



KENNY C. GUINN
Governor

Nellis
STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512
(775) 688-1500 • Fax (775) 688-1595

G 12-1-03.
R. MICHAEL TURNIPSEED, P.E.
Director
Department of Conservation
and Natural Resources

TERRY R. CRAWFORTH
Administrator

SOUTHERN REGION
4747 WEST VEGAS DRIVE
LAS VEGAS, NEVADA 89108
(702) 486-5127; 486-5133 FAX

December 1, 2003

NDOW-SR: 04-074

USDI Bureau of Land Management
Las Vegas Field Office
Attn: John Jamrog
4701 Torrey Pines Drive
Las Vegas, NV 89130-2301

Re: Environmental Assessment NV-052-2004-74 & FONSI for Proposed Gather and Fertility Control of Wild Horses on the Nevada Test and Training Range

Dear Mr. Jamrog:

The Department supports the proposed action of gathering excess wild horses from the Nevada Test & Training Range (NTTR). However, our concurrence with the Bureau's need to remove excess wild horses does not suggest agreement with the Bureau's past, current, or proposed management rationale and justifications concerning wild horses on the NTTR as identified in this document. In this Environmental Assessment NV-052-2004-74 (EA), the Bureau unfortunately continues to make the same or effectively similar incorrect statements and unfounded assumptions previously promulgated in the *Proposed Nevada Test & Training Range Resource Management Plan and Final Environmental Impact Statement (2003)*. As you are aware, the Department filed protest and still awaits the Bureau's response concerning the Proposed NTTR RMP and Final EIS.

Specific to the EA and FONSI:

- **Neither the EA (page 3) nor Draft FONSI (page 1) conforms to the Approved Nellis Air Force Resource Plan and Record of Decision of 1992 (1992 Plan).**
 - In contrast to the first wild horse management objective of the 1992 Plan, the EA identifies a horse use area extending beyond the boundaries of the Nevada Wild Horse Range (NWHR).
 - The EA offers the proposed gather and contraception actions as an *incremental* part of complying with Management Direction 3, but fails to describe what or where the overall, long-term plan is for attaining compliance with Management Direction 3;
 - The EA does not identify intent to limit horse use to the NWHR as described in the 1992 Plan as Management Direction 3.

NEVADA STATE CLEARINGHOUSE

Department of Administration
Budget and Planning Division
209 East Musser Street., Room 200
Carson City, Nevada 89701-4298
(775) 684-0227
Fax (775) 684-0260

CA-074

DATE: November 17, 2003

Governor's Office
 Agency for Nuclear Projects
 Energy Office
 Agriculture Department
 Minerals Commission
 UNR Bureau of Mines
 Economic Development
 Tourism
 Fire Marshal
 Human Resources
 Health Division
 Indian Commission
 Colorado River Commission
 Animal Damage Control

Legislative Counsel Bureau
 PUC
 Transportation (General)
 Transportation (Airspace)
 Office of Traffic Safety
 UNR Library
 UNLV Library
 Historic Preservation
 Emergency Management
 Office of the Attorney General
 Washington Office
 Nevada Assoc. of Counties
 Nevada League of Cities

Conservation & Natural Resources -
Director's Office
 State Lands
 Environmental Protection
 Forestry
 Conservation Districts
 State Parks
 Water Resources
 Natural Heritage Program
 Wild Horse Commission
 Wildlife Department - Director's Office
 Region 1 - Fallon
 Region 2 - Elko
 Region 3 - Las Vegas

Nevada SAI # E2004-084

Project: EA and Draft FONSI for Proposed Wild Horse Gather at Nevada Test Site

Yes No Send more information on this project as it becomes available.

CLEARINGHOUSE NOTES

Enclosed, for your review and comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **December 11, 2003**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Julie Butler, Acting Clearinghouse Coordinator, (775) 684-0227 or jbutler@budget.state.nv.us.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

No comment on this project
 Proposal supported as written
 Additional information below
 Conference desired (See below)
 Conditional support (See below)
 Disapproval (Explain below)

AGENCY COMMENTS:

PLEASE SEE ATTACHED RESPONSE; OUR COMMENTS
SENT DIRECT TO BLM IN VIEW OF TIMELINES


Signature _____
s:\shardat\clear\clear.doc

NDOW-SR
Agency _____

1 DEC 2003
Date _____

- **There is no presentation of qualitative and quantitative vegetation monitoring data to corroborate the removal proposed in this EA.**
 - Regardless of the administratively determined AML numbers and the current population numbers, the Interior Board of Land Appeals and district courts have repeatedly ruled that a gather/removal must be predicated upon sound science, with long-term vegetative monitoring at its core. Such monitoring activity is also instructed in the 1992 Plan under Management Directions 2 and 9. The Bureau has failed to provide the data.

- **The Department is additionally troubled by the recent trend toward intensive, hands-on management of "wild" horses.**
 - Contraceptives, freeze branding, subjective selection for color and/or morphological characteristics, and attempts to corral all animals within a herd management area does not seem to encourage a wild and free-roaming existence as required under the Act;
 - The costs associated with the above intense management actions will likely hamper the Bureau's efforts to effectively reduce horse populations on the NTTR and perhaps elsewhere in Nevada to appropriate management levels, and we are primarily concerned for anticipated reductions in the funding available for supporting appropriate monitoring of horse populations and habitat for proper determinations of appropriate management levels;
 - The suggestion made under the *Cumulative Impacts* section on EA page 18 to transplant wild horses onto the NTTR is particularly troublesome relative to maintaining the unique integrity of otherwise isolated herds. Consistent with your determination that impacts are unclear, we do not perceive a problem. There is no horse race to achieve long-term demographic/genetic balance in the wild horse population on the NTTR. In fact, the suggestion opens the question of the relationship between suitable range conditions and carrying capacity to genetically viable herd size on the NTTR. Any future actions should be based on sound, scientifically-based monitoring data prior to determining and/or implementing appropriate actions to reach a thriving natural ecological balance.

As indicated above, and until existing protests and appeals are resolved affecting wild horse management on the NTTR, the Department encourages the Bureau to gather/remove excess wild horses, and manage horses within the area defined in the 1992 Plan, i.e. the NWHR, to an actual thriving natural ecological balance with the resources therein.

Sincerely,



D. Bradford Hardenbrook
Supervisory Biologist - Habitat

CS/DBH:cs/dbh

Cc: Director, NDOW
Attorney General, Nevada
Nellis NTTR, USAF
Administrator, NDCNR-CPWH