

MEMORANDUM

2-18-93

February 18, 1993

To: Gerry Colquhoun, Program Engineer

D. James

From: Daryl N. James, P.E., Supervisor
Environmental Services Division

Subject:

STP-160(7), Nye County. Along SR 160, FM 9.7 MN
Pahrump NCL to US 95. Preliminary engineering and
incidental right-of-way.

- This project is a categorical exclusion under 23 CFR 771.117 (c) (8) and requires no further NEPA processing.
- This project is a categorical exclusion under 23 CFR 771.117 (a) and (b) because it does not:
 - Induce significant impacts to planned growth or land use in the area;
 - Require the relocation of significant numbers of people; (How many? 0)
 - Have a significant impact on any natural, cultural, recreational, historic or other resources;
 - Involve significant air, noise, or water quality impacts;
 - Have significant impacts on travel patterns;
 - Otherwise, either individually or cumulatively, have any significant environmental impacts;
 - Have substantial controversy on environmental grounds;
 - Have any inconsistency with federal, state or local law, requirement or administrative determination relating to the environmental aspects of the action.

COMMENTS

Concur: *[Signature]*
NWA Nevada Division Administrator

2/26/93
Date

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

December 14, 1993

To: Wayne R. Teglia, Administrative Services Officer

Wayne R. Teglia

From: Michael W. McFall, Asst. Director (Engineering)

Subject: Project No. STP-160(7), EA 71908
SR160 fm 9.7 MN of the Pahrump NCL
to nr US 95
Fencing and Cattle Guards

The project will be processed in accord with the Certification Acceptance Plan.

The project was approved by the Director on December 14, 1993.

The final draft of the Special Provisions will be forwarded to your office on or before December 27, 1993.

Final plans will be forwarded to Reproduction for processing of small sets on or before December 27, 1993.

The Preliminary Engineering Estimate is to be submitted to Gerry Colquhoun on or before December 30, 1993 and should be forwarded to you by Programs on or before January 12, 1994.

R/W, Design and Environmental certifications are to be completed on or before January 10, 1994.

The project will be a State awarded contract.

All final contract documents are to be in your office on or before January 12, 1994.

The project will be advertised on or before January 13, 1994 for a period of 3 weeks.

cc:	R. Hill	S. Oxoby
	F. Marcucci	F. Drees
	G. Weight	G. Anderson
	J. Freeman	P. Kiser
	R. Johnson	S. Thorson
	G. Kispert	S. Martinovich
	J. Crawford, Const.	A. Soltani
	G. Colquhoun	G. McCrary
	P. Elliott	G. Bails
	S. Magruder	J. Galvan
	D. James	Frank/Gallegos
	J. Rud, FHWA	
	R. Shroyer, R/W Dist I	
	B. Hilderbrand	

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

MEMORANDUM

January 7, 1994

To: Ronald W. Hill, Deputy Director

Daryl N. James
From: Daryl N. James, P.E., Chief
Environmental Services Division

Subject:

Project Certification
Project No. STP-160(7), EA 71908
SR 160 fm 9.7 MN of the Pahrump NCL to nr US 95

Pursuant to the provisions of Certification Acceptance, the following certification is made on the above noted project.

1. 23 CFR 771 The project was classified and processed as a Categorical Exclusion; concurred by the FHWA on February 26, 1993.
2. 23 CFR 772 This project has been evaluated in accordance with established criteria and it has been determined that a detailed noise analysis will not be required.
3. Section 106 of Historic Preservation Act of 1966: The Manager of the NDOT Cultural Resource Section has recommended historic and archaeological clearance based on previous surveys. NOTE RESTRICTED AREA
4. Alternate Procedures Policy: The project is exempt from the public hearing requirements.
5. Title 49, Section 303 of DOT Act of 1966 as amended by the DOT Act of 1968 - no involvement.
6. 23 CFR 770 National and State ambient air quality standards will not be violated as a result of this project.
7. 23 CFR 650 Part B National and State water quality standards: Will not be violated as a result of this project.
8. 7 CFR 658 Farmland Protection Policy Act - exempt
9. 33 CFR 323 Section 404 of the Clean Water Act 33 USC 1344 No involvement
10. 16 USC 661-667(d) Fish & Wildlife Coordination Act Complete - October 27, 1993
11. Hazardous Waste, materials and/or substances field review not necessary.



State of Nevada
DEPARTMENT OF TRANSPORTATION
1263 South Stewart Street
Carson City, Nevada 89712

FAX COVER SHEET

DATE: July 5, 1994
TO: Cathy Barcomb
AGENCY: Wildhorse Commission
FAX NUMBER: 688-2626
PHONE NUMBER: _____

Number of Pages Transmitting 5
(Including Cover Sheet): _____

COMMENTS:

Here is everything we have. If you can't read the last page please give me a call. Also, as I stated last week Wayne Kinder at Federal Highway Administration can probably quote the CFR to you.

Thanks.

SENDER:

NAME: GARY ZUNINO
AGENCY: ADOT
FAX NUMBER: 687-4846
PHONE NUMBER: 687-5605

DOES SENDER WANT DOCUMENTS RETURNED TO THEM?

YES _____ NO X

§ 771.117

23 CFR Ch. I (4-1-93 Edition)

Federal H

(b) *Class II (CEs)*. Actions that do not individually or cumulative have a significant environmental effect are excluded from the requirement to prepare an EA or EIS. A specific list of CEs normally not requiring NEPA documentation is set forth in § 771.117(c). When appropriately documented, additional projects may also qualify as CEs pursuant to § 771.117(d).

(c) *Class III (EAs)*. Actions in which the significance of the environmental impact is not clearly established. All actions that are not Class I or II are Class III. All actions in this class require the preparation of an EA to determine the appropriate environmental document required.

§ 771.117 Categorical exclusions.

(a) Categorical exclusions (CEs) are actions which meet the definition contained in 40 CFR 1508.4, and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.

(b) Any action which normally would be classified as a CE but could involve unusual circumstances will require the Administration, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

- (1) Significant environmental impacts;
- (2) Substantial controversy on environmental grounds;
- (3) Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or
- (4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to

the environmental aspects of the action.

(c) The following actions meet the criteria for CEs in the CEQ regulation (section 1508.4) and § 771.117(a) of this regulation and normally do not require any further NEPA approvals by the Administration:

- (1) Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 U.S.C. 307; approval of a unified work program and any findings required in the planning process pursuant to 23 U.S.C. 134; approval of statewide programs under 23 CFR part 630; approval of project concepts under 23 CFR part 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system.
- (2) Approval of utility installations along or across a transportation facility.
- (3) Construction of bicycle and pedestrian lanes, paths, and facilities.
- (4) Activities included in the State's *highway safety plan* under 23 U.S.C. 402.
- (5) Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subsequent action is not an FHWA action.
- (6) The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
- (7) Landscaping.
- (8) Installation of fencing, signs pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
- (9) Emergency repairs under 23 U.S.C. 125.
- (10) Acquisition of scenic easements.
- (11) Determination of payback under 23 CFR part 480 for property previously acquired with Federal-aid participation.
- (12) Improvements to existing rest areas and truck weigh stations.
- (13) Ridesharing activities.
- (14) Bus and rail car rehabilitation.

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23 CFR Ch. I (4-1-93 Edition)

environmental aspects of the

The following actions meet the criteria for CEs in the CEQ regulation (40 CFR 1508.4) and § 771.117(a) of this regulation and normally do not require any further NEPA approvals from the Administration:

Activities which do not involve or contribute directly to construction, such as engineering and technical studies; grants and training and research programs; research activities as defined in 23 CFR 307; approval of a unified work program and any findings required in the planning process pursuant to 23 CFR 134; approval of statewide projects under 23 CFR part 630; approval of project concepts under 23 CFR part 476; engineering to define the elements of a proposed action or alternative so that social, economic, and environmental effects can be assessed; Federal-aid system revisions to establish classes of highways on the Federal-aid highway system. Approval of utility installations or across a transportation facility.

Construction of bicycle and pedestrian lanes, paths, and facilities. Activities included in the State's day safety plan under 23 U.S.C.

Transfer of Federal lands pursuant to 23 U.S.C. 317 when the subaction is not an FHWA action.

The installation of noise barrier treatments to existing publicly owned buildings to provide for noise reduction.

Landscaping.

Installation of fencing, signs, pavement markings, small passenger cars, traffic signals, and railroad crossing devices where no substantial acquisition or traffic disruption occur.

Emergency repairs under 23 U.S.C. 125.

Acquisition of scenic easements. Determination of payback under 23 CFR part 480 for property usually acquired with Federal-aid participation.

Improvements to existing rest areas and truck weigh stations.

Ridesharing activities.

Bus and rail car rehabilitation.

Federal Highway Administration, DOT

§ 771.117

(15) Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.

(16) Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.

(17) The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.

(18) Track and railbed maintenance and improvements when carried out within the existing right-of-way.

(19) Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.

(20) Promulgation of rules, regulations, and directives.

(d) Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval. The applicant shall submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to:

(1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).

(2) Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.

(3) Bridge rehabilitation, reconstruction or replacement or the construction of grade separation to replace existing at-grade railroad crossings.

(4) Transportation corridor fringe parking facilities.

(5) Construction of new truck weigh stations or rest areas.

(6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.

(7) Approvals for changes in access control.

(8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.

(9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.

(10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.

(11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.

(12) Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act.³ Hardship and protec-

³ Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

Protective acquisition is done to prevent imminent development of a parcel which is needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
LAS VEGAS DISTRICT OFFICE
4765 VEGAS DRIVE
P.O. BOX 26569
LAS VEGAS, NEVADA 89126

IN REPLY REFER TO:

*Typed by
Dary McFadden
7-5-94*

4700/4000
(NV-053)

State of Nevada
Department of Transportation
Garth Dull, Director of Transportation
1263 S. Stewart Street
Carson City, NV 89712

JUN 22 1994

Dear Mr. Dull:

Subsequent to my letter to you dated June 14, 1994, I directed my staff to visit the right-of-way for State Route (SR) 160 from Pahrump north to Highway 95 and review the Nevada Department of Transportation's fencing efforts.

As a result of this, I would like to share some potential Bureau actions and additional recommendations and mitigation concerns that they discussed with me.

1. There are two existing six foot tall metal culverts near Johnnie on SR 160 that may be able to serve as temporary east/west access routes for burros. They are too small for wild horses.

One is located .2 mile north of mile marker 24 and the other .5 mile south.

The north culvert needs approximately 1 to 2 feet of sand/gravel removed from the east inlet.

The south culvert has been undercut and washed out leaving a 30 inch drop on the west outlet. The flow in this culvert appears to be greater than the North one. The rip-rap needs to be restored and made traversable. Additionally, a short lip welded on the outlet end of the culvert may help trap a 1 to 2 inch layer of sand/gravel providing a better walking surface.

2. The highway fencing design should funnel the horses in and out of the two culverts using a "Y" section of fence entering both sides of the culverts. The fence currently blocks access to the north culvert.

Access to these culverts is needed to mitigate short term impacts on wild burros in the Johnnie Herd Use Area of the

Mount Stirling and Last Chance Wild Horse and Burro Herd Management Areas (HMA).

3. I would direct my staff to use a combination of hay, water, and temporarily corralled burros (jennies) to attract and educate the wild burros on the use and location of these two culverts.

Due to the size difference in horses, it is not likely that this will mitigate their use of the west side of the highway in the HMA.

4. A gate or drop fence is needed at each culvert on both sides of the road to allow access for the water, corrals and jennies used for attracting burros to the culvert. My staff would be available to select the locations for these access gates. A drop fence may be more economical.

5. About .7 mile south of mile marker 24 there is a deeper wash with an existing 24 inch culvert. There is approximately a 20 foot drop from the west side and a 25 foot drop from the east side of SR 160. This may be an excellent future location for one or more 8 foot by 10 to 12 foot box culverts.

I would like a committment from NDOT to place box culverts of this kind in the appropriate drainages, with BLM technical input, at the time this section of highway is scheduled for roadway work or reconstruction.

This size culvert is essential to mitigate long term impacts to wild horses and burros.

The wild horses and burros make use of water trapped on both sides of this drainage after rainstorms. We recommend using a "Y" section of fence entering both sides of the highway. Without this, the animals are likely to be attracted to the water and breech the fence creating a safety hazard.

6. Our past experience with fencing in wild horse and burro habitat indicates a propensity for breeches. Could you send my staff the fence standards being used on the Johnnie fence for review? In our experience, when the bottom wire is too high or the top wire too low, animals can get under and go over the fence.

As I indicated in my June 14, 1994 correspondence, the use of "one-way" wild horse and burro gates will allow animals trapped on the highway an escape route. We have the design specifications for one way gates used for mule deer, should you be interested.

I appreciate your consideration and cooperation in combining public safety with the management of our wildlife and historic wild horses and burros in the Johnnie Herd Use Area.

If you have concerns or questions on this, please contact Gary Ryan or Gary McFadden at (702) 647-5000.

Sincerely,



Gary Ryan
Acting District Manager

Filed by
Gary M. Fadden
7/5/94

NOTICE OF FINAL DECISION
FULL FORCE AND EFFECT

JOHNNIE HMA EMERGENCY REMOVAL

Nevada Department of Transportation (NDOT) is fencing their right of way on State Route 160 north of Pahrump, NV., for public safety reasons. This fence will isolate approximately half of the Johnnie Herd Management Area (HMA) without any naturally occurring water. This project will impact the animals by, restricting use of approximately 50% of the HMA. If the present number of animals remain on the west side of this fence several scenarios could occur: 1) animals could be excessively stressed due to inadequate forage and water on the west side of the fence; 2) animals may become stranded against and or entangled in the fence, trying to obtain use of their habitat east of the project; 3) animals would move outside the HMA into the town of Pahrump or to the Ash Meadows a U.S. Fish & Wildlife Refuge where threatened and endangered plant species exist.

Forage, shade, and water availability within the Johnnie HMA is critically limited. Resource conditions in the primary use area on the east and west side of SR 160 are currently documented as being in a "heavy to severe" use category. From field observations of available forage and water as well as review of monitoring data, it has been determined the wild horses and burros and their habitat would be significantly impacted if all the animals are relocated within the HMA.

Therefore, approximately 25 wild horses and 200 burros must be gathered from the west side of the highway fence. Out of this total approximately 25 burros will remain on the west side with water provided from a private source (cooperative agreement). Approximately 25 will be relocated to the east side of the fence. The remaining burros will be placed into the adoption program. All wild horses 5 years old and under will be placed into the adoption program, the remainder will be relocated east of the fence. The operation will be done by helicopter and/or water trapping.

Due to the emergency nature of these conditions, it is necessary to implement this removal immediately, through a Full Force and Effect decision. This Decision will be implemented on July 6, 1994 and will continue until the action is completed. The rationale for placing this decision in Full Force and Effect are as follows:

1. The fence will critically limit the water and forage available for wild horses and burros. The construction of the NDOT fence will divide the HMA approximately in half. Insufficient water is available to sustain the current population of animals on the west side of SR 160. The

primary use area is receiving heavy to severe use on both the west and east side of SR 160. This limited forage and water availability could result in excessive stress to the animals.

- 2. If the entire herd was relocated to the east side of the HMA or 50 % of their existing habitat, habitat degradation would occur due to insufficient forage and existing heavy to severe use levels.

Emergency measures are required to prevent the existing number of horses and burros from being trapped on the west side of SR 160 by the fence and suffering potential harm or death within an area with insufficient habitat resources (water), and creating additional traffic hazards in the event the animals breach the highway fence to obtain access to the east side of SR 160. Animals trapped on the west side would be forced outside the HMA into the town of Pahrump and Ash Meadows U.S. Fish & Wildlife Refuge seeking water and forage, resulting in other resource conflicts.

Pursuant to the provision of 43 CFR 4770.3 (c), this decision is placed in Full Force and Effect on the date specified, regardless of appeal.

Adversely affected parties may appeal this decision for the purpose of a hearing before the Interior Board of Land Appeals in accordance with 43 CFR 4770.3 (a) and 4.400. Appellants are allowed thirty (30) days from receipt of this decision to file such appeal with the Las Vegas, District Manager at the above address. The appeal shall be in writing and shall state clearly why the appellant believes the decision to be in error.

Gary Ryan
District Manager, Las Vegas

- 2 Enclosures:
 - 1. Capture Plan
 - 2. Environmental Assessment

MEMORANDUM

February 18, 1993

To Gerry Colquhoun, Program Engineer

D. James

From Daryl N. James, P.E., Supervisor
Environmental Services Division

Subject: STP-160(7), Nye County. Along SR 160, FM 9.7 MN
Pahrump NCL to US 95. Preliminary engineering and
incidental right-of-way.

This project is a categorical exclusion under 23 CFR 771.117
(c) (8) and requires no further NEPA processing.

This project is a categorical exclusion under 23 CFR 771.117
(a) and (b) because it does not:

Induce significant impacts to planned growth or land use
in the area;

Require the relocation of significant numbers of people;
(How many? 0)

Have a significant impact on any natural, cultural,
recreational, historic or other resources;

Involve significant air, noise, or water quality impacts;

Have significant impacts on travel patterns;

Otherwise, either individually or cumulatively, have any
significant environmental impacts;

Have substantial controversy on environmental grounds;

Have any inconsistency with federal, state or local law,
requirement or administrative determination relating to
the environmental aspects of the action.

COMMENTS

Concur: *Jayne K. [Signature]*
NWA Nevada Division Administrator

2/26/93
Date



UNITED STATES DEPARTMENT of the INTERIOR
BUREAU OF LAND MANAGEMENT
Las Vegas District Office

4765 Vegas Drive
P.O. Box 26569
Las Vegas, Nevada 89126



In Reply Refer To:
4700/4000
(NV-053)

State of Nevada
Department of Transportation
Garth Dull, Director of Transportation
1263 S. Stewart Street
Carson City, NV. 89712

AUG 3 1994

Dear Mr. Hilderbrand:

On July 26, 1994, Bob Stager of my staff met with you and Ben Cass, Las Vegas Resident Engineer, Kenna Perkins, Nevada Department of Transportation (NDOT) Engineering Tech III, and Jim Meide, private contractor for the ~~Johnnie~~ project concerning the highway right-of-way fence project STP-160(7).

At this meeting, you requested that the Bureau write a letter to you detailing the specific concerns with suggested solutions for you to act on. Our earlier letters dated June 14 and 22, 1994 would still apply except as modified in this letter.

I have attached a detailed summary of what the Las Vegas District has done to date on this project and a list of site specific recommendations.

This fence will divide the Johnnie Herd Management Area (HMA) approximately in half. The primary issue present is the adverse effect this action will have on wild horses and burros.

I will discuss some of the recommendations identified in the attached detailed summary as follows:

1. It is unlikely that the public will keep the gates closed on side roads and trails along SR 160. This will exacerbate the safety concerns. Cattle guards are the most viable long term solution. It would require approximately ten (10) NDOT additional 14 foot cattle guards to replace all existing gates.
2. The recommendations for cattle guards under item number 1 in the attached summary yield a total of 8 - 14, 1 - 16, 1 - 20, and 1 - 28 foot NDOT cattle guards and 3 - 12 foot BLM cattle guards. This would require one cattle guard additional to those you have already planned for.
3. The recommendations for gates under item number 2 in the attached summary yield an approximate total of 2 - 16 foot metal swing gates (adjacent to cattle guards) and 11 - 16 foot Missouri

gates. It could require up to 14 gates for the cattle guards. The total Missouri gates would be 25 or 1 less than the original NDOT plans. These totals are based upon the implementation of our attached recommendations to remove 6 gates.

4. We will continue to manage burros on both sides of SR 160. With the existing artificial private water in Johnnie and the two 6 foot culverts, wild burros should be able to continue using both sides of SR 160. If we can not train the burros to use the existing metal culverts, the need for the cement box culvert becomes even more essential. We plan to begin this training effort as soon as the "Y's" in the fence and culverts are completed by NDOT.

5. We realize that the installation of an 8 X 10 or 12 foot box culvert is not possible in conjunction with the present fence contract. However, we recommend that you install this when the highway is scheduled for maintenance or upgrading. This is needed to allow wild horses to have free access to the entire Johnnie Herd Management Area.

6. I plan to place two BLM signs on this section of road stating "JOHNNIE WILD HORSE & BURRO HERD MANAGEMENT AREA: DRIVE WITH CAUTION NEXT 17 MILES". We will need Encroachment Permits from you for these signs. It may require up to six months to have the signs made and delivered. BLM will install the signs to NDOT's specifications.

7. We are in the process of developing design specifications for one-way, dirt, and/or exit gates to allow animals breaching the right-of-way fence a means of exiting. We will then submit these designs for inclusion in the BLM manual. It is uncertain on how long this will take.

This project and the Red Rock National Conservation Area highway work are providing opportunities for both agencies to demonstrate our ability to work together solving complex ecological problems.

We look forward to resolving this issue. My staff is available to assist in any way possible. If you have any questions on these projects, please contact me, Bob Stager, or Gary McFadden at (702) 647-5000.

Sincerely,
GARY RYAN

Gary Ryan
Las Vegas,
District Manager

Attachments:

1. Specific recommendations

B. Stager

SITE SPECIFIC RECOMMENDATIONS FOR SR 160 RIGHT-OF-WAY FENCE

Before I identify site specific recommendations, I would like to share what the Las Vegas District of the Bureau of Land Management has and is doing to deal with this in a positive manner.

1. On May 18 and 20, we collected data using a helicopter on herd census, location, and movement/trailing characteristics.
2. We re-surveyed the waters on public lands and completed an up to date grazing use pattern map.
3. We compared this with earlier data to better document the existing situation and reviewed overall management in the Johnnie Herd Management area.
4. As we agreed on July 26th, I directed my staff to get three (3) BLM cattle guards and install them. The locations for these are identified below as you requested.
5. My staff has made numerous trips with your staff to the construction site. The most recent trip was July 27, 1994 with Kenna Perkins.
6. My staff completed detailed removal plans and environmental documents. We removed 168 wild burros and 22 horses from July 6 to 10, 1994 from the Johnnie HMA. These animals are cared for by the BLM adoption program and will be adopted to qualified applicants.
7. We got an agreement to use a private water source on the west side of SR 160.
8. We have ordered BLM signs for SR 160 to caution highway traffic about the wild horses and burros. We already have these signs for the Red Rock National Conservation Area.
9. Using water, hay, and a corralled jenny near the existing six foot culverts, we will attempt to train the wild burros to use the culverts as thoroughfares as soon as NDOT has completed the agreed to repairs. This will help insure the survival of any stragglers and the continued use of both sides of SR 160 by wild burros. It is not certain that the burros will make use of the six foot metal culverts due to potential echo sound from hooves and other close quarter characteristics.

We reviewed the planned locations of gates, cattle guards and the maintenance to the two existing six (6) foot culverts. I have attempted to use NDOT's station identification system in locating the cattle guards and gates. The station numbers used below may be off a little. Please feel free to adjust where we may have

incorrectly identified a location.

The following detailed discussion is what you requested as a result of our meeting and the field trip with Kenna Perkins.

1. For the existing planned cattle guards:

Existing number of NDOT cattle guards available: 7 - 14 foot; 1 - 16 foot; 1 - 20; and 1 - 28 foot for a total of 10.

BLM can supply and install 3 - 12 foot cattle guards on August 10 through 12, 1994.

a. station "X" 5+40 this is a west side dirt road to Crystal. If it is a Revised Statute 2477 road and receives use, the 14 foot cattle guard is satisfactory.

b. station "X" 271+75 is the west side paved road to Crystal. The 28 foot cattle guard is satisfactory.

c. station "X" 280+00 is an east side dirt road to Diebert and Kwitchup springs. Your current plans fenced over this primary access road. BLM will install a 12 foot cattle guard.

d. station "X" 418+00 is a west side dirt road to Crystal. The plan calls for a 16 foot metal drive gate. We recommend using one of the planned 14 foot cattle guards not being used currently. This is the old Pahrump highway.

e. station "X" 481+00 is an east side 16 foot Missouri gate to the radio antennas and/or mining claims. BLM will install a 12 foot cattle guard.

f. station "X" 521+15 is an east side dirt road to mining claims. The plan calls for a 14 foot cattle guard. This is satisfactory. The gate access to a short gravel pit trail at station "X" 515+00 is potentially accessible by 521 (see 2. m. below).

g. station "X" 581+90 is an east side dirt road to Horseshootum spring. The plan is for a 16 foot Missouri gate. BLM will install a 12 foot cattle guard.

h. station "X" 582+00 and 591+00 are west side access roads to the town of Johnnie and mining claims. The plan calls for one 14 and one 20 foot cattle guard. These two are satisfactory.

i. station "X" 615+25 is a 16 foot metal drive gate on the west side accessing mining claims for the Buck and Bunker

Forward to Bob Hilderbrand Also

Mining Co. of Las Vegas ((702) 361-5040). The cattle guards at stations 591 and 582 are between 2400 and 3300 feet from this gate. The cattle guard roads access the same road as this gate. We recommend installing an additional 14 foot NDOT cattle guard, if this road is necessary.

j. station "X" 621+50 is an east side dirt road to Crystal spring. The plan is for a 14 foot cattle guard. This is satisfactory.

k. station "X" 734+25 is a dirt road to private residences. The plan is for a 14 foot cattle guard. This is satisfactory.

l. station "X" 752+75 is a dirt road to BLM's Last Chance Desert Tortoise study plot and mining claims. The plan is for a 14 foot cattle guard. This is satisfactory.

m. station "X" 906+65 is a dirt road to private residences. The plan is for a 16 foot cattle guard. This is satisfactory.

2. For the existing planned gates.

The NDOT plan calls for 26 - 16 foot Missouri gates and 2 - 16 foot metal drive gates. Ten (10) of the gates were planned for placement next to cattle guards.

The following assessment considers the need for the gates themselves.

Cattle guard

a. station "X" 44+00 is a 16 foot Missouri gate accessing an east side two track trail down a wash to an old gravel site. If NDOT needs this access, the gate is satisfactory.

b. station "X" 101+50 is a west side two track trail with no noticeable use that is scheduled for a 16 foot gate. We recommend removing this gate.

c. station "X" 174+00 is on the east side and is not a road or trail. We recommend removing this gate.

Cattle guard

d. station "X" 197+00 is an east side trail to a mining claim with a 16 foot gate. The gate is satisfactory.

e. station "X" 300+00 is a dead end, washed out, two track trail on the east side. The BLM proposed cattle guard at station "X" 280+00 is the actual access (see 1. c.). We recommend that this gate be removed.

Cattle guard

f. station "X" 403+50 is an east side trail to a mining claim with a 16 foot gate. The gate is satisfactory.

(3)

Cattle guard
EXISTING
#1 SP planned

g. station "X" 418+00 is a west side 16 foot metal gate to Crystal. In 1. d. above, we recommended a 14 foot NDOT cattle guard. This would make use of one of the 7 planned 14 foot NDOT cattle guards.

Cattle guard

h. station "X" 444+75 is a west side 16 foot Missouri gate. It is an old trail near MM 25 accessing the old Johnnie road and ending in 1/2 mile near the hills north of Johnnie. It is washed out and not very traversable. Gate is satisfactory.

i. station "X" 448+50 is an east side 16 foot Missouri gate. NDOT revised their plans and removed this gate.

Cattle guard

j. station "X" 461+00 is an east side 16 foot Missouri gate. The existing gate latch is broken. This accesses mining claims and the old Pahrump highway. The gate is satisfactory.

k. station "X" 468+00 is a west side 16 foot Missouri gate. NDOT revised their plans and removed this gate.

l. station "X" 481+00 is an east side 16 foot Missouri gate to the radio antennas and/or mining claims. BLM will install a 12 foot cattle guard.

m. station "X" 481+00 is a fenced over trail accessing the 6 foot culvert (station "X" 496) on the west side. A 16 foot gate is needed here, as well as 2 other gates on the east side "Y's" in the fence to the 6 foot culverts.

n. station "X" 515+00 is an east side 16 foot Missouri gate. Since this can be accessed from the cattle guard at 521+15 (see 1. e. above), we recommend removing the gate.

o. station "X" 520+50 is a west side 16 foot Missouri gate. NDOT revised their plans and removed this gate. This accesses the old Johnnie road as does station "X" 448+50.

Cattle guard

p. station "X" 538+00 is an east side 16 foot Missouri gate to a mining claim. This is satisfactory.

Cattle guard

q. station "X" 554 at MM 23 is a new east side 2 track trail to private land with an NDOT added 16 foot Missouri gate. Since this is private land, BLM has no jurisdiction.

r. station "X" 581+90 is a 16 foot gate. BLM will install a 12 foot cattle guard.

s. station "X" 615+25 is a 16 foot metal drive gate on the west side accessing mining claims for the Buck and Bunker Mining Co. of Las Vegas ((702) 361-5040). The cattle guards

5

Cattle guard

at stations 591 and 582 are between 2400 and 3300 feet from this gate. The cattle guard roads access the same road as this gate. We recommend installing an additional NDOT cattle guard, if this road is necessary.

Cattle guard

t. station "X" 685+00 is an NDOT added gate on the west side to a mining claim. The miner apparently cut the fence. It is satisfactory.

u. station "X" 808+15 is an east side 16 foot Missouri gate. The trail is very poor. It leads to a trail that parallels SR 160 and connects to the road at cattle guard station "X" 906. We recommend removing this gate because it is accessible at the 906 location.

v. station "X" 905+00 is a west side 16 foot Missouri gate with not trail or road. We recommend removing this gate.

3. The two existing six foot metal culverts at stations "X" 496+00 and 530+00 near Johnnie on SR 160 may be able to serve as possible temporary east/west access routes for wild burros.

They are too small for wild horses.

Cement bags were recommended by your staff for gentle sloping rip-rap constructed at both culvert outlets. The bags would need some type of cement binder to hold them in place.

The temporary placement of a 2 inch layer of sand/gravel on the bottom of the culverts is needed to provide a surface burros may walk on. The resulting echo from the burros hoofs without the gravel may hinder our efforts to train them to use it. Additionally, a short lip welded on the outlet end of the culverts may help trap a 1 to 2 inch layer of sand/gravel providing a better walking surface in the long term.

a. The 496+00 culvert needs approximately 1 to 2 feet of sand/gravel removed from the east inlet and some structure built on the upstream side to prevent future accumulation of alluvium.

b. The 530+00 culvert has been undercut and washed out leaving a 30 inch drop on the west outlet. The flow in this culvert appears to be greater than the North one.

c. "Y" sections of fence are needed entering from the east and west sides of both culverts. This should allow the burros use of the culverts. The east side "Y" for culvert 496+00 is not built yet. Gates are needed, as feasible, to allow access for training the burros to use the culverts.

2

* Johnnie Burro Area
out of Parump Hwy 160

Gary Mc Fadden 647-5000 647-5024

paunding fence posts now —
emergency capture 300 B 100 H

AMgr Dan Morgan (we need to know if
he met with NDOT)

1. under pass
2. funding waters

* NDOT

Bill Gall 687-4788

Steve Myers 687-5225

Gary Zubino 687-5605

} Carson

NDOT people at Parump doing fencing
on their own —

* The town of Johnnie has 1 resident he has
been taking trespass water to a pond to water burros
on one side of Hwy 160. for the burros.

Secretary told me that she knew about it, that they
were putting in "burro gates" — but will have Dan
Morgan call me when he gets in