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November 16, 2006

NDOW-SR# 07-081

Mr. John Rademacher
U.S. Forest Service – Austin Ranger District
P.O. Box 130
100 Midas Canyon Road
Austin, NV 89310

Re: Notice of Proposed Action & Opportunity to Comment: Wild Horse and Burro
Appropriate Management Levels (AMLs) for the Austin/Tonopah Ranger Districts,
Humboldt-Toiyabe National Forest

Dear Mr. Rademacher:

The Nevada Department of Wildlife (Department) is happy to have received the Notice of Proposed Action and Opportunity to Comment: Wild Horse and Burro Appropriate Management Levels (NOPA), thank you. We support the U.S. Forest Services' effort in attaining a thriving natural ecological balance in its Wild Horse Territories (WHT). In our review, we noticed the NOPA presents a management direction that is somewhat unclear when compared with similar wild horse and burro plans developed by the Bureau of Land Management (BLM). Certainly, the direction BLM has taken has been influenced from numerous challenges that have been resolved through the courts and rulings by the Interior Board of Land Appeals (IBLA). Because the Forest Service and BLM are essentially in joint stewardship of the same individual animals or herds that freely roam over the respective agencies' abutting lands, it could be supposed that the animals would be subject to the management standards of both agencies. We suggest that the appropriate management levels (AMLs) set for these animals by the Forest Service and the BLM should be administratively compatible so management activities undertaken on the ground by each are complementary and on the same page to achieving a thriving ecological balance across administrative boundaries. To that end, we offer the following as consideration in AML determination.

The Department suggests the Forest Service consider and incorporate direction from past court rulings, the IBLA, and guidance provided by the BLM's Resource Advisory Councils (RAC) in its management plans for Wild Horse Territories. The BLM's Mojave-Southern Great Basin Resource Advisory Council's Standards and Guidelines (RAC Standards and Guidelines) provide what we believe is sound counsel in wild horse and burro management. For example, RAC Guideline 4.2 advises: *AMLs should be set to reflect the carrying capacity of the land in dry conditions based upon the most limiting factor: living space, water or forage. Management levels will not conflict with achieving or maintaining standards for soils, ecological components, or diversity of habitat and biota.* By managing for the worst scenario, the Forest Service would be

demonstrating a substantial effort to avoid compromising wild horses, wildlife and their habitats at risk.

The Department is interested in reviewing with the Forest Service, the vegetation monitoring data, as well as the parameters for the population models and the GIS habitat models. Although the amount of winter habitat on Forest Service lands is proposed as a limiting factor, there is no evaluation of the quality of that habitat or actual use. It should be noted that the BLM does not use GIS habitat models, and guidelines developed in 1986 would not necessarily be carried forward in view of important judicial rulings which have since elucidated considerations in wild horse and burro management.

We are concerned about the statement, *similarities to the potential natural communities (PNC)* found on page 18. The current conditions description, *most of the riparian and upland study sites have moderate similarities to potential natural communities*, does not help place wild horse numbers in relation to a thriving natural ecological balance. Committing additional measurements of actual vegetation growth and weight would result in a more reliable indicator of forage utilization and plant community health than a tally of species diversity alone.

On page 12, paragraph 2, the trigger mechanism proposed for initiating wild horse gathers is described. We noticed this mechanism is somewhat incongruous to standards applied to BLM management, i.e. the BLM must substantiate a gather not simply based upon a population exceeds the upper limit of an established AML. Rangeland monitoring is required to substantiate a gather to attain and maintain the goal of a thriving natural ecological balance. The IBLA (109 IBLA 114 (1989)) concluded *that section 3(b) of the Act [Wild and Free-Roaming Horse and Burro Act of 1971(Public Law 92-195; December 15, 1971)] does not authorize the removal of wild horses in order to achieve an AML which has been established for administrative reasons, rather than in terms of the optimum number which results in a thriving natural ecological balance and avoids a deterioration of the range.* The AML numbers require validation by consistent resource monitoring and identified as studies of *grazing utilization, trend in range condition, actual use and climactic factors* (131 IBLA 175, 178 (1994)). The IBLA further refined BLM guidelines for controlling horse numbers in 117 IBLA 208 by stating, *A BLM decision to gather wild free-roaming horses from within and outside a wild horse herd management area will be affirmed on appeal when: (1) a conclusion that the dormant season utilization levels have exceeded the utilization levels called for in an approved resource management plan is supported by field monitoring data; (2) the actual size of the wild horse herd exceeds an appropriate management level identified in approved land use plans; and (3) it is necessary to remove excess horses to restore and maintain a thriving natural ecological balance.*

The proposed action found on page 5 of the NOPA states that BLM herd management areas have limited summer habitat and the Forest Service's WHTs have limited winter habitat. The assumption that animals use winter range for six months and summer range for six months may be a logical first thought, but may not apply to the affected area(s). In many years, Department biologists have observed both wildlife and horses moving up and down an elevation gradient, in and out of assumed summer ranges as the snow line and depth varies through the winter. Even the Forest Service's late winter census for Butler Basin shows 89 wild horses using *summer habitat* (Table 3). It would seem prudent to consider a formula based similarly to the BLM's RAC guidelines by calculating winter use for both the highest and lowest snowfall years and to set AML on the most limiting factor(s) between both summer and winter ranges. Again, it is imperative that Forest Service and BLM AML numbers correspond.

To help establish that a thriving natural ecological balance is the goal of the AML plan contained in the NOPA, there needs to be some mention of livestock grazing and wildlife use. A breeding bird survey (Dobbin Route) has been conducted for a number of years in Little Fish Lake Valley. The route starts near Sevenmile and extends south on the main valley road to just north of the head of Box Canyon. Survey summaries for the Dobbin Route are available on the USGS's Breeding Bird Survey website at www.pwrc.usgs.gov. A number of species on this list are identified by the Department as priority species in its Wildlife Action Plan (2005) and as sensitive species by the BLM. Both positive and negative effects to these resources by the AML determination should be evaluated.

Wild horses and burros, when present, are a dominant species in the ecological systems of the United States. Studies by Joel Berger, (University of Nevada, Reno) and others (Sumner 1959; Weaver 1959, Weaver 1972, Dunn and Douglas 1982) have documented inter-specific dominance and territorial aggression that can negatively impact wildlife use of the natural resources. With regard to inter-specific social interactions, Berger reports on pages 254-255 in Wild Horses of the Great Basin: Social Competition and Population Size (1986), *In fact, in virtually all cases, native species were subordinate to exotics (table 11.1), that is, horses supplanted deer 11 times, bighorns 2 times and pronghorn 6 times.* More recent work has shown that heavy utilization of some areas by wild horses can result in the compaction of soils, thus influencing a variety of species including plants (Weltz, *et al*, 1989), ants (Beever and Herrick, 2005), and small mammals and reptiles (Beever and Brussard, 2004).

The Department is highly concerned about the condition of riparian areas in the WHTs. We suggest that the amount of *available* riparian habitat be strongly considered as a limiting factor. The Toiyabe National Forest Plan (1986) identified, *As a maximum, browse species utilization by livestock or wild horses on key winter range and riparian areas will not exceed 30% of these areas prior to big game use.* The WHTs support critically important nesting and brood-rearing habitats for the sage grouse, prairie falcon, northern goshawk, and ferruginous hawk. Still, many of these vital riparian areas have a long history of over-utilization by horses and cattle. Recovery of the riparian areas in the WHTs is critical to successful management of many wildlife species. In WHTs where riparian areas are not in a thriving natural ecological balance, the numbers of horses should be adjusted to a level that will attain Forest Service goals.

Maintaining and promoting healthy riparian and meadow systems is in accordance with the Governor's Sage Grouse Conservation Plan and guidelines. Sage Grouse inhabit all of the WHTs; therefore, the guidelines should be incorporated into any management decisions. Recommendations and guidelines from the Nevada Bat Conservation Plan, Nevada Wildlife Action Plan, and the Nevada Partners In Flight Bird Conservation Plan should also be incorporated. The Bureau of Land Management's A Guide to Managing, Restoring, and Conserving Springs in the Western United States (Technical Reference Manual 1737-17, 2001) lends support to these concerns, stating, *Unlike domestic livestock, wild horses and burros are not usually subject to grazing systems that would afford some protection or rest for springs. As a result, their activities frequently reduce or eliminate riparian vegetation, pollute aquatic habitats and impact functioning condition.* The manual also states, *In addition, springs are areas of social interactions for wild horses and burros where the dominant males protect their bands of females. This territoriality tends to keep horses or burros using the same spring, increasing the negative impacts to these areas.*

The Department requests that the Forest Service present its information to justify the Butler Basin area as part of a WHT. Despite the Forest Service Decision Notice (November 14, 2003), the Department maintains that wild horses did not occupy the Butler Basin area at the time the Wild Free-Roaming Horse and Burro Act of 1971 (Act) came into effect. We understand the reference in CFR, Title 36, Part 222, Subpart B, for managing wild horses and burros "where they now occur" refers to December 15, 1971, the establishment date of the Act. The Department game biologist responsible for that area in 1971, Merlin McColm, has stated that wild horses did not occur in that area. His successor, Robert McQuivey, did not report wild horses in Butler Basin. It was not until circa 1975-1976 that Tonopah game biologist Jim Lusk observed horses in Butler Basin. Mr. Lusk also remembers a significant dispersal of horses into previously unoccupied Forest Service areas consequential to BLM efforts in the early 1980's to capture and mark horses for a fertility study on adjacent public lands. We welcome the Forest Service in presenting compelling information supporting its continued recognition of this Wild Horse Territory. In the absence of any forthcoming information, we request its elimination and look forward to this requested action under scoping for the current Forest Plan Amendment process.

There is no credible evidence that wild horses *have been living in Central Nevada for over two hundred years* as stated on page 8. In extensive review of historical documents, Robert McQuivey found no references to any *wild* or free roaming horses in Nevada prior to Anglo-American immigration in the mid 1800's (see attached). It would seem more appropriate to use the following quote from the Forest Service's website for the Butler Basin, Dobbin Summit, Kelly Creek WHTs, *Although Spaniards brought horses with them to the Nevada area in the 16th and 17th centuries, it is believed that most of the wild horses in Central Nevada are descendants of horses that strayed or were abandoned by their owners during the mining booms and the settlements of homesteads in the late 1800s, early 1900s*

Lastly, we understand the possible benefits of immuno-contraception therapy in wild horse management, although the intensity of the effort appears to counter direction in the Act. With the Forest Service following BLM's lead of intensive gather efforts and subsequent attempts to administer booster doses, there is a strong potential that wildlife species would also be subjected to disruption by contraception activities. We believe it is important to observe that per the Act, *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.* In the spirit of the Act, the Department requests that gathers and related activities be coordinated with our staff to avoid sensitive wildlife areas and critical use-periods by wildlife, as well as potential seasonal conflicts with the sporting public.

Thank you for this opportunity to provide input on this important activity. We hope you find our comments productive in this effort. Should there be any questions or concerns, please contact Craig Stevenson of our Southern Region Office in Las Vegas at 702-486-5127 x3614 or cstevenson@ndow.org.

Sincerely,



D. Bradford Hardenbrook
Supervisory Habitat Biologist

CS/DBH:dbh

Cc: NDOW, files

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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

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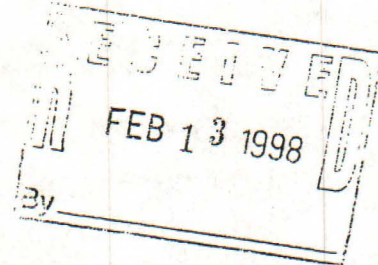
PETER G. MORROS
Director

Department of Conservation
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WILLIAM A. MOLINI
Administrator
MAR 23 1998

February 10, 1998

Mr. Terry E. Retterer
Ecological Consulting, Inc.
P.O. Box 8296
Reno, NV 89507



RE: Historical Sketch of "Wild" Horses in Nevada

Dear Terry:

As a follow-up to our discussion of last week, please find enclosed a brief summary of the information that is available describing the history of free roaming horses in Nevada. As mentioned, the references span some 170 years in time, and represent a condensation of over 100 pages of actual quotes from early diaries, select newspaper articles and copies of the Nevada Statutes. Summarizing all of the information available in six pages was a challenging task to say the least.

You will probably need to eliminate the last two paragraphs of the document, since they represent my personal bias toward wild horses. Feel free to make any changes or deletions you believe are necessary to make the material acceptable for your project. Also, if you need additional support material, or clarification of the enclosed references, please feel free to advise.

Last but not least, thanks again for a job well done, and good luck in your new endeavors.

Sincerely,

WILLIAM A. MOLINI, ADMINISTRATOR

Robert P. McQuivey
Robert P. McQuivey
Habitat Bureau Chief

cc: Regional Managers
Reno Copy Circulated

Bob McQuivey
February 7, 1998

BRIEF HISTORY OF THE "WILD" HORSES IN NEVADA

Some 11,000 years ago the flora and fauna of Nevada was much different than we know it today. Lake Lahontan covered a large part of Northern and Central Nevada, and pine trees grew to the valley floor in the vicinity of Las Vegas. Major animal species of the time included ground sloths, mammoths, camels, three-toed horses, and sabre-toothed tigers. As the climate evolved to much drier conditions, all of these animals, including the prehistoric horse, became extinct. Horses would not appear again in Nevada until after the Euro-American movement west in the 1800s.

When Jedediah Smith traveled from the vicinity of the Great Salt Lake to Southern Nevada in 1826, he reported trading some of his worn and tired horses with the Indians along the Old Spanish Trail. Two years later, Peter Skeen Ogden would trade horses with the Snake Indians in Northern Nevada, and recapture a few of his own horses that had been stolen by the Indians in Utah the previous year. Ogden also reported observing the tracks of some 400 head of horses that were being driven south by the Indians in the vicinity of the Humboldt river. During this time period, however, there were no wild or free roaming horses in Nevada, nor did the resident Piute or Western Shoshone Tribes of Indians utilize horses as part of their culture.

The diaries and journals of Jedediah Smith, Peter Skeen Ogden, John Work, Joe Meek, Joseph Walker, Zenas Leonard and several other early explorers between 1826 and 1841, not only document the lack of any free roaming horses in Nevada, but also reference the need for their parties to kill and eat some of their domestic horses to survive. John Work, for example, when in the vicinity of the Quin river drainage of Northern Nevada, reported in his diary on June 25, 1831 as follows:

The best hunters were out but as usual did not see a single animal of any sort. One of the men P. Bernie was under the necessity of killing one of his horses to eat. Thus are the people in this miserably poor country obliged to kill and feed upon these useful animals the companions of their labors...

The first report of a free roaming or wild horse in the area, which would later comprise the State of Nevada, may be found in the diary of John Bidwell, one of the leaders of the emigrant group that first attempted to bring wagons from the mid-west to California in 1831. After traveling down the Humboldt, and approaching the sink of the river, during October of that year, Bidwell reported as follows:

...we saw a solitary horse, an indication that trappers had sometime been in that vicinity. We tried to catch him but failed; he had been there long enough to become very wild...

The discovery of gold near Sutter's Fort in the Sacramento Valley during 1848 initiated a mass movement of people through the vicinity of Nevada that is commonly referred to as the 1849 California Gold Rush. Between 1849 and 1852, it has been estimated that in excess of 100,000 people traveled along the Humboldt river corridor, with others venturing into other sections of the State. With these emigrants came large numbers of horses, oxen, mules and other domestic livestock.

By this time in history, some of the resident Indian tribes of Nevada had acquired horses for domestic use, whereas others were interested in the animals as a food resource. There were still, however, no wild or free roaming horses in the area because of the demand for these animals by both the Indians and emigrants. One of the major documented problems facing the emigrants between 1849 and as late as 1859, was related to the Indians driving off or wounding horses, and then waiting for the emigrants to move on before capturing the animals. Eliza Ann McAuley, when in the vicinity of Battle Mountain on August 22, 1852, described this situation in her diary as follows:

...They had been out hunting some horses that were stolen by the Indians, and had eaten nothing since yesterday. They found one horse alive and the Indians eating another. The rest were scattered through the mountains so that they could not be found...

The Humboldt river portion of the movement west was one of the most dreaded stretches of the Emigrant Trail, and because of the emigrants need to reach the Sierras before winter, many horses, abandoned or stayed, were left along the trail. Lorenzo Sawyer in his diary relates the experience of a trip in the vicinity of the Lower Humboldt Sink and Forty Mile desert on July 6, 1850 as follows:

...One of our company left a horse yesterday; this morning another mess left two to starve on the desert; another killed one in mercy to the animal. We saw many dead by the wayside, and many more abandoned to shift for themselves...

Because of the continued focus and demand for horses by the Indians of Nevada between 1849 and about 1860, it is doubtful that any of the horses from the emigrant's movement west resulted in the initial establishment of a single wild horse herd anywhere in the State. Wild or free roaming horse herds would become established later, as a result of the settlement of Nevada, and based almost entirely on social, political and economic conditions.

The discovery of ore on the Comstock in Western Nevada during 1859 resulted in a reverse migration of prospectors from the west, and a renewed emigration from the east. By the early 1860s, as more ore deposits were discovered, numerous cities and towns were established throughout the Territory. With the mining towns, came a need for food, and as a result agricultural lands were developed

to supply the demand. Because all of these activities required the use of horses, the demand for these domestic animals increased accordingly. While most of these animals were imported during the early years, they were also being raised in large numbers in most areas of the State.

By the mid-1870s there were sufficient horses in the State of Nevada to meet all the local needs, and in addition, a surplus, which was used to meet the demand in other states. At this point in time, export of Nevada horses became an important economic consideration for ranchers. A majority of these animals were raised on the open range, and therefore commonly referred to as "range horses". While they may have been free roaming because of the lack of fences, they were neither wild nor unowned.

The business of raising range horses in Nevada, most of which were exported, was extremely prosperous during the 1880s. The price for these animals generally ranged between \$30 and \$100 each, depending on the size, age and quality. Large numbers of the animals were shipped to the mid-west and east by railroad, or driven in large bands to neighboring states. Because of the large number of horses living on the open range, little thought was given to those that escaped capture, particularly those considered of inferior quality. These "wild" bands of domestic horses increased significantly during this time period, largely because of the lack of natural predators, and noticeable lack of interest by most residents of the State.

The winter of 1889-90 was one of the most devastating ever recorded in the State of Nevada, particularly for domestic livestock. It is estimated that over 75 percent of all the cattle and sheep in many areas of the State perished. Although range horses were also seriously affected, they appear to have survived the harsh conditions and deep snow better than other domestic animals. The significance of this event relates to the fact that competition for forage on the open range during the next several years would be largely nonexistent, and the numbers of range horses would expand beyond expectations.

The increase in distribution and abundance of range horses throughout the western U.S. during the 1890s was compounded by a significant decrease in demand for these animals. By 1894, most of the cities in the U.S. had established cable cars or trolleys as major modes of transportation, and many other types of modern mechanized equipment were being invented. By the mid-1890s, the price for most range horses had dropped to an average of less than \$5 per head. As the surplus of horses continued to increase, the price continued to decrease, and the problems on the open range became more acute.

By 1895 there was an estimated two million horses living on the open rangelands of the western United States. Because of the continued lack of any natural predator, with the exception of man, it was recognized that they would continue to increase unabated

unless steps were taken to reduce numbers. During this time period there was a major concern, not only in Nevada, but throughout the country, because of the impact these animals were having on the open rangelands, particularly from the standpoint of competition with other domestic livestock.

Because of the decrease in price and increase in abundance of rangeland horses, new markets were found for these animals during the mid-1890s. A rendering plant, for example, was established near Portland, Oregon, which resulted in the use of several thousand head of horses to make fertilizer, glue and other products, horses which were mainly from Oregon and Washington, but also from Nevada, Idaho and other states. Numerous horses were also killed for their hides and hair, during which in 1895, hides sold for \$3.50, tallow for \$1.50 a pound and hair (tails and manes) for 15 cents a pound. Ranchers and farmers throughout the west were also slaughtering excess horses to be used for food for hogs. A large number of horses were also used to supply the European market for horse flesh, which was considered at the time to be a delicacy in many of the European countries.

Largely because of the indiscriminate killing of rangeland horses by many parties throughout Nevada during the mid-1890s, the ranchers in the State became very concerned. Not only were unbranded range horses being killed in large numbers, but also branded and unbranded domestic stock as well. In an effort to resolve this issue, and protect the interests of the ranchers, the State Legislature passed a Statute in 1897 which authorized the killing of range horses, but required approval and a permit from the County Commissioners as a prerequisite.

Partly as a result of the 1897 Statute, and certainly because of the large numbers of range horses found throughout Northeastern Nevada, a rendering plant was established near Elko in 1898. Approximately 5,000 head of horses were purchased for the operation, with prices ranging between \$1.50 to \$3 for each horse captured and sold. The plant was only in operation for about one month, however, before it was permanently closed, with the remaining horses being branded and turned back on the public lands.

By the Turn of the Century, there was a slight increase in the demand for horses because of several worldwide events. The United States, for example, was involved in the war effort of the Philippines, which resulted in the demand and sale of horses to the U.S. Calvary. Of even greater significance, however, was the Boer War of the British Government in South Africa, an effort which eventually resulted in the demand for 350,000 head of horses, most of which came from the Western United States. It was reported that the British Government needed such a large number of horses, because those that were shipped to South Africa would normally contract a disease and die within six weeks. Whatever the reason, the price of horses in Nevada jumped from about \$3 a head to over \$10 a head in a short time.

Partly because of the increase in value for range horses, but mostly because of the concern expressed by ranchers, the Statute which allowed the indiscriminate killing of range horses on public lands was repealed by the State Legislature in 1901. The resultant protection that the horses would receive during the next few years, because of this initiative, would again result in dramatic increases in population numbers in many areas of the State, and rekindle concerns of the public relative to range conditions, and need for the forage to raise livestock that was considered more valuable than free roaming domestic horses.

The U.S. Forest Service Reserves were established in Nevada between 1905 and 1907, not for the purpose of protecting or planting trees, but largely to provide needed protection for rangeland resources. Rangeland horse populations were once again on the increase, and there were few controls in place for cattle and sheep operations. Local ranchers were largely supportive of the Reserves, since nomadic sheep operators, many of whom were not citizens of the United States, operated on a first come first served basis. It was recognized that if grazing was to continue on the Nevada ranges, there needed to be some protective measures established. While domestic livestock grazing practices were improved during the first few years, little was done to control the horse populations.

Because of the continued increase of range horses throughout much of the State, the Nevada Legislature again passed a Statute in 1913 which allowed the killing of horses on public lands. As in 1897, any person pursuing such activity was required to obtain a permit from the County Commission which had jurisdiction. At this point in time, however, the county commissioners were not so generous with the permits, and for the most part, issued permits only to ranchers in the area, or to other individuals that were able to obtain support from the local ranchers. As had been the case since horse populations were first established in the 1860s, the bands were a mixture of branded and unbranded horses, and all of the offspring were direct progeny of domestic horses, many of which continued to be turned out on the public rangelands at regular intervals, and primarily to improve the genetic strains.

By 1926 the U.S. Forest Service in cooperation with the livestock industry, and with the support of the general public, had established reasonable control over the use of domestic cattle and sheep on the Forest Reserves, but remained concerned about the numbers of rangeland horses. In order to address this issue, an Order was issued by the Secretary of Agriculture on April 16, 1926 closing the Forest Reserve to all domestic horse use from July 1 through September 30 of the same year. Because it was known that the horse populations were in reality domestic horses, that were allowed to run free, it was determined that after allowing the ranchers enough time to remove their branded horses, the remaining animals would also be removed by whatever means was most feasible.

The round-up on the Toiyabe Mountain range began during July of 1926, and after several days of pursuing horses in the rugged terrain, only 142 were captured alive. Because of the time and cost involved, and recognizing there was no market for the animals, the agency employed government hunters, who then completed the task by shooting an additional 1128 horses, and five or six burros. The following year an additional 1046 horses were killed in Ione Valley, a lowland area immediately west of the Forest Reserve. At the time, it was estimated that well over 20,000 additional free roaming range horses continued to inhabit the public lands of Nevada, most of which were not on the Forest Reserves.

Largely because the horses in Nevada were not a native or wild animal species that evolved over a long period of time, there were no predators in the State that could control population numbers with any degree of success. That effort had to be accomplished by humans, and then only within socially, economically and politically established bounds. It was soon learned that the general public of the United States did not approve of the indiscriminate killing of what were now known as "wild horses" by government agents.

The control of horse numbers on the public rangelands in Nevada continued under the authority of State Law, and via county commission jurisdiction for about the next 50 years. Additional provisions were added to the Statutes as public demand dictated, but for the most part, the focus of keeping populations in check remained the same. The Statute was amended in 1955, for example, to preclude the use of airplanes or any other motorized equipment in rounding up range horses. While the rules relative to methods allowed for capturing horses may have changed, the need to keep populations in check did not.

Federal Legislation known as the Wild Horse and Burro Act was passed by the U.S. Congress in 1971, an Act which replaced the authority of State and local government with Federal Government jurisdiction. With the exception of the potential for direct removal of horses from the public range by shooting, an activity that was precluded by Federal Law, many of the same control measures that have been in place for the past 120 years continue through the present day. The major difference between the programs of today and yester-years is that now the American taxpayer is footing the bill for a multi-million dollar program that previously didn't cost the taxpayer a single dime.

If for some unknown reason in the near or distant future, the "wild horses" of Nevada should ever become extinct, it would be very easy to replace them. All that society would need to do is release a small number of domestic horses to the open range, and they would soon become wild and free roaming. After all, that is precisely the way they became established in the first place. Try as we might, there is no possible way known at this time to revive the three-toed horse, an ancient species which has been extinct for at least 10,000 years.