dietary overlap. Mule deer tend to use areas with taller brush, while wildhorses tend to be in the open, so there is little habitat overlap. Wildhorses can frequently be found using stock ponds and other larger, open sources of drinking water. Mule deer, when given a choice, use small springs and seeps for drinking water. As sources of drinking water dry up, there is undoubtedly greater overlap in the use of drinking water sources. Also mule deer are more active at night, so their use of stock ponds would not be observed, however their

tracks remain. Many more pronghorn antelope tracks are found at stock ponds than mule deer tracks.

Alternative 2

The main impact of implementing alternative 2 would be the continuing increase in competition between wildhorses and wildlife species for drinking water and the use of riparian and meadow habitats associated with springs and creeks.

WILDERNESS

Both the Proposed Action and Alternative 2 comply with the IMP's nonimpairment criteria for WSAs (see appendix 7).

When a final determination is made on status of the WSAs, it may prohibit gathering using helicopters, it may require the complete removal of wildhorses as an incompatible use, or wildhorse gathering may be a legislated or grand fathered activity. The WSAs also may not be designate wilderness. There is no clear indication at this time.

Proposed Action

None of the potential trap sites for these HMA's are in WSAs.

A helicopter would be used over the Buffalo Hills WSA to gather horses on the Buckhorn HMA. This would disturb the feeling of solitude more present at other times. This activity would take place during two or three days, and would not be repeated for three or four years. There would be no residual impacts following the gather. No reclamation would be required. Wildhorse gathering using helicopters is a permitted activity under the WSA Interim Management Plan. This activity would not affect the WSA's potential for being designated a wilderness area.

Alternative 2

Wildhorses would not be gathered at this time. Impacts to solitude caused by helicopter operations would not occur.

CULTURAL RESOURCES

The alternatives are not expected to have significantly different impacts on cultural resources within the three HMA's.

LIVESTOCK

Neither alternative is expected to significantly impact livestock operations on the Tuledad

Allotment. An integrated forage allocation plan is being developed for the Tuledad Allotment. This plan would likely significantly impact all the grazing animals in this area.

DESCRIPTION OF MITIGATION MEASURES AND RESIDUAL IMPACTS

Implementation of the proposed action following the Susanville District wildhorse management policies would result in safe and humane treatment of the horses. No residual impacts are anticipated and no mitigation measures would be required.

PERSONS/AGENCIES CONSULTED: California Department of Fish and Game, Nevada Department of Wildlife, American Mustang and Burro Association, Inc., Tuledad Allotment permittees.

PREPARER: Tara de Valois and Bill Dragt; SRA Range Conservationists

DATE:

APPENDIX 1

HELICOPTER GATHER PLAN

HELICOPTER GATHERING PLAN

FOR

WILD HORSES

IN THE

BUCKHORN AND COPPERSMITH

HERD MANAGEMENT AREAS

Susanville District
Surprise Resource Area
Fiscal Year 1995

I. INTRODUCTION

The purpose of this removal plan is to outline the methods and procedures to be used in removing approximately 117 wild horses from the Buckhorn and Coppersmith Herd Management Areas. The proposed action would take the wild horse population to the lower limit of established population range for each area. The populations of wild horses would then be allowed to increase for three years, at which time, it is projected that the populations would be at the upper end if the established population range. At that time, the need for another removal would be determined based upon the actual wild horse populations present and the results of East Lassen Integrated Management Planning effort.

The proposed removals would begin sometime after October 1, 1994 and would take two to three weeks to complete. If the removals are not completed during this time due to inclement weather or other factors, they will be completed during the summer/fall of 1995.

II. GENERAL AREA DESCRIPTION - BACKGROUND DATA

The Buckhorn and Coppersmith HMAs are located approximately 35 miles south of Cedarville, California, in Washoe County, Nevada and Modoc County, California. See Map 1 for general locations.

The acreage and land status for each HMA is as follows:

HMA Name	Acres Private	Acres Public	Total Acres
Buckhorn	3,320	62,320	65,640
Coppersmith	7,740	63,020	70,760

The Herd Management Areas are located in the Tuledad-Home Camp Planning Unit of Surprise Resource Area. See Map 2- Planning Unit Map. The Environmental Impact Statement for the Unit was completed in 1978.

Elevations range from 5,000 feet to 8000 feet within the areas.

Vegetation is typical of the northern Great Basin Ecosystem. Various species of sagebrush dominate the aspect with horse brush and rabbit brush also occurring. The dominant perennial grasses are bluebunch wheatgrass, Thurber's needlegrass, Idaho fescue and squirreltail.

Appropriate management levels for wild horses in the Buckhorn and Coppersmith HMAs were determined by analysis of current monitoring data. In these two HMAs the goal is to have wild horses be part of a thriving natural ecological balance among the multiple uses.

Proposed gathering and removal for FY 1995 will be conducted in the Coppersmith HMA (CA-261) and the Buckhorn HMA (CA-262). See Maps 3, and 4 for specific locations.

III. 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 1994 Analysis for the Buckhorn and Coppersmith HMAs completed in August, 1994, established the appropriate management levels (AMLs) for the HMAs as follows:

HMA Name	AML
Buckhorn	72
Coppersmith	62

The above populations have been determined to be the median number within a range of levels necessary to achieve and maintain a natural thriving ecological balance in each area.

Based on the carrying capacity for wild horses, population ranges have been established as follows:

HMA Name	Population Range
Buckhorn	59-85
Coppersmith	50-75

The maximum number for each range is the carrying capacity for wild horses determined from the monitoring data analysis. The minimum number for each range is calculated from the maximum range figure and is the level of animals which are projected to increase to the maximum range figure in three years. In three years, the current populations will be determined, and a decision made regarding the need for further removal.

IV. POPULATION AND REMOVAL DATA

The Buckhorn HMA was last gathered in the fall of 1989 when 87 horses were gathered. 58 horses were returned to the HMA at that time. The HMA was placed under structured management[1] with the removal.

The Coppersmith HMA was last gathered also in the fall of 1989. At that time 52 animals were gathered and 21 were released back to the HMA. The herd was structured at that time.

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

HMA Name	1994 Census
Buckhorn	122
Coppersmith	104

Estimated gathering and removal for each area is as follows:

HMA Name	Est. # to Gather	# Return To The Range	# to Remove	Total to Remain
Buckhorn	122	59	63	59
Coppersmith	104	50	54	50
Totals	226	109	117	109

[1]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.

The above figures for capture and removal are for estimation purposes only. 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 that the minimum range figure may not be able to be achieved by removing only horses four 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.

V. METHODS OF REMOVAL

Gathering will conducted by contract or 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 areas will have to be gathered so AML can be achieved by removing only horses four years 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 4 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 relaeased 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.

VI. REFERENCE TO ENVIRONMENTAL ASSESSMENT

Environmental Assessment No. CA-028-94-08 was prepared in August, 1994 to analyze impacts associated with the removal and age structure re-adjustment.

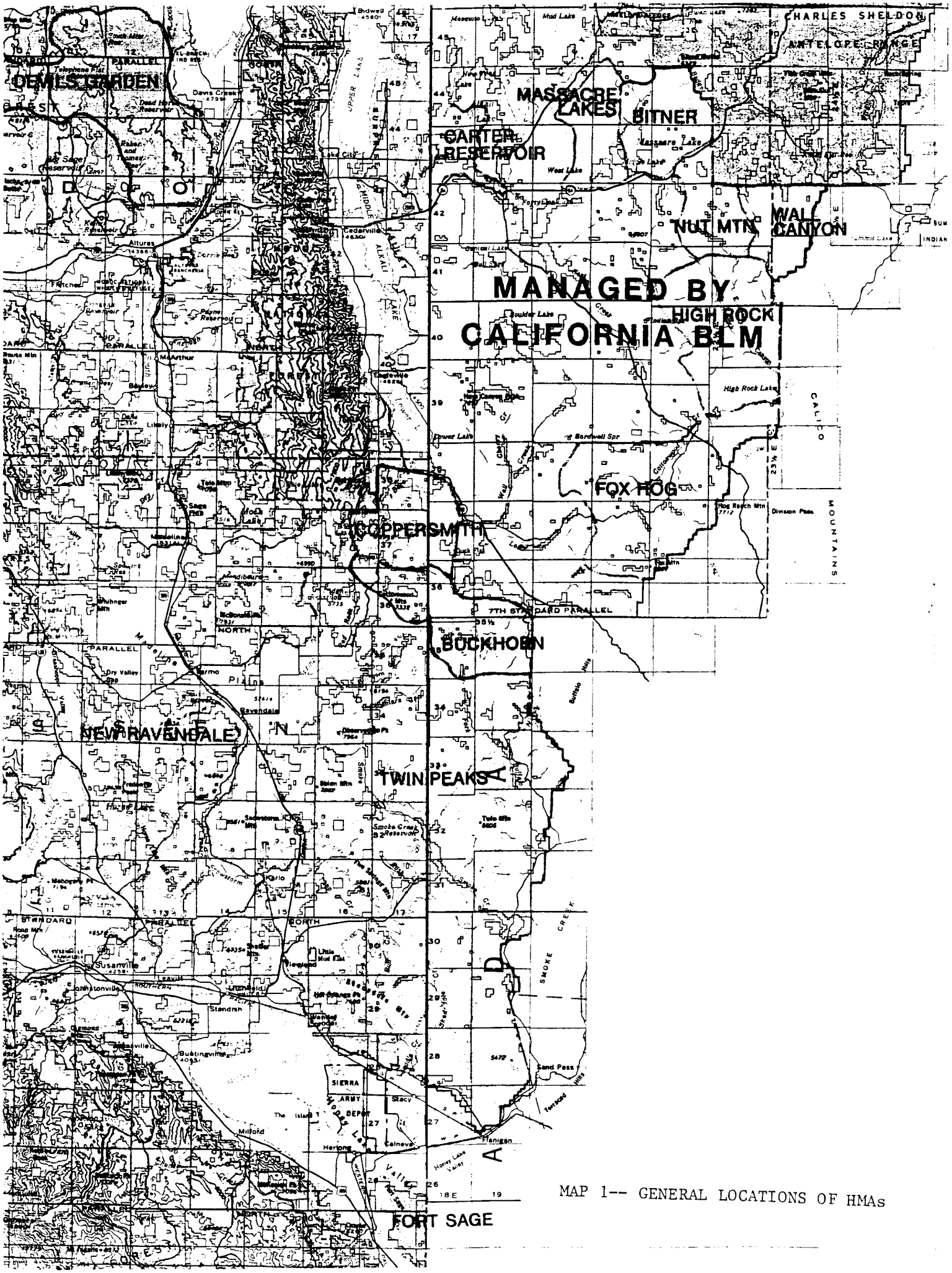
VII. PUBLIC NOTIFICATION

The proposed use of a helicopter and motor vehicles for removal of wild horses from the Buckhorn and Coppersmith HMA's will be presented at a public meeting in Cedarville, California on September 21, 1994. The meeting will be held at the Surprise Resource Area Office.

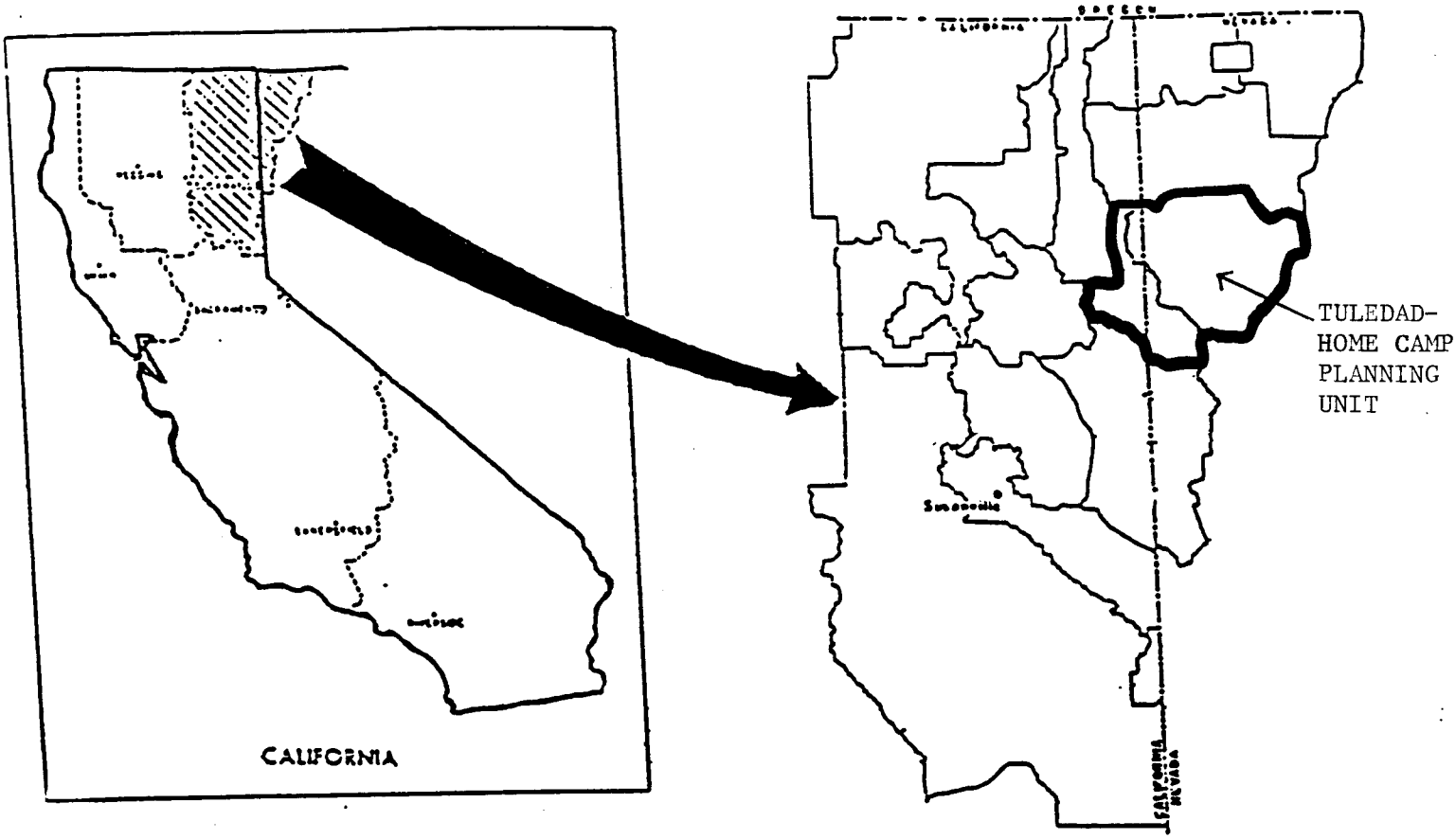
Prepared by: _____ Date: _____
Wild Horse and Burro Specialist

Approved by: _____ Date: _____
Area Manager, Surprise R.A.

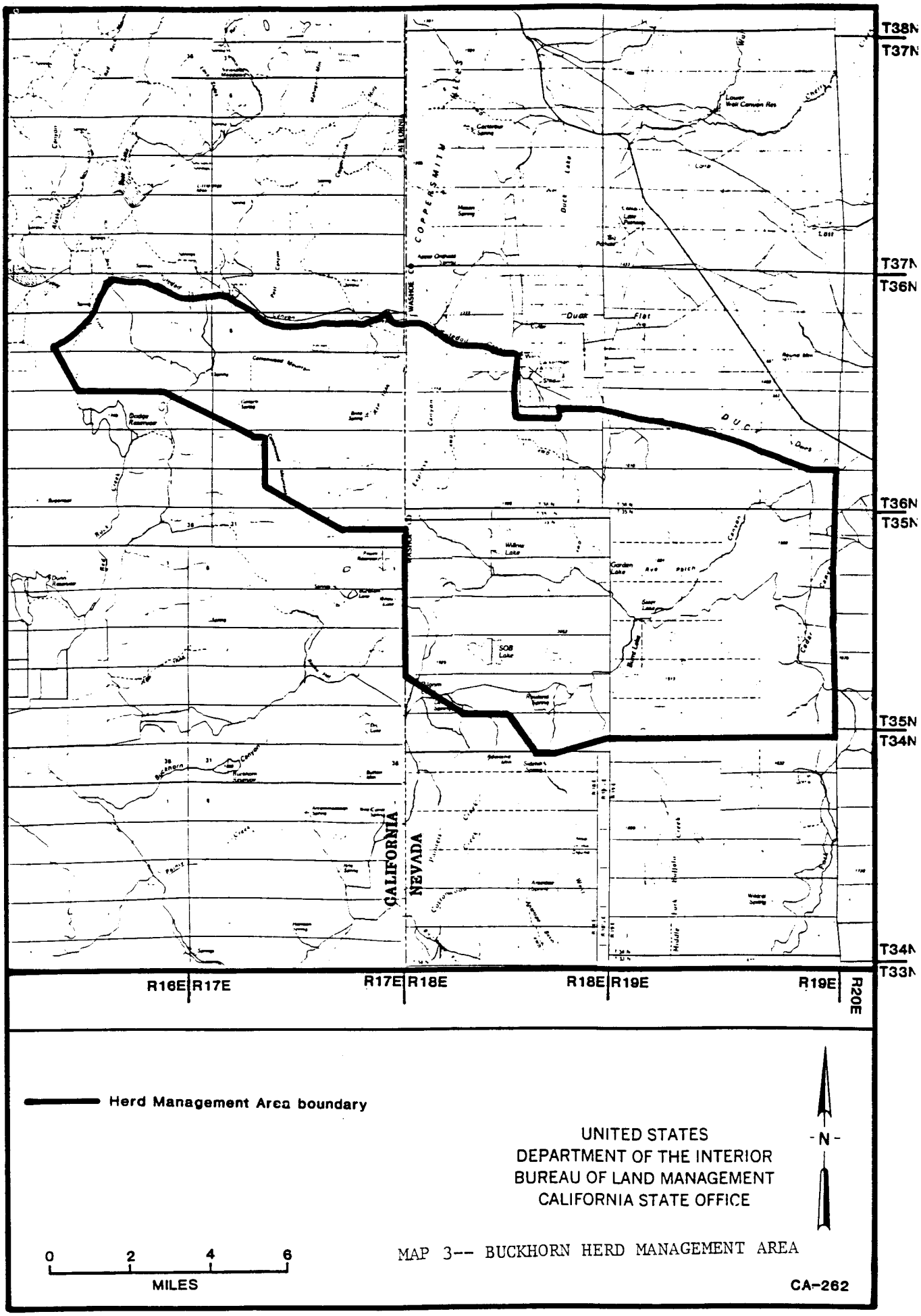
Attachments



MAP 1-- GENERAL LOCATIONS OF HMAs



MAP 2-- PLANNING UNITS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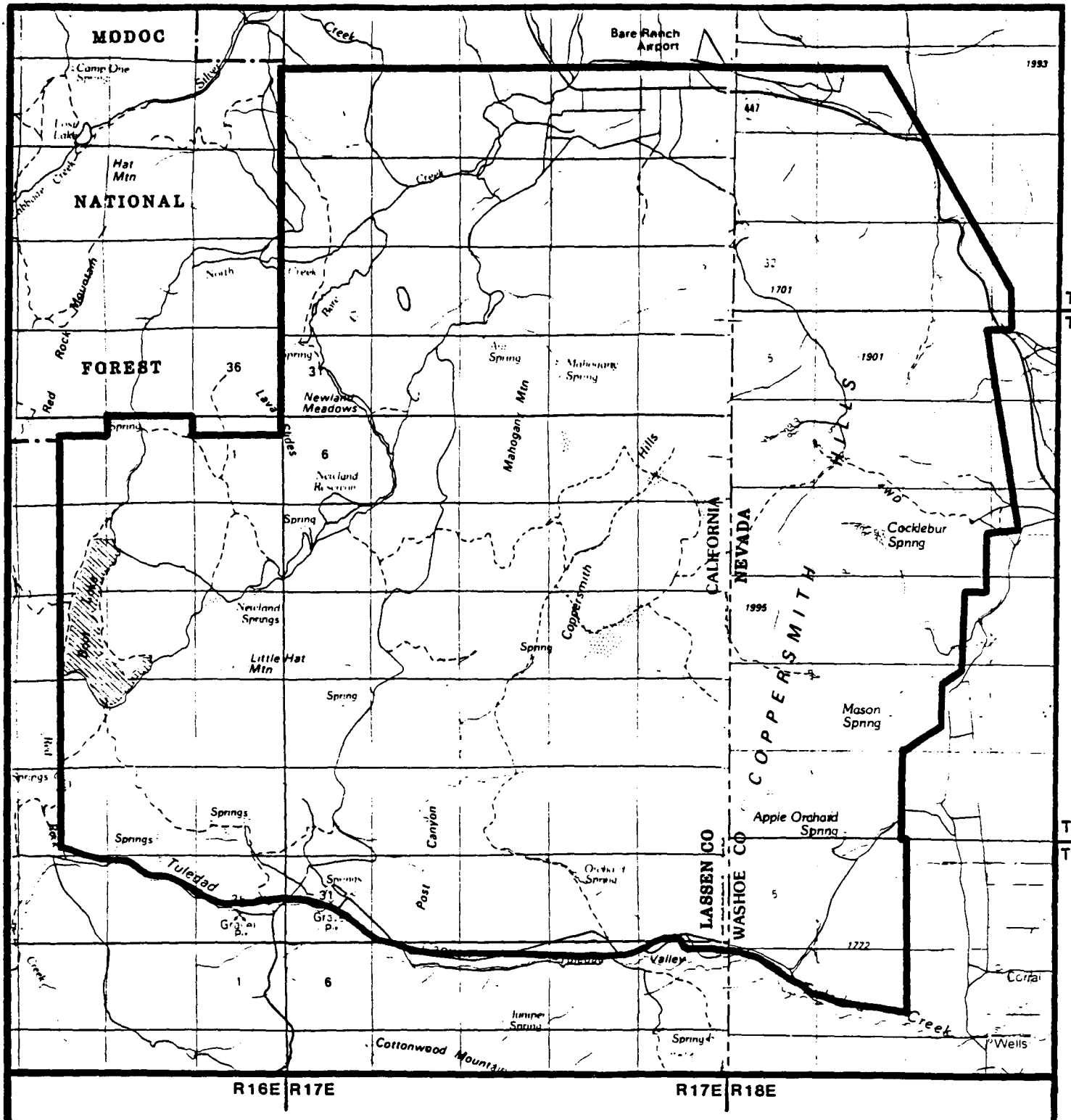
MAP 3-- BUCKHORN HERD MANAGEMENT AREA
CA-262



Herd Management Area boundary

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA STATE OFFICE

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MAP 4-- COPPERSMITH HERD MANAGEMENT AREA

CA-261

APPENDIX 2

MONITORING SUMMARY

TO: Buckhorn / Coppersmith WHMP Files

FROM: Richard Westman, Supervisory Range Conservationist

SUBJECT: Monitoring of the Winter Range on the Coppersmith and Buckhorn WHMA's.

I. Winter Range Monitoring

Establishing an ecological balance for the wild horse herds includes, in part, having the wild horse herd populations in balance with their winter and summer range areas. The winter range area is a primary factor in limiting horse herd numbers for the Coppersmith and Buckhorn WHMA's. Upland areas are improving and generally are capable of providing adequate forage for wild horses, livestock and wildlife. This is supported by current trend studies and annual utilization monitoring. Utilization problems are mainly associated with specific areas, such as riparian and mountain brush sites, and not the upland areas. The controversy over the East Lassen Deer Herd Area, which these two herds are a part of, raised the issue that both of these WHMA's were supporting more horses than the rangeland resources could support without adverse impacts. An Interim Grazing Decision was issued in the spring of 1992. This Decision put a temporary reduction from active preference into effect and modified the grazing system to provide additional resource protection for riparian and bitterbrush areas. While these interim measures are in place, a process has been started which will establish a carrying capacity for all ungulates within the East Lassen Area. No interim measures are implemented for the wild horse herds. Therefore it is recommended, until the East Lassen Integrated Plan is completed, to establish an interim management range for each of these herds based on the capacity of the winter range. This action will meet two objectives. One, prevent increased resource damage by allowing an annual increase of horse numbers until the East Lassen Plan is completed. Two, prevent the winter death loss of wild horses which will occur if their populations increase beyond the capacity of the winter range.

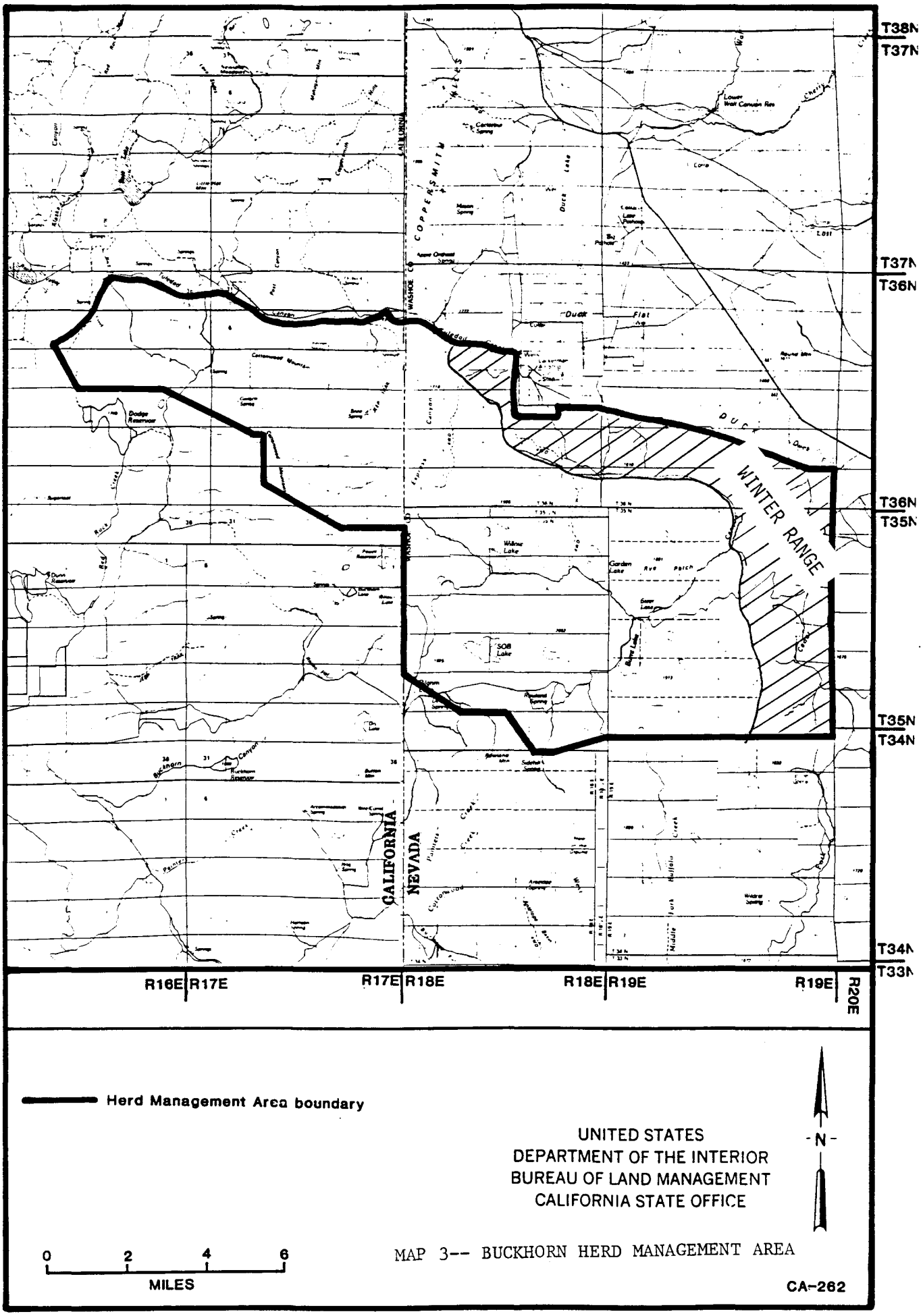
The winter of 1992 - 93 was above average in snowfall amounts.but other weather conditions were about normal. This situation provided an opportunity to evaluate the carrying capacity of the winter range in an above normal season. A number of wild horse herds adjacent to these WHMA's where showing serious problems because of the winter conditions. As the winter continued, concerns for the welfare of these wild horse herds increased. Monitoring of the Buckhorn and Coppersmith horse herds was increased. This monitoring consisted of frequent observations of animal condition from the ground and aerial reconnaissance.Highway 447 goes through the north end of the winter range of both herd areas. This permitted for frequent ground observations throughout the winter season. In addition, two separate helicopter flights were also used to monitor these WHMA's. The helicopter flights were conducted during mid-winter and in early spring. This monitoring effort identified those areas suitable as a winter range for each horse herd area. Condition of wild horses were observed throughout the winter and early spring. This monitoring also included a search for animals that may have died as a result of the winter conditions. The findings for each herd management area are outlined below.

IV. COPPERSMITH AND BUCKHORN WHMA'S RECOMMENDED NUMBERS BASED ON WINTER RANGE CAPACITY.

Both herd areas were inventoried by helicopter in the spring to get an accurate count of animals making it through the winter, evaluate animal condition and determine percent of animals that were lost during the winter. Number of horses and their location are shown on attachment --. No dead horses were observed during the flight of both management areas.

Based on the above information, it is recommended that the interim management range for horses on both of these WHMA's not exceed the capacity of the winter range. Currently, the maximum capacity for the winter range on each WHMA is as follows:

Buckhorn - 59 to 85 horses
Coppersmith - 50 to 75 horses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CALIFORNIA
NEVADA
WINTER RANGE
Dodge Reservoir
Dunn Reservoir
Buckhorn Reservoir
Willow Lake
Garden Lake
Upper Lake
Lower Lake
SOB Lake
Duck Flat
Herd Management Area boundary
UNITED STATES
DEPARTMENT OF THE INTERIOR
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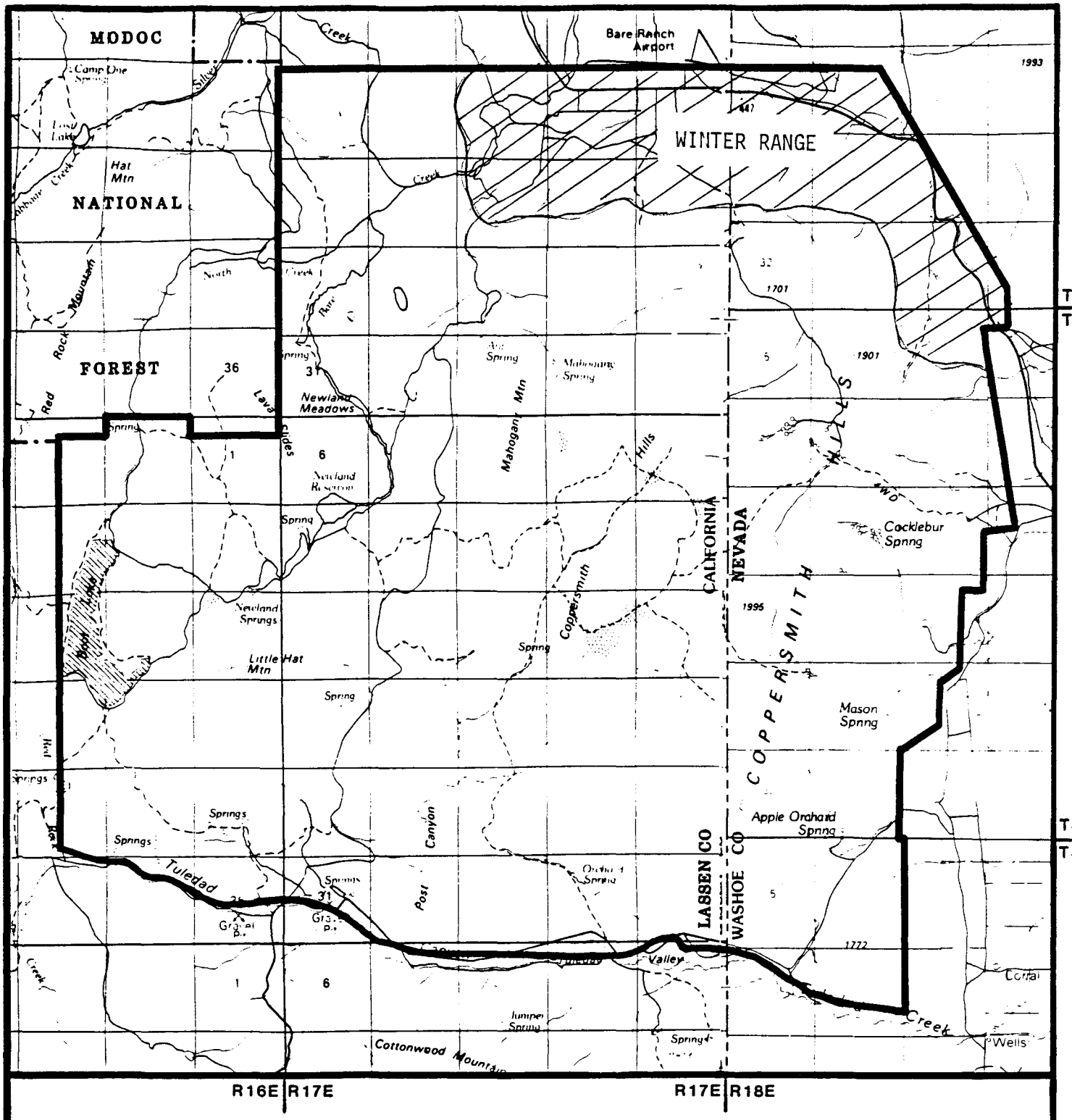
MAP 3-- BUCKHORN HERD MANAGEMENT AREA
CA-262



Herd Management Area boundary

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA STATE OFFICE

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MAP 4-- COPPERSMITH HERD MANAGEMENT AREA

CA-261

Table 1 - Range sites and major vegetative communities in the Tuledad Allotment.

RANGE SITE NAME	GRASS/SEDGE	FORBS	SHRUBS	%	ACRES
BUCHHORN / COPPERSMITH HERD AREAS - SPRING, SUMMER AND FALL USE AREAS.					
I. UPLAND AREAS (ELEVATION 5500' TO 7000')				80	30,958
These vegetative communities provide approximately 70% of the wild horse AUMs. The season of use ranges from March 15 to November 30.					
**Well Drianed Fan 12-14 **Stoney Loam 12-14	Blue Bunch Wheatgrass Idaho Fescue Thurbers needlegrass carex	Lupine Hawksbeard Balsamroot Phlox	mountian sagebrush	2	3,584
*Loamy 14-16	Idaho Fescue Thurber Needlegrass Blue Bunch Wheatgrass Basin Wildrye bluegrass carex	Balsamroot Hawksbeard Lupine phlox	mountian sagebrush bitterbrush snowberry serviceberry	25	41,180
*Loamy 10-12	Bluebunch wheatgrass needlegrass Basin wildrye	Lupine phlox eriogonum	Wyoming big sagebrush bitterbrush rabbitbrush	2	3,268
Clay Basin 12-14	Nevada bluegrass creeping wildrye mat muhly	poverty weed evening primrose dock	silver sagebrush rabbitbrush greasewood	T	271
Clay Pan 14-16 Scabland 10-14	Idaho fescue bluegrass needlegrass	Balsmroot aster Lupine clover	low sagebrush serviceberry rabbitbrush	32	52,760
Wet Clay Basin	mat muhly sedge rush	poverty weed evening primrose dock	silver sagebrush	2	3,669
Churning Clay	squirretail bluegrass needlegrass	erigonum lupine phlox	rubber rabitbrush low sagebrush	3	5,318
Loamy 16+	Mountian brome needlegrass Idaho fescue bluegrass	larkspur balsmroot hawksberd wyethia	mountian sagebrush snowberry	1	1,217
Dry Meadow	Nevada bluegrass perennial grasses carex	yarrow wild iris dandelion clover buttercup	willow rose silver sagebrush big sagebrush	T	752

RANGE SITE NAME	GRASS/SEDGE	FORBS	SHRUBS	%	ACRES
BUCKHORN \ COPPERSMITH HERD AREAS - WINTER USE AREAS.					
II. FOOTHILL AREAS (ELEVATION 4500' TO 5500')				**10**	**17,313**
These vegetative communities proved for approximately 25% of the wild horse AUMs. The average season of use is December 1 to February 28.					
Loamy Bottom 8-12	Basin wildrye blurgrass	lupine poverty weed	Basin big sagebrush rubber rabbitbrush	1	2,211
Loamy 8-10	needlegrass ricegrass squireltail Basin wildrye	lupine phlox eriogonum	Wyoming big sagebrush spiny hopsage rabbitbrush Basin big sagebrush	9	15,102
III. VALLEY SLOPES (ELEVATION 4500' TO 5000')				**3**	**3,161**
These vegetative communities provide approximately 10% of the annual livestock AUMs. The average season of use is from April 15 to April 30 and September 15 to October 15.					
Loamy 5-8	Indian ricegrass squireltail	annuals	shadescale bud sagebrush spiny hopsage	T	47
Dune 8-10	needle and thread Basin wildrye Indian ricegrass	penstomen scurfpea	Basin big sagebrush spiny hopsage greasewood	1	288
Dry Floodplain 8-10	Basin wildrye salt grass bluegrass	poverty weed thelypody	Basin big sagebrush rubber rabbitbrush greasewood	2	2,826
IV. BOTTOM LANDS (ELEVATION 3500' TO 4500')				**7**	**10,985**
These vegetative communities provide approximately 5% of the annual livestock AUMs. The average season of use is from April 15 to April 30 and September 15 to October 15.					
Saline Bottom 6-10 Sodic Flat 6-8	Basin wildrye saltgrass squireltail	poverty weed	greasewood shadscale rabbitbrush	7	10,985
ALLOTMENT TOTALS ---- * Acres include total of federal and private.				**100**	**162,427**

APPENDIX 3

DEFINITIONS

DEFINITION

Animal Unit Month (AUM): The amount of forage required to support one cow and one calf or five ewes with lambs for one month.

Light saddle horse conformation: There are three general types of horse conformation, draft, warmblood, and light. Light horses are the most commonly used horses for recreational riding. They have the least distance around the chest as compared to height, lighter bones, and less muscular structure than either draft or warmblooded horses.

Multiple Use: Management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people. Multiple use is making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions. The use of some land for less than all of the resources is a consideration. Combinations of balanced and diverse resource uses take into account the long-term needs of future generations for renewable and nonrenewable resources including, but not limited to recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values. Harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

Red Juice Stage: Refers to antelope bitterbrush seed development. This stage occurs after flowering is completed and a fruit with bright red juice has developed. Red juice stage usually occurs between late June and mid July, depending on elevation and temperature. Ungulate use of antelope bitterbrush commonly increases markedly during this stage.

Soil Conservation Service (SCS) Site Potential: "The natural plant community of a range site in the absence of abnormal disturbances and physical site deterioration."

Structured Herd Management: Parent stock are selected to be retained in a Base Herd. They are usually five years and over when selected and appear to have the ability to produce offspring that will be highly adoptable. The Base Herd horses remain in the HMA for the extent of their natural lives. Younger horses are selected during gathers as needed to complete the Base Herd and to replace Base Herd horses that have died. Structured herd management was developed by the Susanville District. It is analogous to, but more detailed than, the general BLM policy of selective removal.

Thriving Natural Ecological Balance: Congress, in effect, declared that wild horses be considered as a native wildlife species, and that they be managed to achieve and maintain a balance on the Public Lands. Natural ecological balance is created by nature not by a Congressional Act. The act did not create a natural ecological niche for wild horses. Only in a few cases do wildhorses exist in situations approaching a natural ecological niche. In a few

herds, mountain lions are keeping wildhorse populations in balance with the other resources. In the absence of effective predators, the ecological balance must be achieved by the actions of man. This balance must protect the soil, vegetation and other uses.

Use Area: An area within a pasture in which, due to fencing, elevation, natural boundaries, water distribution, or vegetation type, use patterns are different from adjacent areas. Use areas generally do not have fences or complete boundaries surrounding them; therefore, livestock use cannot be 100% controlled between use areas. However, with appropriate management, the majority of the livestock use within a use area can be controlled.

APPENDIX 4

ADDITIONAL INPUT
INTEREST GROUPS

WILD HORSE HERD SURVEY

1994

For four days, from June 22 through June 25, 1994, members of the American Mustang and Burro Association, Inc., accompanied by Bureau of Land Management personnel, conducted a survey on horseback of wild horse herds in the Buckhorn, Coppersmith and Fox-Hog Herd Management Areas of the Surprise Resource Area.

Representing AMBA were George Berrier, Jason Randall, Ann Dickson and Kate Ford. BLM was represented by Tara DeValois, Denny Ellerman and Charlie Reed.

No aerial survey was done prior to going out on the ground on horseback.

Each day we trailered horses from Cedarville, CA to the HMA in which we intended to ride that day, then returned to Cedarville that evening. Our horses were kept in the Forest Service corrals there, and we owe the local U.S. Forest Service office a debt of gratitude for allowing us to use their pens.

On Wednesday, June 22, 1994, we rode through much of the Buckhorn HMA north of the Buckhorn Road. We split up into two groups for better coverage. On that day the count of horses sighted was 122, with the strong probability that a group of 8 horses were counted by both parties. Therefore, the total count was adjusted to 114. Of that number, 18 were current year foals.

Most of the horses were found in dry lake beds, where grass was abundant. We counted 67 animals in S.O.B. Lake alone. All horses were in excellent condition.

An aerial count of horses by BLM in 1993 found 145 in the Buckhorn HMA. Since we covered only about one third of the HMA, and more lake beds and water sources exist in that HMA, it is reasonable to assume that there are more horses in the HMA which we did not see.

On Thursday, June 23, 1994, we rode through a portion of the Coppersmith HMA which lies south of the access road, specifically in the area of a series of dry lake beds known as the Wire Lakes.

AMBA Inc.

American Mustang
& Burro Assn., Inc.

a non-profit tax exempt corp.

P.O. Box 788
Lincoln, CA 95648
(916)633-9271

1994 WILD HORSE HERD SURVEY

BLM's aerial count in Coppersmith HMA in 1993 was 59 horses. We again split into two groups and discounting duplicate counting of 9 horses we sighted a total of 104. Of this number, 14 were current year foals.

It is likely that there are even more horses in Coppersmith HMA north of the access road.

We found adequate supplies of water and good forage in both the Buckhorn and Coppersmith HMA's. Appropriate Management Levels of wild horses in these HMA's need to be adjusted to current conditions. AML for Buckhorn is now set at 63 and for Coppersmith is also 63. It is evident that each of these HMA's has been able to support very nicely well in excess of 100 horses apiece.

On Friday, June 24, 1994, we trailered to a windmill in the Bear Allotment just outside the Fox-Hog HMA. Apparently, about 30 horses had been seen wandering outside the HMA and the Surprise Resource Area office was considering gathering these horses. Again we divided into two groups, with Jim Massey substituting for Tara DeValois. We were able to cover a very large area, but found only one lone stud horse.

On Saturday, June 25, 1994, the four AMBA members traversed the Little High Rock Canyon. No wild horses were sighted, although there was plenty of sign that they had been in the canyon, which contains a number of good water holes and some pretty good grass.

AMBA cannot address the issue of removal of horses in Fox-Hog HMA. Our ride through the Bear Allotment was inconclusive.

Foal rate in the Buckhorn HMA by observation was 19% and in the Coppersmith HMA was 16%. All animals were in excellent condition. We can support a removal of horses to bring the populations down to Appropriate Management Levels, assuming that the AML's will be adjusted upward to reflect existing conditions. An AML of 80-85 for each of these HMA's would appear to be more reasonable, even allowing for some population growth during the next four years.

George W. Berrier, Jr.
CEO

AMBA Inc.

American Mustang
& Burro Assn., Inc.

a non-profit tax exempt corp.

P.O. Box 788
Lincoln, CA 95648
(916)633-9271

DANIEL E. LUNGREN, Attorney General
of the State of California
WALTER E. WUNDERLICH
Assistant Attorney General
MARK J. URBAN, SBN 63058
Deputy Attorney General
1515 K Street, P.O. Box 944255
Sacramento, California 94244-2550
Telephone (916) 324-5347

Attorneys for Appellants

UNITED STATES DEPARTMENT OF THE INTERIOR

OFFICE OF HEARINGS AND APPEALS

NEVADA DEPARTMENT OF WILDLIFE, Appellant, v. BUREAU OF LAND MANAGEMENT, Respondent. AND CONSOLIDATED CASES	Case Nos. CA-02-92-08 and CA-02-92-09 STIPULATION AMONG PARTIES FOR CHANGE IN DECISION AND WITHDRAWAL OF APPEAL

RECITALS

The parties to this agreement are the CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG), the NEVADA DEPARTMENT OF WILDLIFE (NDOW), and the UNITED STATES BUREAU OF LAND MANAGEMENT (BLM). CDFG is the appellant in United States Department of Interior Case No. CA-02-92-09, which is an appeal from the District Manager's Decision, dated April 15, 1992, Surprise Resource Area, Susanville District, California. NDOW is the appellant in United States Department of Interior Case No. CA-02-92-08, which has been consolidated with Case No. CA-02-92-09 and other appeals from the District Manager's Decision, dated

April 15, 1992. BLM is a respondent in each of the appeals.

The parties have reached the following compromise, settlement and dismissal agreement in order to avoid further litigation and to carry out the resource management objectives that are set forth in the 1979 Tuledad/Home Camp land use plans and other applicable BLM resource management goals and policies.

AGREEMENT

1. **Alteration of Decisions.** By February 15, 1994, BLM shall supplement and modify the Interim Grazing Decision, dated April 15, 1992, for the Tuledad Allotment in accordance with the provisions of this Stipulation. The modified Interim Grazing Decision shall be in effect until the earlier of either the adoption of a decision implementing an Integrated Activity Plan covering the Tuledad Allotment, or December 31, 1995.

2. **Annual Grazing Authorization.** Prior to the 1994 turn out in the Tuledad Allotment, BLM shall issue annual grazing authorizations for the allotment. BLM shall continue to issue annual grazing authorizations until the earlier of either the adoption of a decision implementing an Integrated Activity Plan covering the Tuledad Allotment, or December 31, 1995. The 1994 grazing authorizations and any subsequent grazing authorizations shall carry out all of the applicable terms and conditions of this Stipulation.

3. **Terms and Conditions for Annual Grazing.** Beginning in 1994, the following terms, conditions, and actions shall apply to any annual grazing authorizations and to any BLM action in the Tuledad allotment:

a. Livestock will not be turned out before either (1) the soils in the uplands are sufficiently dried to support livestock use without compaction damage, or (2) April 15, whichever is later. Livestock turnout will occur in those areas that (1) had less than light use overall as measured at the end of the previous growing season, or (2) have a minimum of 4 inches of growth on the most prevalent of the following species: bottlebrush squirreltail and Thurber's needlegrass. Notwithstanding the above provisions, sheep turnout for the purpose of lambing will occur between March 26 and April 30. Areas used for lambing shall not be used for livestock grazing for the remainder of the growing season.

b. Utilization of herbaceous vegetation in the following key riparian-wetland areas in the Tuledad allotment shall result in a minimum average stubble height of 4-6 inches in each such key area at the end of the grazing season: Ant Spring, Barber Creek, Boot Lake, Bryant Spring, Chalk Hill Spring, Express Canyon, Post Canyon, Pryor Spring, Rowland Spring, Runyon Spring, and Worland Canyon. BLM shall require the permittees to use the other riparian-wetland areas in the Tuledad Allotment in such a way that they will have a minimum overall average stubble height of 4 inches at the end of the grazing season. If the riparian-wetland utilization limits for the key riparian-wetland areas are not met at the end of the 1994 grazing season, BLM shall make such adjustments in livestock seasons of use, livestock numbers and other factors as may be necessary to achieve these utilization limits in the 1995 grazing season.

c. Utilization of each of the key browse species

(bitterbrush, aspen, and curlleaf mountain mahogany) in the Tuledad allotment shall not exceed 45% annually. Utilization estimates in each of the nine use areas of the allotment shall be based on methods described in BLM technical references. The utilization estimates shall be obtained in areas of representative livestock use in each of the nine use areas.

d. BLM shall monitor in-season use patterns throughout the allotment. When monitoring shows that the limits for riparian-wetland or upland utilization by herbivores are being approached, BLM will notify the permittees that livestock must be removed from the affected area to an area where utilization limits are not being exceeded. Such removal shall be in a manner that prevents livestock from returning to the affected area. When BLM determines that utilization limits in an area are exceeded or will be exceeded by herbivores, that area shall not be used by livestock. Livestock removal shall occur within seven days of BLM notification.

e. Livestock seasons of use and numbers shall be adjusted annually and wild horse numbers shall be adjusted as set forth in subparagraph 3(f) of this Stipulation to satisfy the riparian-wetland or upland utilization limits set forth in this Stipulation and to meet any other applicable terms of this Stipulation. Livestock and wild horse numbers shall be calculated as set forth in BLM Handbook TR 4400-7, and shall consistent with page 8 (Section IX) of the Tuledad Environmental Assessment Decision Record. The actual number of livestock grazed, duration of grazing, utilization data, and precipitation data shall be used in making the calculations.

f. Wildhorse appropriate management levels shall be calculated and used to determine the extent of wild horse gathering needed to meet the utilization limits set forth in this Stipulation. Any such adjustment in wild horse herds shall occur in 1994 in a manner consistent with federal law.

g. Livestock grazing shall be prohibited in the Buckhorn key bitterbrush area (CA-02-020-92-07, Appendix 8) in 1994 and 1995. Livestock grazing shall be permitted in 1994 in the Wire Lake and Cottonwood Mountain key bitterbrush areas. If browsing on bitterbrush in one of the key bitterbrush areas exceeds 15% at the time livestock are removed from the area, livestock grazing shall be prohibited in these areas in 1995. Livestock grazing in these areas shall cease when bitterbrush has reached the red juice stage or July 1, whichever is earlier.

h. Late summer and fall sheep use shall be conditioned on the availability of adequate forage, as set forth in subparagraphs 3(b) and 3(c) of this stipulation, in the areas proposed for sheep use. BLM shall make the determination of whether there is adequate forage for sheep grazing based on their in-season monitoring.

i. BLM shall complete a habitat inventory for the willow flycatcher in 1994. Upon the completion of that inventory, BLM, in consultation with CDFG, shall identify willow dominated riparian-wetland habitat within the Tuledad allotment. To minimize disturbance to willow flycatchers and to preserve their habitat in accordance with state and federal laws protecting threatened and endangered species, livestock use shall be adjusted in any identified willow dominated riparian-wetland

habitat within the Tuledad allotment.

j. BLM shall make a good faith effort to fence the Bud Brown and Ant Spring riparian areas during the effective period of this Stipulation.

k. Prior to the start of grazing, BLM and the permittees shall develop a plan for the movement of livestock to show how the terms and conditions of the grazing permit will be met. That plan shall cover each band of sheep and all cattle movement between use areas. Any changes in the planned movements shall receive prior BLM approval. Sheep operators shall notify BLM of all sheep band locations at least once every three weeks.

4. **Timing of Decisions.** Annual grazing authorizations issued pursuant to this Stipulation shall be issued by no later than February 15, 1994 and February 1, 1995 and shall be placed in full force and effect to the extent permitted by federal law.

5. **Technical Support.** CDFG and NDOW shall provide technical support to BLM so that BLM can implement the provisions of this agreement.

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6. **Withdrawal of Appeals.** Upon execution of this agreement, CDFG shall withdraw, without prejudice, its appeal in United States Department of Interior Case No. CA-02-92-09; and NDOW shall withdraw, without prejudice, its appeal in United States Department of Interior Case No. CA-02-92-08.

Date: December 21, 1993

Mark J. Urban
Deputy Attorney General
State of California
Attorney for the California Department of Fish and Game

Date: December 22, 1993

C. Wayne Howle
Deputy Attorney General
State of Nevada
Attorney for the Nevada Department of Wildlife

Date: December 28, 1993

Burton J. Stanley,
Assistant Regional Solicitor
Pacific Southwest Region
Attorney for the Bureau of Land Management