

✓
1/23/92
① Resources
② Caliente

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0730 A.M.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Nevada State Office
P.O. Box 12000
Reno, Nevada 89520-0006

JAN 29 1992

LAS VEGAS DISTRICT
BUREAU OF
LAND MANAGEMENT

In reply refer to:
4700 (NV-931.3)

JAN 27 1992

MEMORANDUM

To: District Manager, Las Vegas
From: State Director, Nevada
Subject: Nellis Air Force Range Wild Horse Removal Plan

Attached is the approved FY 1992 Nellis Air Force Range Wild Horse Removal Plan for your files. Nevada State Office will maintain copies for our files.

[Handwritten Signature]

Associate

1 Attached
1 - Nellis Air Force Range Wild Horse Removal Plan (35 pp)

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Nevada State Office
P.O. Box 12000
Reno, Nevada 89520-0006

KCOW
11/5/92
H. W. S. O.
11/19/92

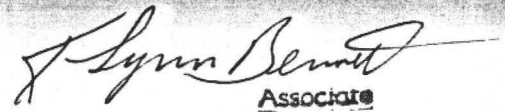
In reply refer to:
4700 (NV-931.3)

December 19, 1991

MEMORANDUM

To: Director (250) Room 206, LS
From: State Director, Nevada
Subject: Nellis Air Force Range Wild Horse Removal Plan

This is to transmit the FY 92 Nellis Air Force Range Wild Horse Removal Plan for your review and concurrence. As with the FY 91 Nellis Air Force Range Wild Horse Removal Plan, we are requesting that the plan be forwarded to the Assistant Secretary, Land and Minerals Management.


Associate

- 2 Attachments
1 - FY 92 Nellis Air Force Range
Wild Horse Removal Plan
2 - Transmittal Memo to Assistant
Secretary, Land and Minerals
Management

DEC 21 11 30 AM '91



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO

4700
(250)
(NV-931.3)

JAN 13 1991

MEMORANDUM

To: Assistant Secretary - Land and Minerals Management

From: Director, Bureau of Land Management

Subject: Request for Assistant Secretary to Approve Removal Plan for Nellis Air Force Range Wild Horse Removal

This is to request that you approve the attached Removal Plan for Nellis Air Force Range Wild Horse Removal. This Removal Plan was prepared by the Bureau of Land Management's Las Vegas (Nevada) District Office.

Removal Plans are normally approved at the District or State Office level. However, for the past several years, planned removals have been subjected to extensive delays by appeals to the Interior Board of Land Appeals (IBLA). Your approval of this plan will eliminate the possibility of appeals to the IBLA and therefore, avoid the automatic stay that is triggered by appeals to IBLA. At this time, your approval is the only mechanism to avoid the delay inherent in IBLA review. It is urgent that this removal proceed immediately to avoid problems similar to those encountered during the 1991 Nellis removal.

The authority to remove excess wild horses from the range is found in the Wild Free-Roaming Horse and Burro Act (Public Law 92-195, as amended). Section 3(b)(2) of the Act requires the immediate removal of excess wild horses when necessary to "restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation."

The Removal Plan states that:

- The 1991 census indicates there are at least 3,583 and as many as 5,219 wild horses within the removal area on Nellis Air Force Base.
- Analysis of water monitoring data indicates that sufficient perennial water exists to support approximately 1,000 wild horses.

- Analysis of forage monitoring data indicates approximately 876.6 square miles of the removal area in the severe utilization category (80-100 percent utilization).

The Removal Plan and associated documents support removal to an appropriate management level of 1,000 wild horses from the Nellis Air Force Range to bring the population of wild horses to a level approaching a balance with available water and forage in the removal area. The Removal Plan also directs that the population be maintained at 1,000 wild horses until monitoring data indicates an adjustment is required.

I have recommended this action by signing the Removal Plan, and I ask that you approve the Removal Plan.

Dea Staneh

1 Attachment

1 - Removal Plan With Supporting
Documentation

PLAN FOR
NELLIS AIR FORCE RANGE
WILD HORSE REMOVAL

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

Plan for Nellis Air Force Range
Wild Horse Removal

I. INTRODUCTION

A. PURPOSE OF REMOVAL

The purpose of the proposed action is to restore and maintain a thriving natural ecological balance and to prevent further deterioration of the rangeland resources currently threatened by an excess of wild horses in the removal area. An analysis of monitoring data has determined that the appropriate management level (AML) for the Nevada Wild Horse Range (NWHR) is 1,000 wild horses. Removal of excess animals will be initiated in 1992 and continue in subsequent years to achieve and maintain the AML.

This document outlines the process and the events involved with the wild horse removal operation for the Nellis Air Force Range. Included are the numbers of horses to be removed and to remain, the time and method of capture, the handling and disposition of captured horses and the BLM personnel involved with the proposed gather.

B. LOCATION

The proposed removal area is in the Nellis Air Force Range located in Clark, Lincoln and Nye counties of southern Nevada. The removal area is covered under the Military Lands Withdrawal Act of 1986 (P.L. 99-606). The cooperative agreement between the BLM and United States Air Force-Nellis Air Force Range for management of the wild horses, dated February 12, 1973 delineates the boundaries of the Nevada Wild Horse Range. The proposed gather area is in the severe use zones. These are the areas in Mud Lake, Kawich Valley, Gold Flat, and Cactus Flat areas.

This action is considered a part of long term management. The attached maps identify the proposed removal area.

Topographically, the gather area ranges from flat valley bottoms to steep, mountainous terrain. Wild horses are anticipated to be found at all elevations during the gather period, although past utilization and distribution patterns indicate that they may be found congregated in the valley bottoms. There are few physical barriers and fences in the area and these areas will be avoided.

C. BACKGROUND

1. Situation and Supporting Data

The wild horse census conducted in 1989 and 1990 counted between 6,255 and 4,302 animals within the removal area. In 1991, 1874 adult horses were removed. Based on the 1991 census, 5,219 wild

horses are on the range. During the post capture 1991 census, 3,583 wild horses were counted (direct count technique). Analyzing precapture census, capture numbers, post capture census, marked horses (docked tails) with the Lincoln Index, 5,219 wild horses were determined to be the current population. The proposed gather would remove wild horses in the Mud Lake, Kawich Valley, Gold Flat, and Cactus Flat, EC West, R-4809A, Range 71 north and south, Range 76 and the north part of EC East.

Based on the 1987 and 1989 removals the percent of young animals less than two years old ranges from 16%-20%. The recruitment rate based upon the number of two year olds in the population ranges from 11%-16%. Based on removal data the sex ratio is 1.05:1.00 males to females or essentially a 1:1 ratio.

Preliminary data from the 1991 removal indicates a 25 percent foal rate with a 1:1 sex ratio; most the mares are under 10 years old and a large number of the dominant stud horses are over 10 years old; the stud horses from 10 to 20 years old range from two to four inches taller (up to 15.2 hands tall) than the age range from 5 to 8 years. This smaller size of the younger mature males may be a reflection of the declining water and forage conditions from 1985 to 1991.

United States Air Force (USAF) hauled water starting in April 1991 at BLM's request in order to keep the horses in as good health as possible. As a result of a number of days of unseasonably cool rainy weather and the water hauling, the horse herd maintained fair health and BLM only euthanized 30 horses or 0.8 percent of the animals processed. Warm weather and an influx of horses migrating from the Kawich Valley, Cactus Flat, Gold Flat and Mud Lake in the Nellis Air Force Range began to stress the limited vegetation and water sources impacting the horses health and condition.

During the later part of the 1991 removal, the horse condition deteriorated such that most the lactating mares were drying up. Consequently 395 foals were gathered as abandoned/orphaned foals. The mares began losing weight with ribs and hip bones protruding. Ten mares were observed to have died due to electrolyte imbalance in and around Breen Creek after gorging themselves on water. It is estimated that open mares and stud horses maintained their health because they did not have the burden of lactation.

In 1991, 1874 adult horses and 395 orphan foals were removed. A total of 3613 wild horses were handled during the capture (3086 adults and 527 foals) and 1314 returned to the range.

Water table measurement at Silver Bow and Cedar Well indicates a six foot drop in the water table.

Use pattern maps indicating significant areas of heavy and severe utilization have been prepared in 1985, 1986, 1987 and 1990. These maps also indicate a trend of increasing size in the heavy and severe utilization zones as shown in the following table.

UTILIZATION SUMMARY FOR NAFR
ACRES WITHIN EACH UTILIZATION LEVEL

SEVERE		SLIGHT	LIGHT	MODERATE	HEAVY	
		YEAR	<u>NO USE</u>	<u>10% USE</u>	<u>30% USE</u>	<u>50% USE</u>
<u>70% USE</u>	<u>90%+</u>					
1985	125,748	94,963	180,056	185,939	120,372	170,341
1986	188,927	191,786	74,415	74,754	117,239	230,298
1987	158,730	282,293	87,511	83,796	113,765	151,315
1990	0	58,238	0	258,127	0	561,054

TOTAL USEABLE ACRES 877,419

A use pattern map for 1990 was developed using data collected on February 9 & 10, March 3 & 13, April 13 & 14, and June 4, 1991. Photographs taken during these field examinations show the severe use and degraded condition of plants in the removal area. Little to no residual forage was available in significant portions of the removal area. Because of low plant vigor, vegetative response to rain received in 1991 was not significant. Growth provided temporary forage, however, the effects were short term in nature. Range condition objectives can not be met under existing population levels.

The area in severe use has increased from 236 square miles (151,315 acres) in 1987 to 876.6 square miles (561,054 acres) in 1990. This equates to about a 368 percent increase in severely grazed rangeland from 1987. The last major capture occurred in 1987.

Increase in dust due to trailing and reduced vegetative cover has decreased visibility and the effectiveness of military uses including defense optical testing within the removal area.

The Nellis Evaluation addresses the resource conditions in detail to identify the need for this capture. It was sent out for review in 1989 and revised based on the comments in December 1990. Additional monitoring data collected and analyzed since that time was used to supplement the analysis supporting this

removal. This information is available in the Caliente Resource Area office.

Monitoring data for natural spring flow rates from water sources in the Nevada Wild Horse Range (NWHR) (Cedar Well, Sumner Spring, Cedar Spring, Cedar Pass Springs, Upper and lower Rose Spring, Tunnel Spring, Corral Spring, Harleys Spring, Joe Pass Spring, Silver Bow Spring, and Silver Bow Corral) indicate that the natural water supplies can support an estimated 1,000 horses, if the horses only use 10 gallons per day. The current wild horse population is estimated to be triple what the natural water supplies can sustain. Ephemeral water sources are found around the alkali flats, where water collects during periods of precipitation. These are considered to be unreliable sources because of their short term and unpredictable availability.

Since 1988, the wild horse herds have required supplemental water during the summer and dry winter periods to prevent the deaths of many animals. During the summer of 1991, when horse water demand was greater than perennial water supplies, the USAF hauled an average of 12,000 gallons/day or approximately 1.8 million gallons of supplemental water to wild horses on the summer range areas.

In summary, data indicates that existing water and forage within the removal area can not support the current population of wild horses; deterioration of the range is occurring and a thriving natural ecological balance does not exist.

2. Objectives of the Gather Plan

- a. To avoid or eliminate conflict with military use of the Nellis Range Complex in accordance with P.L. 99-606.
- b. To achieve and maintain a thriving natural ecological balance in accordance with P.L. 92-195 and consistent with other resource values.
- c. To protect and manage wild free roaming horses in accordance with P.L. 92-195.
- d. To prevent deterioration of the rangeland resources in accordance with various statutes.
- e. To reduce the acreage in severe utilization category and improve rangeland conditions.

II. REMOVAL PROCESS

A. ADMINISTRATION OF THE GATHER

The proposed action is to restore the range to a thriving natural ecological balance and to prevent further deterioration of the rangeland resources currently threatened by an excess of wild horses in the removal area. This population adjustment and all future adjustments conducted through this plan are and will be based solely on analysis of monitoring data.

Water trapping and/or helicopter will be used to capture wild horses that graze the heavy and severe utilization zones within the removal area (see attached map). Wild horses will be removed beginning in approximately February of 1992 and continue in subsequent years until a population of 1,000 is reached. If necessary a helicopter may be used to supplement operations. Subsequent gathers will be conducted under this plan to maintain an average population of 1,000 horses.

This removal will be conducted through the FY '92 Nevada Wild Horse/Burro Removal Requirements Contract. The removal will be supervised by a Contracting Officer's Representative (COR) and a Project Inspector (PI). Sorting and aging operations will be conducted by the Contractor and supervised by COR/PI. All stipulations contained in this removal plan and the contract will apply. Through either its own personnel or the contractor, the BLM will be responsible for the capture, care, sorting, temporary holding and transportation from the removal area of all wild horses.

Two weeks prior to the start of removals, BLM will provide a written pre-capture evaluation of existing conditions in the removal area. The evaluation will include animal condition, prevailing temperatures, soil conditions, topography, road conditions, locations of fences and other physical barriers, water availability, and animal distribution in relation to potential trap locations.

The evaluation will also conclude whether the level of activity associated with the removal operation is likely to cause undue stress to the animals. A determination will be made as to whether such stress could be tolerated by the horses if a veterinarian is utilized or whether a delay in the capture activity is warranted. If it is determined the removal can proceed with a veterinarian present, the services of a veterinarian will be obtained before the removal proceeds.

It is estimated that no more than 10 trap locations will be required to accomplish the work. Potential trap sites include but are not limited to Rose Spring Pipeline, Silver Bow Spring,

Corral Spring, Tunnel Spring, Cactus Spring and Cedar Well. Potential trap sites occur on or near existing roads. Other trap sites will be selected throughout the removal area to reduce concentrations of animals in the heavy and severe utilization zones. If a helicopter is used, trap locations may not be near springs.

Prior to setting up traps and support facilities, cultural resource and biological assessment of these sites will be conducted by qualified BLM specialists. Trap locations exhibiting significant cultural resources or sensitive biological values will be shifted or eliminated from consideration.

B. CAPTURE

1. Time and Method

The removal will commence in January 1992, when weather and wild horse conditions permit. Once the removal operation begins, it is anticipated that the initial phase to gather 1,500 will last approximately 12 weeks. Subsequent removals will be conducted to achieve and maintain the AML.

Water trapping will be used to remove wild horses. If water trapping is unsuccessful, a helicopter will be used to move wild horses to trap sites, where they will be encouraged into traps. The radio frequencies used by the helicopter must be pre-approved and cleared in writing by the Tonopah Test Range Frequency Management. This will reduce the possibility of radio interference. Helicopter removal activities would be restricted to weekends unless approved by USAF on a day to day basis. Should a helicopter be used, USAF may specify certain routes to herd the horses and trap locations. All removal and helicopter activities will be subject to Nellis Air Force Range (NAFR) security requirements. Altitude restrictions and scheduled flight times must be coordinated with and approved by USAF.

The temporary traps and corrals will be constructed from portable pipe panels. A loading chute at the holding corral will be equipped with plywood sides or similar material so horses' legs will not get caught in the panels. Trap wings will be constructed of portable panels, jute netting, or other materials determined to be non-harmful to the horses. Barbed wire or other harmful materials will not be allowed for wing construction. All trap, corral, and wing construction will be approved by the COR/PI.

2. Number of Animals to be Removed and to Remain

The AML for the NWHR was determined through an analysis of utilization monitoring data, an assessment of range conditions, climatic data, water flow data and the most recent complete

aerial censuses (1989, 1990, and 1991). Water availability in the summer range is the limiting factor in the number of horses the range can sustain. Initially, 1,500 will be removed during FY'92. Future removals will be conducted to achieve and maintain the determined AML of 1,000 animals until monitoring data indicates an adjustment is required. Based on the 1989, 1990, and 1991 censuses, 5,219 wild horses are on the range.

Gather Area Population(Year)	Nos. to be Gathered	Minimum Nos. To Remain	Census
Nellis Air Force (1989)	1500 (1992)	1000*	6255
Range (including (1990)			4302
NWHR)			5219 (1991)

*This and future captures will be conducted to leave 1,000 wild horses within the Nellis Air Force Range. A post gather census will be conducted to ensure that the identified population numbers remain after the gather is complete.

C. SORTING

At each holding site, animals will be sorted into the following four categories using the criteria listed:

1. ANIMALS TO BE REMOVED FROM THE RANGE generally will meet the following criteria:
 - a. Animals under 10 years of age which are determined not to have recognizable defects. Animals over 6 years of age should not exhibit negative qualities. Some examples of negative qualities that would require that a horse be released back on the range would include horses with one eye or one ear, or excessive scarring resulting from injuries.
 - b. Animals in sufficient health to be shipped from Palomino Valley Center within a reasonable period of time following arrival.
2. Any LAME, OLD, OR SICK ANIMALS will meet the following criteria:
 - a. Lame means an animal with one or more malfunctioning limbs that permanently impair freedom of movement.
 - b. Old means an animal characterized because of age by its physical deterioration and inability to fend for itself, suffering or closeness to death.

c. Sick means an animal with failing health, infirmity or disease from which there is little chance of recovery.

3. ANIMALS TO BE RELEASED BACK ON TO THE RANGE may be selected using the following criteria:

a. Obviously near term pregnant mares.

b. Mares with foals too young be shipped (foals less than 1 week old).

c. Animals ten years of age and older and animals over six years of age exhibiting negative qualities.

d. Animals without identifiable hereditary defects not meeting other criteria for destruction. Some examples of negative qualities that would require that a horse be released back on the range are horses with one eye or one ear, excessive scarring resulting from injuries. These conditions do not impede the horse's ability to survive on the range, so the horses are returned to the range. Horses with genetic defects or injuries that impede their ability to survive on the range are euthanized.

4. BRANDED AND CLAIMED ANIMALS will be identified using the following criteria:

a. Branded animals with offspring, including yearlings.

b. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g., geldings, photo documentation, saddle marks, etc.).

D. PROCESSING

1. Removal. Animals meeting the removal criteria will be returned to the Contractor for transport to a processing center.

2. Destruction. The COR/PI will have the primary responsibility for determining when an animal will be destroyed in accordance with 43 CFR Subpart 4730.1. Due to security restrictions involving personnel permitted to carry fire arms on the Nellis Air Force Range, Advanced Security Inc. (ASI) supervisory personnel will perform the actual destruction. The COR/PI will insure that destruction methodology is known to personnel involved in this aspect. In addition, the COR/PI will provide training to ASI personnel to insure that destruction is accomplished in the most humane manner possible. Only appropriate firearms will be used by ASI personnel. When the need for destruction

questionable, a veterinarian will be called to assist in making a final determination.

The carcasses of wild horses that die or must be destroyed, as a result of any infectious, contagious or parasitic disease, will be disposed of by burial to a depth of at least 3 feet. The carcasses of other wild horses which must be destroyed will be disposed of by removing them from the capture site or holding corral and placing them in a inconspicuous location to minimize the visual impacts. Carcasses will not be placed in drainage regardless of drainage size or downstream destination.

3. Release. Animals selected for release back on the range will be retained until the trap site in which they were captured is relocated and their recapture is unlikely or marked so if they are recaptured they are easily identified.

4. Branded and Claimed. A Notice of Intent to Impound and 28-day Notice to Gather Wild Horses will be issued concurrently by the BLM, prior to any removal operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices. The COR/PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the removal area. The COR/PI, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming horses. The District Brand Inspector will identify ownership of branded animals and their offspring and, if possible, the ownership of unbranded animals determined not to be wild and free-roaming horses.

Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM in a separate holding corral. Release of these animals to the owner or claimant will be upon settlement of impoundment and or trespass charges. Appropriate charges will be determined by the Caliente Area Manager in accordance with 43 CFR Subpart 4710.6 and 43 CFR Subpart 4150. In the event settlement is not made, the horses will be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined, and unclaimed, unbranded horses with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estray.

The District Brand Inspector will provide the COR/PI with a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley Center (Reno). A similar certificate will be issued for the branded or claimed horses for whom impoundment and trespass charges have not been offered or received in order to ship them to public auction or another holding facility.

E. HOLDING

If the holding facility is located on lands withdrawn for military purposes, all access will be controlled by the United States Air Force (USAF). All requests for public access to the holding facility will be made to the Caliente Area Manager, who will then forward the request to the USAF. The USAF will evaluate the request and grant or deny access.

The contractor will provide all feed, water, labor, and equipment to care for captured horses at the holding facility. The contractor will also provide transportation of captured horses from the temporary holding facility to the Palomino Valley Center (PVC) (Reno) Nevada. BLM will provide transportation of unclaimed and claimed branded horses to an approved facility for release to the claimant or for handling under Nevada State estray laws. All work will be accomplished in a safe and humane manner and be in accordance with the provisions of 43 CFR Part 4700 and the following specifications, provisions, and attached work location maps. All labor, vehicles, helicopters, traps, troughs, feed, temporary holding facilities, and other supplies and equipment including, but not limited to the aforementioned, shall be furnished by the contractor. BLM will furnish contract supervision.

F. TRANSPORTATION

1. Wild Horses

After sorting, wild horses will be transported to PVC or possibly to the Bureau's processing center in Kingman, AZ. Transportation will be in accordance with standards in the stipulations and specifications section in this plan.

2. Branded and Claimed Horses

Branded and claimed horses will be transported off of the Range by the BLM or the Brand Inspector depending on the final disposition of the individual animals.

G. RESPONSIBILITIES

1. District Manager

The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. The District Manager, directly and through his subordinates, has ultimate responsibility and line authority for supervision of assigned personnel in all aspects of the removal. All publicity and initial contacts with the media will be coordinated by and through the District Public Affairs Officer.

2. Area Manager

Formal public contacts, Nellis access, and general inquiries will be handled through the Caliente Resource Area Manager. The Area Manager is responsible for dissemination of information to the District Manager, the State Director's representative, and interested publics. As a minimum the Area Manager will provide removal statistics (number removed, number released, number destroyed) on a weekly basis. Accidents and incidents will be reported immediately. The Area Manager, directly and through his subordinates, has responsibility and line authority for supervision of assigned personnel to insure safe and humane practices relative to the health and welfare of the wild horses.

3. Other BLM Personnel

Prior to performance of duties, attached/detailed BLM personnel will tour the removal area and look at potential trap sites. In addition they will be briefed on results of the pre-capture evaluation, the objectives and standards of their tasks and the removal plan stipulations and specifications.

4. Contracting Officer's Representative and Project Inspector

The COR/PI will be directly responsible for conducting the removal including supervision other attached/detailed BLM personnel and the Contractor. The COR supervises the PI. The COR/PI, through on-site observation, will evaluate the

contractor's ability to perform the required work in accordance with the contract stipulations and specifications. COR/PI will be on site during the capture activities to ensure Contractor compliance with the contract stipulations and to protect the health and welfare of the animals. Compliance with the contract stipulations will be facilitated through issuance of written instruction to the contractor, stop work orders, and default procedures should the contractor not perform work according to stipulations.

The COR/PI will coordinate contacts with Palomino Valley Center (PVC) or other handling facilities, to assure space is available, horses are handled humanely and efficiently, and are arriving from the capture site in good condition.

If a helicopter is used, the radio frequencies used by the helicopter must be pre-approved and cleared in writing by the Tonopah Test Range Frequency Management. This will reduce the possibility of radio interference. Helicopter removal activities would be restricted to weekends unless approved by USAF on a day to day basis. Should a helicopter be used, USAF may specify certain routes to herd the horses and trap locations. All removal and helicopter activities will be subject to NAFR security requirements. Altitude restrictions and scheduled flight times must be coordinated with and approved by USAF.

The COR/PI will maintain a daily log and furnish the Area Manager with copies of all written instructions to the Contractor and any stop work order on a weekly basis. Removal/release statistics will be furnished to the Area Manager on a weekly basis. Accidents and incidents will be reported to the Area Manager immediately. The COR/PI is also responsible for reporting proceedings to the Contracting Officer. The COR/PI is responsible for on-site coordination as needed and for providing capture information and statistics to Nellis Range Personnel on a weekly basis.

It is anticipated that the COR will be the Caliente Resource Area Office supervisory range conservationist. PIs may include, but are not limited to wild horse and burro specialists with BLM in Nevada.

G. CONTRACTOR

The contractor shall be required to present for inspection by the COR all equipment that will be used in performance of the contract. The time and place of inspection shall be determined by the COR. Except for helicopters, any equipment that the COR determines to be inadequate shall be replaced or repaired by the contractor within 36 hours.

Work hours under this contract shall be limited to the time between one half hour before sunrise to one half hour after sunset each day with the exception of bait trapping which may be conducted 24 hours per day. No work shall be done on Sunday or Federal holidays unless mutually agreeable between the COR and the contractor and authorized by the CO. All work hours will be subject to review and approval by USAF.

The Contractor will be briefed on his duties and responsibilities before the Notice to Proceed is issued. The contractor will be informed of the terrain involved, animal condition, road conditions, potential trap locations, water availability and the presence of fences and other dangerous barriers.

III. STIPULATIONS AND SPECIFICATIONS

WITH THE EXCEPTION OF EXPLANATORY NOTES (SHOWN IN [BRACKETS]) THE FOLLOWING TEXT IS TAKEN DIRECTLY FROM THE REQUIREMENTS CONTRACT (N651-C1-3063).

A. TRAPPING AND CARE

All capture attempts shall be accomplished utilizing either helicopter-drive trapping, helicopter-roping, or bait trapping techniques and shall incorporate the following:

1. All trap locations and holding facilities must be approved by the COR/PI prior to construction. The Contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner. All trap locations on withdrawn land must be approved by USAF.

2. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

[NOTE: BLM will not allow horses to be herded more than 10 miles nor faster than 20 miles per hour. The COR/PI may decrease the rate of travel or distance moved should the route to the trap site pose a danger or cause avoidable stress (steep and/or rocky). Animal condition will also be considered in making distance and speed restrictions.

Temperature limitations on helicopter operations are 10 degrees F. as a minimum and 95 degrees F. as a maximum. Special attention will be given to avoiding physical hazards such as fences.]

3. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:

a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, 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.

b. All loading chute sides shall be fully covered with plywood (without holes) or like material. The loading chute shall also be a minimum of 6 feet high.

c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood (without holes) or like material a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses.

d. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR/PI.

e. 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 for burros and 2 feet to 6 feet for horses. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.

f. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.

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

[NOTE: If the route by which the contractor wishes to herd horses passes through a fence, the contractor will be required to roll up the fencing material and pull up the posts to provide at least one-eighth mile of gap. The standing fence on each side of the gap will be well-flagged for a distance of 300 yards from the gap on each side.]

5. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to wet down the ground with water.

6. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, and estrays from the other animals. 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. Under certain conditions, the government may require that animals be restrained for the purpose of determining an animals age or other similar practice. In these instances, a portable restraining chute will be provided by the government. Alternate pens shall be furnished by the contractor to hold animals if the specific gathering requires that animals be released back into the capture area(s).

[NOTE: Animals held in excess of 10 hours will be provided sufficient space to allow for movement and reduce the possibility of crowding.]

7. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate 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 [grass] hay at the rate of not less than 2 pounds of hay per 100 pounds of estimated body weight per day.

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

9. The Contractor shall restrain sick or injured animals if treatment by the Government is necessary. The COR will determine if injured animals must be destroyed and provide for destruction of such animals. The Contractor may be required to dispose of the carcasses as directed by the COR/PI.

10. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI 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/PI. The Contractor shall schedule shipments of animals to arrive at final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours.

B. CAPTURE METHODS

1. Helicopter-Drive Trapping

All use of helicopters will be coordinated with Nellis AFB. The radio frequencies used by the helicopter must be pre-approved and cleared in writing by the Tonopah Test Range Frequency Management. This will reduce the possibility of radio interference.

Helicopter removal activities would be restricted to weekends unless approved by USAF on a day to day basis. Should a helicopter be used, USAF may specify certain routes to herd the horses and trap locations. All removal and helicopter activities will be subject to NAFR security requirements. Altitude restrictions and scheduled flight times must be coordinated with and approved by USAF.

a. Capture attempts shall be accomplished by the utilization of a helicopter. A minimum of one saddle horse shall be immediately available at the trap site to accomplish roping if necessary. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one hour.

b. The helicopter shall be used in such a manner that bands will remain together. Foals shall not be left behind.

c. Helicopter, Pilot and Communications

(1) 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.

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

(3) The COR/PI shall have the means to communicate with the Contractor's pilot and be able to direct the use of the gather helicopter at all times. If communications cannot be established, the Government will take steps as necessary to protect the welfare of the animals. The frequency(ies) used for this contract will be assigned by the COR/PI when the radio is used. When a VHF/AM radio is used, the frequency will be

122.925 MHz. The helicopter pilot must be able to communicate with USAF at all times for flight safety and security reasons.

(4) The Contractor shall obtain the necessary FCC licenses for the radio system.

(5) 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 representative.

(6) At time of contract completion, the contractor shall provide the COR the total flight time (in hours/tenths), including ferry time to and from the contractor's home base, spent in performance of the contract.

2. Helicopter-Roping

a. All capture attempts shall be accomplished by utilizing a helicopter to drive animals to ropers.

b. Under no circumstances shall horses or burros be tied down for more than one hour.

c. Roping shall be performed in such a manner that bands will remain together. Foals shall not be left behind.

3. Bait Trapping (water, feed)

a. All capture attempts shall be accomplished by utilizing water or feed as an attractant to lure animals into a trap.

b. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.

c. All trigger and/or trip gate devices must be approved by the COR/PI prior to capture of animals.

d. Traps shall be checked a minimum of once every 10 hours.

[NOTE: The contractor will leave water traps around permanent water sources open at the completion of each day's capture operation to allow wildlife access to water.]

C. MOTORIZED EQUIPMENT

1. 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.
2. 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.
3. 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 final destination. Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor. 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 gate to separate the animals. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.
4. All vehicles used to transport animals to final destination shall be equipped with at least one door at the rear end of the vehicle which is capable of sliding either horizontally or vertically.
5. Floors of vehicles, trailers, 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 animals from slipping.
6. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the COR and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum linear feet per animal shall be allowed per standard 8-foot wide stock trailer/truck:

1.4	linear foot per adult horse
1.0	linear foot per adult burro
.75	linear foot per horse foal
.5	linear foot per burro foal

[NOTE: The COR/PI will supervise the loading of the wild horses to be transported from the trap to the temporary holding corral. The COR/PI will require separation of small foals and/or weak horses from the rest should there be a potential for injury during the trip. The COR/PI will consider the distance and condition of the road and animals in making this determination. Horses shipped from the temporary holding corral to the PVC will normally be separated by studs, mares and foals (including small yearlings). However, if the numbers of these classes of animals are too few in one compartment and too many in another, animals may be shifted between compartments to properly distribute the animals in the trailer. This may include placing a younger, lighter stud with the mares or a weak mare with the foals. Further separation may be required should condition of the animals warrant.

The COR/PI supervising the loading will exercise authority to off-load animals should there be too many horses on the trailer/truck.

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

[NOTE: It is currently planned to ship all horses to the Palomino Valley Center. Palomino Valley Center personnel involved in off-loading the horses will provide feedback to the COR/PI on the condition of shipped horses. Should problems arise, shipping methods, and/or separation of the horses will be changed in an attempt to alleviate the problems.]

8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the Contractor will be instructed to adjust speed.

[NOTE: The maximum distance over which animals may have to be transported on dirt roads is approximately 30 miles per load. The COR/PI may increase this distance if necessary. Periodic checks by BLM employees will be made as the horses are transported along dirt roads. If speed restrictions are placed in effect, then BLM employees will, at times, follow and/or time trips to ensure compliance.]

9. BLM will furnish up to 3 pickups with four wheel drive capability for use by the USAF escort personnel during the removal.

D. CONTRACTOR-FURNISHED PROPERTY

1. All hay, water, vehicles, saddle horses, helicopters and other applicable equipment shall be provided by the Contractor. Other equipment includes but is not limited to, a minimum 2,000 linear feet of 72-inch high (minimum height) panels for horses or 60-inch high (minimum height) for burros for traps and holding facilities. Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g., rubber, rubber over metal) so as to avoid injury to the animals.

2. The Contractor shall furnish an avionics system that will allow communications between the Contractor's helicopter and his fuel truck. All radio frequencies used under this capture must be approved in writing by the Tonopah Test Range Frequency Management. This will reduce the possibility of any radio interference.

3. The Contractor shall furnish a VHF/AM radio transceiver in the Contractor's helicopter which has the capability to operate on a frequency of 122.925 MHz.

4. The Contractor shall provides programmable VHF/FM radio transceiver in accordance with the following and Illustration 1.

a. VHF/FM Transceiver. One VHF/FM (AUX-FM) Transceiver shall be installed, operating in the 150.000 to 174.000 MHz band on five kHz channel increments, with 32 channel CTCSS sub-audible tone encoder capabilities, and no less than five watts and no more than 10 watts carrier power output.

b. In lieu of the VHF/FM Transceiver, the Contractor may furnish the following portable radio, provisions for an auxiliary VHF/FM portable radio and adaptor.

(1) VHF/FM Portable Radio. One VHF/FM Two-Way Portable Radio, operating in the 150 MHz to 174 MHz frequency band, frequency synthesized, CTCSS 32 sub-audible tone capable, operator programmable, 5kHz channel spacing, minimum 5 watts carrier power (Example: King Model No. LPH Series).

(2) Provision for Auxiliary VHF/FM Portable Radio.

(a) The Contractor shall provide the necessary interface for installing and properly operating an Auxiliary VHF/FM Portable Radio through the aircraft's Audio Control Systems. The interface

shall consist of the appropriate wiring from the Audio Control Systems which is terminated in a MS 3112E-12-10S type connector, mounted in a location convenient to the observer, and utilizing the following contact assignments:

<u>Contact Designation</u>	<u>Interface Functions</u>
A	Airframe Ground
B	Push-to-Talk (isolated contact closure)
C	Push-to-Talk (isolated contact closure)
D	Receiver audio low
E	Receiver audio high (Variable typically from 10mW to 500mW, 8 ohms to 75 ohms)
F	Transmitter Microphone Low
G	Transmitter Microphone High
H	+14 VDC from aircraft avionics bus, 5 amp Type A circuit breaker. For 14V aircraft only!
J	+24 VDC from aircraft avionics bus, 5 amp Type A circuit breaker. For 28V aircraft only!
K	Spare contact

(b) One weatherproof external broadband antenna covering the 150-174 MHz band, with associated RG-58A/U coaxial cable and connector, terminated in a bulkhead mounted BNC connector convenient to the observer (Comant type CI-177 or equal).

(c) Radio mounting facilities that comply with AC 43.13- 2A, Chapters 1 and 2, shall be provided for the auxiliary radio for installation in the cockpit, with controls convenient to the pilot and observer. The auxiliary radio connector and antenna connector shall be so located that an 18 inch interconnecting cable may be utilized by the radio.

(d) The selector panel shall supply positive polarity microphone excitation voltage, from the aircraft DC power system through a suitable resistor network, to the aircraft microphone. A blocking capacitor shall be provided in the selector panel to prevent the portable microphone excitation voltage from entering the system.

(e) An auxiliary FM adapter shall be provided to interface the connector and circuits necessary to operate the radio, through the MS3112E-12-10S connector in the aircraft (FS/OAS Drawing A-15-1 is provided as a possible interface).

E. GOVERNMENT FURNISHED PROPERTY

The government will provide a portable "Fly" restraining chute at the pre-work conference, to be used by the contractor for the purpose of aging animals or other similar practices.

IV. FOLLOW UP MONITORING

During and upon completion of removal, the BLM will continue to monitor the wild horse herd, the water sources and the vegetation to determine the degree to which objectives are being met.

SIGNATURES

Recommended by:

Ben F. Collins

Ben F. Collins
District Manager
Las Vegas District Office

Date

1/14/92

Recommended by:

Billy R. Templeton

Billy R. Templeton
State Director, Nevada

1/13/92

Date

Recommended by:

Cy Jamison

Cy Jamison
Director, Bureau of Land Management

JAN 16 1992

Date

Approved by:

David C. O'Neal

David C. O'Neal
Assistant Secretary, Land and
Mineral Management

1-16-92

Date

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3. Gather Area Map
4.
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 - c) Utilization Pattern Map for 1986
 - d) Utilization Pattern map for 1985

ADMINISTERED
BY CALIFORNIA

WINNEMUCCA
DISTRICT

ELKO
DISTRICT

CARSON CITY
DISTRICT

BATTLE
MOUNTAIN
DISTRICT

ELY
DISTRICT

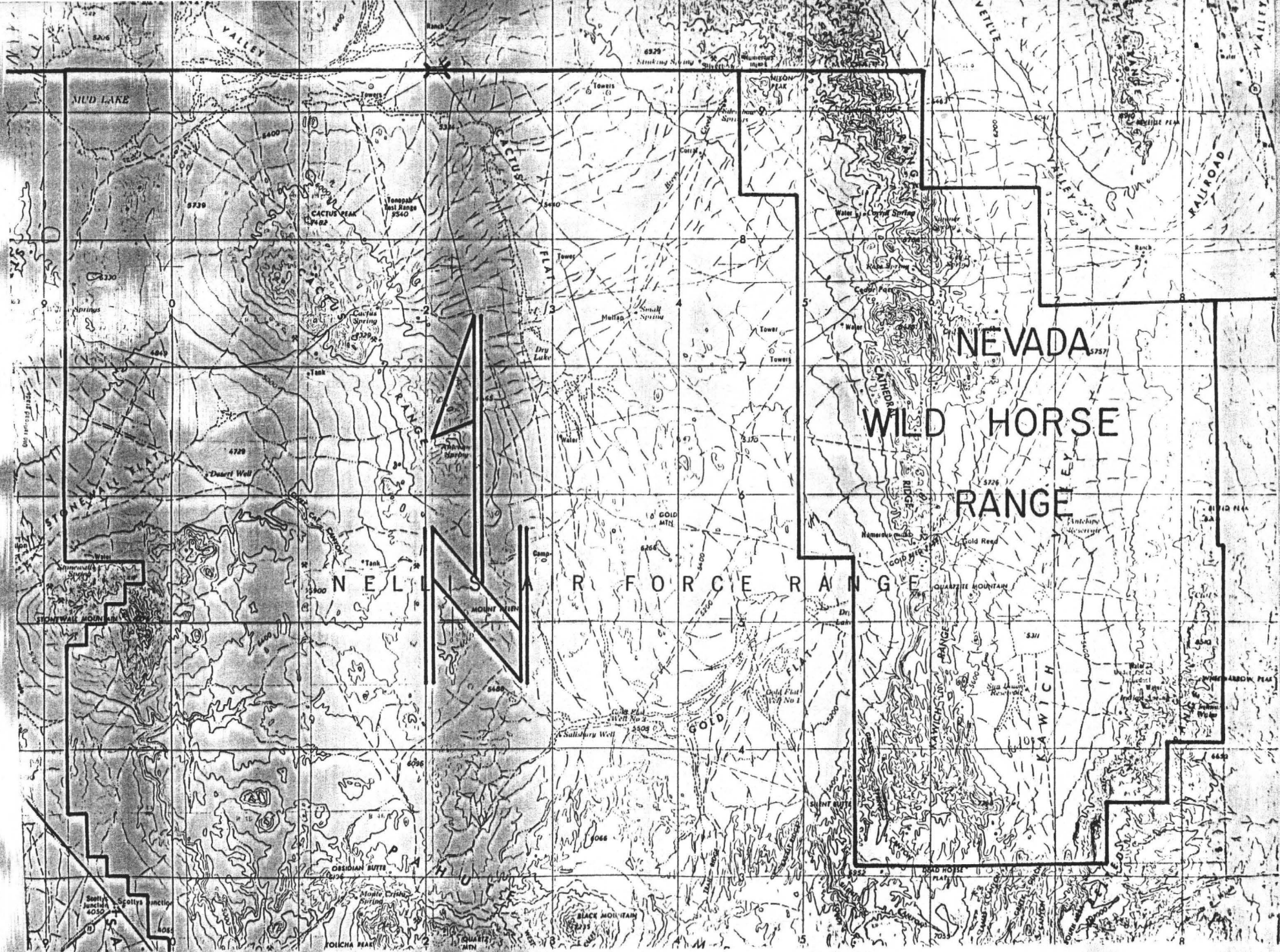


NEVADA
TEST
SITE

(OVERLAP
AREA)
DESERT
NATIONAL
WILDLIFE
RANGE

LAS VEGAS
DISTRICT

(1) NELLIS AIR FORCE RANGE REMOVAL AREA



NEVADA 5757

WILD HORSE RANGE

NELLIS AIR FORCE RANGE

KAWICH

MUD LAKE

CACTUS PEAK 7462

Tonopah East Range 5440

QUARTZITE MOUNTAIN

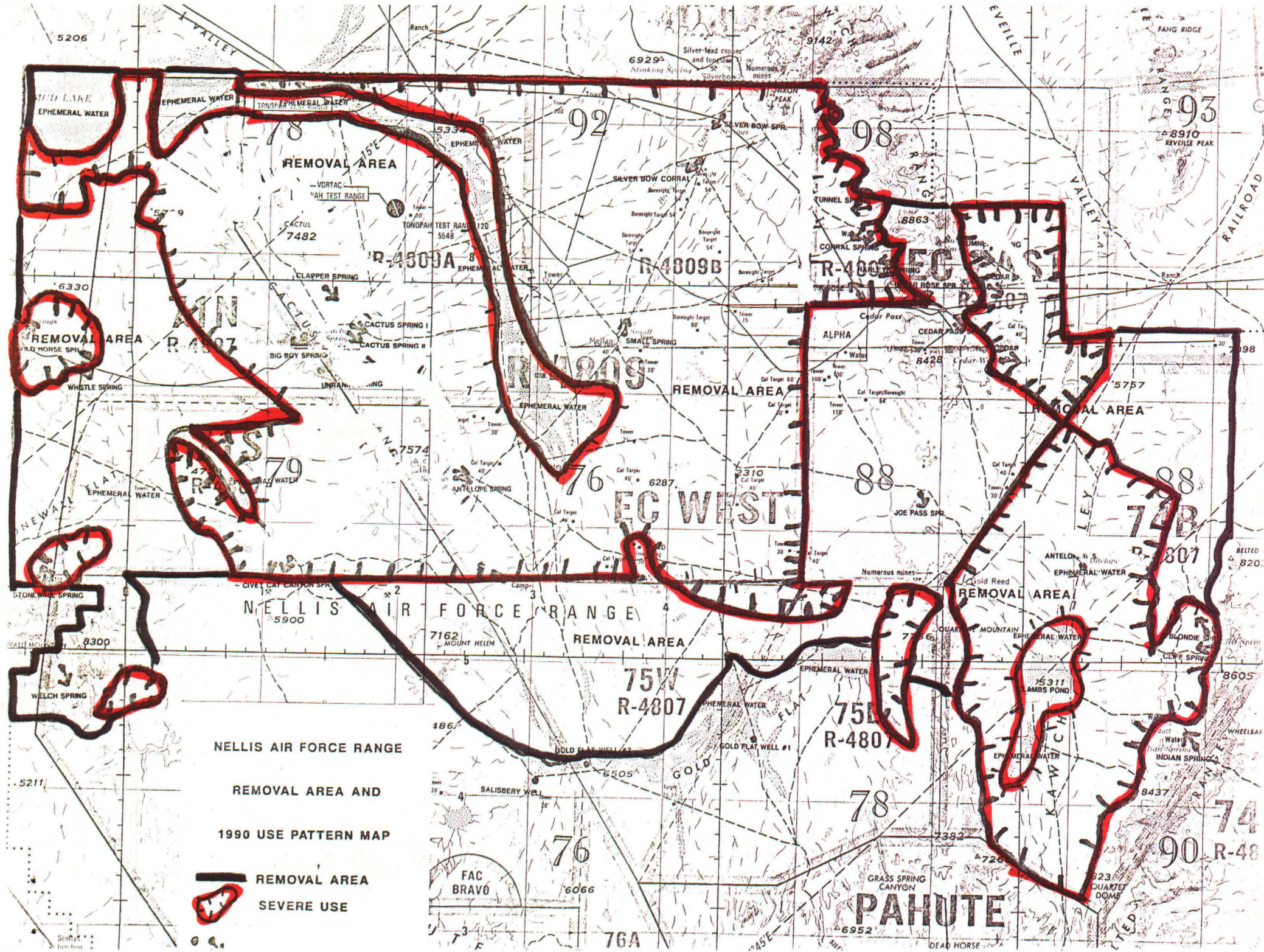
BLACK MOUNTAIN

Scotts Junction 4030

Obsidian Butte

QUARTZITE MOUNTAIN

WILD HORSE RANGE



NELLIS AIR FORCE RANGE
 REMOVAL AREA AND
 1990 USE PATTERN MAP

 REMOVAL AREA
 SEVERE USE

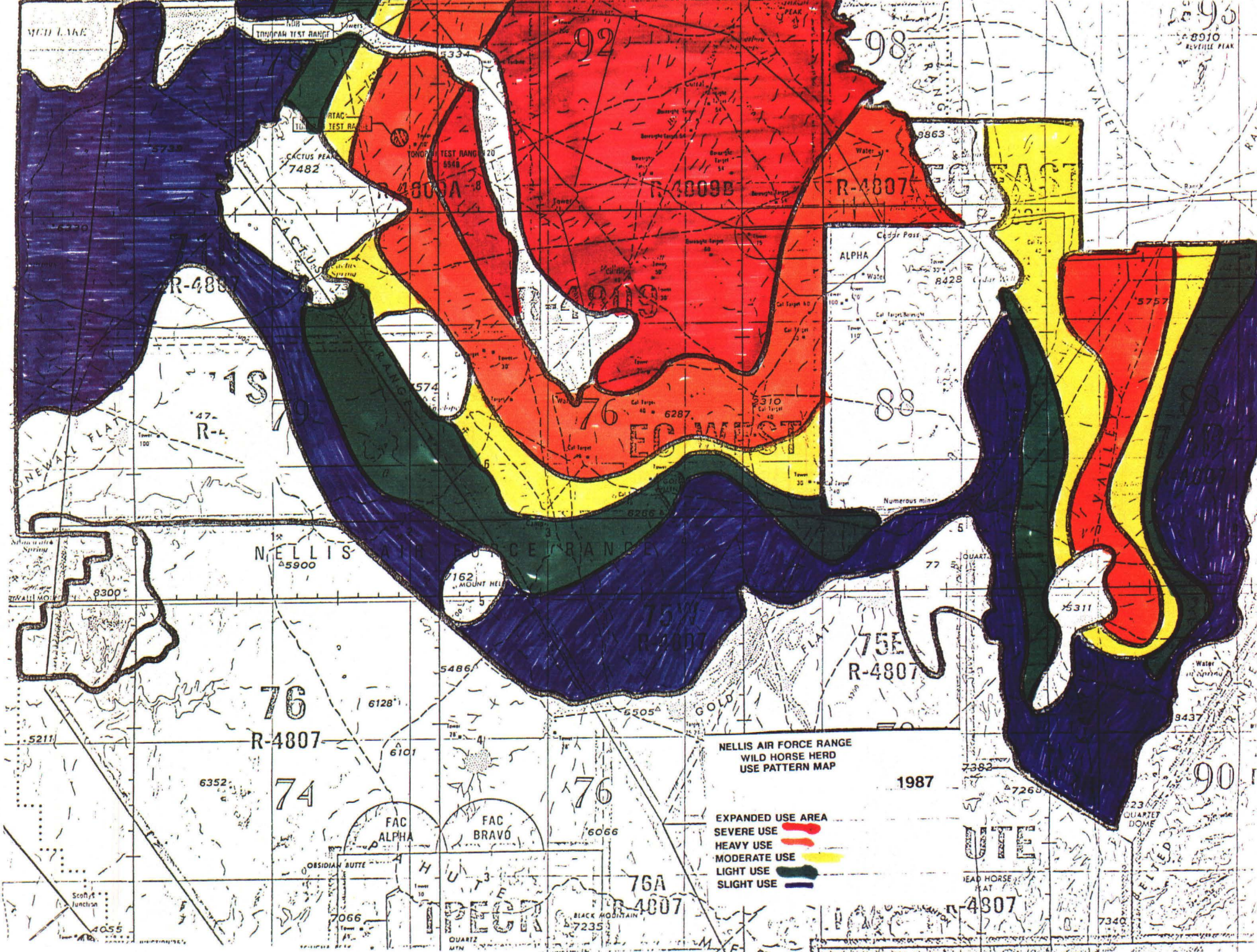
FAC
 BRAVO

PAHUTE

76A

90 R-48

2090
8910
REVELLE PEAK



MED LAKE

TRONOPAH TEST RANGE

TRAC TEST RANGE

CACTUS PEAK
7482

TRONOPAH TEST RANGE #20
8848

R-488

1S
R-4

NELLIS AIR FORCE RANGE
8590

76
R-4807

74

FAC ALPHA

FAC BRAVO

76

NELLIS AIR FORCE RANGE
WILD HORSE HERD
USE PATTERN MAP
1987

75E
R-4807

UTE

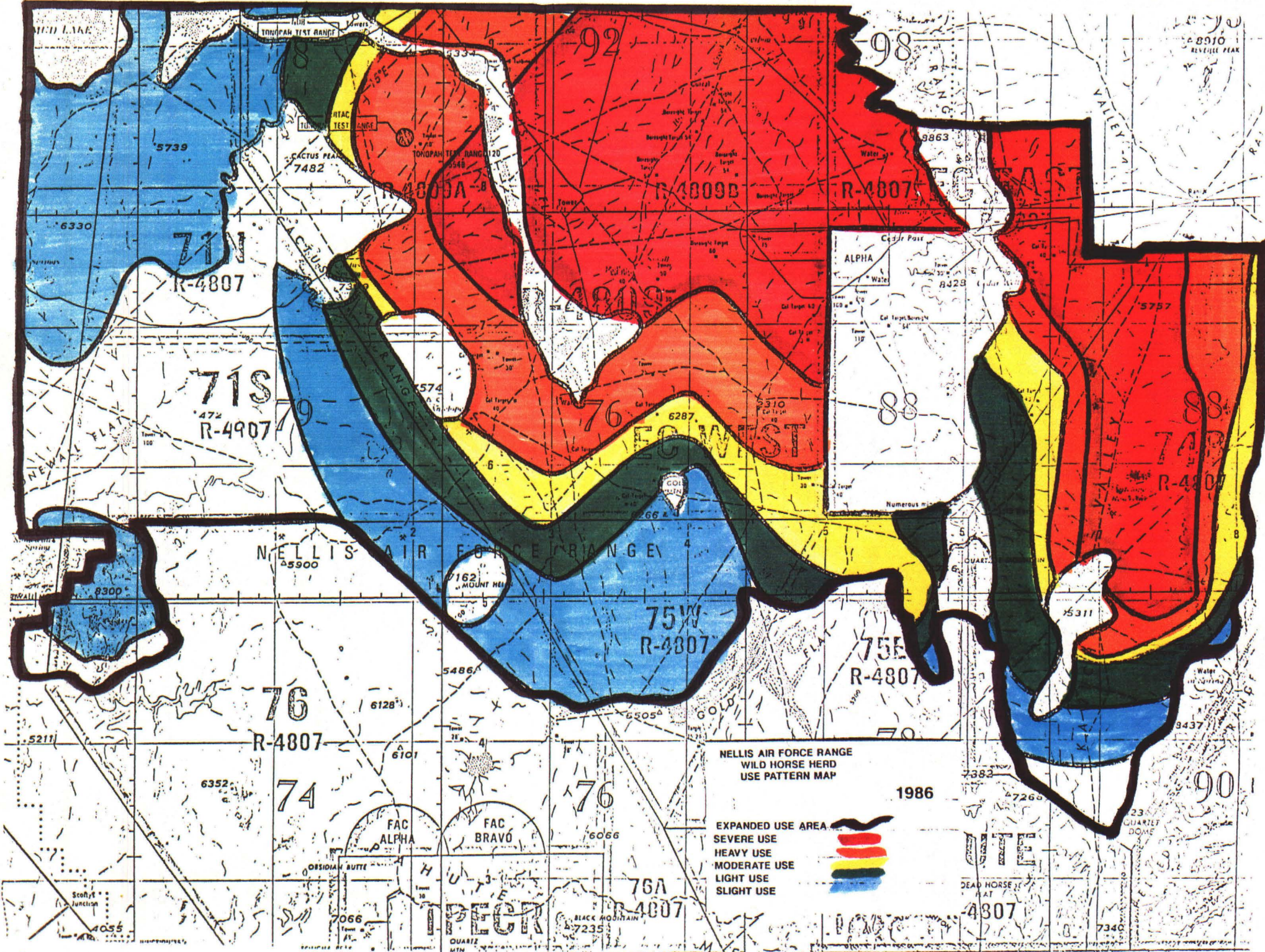
HEAD HORSE
FLAT
R-4807

90

76A
R-4807

BLACK MOUNTAIN
7235

7340

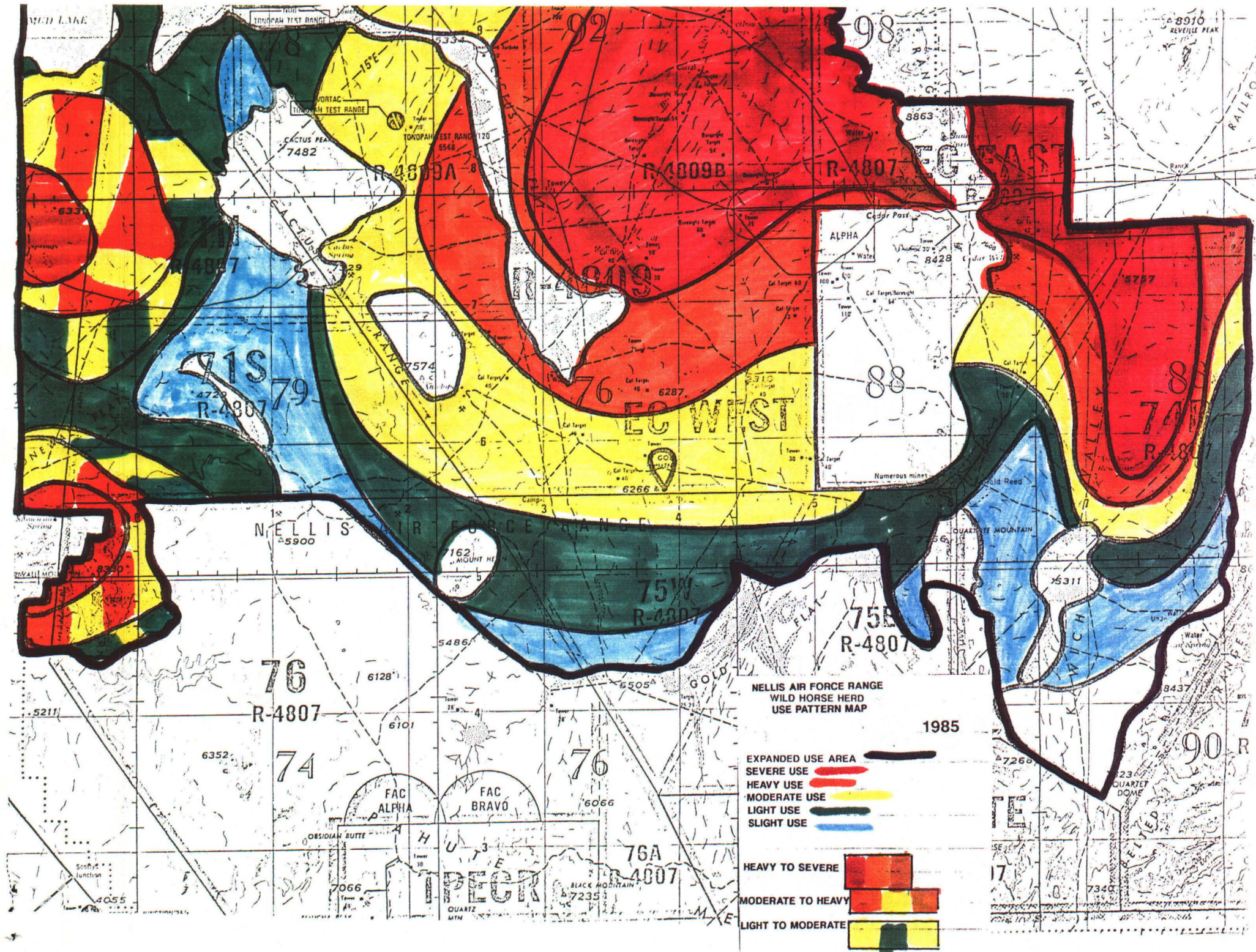


NELLIS AIR FORCE RANGE
WILD HORSE HERD
USE PATTERN MAP

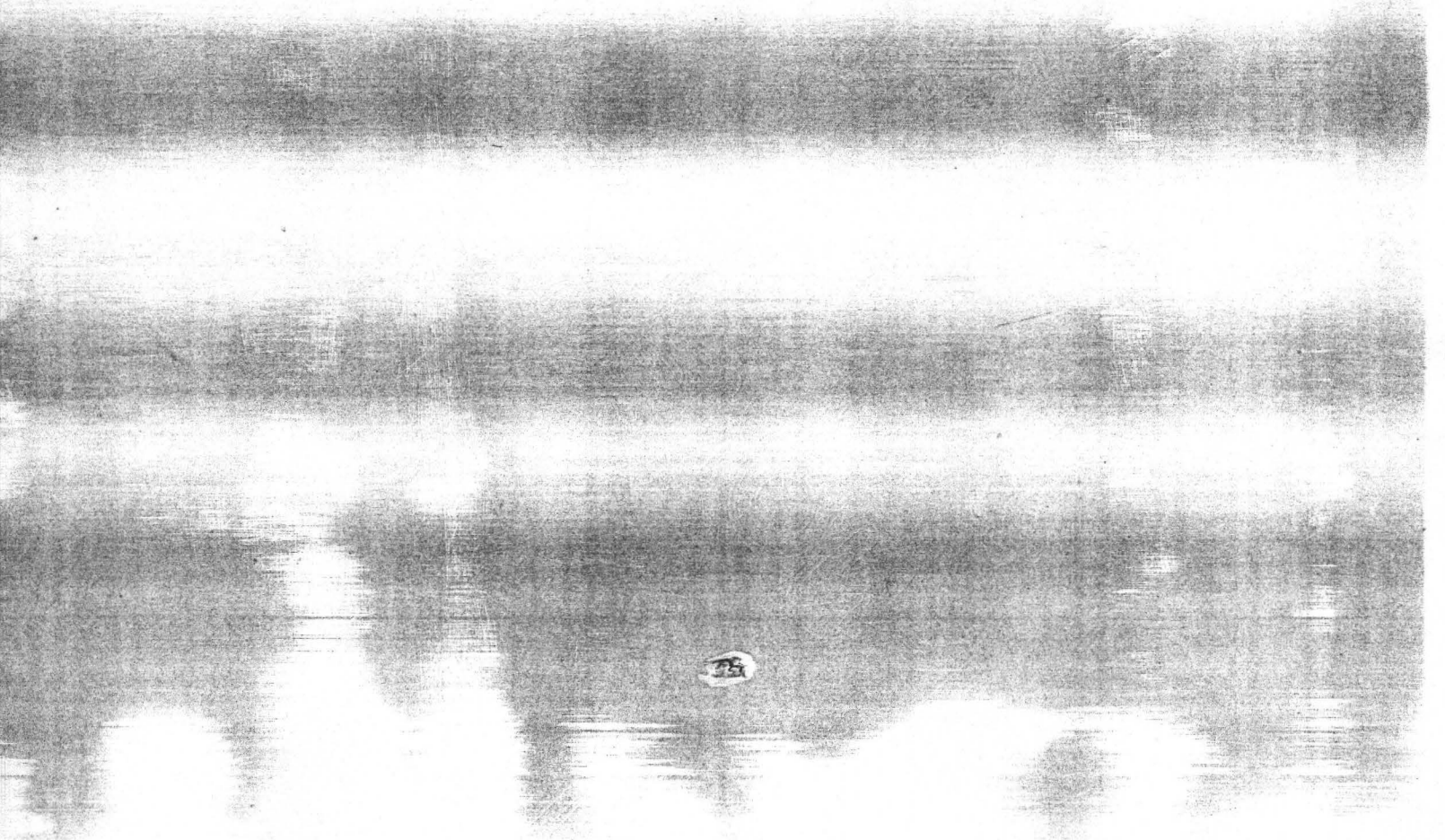
1986

EXPANDED USE AREA
SEVERE USE
HEAVY USE
MODERATE USE
LIGHT USE
SLIGHT USE





APPENDIX B



American Horse Protection Association, Inc.

1000 29th Street, NW, Washington, DC 20007
(202) 945-0500



The Humane Society of the United States

2100 "L" Street, NW, Washington, DC 20037
(202) 452-1100

November 6, 1991

Curtis G. Tucker, Area Manager
Bureau of Land Management
Caliente Resource Area
P.O. Box 237
Caliente, NV 89009

TRANSMITTED BY FACSIMILE: (702)726-8111

Dear Mr. Tucker:

This letter represents the views of the American Horse Protection Association, Inc. ("AHPA") and The Humane Society of the United States ("HSUS") concerning the October 1991 Removal Plan/EA for the Nellis Air Force Range Wild Horse HMA. On behalf of our combined constituency of more than 1.4 million membership nationwide, we would like to take this opportunity to express our concerns about this proposal. These comments are also offered on behalf of the American Humane Association.

I. Population Data

Based on a census taken in September of this year, the Removal Plan/EA states that the current population of wild horses in the Nellis removal area is 5,219. This population figure has been used to calculate the number of horses proposed for removal from the range to reach the AML of 1,000 for the Nevada Wild Horse Range ("NWHRA"). Although this figure has been presented in the EA as a "count," in fact it is an estimate.

We understand that the actual number of horses and burros *Actual EA* counted was 3,643, approximately 70 percent of the number claimed. The actual census apparently was increased to *Please look direct* compensate for a presumed undercount. However, the Removal *Count survey, Nevada* Plan/EA does not disclose this fact. In addition, it does not *the large area* explain why the September census is believed to be inaccurate, *or inflated* why an additional 1,600 animals (as opposed to 200 or 500, for *marked, remarks* example) are believed to be on the range. The failure of the documents to address this issue at all is a serious deficiency.

Popitz

The historic population data for Nellis is wildly inconsistent: 6,255 animals in 1989, but only 4,302 in 1990. We cannot tell from the document if these are actual counts, or

estimates similar to the fall 1991 numbers; therefore, it is impossible to tell what (if anything) this data shows. The fall 1991 estimate of 5,219 implies a population of approximately 7,500 prior to the summer roundups, which is impossible if the 1990 population is correct.

Similarly, the data on recruitment rates is contradictory. If the percentage of animals younger than two years old (foals and yearlings) during the 1987 and 1989 removals was 16-20%, the recruitment rate for the herd was about 8-10%. Of the horses handled during the summer 1991 roundup, about 14.5% were foals. None of the data seems to support the contention that there is anything near a 25% foal rate.

Based on the available data, however, there is reason to believe that the August 1990 census, and the September 1991 actual count, are fairly accurate. Taking the fall 1986 post-roundup census of 4,178 as a starting point, using a 16-percent recruitment rate (the upper limit suggested by the data in the EA), and subtracting all removals since 1986, the arithmetic computation arrives at a fall 1991 population of about 3,350 -- close to the actual number counted this September. The details of this calculation are attached as Exhibit 1.

While this population analysis does not track exactly with BLM's population counts, it provides some consistency to the various years' data and shows rather convincingly that BLM's assumption of a large undercount in the fall of 1991 is incorrect. We believe, based on this analysis, that the total current wild horse population in the Nellis area probably cannot exceed 4,000.

II. Number of Horses to be Removed

The summer 1991 roundup removed 2,269 horses from the Nellis range. The Removal Plan/EA proposes to remove another 3,175 horses to reach the 1,000-animal AML established for the NWHR. We interpret the Removal Plan/EA to assume that another 1,044 horses will remain on areas of the Nellis Air Force Range outside

Page 12 of the EA (note 2) suggests that the August 1990 census number is an actual count. It attempts to reconcile the 1989 and 1990 numbers by stating that horses are frequenting inaccessible parts of the Nellis Range during the 1990 census. However, as Exhibit 1 demonstrates, an analysis of the available population data indicates that the 1990 count was substantially accurate.

the boundaries of the NWHR. ²

The number of horses to be removed is based on the assumption that 80 percent of the estimated 5,219 horses on Nellis will migrate to summer range located in areas R-48C9A, EC West and EC East.

There is no information in the Removal Plan/EA to document the 80 percent estimate. The data set forth on pages 12-13 of the EA shows that only 33-56% of the herd distribution is found in the three areas. While the EA states generally that "data from the 1990 [sic; should be 1991?] removal and Nellis information" supports the 80 percent estimate, that information is not summarized or described in any detail. In short, there is no basis for concluding that the 80 percent estimate is valid.

*50% based on
the survey Feb 1991
Area = EC EAST
EC West, 48C
7/91*

In our view, the 1991 roundup data actually suggests a lower estimate. As Exhibit 1 tends to show, the summer 1991 pre-gather population in Nellis was probably between 5,500 and 6,000. BLM handled about 3,600 horses on the summer range during its removals this year. We understand that the removal effort was very extensive, and that most of the horses on the critical summer range were gathered and handled. If so, the number of horses handled represented about 65% of the total population, not 80%. Obviously, if the actual summer population was higher than 6,000, the percentage of the herd on the summer range would be lower than 65%.

Therefore, we challenge the proposed removal of 3,175 horses this winter for two serious reasons: the likelihood that the current population is substantially below 5,219; and the likelihood that the percentage of horses using the summer range is well below 80 percent.

Given the inconsistencies in the data in the Removal Plan/EA, it is impossible for us to determine how many horses should be removed, even assuming that the 1,000-horse AML for the NWHR is accurate. However, the data suggests clearly that 3,175 is far too many. If the current population is close to the number actually counted by BLM this September, and if about 65% of the herd uses the summer range, that equates to fewer than 2,500 horses on the summer range. Using a 1,000-horse AML, only about 1,500 should be removed.

We want to stress, however, that any decision regarding further removals must await clarification of the data

² We are aware that the Director's determination of the boundaries of the Nevada Wild Horse Range has been appealed to the Interior Board of Land Appeals. We agree with the appellants that the Director's decision is in error.

inconsistencies outlined above. We believe that a rational decision regarding the number of horses to be removed cannot be made with the existing information. While our organizations want to avoid further threats to the horses' welfare due to inadequate water or forage, and recognize that there are limits on both resources in Nellis, we cannot support any particular level of additional removals at this time.

III. Accuracy of the AML

There is also reason to question whether the 1,000-horse AML ^{is based} is appropriate. _{on limited}

The AML is based on calculations of available perennial water in the three areas used as summer range. It assumes that a wild horse needs 10 gallons of water per day, and that about 10,000 gallons of water are available per day.

However, the information on pages 15-16 of the EA show that nearly 15,500 gallons per day are available in areas EC East, EC West and R-4809A. The EA's calculations of water availability apparently has not included water sources numbered 16-21 in EC West/R-4809A, despite the fact that they are used by horses. It is not clear from the EA why these water sources should not be used in computing the AML. If they were, the AML should be increased to about 1,550 horses.

Furthermore, it is clear that the water flow measurements were made during a dry year, following several drought years. The heavy rains of this fall may have improved conditions somewhat. It appears from the EA that the condition of the horses during the September 1991 census was good (as it was April); therefore, if summer water conditions improve, the threat to the horses should diminish.

The establishment of an AML should anticipate normal precipitation and water availability, and not be based exclusively on drought conditions. While these conditions may justify a temporarily lower population, the herd should be allowed to increase to the level sustainable by normal water availability once those conditions return.

Therefore, we believe that the EA should include and analyze, at a minimum, an alternative that sets an AML for normal precipitation conditions, possibly subject to a lower population made necessary by drought. Unless this is included, the analysis of alternatives to the proposed action is incomplete. To consider only the proposed action, and a "no action" alternative, is not the formulation of "all reasonable resource management alternatives" required by NEPA. ^{Ask Jerry} _{Deura} See 43 C.F.R. 1610.4-5.

NEPA

Current conditions will not support a higher #

2. 2000 will only support 1000

Finally, the EA does not address longer-term issues such as water development or other mechanisms to encourage horses to use the 316,000 acres of range than have experienced slight to moderate utilization. It is apparent from the EA that resource problems in the Nellis range will persist unless efforts are made to improve horse distribution by making dependable water available where adequate forage exists, thereby reducing grazing pressures on degraded ranges. A long-term AML (as opposed to an AML established in response to atypical conditions) will depend on these efforts. We urge BLM to begin them this fiscal year.

III. Air Force Security Clearance and Public Access

One of our fundamental concerns revolves around the unique nature of the relationship between the Bureau of Land Management and the Nellis Air Force Base in terms of jointly managing wild horse and burro resources in the Nellis Wild Horse Herd Management Area as set forth in the 1977 Five-Party Cooperative Agreement. This is especially critical as it relates to implementing removal plans.

based on
Limiting Burro
Range
All right movement
See also for [redacted]

Recognizing that the Nellis AFB Commander reserves the right to restrict public access to areas due to military operations, public safety, or national security according to P.L. 99-606 Sec. 3(b), we question whether the Removal Plan/EA can be properly and safely implemented in accordance with the Wild, Free-Roaming Horses and Burros Act without a more thorough discussion of public access. As the Bureau is aware, the lack of adequate and timely security clearance has already proven to be a problem in past roundups, most notably during the summer 1991 removal.

p4

Both the Removal Plan and the EA make reference to potential conflict with Air Force security restrictions in the areas earmarked for removal. In fact, the Removal Plan on page 4 lists as its first objective, "To avoid or eliminate conflict with military use..." We believe that these objectives are not listed in an appropriate order. The Nellis range is a special area specifically set aside to protect wild horses. Therefore, we believe that objective c) "To protect and manage wild free roaming horses in accordance with P.L. 92-195" should be BLM's primary objective. Objective d) "To prevent deterioration of the rangeland resources in accordance with various statutes" should be next, followed by objectives b), e), and a).

Further, while both documents state that both potential trap sites and holding facilities may be located on lands withdrawn for military purposes, and that public access will be controlled by the USAF, it makes no determination as to whether this will be the case. All areas which require security clearance should be identified well in advance of the removal so that all requests for public access can be made to the USAF. At the very minimum,

All public access is coordinated through BLM

From: CFA
Request Request -> BLM BLM - USAF

not [redacted]

the COR/PI must be granted security clearance in order that they be present during all aspects of the removal process, including at the capture sites and holding facilities, in order to ensure Contractor compliance, as specified in the Removal Plan/EA. In addition, appropriate arrangements should be made to obtain security clearance on behalf of attending veterinarian(s), member(s) of the Wild Horse Advisory Board, and representative(s) of humane organization(s).

We are particularly concerned with the discussion of destruction of animals at the capture site. Both the Removal Plan and the EA provide that because of security restrictions, Advanced Security Inc. (ASI) supervisory personnel will perform the actual destruction. Although the Removal Plan states that the COR/PI will provide training to ASI personnel it does not specify what type of training this entails. Further, we understand that the COR/PI will have the sole responsibility for determining when an animal will be destroyed; if this is not the case, it should be. Also, if a veterinarian is needed to make a determination as to destruction at either trap sites or holding facilities, it is imperative that the veterinarian have security clearance.

Regarding capture methods, the Removal Plan/EA also require that any and all use of helicopters be coordinated with the AFB, and further state that all removal and helicopter activities will be subject to Nellis security requirements. Again, arrangements for security clearance should be made well in advance of removal activities in order to ensure that appropriate personnel are employed.

IV. Removal Process

One of our major concerns regarding the removal process is the level of "stress" on the animals. If the "level of activity associated with the removal operation" will cause undue stress to the animals (see paragraph 3, page 5 of the Removal Plan), it simply should be postponed or not conducted at all. It is unclear from this discussion exactly how the presence of a veterinarian could mitigate high levels of stress. Therefore, we request further clarification of the phrase "such stress could be tolerated by the horses if a veterinarian is utilized." We believe that if horses will be placed under undue stress, the capture operation should, at the minimum, be postponed and question why the BLM states that the presence of a vet will reduce this stress.

A. Trapping and Capture Methods

AHPA and The HSUS strongly endorse the use of water traps as the primary method of gathering horses off of Nellis. We share

the concerns of most other humane and wild horse protection groups that helicopter gathers can negatively impact individual wild horses, as well as bands of horses. We are concerned that the BLM has inappropriately prioritized the trapping methods, and urge BLM to use bait (water) trapping to the fullest extent possible before turning to other, more invasive methods such as helicopter-drive and helicopter-roping. We believe helicopter use must be viewed only as a last resort where water trapping has failed. The BLM must utilize water trapping to the fullest extent possible before utilizing more stressful methods.

Additionally, we request the BLM to clarify what criteria are used to determine when bait (water) trapping has "failed," and request that horses in traps are monitored every eight hours. Further, because of its potential misuse, we urge BLM to give the use of roping more judicious consideration and discussion. Specifically, we believe that horses should not be "tied down" at all, and that detailed conditions are associated with the use of roping.

We also request clarification of the following factors: terrain, physical barriers, weather and condition of the animals. Importantly, we believe that the current herding parameters of "no more than 10 miles nor faster than 20 miles per hour" are too extreme, and may cause stress, accidents, injury and even death. We believe that horses should travel no more than 6 miles nor faster than 12 miles per hour, and urge the BLM to adopt these guidelines.

Further, we believe that the range of "10 degrees F. as a minimum and 95 degrees F. as a maximum" is too extreme and may cause horse health problems; we urge the BLM to adopt 25 degrees F. as a minimum and 85 degrees F. as a maximum. Similarly, we believe that the phrase "weather and wild horse conditions" needs to be further defined, and request that the BLM clarify these terms and the criteria by which such conditions are determined.

We also are strongly opposed to the use of barbed wire for any structures used for horses, either wild or domestic. Therefore, we commend the BLM for disallowing barbed wire for wing construction, and urge you to prohibit its use for any wild horse structures.

B. Sorting Process

We are concerned that the BLM has not fully defined several aspects of this process. Specifically, we request definition of the use of the phrase "positive qualities," as used throughout the Removal Plan/EA. Further, the term "sufficient health" is vague. We also request the guidelines utilized by the BLM to determine whether an animal is lame, old or sick. *Please refer to document Negative qualities*

We are also concerned about the language, "Mares with foals too young to be shipped," on the top of page 7 of the Removal Plan. Specifically, we request clarification of the phrase "too young," and ask the BLM to explain why there would be mares with young foals this late in the season.

C. Transportation

We strongly commend the BLM for stating that the use of double deck trailers is unacceptable and not allowable, as we believe that these vehicles are inherently unsafe. However, we would question the final paragraph on page 14 of the Removal Plan which discusses the authority to off-load animals should there be too many horses on the trailer/truck. How could such a circumstance occur? We also believe that the period of three hours is too long for animals to remain standing on trucks while not in transport, and urge the BLM to reduce this period to not longer than two hours.

Thank you for the opportunity to comment.

Respectfully submitted,

BY



Robin C. Lohnes
Executive Director
American Horse
Protection Association

BY



Paula R. Jewell
Program Coordinator
Wildlife and Habitat Protection
The Humane Society
of the United States

cc: John Boyles, BLM
Adele Douglass, AHA
Dawn Lappin, WHOA
Robert Hillman, API

EXHIBIT 1 - NELLIS POPULATION ANALYSIS

Fall 1986	4,178	
Recruitment (16%)	<u>668</u>	
Summer 1987	4,846	
1987 Removal	<u>(1,210)</u>	
Fall 1987	3,636	
Recruitment (16%)	<u>582</u>	
Summer 1988	4,218	
Recruitment (16%)	<u>675</u>	
Summer 1989	4,893	
1989 Removal	<u>(1,683)</u>	
Recruitment (16%)	<u>674</u>	
Summer 1990	4,884	
Death Loss 1990	<u>(50)</u>	
Fall 1990	4,834	(count 4,302)
Recruitment (16%)	<u>773</u>	
Summer 1991	5,607	
1991 Removal	<u>(2,269)</u>	
Fall 1991	3,338	(count 3,643)

A Fall 1991 population of 5,219 could be reached only if one or more assumptions used in this example were seriously in error. One is that the recruitment rate has been substantially and consistently higher than 16%. This does not seem possible based on information in the EA, as well as general information on wild horse reproduction. The other is that the starting population of 4,178 is significantly below actual numbers. This, too, seems unlikely given the census data for 1984-86 and the large removals that took place in 1985 and 1986.

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 Lora Tulaska

November 8, 1991

Mr. Curtis Tucker, Area Manager
 Caliente Resource Area
 P.O. Box 237
 Caliente, NV 89008

Dear Mr. Tucker:

ISPMB thanks you for the opportunity to respond to the Environmental Assessment (EA No. NV-055-02-01) and Removal Plan for wild horses on the Nellis Airforce Range.

Although ISPMB believes that removals are necessary because of the downward trend condition of the range, we protest removals which would allow only 1,000 horses to remain as proposed in this EA. Our protest centers on the determination of numbers of horses based on the availability of perennial waters with the exclusion of ephemeral water sources.

Secondly, we question whether the Director has authority to make the determination to manage horses only in the Nevada Wild Horse Range (NWR). The 5-Party agreement calls for management of horses on the entire Nellis Complex. Reducing the herd management area by 1,815,326 acres is in direct violation of this agreement. The Director cannot arbitrarily determine management areas of horses based on the Military Lands Withdrawal Act. Nellis Airforce Range falls under FLPMA because it is BLM and FWS lands. (Final EIS for Public Land Withdrawal Nellis Air Force Bombing Range - 1981).

Thirdly, we protest removal of the entire population of horses aged nine and under. The recommendation by the National Wild Horse and Burro Advisory Board stated that enough young population of horses should be returned to the range for mortality replacement of the old. To date, no criteria has been set up for returning a portion of the younger population back onto the range. Infact, there is no return to the range of any young population with the exception of those not exhibiting positive qualities. What is the criteria for those animals not exhibiting positive qualities?

Response

Mr. Curtis Tucker
Page 2
11/8/91

Again, utilization studies have not been done nor has there been documented the degree of severe use from waters. Frequency studies which should have been done in '91 are not shown in this present EA or any other document on Nellis.

*Frequency data has been
gathered analysis is
not complete*

The BLM must consider other management options besides removal. One management plan requirement states that the BLM must continuously review the habits of the wild horses and burros in terms of grazing, water patterns, seasonal migration, availability of water and forage, determination of necessary projects such as water, fencing, etc. to provide for the welfare of the animals. The condition of the animals through 1991 showed them to be in good condition. Obviously there must have been enough water for 7,488 horses on Nellis. Without studying the habits of wild horses, how can the BLM come to a conclusion that they can only survive on perennial waters?

*Need some
more data on
USA =
Refer to EA water
affected area.*

A contradiction exists with your seasonal movement. The 1981 EIS for withdrawal states that horses in the Kawich Valley use the higher elevations in the summer and the lower valleys in the winter. ISPMB would like to see actual documentation of animals showing seasonal migration. Does the BLM have data proving that wild horses need 10 gallons of water per day or was that based on domestic horse use? There is a greater need to study wild horse behaviors and movements rather than using the money for extensive removals beyond excess animals.

*1981 EIS
1981 data available
still have data*

Page 3 of the EA shows that 5,219 horses need to be gathered. The most recent census shows that Nellis only has 5,219 horses left. How can you gather all these animals and have 1,000 left? Or does the 5,219 include the 2,299 horses already removed from Nellis this year? Secondly, you state that 80% of the wild horses migrate to the limiting summer range which would equate to 4,175 horses. This range can only support 1,000 horses based on perennial water usage. That means that 20% of the horses are not affected by this range and should remain. This number would total 1,044 animals not on the summer range. Ultimately there would then exist 2,044 wild horses on Nellis with present removal plans.

check for types

ISPMB questions whether in fact wildlife populations have been adversely affected by increasing wild horse populations. In 1977 on the North Range, only 4 deer were observed. In a recent 1991 census 43 deer had been sited in Kawich Valley, Belted and Stonewall. There is no dietary overlap between horses and antelope or deer. Mountain lion predation would be a welcomed adjunct to man's determination of which horse should or should not remain on the range. Only the strong would survive with mountain lion predation.

*Wild life / wild horses
can't get to
water. Mountain
Lions do prey on
horses but deer
inspect on pop. The
course, so later
more people / mt lion
At least 1 documented lion
1990*

Mr. Curtis Tucker
Page 3
11/8/91

Page 12 of the EA states that most mares are under 10 years of age while a large number of dominant stud horses are over 10 years of age. By removing nine and under horses, the population will be skewed in favor of more males than females affecting population increases. Can the herds tolerate such skewing along with reductions of few to no youngsters returned to the herds?

In regard to dropped water tables discussed on page 16 of the EA, ISPMB questions whether the military uses more than 31,000 gallons of water for their operations as they stated in the 1981 EIS.

On page 19 of the EA, BLN attributes reduced visibility to dust from trailing of increased wild horse herds and reduced vegetative cover. The 1981 EIS states that dust will be a factor and that reduced ground cover will occur from bombing targets. Ninety-three acres of the NWHR alone were impacted by the building of roads.

Page 21 speaks of removal of 527 "colts". Were these foals infact male horses or foals?

ISPMB disagrees with the ELM's contention that the current EA has no irreversible or irretreivable commitment of resources anticipated in Alternative I, proposed action. Removal of wild horses without determination of the potential loss of the gene pool represents an irretreivable commitment of resources.

In summary, ISPMB has grave concerns regarding this EA. We protest the current removal of wild horses as excess based on calculations of perennial waters only. We protest the Director's reasoning for boundary reductions. Finally, we protest removal of all young horses from the herd without criteria and an understanding of the effect on populations.

We again thank you for the opportunity to respond.

For ISPMB



Ms. Karen A. Sussman
President

15 October, 1991
2695 W. Plumb Lane
Reno, Nevada 89509
(702) 329-4568

RECEIVED
07:30 A.M.

OCT 23 1991

CALIENTE RESOURCE AREA
BUREAU OF
LAND MANAGEMENT

Curtis G. Tucker, Area Manager
U.S. Bureau of Land Management
Caliente Resource Area
P.O. Box 237
Caliente, Nevada 89008

Dear Curt:

I received your ENVIRONMENTAL ASSESSMENT FOR THE NELLIS AIR FORCE RANGE WILD HORSE REMOVAL and REMOVAL PLAN FOR THE NELLIS AIR FORCE RANGE WILD HORSE REMOVAL. Please accept this letter as my review. As you know I am a Biological Consultant for Sandia National Laboratories on the Tonopah Test Range of Nellis. I earlier reviewed a working document of this environmental assessment and removal plan. I sent you a copy of my review comments on 15 August, 1991.

This ENVIRONMENTAL ASSESSMENT and REMOVAL PLAN does not follow the provisions of the January 1990 Nellis Air Force Range Plan and Environmental Impact Statement and the decisions of the BLM Director of June 10 and 11, 1991 on the protests to that document. The Nellis Plan and Statement calls for wild horses only on the Nevada Wild Horse Range while withdrawal legislation and appropriate Five Party Cooperative Agreements are in force and not Public Law 92-195. The current ASSESSMENT and REMOVAL PLAN should "Develop and implement gathering plan for the removal of all wild horses outside the Nevada Wild Horse Range"; instead it allows for the return of some horses captured in areas outside of the Nevada Wild Horse Range and it seeks to set an Appropriate Management Level for the total horse use area rather than only the Nevada Wild Horse Range. On page 2 of the ASSESSMENT and page 4 of the REMOVAL PLAN reference is made to "conformance" or "accordance" with P.L. 92-195. I am concerned that these references to P.L. 92-195 are in conflict with the Nellis Plan and Statement and the BLM Directors decisions.

I believe legal challenges will be made by wild horse interest groups on the Nellis Plan and EIS and/or the resulting ENVIRONMENTAL ASSESSMENT and REMOVAL PLAN. I also believe that existing laws, agreements and available data will turn back any legal challenge. However, this current proposed ENVIRONMENTAL ASSESSMENT and REMOVAL PLAN deviates from the Nellis Plan and EIS such that management direction and agreements become unclear. Also, I believe this proposed action dilutes the decisions of the BLM Director. There cannot be emphasis on AML in areas where horses are to be completely removed and some horses should not be returned after capture in those areas. P.L. 92-195 does not apply to the withdrawal area. Furthermore, the Nevada Wild Horse Range should have additional and intense emphasis on such things

as the development and maintenance of permanent water sources, adequate monitoring of vegetation trend and utilization, and horse condition and other population parameters. If monitoring shows that the horses do not remain on the Nevada Wild Horse Range, the Range is to be fenced to maintain area and management integrity.

It may be that some of the rationale for leaving horses on areas other than the Nevada Wild Horse Range involve an overloaded horse processing program and an inadequate budget. However, this does not justify not adhering to the Nellis Plan and EIS. The condition of horses, the range, and the impact on wildlife justify additional funding. And, we have seen that Nellis and the BLM are vulnerable to an improperly informed media, especially when there are untrue claims of poor resource management.

Sincerely,

Mike

Michael J. Pontrelli, Ph. D.
Sandia Biological Consultant

cc. Bentley and Finnegan, Sandia; Dickensheets, USAF

BOB MILLER
GOVERNOR



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07:30 A.M.

October 18, 1991

OCT 25 1991

CERTIFIED MAIL

Curtis G. Tucker

Area Manager
Bureau of Land Management
Las Vegas District Office
Caliente Resource Area
Caliente, Nevada 89008

CALIENTE RESOURCE AREA
BUREAU OF
LAND MANAGEMENT

Dear Mr. Tucker:

This letter is in response to your letter of October 9, 1991 and the enclosed *ENVIRONMENTAL ASSESSMENT* and *REMOVAL PLAN FOR NELLIS AIR FORCE RANGE WILD HORSE REMOVAL*.

There are some aspects of the removal that I believe are in violation of the law and that are causing severe and extreme problems on the Public Lands of the State. I will point these out in the remainder of this letter and will try to reference the comments back to a particular paragraph in the environmental assessment or removal plan.

COMMENT 1. The last sentence of par. C on page 2 of the environmental assessment says "*The proposal is in conformance with the Wild and Free Roaming Horse and Burro Act of 1971 (Public Law 92-195), as amended*". I believe the plan is in violation of the law in some very important respects. The act (PL 92-195) is very specific as to which lands it is applicable to. The act refers to the "*public lands*" in several places and defines the term as, "*public lands*" means any lands administered by the Secretary of Interior through the Bureau of Land Management or the Secretary of Agriculture through the Forest Service. The lands where the proposed gather is planned are "*withdrawn*" lands which were once private and public lands but the private lands were purchased and the public lands were withdrawn from the public lands for military use. The lands are not administered by the Secretary of Interior through the Bureau of Land Management or the Secretary of Agriculture through the Forest Service. I recognize that there is an agreement between the BLM and the USAF which provides that the BLM will carry out certain functions on the land and I have no objection to that arrangement as long as it does not attempt to extend or in actual practice does not extend the provisions of PL 92-195 to the withdrawn lands. However, it has become obvious that this arrangement has been occurring because the land has been appropriated

Congress for use on the public lands have been spent for horse removal from these withdrawn lands in the recent past and are being planned for this gather to be spent on and for the benefit of the withdrawn lands. Agencies such as the BLM and USAF cannot on their own by agreement extend a law beyond the limits of the act as passed by the Congress.

The Law (PL 92-195) defines the terms "wild free-roaming horses and burros" to mean "all unbranded and unclaimed horses and burros on public lands of the United States". Since the lands involved are withdrawn from the public lands the definition does not apply on these lands. I have no objection to removal of the horses but this should not be done under the auspices of the act (PL 92-195) and with funds appropriated for administration of the act on public lands.

The administration of the act as if it did apply to the withdrawn lands has caused severe damage to the public lands by diverting funds and personnel from areas of the public lands that are severely overgrazed by horses and where removal of excess horses is needed. This has had severe and long lasting bad effects on livestock and wildlife in the state and has and will continue to adversely effect the agricultural economies of Nevada.

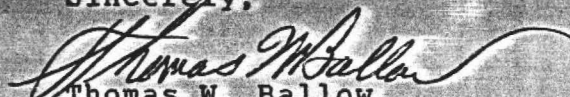
COMMENT 2. The last paragraph on page 22 of the Environmental Assessment says in part "No irreversible or irretrievable commitment of resources is anticipated to occur under the Alternative 1-Proposed action." This statement ignores the fact that the funds and manpower expended on the proposed action horse gather will be irreversible and irretrievable. Also it ignores the damage continuing to occur on the public lands where needed gatherings were canceled, reduced, or postponed in order to allow funding for this horse gathering on withdrawn lands.

COMMENT 3. On page 4 of the Removal Plan the objectives "b." and "c." both refer to PL 92-195. Here again for the reasons explained above, PL 92-195 does not apply to these withdrawn lands, or to this horse removal.

In summary, I want to stress that I am in favor of a good resource management program on the Nellis Range. This obviously has not been occurring in the past under the present arrangement. The resource management on the Nellis Range should be carried out under the proper legal authority and with proper funding. The funding provided for administration of PL 92-195 and the law itself which are intended to apply to the public lands should not be applied to these withdrawn lands.

I will be happy to meet with you to discuss these objections.

Sincerely,


Thomas W. Ballow
Executive Director

W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504
(702) 851-4817

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GERTRUDE BRONN

October 30, 1991

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

Dear Mr. Tucker,

Thank you for the opportunity to comment on the draft Environmental Assessment and Gather Plan for the Nellis Air Force Range Wild Horse Removal.

According to BLM Instruction Memorandum #NV-85-345, February 20, 1986, documents are to be distributed for public review for a minimum of 30 days. The date on this document is October 9, 1991. Our office received it on October 16, 1991, and it was requested to be due on October 23, 1991. That is actually 5 business days to respond. As per our conversation, you would appreciate the comments as soon as is practicable but the Commission has until November 8, 1991, to respond.

We have a few questions and concerns but in essence we support the removal of excess animals from the Nellis Range.

From our first hand review in the summer of 1991, we realize the degradation of the range, the poor condition of the wild horses on that range, and the severe shortage of waters. We hazard to imagine another year of a drought in Nevada and the effects to those horses.

Our main concern is your census numbers. In your removal plan you state "The September 1991 post capture census recorded 5,219 wild horses." This statement is grossly misleading and incorrect when in fact you actually counted 3,552 wild horses and 91 burros. Could you please explain to us why you have used an estimated population abusing the confidence limit? By saying your confidence limit is plus or minus 1,667 it could place your population anywhere from 3,552 to 6,886 wild horses. That's quite a margin. What concerns us greatly is that you intend to continue gathering horses until you reach an AML of 1,000 horses. Unless you have an accurate count how will you know when to stop?

We support the current gather of no more than 2,552 horses which is the actual count of 3,552 minus the 1,000 AML. We protest the removal of any animals over that number unless supported by monitoring data to show actual census and monitoring to establish AML at that time.

On page six of the removal plan you state that "A post gather census will be conducted to ensure that the identified

Curtis Tucker, Area Manager
October 30, 1991
Page 2

population numbers remain after the gather is complete." We would hope that the Bureau could provide and report an actual census not a number that is "estimated." We would like to suggest that in your final document that you reflect the fact that those numbers you have quoted are estimates of the population not actual as you would have the reader believe. Until the ROD is issued on our boundary protest, we assume that you are monitoring the entire range, is that correct?

In your discussions regarding waters on the Nellis Range, you have not approached the subject of developing waters or repairing the existing waters. We have seen that range and the water sources that are currently available for horses are in severely degraded condition. In your EA you state "If determined feasible, water development projects could require a minimum of 3 years before implementation. Therefore, this was not considered as a viable alternative at this time because it would not resolve the resource issues in a timely manner." Repair to those areas would certainly improve conditions and supply for the horses use as well as improve distribution. Under the Affected Environment section (page 14 of the EA), you refer to a lack of water however an alternative wasn't considered for repair and/or development of waters. How would those developments affect wild horse numbers? How would future adjustments to wild horse numbers be affected? We recommend that you address this in your final EA and Removal Plan.

Will your District be regularly monitoring the existing waters? If so, please provide WHOA with the ongoing results as you are collecting the data.

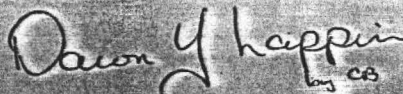
We are also wondering why you would ship horses to PVC or to Kingman? What purpose are you trying to achieve by shipping to both locations?

In conclusion, on page 7 of the Removal Plan and Page 5 of the EA you mention that "mares with foals too young to be shipped" will be released back on the range. What age are you determining for the foals to be too young to be shipped?

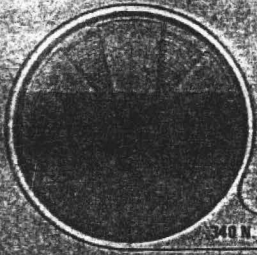
We would like to request a written response to our questions.

If you have any questions on any of the above, please feel free to call.

Sincerely,



DAWN Y. LAPPIN
Director



RESOURCE CONCEPTS INC.

PLANNING • ENGINEERING
RESOURCE MANAGEMENT

340 N. MINNESOTA ST. • CARSON CITY, NEVADA 89703 • (702) 443-1600

October 21, 1991

Curtis G. Tucker, Area Manager
Bureau of Land Management
Caliente Resource Area
Post Office Box 237
Caliente, Nevada 89008

Subject: Second Gather of Nellis Wild Horse Herd

Dear Mr. Tucker:

In response to your request for comments relative to the proposed subject wild horse gather, the following concerns are submitted for your consideration.

While Resource Concepts, Inc. (RCI), applauds the efforts of the BLM to deal with an extremely sensitive situation on the Nellis Range, we are none the less concerned with the validity of the gathers as it relates to use of WH&B program funds on lands not administered by the BLM. I have attached a copy of a letter directed to your attention by Tom Ballow, Director of the Nevada Dept. Of Agriculture, dated October 18, 1991. In his letter he points out specific areas of concern with respect to the use of the WH&B program funds on non authorized lands. This concern is also shared by RCI and our clients, the Nevada State Grazing Board. We have always supported gathers where appropriate and where the funding priorities were not shifted as a result of political pressures. It is very difficult for us to witness the devastating impacts to numerous areas where wildlife and authorized livestock grazing are suffering grave consequences as a result of rampant uncontrolled wild horse population growth while the BLM directs attention to an area that gets the "squeeze wheel" treatment with the states limited funds.

We were led to believe that the first gather was to resolve the situation at Nellis and not require continued dipping into funds to appease an abominable situation. It is curious to me as to why Nellis continues to be the priority gather area when other areas have been cleared for gathers for some time. With the minimum of wild horse conflicts and damage on Nellis, we would hope that you will reevaluate this proposed gather unless the Defense Department can see fit to front the funds necessary for a thorough gather. The limited funds available to Nevada do not warrant the heavy outlay in this area to appease a situation which has evolved through bad management by the Defense Department and/or the BLM.

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07:20 A.M.

OCT 22 1991

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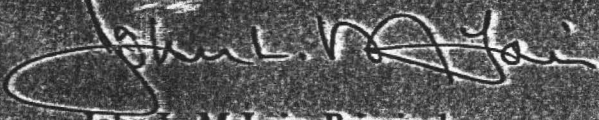
Curtis G. Tucker
October 21, 1991
Page 2

While we were generally supportive of the initial gather, for the good of the resource and the horse population, we must oppose continued use Nevada BLM program funds in this area while other parts of the state with serious horse problems go unattended.

If I am correct in my assessment of a past Defense Department problem which was assisted by the California BLM, I do recall that the China Lake Navy facility at Ridgecrest, California was also overrun by both wild horses and burros some years ago. A gather resulted, using the BLM wild horse crew from Susanville to accommodate the capture of horses and burros. As I recall this gather was paid for by the Defense Department, although I cannot confirm this at this time. At any rate it seems only reasonable that the expenses would be picked up by the responsible agency, which in this case is the Department of Defense.

I hope that you will reconsider the need to gather the Nellis horses with BLM funds and require that other funds be secured and committed to support this need.

Sincerely,



John L. McLain, Principal
Certified Range Management Consultant

JL:am

cc: Tom Williams, Chairman - N-S Board
Tom Ballow, NDOA

RESOURCES CONCEPTS INC.

340 N. Minnesota St. - Carson, Nevada 89703 - (702) 883-1600 - FAX (702) 883-1656



NEVADA FARM BUREAU FEDERATION

NEVADA FARM BUREAU SERVICE COMPANY

1300 Marletta Way • Sparks • Nevada • 89431 • (702) 358-FARM

October 23, 1991

Curtis G. Tucker, Area Manager
Bureau of Land Management
Las Vegas District Office
Caliente Resource Area
Caliente, NV 89008

Dear Mr. Tucker:

It has been called to our attention that there may be a possible violation of the Wild Horse and Burro Act as it relates to your proposal for removing wild horses from the Nellis Air Force Range. We did not receive the Environmental Assessment (EA No. NV-055-02-01) from you directly, but have been provided a copy of this document from another source.

Nevada Farm Bureau is not opposed in any way to the removal of wild horses from the Nellis Air Force Range. We understand the severe nature of conditions and the need to take this action.

At the same time we are also deeply interested in the concept of the points offered by Thomas Ballow, Executive Director, Nevada, Department of Agriculture. These points are based on a very legitimate question of whether the Wild Horse and Burro Act applies to lands which have been withdrawn from the public lands. In the event that the Act does not apply, resources used from the Wild Horse and Burro program for removals/adoptions from the Nellis Air Force Range should then be repaid and placed properly into wild horse and burro management programs elsewhere.

Prior to your developing any further details on this plan, we wish to have the findings of your research into this matter be passed along to us for review by our legal advisors.

We urge you to consider possible changes in your planned actions to secure resources for this project from other sources and that allotted funds be returned to the state office for development of other wild horse removal projects.

Thank you for your considerations and please add our name to your list of parties to receive information like the Environmental Assessment proposal.

Sincerely,

Doug Busselman,
Executive Vice President



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

Stewart Facility
Capitol Complex
Carson City, Nevada 89710
(702) 687-5589

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Reno, Nevada

October 30, 1991

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

NOV 07 1991

CALIENTE RESOURCE AREA
BLM
BUREAU OF LAND MANAGEMENT

Dear Mr. Tucker,

Thank you for the opportunity to comment on the draft Environmental Assessment and Gather Plan for the Nellis Air Force Range Wild Horse Removal.

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We have a few questions and concerns but in essence we support the removal of excess animals from the Nellis Range.

From our first hand review in the summer of 1991, we realize the degradation of the range, the poor condition of the wild horses on that range, and the severe shortage of waters. We hazard to imagine another year of a drought in Nevada and the effects to those horses.

Our main concern is your census numbers. In your removal plan you state "The September 1991 post capture census recorded 5,219 wild horses." This statement is grossly misleading and incorrect when in fact you actually counted 3,552 wild horses and 91 burros. Could you please explain to us why you have used an estimated population abusing the confidence limit? By saying your confidence limit is plus or minus 1,667 it could place your population anywhere from 3,552 to 6,886 wild horses. That's quite a margin. What concerns us greatly is that you intend to continue gathering horses until you reach an AML of 1,000 horses. Unless you have an accurate count how will you know when to stop?

We support the current gather of no more than 2,552 horses which is the actual count of 3,552 minus the 1,000 AML. We protest the removal of any animals over that number unless supported by monitoring data to show actual census and monitoring to establish AML at that time.

On page six of the removal plan you state that "A post gather census will be conducted to ensure that the identified

feasible, water development projects could require a minimum of 3 years before implementation. Therefore, this was not considered as a viable alternative at this time because it would not resolve the resource issues in a timely manner." Repair to those areas would certainly improve conditions and supply for the horses use as well as improve distribution. Under the Affected Environment section (page 14 of the EA), you refer to a lack of water however an alternative wasn't considered for repair and/or development of waters. How would those developments affect wild horse numbers? How would future adjustments to wild horse numbers be affected? We recommend that you address this in your final EA and Removal Plan.

Will your District be regularly monitoring the existing waters? If so, please provide the Commission with the ongoing results as you are collecting the data.

We are also wondering why you would ship horses to PVC or to Kingman? What purpose are you trying to achieve by shipping to both locations?

In conclusion, on page 7 of the Removal Plan and Page 5 of the EA you mention that "mares with foals too young to be shipped" will be released back on the range. What age are you determining for the foals to be too young to be shipped?

We would like to request a written response to our questions.

If you have any questions on any of the above, please feel free to call.

Sincerely,



CATHERINE BARCOMB
Executive Director



RECEIVED
NOV 08 1991

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022

CALIENTE RESOURCE AREA
BUREAU OF
LAND MANAGEMENT

BOB MILLER
Governor

(702) 688-1500
Fax (702) 688-1595

WILLIAM A. MOLINI
Director

Region III III-92-036
State Mailroom Complex
Las Vegas, Nevada 89158
November 5, 1991

Mr. Curtis G. Tucker, Area Manager
Caliente Resource Area
Bureau of Land Management
P.O. Box 237
Caliente, NV 89008

RE: 4720.1 (NV-055.10)

Dear Curt:

The environmental assessment and gather plan for the Nellis Bombing Range have been reviewed by Habitat personnel in Las Vegas. The efforts of the Bureau of Land Management in attempting to restore "thriving ecological balance" to this portion of Central Nevada are fully supported by the Nevada Department of Wildlife.

Thank you for the opportunity to comment upon this proposed action on the public lands of south/central Nevada. If you have any questions or require additional input, please feel free to contact the Region III office of the Department at (702) 486-5127.

Sincerely,

13VTEH
Cornelio O. Padilla
Acting Regional Manager

COP:jlh

cc: Habitat Division Chief
Game - Las Vegas, Panaca, Tonopah
Law Enforcement - Panaca, Tonopah

Nellis

12-13-91

FONSI
for
REMOVAL PLAN FOR NELLIS AIR FORCE BASE
EA No. NV-055-02-01

PROPOSED ACTION: The proposed action would remove excess wild horses from the Nellis Air Force Range. An analysis of monitoring data has determined that the appropriate management level (AML) for the Nevada Wild Horse Range is 1,000 wild horses. Implementation of the proposed action would remove wild horses in excess of the AML; subsequent removals of excess animals would be conducted so that the average, long-term wild horse population approximates the AML. Contingent upon available funding, wild horses would be removed from the following areas: Mud Lake, Kawich Valley, Gold Flat, and Cactus Flat, EC WEST, R-4809A, Range 71 north and south, Range 76 and the north part of EC EAST.

During FY92 1500 wild horses would be removed by water trapping and/or helicopter. Subsequent gathers would continue to remove wild horses until the AML is achieved. The capture would reduce the number of wild horses in the heavy and severe use areas. Detailed analysis of the no-action alternative showed that this alternative would not halt resource degradation. Other alternatives considered, but eliminated prior to detailed analysis included; trapping wild horses by running them on horseback, supplemental feed and water, water development, and range seeding.

FONSI: There will not be a significant impact to the quality of the human environment resulting from the implementation of the proposed action. Therefore, an environmental impact statement is not required for this action.

Rationale: Analysis of impacts did not identify any unique or unknown risks. The stipulations and specifications and mitigating measures will minimize the negative impacts. Direct and indirect environmental benefits are anticipated for wild horses, wildlife, and their habitat with the adoption of the proposed action. The removal will result in an improvement of the rangeland resources through decreased utilization of the forage in the removal area, thus taking the first step towards restoring the range to a thriving natural ecological balance.

Curtis G. Tucker
Curtis G. Tucker
Area Manager
Caliente Resource Area

12-13-91
Date

Dawna E. Ferris
Dawna Ferris
Environmental Coordinator
Caliente Resource Area

12/12/91
Date

ENVIRONMENTAL ASSESSMENT
for the
NELLIS AIR FORCE RANGE WILD
HORSE REMOVAL

EA No. NV-055-02-01

Prepared by

Jule Wadsworth
Wild Horse and Burro Specialist

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

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ENVIRONMENTAL ASSESSMENT
for the
NELLIS AIR FORCE RANGE WILD
HORSE REMOVAL

INTRODUCTION

A. PURPOSE AND NEED

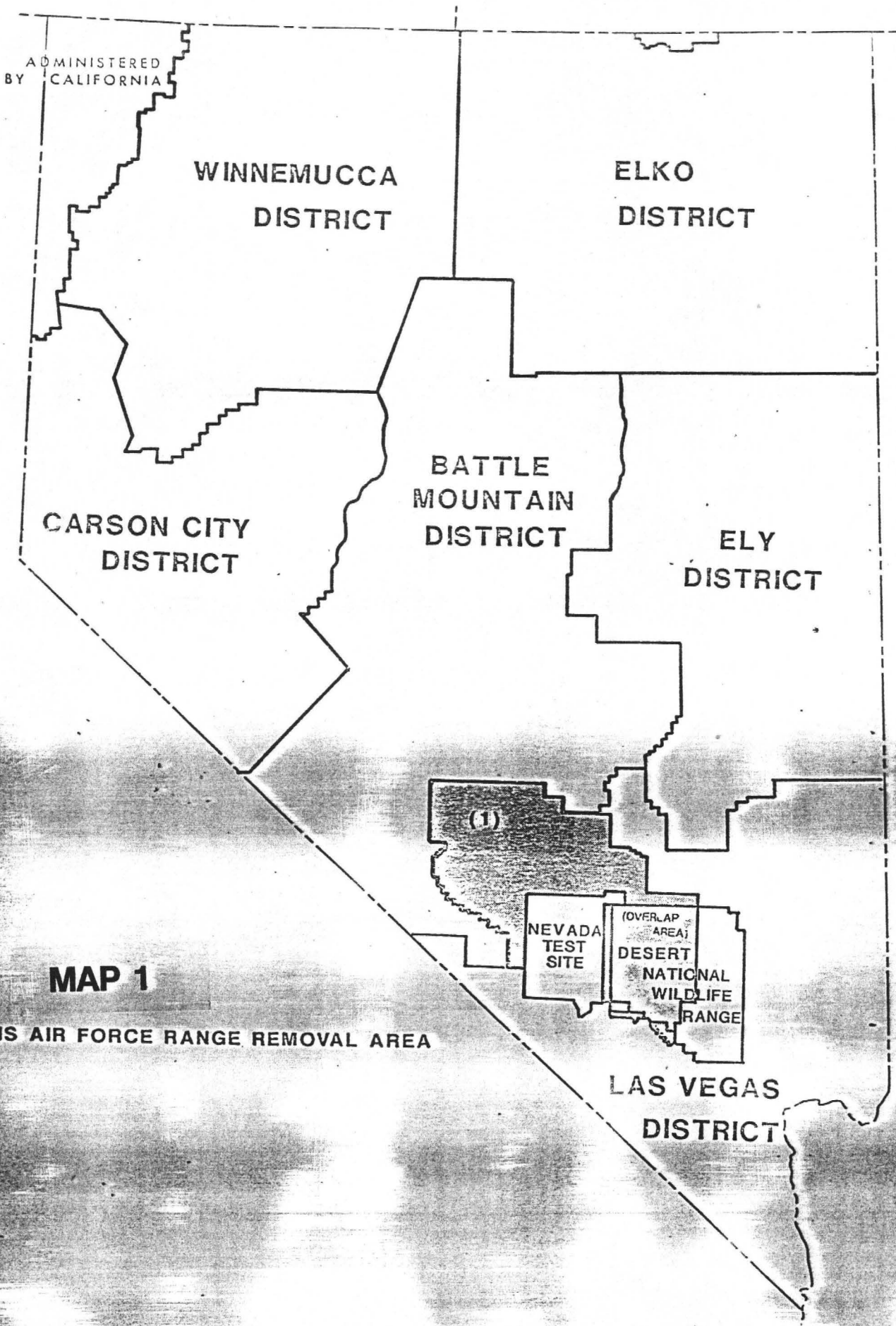
The Bureau of Land Management's (BLM) Las Vegas District, Caliente Resource Area, proposes to remove excess wild horses from within the Nellis Air Force Range military withdrawal lands, located in Clark, Lincoln and Nye counties of southern Nevada (see attached location Maps 1 and 2). The purpose of the proposed action is to prevent further deterioration of rangeland resources, currently sustaining impacts due to an excess of wild horses, and to restore and maintain a thriving natural ecological balance in the removal area. This document analyzes the environmental impacts of the proposed action, as discussed in the attached Plan for Nellis Air Force Range Wild Horse Removal (Appendix A), and alternatives to the proposed action.

B. RELATIONSHIP TO STATUTORY AUTHORITY AND LAND USE PLANNING

The proposal is in conformance with the Wild and Free Roaming Horse and Burro Act of 1971 (Public Law 92-195), as amended, and the Military Lands Withdrawal Act of 1986 (Public Law 99-606) which withdrew the Nellis Air Force Range for use as a high-hazard military weapons testing and training facility.

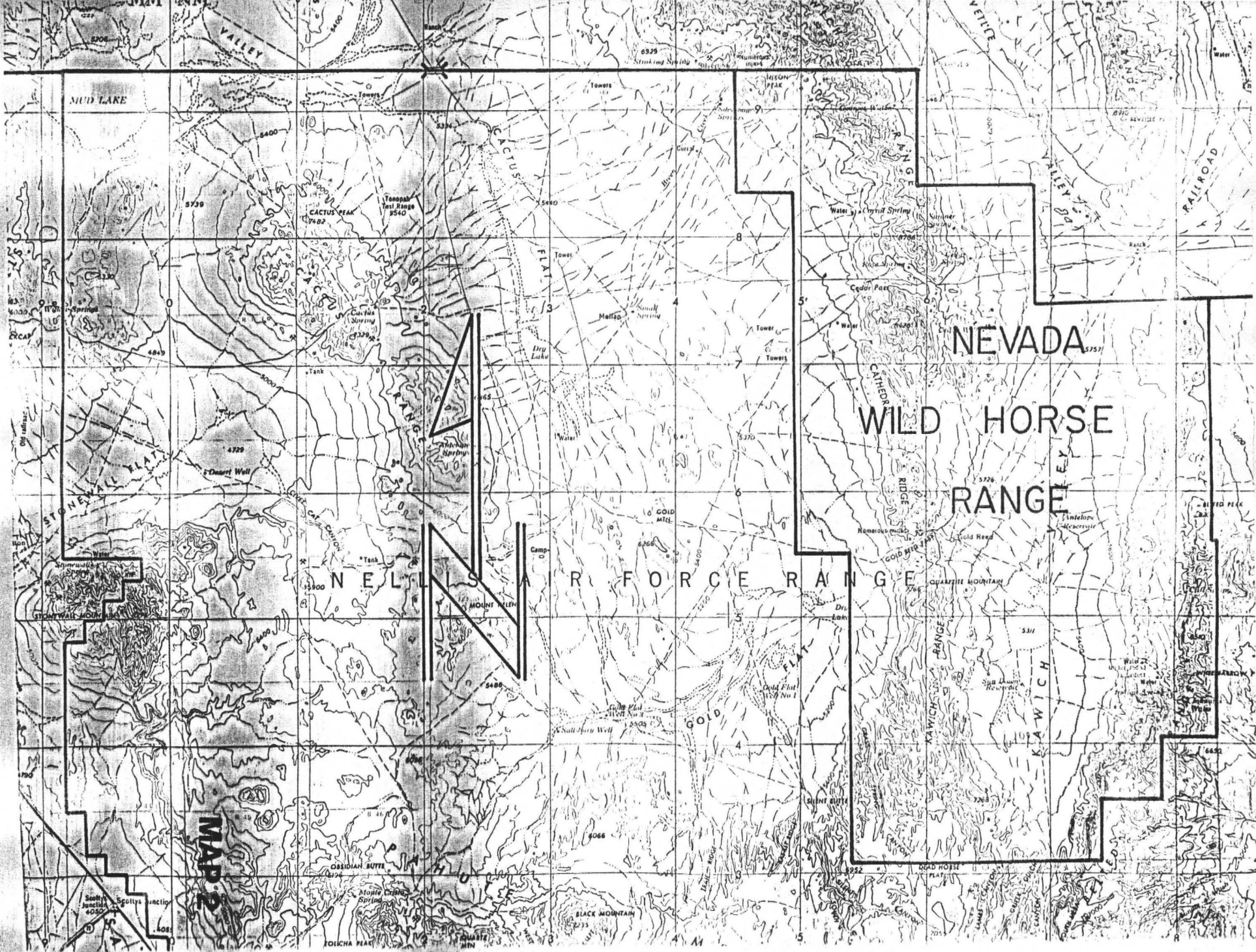
The authority for the proposed action is derived from a Cooperative Agreement between the Bureau of Land Management, Nevada State Office, and the United States Air Force, Nellis Air Force Base (1973). The Nevada Wild Horse Range Herd Management Area Plan and the BLM Director's Decision (June 1991) in response to protests of the Proposed Nellis Air Force Range Resource Plan/Final EIS also provide authority for this proposal. Future authority for this action or actions will be derived from the approved *Nellis Air Force Range Resource Plan* and Record of Decision (scheduled for issuance in February 1992).

This EA is tiered to the *Nellis Air Force Range Resource Plan/Final EIS* (U.S. DOI, BLM 1990) which analyzed the general ecological impacts of managing rangelands under a program of habitat monitoring and adjustment of wild horse numbers. That document is



MAP 1

(1) NELLIS AIR FORCE RANGE REMOVAL AREA



NEVADA
WILD HORSE
RANGE

NELSON'S ARROW RANGE

MAP 2

available for public review at the Caliente Resource Area Office and the Las Vegas District Office of the BLM. The proposed action described in this EA represents project-specific implementation of activities analysed in the EIS.

C. MAJOR ISSUES

The analysis of the proposed action and alternatives addresses four major issues:

1. What is the impact of reducing the wild horse population on the vegetative resources?
2. Is the water that is available for wild horses sufficient for their needs?
3. What is the impact on the remaining wild horse herd if excess animals are removed?
4. What is the impact on wild horses during removal?

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

ALTERNATIVE 1 - THE PROPOSED ACTION GATHER TO THE FULL LEVEL NECESSARY TO ACHIEVE A THRIVING NATURAL ECOLOGICAL BALANCE

The proposed action would remove excess wild horses from the Nellis Air Force Range. An analysis of monitoring data has determined that the appropriate management level (AML) for the Nevada Wild Horse Range is 1,000 wild horses. Implementation of the proposed action would remove wild horses in excess of the AML; subsequent removals of excess animals would be conducted so that the average, long-term wild horse population approximates the AML. Contingent upon available funding, wild horses would be removed from the following areas: Mud Lake, Kawich Valley, Gold Flat, and Cactus Flat, EC WEST, R-4809A, Range 71 north and south, Range 76 and the north part of EC EAST.

A. ADMINISTRATION OF THE GATHER

The initial phase of the proposed action would remove 1,500 wild horses, as the first of step toward achieving the appropriate management level of 1,000 wild horses on the Nevada Wild Horse Range. Removals of excess animals would continue in subsequent years to reach and maintain the established average AML.

The removal would be conducted through the FY 92 Nevada Wild Horse/Burro Removal Requirements Contract and supervised by a Contracting Officer's Representative (COR) and a Project Inspector (PI). Sorting and aging operations would be conducted by the Contractor and supervised by COR/PI. All stipulations contained in the attached removal plan (Appendix A) and the contract would apply. The BLM (through its own personnel or the contractor's) would be responsible for the capture, care, sorting, temporary holding and transportation from the removal area of all wild horses.

Two weeks prior to the start of the removal, BLM would provide a written pre-capture evaluation of existing conditions in the removal area. The evaluation would include animal condition, prevailing temperatures, soil conditions, topography, road conditions, locations of fences and other physical barriers, water availability, and animal distribution in relation to potential trap locations. The evaluation would also conclude whether the level of activity associated with the removal operation would be likely to cause undue stress to the animals. A determination would be made as to whether such stress could be tolerated by the horses if a veterinarian were to be utilized or whether a delay in the capture activity is warranted. The services of a veterinarian would be obtained before the removal proceeds if the above-stated conditions pertain.

B. CAPTURE

1. Time and Method

The initial removal would begin when weather and wild horse conditions permit, tentatively by February of 1992, and would be expected to continue for approximately 12 weeks. Winter weather could influence the timing and duration of capture activities. Removals would be conducted in subsequent years to reach and maintain the AML.

Water trapping would be the preferred method used to capture wild horses which graze the heavy and severe utilization zones within the removal area (see attached Map 3). It is estimated that no more than 10 trap locations would be required to accomplish the work. Potential trap sites include, but are not limited, to Rose Spring, Rose Spring Pipeline, Silver Bow Spring, Corral Spring, Tunnel Spring, Cactus Spring and Cedar Well. All proposed trap sites occur on or near existing roads. Trap sites would be

selected in the removal area to reduce the concentrations of animals in the heavy and severe utilization zones. Prior to setting up traps and support facilities, cultural resource inventory and biological assessments would be conducted at the proposed trap by qualified BLM specialists. Trap locations evidencing significant cultural resources or sensitive biological values would be relocated or eliminated from consideration.

The temporary traps and corrals would be constructed from portable pipe panels. A loading chute at the holding corral would be equipped with plywood sides or similar material to prevent injury to the horses' legs. Trap wings would be constructed of portable panels, jute netting, or other materials determined not to be harmful to horses. Barbed wire or other harmful materials would not be allowed for wing construction. All trap, corral, and wing construction would be approved by the COR/P and all trap locations approved by the U.S. Air Force-Nellis Air Force Range (USAF).

A helicopter may be used to supplement operations and encourage the animals into traps; if a helicopter is used, traps would not be located near springs. All removal and helicopter activities would be subject to security requirements imposed by the USAF. Helicopter removal activities would be restricted to weekends, unless approved by the USAF on a day-to-day basis. The USAF may also specify altitude restrictions, scheduled flight times, certain routes to herd the horses, and trap locations. The radio frequencies used by the helicopter would be pre-approved and cleared in writing by the Tonopah Test Range Frequency Management, thereby reducing the possibility of radio interference.

C. SORTING

Wild horses would be sorted at each holding site into the following four categories, using the criteria listed below:

1. WILD HORSES TO BE REMOVED FROM THE RANGE generally will meet the following criteria:

a. Animals under 10 years of age and determined not to have recognizable defects. Animals over 6 years of age should not exhibit negative qualities. Examples of negative qualities that would require that a horse be released back on the range would include an animal having only one eye or one ear or excessive scarring resulting from injuries.

b. Animals determined to be sufficiently healthy to be shipped from the processing center within a reasonable period of time following arrival.

center. BLM may hold selected animals and transport them separately.

2. Destruction: The COR/PI would have the primary responsibility for determining when an animal would be destroyed in accordance with 43 CFR Subpart 4730.1. Due to security restrictions involving personnel permitted to carry fire arms on the Nellis Air Force Range, Advanced Security Inc. (ASI) supervisory personnel would perform the actual destruction. The COR/PI would insure that all personnel involved with this aspect are fully apprised of destruction methodology and would provide training to ASI personnel to insure that destruction is accomplished in the most humane manner possible. Only appropriate firearms would be used by ASI personnel. When the need for destruction is questionable, a veterinarian may be called to assist in making a final determination.

The carcasses of wild horses which die or must be destroyed as a result of any infectious, contagious or parasitic disease would be disposed of by burial to a depth of at least 3 feet. The carcasses of other wild horses which must be destroyed would be disposed of by removing them from the capture site or holding corral and placing them in a visually inconspicuous location. Carcasses would not be placed in drainage regardless of drainage size or downstream destination.

3. Release: Animals selected for release back on the range would be retained until the trap site in which they were captured is relocated and their recapture is unlikely. These animals may also be marked so if they are recaptured they are easily identified.

4. Branded and Claimed: A Notice of Intent to Impound and 28-day Notice to Gather Wild Horses would be issued concurrently by the BLM, prior to any removal operations in this area. The Nevada Department of Agriculture and the District Brand Inspector would receive copies of these notices. The COR/PI would contact the District Brand Inspector and make arrangements for dates and times when brand inspections would be needed.

When horses are captured, the COR/PI and the District Brand Inspector would jointly inspect all animals at the holding facility in the removal area. The COR/PI, after consultation with the District Brand Inspector, would determine if unbranded animals are wild and free-roaming horses. The District Brand Inspector would identify

ownership of branded animals and their offspring and, if possible, the ownership of unbranded animals determined not to be wild and free-roaming horses.

Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector would be retained in the custody of the BLM in a separate holding corral. Release of these animals to the owner or claimant would be contingent upon settlement of impoundment and or trespass charges. Appropriate charges would be determined by the Caliente Area Manager, in accordance with 43 CFR Subpart 4710.6 and 43 CFR Subpart 4150. In the event settlement is not made, the horses would be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined and unclaimed, unbranded horses with offspring showing evidence of existing or former private ownership would be released to the Nevada Department of Agriculture (District Brand Inspector) as estray.

The District Brand Inspector would provide the COR/PI with a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley Center (PVC), near Reno. A similar certificate would be issued for the branded or claimed horses for whom impoundment and trespass charges have not been offered or received in order to ship them to public auction or another holding facility.

E. HOLDING

If the holding facility is located on lands withdrawn for military purposes, all access would be controlled by the USAF. All requests for public access to the holding facility should be made to the Caliente Area Manager, who would then forward the request to the USAF. The USAF would evaluate the request and grant or deny access.

The contractor would provide all feed, water, labor, and equipment (including troughs, traps, temporary holding facilities, vehicles, helicopters, and other supplies) to care for captured horses at the holding facility. The contractor would also provide transportation of captured horses from the temporary holding facility to the Palomino Valley Center or the Kingman facility in Kingman, Arizona. BLM would provide transportation of unclaimed and claimed branded horses to an approved facility for release to the claimant or for handling under Nevada State estray laws. All work would be

accomplished in a safe and humane manner and be in accordance with the provisions of 43 CFR Part 4700 and the following specifications, provisions, and attached work location maps. BLM would furnish contract supervision.

F. TRANSPORTATION

1. Wild Horses: After sorting, wild horses would be transported to PVC or to the BLM processing center in Kingman, AZ. Transportation would be in accordance with standards in the stipulations and specifications section of the Plan for Nellis Air Force Range Wild Horse Removal (Appendix A).

2. Branded and Claimed Horses: Branded and claimed horses would be transported by the BLM or the Brand Inspector, depending on the final disposition of the individual animals.

G. RESPONSIBILITIES

1. District Manager: The District Manager would be responsible for maintaining and protecting the health and welfare of the wild horses. The District Manager, directly and through his subordinates, would have ultimate responsibility and line authority for supervision of assigned personnel in all aspects of the removal. All publicity and initial contacts with the media would be coordinated by and through the District Public Affairs Officer.

2. Area Manager: Formal public contact, Nellis access, and general inquiries would be handled through the Caliente Resource Area Manager. The Area Manager would be responsible for the dissemination of information to the District Manager, the State Director's representative, and interested publics. The Area Manager would provide removal statistics (number removed, number released, number destroyed) on a weekly basis. Accidents and incidents would be immediately reported. The Area Manager, directly and through his subordinates, would have responsibility and line authority for supervision of assigned personnel to insure safe and humane practices relative to the health and welfare of the wild horses.

3. Other BLM Personnel: Prior to the performance of duties, attached/detailed BLM personnel would tour the removal area and inspect potential trap sites. They would be briefed on results of the pre-capture evaluation, the objectives and standards of their tasks, and the stipulations and specifications of the removal plan.

4. Contracting Officer's Representative and Project Inspector: The COR/PI would be directly responsible for conducting the removal including the supervision of other attached/detailed

BLM personnel and the Contractor. The COR supervises the PI. The COR/PI, through on-site observation, would evaluate the contractor's ability to perform the required work, in accordance with the stipulations and specifications of the contract. The COR/PI would be on site during the capture activities to ensure Contractor compliance with the stipulations and to protect the health and welfare of the animals. Compliance with the contract stipulations would be facilitated through issuance of written instruction to the contractor, stop work orders, and default procedures should the contractor not perform work according to stipulations. The COR/PI would maintain a daily log and furnish the Area Manager with copies of all written instructions to the Contractor and any stop work order on a weekly basis. Removal/release statistics would be furnished to the Area Manager on a weekly basis. Accidents and incidents would be reported to the Area Manager immediately. The COR/PI would also be responsible for reporting proceedings to the Contracting Officer. The COR/PI would be responsible for on-site coordination as needed and for providing capture information and statistics to Nellis Range Personnel on a weekly basis. The COR/PI would coordinate contacts with Palomino Valley Center or other handling facilities to assure space would be available, horses are handled humanely and efficiently, and are arriving from the capture site in good condition.

It is anticipated that the COR would be the Caliente Resource Area Office supervisory range conservationist. PIs may include, but are not limited to, wild horse and burro specialists with BLM in Nevada.

5. Contractor: The contractor would be required to present for inspection by the COR all equipment that would be used in performance of the contract. The time and place of inspection would be determined by the COR. Any equipment (with the exception of helicopters) that the COR determines to be inadequate would be replaced or repaired by the contractor within 36 hours.

Work hours under this contract would be limited to the time between one half hour before sunrise to one half hour after sunset each day, with the exception of bait trapping which may be conducted 24 hours per day. No work would be done on Sunday or Federal holidays unless mutually agreed upon between the COR and the contractor and authorized by the CO. All work hours would be subject to review and approval by the USAF.

The Contractor would be briefed on his duties and responsibilities before the Notice to Proceed is issued. The contractor would be informed of the terrain involved, animal condition, road conditions, potential trap locations, water availability and the

presence of fences and other dangerous barriers.

G. STIPULATIONS AND SPECIFICATIONS

Additional stipulations and specifications pertaining to the proposed action are contained in Section III of the Plan for Nellis Air Force Range Wild Horse Removal, attached as Appendix A to this document.

MONITORING

During and upon completion of the removals, the BLM would continue to monitor the wild horse herd, water sources, and vegetative condition to determine the degree to which objective of restoring a thriving ecological balance on the Nevada Wild Horse Range are being met. A use pattern map would be completed each year until the wild horse population is in balance with its habitat. Trend, condition, and utilization studies would be conducted at three exclosures, constructed in 1991, in order to monitor the effects of the wild horse removals on the vegetation. Two exclosures would be constructed in 1992 in sagebrush vegetative communities, to provide additional data on vegetative condition and trend. A summary evaluation would be prepared in Fiscal Year 92. Future actions would be based on an analysis of this monitoring data.

ALTERNATIVE 2

NO-ACTION ALTERNATIVE

Under the No Action Alternative, no removal operations would be conducted and no wild horses would be removed from the Nellis Air Force Range. For the purpose of this analysis, this alternative does not include artificially providing water to wild horses.

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

A. Alternative Removal Methods-

Trapping Wild Horses by Running Them on Horseback

Trapping wild horses by running them on horseback would not be feasible, since wild horses are easily lost after starting them towards the trap. Injuries to both people and wild horses would be more common if this method were employed. The cost factor, as demonstrated by previous removals, would also be prohibitive. This alternative will, therefore, not be considered further.

**B. Alternative Maintenance Strategies:
Supplementing Natural Water and Food Supplies**

Hauling supplemental feed and water to the wild horse populations would be possible but is not considered economical. This proposal is beyond the intent of the Wild and Free Roaming Horse and Burro Act, which mandates that wild horses be maintained in a thriving natural ecological balance with their environment. Updated 1990 use pattern data collected in the removal area shows 876.6 square miles or 561,054 acres of severely grazed range. Wildlife populations of mule deer and pronghorn antelope have decreased in numbers in all areas of the Nellis Air Force Range, except the Stonewall Mountain area. Mountain lions have been attracted to lower elevations by the large populations of wild horses. Supplemental feed and water would only exacerbate the current situation in which horses are suffering from a lack of natural water and forage, the rangeland is degraded, and wildlife populations have been adversely impacted.

Supplementing feed and water would not maintain the horses in a thriving natural ecological balance with their environment. Horse populations could climb to artificially high numbers, resulting in further habitat degradation. This alternative was considered but eliminated from further analysis for these reasons.

C. Developing Additional Natural Water Supplies:

All of the spring sources in the removal area were developed and maintained by grazing permittees when livestock grazing was permitted on the Nellis Air Force Range. Most of these spring improvements fell into a state of disrepair after grazing on the Nellis Range was discontinued in the 1960s. The following springs have been developed by the BLM, with help from the USAF and the National Wild Horse Association: Rose Spring (1985), Corral Spring (1985), Tunnel Spring (1985) and Cedar Well (upper and lower) (1986 & 1987). Two additional springs, Cliff Springs and Silver Bow, were also developed, in 1990 and 1991, respectively.

Insufficient hydrological data is available at this time to ascertain if spring development and/or well drilling would be feasible for other areas within the Nevada Wild Horse Range. It is also unknown how that development/drilling would affect the primary (military) use of the area. If determined feasible, water development projects could require a minimum of 3 years to implement. Therefore, this was not considered as a viable alternative at this time since it would not resolve the resource issues in a timely manner.

D. Range Seeding to Provide Additional Forage:

The Conservation Plantings for Rangeland, Windbreaks, Wildlife, Soil, Conservation Cover (SCS, 1978) recommends no species for planting in areas that receive less than 8 inches of precipitation. Average precipitation on the Nellis Air Force Range is 6 inches per year, making the probability of a successful seeding slight. Failed range seedings give undesirable plants (noxious weed and poisonous plants) an opportunity to establish. Once established, it is very difficult and costly to remove them. Because of the time required to establish seedings, the cost and the low probability of success, this is not considered to be a viable alternative.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

A. LOCATION AND LAND STATUS

The proposed removal area is within the Nellis Air Force Range, located in Clark, Lincoln and Nye counties of southern Nevada. Wild horses would be removed from Mud Lake, Kawich Valley, Gold Flat, and Cactus Flat, areas which form critical summer range for wild horse herds (Map 3 identifies the proposed removal areas).

The removal area comprises public lands withdrawn for primary use as a high-hazard military training and testing area by the Military Lands Withdrawal Act (P.L. 99-606) of 1986. The management of natural and cultural resources on the withdrawn lands is conducted by the BLM. The 1974 cooperative agreement between the BLM and USAF for management of the wild horses details the specific roles and responsibilities of each entity.

Topographically, the removal areas vary from flat valley bottoms to steep, mountainous terrain. Wild horses are anticipated to be found at all elevations during the removal periods, although past utilization and distribution patterns indicate that they may be congregated in the valley bottoms. There are few physical barriers and fences in the area and these areas would be avoided.

A more detailed description of the affected environment can be found in the *Final Environmental Impact Statement for the Withdrawal of the Nellis Air Force Bombing Range, Nye, Clark, and Lincoln Counties, Nevada* (U.S. DOI, BLM and USAF, 1981) and the *Draft Nellis Air Force Range Resource Plan and Environmental Impact Statement* (U.S. DOI, BLM, 1989). These documents are on file at the BLM Las Vegas District Office and Caliente Resource Area office. Certain elements of the affected environment, necessary for the understanding of the anticipated impacts, will be described

in the following sections.

No livestock grazing is authorized within the withdrawn lands.

B. AIR AND WATER RESOURCES

Air Quality

Dust has reduced visibility within the range during the last decade, decreasing the effectiveness of certain optical testing conducted in the area. The increase in dust is attributable to the trailing of increased wild horse populations and to the reduced vegetative cover.

Water Resources

The summer range for the horses has been documented in northeast part of EC WEST and R-4809A, and the northern area of EC EAST; approximately 80 percent of the wild horses use these areas during the summer. Monitoring data for natural spring season flow rates from water sources in these areas (for Cedar Well, Sumner Spring, Cedar Spring, Cedar Pass Springs, Upper and lower Rose Spring, Tunnel Spring, Corral Spring, Harleys Spring, Joe Pass Spring, Silver Bow Spring, and Silver Bow Corral) indicate that the natural water supplies can support an estimated 1,000 horses, if the horses only use 10 gallons per day. The current wild horse population is estimated to be triple what the natural water supplies can sustain. Ephemeral water sources are found around the alkali flats, where water collects during limited periods of precipitation. These are considered to be unreliable sources because of their short term and unpredictable availability.

Since 1988, the wild horse herds have required supplemental water during the summer and dry winter periods to prevent the deaths of many animals. During the summer of 1991, when horse water demand was greater than perennial water supplies, the USAF hauled an average of 12,000 gallons/day or approximately 1.8 million gallons of supplemental water to wild horses on the summer range areas.

Water Availability

Under average climatic conditions, water sources would be expected to have high flows during the spring. Summer water flows are less than those record during the spring. Tables 1 and 2 provide additional water availability data.

The attached Map 4 shows perennial and ephemeral water sources within the NAFR.

Water table observations

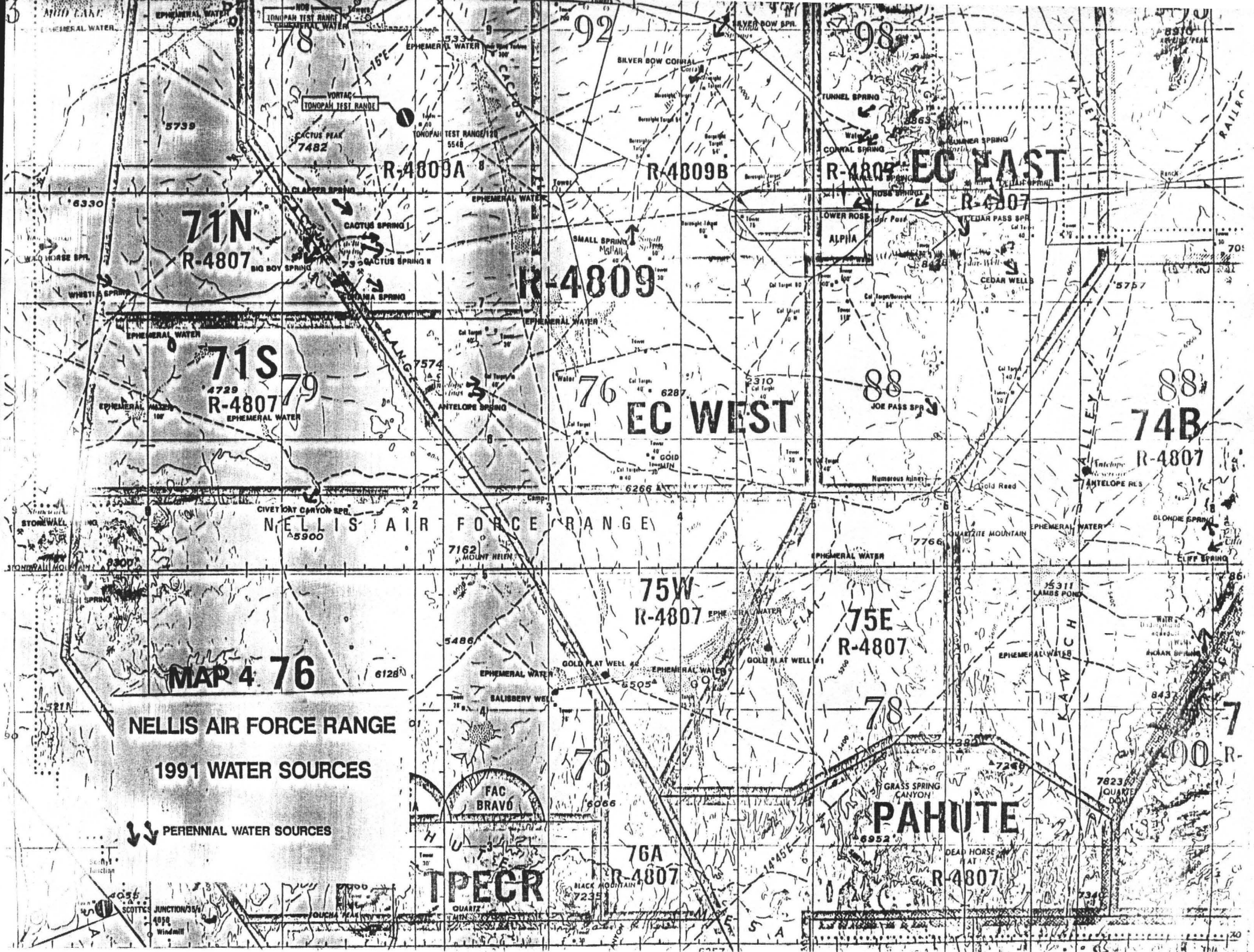
Water table levels were measured at Cedar Wells and were shown to have dropped 6 feet. The water table for Silverbow Spring has dropped below the collection box for the spring and Breen Creek has no water flow and no water. Water was reported both in the spring and along the creek during the 1960's, 70's, and 80's by members of the Nevada Wild Horse Association (NWHHA). Photos taken by the BLM and the NWHHA during those years show water at those two locations. This data suggests that the dry conditions and low ground water recharge potential under dry conditions may have resulted in a lowered water table.

C. VEGETATION

Vegetation Status and Conditions

Use pattern maps indicating significant areas of heavy and severe utilization have been prepared in 1985, 1986, 1987 and 1990 (See Maps 3, 5a-c). These maps also indicate a trend of increasing size in the heavy and severe utilization zones as shown in Table 3

A use pattern map for 1990 was developed, using data collected on February 9 & 10, March 3 & 13, April 13 & 14, and June 4, 1991. Photographs taken during these field examinations show the severe use and degraded condition of plants in the removal area. Little to no residual forage was available in significant portions of the removal area. Because of low plant vigor, vegetative response to rain received in 1991 has not been significant. Any growth may provide temporary forage, however, the effects will be short term in nature.



MAP 4 76

**NELLIS AIR FORCE RANGE
1991 WATER SOURCES**

⇓ PERENNIAL WATER SOURCES

4055
 SCOTT'S JUNCTION/354
 4099
 WINDMILL
 OUCHA PL
 QUARTZ
 TPECR
 FAC BRAVO
 BLACK MOUNTAIN
 7235
 QUARTZ
 TPECR

PAHUTE

FAC BRAVO

76A
R-4807

DEAN HORSE
R-4807

7823
QUARTZ
DOCK

7900
R-

7900
R-

7900
R-

7900
R-

7900
R-

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R-

TABLE 1. Relative perennial water status.

Nellis AFB Range Chart Designations	Relative Perennial Water Status POOR 1/	SATISFACTORY
71N	33%	67%
71S	100%	0%
76	0	100%
75E	No Known Water Available	
R-4809A	0	100%
EC WEST	100%	0%
EC EAST	50%	50%
74B	100%	0%
SUMMARY	<u>52%</u>	<u>48%</u>

1/ 14 out of 27 springs produce less than 10 ounces per minute (.08 gallons per minute) and are considered poor perennial water sources. For comparison, the average home garden hose produces between 5 and 10 gallons per minute.

TABLE 2. Measured water flows during the spring and early summer for all known perennial water sources within the Nellis Air Force Range Removal Area.

<u>SPRING</u> <u>SOURCE & LOCATION</u>	<u>RATE OF FLOW (gal/min - gal/day)</u> <u>Measured in April and June 1991</u>	
<u>74B</u>		
1. Cliff Spring	0/0	(water present in cave only/no measureable wild horse use)
2. Indian Spring	0/0	(water present in cave only/no measureable wild horse use)
3. Blondie Spring	0/0	(small puddle only-no measurable wild horse use)
Sub Total	0/0	(most is ephemeral water on lake beds)
<u>EC EAST</u>		
4. Cedar Well	.02/29	(Nellis hauling water now)
5. Sumner Spring	1.5/2160	(Water rights owned by Fallini. He built reservoir for wild horses to use / little forage present).
6. Cedar Spring	1/1440	(Estimated flow/Fallini has supplied a pit reservoir horse use/little forage avail.)
7. Cedar Pass Springs	0/0	(two 4 ft. X 5 ft. puddles-unmeasurable/little horse use)
8. Upper Rose Spring	2.2/3168	(little horse use present/not much forage)
9. Lower Rose Spring	1.3/1872	(heavy horse use area)
10. Tunnel Spring	0/0	(not much horse use)
11. Corral Spring	.76/1094	(upper-.20 and lower-.56)
12. Harleys Spring	.08/115	(some horse use noted)
13. Joe Pass Spr.	0/0	(small puddle only)
Sub Total	6.86/9878	

TABLE 2. (cont.)- Measured water flows during the spring and early summer for all known perennial water sources within the Nellis Air Force Range Removal Area.

SPRING SOURCE & LOCATION	RATE OF FLOW (gal/min - gal/day) Measured in April and June 1991	
<u>EC WEST & R-4809A</u>		
14. Silver Bow source	0/0	
15. Silver Bow corral	.03/43	(horses observed sucking water from inlet pipe)
Nellis water haul (near O & M compound)	0/0	(not a permanent water source)
16. Small Spring	0/0	(dry/recess collects runoff and rainwater only)
17. Cactus Spring I	.83/1195	(heavy horse use)
18. Cactus Spring II	.94/1354	(heavy horse use)
19. Antelope Spring	.03/43	(heavy horse use)
20. Urania Spring	.8/1152	(heavy horse use)
21. Clapper Spring	1.2/1728	(heavy horse use)
Sub Total	3.83/5515	
<u>71N</u>		
22. Whistle Spring	1.4/2016	(heavy horse use)
23. Big Boy Spring	0/0	(not flow/water in inlet pipe/no horse use)
24. Wild Horse Spring	1.4/2016	(flow an estimate/broad ground flow/cave full of water)
Sub Total	2.8/4032	
<u>71S</u>		
25. Civet Cat Canyon Spring	0/0	
Sub Total	0/0	
<u>76</u>		
26. Stonewall Spring	3/4320	(estimated flow no development horse & wildlife use)
27. Welch Spring	3/4320	(estimated flow no development horse & wildlife use)
Sub Total	6/8640	
Totals	19.49 gal/min= 28,065 gal/day for entire range.	

Table 3. Utilization summary for Nellis Air Force Range.

YEAR	ACRES WITHIN EACH UTILIZATION LEVEL					
	SLIGHT NO USE	LIGHT 10% USE	MODERATE 30% USE	HEAVY 50% USE	70% USE	SEVERE 90% +
1985	125,748	94,963	180,056	185,939	120,372	170,341
1986	188,927	191,786	74,415	74,754	117,239	230,298
1987	158,739	282,293	87,511	83,796	113,765	151,315
1990	0	58,238	0	258,127	0	561,054
TOTAL USEABLE ACRES		877,419				

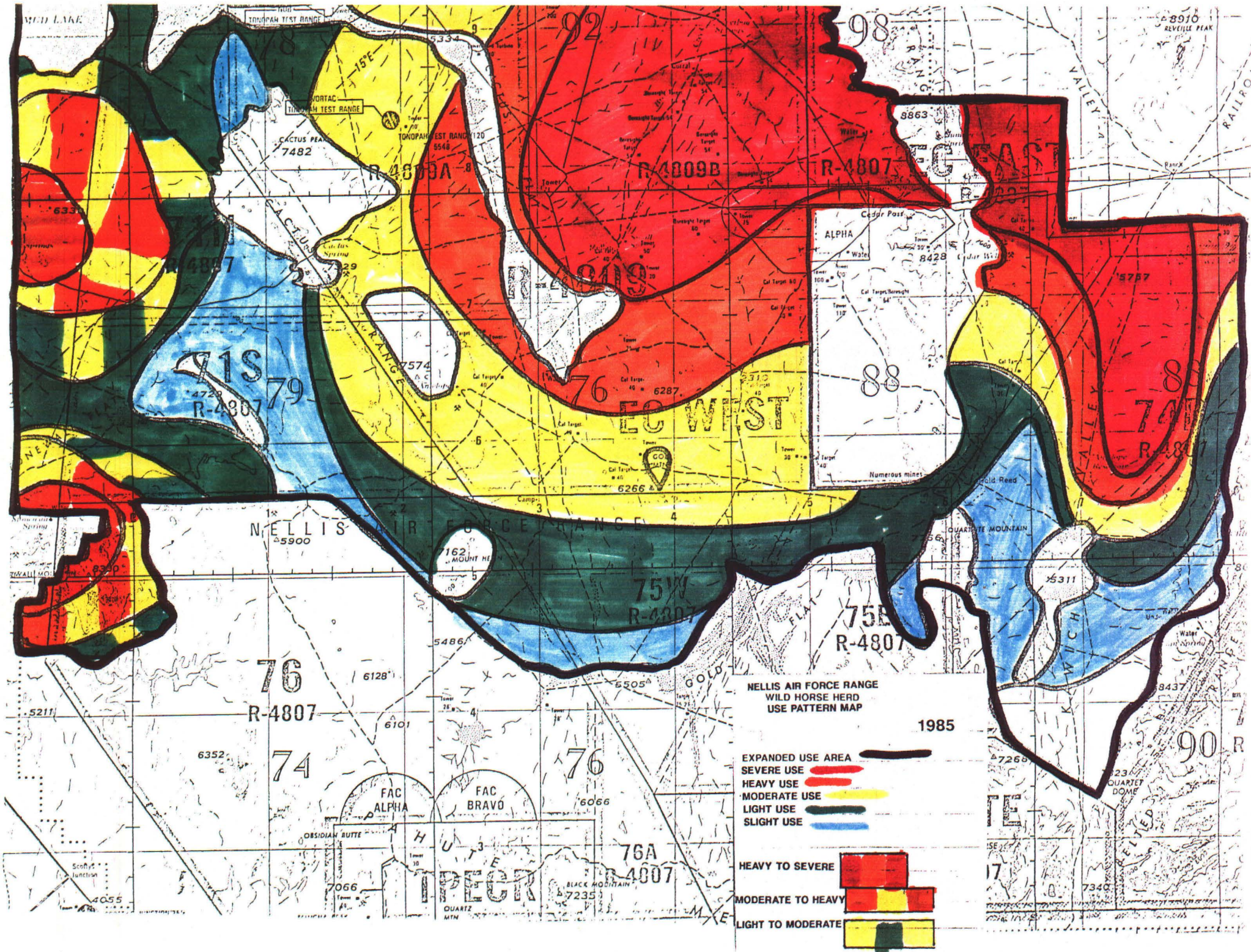
(Data collected February to June 1991 for 1990 use)

The area in severe use has increased from 236 square miles (151,315 acres) in 1987 to 691.6 square miles (442,755 acres) in 1990. This equates to about a 200 percent increase in severely grazed rangeland from 1987. The last major capture occurred in 1987.

Tables 4 and 5 display additional data on vegetative condition on the Nellis Air Force Range.

The attached use pattern maps prepared from 1985 to 1990 (Map 3, 5a-c) provide additional information on the vegetative condition by geographic locations. Vegetation growth for the shrubs and grasses varies from 1 to 6 inches. The vigor of the plants is poor with sparse growth, which occurs in response to seasonal precipitation. The lack of vigor is a reflection of repeated severe use which weakens the root reserves of the plants.

The 1990 use levels on bud sage, winterfat and other palatable shrubs are in excess of 100 percent. Bark, stems, and growth from 1990 are grazed. Grass species such as Indian ricegrass, needle and thread, three awn, galletta grass, squirreltail, and bluegrass are grazed to the ground, with 1991's growth often visible only on the edges of the parent plant.



**NELLIS AIR FORCE RANGE
WILD HORSE HERD
USE PATTERN MAP**

1985

- EXPANDED USE AREA
- SEVERE USE
- HEAVY USE
- MODERATE USE
- LIGHT USE
- SLIGHT USE

- HEAVY TO SEVERE
- MODERATE TO HEAVY
- LIGHT TO MODERATE

Table 4. Relationship between wild horse populations, acres in severe use, and water availability by location.

B Range Chart Area Designations	Relative WH Population Percentage and Sample		Acres Severe Use	Available* Water Quantity
	Feb 1991	Sept 1991		
71N	14.6	14.6	50,026	Fair/4032 gal-day
71S		7.2	49,667	Poor/0 gal-day
76	7	20.2	2,480	Good/8640 gal-day
75W	0	5.8	4,539	Poor/0 gal-day
75E	0.2		8,957	Poor/0 gal-day
R-4809A	17.1	10.6	99,981	Fair/5429 gal-day
EC WEST	33.3	20.3	209,383	Poor/86 gal-day (6249 gal-day used)
EC-EAST	5.6	2.1	43,387	Good/9878 gal-day (3529 gal-day used)
74B	15	26.4	92,634	Poor/0 gal-day

* Water is often located where an adequate forage supply does not naturally exist and much of the non-degraded range is where there is no dependable water. The wild horses leave areas like 74B when the ephemeral waters dry up and increase the pressure on the northern locations. EC WEST horse populations make use of 6249 gallons/day of water on the west side of EC EAST and water hauled by Nellis. It is estimated that each horse requires 10 gallons per day to survive.

Table 5. 1990 use levels in the severe 90% of current year's growth*

<u>Nellis AFB Range Chart</u> <u>Designations</u>	<u>Vegetative use status estimated</u> <u>in Square Miles</u>	<u>estimated</u> <u>in Acres</u>
71N	78.2	50,026
71S	77.6	49,667
76	3.9	2,480
75W	7.0	4,539
75E	14	8,957
R-4809A	156.2	99,981
EC WEST	327.2	209,383
EC EAST	67.8	43,387
74B	144.7	92,634
Estimated Totals	876.6	561,054

* Includes the additional acres mapped in areas within the removal area not accessible earlier.

C. WILDLIFE HABITAT

While the Nellis Air Force Range supports a variety of wildlife species, the pronghorn antelope and mule deer are the principle big game species located within the withdrawn lands. The shadscale-budsage vegetative communities cover over 300 square miles and are usually excellent antelope habitat. Only 39 antelope were censused in February, 1991. Mule deer habitat in the Kawich, Belted, and Stonewall mountains has been considered good in the past but only 43 mule deer were censused in February of 1991.

Mountain lions are being attracted to the lower valley floors by the large wild horse herds, as documented by the numerous sightings reported by Nellis Air Force Range personnel. The sparse wildlife populations at higher elevations and large horse numbers in the valleys appears to be influencing the movements of mountain lions.

D. WILD HORSES

Numbers and ratios

Large numbers of wild horses roam freely throughout the Nellis Air Force Range, often in close proximity to military and related activities. The horses often interfere with these activities. The BLM, working with the USAF, conducted a number of captures from 1985 to 1987 to manage the herds population. The numbers removed and censused are identified in Table 6.

Removals were discontinued pending the final resolution of the 1988 Animal Protection Institute's Interior Board of Land Appeals (IBLA) appeal to BLM's scheduled removal in 1988. In 1989, IBLA ruled in favor of API's appeal and removals were temporarily interrupted.

In November 1988, BLM completed an investigation and report on the death of 61 horses. The animals died of ammonia toxicity when they accidentally ingested rinse water with a urea compound washed out of a truck during a time the natural water sources were not meeting the demands of horses.

During 1989, eight horses are estimated to have been fatally injured in horse/vehicle accidents. A total of 683 wild horses were removed under an emergency removal in 1989 due to drought and a lack of water. In July 1990, drought, decreased natural water supply, and insufficient forage caused the death of more than 50 wild horses. BLM requested that the USAF begin to haul water to the horses when natural waters were not adequate, pending removals scheduled for May/August 1991. The August 1990 census counted 4,302 horses and a relative horse concentration survey in February counted 3,236. The post capture census conducted in September 1991 counted 5,219 wild horses.

Based on the 1987 and 1989 removals, the percent of young animals less than two years old ranged from 16 percent to 20 percent. The recruitment rate, based upon the number of two year olds in the population, ranges from 11 percent to 16 percent. Based on removal data, the sex ratio is 1.05:1.00 males to females or essentially a 1:1 ratio. Preliminary data from the 1991 removal indicates a 25 percent foaling rate with a 1:1 sex ratio; most the mares are under 10 years old and a large number of the dominant stud horses are over 10 years old. The stud horses from 10 to 20 years old range from 2 to 4 inches taller (up to 15.2 hands tall) than the age range from 5 to 8 years. This smaller size of the younger mature males may be a reflection of the declining water and forage conditions from 1985 to 1991.

Table 6. Wild horses captured from 1985-1987.

<u>DATE OF REMOVAL</u>	<u>LOCAT ON NAFR</u>	<u>NOS REMOVED</u>	<u>YEAR/#'S CENSUSED</u>
			1984/4,890
June 1985	Northern Part EC EAST	1,498	1985/5,642
June 1986	Northwest EC EAST, West part of 71S and 71N	1,043	1986/4,178 <u>1/</u>
July/ August 1987	Northeast EC WEST, Northern part EC EAST	1,210	
			1989/6,255
			1990/4,302 <u>2/</u>
May/August 1991	Northwest Part EC EAST Northeast Part EC WEST (an additional 395 orphan foals were removed)	1,874	
			1991 3,236 <u>3/</u> 1991 5,219 <u>1/</u>

1/ Post capture census. The census in 1991 was completed in September 1991.

2/ The August 1990 census was the official census used for the 1991 removal. The census difference from 1989 is considered to be a result of the horses frequenting other unaccessible parts of the Nellis Air Force Range. No indications of any large population deaths were noted by BLM or USAF from the intensive helicopter survey in 1990, February 1991, and again in September 1991.

3/ A horse survey completed in February 1991 to determine relative horse concentrations prior to the removal in May 1991.

Relative wild horse concentrations

Table 7 displays data collected on February 9 and 10, 1991 by BLM and USAF personnel represents the winter/spring distribution on a dry year.

Table 7. Wild horse distributions by season.

Nellis AFB Range Chart <u>Designations</u>	Relative Population <u>Percentage of Sample</u>	Population <u>Sampled</u>
71N	14.6	473
71S	7.2	232
76	7	225
75E	0.2	8
R-4809A	17.1	554
EC WEST	33.3	1078
EC EAST	5.6	181
74B	15	485
75W	0	0
TPECR	0	0
EC SOUTH	0	0
PAHUTE	0	0
74A	0	0
76A	0	0
TOTALS	100	3236

Data from the 1991 removal and information provided by the USAF indicates that approximately 80 percent of the horse population moves into the northeast part of EC WEST and R-4809A and the north part of EC EAST during the summer. This is in the area around Breen Creek, Rose Spring, and Cedar Well and is the area with the most limited perennial water and vegetative resources.

Table 8 shows data collected on September 21 and 22, 1991 by BLM and USAF personnel representing the fall distribution after a series of thunder storms.

Table 8. Wild horse fall distribution.

<u>Nellis AFB Range Chart Designations</u>	<u>Relative Population Percentage of Sample</u>	<u>Population Sampled</u>
71N&S	14.6	524
76	20.2	724
75E&W	5.8	209
R-4809A	10.6	379
EC WEST	20.3	727
EC EAST	2.1	75
74B	26.4	945
TPECR	0	0
EC SOUTH	0	0
PAHUTE	0	0
74A	0	0
76A	0	0
TOTALS	100	3,583

Overall horse condition

All the horses sampled in 71N, 71S, 76, 75E, EC WEST, EC EAST, R-4809A, and 74B were judged to be in good body condition and vigorous in April prior to the 1991 removal. August/September late season rains stimulated warm season annual and perennial plant growth. This forage apparently carried the horses through the fall/winter and allowed them to regain body reserves and put on weight. The use of forage at this level is considered unacceptable as a rangeland management practice.

The USAF hauled water starting in April 1991 at BLM's request in order to keep the horses in as good a state of health as possible. As a result of a number of days of unseasonably cool rainy weather and the water hauling, the horse herd maintained good health until about June 10, 1991. Warm weather and an influx of horses migrating from the Kawich Valley, Cactus Flat, Gold Flat and Mud Lake in the Nellis Air Force Range began to stress the limited vegetation and water sources, impacting the health and condition of the wild horses.

During the latter part of the 1991 removal, the horse condition had deteriorated to the point that most the lactating mares were drying up and losing weight, with ribs and hip bones visibly protruding. These mares abandoned 395 foals. Many mares drank water hauled by the USAF to Breen Creek and died due to an imbalance in their bodies electrolytes. It is estimated that open mares and stud

horses maintained their health because they did not have the burden of lactation. Thirty wild horses were euthanized. Horse condition noted during the census in September 1991 was good. Thunderstorms in August and September 1991 provided good ephemeral waters where forage was available.

ENVIRONMENTAL CONSEQUENCES

IMPACT TO MANDATORY ELEMENTS

No impacts are anticipated to occur from the implementation of Alternative 1-Proposed Action or Alternative 2-No Action to the following resources: threatened or endangered species (plants and animals); floodplains; wetlands; areas of critical environmental concern; wild and scenic rivers; visual resource management; prime or unique farmlands; wilderness; water quality; or cultural, paleontological and historical resource values.

The following programs would not be impacted by the Alternative 1-Proposed Action or Alternative 2-No Action: minerals, land uses, recreation, range (livestock), and forestry.

ALTERNATIVE 1-PROPOSED ACTION

Water and Air Resources:

Air Quality/Visibility

Based on the analysis of vegetation and the reduction in the number of horses remaining on the range, dust in the air could be reduced. This is dependent upon whether an increase in plant density does, in fact, occur. In addition, the reduction in the number of animals remaining on the range should reduce trampling and trailing to some degree. The impacts to visibility currently effecting military uses of the range could potentially be reduced.

Water Availability

Based on the data presented in the description of the affected environment, approximately 9,921 gallons of water per day are currently available from perennial water sources to the existing population of 4,175 wild horses. This is not sufficient water to maintain the horses at an average use level of 10 gallons per day. A reduction of this population to the appropriate management level would increase available water to the remaining 1000 horses from the sources identified to approximately 10 gallons per horse per day.

Vegetation:

Monitoring data shows an apparent downward trend and further indicates the vegetation in the area can not support the current wild horse population. The removal of excess wild horses to achieve the appropriate management level would reduce utilization by 38,100 AUMs. This reduction would decrease the acreage which is currently measured in the severe use category. The downward trend of the different plant communities would be slowed or arrested. The ecological condition may improve after the removal operations, with reduced utilization on the more desirable grasses and shrubs. Over time, production of these species may increase, as might their percentage of composition within the community.

Vegetation at the trap sites and holding corrals would sustain a negative impact from trampling by wild horses concentrated at those locations. This would be a minor impact, totaling approximately 1-2 acres at each site, in relation to the large acreage removal area. Vegetative regeneration would be expected to occur.

Removal of excess wild horses would improve vegetative condition and provide additional forage for remaining animals. Deterioration of the range would halt and a thriving ecological balance could be achieved.

Wildlife Habitat:

A short term impact to wildlife is expected under the Proposed Action as a result of gathering operations. Some animals could be temporarily frightened or displaced from water sources and adjacent areas during the removals.

Wildlife would benefit from reduced herbivore competition around waters and throughout the Nellis Air Force Range. Lessened competition for this critical resource would improve reproduction and survival rates of among wildlife species, especially mule deer and antelope. In time, reduced herbivore competition would allow an increase in available forage for wildlife.

Wild Horses:

The removal of excess wild horses to the appropriate management level of 1,000 would reduce grazing pressure on the range by approximately 38,100 AUMs. Reduced competition between wild horses and wildlife for forage, water, cover, and living space would improve the physical condition and survival rates of the wild horses. Managing the wild horses at a level based on the available supply of forage and perennial water would help maintain the natural ecological balance of the area. Sufficient numbers of wild

horses would remain within the removal area to maintain viable herds and to provide for interaction between bands.

Wild Horses Removed from the Nellis Air Force Range:

Water trapping has proven to be the least stressful removal method. The possibility exists that wild horses could sustain injury during removal operations due to panic behavior. The use of helicopters to capture excess wild horses might result in orphaned (abandoned) foals and split bands, as well as injured horses. Removal operations might also disrupt band structure either temporarily or permanently.

Prior capture experience using water trapping resulted in death loss of 1.9 percent (1987), 4.7 percent (1989), and .8 percent (1991). The higher loss in 1989 is attributed to reduced horse vigor related to decreased availability of forage and water. The lower loss in 1991 is related to the thunderstorms and the USAF water hauling prior to and during the removal.

The standards applied in the proposed actions would insure humane treatment and safe handling of the wild horses during capture, care, temporary holding, and transportation to the BLM adoption preparation facility. Regardless of the capture method used, wild horses would experience some stress due to capture operations and some loss would occur.

ALTERNATIVE 2-NO ACTION

Water and Air Resources:

Air Quality/Visibility

Air Quality/visibility would continue to deteriorate in the short term as an increasing wild horse population reduces plant density and cover, exposing more soil surface area to erosional forces. Increasing numbers of wild horses would trail across the Nellis Air Force Range, causing increased dust and reducing visibility. As a result, the effectiveness of certain defense-related optical testing would be diminished within portions of the Nellis Air Force Range.

Water Availability

Water availability per head would decrease as wild horse populations increase. There would continue to be insufficient water to sustain the horses during the summer and dry times of the year. Wild horses would be expected to continue to impact riparian

areas as they compete for the limited water; the carcasses of dead horses could also foul natural water sources, further reducing the available water for both wild horses and wildlife.

Vegetation:

The acreage in the heavy and severe utilization category would increase. Heavy and severe utilization would continue on the desirable grasses and shrubs. These plants would eventually disappear from the community and be replaced by undesirable plants (noxious weeds, poisonous plants). Portions of the range are now invaded with halogeton and russian thistle. Such succession would reduce the amount of available forage for wild horses and most wildlife species.

Wildlife Habitat:

Competition between wildlife and wild horses for critical resources would continue and intensify. Reproduction and survival rates for wildlife would decrease, as wild horse populations increase reducing water and forage availability for other herbivores. The numbers of big game species would be predicted to continue to decline in the short term, as these species compete with large numbers of wild horses for available forage and water. Predation on wildlife by mountain lions could also increase, as lion populations are maintained at artificially high levels by the increasing wild horse population. Long term impacts could include the disappearance of pronghorn antelope and mule deer from the Nellis Air Force Range, should these species not be able to successfully compete with wild horse populations for available resources.

Wild Horses:

The trend in vegetative condition would continue to decline and the degradation of wild horse habitat could accelerate. This would result in greater short-term competition for available water and forage. Over the long term, wild horse condition would be expected to deteriorate and death losses could increase until the population achieves a balance with available water and forage.

CUMULATIVE IMPACTS

Notwithstanding resolution of the protests to the Nellis Air Force Range Resource Plan/Final EIS, no other actions are planned that would increase or add to the impacts described above. There are no other associated like actions or actions having similar impacts that are projected to occur in the removal area.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Under Alternative 1-Proposed Action, water and forage resources would be improved and a viable wild horse population would remain on the Nevada Wild Horse Range. An irreversible or irretrievable commitment of resources is anticipated to occur under the Alternative 1-Proposed Action. This statment is based on the assumption that funding and manpower resources expended on a Nellis wild horse removals would not be available to conduct wild horse management activities in other areas of public land within Nevada. No other irreversible or irretrievable commitment of resouces is anticipated to occur.

CONSULTATION AND COORDINATION

Intensity of Public Interest

Public notification was given prior to the preparation of the Environmental Assessment and Removal Plan. Public comments were solicited for the period of October 9 through November 8, 1991 (Appendix B).

The Nevada Farm Bureau, Nevada Department of Agriculture, Nevada Department of Wildlife, Nevada Commission for the Preservation of Wild Horses, Animal Protection Institute, International Society for the Protection of Mustangs and Burros, Wild Horse Organized Assistance, Humane Society of the United States, American Horse Protection Association, and Mike Pontrelli made written comments to the draft EA and Removal Plan.

Comments that were applicable to the adequacy of this document were incorporated. Comments and opinions applicable to the final decision will be given consideration.

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APPENDIX A