

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
LAS VEGAS DISTRICT OFFICE  
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In Reply Refer To:  
PP-NV-NR-90-01  
PP-NV-NR-90-02  
1610  
(NV-055.01)

SEP 20 1990

MEMORANDUM

TO: State Director, NV-933  
FROM: District Manager, NV-050  
SUBJECT: Submission of Requested Protest Information

The information requested from WO (760) regarding the protest of the Nellis Air Force Range Proposed Resource Plan and Environmental Assessment has been compiled and attached.

*Ben F. Collins*

Attachments: (2 copies ea.)

- 1 - 2 Protest Letters (9 pp)
- 2 - Response/Analysis to protests (6 pp)
- 3 - WO Memo dtd 6/25/90, (2 pp)
- 4 - Record of Participation (15 pp)
- 5 - Supporting Documentation (43 pp)
- 6 - Draft Resource Plan and EIS
- 7 - Proposed Resource Plan and Final EIS
- 8 - Public Law 99-606
- 9 - Public Law 92-195
- 10 - 1973 Coop. Agreement (7 pp)
- 11 - CFR 1610.3-2(a) (1 p)
- 12 - 1985 NV Wild Horse Range Herd Area Mgmt. Plan (14 pp)
- 13 - USAF Letters dtd 6/9/86 (1 p), 7/19/90 (1 pp)
- 14 - 5 Party Agreement (4 pp)
- 15 - IBLA Decision dtd 6/7/89 (16 pp)



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240

6-25-90  
TAKE  
PRIDE IN  
AMERICA

June 25, 1990

IN REPLY REFER TO:

PP-NV-NR-90-01  
PP-NV-NR-90-02  
1617.2(760)

## Memorandum

To: State Director, Nevada

From: Chief, Division of Planning and Environmental Coordination

Subject: Transmittal of Protests and Request for Information

Attached, please find copies of protest from the Animal Protection Institute of America and the Nevada Commission for Wild Horses. We have acknowledged receipt of both protests to the affected parties.

Pursuant to WO IM 90-111, in order for us to assist you and the Director in responding to this protest, we must have certain information from the planning record. Please note that any information must be previously existing and included in the public record. *Do not develop new data nor rationales.* This is important since there must be a demonstrated progression from the proposal to the analysis to the decision. If it would be helpful, a decision may be explained in more depth or in different phraseology than that in the decision document.

Please provide data to answer the following questions:

1. *Does the protestor have standing* (i.e. has the person participated in the planning process and has an interest which is or may be adversely affected)? Please provide copies of all correspondence or other contacts by the protesting party in the planning process;
2. *What exactly is being protested?* Please provide a copy of the proposed decision being protested.
3. *What data was the decision based on?* Please provide copies of all planning records and background materials;
4. *What is your analysis of the protest?* Please provide a point by point analysis to each issue raised in the protest, including issues raised in enclosures. Also, when citing data from the public record, please cite the document and page number.

Please do not prepare a draft response. Provide only the data requested above, preferably in WordPerfect format on a disk. This report is requested no later than 60 days from the date of this memorandum.

You are strongly encouraged (when appropriate) to consult with the protestor. If you can reach an accommodation, please advise the protestor that a written notice withdrawing the protest must be provided to the Director by the affected party.

We apologize for not having informally forwarded a copy of the Animal Protection Institute protest earlier.

Contact Peter Ertman at FTS 268-8824 if you have any questions or need further information.

A handwritten signature in cursive script, appearing to read "Peter Ertman".

Attachments

@2020/04/04

NELLIS RESOURCE PLAN

REVIEW OF LAS VEGAS SUBMISSION OF REQUESTED INFORMATION

Las Vegas District Office ( Caliente Resource Area ) has submitted a package of information for our transmittal to WO-760 for the resolution of two protests to the Nellis Resource Plan.

When WO-760 sent the protests to Nevada for our report, they asked us to answer four (4) questions regarding these protests.

1. Does the protester have standing?
2. What exactly is being protested?
3. What data was the decision based on?
4. What is our analysis of the protest?

Wo-760 also asked us not to prepare any draft responses, but to provide only the data requested.

The answer to question number 1 is, yes, both protesters do have standing and the planning record supports this position.

We (933) need assistance with the remaining three (3) questions.

Has the District correctly identified what exactly is being protested?

Has the District correctly and fully disclosed what data the protested decision (or portion of the plan) was based upon?

Is the analysis of the protest factual and complete?

Some additional background which may or may not contribute to our thoughts. We anticipate WO-760 will be interested in these areas.

A. On December 15, 1971 when the Wild Horse and Burro Act was passed, the Nellis Range was withdrawn from the public lands for military purposes, and BLM was "managing" horses on 394,500 acres of the area known as the Nevada Wild Horse Range under a cooperative agreement dated January 15, 1969.

Question, did NWHR qualify as "public lands" in 1971 by meeting the intent of PL 92-195 Sec. 2. (e), where it describes what "public Lands" means within the Wild Horse and Burro Act?

Or does the Air Force more properly fall into the classification of "other landowner" as referred to in Sec. 6?

B. On November 12, 1973 a new agreement which complied with the WH&B Act replaced former agreements.

C. On November 6, 1986 Congress passed the Military Withdrawal Act (PL 99-606), which, among other things, gave the Secretary management authority for the natural resources on the Nellis Withdrawal. Did this change the status of WH&B?



4-90

NEVADA WILD HORSE RANGE

EVALUATION SUMMARY

APRIL 1990

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- Appendix II Monthly and Total Yearly Precipitation as Recorded by the Goldfield, Tonapah and Twin Springs-Fallini NOAA Stations and Pahute 1 for the Period 1982 through 1989.
- Appendix III Recommended Scores for Evaluating Body Condition in Wild Horses.

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## NEVADA WILD HORSE RANGE EVALUATION SUMMARY

### I. INTRODUCTION:

- A. Herd Management Area Name: Nevada Wild Horse Range (NWHR)
- B. Permittee: None
- C. Evaluation Dates:

February 1990 is the first time monitoring data has been evaluated to determine if management objectives have been met or not met. The various data analyzed for this evaluation covers a period of years, 1986 through 1989. Refer to the Summary of Studies Data, Section IV B. for the periods of data collection for each specific study. New recommendations for future objectives were developed through the allotment inventory and evaluation (AIE) process.

- D. Selective Management Category and Priority: Not categorized.

### II. INITIAL STOCKING LEVEL:

- A. Livestock Use: None
- B. Wild Horse and Burro Use:
  - 1. Appropriate Management Level:

There is no appropriate management level set at this time for the Nevada Wild Horse Range (NWHR). In 1985 the Consultation and Coordination Committee recommended an initial management level of 2,000 horses within the NWHR. The C&C Committee also recommended that horses be managed only within the NWHR, and horses ranging outside the boundary should be gathered. The committee recommended that the Nellis Air Force Range be managed as a burro free area to reduce conflicts between burros and bighorn sheep. These recommendations were included as objectives in the Nevada Wild Horse Range Herd Management Area Plan (1985).

- 2. Herd Use Areas:

Horses roam freely throughout the Nevada Wild Horse Range and Adjacent Withdrawn Lands (AWL). During the dry part of the year horse use occurs up to 15 miles from perennial water sources. During the winter months when snow is available the horses range further afield and may be encountered anywhere where forage exists utilizing snow as a water source.

- C. Wildlife Use:

Most of the NWHR and AWL have not been inventoried for wildlife species. Little emphasis has been placed on data collection, by the Bureau of Land Management or Nevada Department of Wildlife due to primary use of the area for military purposes. Reasonable numbers of wildlife have not been identified for the range.

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Mule deer are found on all the mountain ranges within the area. Antelope use the foothills and valleys. Main concentrations of antelope are in the northern portion of Cactus Flat and all of Kawich Valley with occasional sightings around Stonewall Mountain. The desert bighorn sheep are on and around Stonewall Mountain. Mountain lions are found throughout the entire area.

Other wildlife species found in the area include a variety of raptors, such as Golden eagles and hawks, numerous small birds and small mammals, and many reptiles. Jack rabbits and cottontails are common, but population levels fluctuate periodically in high/low cycles.

Wildlife population estimates for the NWHR and AWL are identified in Table 1.

Table 1. Wildlife Population Estimates for Nevada Wild Horse Range and Adjacent Withdrawn Lands.

Species	Location	Estimates*
Desert Bighorn Sheep	Stonewall Mountain	50-75
Pronghorn	Overall	200
Mule Deer	Stonewall Mountain	50
	Kawich Range	50
	Belted Range	35
Chukar Partridge	Stonewall Mountain	400-500
	Kawich Range	600
	Belted Range	150
Mountain Lion	Stonewall Mountain	3
	Kawich Range	5
	Belted Range	2

\*Estimates are from NWHR Herd Management Area Plan (1985) and are not based on definitive inventory information.

Stonewall Mountain is a key area for desert bighorn sheep. Burros and horses compete with the bighorns for the available water and forage.

### III. HERD MANAGEMENT AREA PROFILE:

#### A. Description:

The Nellis Air Force Range (NWHR and AWL) is located in south-central Nevada in Clark, Lincoln and Nye counties. The NWHR is located in the north central portion of the Nellis Air Force Range and comprises 394,000 acres. The NWHR occupies Kawich Valley and part of Cactus Flat and Gold Flat. Elevations range from approximately 5545 feet to 8202 feet. Grazing use is by wild horses, mule deer and pronghorn.

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B. Acreage:

1. Herd Management Area (HMA) Total:

The NWHR comprises 394,000 acres of the Nellis Air Force Range.

2. Pastures:

The NWHR Herd Management Area has no pastures.

C. Herd Management Area Specific Objectives:

1. Resource Plan (RP) Objectives:

The proposed resource plan is currently under protest.

2. Rangeland Program Summary Objectives:

Neither the NWHR or specific objectives are identified in the Rangeland Program Summary (RPS).

3. Activity Plan Objectives:

(Nevada Wild Horse Range Herd Management Area Plan (1985))

HABITAT OBJECTIVES:

1. Determine key areas and key forage plant species for wild horses.
2. Allow utilization of key forage plant species by horses to exceed the allowable use factor by no more than ten percent on the NWHR as established by the Nevada Range Monitoring Task Group (1984).
3. Maintain static to upward apparent trend in vegetation characteristics through control of grazing pressure.
4. Minimize incidence of wild horses being unable to obtain sufficient drinking water at specific water sources.

POPULATION OBJECTIVES:

1. Monitor the physical condition of wild horses and maintain animals in fair to good condition.
2. Acquire additional data on wild horses to better understand the forces that affect wild horse populations.
3. Determine wild horse seasonal movement and distribution patterns within the next five years.
4. Enhance the gray and roan color markings in the Kawich Valley Area and palomino, dun and buckskin in Cactus Flat and Gold Flat Areas.
5. Preserve 10 head of pintos from the Stonewall mountain Area by relocating them in appropriate HMA.

6. Manage wild horses on the Nellis Air Force Range with the objective to maintain home range wholly within the NWHR.

**SHORT TERM OBJECTIVES  
QUANTIFICATION OF ACTIVITY PLAN OBJECTIVES**

1. Manage the utilization levels of cool and warm season grass and shrub key species, identified below, for key areas A, 1, 9, 10, 11 and 12 respectively of the Nevada Wild Horse Range at or below fifty (50) percent on an annual basis. (Habitat #2)

Warm Season Grasses:  
galleta grass (HIJA)  
sand dropseed (SPCR)

Cool Season Grasses:  
Indian ricegrass (ORHY)  
bottlebrush squirreltail (SIHY)

Shrub Species:  
bud sage (ARSP5)  
winterfat (CELA)

This level of utilization will provide for yearlong grazing, satisfaction of plant growth requirements, and standing crop in reserve for drought years.

2. Manage horse numbers in thriving ecological balance (equilibrium) with available supplies of perennial water and forage to assure drinking water at 10 gal/day/horse (minimum) and forage at 26 lb/day/horse. (Habitat #4)

Ten gallon a day minimum will be applied to the NWHR as a whole and also to individual water sources within the NWHR. By maintaining horse numbers in equilibrium with available forage and water a thriving ecological balance should result.

3. Seventy-five (75) percent of the wild horses comprising the Nevada Wild Horse Range population shall have a body class condition score of 4 or better at anytime during the year. (Population #1)

A body class condition score of 4 is defined as some fat cover over ribs. There will be fat along the backbone and in the hind quarters (per. comm., J.N. Wiltbank, 1986).

**LONG TERM OBJECTIVES  
QUANTIFICATION OF ACTIVITY PLAN OBJECTIVES**

1. Key Area Frequency Objectives:

Key area A: Maintain frequency of galleta grass (HIJA) at 26% and bottlebrush squirreltail (SIHY) at 35%. Decrease frequency of rabbitbrush (CHVI) from 64% to 55% in 10 years.



Key area B: Maintain frequency of bottlebrush squirreltail at 28%, spiny sage (ARSP5) at 34% and globemallow at 31% .

Key area C: Maintain frequency of galleta grass at 24%, Indian ricegrass (ORHY) at 31%, sand dropseed (SPCR) at 32%, bud sagebrush at 19% and globemallow at 53%.

Key area D: Maintain frequency of galleta grass at 40%, sand dropseed at 43% and bottlebrush squirreltail at 19%.

Key area E: Maintain frequency of galleta grass at 54%, Indian ricegrass at 19% and globemallow at 47%.

Key area F: Maintain frequency of sand dropseed at 52% and winterfat (CELA) at 72%.

2. Manage for static to upward apparent trend in key areas A-F. (Habitat #3)
3. Reduce the percentage of bays, blacks, browns and sorrels in the population from 75% to 45%. Increase the percentage of grays, pintos, palominos, buckskins and roans from 25% to 55% of the population. (Population #4)
4. Threatened and Endangered:

No Federally listed threatened or endangered species are known to occur on the Nellis Air Force Range or Nevada Wild Horse Range.

#### IV. MANAGEMENT EVALUATION:

##### A. Purpose:

The purpose of this evaluation is to determine if activity plan objectives are being followed and met. The objectives are evaluated based upon available data. If objectives are being met, the evaluation indicates this and the file is documented accordingly.

If the evaluation determines existing objectives are not being met, a recommendation is made to initiate specific management actions that will result in the objectives being achieved with reasonable assurance.

If during the evaluation a resource issue is identified which has not been previously addressed an appropriate objective will be developed if baseline data is available.

##### B. Summary Of Studies Data:

###### 1. Actual Use Data Summary:

###### a. Livestock:

There is no livestock use authorized on the NWHR and AWL.

###### b. Wildlife:

Very little information is available concerning wildlife numbers.

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Wildlife population estimates of species found within the NWHR and AWL are identified in Table 1.

c. Wild Horse/Burros:

Wild horses graze the NWHR and AWL year long. From spring until late fall, horses use perennial water sources and forage up to 15 miles of these waters. With the coming of winter snows, horses have less dependency on perennial water sources and range further south utilizing the snow cover as a water source.

Since 1963 periodic census of wild horse numbers has taken place within the NWHR. The first census was a ground survey that counted 200 horses. In 1976 due to herd expansion, the ground survey census area included Cactus Flat/Gold Flat outside the NWHR resulting in 1,064 horses being counted. The NWHR, comprised of Kawich Valley and eastern one-third of Cactus Flat and Gold Flat have no natural barriers or management facilities present to deter wild horses from roaming between the NWHR and AWL (Gold Flat and Cactus Flat areas).

The first aerial census of the NWHR and AWL was conducted in 1977 when 1,300 horses were counted. Since 1977 aerial census has been conducted, including Kawich Valley, Mud Lake/Goldfield, Stonewall Mountain, Cactus Flat/Gold Flat. Wild horse census data, prior to 1989 was recorded based upon geographical location (ie. Cactus Flat or Gold Flat) resulting in overlap of the NWHR and AWL. Census data since 1989 has been recorded by identifying the actual location of horses on appropriate maps. This has allowed determining how many wild horses are within or outside of the NWHR.

Table 2 identifies census numbers for the period 1980-1990. Census area maps are in Appendix I.

Table 2. Wild Horse Census Data (Actual Count) by Year and Month for the NWHR and AWL 1980-1990.

YEAR	MONTH	HORSES
1980	April	3,122
1982	June	4,045
1983	August	4,860
1984	March	4,890
1985	May	5,642
1986	September	4,178 <sup>1</sup>
1989	July	6,255 <sup>2</sup>
1990	January	3,275 <sup>3</sup>

<sup>1</sup>Post Gather Total

<sup>2</sup>2517 Horses counted within NWHR and 3738 in AWL.

<sup>3</sup>Winter Census Total, 1101 counted in NWHR, 2174 counted in AWL.

Wild horse numbers have increased since the 1980 census with the greatest number having been counted in 1985 and in 1989. From 1963 to 1989, census of horse numbers shows an increase from 200 to 6255. The number of wild horses censused significantly increased from 4178 after the 1986 gather to 6255 in 1989.

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Wild horse gathers have resulted in the removal of horses from both the NWHR and AWL. Table 3 identifies the time of year, location and number of horses removed during the period 1985-1987 and 1989.

Table 3. Time of Year, Location and Number of Horses Removed From the NWHR and AWL During the Period 1985-1987 and 1989.

MONTH YEAR	LOCATION	NUMBERS REMOVED
June 1985	Rose Spr. Middle Trough NWHR	1156
	Rose Spr. Lower Trough NWHR	80
	Corral Spring NWHR	185
	Cedar Wells NWHR	77
		total = 1498
June 1986	Stonewall Mtn. AWL	534
	Wildhorse Spring AWL	224
	Corral Spring NWHR	285
		total = 1043
July-August 1987	Camp Spring NWHR	76
	Rose Spr. Lower Trough NWHR	484
	Breen Creek Reservoir AWL	362
	Pedro Lake AWL	288
		total = 1210
December 1989	Breen Creek/Silver Bow NWHR	683
		total = 683

A total of 4434 wild horses have been gathered and removed from the NWHR and AWL during the period 1985-1987 and 1989. In December 1989 an emergency gather and removal of 683 wild horses was conducted in the Breen Creek/Silverbow Area. Dry conditions reduced the availability of perennial water at this location to an insignificant amount which could not support the number of wild horses dependent upon this spring source. After the removal of these horses, winter snow in January 1990 blanketed the NWHR and AWL prompting wild horses to disperse over a greater area. The lower January 1990 census data (Table 2) reflects this dispersal of wild horses due to snow cover and those removed in December 1989.

## 2. Precipitation Data Summary:

Precipitation data for this herd management area analysis has been gathered from the Goldfield, Tonapah and Twin Springs-Fallini NOAA weather stations and Pahute 1 station located at Pahute Mesa in the Nellis Air Force Range. The Goldfield NOAA weather station began operation in 1948 and is approximately fifteen (15) miles west of the Nellis Air Force Range. The Tonapah NOAA weather station began operation in 1954 and is located approximately twenty (20) miles

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northwest of the Nellis Air Force Range. The Twin Springs-Fallini NOAA station began operation in 1986 and is located approximately thirty (30) miles northeast of the Nellis Air Force Range. Pahute 1 began operation in 1964 and is located within the Nellis Air Force Range.

Precipitation data from the Goldfield and Tonapah NOAA stations and Pahute 1 was analyzed for the period 1982 through 1989. The precipitation data from the Twin Springs-Fallini NOAA station was analyzed for the period 1986 through 1989.

Appendix II displays the monthly and total yearly precipitation as recorded by the Goldfield, Tonapah and Twin Springs-Fallini NOAA stations and Pahute 1 for the period 1982 through 1989.

Tables 4 displays the yearly precipitation totals by station and stations long term average.

Table 4. Yearly Precipitation and Long Term NOAA Station Average.

Station	Year								Station Average
	82	83	84	85	86	87	88	89	
Goldfield	7.75	5.64	M	2.18	3.39	9.23	7.38	5M	6.27
Tonapah	6.19	9.64	6.95	5.96	2.53	8.33	5.36	2.98M	5.38
Twin Springs-Fallini				1.1M	3.21	7.65	6.63	5.92M	6.32
Pahute 1	9.31	6.5	5.03	2.48	5.3M	9.9M	4M	2.59M	6.3

M=insufficient or partial data. M is appended to average and/or total values computed with 1-9 daily values missing. M appears alone if 10 or more daily values are missing. (NOAA)

The station average precipitation recorded by the Goldfield NOAA weather station was 6.27 inches. The station average at the Tonapah NOAA station was 5.38 inches. At Twin Springs-Fallini the recorded station average was 6.32 inches. Pahute 1 showed 6.3 inches as the station average. Based upon these station averages, precipitation at Goldfield was above average in 1982, 1987, and 1988; below average in 1985 and 1986.

Table 5 depicts the average, below average and above average years for stations identified. This is figured based upon the station long term average.

Table 5. Yearly Precipitation By NOAA Station In Which Years Are Below Average, Average, and Above Average.

Station	Below Average	Years Average	Above Average
Goldfield	85, 86	83, 89*	82, 87, 88
Tonapah	86, 89*	82, 85, 88	83, 84, 87
Twin Springs	85*, 86	88, 89*	87
Pahute 1	85, 88*, 89*	83, 84, 86*	82, 87*

\*Based Upon Current Available Data (NOAA).

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At Tonapah precipitation was above average in 1983, 1984 and 1987; below average in 1986 and 1989. At Twin Springs-Fallini 1987 was above average; 1985 and 1986 were below average. Precipitation at Pahute 1 was above average in 1982 and 1987; below average during 1985, 1988 and 1989.

Initial growth of vegetation within the NWHR and AWL takes place March through May with regrowth occurring August through September if sufficient precipitation is received. Precipitation essential for plant growth throughout the NWHR and AWL is received in a bi-modal fashion, spring and then late summer, early fall.

Table 6 depicts the rainfall as recorded by the Goldfield, Tonapah and Twin Springs-Fallini NOAA weather stations and Pahute 1 for the initial growth period of March through May and the regrowth period August through September.

Table 6. Initial Growth and Regrowth Precipitation 1982 Through 1989 By Recording Station.

Goldfield			
Year	Initial Growth Mar.-June	Regrowth Aug.-Sept.	Growth Season Total
82	2.92 in	1.4 in	4.32 in
83	3.72 in	M	3.72
84	M	M	M
85	0	0.55	0.55
86	0.84	0.74	1.58
87	2.62	0.35	2.97
88	4.61	2.0	6.61
89	2.76	1.84	4.6

M=insufficient or partial data. M is appended to average and/or total values computed with 1-9 daily values missing. M appears alone if 10 or more daily values are missing.

Tonapah			
Year	Initial Growth Mar-June	Regrowth Aug-Sept	Growth Season Total
82	1.24 in	0.67 in	1.91 in
83	3.11	2.96	6.07
84	0.92	2.46	3.38
85	0.58	0.29	0.87
86	M	0.23	0.23
87	4.97	0.01	4.98
88	2.58	0.4	2.98
89	1.84	0.55	2.39

M=insufficient or partial data. M is appended to average and/or total values computed with 1-9 daily values missing. M appears alone if 10 or more daily values are missing.

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Table 6. Continued.

Twin Springs (Fallini)			
Year	Initial Growth Mar-June	Regrowth Aug-Sept	Growth Season Total
86	0.36 in	1.03 in	1.39 in
87	2.85	0	2.85
88	3.91	1.83	5.74
89	4.09	0.96	5.05

Pahute 1			
Year	Initial Growth Mar-June	Regrowth Aug-Sept	Growth Season Total
82	3.71 in	2.37 in	6.08
83	4.3	0	4.3
84	0.31	0.1	0.41
85	0.49	0.42	0.91
86	1.1	0.92	2.02
87	4.73	0.14	4.87
88	2.72	1.13	3.85
89	1.34	1.19	2.53

Comparison between the recording stations demonstrates the variability and sporadic nature of precipitation received in areas adjacent to the NWHR and AWL. This climatic variability undoubtedly results in areas of the range complex receiving significant rainfall while other portions do not.

### 3. Utilization Data Summary:

Vegetation utilization data has been collected from thirty-one (31) sites located within the Nevada Wild Horse Range (NWHR) and adjacent withdrawn lands (AWL) using the Percent Ocular Estimate by Weight Method. Utilization data was first collected in 1985 and since then has been collected yearly at selected sites. Utilization monitoring at these thirty-one (31) sites has resulted in a combined total of eight (8) species being monitored. Four (4) species are classified as grasses and four (4) species are classified as shrubs. The eight (8) species monitored at the various sites included: Sporobolus cryptandrus (SPCR), Hilaria jamesii (HIJA), Oryzopsis hymenoides (ORHY), Sitanion hystrix (SIHY), Ephedra nevadensis (EPNE), Atriplex canescens (ATCA2), Artemisia spinescens (ARSP5) and Ceritoides lanata (CELA).

Of these thirty-one (31) sites, thirteen (13) sites within the NWHR and AWL have had only one year of utilization data collected during the period 1985-1989. Table 7 is a compilation of the utilization data for those two (2) sites located within the NWHR with only one reading of utilization data.

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Table 7. Compilation of Utilization Data From Two (2) Sites With One Reading of Utilization Data From the NWHR.

UTIL. SITE #	KEY SPECIES	1985	1986	1989	UTIL. CATEGORY
2	ORHY		85		SV
	HIJA		70		H
	EPNE		40		L
	SIHY		64		H
6	ORHY		6		SL
	HIJA		4		SL
N=NO USE M=MODERATE		SL=SLIGHT H=HEAVY		L=LIGHT SV=SEVERE	

Table 8 is a compilation of utilization data for those eleven (11) sites located within the AWL with only one year of utilization data being recorded.

Table 8. Compilation of Utilization Data From Eleven (11) Sites With One Reading of Utilization Data From AWL.

UTIL. SITE #	KEY SPECIES	1985	1986	1989	UTIL. CATEGORY
1s	HIJA	25			L
	SIHY	41			M
1a	ORHY	58			M
	HIJA	14			SL
	CELA	90			SV
	ATCA5	14			SL
2	ORHY		85		SV
	HIJA		70		H
	EPNE		40		L
	SIHY		64		H
2a	ORHY	62			H
	HIJA	20			SL
	SPCR	15			SL
2b	ORHY	0			N
	CELA	0			N
3	ORHY		88		SV
	CELA		78		H
	HIJA		64		H
3a	ORHY	82			SV
	SPCR	42			M
	CELA	90			SV

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Table 8. Continued.

UTIL. SITE #	KEY SPECIES	1985	1986	1989	UTIL. CATEGORY
4	ORHY		68		H
	HIJA		48		M
	CELA		74		H
5	ORHY		42		M
	HIJA		34		L
	CELA		52		M
6	ORHY		6		SL
	HIJA		4		SL
7	ORHY		62		H
	HIJA		36		L
8	ORHY		72		H
	HIJA		40		L
D	ORHY			80	H
	HIJA			60	M
	CELA			90	SV
	ARSP5			83	SV
		N=NO USE M=MODERATE	SL=SLIGHT H=HEAVY	L=LIGHT SV=SEVERE	

Eighteen (18) sites have had more than one year of utilization data collected, ranging from two (2) to four (4) years, during the period 1986-1989. Average percent utilization has been calculated for each individual species for each of these eighteen (18) sites based upon the number of years data was available. The utilization category is presented based upon the calculated average percent utilization for each individual species.

Table 9 is a compilation of the utilization data for six (6) sites within the NWHR for the years 1986 through 1989.

Table 9. Compilation of Utilization Data From Six (6) Sites With More Than One Reading of Utilization Data From Within the NWHR.

UTIL. SITE #	SPECIES	1986	1987	1988	1989	AVG. UTIL.	UTIL. CATEGORY
A	ORHY			74	67	71	H
	HIJA			52	51	52	M
	SIHY			56	60	58	M
	CELA			90	84	87	SV
1	ORHY	81	82	73	51	73	H
	HIJA	56	62	58	34	5	M
	CELA	64	80	82	78	76	H



Table 9. Continued.

UTIL. SITE #	SPECIES	1986	1987	1988	1989	AVG. UTIL.	UTIL. CATEGORY
9	ORHY		86	36	59	60	M
	HIJA		48	19	12	26	L
	CELA		54	83	53	2	L
10	ORHY		70	44	69	61	H
	HIJA		38	13	17	23	L
	CELA		86	62	65	71	H
	ARSP5		80	9	57	49	M
11	ORHY		22	5	22	16	SL
	CELA		20	32	41	31	L
12	HIJA		60	40	20	40	L
	SIHY		68	42	66	59	M

N=NO USE      SL=SLIGHT      L=LIGHT  
 M=MODERATE    H=HEAVY            SV=SEVERE

Table 10 is a compilation of the utilization data for twelve (12) sites with more than one utilization reading from AWL for the years 1986 through 1989.

Table 10. Compilation of Utilization Data From Twelve (12) Sites With More Than One Reading of Utilization Data from AWL.

UTIL. SITE #	SPECIES	1986	1987	1988	1989	AVG. UTIL.	UTIL. CATEGORY
B	ORHY		90	78	77	82	SV
	HIJA		66	58	59	61	H
	SIHY		72	60	0	44	M
	CELA		90	90	89	90	SV
C	ORHY		90	86	83	86	SV
	HIJA				51	51	M
	CELA		90	86	82	86	SV
	SPCR		74	58		66	H
E	ORHY		82	72	86	80	H
	HIJA		36	48	38	41	M
	CELA		84	86	66	79	H
F	ORHY		90	86	80	85	SV
	SIHY		90	82		86	SV
	SPCR		75	50	17	47	M
	CELA		90	86	82	86	SV

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Table 10. Continued.

UTIL. SITE #	SPECIES	1986	1987	1988	1989	AVG. UTIL.	UTIL. CATEGORY
13	ORHY		78	64	82	75	H
	HIJA		39	38	34	37	L
	CELA		70	72	49	64	H
14	ORHY		54	60	32	49	M
	HIJA		40	29		35	L
15	ORHY		50	70	42	54	M
	HIJA		40	50	7	32	L
	CELA		62	68	38	56	M
16	ORHY		74	83	87	81	SV
	HIJA		56	76	37	56	M
	CELA			70	64	67	H
17	ORHY		78	80	88	82	SV
	HIJA		56	76	37	56	M
	CELA		78	56	80	71	H
18	ORHY			90	80	85	SV
	HIJA			66	27	47	M
	CELA			90	65	78	H
20	ORHY			84	85	85	SV
	HIJA			58	51	55	M
	CELA			80	80	80	H
21	ORHY			82	89	86	SV
	HIJA			52	21	37	L
	CELA			82	69	76	H

N=NO USE      SL=SLIGHT      L=LIGHT  
 M=MODERATE    H=HEAVY            SV=SEVERE

Table 11 identifies the site number, location and legal description for the thirty-one (31) utilization sites in which utilization data was collected during the period 1986 through 1989.

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Table 11. Thirty-one (31) Utilization Sites Within the NWHR and AWL, Identified by Site Number, Area Located and Legal Description.

SITE NUMBER	AREA LOCATED	LEGAL DESCRIPTION
A	NWHR	T. 2 S., R. 50 E., Sec. 30
1	NWHR	T. 3 S., R. 51 1/2 E., NW1/4 Sec. 6
2	NWHR	T. 1 S., R. 50 E., SE1/4 Sec. 31
6	NWHR	T. 4 S., R. 51 E., SW1/4 Sec. 33
9	NWHR	T. 3 S., R. 51 E., SE1/4 Sec. 14
10	NWHR	T. 4 S., R. 51 E., SW1/4 Sec. 26
11	NWHR	T. 4 S., R. 51 E., NE1/4 Sec. 16
12	NWHR	T. 2 S., R. 51 E., NW1/4 SE 1/4 Sec. 8
B	AWL	T. 2 S., R. 49 E., SE1/4 Sec. 23
C	AWL	T. 2 S., R. 49 E., NE 1/4 SW1/4 Sec. 20
D	AWL	T. 1 S., R. 49 E., NW1/4 Sec. 25
E	AWL	T. 3 S., R. 49 E., Sec. 25
F	AWL	T. 3 S., R. 49 E., Sec. 3
1s	AWL	T. 5 S., R. 45 E., NE1/4 Sec. 8
1a	AWL	T. 1 S., R. 48 E., Sec. 15
2a	AWL	T. 1 S., R. 49 E., NW1/4 Sec. 31
2b	AWL	T. 5 S., R. 45 E., SE1/4 Sec. 4
3	AWL	T. 2 S., R. 48 E., NW1/4 Sec. 17
3a	AWL	T. 2 S., R. 49 E., NW1/4 Sec. 19
4	AWL	T. 3 S., R. 49 E., SW1/4 Sec. 12
5	AWL	T. 4 S., R. 49 E., NE1/4 Sec. 25
7	AWL	T. 3 S., R. 47 E., SE1/4 Sec. 5
8	AWL	T. 3 S., R. 47 E., SW1/4 Sec. 27
13	AWL	T. 4 S., R. 49 E., SE1/4 Sec. 1
14	AWL	T. 4 S., R. 49 E., NW1/4 Sec. 36
15	AWL	T. 4 S., R. 48 E., SE1/4 Sec. 19
16	AWL	T. 3 S., R. 47 E., SE1/4 Sec. 23
17	AWL	T. 1 S., R. 47 E., SW1/4 Sec. 8
18	AWL	T. 3 S., R. 48 E., SE1/4 Sec. 8
20	AWL	T. 2 S., R. 47 E., NW1/4 Sec. 1
21	AWL	T. 2 S., R. 47 E., SE1/4 Sec. 33

Table 12 identifies the utilization category for each observed species within the NWHR with more than one year of utilization data. This utilization category has been figured for individual species based upon the average percent utilization for each species at each utilization site as identified in Table 8.

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Table 12. Utilization Category of Species Based Upon Average Percent Utilization for Six (6) Sites Located Within the NWHR.

NEVADA WILD HORSE RANGE (NWHR)					
SITE	UTILIZATION CATEGORY				
NUMBER	SLIGHT	LIGHT	MODERATE	HEAVY	SEVERE
A			HIJA SIHY	ORHY	CELA
1			HIJA	ORHY CELA	
9		HIJA SIHY	ORHY		
10		HIJA	ARSP5	ORHY CELA	
11	ORHY	CELA			
12		HIJA	SIHY		

Within these six (6) sites in the NWHR, five (5) species were observed a total of eighteen (18) times during the period 1986 through 1989. Of these eighteen (18) observations, twelve (12) observations resulted in the species average percent utilization being in the moderate to severe categories.

The following figures, 1 through 6 illustrate the percent utilization observed for species monitored at six (6) utilization sites located within the NWHR. It can be seen that utilization levels of species monitored has consistently exceeded the fifty (50) percent utilization level except for Figure 5 where utilization levels for all three (3) species for the three (3) year period were below the fifty (50) percent utilization level.

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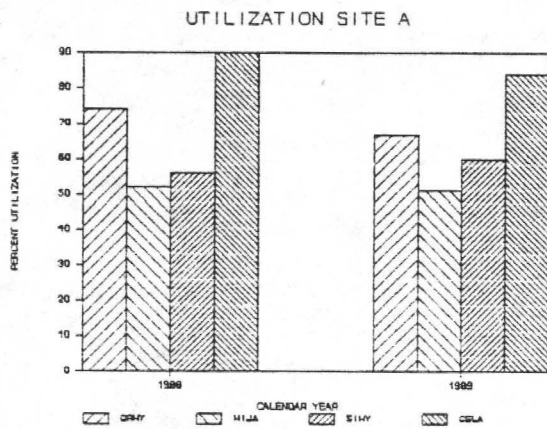


Figure 1. Percent Utilization of Species at Site A for 1988 and 1989.

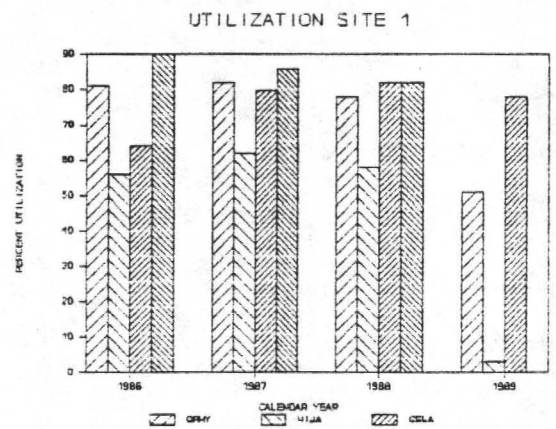


Figure 2. Percent Utilization of Species at Site 1 for 1986-1989.

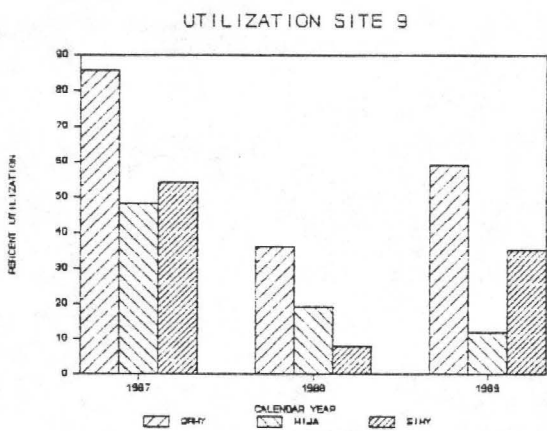


Figure 3. Percent Utilization of Species at Site 9 for 1987-1989.

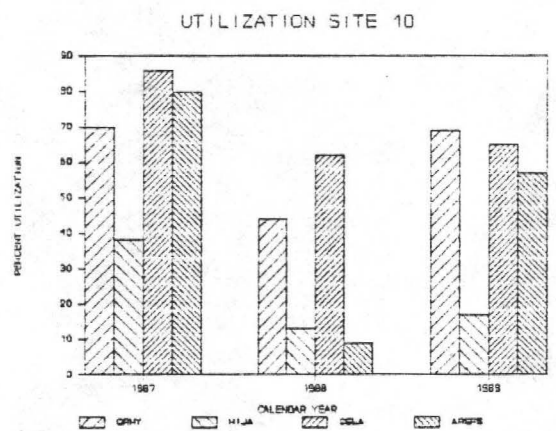


Figure 4. Percent Utilization of Species at Site 10 for 1987-1989.

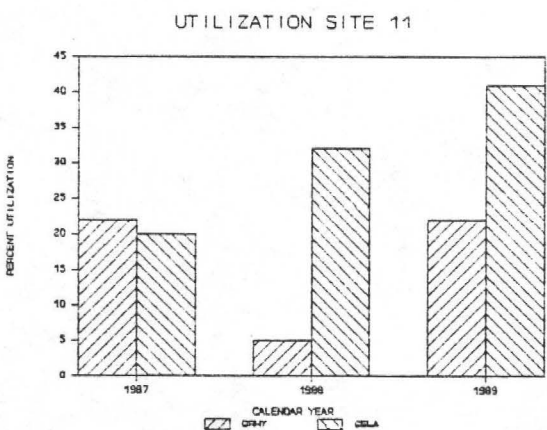


Figure 5. Percent Utilization of Species at Site 11 for 1987-1989.

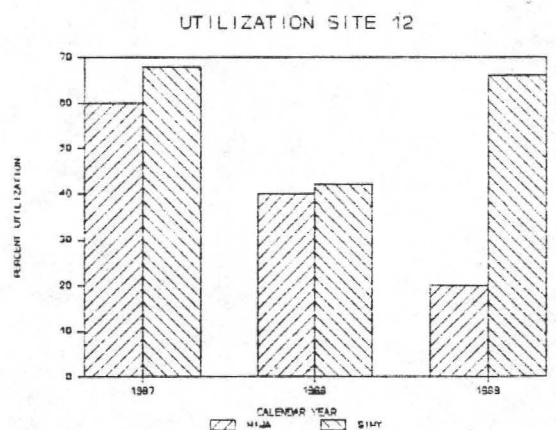


Figure 6. Percent Utilization of Species at Site 12 for 1987-1989.

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Table 13 identifies the utilization category for each observed species within the AWL with more than one (1) year of utilization data. The utilization category has been figured for individual species based upon the average percent utilization for each species at each site.

Table 13. Utilization Category of Species Based Upon Average Percent Utilization for Sites Located Within the Adjacent Withdrawn Lands.

ADJACENT WITHDRAWN LANDS					
SITE NUMBER	UTILIZATION CATEGORY				
	SLIGHT	LIGHT	MODERATE	HEAVY	SEVERE
B			SIHY	HIJA	ORHY CELA
C			HIJA	SPCR	ORHY CELA
E			HIJA	ORHY CELA	
F			SPCR		HIJA ORHY CELA
13		HIJA		ORHY CELA	
14		HIJA	ORHY		
15		HIJA	ORHY CELA		
16			HIJA	CELA	ORHY
17			HIJA	CELA	ORHY
18			HIJA	CELA	ORHY
20			HIJA	CELA	ORHY
21		HIJA		CELA	ORHY

Within these twelve (12) sites, five (5) species were observed a total of thirty-eight (38) times during the period 1986 through 1989. Of these thirty-eight (38) observations, thirty-four (34) observations resulted in the average percent utilization being in the moderate to severe categories.

The following figures, 7 through 18 illustrate the percent utilization observed for species monitored at twelve (12) utilization sites located within the AWL. From these twelve (12) figures, utilization levels of species monitored has consistently exceeded the fifty (50) percent utilization level.

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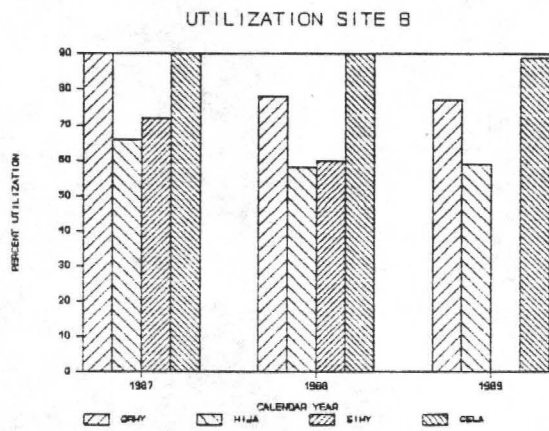


Figure 7. Percent Utilization of Species at Site B for 1987-1989.

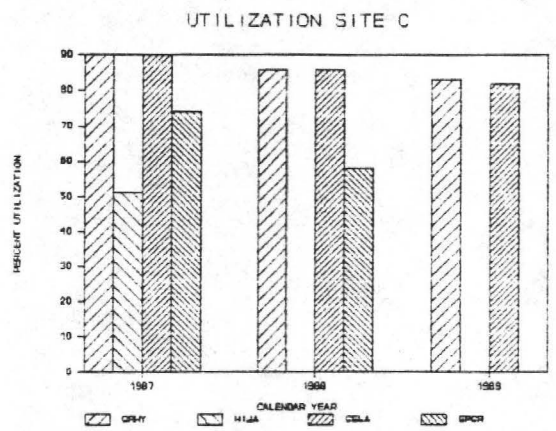


Figure 8. Percent Utilization of Species at Site C for 1987-1989.

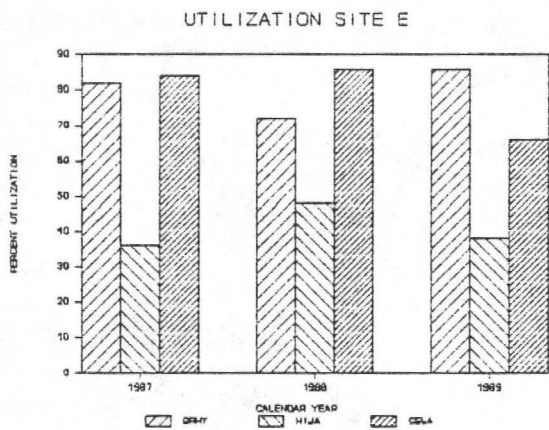


Figure 9. Percent Utilization of Species at Site E for 1987-1989.

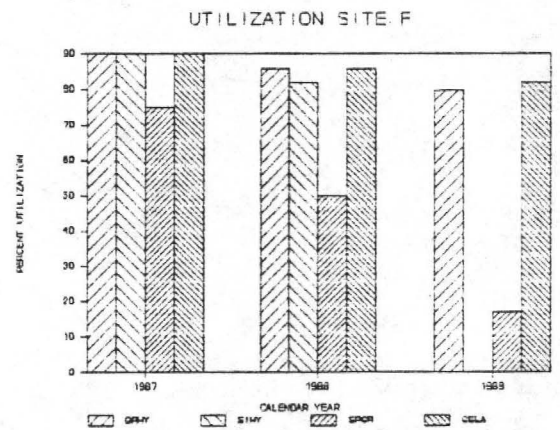


Figure 10. Percent Utilization of Species at Site F for 1987-1989.

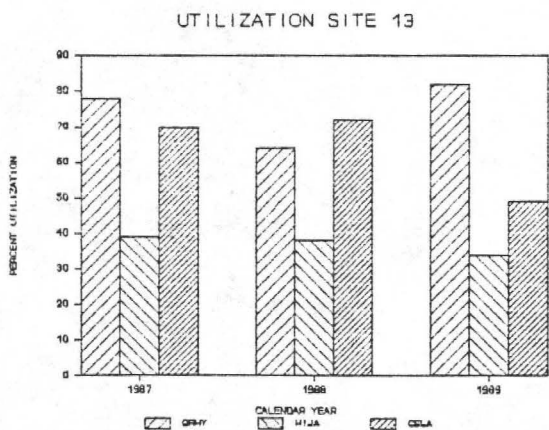


Figure 11. Percent Utilization of Species at Site 13 for 1987-1989.

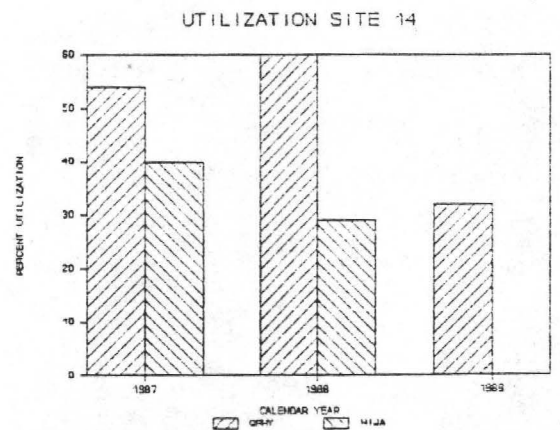


Figure 12. Percent Utilization of Species at Site 14 for 1987-1989.

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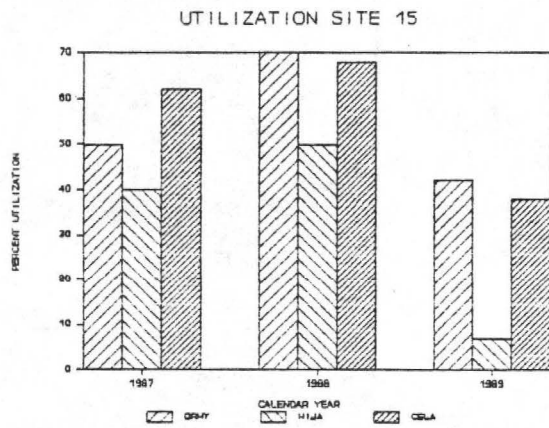


Figure 13. Percent Utilization of Species at Site 15 for 1987-1989.

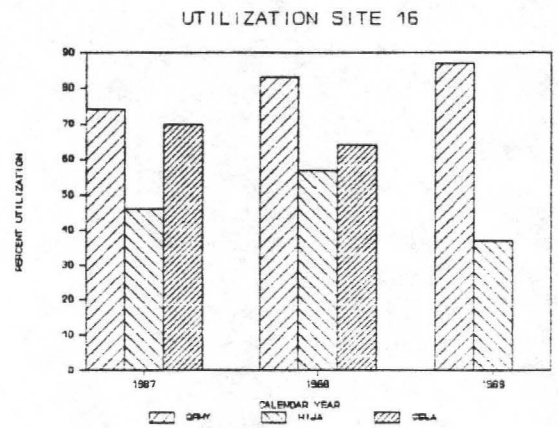


Figure 14. Percent Utilization of Species at Site 16 for 1987-1989.

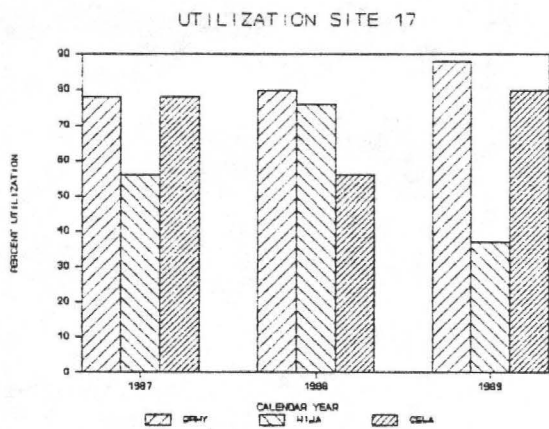


Figure 15. Percent Utilization of Species at Site 17 for 1987-1989.

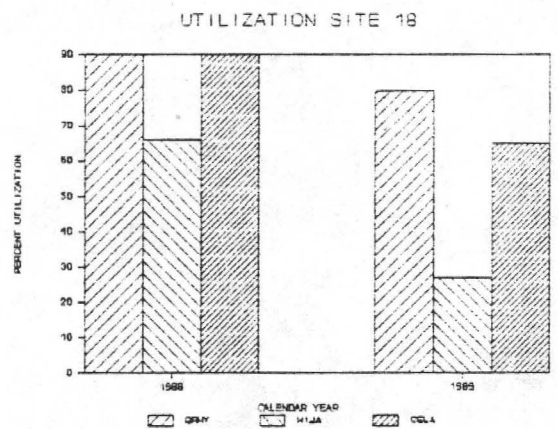


Figure 16. Percent Utilization of Species at Site 18 for 1988-1989.

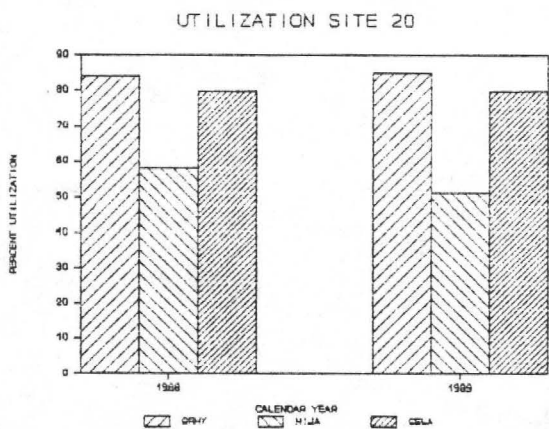


Figure 17. Percent Utilization of Species at Site 20 for 1988-1989.

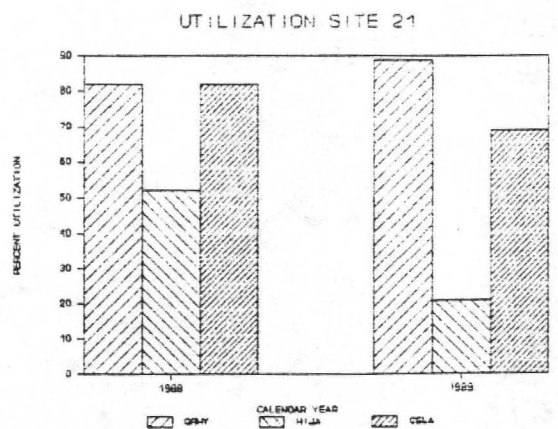


Figure 18. Percent Utilization of Species at Site 21 for 1988-1989.

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Figures 19 and 20 graphically illustrate the relationship between number of species observed per utilization category as presented in Tables 12 and 13 respectively for the NWHR and AWL.

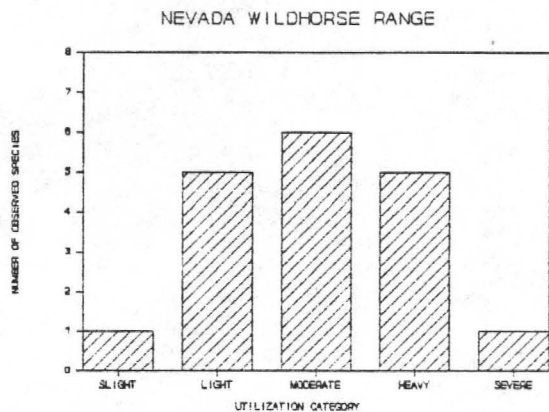


Figure 19. Number of Species Observed Per Utilization Category for Six Sites on the NWHR.

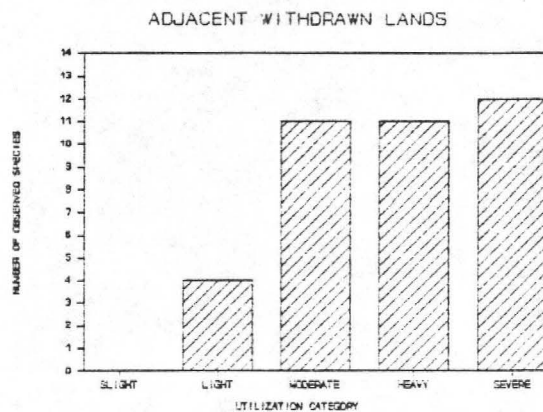


Figure 20. Number of Species Observed Per Utilization Category for Twelve Sites on the Adjacent Withdrawn Lands.

Figure 19, which specifically refers to the NWHR, demonstrates the moderate category has the greatest number of species observations with six (6). The light and heavy categories each have five (5) and the slight and severe categories each have one (1). In comparison, Figure 20, which specifically refers to the AWL, the severe category has the greatest number of species observations with twelve (12). The heavy and moderate categories each have eleven (11) and the light category has four (4). There were no species observations in the slight utilization category.

Forage resources in the AWL are consistently being utilized in higher utilization categories than those forage resources in the NWHR as demonstrated by comparison of these two (2) figures, 19 and 20.

4. Summary of Use Patterns:

Utilization pattern mapping of the NWHR and the AWL was completed in 1985, 1986, 1987 and 1989. Use pattern maps are maintained in the Caliente Resource Area office. Table 14 is a compilation of acreage by use category for the NWHR and AWL for the period 1985-1987. Differences in acreage totals are due to variances in computations and mapping procedures.

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Table 14. Number of Acres By Utilization Category for the NWHR and AWL for Years 1985-1987.

CALENDAR YEAR	UTIL. CATEGORY	NWHR ACRES	AWL ACRES
1985	NO USE	0	0
	SLIGHT	145040	112114
	LIGHT	43520	200911
	MODERATE	60800	198402
	HEAVY	34240	143595
	SEVERE	110400	88395
-----			
	TOTALS	394000	743417
1986	NO USE	0	0
	SLIGHT	111232	341853
	LIGHT	56320	63404
	MODERATE	52800	164768
	HEAVY	20416	107008
	SEVERE	150656	168960
-----			
	TOTALS	391424	745993
1987	NO USE	100560	152057
	SLIGHT	85120	263680
	LIGHT	59520	59520
	MODERATE	64000	44160
	HEAVY	67520	75520
	SEVERE	17280	148480
-----			
	TOTALS	394000	743417

Use pattern maps developed for the period 1985-1987 did not delineate acres unsuitable for wild horse grazing. Many of the areas that fall within the slight utilization level category are located within unsuitable areas for wild horse grazing. Acreage figures for the different use categories included dry lake beds, playas, rock outcrops and steep mountainous terrain which would be unsuitable for wild horse use.

In 1989, wild horse use within the NWHR was mapped and acreage not suitable for wild horse grazing was delineated accordingly. Those areas identified as unsuitable for wild horse grazing were dry lake beds, rock outcrops and steep mountainous terrain. In addition, the use pattern map was stratified to show the number of acres per use category within a six (6) mile service area for each known perennial water source. Observations of use patterns in the AWL for 1989 were similar to those mapped in 1985-1987.

Table 15 lists the acres per category for the entire NWHR and acres per category within a six (6) mile service area of known perennial waters based upon 1989 monitoring.

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Table 15. Acres By Use Category for the NWHR and Within a Six (6) Mile Service Area of Known Perennial Waters Based Upon 1989 Monitoring.

CATEGORY	PERCENT USE	TOTAL NWHR ACRES	6 MILE RADIUS ACRES
UNSUITABLE <sup>1</sup>	0	113920	56320
NO USE	0	0	0
SLIGHT	1-20	0	0
LIGHT	21-40	104320	48640
MODERATE	41-60	92800	57600
HEAVY	61-80	64640	53120
SEVERE	81-100	1280	1280

<sup>1</sup>Includes dry lakes, playas, rock outcrops, steep mountainous terrain.

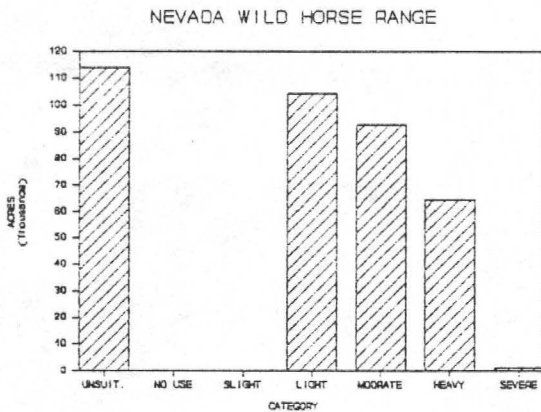


Figure 21. Acres Per Use Category for the NWHR in 1989.

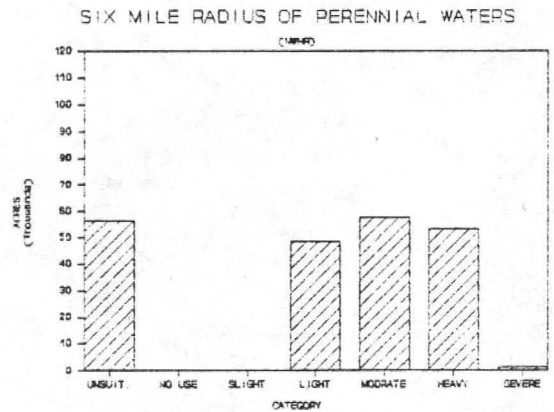


Figure 22. Acres Per Use Category Within a Six Mile Radius Service Area of Known Perennial Waters in 1989.

Figures 21 and 22 graphically illustrate the acres per use category for the NWHR and those acres within the six (6) mile radius service area of known perennial water sources in 1989. Forty-two (42) percent of the entire NWHR had use occurring in the moderate to severe use categories. Within the six (6) mile radius service area of known perennial waters moderate to severe use occurred over fifty-two (52) percent of this area. The six (6) mile radius service areas encompass fifty-eight (58) percent of the NWHR.

#### 5. Frequency/Trend Data Summary:

Frequency studies were initiated on the Nellis Range Complex in 1986. Normally frequency studies are read every five years on semi-arid sites to allow sufficient time between readings to measure if a change has taken place. To date, insufficient time has elapsed to make a second reading.

Frequency data collected in 1986 from six key areas in the NWHR and AWL are tabulated in Table 16.

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Table 16. Frequency Data NWHR and AWL for 1986.

Key Area: A (NWHR)		Key Area: B (AWL)	
Species	Frequency %	Species	Frequency %
HIJA	26	HIJA	5
ERPU	4	SIHY	28
SIHY	35	ORHY	11
ORHY	13	ERPU	2
BRTE	4	BRTE	10
SPCR	1	SPCR	6
STPA	2	AAFF	65
SPHA	16	SPHAE	31
AAFF	34	EROG	14
ERIOG	2	ATCO	36
ASTRA	3	CHIV	40
ATCO	16	ARSP5	34
CHIV	64	CELA	2
CELA	5		
ARSP5	27		
EPNE	0.5		

Key Area: C (AWL)		Key Area: D (AWL)	
Species	Frequency %	Species	Frequency %
HIJA	24	HIJA	40
ORHY	31	ORHY	6
SPCR	32	SPCR	43
BRTE	30	SIHY	19
ARPU	11	BRTE	6
AAFF	82	ARLU	1
SPHAE	53	EEMU	24
ASTRA	0.5	AAFF	48
ATCO	12	SPHAE	37
ARSP5	19	ATCO	26
CELA	16	CHVI	1
		ARSP5	26
		CELA	0.5

Key Area: E (AWL)		Key Area: F (AWL)	
Species	Frequency %	Species	Frequency %
HIJA	54	SPCR	52
ORHY	19	SIHY	6
SIHY	1	ORHY	6
BRTE	2	BRTE	49
AAFF	89	AAFF	83
SPHAE	5	SPHAE	47
ASTRA	0.5	OPUNT	0.5
SAIB	15	SAIB	0.5
ATCO	7	ATCO	11
ARSP5	11	ARSP5	60
CELA	7	CELA	72

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Frequency is expressed as a percentage of the number of occurrences out of 200 readings. The frequencies of all plants encountered in a transect when added together will not equal 100. There are six frequency transects A-F located within the AWL and NWHR. Plant species having a frequency between 20-80% are considered to have a sample size adequate to be used as a baseline from which to measure change. This baseline data was also used to develop objectives. Of the plant species found within this range, plants considered important for forage and/or soil stability were chosen and long range frequency objectives developed.

Apparent trend ratings were conducted in 1986 and 1989. Six sites were read with the results tabulated in Table 17.

Table 17. Apparent Trend Readings (NWHR & AWL) for 1986 and 1989.

KEY AREA	YEAR	
	1986	1987
A	Down	Down
B	Down	Down
C	Down	Down
D	Down	Down
E	Static	Down
F	Down	Down

In 1986 five of the six key areas showed a downward trend. In 1989 all six key areas showed a downward trend. Apparent trend is an interpretation of the trend in range condition as moving toward, away or as static in relation to desired conditions. Apparent trend is based on one time observations of soil and vegetative conditions on rangelands in the absence of or to supplement other trend data. It relies on soil and vegetation indicators.

6. Range Survey Data:

No range surveys have been completed on the Nevada Wild Horse Range.

7. Ecological Status/Desired Plant Community (DPC):

Ecological status inventories have not been completed for the Nevada Wild Horse Range therefore no data is available for evaluation.

8. Wildlife Habitat:

Mule deer are found on all the mountain ranges within the area. Antelope use the foothills and valleys. Main concentrations of antelopes are in the northern portion of Cactus Flat and all of Kawich Valley with occasional sightings around Stonewall Mountain. The desert bighorn sheep are on and around Stonewall Mountain. Mountain lions are found throughout the entire area.

Other wildlife species found in the area include a variety of raptors, such as Golden eagles and hawks, numerous small birds and small mammals, and many reptiles. Jack rabbits and cottontails are common, but population levels fluctuate periodically in high/low cycles.

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No crucial wildlife habitat has been identified within the Nevada Wild Horse Range. Stonewall Mountain outside the boundary of the NWHR, has been identified as crucial desert bighorn habitat.

#### 9. Riparian Areas/Fisheries Habitat:

Riparian areas exist at Breen Creek which is outside the NWHR boundary and Cliff Spring II which is located within the NWHR boundary. The Breen Creek riparian area is approximately 500 feet long and 50 feet wide.

The Cliff Springs II riparian complex consists of sub-irrigated sites with stable soil and a vegetative component comprised of sedges, rushes and wild roses. These riparian sites are up to 200 feet long and average 25 feet wide. No fisheries habitat exists within the Nevada Wild Horse Range.

In June 1989 the Breen Creek riparian area was stable, dominated by dense willow growth with a diversity of age and height structure. Due to dry conditions and reduced spring recharge, the flow rate dropped to one (1) gallon per minute. High horse concentrations occurred through the summer and fall of 1989 resulting in significant degradation of the Breen Creek riparian area. Trampling significantly reduced vegetative cover accelerating deterioration of the streambank, increasing the potential for scouring the channel in the future.

#### 10. Wild Horse and Burro Habitat:

The Nevada Wild Horse Range contains 394,000 acres. Within the Nevada Wild Horse Range there are 92,160 acres of dry lake beds and mountain ranges that are unsuitable range for horses. There are 216,960 acres capable of producing forage and within 6 miles of a water source that are suitable for horses. The remaining 84,880 acres are potentially suitable. These acres would become suitable acres if water were available.

Table 18 is a compilation of the known perennial water sources on the NWHR. The sources were visited in 1989 with the rate of flow being measured and/or estimated.

Table 18. Known Perennial Water Sources of the NWHR and Rate of Flow.

SPRING SOURCE	RATE OF FLOW
Cliff Spring	2.8 gal/min
Cedar Well	0.25 gal/min
Rose Spring	2.5 gal/min
Silver Bow	1 gal/min
Tunnel Spring	0.125 gal/min
Corral Spring	0.125 gal/min
Spring (Unnamed)	0.125 gal/min

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Water is a critical resource in semi-arid environments. Lack of sufficient drinking water is very stressful to horses as evidenced by the veterinarian's report on horse condition (November 1989) and the

necropsy reports from the emergency gather. When horses must wait at the water source to obtain sufficient drinking water, severe over utilization of the vegetation and mechanical damage to the water source result. The damage at Silver Bow/Breen Creek is illustrated in Figure 23. In semi-arid environments it is much easier to prevent damage to the water and vegetative resources than to repair damage.

The expansion of wild horses into areas outside the NWHR has resulted in horses moving onto military operation areas, the Nevada Nuclear Test Site and the Tonapah Test Range. In the case of the Tonapah Test Range, the horses are moving into the building and airstrip complex. Horses in these areas pose a safety hazard to equipment and personnel working in the area and to the horses themselves. In November 1988, 61 horses died of ammonia toxicity as the result of drinking urea laden water that had been rinsed out of trucks used by one of the military contractors. This incident could have been avoided if proper disposal of the contaminated water had occurred, the horses had not been in the area (building and airstrip complex) or horse numbers had not bordered upon exceeding the available perennial water supply. Expansion into these areas (nuclear testing and military operation sites) expose the wild horses to potential explosive and radiation hazards. This creates a hazardous situation for the wild horses and also for the personnel who work in these areas.

#### 11. Watershed:

No formal erosion studies have been established on either the upland or riparian sites of the NWHR to date. Apparent trend data and utilization levels indicate that a potential for accelerated soil erosion exists within the NWHR and areas outside due to the current number of wild horses.

#### C. Management Evaluation Summary:

##### 1. Potential Stocking Level:

##### A. Forage Resources:

The limiting factor to manage for a thriving ecological balance is the area within a six (6) mile service area of perennial water. Available water and forage within that area is used during the spring, summer and fall. This period of time corresponds with the foaling period. Lactating mares would be under the greatest amount of stress due to increased forage and water requirements. It is also the time of year when drought would be expected to have the greatest impact.

Use pattern map acreage in the moderate, heavy and severe utilization category within a six (6) mile radius service area (Table 15) and census data (Table 2) for 1989 were used to calculate a potential stocking level for the NWHR. Calculation of the potential stocking level is based upon a weighted utilization as described in Technical Reference (4400-7), *Rangeland Monitoring Analysis, Interpretation and Evaluation* (1985).

The potential stocking level for the NWHR based upon 1989 use pattern acreage in the moderate, heavy and severe utilization categories, census data (2517 horses) and a desired level of utilization of fifty





Figure 23. Riparian Areas at Silver Bow/Breen Creek (above) and Cliff Spring II (right). Note Extensive Mechanical Damage to Vegetation, Channel and Water Source Due to High Concentrations of Horses.





(50) percent was determined to be 2099 wild horses. This potential stocking level of 2099 wild horses is the level of use that could be achieved on the entire NWHR, at a fifty (50) percent level of utilization, assuming wild horse distribution and utilization patterns would be completely uniform. This calculated potential stocking level must be examined and judged based upon all monitoring data presented in this section; other resource data and with the knowledge that wild horse distribution and utilization patterns are not uniform across the entire NWHR.

B. Perennial Water Sources:

Table 19 is a compilation of the known perennial water sources on the NWHR. The sources were visited during 1989 and the rate of flow was measured and/or estimated.

Table 19. Known NWHR Perennial Water Sources and Number of Wild Horses Supported.

SPRING SOURCE	RATE OF FLOW	HORSE NUMBERS SUPPORTED
Cliff Spring	2.8 gal/min	403
Cedar Well	0.25 gal/min	36
Rose Spring	2.5 gal/min	360
Silver Bow	1 gal/min	144
Tunnel Spring	0.125 gal/min	18
Corral Spring	0.125 gal/min	18
Spring (Unnamed)	0.125 gal/min	18
		Total = 997

The rate of flow for each spring source was used to calculate the number of horses that could water, allocating 10 gal/day/horse (Valentine 1980). Calculations based on the available data show that sufficient water exists to support 997 wild horses yearlong within the NWHR.

Current levels of wild horses within the NWHR (2517) exceed the calculated potential stocking level of 2099 wild horses. This calculation of potential stocking level assumes wild horse distribution and utilization patterns to be completely uniform. However, utilization data, use pattern mapping information and wild horse census data strongly demonstrate that existing wild horses along with distribution of permanent water sources and varied terrain throughout the NWHR does not nor can not result in the complete uniform distribution of wild horses. Current wild horse numbers, 2517 counted in 1989 within the NWHR, have resulted in the desired level of utilization (50 percent) being exceeded consistently. The calculated potential stocking level which assumes uniform distribution of horses and utilization patterns can not be supported without exceeding short term utilization objectives and subsequent loss of desirable forage species.

Available information, utilization pattern mapping, apparent trend, census information and documented incidences of horses around the Tonapah Test Range and Nevada Test Site demonstrate that wild horse home ranges have expanded beyond the NWHR to the AWL. Utilization

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levels of species monitored for more than one (1) year in AWL have consistently exceeded the desired fifty (50) percent level of utilization. Use pattern mapping (1985-1987, 1989) reveals wild horse use has expanded and is constantly occurring outside of the NWHR. Apparent trend monitored within AWL in 1986 and 1989 has been declining.

## V. CONCLUSIONS:

### A. OBJECTIVES: NWHR Herd Management Area Plan (1985).

#### HABITAT OBJECTIVES:

1. Determine key areas and key forage plant species for wild horses.

This objective has been met. In 1986 key areas and key forage plant species were determined for wild horses.

2. Allow utilization of key forage plant species by horses to exceed the allowable use factor by no more than ten percent on the NWHR as established by the Nevada Range Monitoring Task Group (1984).

This objective has not been met.

3. Maintain static to upward apparent trend in vegetation characteristics through control of grazing pressure.

This objective has not been met. Apparent trend readings in 1986 showed five out of six apparent trend transects in a downward trend. The 1989 reading showed six out of six transects in a downward trend.

4. Minimize incidence of wild horses being unable to obtain sufficient drinking water at specific water sources.

This objective has not been met. During the summer of 1989 horses had difficulty in obtaining sufficient water due to extremely dry conditions and diminished spring flow. By December conditions had deteriorated at Silver Bow/ Breen Creek to the point that horses were beginning to die. An emergency gather was instituted and 680 horses were gathered.

#### POPULATION OBJECTIVES:

1. Monitor the physical condition of wild horses and maintain animals in fair to good condition.

This objective has not been met. A veterinarian's evaluation of the horses roaming the western boundary and beyond of the Nevada Wild Horse Range was conducted in November 1989. Eighty percent of the horses observed were underweight (ribs were showing). The majority of the horses observed in the Breen Creek/Silver Bow were in poor to emaciated condition.

2. Acquire additional data on wild horses to better understand the forces that affect wild horse populations.

This objective has not been met.

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3. Determine wild horse seasonal movement and distribution patterns within the next five years.

This objective has not been met. Data collection is in progress.

4. Enhance the gray and roan color markings in the Kawich Valley Area and palomino, dun and buckskin in Cactus Flat and Gold Flat Areas.

This objective has not been met.

5. Preserve 10 head of pintos from the Stonewall mountain Area by relocating them in appropriate HMA.

This objective has not been met.

6. Manage wild horses on the Nellis Air Force Range with the objective to maintain home range wholly within the NWHR.

This objective has not been met. Horses continue to have home range outside the NWHR.

#### SHORT TERM OBJECTIVES QUANTIFICATION OF ACTIVITY PLAN OBJECTIVES

1. Manage the utilization levels of cool and warm season grass and shrub key species, identified below, for key areas A, 1, 9, 10, 11 and 12 respectively of the Nevada Wild Horse Range at or below fifty (50) percent on an annual basis. (Habitat #2)

Warm Season Grasses:  
galleta grass (HIJA)  
sand dropseed (SPCR)

Cool Season Grasses:  
Indian ricegrass (ORHY)  
bottlebrush squirreltail (SIHY)

Shrub Species:  
bud sage (ARSP5)  
winterfat (CELA)

This level of utilization will provide for yearlong grazing, satisfaction of plant growth requirements, and standing crop in reserve for drought years.

This objective has not been met.

2. Manage horse numbers in thriving ecological balance (equilibrium) with available supplies of perennial water and forage to assure drinking water at 10 gal/day/horse (minimum) and forage at 26 lb/day/horse. (Habitat #4)

Ten gallon a day minimum will be applied to the NWHR as a whole and also to individual water sources within the NWHR. By maintaining horse numbers in equilibrium with available forage and water a thriving ecological balance should result.

This objective has not been met. Horse numbers exceed supplies of perennial water and forage within suitable range as evidenced by horse condition, forage utilization levels and spring flow measurements.

3. Seventy-five (75) percent of the wild horses comprising the Nevada Wild Horse Range population shall have a body class condition score of 4 or better. (Population #1)

A body class condition score of 4 is defined as some fat cover over ribs. There will be fat along the backbone and in the hind quarters (per. comm., J.N. Wiltbank, 1986). This mount of fat should assure survival of wild horses through the winter months.

This objective has not been met. As evidenced by horses in poor to emaciated (body class condition scores of 1, 2, and 3) condition at Breen Creek/Silver Bow.

#### LONG TERM OBJECTIVES QUANTIFICATION OF ACTIVITY PLAN OBJECTIVES

1. Key Area Frequency Objectives:

Key area A: Maintain frequency of galleta grass (HIJA) at 26% and bottlebrush squirreltail (SIHY) at 35%. Decrease frequency of rabbit brush (CHVI) from 64% to 55% in 10 years.

Key area B: Maintain frequency of bottlebrush squirreltail at 28%, bud sagebrush (ARSP5) at 34% and globemallow at 31%.

Key area C: Maintain frequency of galleta grass at 24%, Indian ricegrass (ORHY) at 31%, sand dropseed (SPCR) at 32%, bud sagebrush at 19% and globemallow at 53%.

Key area D: Maintain frequency of galleta grass at 40%, sand dropseed at 43% and bottlebrush squirreltail at 19%.

Key area E: Maintain frequency of galleta grass at 54%, Indian ricegrass at 19% and globemallow at 47%.

Key area F: Maintain frequency of sand dropseed at 52% and winterfat (CELA) at 72%.

These key area frequency objectives have not been met. These cannot be evaluated until comparison data is collected.

2. Manage for static to upward apparent trend in key areas A-F. (Habitat #3)

This objective has not been met. All six apparent trend transects show a downward trend in 1989.

3. Reduce the percentage of bays, blacks, browns and sorrels in the population from 75% to 45%. Increase the percentage of grays, pintos, palominos, buckskins and roans from 25% to 55% of the population. (Population #4)

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This objective has not been met. In December 1989, 94% of the horses captured were bays, blacks, browns or sorrels.

## VI. TECHNICAL RECOMMENDATIONS:

### A. Management Actions:

#### 1) VEGETATION:

- a) Construct a wild horse enclosure at Breen Creek/Silver Bow riparian area within five years of acceptance of recommendation. Conduct post construction monitoring to determine that horses which may have become accustomed to this perennial water source, have moved to other perennial water sources or continue to remain. If horses remain at this site and require water, take appropriate action to provide water or relocate horses to water within the NWHR. (Population #2)

#### 2) WATER:

- a) Conduct an intensive water inventory to identify location, accessibility and flow of any potential perennial water source not currently known within two years of acceptance of recommendation. (Habitat #4)
- b) Develop the following permanent water sources:  
  
Cliff Springs I & II, and Silver Bow Spring by September 30, 1990 and repair Tunnel and Corral Spring developments by September 30, 1993. (Habitat #4)
- c) Develop a water improvement maintenance schedule within one year of acceptance of recommendation and completion of Cliff Springs I & II, Silver Bow Spring developments. The schedule should also include all water development projects. (Habitat #4)

#### 3) WILD HORSES:

- a) Remove all horses that have established home ranges outside the NWHR by September 30, 1992. There are approximately 3,008 horses that have established home ranges outside the boundary. (Population #6)
- b) To assure that wild horses inhabiting the NWHR can obtain sufficient quantities of water on a yearlong basis to provide for sound healthy animals to maintain a thriving natural ecological balance, wherein the wild horses population is in balance with the available permanent water supply, establish a wild horse population level of 1134 for the NWHR. This will require the removal of 1363 horses from the NWHR. (Habitat #2-4, Population #1&6)
  - (1) Re-evaluate HMA short term objectives annually until a thriving ecological balance is achieved. This evaluation document would be less intensive and appended to this evaluation.



4) FUTURE CONSIDERATIONS:

- a) Construct permanent water traps at major water sources, Breen Creek/Silver Bow, lower trough Rose Spring and Cedar Well in order to control horse movement to help assure availability of forage, assist in gathering horses which have expanded their home ranges to outside of the NWHR, and research and observation to facilitate management actions to maintain a thriving ecological balance by September 30, 1997. (Population #1-2)
- b) Utilize contract and/or Bureau equipment and personnel for all wild horse removals. Consideration should be given to the most effective and efficient (cost) options, but the utmost concern must be the welfare of the wild horses.
- c) Encourage the Air Force to employ a civilian full-time wild horse specialist for all monitoring and range improvement maintenance responsibilities within the NWHR. The Caliente Resource Area, Bureau of Land Management would be responsible for scheduling project efforts.
- d) Apply for security clearances for specified members of the National Wild Horse Association to continue regular access in order to fulfill maintenance responsibilities on water developments at Rose Spring (NWHR).
- e) Investigate known literature for procedures/methods documenting birth control and determine feasibility as an alternative to removal.
- f) Maintain horse conformations in conformance with criteria developed by Ensminger (1963) to improve health and future adoptability of any horses that may be removed.
- g) Produce a video for public distribution. This could be a video tour of the Nevada Wild Horse Range that shows current conditions. The video would be updated periodically to document changes and allow the public to see wild horses and their habitat within the Nevada Wild Horse Range. Public access to this unique area is restricted by the military.
- h) Initiate periodic tours of the Nevada Wild Horse Range in order to facilitate the public's involvement in coordination, cooperation and consultation. In the absence of a tour, use a currently maintained video of the NWHR resource conditions as identified in b) above to show to groups expressing an interest.
- i) Develop a questionnaire for response by a broad range of U.S. citizens that can help the Bureau determine what the public desires in the long term management of wild horses on the public range. Possible questions could include queries as to the size, location, and public access to HMAs; field information and interpretation, horse color within geographic areas, etc..

B. Monitoring Actions:

1) VEGETATION:

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- a) Read frequency plots in 1991 to obtain trend data. Plot size must be large enough to provide a baseline frequency between 20-80% for the species observed. (Habitat #3)
- b) Continue to read utilization annually. (Habitat #2)
- c) Continue apparent trend studies on an annual basis. (Habitat #3)
- d) Initiate and complete an ecological site inventory within ten years of acceptance of recommendation.

2) **WATER:**

- a) Initially, monitor known perennial water sources flow and condition on a monthly basis beginning with June 1 1990, as data is collected and trends established, modify schedule as needed on a seasonal basis. (Habitat #4)
- b) Establish photo trend studies at the Silver Bow/Breen Creek and Cliff Springs I & II riparian areas by September 30, 1990. (Habitat #2)

3) **WILD HORSES:**

- a) Continue winter and summer censuses. (Population #1-3)

C. **T & E Section 7 Consultation:**

No threatened or endangered species are known to occur on the Nevada Wild Horse Range or Nellis Air Force Range. Therefore no section 7 consultation has been completed.

**VII. CONSULTATIONS:**

This AIE has been reviewed by appropriate staff specialists within the Las Vegas District and Caliente Resource Area. Participation by affected interests in relation to this AIE has been solicited.

**VIII. MANAGEMENT ACTION SELECTED:**

- A. Management Action Identified:

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NEVADA WILD HORSE RANGE EVALUATION  
1990 Addendum

Table 1. Current Water Nevada Wild Horse Range August 1990.

Source	Rate	Gal/Day	#Horses	Comments
Cedar Well	3 C/min	259	25	
Rose Spring	2 gal/min	2880	288	
Corral Spring	1.9 qt/min	702	70	
Tunnel	1.5 C/min	135	13	
Silver Bow Source	1 gal/min	1440	144	estimated rate
Silver Bow Trough	1 gal/min	1440	144	
Harleys Spring	1gal/min	1440	144	estimated rate
Cedar Pass Spring	2 C/min	180	18	estimated rate
Cliff Spring	2 gal/min	2880	288	estimated rate
Totals			1134	

Table 1 is the most current water information available for the Nevada Wild Horse Range. Sufficient perennial water exists to water 1134 horses.

Table 2. Nellis Air Force Range Census August 1990.

Area	#Horses	
	Young	Adult
Goldfield/ Mudlake	29	262
Cactus/Gold Flat	217	2840
Kawich	41	660
Stonewall	26	227
Totals	313	3989
Grand Total	4302	

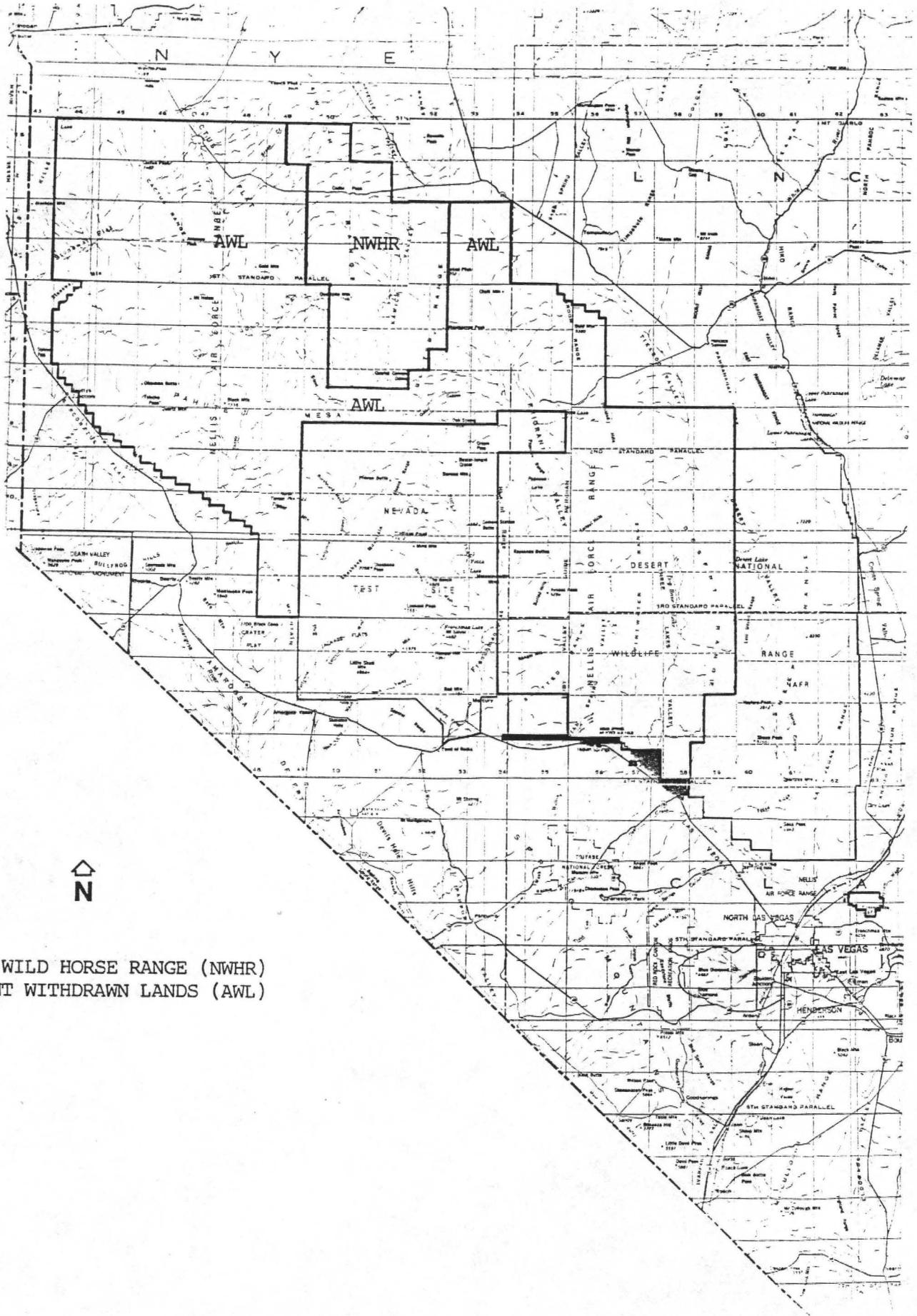
Table 2 shows the most current census data. Within the Nevada Wild Horse Range 1,098 horses were counted. At the time the census was conducted ephemeral water was available. As a result the wild horses were dispersed away from perennial water sources. The number of horses counted within the Nevada Wild Horse Range is a reflection of this dispersal since the majority of the perennial water sources are contained within the Nevada Wild Horse Range.

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APPENDICIES





NEVADA WILD HORSE RANGE (NWHR)  
 ADJACENT WITHDRAWN LANDS (AWL)

Recommended Scores for Evaluating Body Condition in Wild Horses\*

1. Poor - starving - survival questioned during stress. No palpable fat cover along backbone or ribs.
2. Very Thin - some fat present over backbone but no fat cover over ribs.
3. Thin - fat along backbone and slight amount of fat cover over ribs.
4. Borderline - fat along backbone and some fat cover over ribs.
5. Moderate - generally good overall appearance. Fat cover over ribs feels spongy.
6. Moderate to Good - spongy fat cover over ribs and fat beginning to be palpable around tailhead.
7. Good - fleshy - spongy fat cover over ribs and fat around tailhead.
8. Fat - very fleshy - large fat deposits over ribs, around tailhead and below vulva.
9. Extremely Fat - extremely wasty and patchy - extremely over-conditioned.

\* Adapted from: Wiltbank (1986).

PAHUTE 1 -		PRECIPITATION							
MONTH	1982	1983	1984	1985	1986	1987	1988	1989	
January	0.28	1.12	0.05	0.0	0.99	M	M	M	
February	0.1	1.08	0.03	0.0	0.62	M	M	M	
March	1.57	2.98	0.02	0.41	0.65	1.54	M	0.34	
April	0.17	1.0	0.28	0.0	0.39	0.36	1.63	0.0	
May	0.56	0.32	0.0	0.08	0.06	2.38	0.58	1.0	
June	1.41	0.0	0.01	0.0	0.0	0.45	0.51	M	
July	1.25	0.0	3.29	0.55	0.66	1.27	M	0.0	
August	0.39	0.0	0.0	0.0	0.85	0.06	0.91	1.06	
September	1.98	0.0	0.1	0.42	0.07	0.08	0.22	0.13	
October	0.65	0.0	0.18	0.23	0.57	1.63	0.0	0.06	
November	0.84	0.0	0.59	0.58	0.44	2.13	0.15	0.0	
December	0.11	0.0	0.48	0.21	M	M	M	0.0	
TOTAL	9.31	6.5	5.03	2.48	5.3M	9.9M	4M	2.59M	

Station Average = 6.3 inches

M = Insufficient or partial data. M is appended to average and/or total values computed with 1-9 daily values missing. M appears alone if 10 or more daily values are missing. (NOAA)

GOLDFIELD NOAA AVE-START YR 1948, END YR 1988

!MONTH!	1982	1983	1984	1985	1986	1987	1988	1989	!NOAA AVG!
! JAN !	0.29	1.11	M	M	1.10	0.85	0.54	M	0.64
! FEB !	0.02	0.44	M	M	0.89	0.01M	0.46	0.38M	0.73
! MAR !	1.61	2.75	M	M	0.39	M	M	M	0.66
! APR !	0.44	0.92	M	M	0.45	M	3.16	0.00	0.52
! MAY !	0.15	0.05	M	0.00	0.00	2.57	0.15	1.82	0.54
! JUN !	0.72	0.00	M	0.00	0.00	0.05	1.30	0.94	0.35
! JUL !	1.05	M	M	M	0.03	0.16	0.03	0.02	0.49
! AUG !	1.12	M	M	0.00	0.74	0.32	1.45	1.48	0.48
! SEP !	0.28	M	M	0.55	0.00	0.03	0.55	0.36	0.61
! OCT !	0.39	0.04M	M	1.27	0.12	1.08	0.00	0.00	0.52
! NOV !	0.92	M	M	0.06	0.00	1.76	0.05	T	0.47
! DEC !	0.76	0.33	M	0.30	0.14	0.37M	0.35	0.00	0.27
!TOTAL!	7.75	5.64M	M	2.18M	3.86	7.20M	8.04	5.00	6.28

TONOPAH NOAA AVE-START YR 1954, END YEAR 1988

!MONTH!	1982	1983	1984	1985	1986	1987	1988	1989	!NOAA AVG!
! JAN !	0.57	1.09	0.04	0.54	M	0.47	0.57	0.17	0.34
! FEB !	0.17	0.66	0.02	0.14	M	0.51	0.14	0.38	0.47
! MAR !	0.78	2.21	0.08	0.43	M	1.33	0.16	0.21	0.46
! APR !	0.24	0.90	0.06	0.00	M	1.20	2.13	0.08	0.35
! MAY !	0.00	0.00	0.01	0.11	M	1.97	0.14	1.04	0.58
! JUN !	0.22	0.00	0.77	0.04	M	0.47	0.15	0.51	0.31
! JUL !	1.42	0.00	2.33	2.49	0.30	0.02	0.22	0.04	0.65
! AUG !	0.31	2.65	1.76	0.00	0.20	0.01	1.15	0.26	0.57
! SEP !	0.36	0.31	0.70	0.29	0.03	0.00	0.34	0.29	0.47
! OCT !	0.92	0.25	0.31	0.91	0.08	0.75	0.06	M	0.42
! NOV !	1.07	1.17	0.17	0.68	0.34	0.91	0.24	0.02	0.50
! DEC !	0.13	0.40	0.70	0.33	0.80	0.69	0.37	0.00	0.27
!TOTAL!	6.19	9.64	6.95	5.96	1.75	8.33	5.67	3.00	5.38

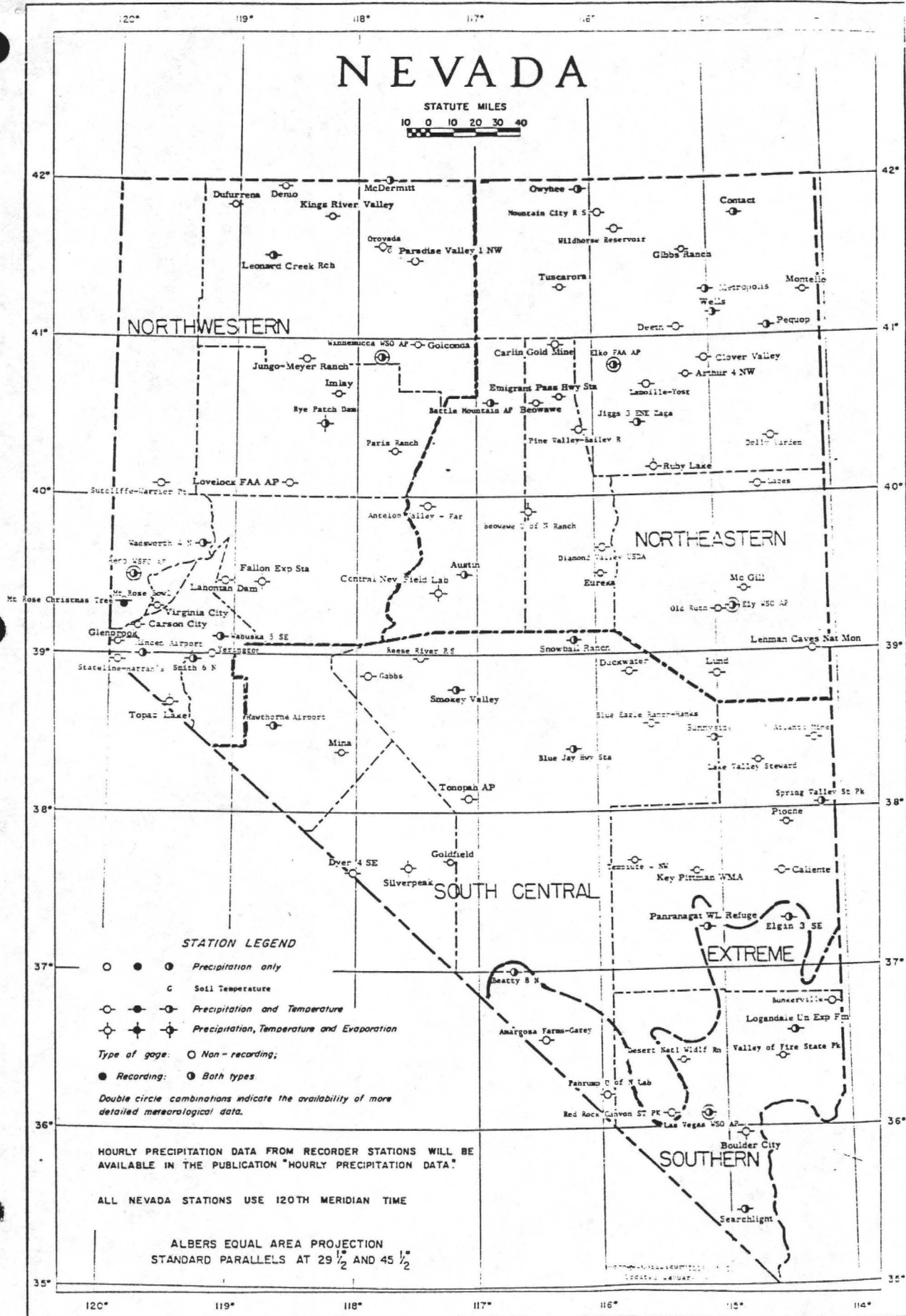
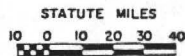
TWIN SPRINGS-FALLINI NOAA AVE-START YR 1986, END YR 1988

!MONTH!	1985	1986	1987	1988	1989	!NOAA AVG!
! JAN !		0.80	0.20	0.82	0.12	0.61
! FEB !		0.00	0.20	0.27	0.74	0.16
! MAR !		0.21	0.97	1.16	0.10	0.78
! APR !		0.15	0.54	1.69	0.00	0.79
! MAY !		0.00	1.34	0.51	2.97	0.62
! JUN !		0.00	0.00	0.55	1.02	0.18
! JUL !		0.45	0.42	0.00	0.01	0.29
! AUG !		1.03	0.00	1.51	0.96	0.85
! SEP !		0.00	0.00	0.32	0.00	0.11
! OCT !	1.00	0.45	2.00	0.10	0.00	0.85
! NOV !	0.10M	0.10	1.98	0.36	0.00	0.81
! DEC !	0.00	0.20	M	0.34	0.00	0.27
!TOTAL!	1.10M	3.39	7.65M	7.63	5.92	6.32

M=Insufficient or partial data. M is appended to average and/or total values computed with 1-9 daily values missing. M appears alone if 10 or more daily values are missing.



# NEVADA



### STATION LEGEND

- ● ● Precipitation only
  - c Soil Temperature
  - ● ○ Precipitation and Temperature
  - ● ○ Precipitation, Temperature and Evaporation
- Type of gage: ○ Non-recording;  
● Recording; ● Both types

Double circle combinations indicate the availability of more detailed meteorological data.

HOURLY PRECIPITATION DATA FROM RECORDER STATIONS WILL BE AVAILABLE IN THE PUBLICATION "HOURLY PRECIPITATION DATA."

ALL NEVADA STATIONS USE 120TH MERIDIAN TIME

ALBERS EQUAL AREA PROJECTION  
STANDARD PARALLELS AT 29 1/2 AND 45 1/2

120°

119°

118°

117°

116°

115°

114°

35°

36°

37°

38°

39°

40°

41°

42°

42°

41°

40°

39°

38°

37°

36°

35°

Response to the Commission for the Preservation of Wild Horses' February 23, 1990 protest (attached) of the Nellis Air Force Range Proposed Resource Plan and Final Environmental Impact Statement. The protest contains five points which are addressed below.

1. "The 1971 area of use by wild horses has never been established as required by law."

There are two laws which determine how wild horses are to be managed within the Nellis Air Force Range: The Wild Horse and Burro Act of 1971, PL 92-195 (attached) and The Military Lands Withdrawal Act of 1986, PL-99-606 (attached).

The Wild Horse and Burro Act directs the Bureau of Land Management (BLM) to consider wild horses in areas where they were found at the time of the Act as an integral part of the national system of public lands and to enter into agreements with other agencies when wild horses use lands under their jurisdiction (p.1,3).

The Military Lands Withdrawal Act established the Nellis Air Force Range comprising approximately 2,945,000 acres within Clark, Nye and Lincoln Counties, Nevada (p.1). The Nellis Air Force Range was established for the primary purpose of armament and high hazard testing, training for aerial gunnery, rocketry, electronic warfare, tactical maneuvering and air support, and other defense related purposes (p.1).

The Military Lands Withdrawal Act also directed the Secretary of the Interior to develop a plan for management of the withdrawn area (p.4). The "Nellis Air Force Range Proposed Resource Plan" has been prepared to fulfil that legal mandate.

Section 3 (a) (1) of the Military Lands Withdrawal Act states in part that "During the period of the withdrawal, the Secretary of the Interior shall manage the lands withdrawn ... pursuant to the Federal Land Policy and Management Act of 1976 ... other applicable law ... and this Act.". Section 3 (a) (2) states that "To the extent consistent with applicable law and Executive orders, the lands withdrawn under Section 1 may be managed in a manner permitting - (A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this act; (B) protection of wildlife and wildlife habitat; (C) control of predatory and other animals; (D) recreation; and (E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities."

Section 3 (a) (3) (A) and (B) state that "All nonmilitary use of such lands, other than the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this Act. The Secretary of the interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such land only with the concurrence of the Secretary of the military department concerned."

Management of horses within the 394,500 acre Nevada Wild Horse Range as presented in the "Nellis Air Force Range Proposed Resource Plan" is a unique situation. Wild Horse distribution at the time of the Wild Horse and Burro Act has been considered given the constraint that military use is the primary purpose of the entire Nellis Air Force Range. The U.S. Air Force in conformance with the Military Lands Withdraw Act, concurs with the use of the 394,500 acre Nevada Wild Horse Range for the management of wild horses and their habitat by the BLM.

The Nevada Wild Horse Range boundaries were established in 1973 by Cooperative Agreement (attached) to fulfill the provisions of the Wild Horse and Burro Act. The Agreement allowed for use by wild horses in a portion of the Nellis Air Force Range compatible with military use within and adjacent to the Nevada Wild Horse Range. In letters to the Bureau of Land Management, dated June 9, 1986 and July 19, 1990 (attached), the Air Force restate their concurrence with the management of wild horses only within the Nevada Wild Horse Range.

The 1985 Nevada Wild Horse Range Herd Area Management Plan (attached) derived from the 1973 Cooperative Agreement between the BLM and the U.S. Air Force was prepared specifically to manage wild horses within the Nevada Wild Horse Range consistent with the U.S. Air Force use of the area. The herd area management plan states that "The overall objectives are to maintain and manage populations of wild, free-roaming horses on the NWHR as recognized components secondary only to the primary uses the area was withdrawn for." (p.1). The Nevada Wild Horse Range Herd Area Management Plan was developed through a Consultation and Coordination Committee comprised of interest groups and State and Federal Government Agencies (p.2).

The objective "To maintain and manage populations of wild, free-roaming horses only on the Nevada Wild Horse Range", presented in the "Nellis Air Force Range Proposed Resource Plan" (p.2-2), is consistent with both laws.

2. "The Five-Party Cooperative Agreement stipulates where horses will be managed - which is throughout the Nellis Range Complex where they existed in 1971."

The 1977 Five-Party Cooperative Agreement (attached) provides for the BLM to conduct an annual census, determine population trends and take actions necessary for maintaining populations at a level determined by the management plan. The Agreement also calls for all parties to conduct resource inventories and develop a resource management plan. The Five-Party Cooperative Agreement does not contain any direction specific to the area or boundaries for wild horse management.

3. "The Proposed Resource Plan fails to address where horses existed in 1971 as an issue of the plan."

The Bureau planning regulations 43 CFR 1610.3-2(a) (attached) require that "...resource management plans...shall be consistent with officially approved or adopted resource related plans, and the policies and programs...of other Federal agencies.". Areas outside the NWHR have not been addressed because they would not meet this consistency requirement.

4. "The "Nevada Wild Horse Range" was eliminated by passage of the 1971 Wild Horse and Burro Act."

The Nevada Wild Horse Range boundaries were established in 1973 by Cooperative Agreement to fulfill the provisions of the Wild Horse and Burro Act. Refer to response #1 above.

The Nevada Wild Horse Range boundary complies with the Wild Horse and Burro Act of 1971 and the Military Lands Withdraw Act of 1986.

5. "The document fails to address the impacts to the wild horses of the elimination of over one million acres of habitat."

The "Nellis Air Force Range Proposed Resource Plan and Final Environmental Impact Statement" does not remove any wild horse habitat. The documents propose to maintain the 394,500 acre Nevada Wild Horse Management Area.



Response to the Animal Protection Institute (API) of America's February 9, 1990 protest (attached) of the Nellis Air Force Range Proposed Resource Plan and Final Environmental Impact Statement. The protest contains two points which are addressed below.

1. "We protest the RMP decision to recognize only the old, obsolete Nevada Wild Horse Range as the HMA."

There are two laws which determine how wild horses are to be managed within the Nellis Air Force Range: The Wild Horse and Burro Act of 1971, PL 92-195 (attached) and The Military Lands Withdrawal Act of 1986, PL-99-606 (attached).

The Wild Horse and Burro Act directs the Bureau of Land Management (BLM) to consider wild horses in areas where they were found at the time of the Act as an integral part of the national system of public lands and to enter into agreements with other agencies when wild horses use lands under their jurisdiction (p.1, 3).

The Military Lands Withdrawal Act established the Nellis Air Force Range comprising approximately 2,945,000 acres within Clark, Nye and Lincoln Counties, Nevada (p.1). The Nellis Air Force Range was established for the primary purpose of armament and high hazard testing, training for aerial gunnery, rocketry, electronic warfare, tactical maneuvering and air support, and other defense related purposes (p.1).

The Military Lands Withdrawal Act also directed the Secretary of the Interior to develop a plan for management of the withdrawn area (p.4). The "Nellis Air Force Range Proposed Resource Plan" has been prepared to fulfill that legal mandate.

Section 3 (a) (1) of the Military Lands Withdrawal Act states in part that "During the period of the withdrawal, the Secretary of the Interior shall manage the lands withdrawn ... pursuant to the Federal Land Policy and Management Act of 1976 ... other applicable law ... and this Act.". Section 3 (a) (2) states that "To the extent consistent with applicable law and Executive orders, the lands withdrawn under Section 1 may be managed in a manner permitting - (A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this act; (B) protection of wildlife and wildlife habitat; (C) control of predatory and other animals; (D) recreation; and (E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities."

Section 3 (a) (3) (A) and (B) state that "All nonmilitary use of such lands, other than the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this Act.

The Secretary of the interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such land only with the concurrence of the Secretary of the military department concerned."

Management of horses within the 394,500 acre Nevada Wild Horse Range as presented in the "Nellis Air Force Range Proposed Resource Plan" is a unique situation. Wild Horse distribution at the time of the Wild Horse and Burro Act has been considered given the constraint that military use is the primary purpose of the entire Nellis Air Force Range. The U.S. Air Force in conformance with the Military Lands Withdraw Act, concurs with the use of the 394,500 acre Nevada Wild Horse Range for the management of wild horses and their habitat by the BLM.

The Nevada Wild Horse Range boundaries were established in 1973 by Cooperative Agreement to fulfil the provisions of the Wild Horse and Burro Act. The Agreement allowed for use by wild horses in a portion of the Nellis Air Force Range compatible with military use within and adjacent to the Nevada Wild Horse Range. The Bureau planning regulations 43 CFR 1610.3-2(a) (attached) require that "...resource management plans...shall be consistent with officially approved or adopted resource related plans, and the policies and programs...of other Federal agencies." The Nevada Wild Horse Range boundaries meet with these consistency requirements.

The 1985 Nevada Wild Horse Range Herd Area Management Plan (attached) derived from the 1973 Cooperative Agreement (attached) between the BLM and the U.S. Air Force was prepared specifically to manage wild horses within the Nevada Wild Horse Range consistent with the U.S. Air Force use of the area. The herd area management plan states that "The overall objectives are to maintain and manage populations of wild, free-roaming horses on the NWHR as recognized components secondary only to the primary uses the area was withdrawn for." (p.1). The Nevada Wild Horse Range Herd Area Management Plan was developed through a Consultation and Coordination Committee comprised of interest groups and State and Federal Government Agencies (p.2). In letters to the Bureau of Land Management, dated June 9, 1986 and July 19, 1990 (attached), the Air Force restates their concurrence with the management of wild horses only within the Nevada Wild Horse Range.

The objective "To maintain and manage populations of wild, free-roaming horses only on the Nevada Wild Horse Range", presented in the "Nellis Air Force Range Proposed Resource Plan" (p.2-2) is consistent with the Wild horse and Burro Act and the Military Lands Withdrawal Act. The Nellis Air Force Range Proposed Resource Plan does not eliminate or change any portion of the Nevada Wild Horse Range Herd Management Area.

API states that the 1977 Five-Party Cooperative Agreement (attached) was developed to identify where horses were to be managed. The 1977 Five-Party Cooperative Agreement provides for the BLM to conduct an annual census, determine population trends and take actions necessary for maintaining populations at a level determined by the management plan. The Agreement also calls for all parties to conduct resource inventories and develop a resource management plan. The Five-Party Cooperative Agreement does not contain any direction specific to the area or boundaries for wild horse management.

2. "We protest the fact that objectives for wild horses do not implement the IBLA order."

The Nellis Air Force Range Proposed Resource Plan wild horse objectives state:

"To maintain and manage populations of wild, free-roaming horses only on the Nevada Wild Horse Range." (p.2-2).

"To maintain the Nellis Air Force Range as a burro-free area." (p.2-2).

These objectives are in conformance with the Wild Horse and Burro Act, the Military Lands Withdrawal Act, and planning regulations as discussed above. The June 7, 1989 Interior Board of Land Appeals (IBLA) decision (attached) focused on the establishment of AMLs and implementation of gathering plans, but did recognize the Nevada Wild Horse Range as a herd management area.

"To achieve a thriving ecological balance consistent with other resource values."

This objective complies with the Wild Horse and Burro Act and the June 7, 1989 IBLA decision. The Bureau has conducted a formal evaluation of resource data within the Nevada Wild Horse Range. The evaluation proposes an AML of 1,134 horses within the Nevada Wild Horse Range. The AML is as an optimum number of horses which will maintain the range in a thriving natural ecological balance and prevent deterioration of the range. The evaluation includes management actions required to meet herd management area plan objectives. These actions include the removal of excess wild horses to achieve and maintain the 1,134 population level, the removal of horses that have established home ranges outside of the Nevada Wild Horse Range, and reconstruction of two spring developments, the new development of one spring and the repair of two spring developments.

Consistent with the June 7, 1989 decision by the Interior Board of Land Appeals, the appropriate management level (AML) of 997 for the Nevada Wild Horse Range "constitutes the optimum number of wild horses which will maintain the range in a thriving natural ecological balance and prevent deterioration of the range."



# ANIMAL PROTECTION INSTITUTE OF AMERICA

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*Handwritten notes:*  
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1/2

February 9, 1990

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CLAUDE  
*Courtesy of Kincaid*

Cy Jamison  
Director  
Bureau of Land Management  
Department of Interior  
Washington, DC 20240

PROTEST: Nellis RMP

Dear Director:

API is writing to protest the final version of the Resource Management Plan for the Nellis Range Complex. The RMP supports a decision to eliminate wild horse habitat, clearly identified as WHERE HORSES EXISTED IN 1971 and where BLM agreed to manage and protect them. We were not given proper notice of that decision. Attached is a copy of the July 1988 public notice explaining the need for preparing the Nellis RMP, the schedule of events in the process, and the issues to be addressed (Attachment A). The opening paragraph says the plan is to be consistent with applicable law--which includes the 1971 Wild, Free-Roaming Horse and Burro Protection Act. Page 3 lists management concerns that will be addressed in the proposed plan. Thirteen planning criteria are listed. It does not refer to setting or changing boundaries, eliminating habitat area, making changes in the size of the area identified as the 1971 habitat area, or amending the 5-Party Agreement.

I am also attaching a copy of the synopsis of the 5-Party agreement contained in the proposed RMP document (Attachment B). This synopsis relates that the old "Nevada Wild Horse Range" (some 300,000 acres in size) became null, void, and obsolete when the Act was passed. Because the law required BLM to manage and protect wild horses/burros in the areas where they were found at the time of the law (e.g. December 15, 1971), a new 5-Party agreement had to be written to comply with the fact horses were found throughout the Nellis Range Complex (NRC). The 5-Party Agreement was specifically re-written to identify where horses were to be managed and protected. It names the areas of the NRC.



Between 1971 and 1989, the "Nevada Wild Horse Range" was simply an area within the Nellis Complex of local historical interest because it described the intent of the people of Nevada to save wild horses in Nevada before federal legislation was passed. Only local people may have continued to refer to it as the Nevada Wild Horse Range. So common is the use of the term "Nellis" to identify the area--e.g., the Nellis Wild Horse Area, the Nellis wild horses, etc. --that we were amazed when we looked back at the 1985 HMAP to see it entitled the "Nevada Wild Horse Range Herd Management Area" on the cover sheet.

In June 1980, BLM led a field trip for the interested and affected public. API participated. The field report of our staff member is attached hereto. At this time, our staff gave no indication that he was being shown all of the area nor did he express any hint that half of the area was being eliminated by this on-site tour of the northern portion of the NRC. Neither the number of acres or the boundary was discussed or questioned. It was not an issue.

The 1985 Herd Management Area Plan contains the first reference to a "C and C Area" as part of the NRC. The old "Nevada Wild Horse Range" is a portion of this "C & C" area. There is no authority either statutory or regulatory or in the program guidance for something called a "C & C" area. There is no definition of what exactly a "C and C" area means. It is simply a designation of a portion of the NRC. Because of the pre-1986 shroud of military secrecy surrounding Nellis this appeared to us to describe the area of the 1980 field trip. API, as an interested and affected party to the management of wild horses in the NRC, participated in the 1980 field trip, but we were never part of a "C and C" committee.

The "C and C" group does not have power and authority to override the law and the 5-Party Agreement that declares where BLM will manage wild horses. BLM offers no documentation for the assertion that the "C and C" group decided to eliminate habitat area, change the boundary, or decide to resurrect the old Nevada Wild Horse Range. This was a major action. There appears to be no record of it.

The 1985 Environmental Assessment (NV 057-4-05) accompanying the 1985 HMAP analyzes the impact of the plan on the NRC. It refers to horses expanding their home range beyond the old "Nevada Wild Horse Range"--but no date is given. One must assume, and we contend, this so-called "expansion" occurred well before the 1971 Act. The 5-Party Agreement supports that contention. The reason the 5-Party Agreement was re-written was to accommodate that fact. BLM entered into an agreement that said exactly where wild horses were to be managed and protected. That agreement is the official document. It recognizes that horses existed beyond the boundaries of the old "Nevada Wild Horse Range" at the time of the law. In fact horses were throughout the NRC.

The EA invites individuals to view the proposed Military Land Withdrawal Act and it lists certain conflicts involving Sandia Lab vehicular/horse collisions. The Military Land Withdrawal Act [Sec. 1(b)(2)] states that the lands referred to as the withdrawn lands comprise 2,945,000 acres. These are the lands covered by the 5-Party Agreement for where wild horses are to be managed and protected.

No where in this 1985 document or in the Administrative records related to Nellis is there a reference to a boundary change or a proposal to change boundaries or an amendment to the 5-Party Agreement. There is no documentation of a "C and C" committee agreement related to boundary changes.

No where in the 1989 proposed RMP is there a reference to a boundary change, the elimination of habitat area, or an amendment to the 5-Party Agreement. The attached page from BLM's own program guidance on setting boundaries refers to the designation of a boundary as a very significant event. It would be one that needs a very clear explanation to interested and affected parties. BLM is obligated to tell us exactly what action is being undertaken and exactly what changes are being made. None of this was done--the very opposite is the case.

The actions surrounding the boundary change are draped in confusion and obscure references in ways designed to purposely delude, mislead, and deceive us. In the 1989 proposed RMP, there is confusion whether the area covered by the 5-Party Agreement is the 2,945,000 million acres of withdrawn land referred to in the Military Land Withdrawal Act or if it is the 3,035,326 million acres currently identified as the Nellis Air Force Range. But there is absolutely no confusion with regard to the fact that the old "Nevada Wild Horse Range" (NWHR) of some 300,000 acres became obsolete in 1971.

The only reference in the text of the 1989 document that hints that there is a boundary change and elimination of 1.5 million acres of habitat is on Page 3-7. This statement was made in a paragraph of confusion and misstatements--which were later corrected in the Errata Section of the final version.

Since the 5-Party Agreement is the document identifying the 1971 use area and was not changed by the 1985 HMAP, this one sentence--like the remaining sentences in the paragraph--is wrong. But the entire paragraph is purposely made confusing. The one sentence is the very crux of the entire purpose of the RMP!

Another example, of confusion, obfuscation, and deception is found in the Table in the proposed 1989 RMP which lists the impacts on the resources of the action/no-action alternatives. This is the only clear indication that IN FACT the difference between the action/no action is the elimination of 1.5 million

acres of habitat lands. This reference of to the no-action as allowing horses to utilize 1,784,000 acres contradicts the above statement in the text on Page 3-7 and makes it very clear that in fact there is a major action being undertaken.

In the final version of the RMP, the preferred alternative versus the No action alternative lists 69 items that were examined as being impacted by the action. Of these 47 remain the same; 12 have to do with fencing riparian areas or with cultural resources. The Wild Horse Section of the Table (S-2 and S-3) compares the impact of the no action and the preferred alternative as:

(1) Managing according to the 5-Party Agreement=SAME IN BOTH ALTERNATIVES; (2) Gather horses to AMLs=SAME IN BOTH; (3) Develop at least 6 waters=SAME IN BOTH; (4) Remove all burros=SAME IN BOTH.

(2) The No action will relocate wild horses v the preferred action of removing all wild horse outside the NWHR;

(3) The preferred alternative lists three additional actions that are not applicable to the "No Action;" plus the need to amend NWHR HMAP and fence up to 75 miles of the boundary, and if necessary fence up to 125 miles of NWHR boundary.

Of these impacts only No 2 above hints at the major change that took place. In the final RMP, it is only under the section entitled Vegetation in the Table that there is a clear reference to the elimination of habitat area for wild horses.

Furthermore the intent to gather horses "to AML" does not implement the recent IBLA order to determine optimum numbers and remove wild horses to achieve and maintain a thriving ecological balance of the natural system.

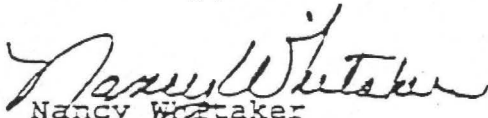
We believe the intention is to confuse and obfuscate. The intention is to get around the law. API contends this action violates the law. We contend a major change occurred without proper notification of affected parties. We contend that the 5-Party Agreement is the document that identifies where BLM is to protect and manage horses. We protest the RMP decision to recognize only the old, obsolete Nevada Wild Horse Range as the HMA. We protest the fact that objectives for wild horses do not implement the IBLA order. We ask that you require Nevada BLM to recognize the area identified by the 5-Party Agreement. We ask that you require Nevada BLM to implement the IBLA order to monitor wild horses to determine optimum numbers, to determine the carrying capacity of the area, and to establish objectives and a monitoring schedule and time frame.

API plans to testify at the FY-91 Appropriations hearings and we intend to request special funding for monitoring and inven-

torying Nellis to develop a proper HMAP and RMP for the entire withdrawn lands. We believe that the Nellis area offers a unique opportunity for wild horse groups and BLM to work cooperatively toward establishing objectives and monitoring schedules in an area without livestock conflicts.

We don't know what is the carrying capacity of the NRC or what possible restoration projects or population adjustments might be needed but we believe we can work with Nevada BLM despite our vigorous protesting above. In fact, we applauded BLM's final monitoring solution to work out the number of horses in the recent emergency removal at Nellis. We felt, at that time, that the Nevada State Office was very open, reasonable and in search of best solutions. We believe this final RMP simply carries over the underhanded policies from the past eight years and generates suspicion and distrust when there is an opportunity for changing that.

Sincerely,

  
Nancy Whitaker  
Program Assistant

NW:bms



BOB MILLER  
Acting Governor

STATE OF NEVADA

TERRI JAY  
Executive Director



COMMISSION FOR THE  
PRESERVATION OF WILD HORSES

Stewart Facility  
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February 23, 1990

Cy Jamison, Director  
Bureau of Land Management  
U.S. Department of the Interior  
18th & C Streets NW  
Washington, D. C. 20240

Dear Director Jamison,

The Commission for the Preservation of Wild Horses is writing to protest the final Nellis Air Force Range Proposed Resource Plan and Final Environmental Impact Statement. The RMP proposes to eliminate a substantial portion of wild horse habitat, habitat that has been clearly identified as 1971 area of use.

The Commission is mandated by the Nevada Revised Statutes (NRS 504.470(1.)), to (a) "Promote the management and protection of wild horses;" (g) "Monitor the activities of state and federal agencies, including the military, which affect wild horses;" and (h) "Participate in programs designed to encourage the protection and management of wild horses." Therefore, we are an interested and effected party.

We protest the content of the Proposed Resource Plan and Final EIS in the following parts of the document:

- 1) Table S-2 - Summary of Impacts To Vegetation, Wildlife, and Wild Horses
- 2) Chapter 1, Introduction, Planning Process Overview, Issue 3 - Wild Horse and Burro Management
- 3) Chapter 2, Proposed Resource Plan Issue 3: Wild Horses
- 4) Chapter 3, Revisions and Errata for Chapter 2, Chapter 3 - references to population number and levels; Chapter 4, all references to population numbers and levels due to new estimates of only 3000 wild horses.

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In our comments, we questioned WHAT is the Nevada Wild Horse Range, as several maps that we have received, all from BLM, show different areas. I feel the response we received in the final version, inadequately addresses the question we raised. (See Comment Letter 5 and Response, page 4-30 through 4-37) I feel the response, "as recognized by BLM," does little to eliminate the confusion between the 1971 area of use (as required by law), and what is being proposed as where horses will be managed.

In the Proposed RMP and Final EIS, the true impacts of the elimination of over one million acres of habitat are not listed under impacts to wild horses, but under impacts to vegetation and wildlife. (See Table 5-2, pages S-4 and S-5)

On page 2-2, Issue 3: Wild Horses, Objectives: There is no legal justification for managing wild horses ONLY on the Nevada Wild Horse Range. Also, on page 2-2 of the same document, Management Direction for wild horses, item 3 states, "Develop and implement a gathering plan for the removal of all wild horses outside the Nevada Wild Horse Range Herd Management Area."

It is our understanding that under CFR, 4710-1 "Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans..."

We have been unable to locate either an MFP or RMP. Therefore, we must assume that the 1971 area of use as required by law has never been established. Any management direction toward removing horses outside of the Herd Management Area is invalid since no 1971 area of use has EVER been established.

According to the Wild Horse and Burro Act, wild horses shall be considered IN THE AREA WHERE PRESENTLY FOUND (at passage of the act.)

The CFRs also define "Herd Area" as the "geographic area identified as having been used by a herd as its habitat in 1971". A BLM document (4112.18 N-600), dated May 14, 1970, states, "A substantial population of horses were found in the northern portion of the range and the area adjacent to it. In actuality, the bulk of the horses' range is either not used or is lightly used by the horses. The bulk of the horses heavily use the north end of the Kawich range and the valleys on the east and west sides. This is mostly outside of the horse range and partly outside of the bombing range boundary."

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Comments were also noted that, "Horses would make greater use of the portions of the bombing range with decreased use from trespass livestock and improved water." And, "This area could support many more horses."

In a report of the 1971 Bombing Range Meeting, called by Colonel Drake of the USAF, the comment was made that, "Cattle use has forced wild horses off the Wild Horse Range to the west and north."

Here we have two specific instances that demonstrate that wild horses existed outside of the Nevada Wild Horse Range at passage of the Act.

In discussing the boundary issue with the Area Manager, Curtis Tucker, Mr. Tucker explained that they (BLM) do not have the money or manpower to manage wild horses where they existed in 1971, which is throughout the Nellis Range Complex. Lack of money or manpower is not an excuse to deny wild horses of habitat they are entitled to by law.

This excuse may also be the reason the local BLM wishes to reduce the area for horses. If money and manpower are constraints, then this will limit the amount of essential monitoring data that will be gathering. No monitoring data, no removal. But, if a smaller area was designated for wild horses, then all horses outside of the boundary become fair game for removal, without the data required for herd area removals. This is unacceptable.

The Commission is also concerned that proper notice was not given on a decision that has serious ramifications for the wild horses. The July 1988 scoping document, which lists the reasons for the preparation of the Nellis RMP, also lists the issues to be addressed. It does not list changing boundaries nor does it list elimination of over one million acres of wild horse habitat.

Public Law 99-606, otherwise known as the Military Lands Withdrawal Act, stipulates that this RMP shall be developed AND shall "be consistent with applicable law." This includes the 1971 Wild Horse and Burro Act which states that "wild horses shall be managed WHERE THEY WERE FOUND AT PASSAGE OF THE ACT."

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The Five-Party Cooperative Agreement, in its statement of purpose and authority, states that the purpose is to protect, develop and manage the natural resources of fish and wildlife, vegetation, watershed and wild horses and burros ON the Nellis Air Force Range, the Nevada Test Site and Tonopah Test Range, within the purview of various laws, including the Wild Horse and Burro Act.

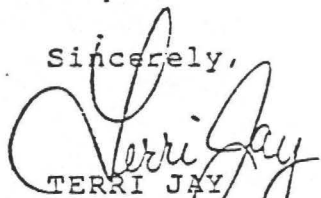
Also contained in the Draft RMP, was a "Summary of Agreements" on the Nevada Wild Horse Range. This title in itself is a misnomer since it specifically states in the November 12, 1973 Cooperative Agreement, ~~that it cancelled the two previous agreements (1965 and 1969) which in essence eliminated the "Nevada Wild Horse Range" and called for management of wild horses and burros under the provisions of the 1971 Act:~~

In summary, we feel that the State Director was in error in approving the Proposed Resource Plan and Final EIS for the following reasons:

- 1) The 1971 area of use by wild horses has never been established as required by law.
- 2) The Five-Party Cooperative Agreement stipulates where horses will be managed - which is throughout the Nellis Range Complex where they existed in 1971.
- 3) The Proposed Resource Plan fails to address where horses existed in 1971 as an issue of the Plan.
- 4) The "Nevada Wild Horse Range" was eliminated by passage of the 1971 Wild Horse and Burro Act.
- 5) The document fails to address the impacts to the wild horses of the elimination of over one million acres of habitat.

Thank you for the opportunity to participate in the Land Use Planning Process.

Sincerely,

  
TERRI JAY  
Executive Director