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IN REPLY REFER TO:



# United States Department of the Interior

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BUREAU OF LAND MANAGEMENT

APR 27 1989

CALIENTE RESOURCE AREA

P.O. Box 237

Caliente, Nevada 89008

OFFICE OF  
COMMUNITY SERVICES  
APR 25 1989

4700  
NV-055

Dear Reviewer,

I have enclosed for your review a draft copy of an Environmental Assessment (EA) for the Nevada Wild Horse Range and Nellis Range Complex Gathering Plan #2A (EA# NV-055-09-15). The Interior Board of Land Appeals (IBLA) is currently considering an appeal by the Animal Protection Institute (API) regarding the Bureau's decision to implement the 1988 Nevada Wild Horse Range and Nellis Range Complex Gathering Plan #2. Pending an outcome of API's appeal that is favorable to the removal of excess wild horses, the Bureau proposes to implement the removal of up to 1,099 wild horses beginning the latter part of June, 1989. The 1988 Plan #2 has not been implemented and would be replaced by plan #2A.

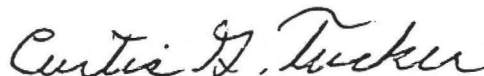
*appropriate*  
The allowable management level (AML) for wild horses within the Nevada Wild Horse Range is 2,000. The present population is estimated to be 5,376 based on a 1986 census of 4,120 (actual count), a 20% rate of population increase and the removal of 1,210 horses in 1987. We are planning to conduct a census in May to determine the accuracy of this estimate. Heavy utilization of vegetation by wild horses has been observed more than three miles from water sources. This area of heavy use is expected to increase under the present population of wild horses. The available water cannot serve the present population. Increased competition for forage and water due to the excess number of animals has resulted in the apparent low vigor of the wild horses.

*how justified?*  
*what do you mean*  
The area proposed for the removal of 1,099 excess wild horses is currently experiencing drought conditions. These conditions are the result of ineffective precipitation since January, higher than normal temperatures and increased loss of soil moisture due to exposed soil in the areas of heavy to severe utilization. An increasing population of wild horses beyond the AML would eventually collapse after suitable habitat has been lost, from lack of water, disease due to low population vigor or a combination of these factors. I am concerned that the present drought condition could result in a wild horse die off this year and into 1990. The removal of up to 1,099 wild horses this year and subsequent removals to reach and maintain the AML of 2,000 wild horses can reduce the chance of a sudden and large population collapse. The avoidable loss of wild horses and the habitat they live in would be regrettable by the Bureau of Land Management and to those who appreciate public land resources.

Drought conditions are not new to this area of the country. This fact increases the need for all of us who appreciate wild horses to practice sound rangeland management which includes establishing and maintaining the number of animals suitable for the habitat and it's conditions.

Please review the enclosed environmental assessment and submit any comment you may have to me at the above address by May 26, 1989.

Sincerely,

A handwritten signature in cursive script that reads "Curtis G. Tucker".

Curtis G. Tucker  
Area Manager

Enclosure

**DRAFT**

4700  
(NV-05580)

ENVIRONMENTAL ASSESSMENT  
FOR THE  
NEVADA WILD HORSE RANGE AND NELLIS RANGE COMPLEX  
GATHERING PLAN #2A

EA# NV-055-09-15

Prepared by:

Terry Driver  
Range Conservationist/Wild Horse &  
Burro Specialist

Date

Bureau of Land Management  
Las Vegas District  
Caliente Resource Area  
Caliente, Nevada

I. INTRODUCTION/OVERVIEW

A. Purpose and Need

The purpose of the Environmental Assessment (EA) is to assess the environmental consequences of the proposed action and alternatives in relation to the human environment.

The latest wild horse census was completed during September, 1986 at which time there were 4,120 (actual count) wild horses on the Nellis Range Complex (NRC). Of the 4,120 counted, half roam off the Nevada Wild Horse Range (NWHR). At the present time, an estimated 5,376 horses roam the NRC. Estimate figures are based on the 1986 census, an annual recruitment rate of 20%, and the 1987 removal of 1,210 horses. Under the Nevada Wild Horse Range (NWHR) Herd Management Area Plan (HMAP), the allowable management level (AML) is 2,000 wild horses.

High population numbers have resulted in over utilization of the forage resource and an apparent downward trend in range conditions. Perennial water sources available to the wild horses are very limited, especially during the summer months.

*what data appropriate*

Competition for water and forage has resulted in low horse vigor and an apparent decrease in this year's foaling. *When how estimate 20% increase?*

Competition for forage, and water during critical times of the year may also stress wildlife populations.

Sandia Laboratories, a research and testing company, maintains a headquarters on the Nellis Range Complex in the northern Cactus Flat area. Complaints have been received of optical interference caused by increasing dust pollution in the area. Horses may contribute to this from over utilization of vegetation in certain areas. U.S. Air Force and Sandia activities, such as vehicular traffic, road building, and dust from aircrafts also contribute to dust pollution.

*How is Sandia mitigating dust?*

There are occasional vehicle/horse collisions on the Nellis Range Complex. These result in injury and death to the horse and damage to the vehicle. Although there have been no human injuries, there is the potential for human injury and death to occur from some future collision.

Justification for removal is based on a consultation and coordination process and is supported by Public Law 92-195.

The proposed decision to remove horses from this area is based on concerns of various governmental and state agencies, Consultation and Coordination (C & C) Committee members, other public comments, and proposed Bureau planning documents.

*Have all water developments in the C & C agreements been completed?*

Wild horses exist on areas outside and adjacent to the Nevada Wild Horse Range which was established as a sanctuary in 1962 for wild horses. The Nevada Wild Horse Range is secondary to the purpose of the withdrawal. Horses existing within and outside of the Nevada Wild Horse Range have been identified to be removed.

The NWHR is partially within and adjacent to the Tonopah Test Range. Ground and air access are controlled by the USAF based on the primary use of the NRC. Monitoring studies cannot be conducted in the Tonopah Test Range because of the inherent danger and security restrictions. *Then you have no basis for removal.*

**B. Background**

There was a wild horse removal in 1985, 1986, and 1987 on the Nellis Range Complex (NRC). During the spring of 1985, 1,425 excess wild horses were removed from the west side of the Kawich Mountain Range, and 77 from the east side of the Range. During the spring of 1985, 285 excess wild horses were removed from the west side of the Kawich Mountain Range, 534 excess wild horses and 205 excess wild burros were removed from Stonewall Spring and 224 excess horses and 28 excess Burros were removed from Wild Horse Spring. The 1987 excess wild horse roundup removed 76 horses from the east side of the Kawich Range, 484 from the west side of the Kawich range, 362 from the Breen Creek Reservoir, and 299 were removed from the Pedro Lake area.

From 1985 to 1987, 3,988 excess *what data* wild horses have been removed from the NRC. To reach and maintain the AML of 2,000, all wild horses in excess of that number will eventually be gathered and removed from the NRC and made available for adoption.

*what data?*

The C & C Committee is made up of various interest groups and government agencies who have an interest in the well-being of wild horses and wildlife on the NRC. The C & C Committee, after visiting parts of the NRC during the summer of 1984 and analyzing existing data, have recommended that wild horses be managed only on the Nevada Wild Horse Range and that horses outside the Nevada Wild Horse Range be removed.

Under the Nevada Wild Horse Range (NWHR) Herd Management Area Plan (HMAP), the C & C Committee recommended a management level of 2,000 wild horses.

Future adjustment to the AML of 2,000 wild horses will be based on the results of monitoring studies. *what studies? You just stated that you can't do monitoring.*

**II. PROPOSED ACTION AND ALTERNATIVES**

This section of the Environmental Assessment identifies one alternative and the proposed action considered in meeting the Caliente Resource Area objective of maintaining wild horse use at appropriate management levels, maintaining wild horse use in designated HMA's, and solving conflicts around populated areas.

**A. No Action Alternative**

Management would remain the same, wild horse populations would be allowed to increase unchecked.

**DRAFT****B. Proposed Action/Mitigation**

Pending an outcome of the Animal Protection Institute's (API) appeal the Interior Board of Land Appeals (IBLA) that is favorable to removal of excess wild horses, the proposed action is to reduce the wild horse population on the USAF Tactical Weapons Training Center Range (Nellis Range Complex) which includes the Nevada Wild Horse Range (NWHR) by 1,099 head, based on available funding. The Nellis Range Complex (NRC) covers approximately 1.9 million acres and included within the NRC is the NWHR which covers approximately 394,000 acres. This reduction will leave a population of approximately 4,277 wild horses on the NWHR based on a 1986 census of 4,120 (actual count), 20% rate of population increase and the removal of 1,210 horses in 1987.

*how can this be when you stated a low horse vigor & short Soal crop?*

**1. Gather Area**

The gather area is the Nellis Range Complex which is located approximately 40 miles Southeast of Tonopah, Nevada (Map attached). The gathering operation will take place in Cactus Flat/Gold Flat and the Kawich Mountain and Valley area.

**2. Removal Process**

Any and all access or removal actions on the NRC, whether on the ground or in the air, will be coordinated with and approved by the USAF which is responsible for the NRC, a controlled access area based on its primary use.

The BLM will be responsible for the capture, care, temporary holding of approximately 1,099 wild horses from the gather area, and their transportation to the adoption preparation facility through issuance of a gathering contract.

Prior to any gathering operation the Bureau will provide for a pre-capture analysis to determine the condition of the animals, prevailing temperatures, other climatic factors, animal distribution in relation to potential trap location, condition of the soils, and condition of the roads. The information from the pre-capture analysis will develop conclusions as to whether the level of activity is likely to cause undue stress to animals and whether such stress would be well tolerated by animals if a veterinarian expertise were present, or if a delay in the capture activity is warranted. If it is determined that the capture can proceed only with a veterinarian present, the services of a veterinarian will be obtained prior to proceeding with the capture.

The Bureau of Land Management will provide a Contracting Officer's Representative (COR) and/or a Project Inspector (PI) as needed for the capture operation from site selection, corral design, to capture and transportation of animals to the Palomino Valley Center.

The capture operation will utilize both helicopter capture and water trap methods.

The Bureau of Land Management will also provide supervision of the project helicopter during the gathering operation. This will be accomplished by use of an additional helicopter on site to monitor all aspects of the wild horse roundup. In the event an additional helicopter cannot be obtained, other methods will be used to observe the removal operations. These other methods include but are not limited to, using observers on horseback, observing the helicopter from vehicles and placing stationary observers in strategic locations. The observers will have direct communication with the project helicopter for contract supervision. Observers will be monitoring the rate of movement of horses, distance to be traveled, type of terrain, fences, and other factors influencing the well being of the horses.

The Bureau of Land Management will provide a COR/PI(s) as needed for the capture operation from site selection, corral design, to capture and transportation of animals to the Palomino Valley Center.

A Bidders Tour will be scheduled and conducted by the BLM to allow contractors to determine the type of terrain, condition of animals, condition of roads, potential trap locations in relation to animal distribution, where fences are located as well as other dangerous barriers or situations.

The contract will be terminated for the convenience of the Government when contract disputes cannot be resolved. In the event the contractor does not perform properly, the contractor will be defaulted.

Veterinary services are available in Caliente, Nevada. The Bureau of Land Management authorized representative or his/her designee will summon a veterinarian if, in his/her judgement, veterinary services are required to alleviate suffering of one or more horses, to ensure their well being, or to diagnose and/or treat disease, sickness or injury.

The services of the state brand inspector will be obtained and all inspections will comply with Instruction Memorandum NV-85-416, which outlines the procedure for processing private horses captured during removal operations.

This plan will remain in effect until all animals identified in this removal plan are removed and placed in adoption centers. (anticipated to take place from June through September, 1989).

### 3. REMOVAL METHODS

All capture attempts shall be accomplished through the use of water traps and/or a helicopter. Wing riders may be used if necessary with the helicopter. Roping will not be allowed except to capture orphan foals and wet mares, and this will be done only when necessary, with prior approval by the COR. Under no circumstances shall animals be tied down for more than one hour. Mare and foal are to be captured together, if both cannot be captured, then one or the other will be released to allow them to be reunited at no cost to the government.

The helicopter shall be used in such a manner that bands or herds will remain together as much as possible and foals will not become separated from their mothers.

The rate of movement and distance the animals travel when herded by helicopter shall not exceed limitations set by the COR who will consider terrain, physical barriers, weather, condition of the animals and other factors that can affect the horse.

It is estimated that 6 to 10 trap locations will be required to accomplish the work. General trap locations and holding facilities will be selected by the COR, specific trap sites (with in the general trap location area) will be selected by the contractor. All trap locations and holding facilities must be approved by the COR and USAF representatives prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have prior written approval of the landowner. *are what private lands involved?*

All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of 6 feet high. All runways shall be a minimum of 20 feet long and a minimum of 6 feet high and shall be covered with plywood or like material a minimum of 1 foot to 5 feet above ground level. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level.

non-slip material on ramps



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7

No fence modification will be made without authorization from the COR. The contractor shall be responsible for restoration of any fence modification which he has made.

When excessive dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water at such location as directed by the COR.

It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.

*will contractor be advised penalties*

The COR will determine general roundup areas and the number of animals within general contract areas to be removed as animal concentrations and weather conditions dictate. All traps shall be located so as to provide for the most humane capture of the animals. The specific locations of traps must be approved by the COR prior to construction.

4. HELICOPTER, PILOT AND COMMUNICATIONS

The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State of Nevada and shall follow what are recognized as safe flying practices.

When refueling, the helicopter shall remain a distance of at least 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.

The COR shall have the means to communicate with the pilot and be able to direct the use of the gather helicopter at all times. The frequency(s) used for this contract will be assigned by the COR when the government furnished "slip-in" VHF/FM portable radio is used. When a VHF/AM radio is used, the frequency will be 122.925 MHz.

The contractor shall obtain the necessary FCC licenses for the radio system.

The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

On site project inspectors who have clear lines of authority and responsibility as well as the ability to communicate (on site government radios) on a moment's notice with management, the COR, and the contracting officer, will be appointed to assure that any contractual problems which may affect the animals or their habitat can be resolved with minimal delay.

### 3. DISPOSITION AND HUMANE TREATMENT OF HORSES

As soon as practical after entering the capture corral, each group of horses will be inspected and a written log kept identifying condition of animals at the time of capture and the location from which animals came from. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and stray animals from other horses. Where required by the COR, animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling.

Of primary importance while handling wild horses is their welfare and humane treatment. The COR shall be responsible for determining the need for providing for the treatment of sick or injured animals. The contractor shall restrain sick or injured animals so that they may be provided treatment by the COR. The COR shall also determine if an injured animal must be destroyed and provide for destruction of the animals.

*who is COR  
+ how is he/she  
qualified to  
make such  
a determination*

Animals shall be transported to the final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR.

Animals held for 10 hours or more in the traps and/or holding facilities shall be provided fresh clean water by the contractor, in an amount of a minimum of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

Branded animals, those suspected of being branded, or those known to be private, will be separated out and handled as outlined in Instruction Memorandum 85-416, which is in accordance with applicable federal and state laws.

**6. DESTRUCTION OF ANIMALS**

Wild horses which are seriously injured, obviously sick or lame, or very old, whose condition is such that it is obvious they will not recover will be humanely destroyed at the site by the Bureau of Land Management, authorized officers only, or by a veterinarian if authorized by the Bureau's representative. BLM's authorized officers have been trained by a licensed veterinarian in the state for humane euthanasia of wild horses.

*how will they be destroyed?*

No other individual will be allowed to destroy any captured horse unless the representative has specifically stated (and made reference to in writing) that he/she will be away from the job site for an extended period of time. During this time, the representative will appoint a qualified individual to take over his/her responsibilities. *trained?* The contractor shall dispose of carcasses as directed by the COR.

**7. DISPOSAL OF ANIMALS WHICH ARE DESTROYED DURING THE REMOVAL OPERATION**

Carcasses will be disposed of by burial, consumed by fire or left to the environment as outlined by Instruction Memorandum NV-83-84. This will satisfy state and county sanitary requirements.

Prior to disposal, data which includes the date of death, apparent reason for death, sex, color, age, and freeze mark number (if assigned), will be collected.

**8. TRANSPORT OF CAPTURED ANIMALS**

All motorized equipment employed in the transportation of captured animals shall adhere to the provisions of 43 CFR Part 4700 and be subject to the following reservations and/or restrictions:

All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate state and federal laws and regulations applicable to the humane transportation of animals.

Vehicles shall be in good repair, of adequate rated capacity, and operated so as to insure that captured animals are transported without undue risk or injury.

Only stock trailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stock trailers, or single deck trucks shall be used to haul animals from temporary holding facilities to the final

destination. Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor and have no openings from the floor to 4 feet above the floor wider than 2 and 1/2 inches. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition to separate the animals. The use of double deck trailers is unacceptable and shall not be allowed, unless converted to single deck trailer.

All vehicles used to transport animals to the final destination shall be equipped with doors at the rear end of the vehicle. At least one of these rear doors shall be capable of sliding either horizontally or vertically.

Floors of vehicles and the loading chute shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings to prevent the animal from slipping. No fecal material shall be used to cover the floor as a non-skid surface.

The number of animals to be loaded and transported in any vehicle shall be as directed by the COR and may include limitations on numbers according to age, size, sex, temperament and animal condition. Adult horses shall be allowed 8 feet X 2 feet 6 inches and foals allowed 6 feet X 2 feet of space during transportation.

The COR shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, and other factors that can affect wild horses when planning for the movement of captured animals. The COR shall provide for any brand and/or inspection services required for the captured animals.

If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust the driving speed. The maximum distance over which animals may have to be transported on a dirt road is approximately 35 miles per load.

## 9. OTHER MITIGATION

Site specific Cultural Resource And Threatened/Endangered Flora and Fauna Survey(s) will be completed at each capture site prior to the temporary construction of such sites.

If previously undiscovered cultural resources should be found during actual construction activities, the authorized officer will require activities for that area to be temporarily halted by issuing a Stop Order. This order will remain in affect until the resource(s) can be inspected and appropriate surveys or salvage operations are completed by a qualified cultural resource professional, at which time a Notice to Proceed will be issued.

### III. AFFECTED ENVIRONMENT

A September, 1986 aerial census/identified 4,120 (actual count) animals within the HMA. Up to 5,376 horses may be present at this time on the NRC based on the 1986 census, 20% rate of population increase and a 1987 removal of 1,210 horses.

The NRC supports several wildlife species including; deer, antelope, desert bighorn, several different predators, and a host of non-game animals. Little emphasis has been placed on data collection particularly due to the controlled access on the NRC because of its primary purpose.

There are no known threatened/endangered plant or animal species in the identified wild horse HMA or gathering areas. However, there are three candidate species within the area: Asclepias eastwoodiana; category 2, Sclerocactus polyancistrus; category 2, and Astragalus beatleyae; category 2, (Federal Register Vol. 45, No. 242 and Vol. 48, No 229). Astragalus beatleyae is also listed critically endangered by Nevada State statutes NRS 527.270.

The gather area varies from flat (sandy to rocky valleys), to precipitous mountains.

A variety of vegetation communities exist within the gather area. These vegetation types are shadscale, big sage, low sage, rabbitbrush, pinyon-juniper, and joshua. Within these vegetation communities are key areas with selected key species which are sensitive to change as a result of use by grazing and browsing animals. Based on the use these key areas receive, they may serve as indicators to measure the success of the proposed management actions.

Drought conditions have been increasing within the NRC and NWHR through the spring of 1989. Little effective precipitation has been received since January, 1989. A dry spring and exposed soil due to heavy to severe utilization of vegetation by horses has exhausted the soil moisture within the root zone of annual vegetation. Soil moisture within the root zone of perennial grasses is rapidly depleting. Recent inspections by Bureau employees have revealed that the green up of vegetation is none to slight. Heavy utilization was observed more than three miles from water. Wild horses are rapidly depleting the available vegetation. Observations also found that available water was insufficient for the needs of the present wild horse population. Soil moisture within public land adjacent to the proposed gather area is 20 percent of normal. Temperatures have been above normal.

Cultural sites, historical sites and endangered or threatened candidate species have been identified in the roundup area.

The following environmental assessment mandatory elements would not be affected by the proposed action and alternative as previously described:

- |  |                                    |
|--|------------------------------------|
| 1. Areas of Critical Environmental Concern | 5. Water, Drinking/ Ground/Quality |
| 2. Endangered or Threatened Species        | 6. Wetlands                        |
| 3. Farm Lands                              | 7. Wild and Scenic Rivers          |
| 4. Wastes, Hazardous or Solid              | 8. Wilderness                      |

#### IV. IMPACTS OF THE PROPOSED ACTION AND ALTERNATIVES

##### A. Air Quality

###### No Action Alternative:

Increased amounts of dust pollution would be expected to continue to interfere with Sandia Labs operation. Vegetative utilization and soil disturbance would continue to increase.

###### Proposed Action:

Reduction of horse numbers toward the AML on the NRC, over the long term, would create positive impacts to the soils and forage resource by allowing for reduced utilization and vegetative regrowth. Positive impacts to Sandia Laboratories would also be realized through decreased dust pollution.

*also attributed to human disturbances*

##### B. Threatened/Endangered Species

###### No Action Alternative:

Utilization of the candidate species within the wild horse use areas could increase.

###### Proposed Action:

The candidate threatened/endangered plant species should benefit from a reduction in grazing pressure. Hence the impact should be beneficial in the long term.

Proposed Action:

*what competition has been documented*

Competition between wildlife species and between wildlife and wild horses will be reduced due to an improvement in vegetation conditions and reduced utilization by wild horses. Wildlife such as deer, antelope, desert bighorn and other wildlife species should benefit in the short term from decreased competition for space and forage.

E. Wild Horses and Burros

No Action Alternative:

Horse loss and/or injury due to capture operations would not occur. The general ecology of the area would continue to be adversely impacted by increasing horse populations. The wild horse population would continue to increase resulting in increased competition for water and forage. Horse vigor would continue to decline and the mortality rate would accelerate due to increased death by thirst and/or starvation. It is expected that horse population's would increase beyond the support capability of the range resource and would crash. Animals lost to a mass population die off would be irretrievable.

Proposed Action:

The adjustment of population numbers will result in a positive impact to the wild horses remaining on the NWHR over the short term. If subsequent horse removals are implemented to manage for and maintain the AML of 2,000 horses, a long term benefit to wild horse and habitat conditions will occur. This impact would result in a healthier horse population. Reduction of wild horse numbers toward the AML would reduce the competition for water and forage, reducing the overall stress to the remaining population. Deaths by thirst and/or starvation would decrease and horse vigor would improve. The frequency of vehicle/horse collisions on the NRC would decrease.

*Please indicate # of deaths due to starvation and/or thirst that the proposed action would decrease*

During the performance of the proposed action the animals remaining will be possibly displaced from the known home ranges into adjacent areas. This will require an adjustment period after the gathering operation is completed.

Unavoidable impacts in the form of injuries and death (less than 2%) to the animals being removed may occur during the removal process. The change in life style of the animals captured will also be an unavoidable impact.

**E. Cultural Resources****No Action Alternative:**

There would be no impacts under the No Action Alternative.

**Proposed Action:**

Disturbance of previously unknown cultural resource sites may occur during capture operations. A stop order would then be issued until a survey and required salvage work is completed.

**G. Soils****No Action Alternative:**

Increased competition on forage may decrease density of vegetation exposing more soil and result in increased soil loss.

**Proposed Action:**

Under the proposed action soils would be disturbed at capture locations. In the long-term as vegetative conditions and cover increase, soils should become more stable.

**VI. CONSULTATION AND COORDINATION**

The Nevada Wild Horse Range and Nellis Range Complex (NWHR & NRC) Gathering Plan #2 (1988 Gather) and the corresponding EA were available for review by all interested persons, groups, and organizations, the Consultation and Coordination Committee members, and the Five Party Cooperative Agreement Committee members, etc., for a period of 30 days. Comments were reviewed for consideration into the Gathering Plan. The documents also went through intensive internal review (Nevada State Office, Las Vegas District Office, and Caliente Resource Area Office) with comments being incorporated into the plans as appropriate. Comments were received from Wyoming Advocates for Animals, Animal Protection Institute of America (API), Department of Energy, Office of Community Services and U.S. Fish and Wildlife Service. The NWHR & NRC Gathering Plan #2 was not implemented due to an appeal of the Plan to the Interior Board of Land Appeals (IBLA) by the Animal Protection Institute.



Specialists involved in the review of Plan #2 were as follows:

Eddie Guerrero	Wildlife Biologist/Environmental Coordinator, Caliente Resource Area
Terry Smith	Range Conservationist, Caliente Resource Area
Mike Neff	Range Conservationist, Caliente Resource Area
Larry Lacey	Surface Protection Specialist, Caliente Resource Area
Cory Bodman	Soil Scientist, Caliente Resource Area
Larry Johnston	Forester, Caliente Resource Area
Tim Murphy	Supervisory Range Conservationist, Caliente Resource Area
Terry Driver	Range Conservationist (Wild Horse & Burro Spec.), Las Vegas District Office
Bob Stager	Range Conservationist, Las Vegas District Office
Joe Ross	Assistant District Manager, Resource, Las Vegas District Office (presently in Lakeview District)
Milton Frei	Wild Horse and Burro Specialist, NSO

Specialist involved in the review of Plan #2A are as follows:

Eddie Guerrero	Wildlife Biologist/Environmental Coordinator, Caliente Resource Area
Tim Murphy	Supervisory Range Conservationist, Caliente Resource Area
Jule Durfee	Range Conservationist/Wild Horse & Burro Specialist, Caliente Resource Area
Cory Bodman	Soil Scientist, Caliente Resource Area

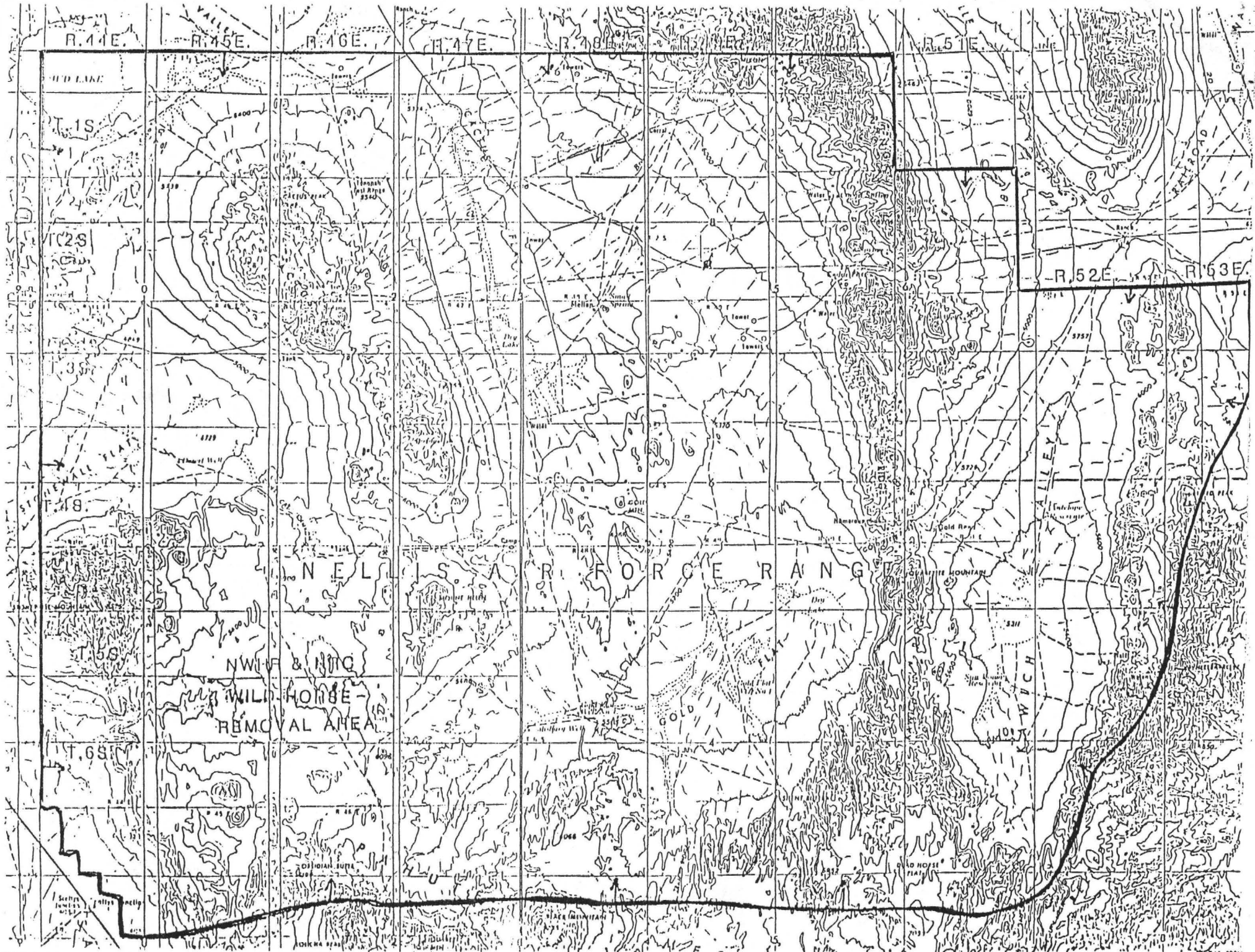
#### VII. DISCUSSION OF NON-CONCURRENCE

Non-Concurrence was received from the Animal Protection Institute of America. They stated that they could not support the proposed action without more detailed information. A copy of the wild horse portion of the Land Use Plan and the Coordinated Resource Management and Planning Committee minutes was forwarded to them.

Also, Non-Concurrence was received from the Wyoming Advocates for Animals. They felt that it was not the horses that are causing damage to the Public Resource but "Livestock and poor management practices are. There is, therefore, no reason whatever for the Caliente Resource Area to go forward with the gathering plan". There is no livestock grazing on the NWHR. The Bureau of Land Management response was that we are implementing an Activity Plan and managing horses at the AML. This will be the status quo until vegetative monitoring indicates that an adjustment to the AML's is necessary. When this occurs in wild horse areas, interested groups will be involved in the review process.

#### VIII. RECOMMENDATION

Pending an outcome of the API appeal to the IBLA that is favorable to the removal of excess wild horses, the implementation of the Nevada Wild Horse Range and Nellis Range Complex Gathering Plan #2A is recommended with concurrence by the above specialists.



R. 41 E.

R. 45 E.

R. 46 E.

R. 47 E.

R. 48 E.

R. 49 E.

R. 50 E.

R. 51 E.

R. 52 E.

R. 53 E.

T. 1 S.

T. 2 S.

T. 3 S.

T. 4 S.

T. 5 S.

T. 6 S.

NELNIS AIR FORCE RANGE

NW 1/4 & N 1/4  
WILD HORSE -  
REMOVAL AREA

WHITE MOUNTAINS

WITCH

GOLD RANGE

WILD HORSE

5-9-89

BOB MILLER  
Acting Governor

STATE OF NEVADA

TERRI JAY  
Executive Director



**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

Stewart Facility  
Capitol Complex  
Carson City, Nevada 89710  
(702) 885-5589

**COMMISSIONERS**

Deloyd Satterthwaite, Chairman  
Spanish Ranch  
Tuscarora, Nevada 89834

Dawn Lappin  
15640 Sylvester Road  
Reno, Nevada 89511

Michael Kirk, D.V.M.  
P.O. Box 5896  
Reno, Nevada 89513

May 9, 1989

Curtis G. Tucker, Area Manager  
BLM, Caliente Resource Area  
P.O. Box 237  
Caliente, Nevada 89008

Dear Mr. Tucker,

Enclosed are my comments on the proposed EA for the Nellis Range Complex Gathering Plan #2A. I have requested information on specific points raised and hereby request the opportunity to modify or change my comments pending receipt of the requested information.

My first comment is in regard to the cover letter, document 4700 NV-055. In the second paragraph, first sentence, you have "allowable management level" instead of "appropriate management level."

It also appears as though there is a contradiction in the second paragraph wherein you state ".....apparent low vigor of the wild horses", yet in a preceeding sentence you attempt to justify the gather plan with a "20% rate of population increase."

The balance of my comments pertain to the EA for the Gathering Plan.

Page 2, I., A.

Paragraph 2

Again, you have "allowable" instead of "appropriate" when referring to the management level.

Paragraph 3

You state an ".....apparent downward trend.....", please supply us with the monitoring data that shows this.

Paragraph 4

"Apparent decrease in this years foaling." If there is an apparent decrease how can you justify your 20% rate of increase? Also, if there is a decrease in foaling would it not appear that the horse population may be stabilizing due to the decrease in available forage?

Paragraph 6

Are horses taking an unfair portion of the blame for dust pollution? How is the Air Force and Sandia mitigating their contribution to the dust pollution?

Paragraph 9

Have all water developments that were agreed to in the C & C agreement been completed?

Page 3

Paragraph 1

If "monitoring studies cannot be conducted....", then you have no basis for removal.

B. Paragraph 2

".....maintain the AML....." What monitoring studies will be done to justify only maintenance of the AML?

Paragraph 3

Please provide us with the existing data that was made available to the C & C Committee by which the determination of the AML of 2,000 was reached. You also state "future adjustments to the AML .....will be based on .....monitoring." How will monitoring be accomplished on that portion of the Nellis Wild Horse Range that is within the Tonopoh test range when you have no access?

Page 4, II., B.

Again you state a 20% rate of population increase after you state low horse vigor and low foal crop.

Page 6

3. Paragraph 4

What private lands are involved?

Paragraph 5

Please add "non-slip material on ramps."

Page 7

Paragraph 3

If it is the "responsibility of the contractor to provide security to prevent loss, injury, or death.....", will the contractor be assessed penalties for injured or dead animals?

Page 8

3. Paragraph 2

Please provide the guidelines and or instructional material which are given to the COR to qualify them to make the determination that a horse must be destroyed.

Page 9

Paragraph 6

How are injured animals to be destroyed? Also, how are individuals qualified to destroy animals?

Page 11,

III Again, how do you justify a 20% rate of increase?

Page 12,

IV A. Air quality - no action alternative. In previous pages the majority of the dust pollution was attributed to human disturbances.

Page 13

Please send us Page 13, as it is missing. We reserve the right to comment on Page 13 once we receive it.

Page 14

Paragraph 1

Please provide us with the monitoring data that shows that "competition" has occurred.

E. Proposed Action

"Deaths by thirst and or starvation would decrease....."

Please provide us with the current number of deaths due to starvation and/or thirst that the proposed action would decrease.

We appreciate the opportunity to comment on this document and look forward to reviewing your response on questions raised herein..

Sincerely,



TERRI JAY  
Executive Director

TJ/cb