



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

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June 21, 1990

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

Dear Mr. Tucker,

Thank you for the opportunity to comment on the draft EA and Capture plan (NV-055-00-22).

Purpose and Need

The Commission supports and encourages the collection, analyzation, and interpretation process of the BLM's monitoring and allotment evaluation process.

Relationship to Planning and one of the Major Issues has been protested, namely the boundary of the 1971 area of use.

Proposed Action: The Commission would support removal of wild horses based on data showing vegetative and/or water resources had been exceeded and threaten the ecological balance, however, the capture plan and EA provided for comment, specifically delineate the NWHR boundary in it's interpretation of the data. Since the proposed AML is based upon availability of water, several of which are outside your recent definition of the 1971 herd area, the boundary would have a direct bearing on the numbers of wild horses which could be supported.

The Commission believes the 1971 herd area is not properly supported, and therefore it is improper to propose a roundup which is tied to a geographical area currently under protest.

NSO policies have stated the BLM reserves the right and flexibility to determine which method of capture is appropriate for the time of year and site. However, NSO also has assured us, that the captures will be contracted, with the exception of emergencies where BLM roundup crews would be used. We agree water trapping is the most humane; which does not exclude a contract. There appears to be conflicting start dates of July 24 or July 9, please clarify.

Curtis Tucker, Area Manager
June 21, 1990
Page 2

Administration

Since the wild horse and burro specialist is relatively new, we would request the Area Manager be named as COAR to provide technical assistance to the specialist. NSO policy and law specifically identify BLM as having sole responsibility of determining wild, free-roaming status. The Brand Inspector is to be consulted on potential brands and/or shipping only.

Destruction of Injured or Sick Animals

Since you indicate ASI personnel will perform the destruction, please assure us that the ASI personnel have been properly instructed for the humane destruction of these animals. Please inform this Commission of who these people will be.

SOP

(3) Please show us the NSO policy that gives 10-20 miles per hour.

(8) See Destruction

Please explain "Current economic and political constraints limit technically feasible and reasonably available" alternatives (pg. 5, para 1).

Alternatives

The BLM has the flexibility to use contracts with water trapping, trapping by horseback or helicopter trapping. Please explain why only the alternative of trapping by horseback was given.

Supplemental Feed and Water

Your interpretation of the Wild, Free-Roaming Horse and Burro Act is inaccurate. Nothing in PL 92-195 states the agencies are prohibited from providing food and/or water until the "emergency" has been addressed.

Developing Water

If insufficient hydrological data exists, then a habitat objective in the HMAP certainly is warranted. Since the NWHR boundary is under protest, please delete it's reference.

Environmental Consequences

Threatened and Endangered Plants

Please refer to the six T & E species on our comments on the NWHR Evaluation Summary.

Wild Horses

Why are you using the census from July 1989, when your most recent census was January 1990? Serious inconsistencies exist between the two. The inconsistencies point out our dispute over

Curtis Tucker, Area Manager
June 21, 1990
Page 3

the NWHR boundary delineation and shows an inadequate knowledge of wild horse migration which is significant.

Wildlife

BLM uses helicopters without any negative impacts to wildlife.

II Summary

The recommendations of the C & C Committee, as well as all other input, must be considered. However, having one of those members of the C & C Committee on our Commission, Dawn Lappin, has advised us the C & C Committee only dealt with populations inside NWHR until such a time as the land use plan delineated the 1971 herd area boundaries. It is interesting to note that while BLM refers to the decisions of the Committee, regarding numbers of wild horses, you don't address the issue of monitoring that was supposed to have occurred since 1985, and was not done.

IBLA has ruled that AML's or optimum numbers can only be set through analysis of monitoring data to determine a thriving ecological balance.

The Nellis Complex is the only exception in the entire State of Nevada. All other Districts and every other herd area was delineated in the LUP's.

Page 10, Para 4.

The legal challenge to any action, by "protectionists" or "permittees" is permitted by law to address grievances. We would suggest that unless your allotment evaluation process intends to identify litigation by groups, that all Allotment Evaluations show the substantial number of litigations by permittees.

REMOVAL PLAN

We agree the range needs to be restored to a thriving ecological balance; we do not agree with the boundary. See AE comments.

The Commission agrees and supports the HMAP short term objectives, but only as they apply to the entire area currently used by wild horses until the boundary issue is resolved.

The Commission would support removal of wild horses based on data showing the proper use on the water and vegetative resource has been exceeded. Since the proposed AML for this area is based upon the boundary, and since the 1971 herd area has not been properly supported; the issue of which would have a direct bearing on their habitat and numbers, this Commission feels it is improper to propose a roundup based on a geographical boundary currently being "legally contested."

Curtis Tucker
June 21, 1990
Page 4

Administration

Paragraph 3 - To assist the Specialist, we request a COAR be named.

The Commission requests a list of color description and possible brand of all animals determined not to be wild-free roaming.

The Commission requests a copy of all Brand Inspection certificates at the conclusion of the capture.

Destruction

We would like assurance from BLM that the ASI personnel or others, have been properly instructed in the humane destruction, and who specifically those people will be.

In conclusion, we thank you for the opportunity to participate in the review of these draft documents. We look forward to working with you further for the benefit of the Nellis wild horses.

Sincerely,

TERRI JAY
Executive Director

Enc.
TJ/cb

W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504



... a note from

Dawn Y. Lappin

June 21, 1990

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

Dear Mr. Tucker:

Thank you for the opportunity to review and comment on the Draft Nevada Wild Horse Range Evaluation and Draft NWHR EA and Gather Plan.

As an original member of the C & C Committee, WHOA is fully aware of the problems concerning the Nellis Range Complex, both from the agency standpoint as well as the militaries. The issue of the NWHR boundary was not addressed by the C & C Committee, as with all other Districts and all other herd area boundaries, the 1971 delineation was to be determined in the Land Use Planning Process. The Nellis Range Complex has been the ONLY exception. Had groups not intervened in behalf of wild horses, wildlife, and conservation concerns to the Caliente EIS, Las Vegas would have maintained the status quo. WHOA has in its' files substantial correspondence from the early 1960's to the present date; most, if not all are either BLM documents, or the Air Force, we did not invent them.

It is of critical concern to WHOA that either BLM did not research its' files or that it chose to ignore what it had. Many areas of historical horse habitat was eliminated in the land use planning due to "conflicts" with other resource values, Nellis is one area where the wild horse is not severely restricted to livestock management fences, and is one of a FEW areas where livestock use ceased. Many herd areas were eliminated during the land use planning process, either because of checkerboard status, or conflicts with other resources; with proper monitoring and management, Nellis' wild horses will not conflict with military purposes, nor will they conflict with other resources.

The C & C Committee was promised monitoring, it was promised management; and to my knowledge none of the public members of the C & C were aware that monitoring and management was not proceeding as intended, until the Breen Creek washout. WHOA has

page two-NWHR AE, EA and Gather Plan

been assured by the military that windows of opportunity to gather data or capture would have been provided had it been requested. The problem came about because BLM did not want to make some hard decisions based on the analysis of the data for the EIS and chose instead to maintain the status quo for livestock, with monitoring to stave off politically unpopular decisions until another day. The BLM now finds itself in a trap of its' own design, the public is asking for the monitoring and requiring that decisions be based on monitoring data. WHOA is no different, we insist you follow the law, we insist that your own legal arm IBLA has instructed you how you may proceed in order to reduce wild horse and burro populations. In order to proceed in that avenue you must follow the law and determine the 1971 herd area boundary. We must assume the agency felt that it could escape what every other state, district, and herd area has completed, by default.

Because we challenged you to make that determination, the agency now contends that is "we" who are the problem. The only time WHOA takes an adversary role is when laws, regulations, policies, and memorandums, designed to take politics out of resource management decisions, are ignored. WHOA does not take either intended or implied threats lightly, all of which has been interspersed in this controversy since the Breen Creek washout. WHOA believes we are serving our public's interest that wild horse habitat be preserved in order to protect and manage the wild horse and burro under the mandate of Congress. I find it appalling that the BLM has spent countless dollars and time trying to amend or repeal the Wild Horse Act instead of gathering the data necessary to do the job; now accuses the interested public of trying to inhibit management. When in fact all our challenges are for the agency to do their job.

In conclusion, WHOA supports and requests the Commission for the Preservation of Wild Horses for the State of Nevada comments be made a part of our comments. WHOA supports the continued collection, analization and interpretation of data. Furthermore, WHOA will support the removal of excess wild horses from the Nellis Range Complex, down to that level, which will achieve proper utilization of the water and vegetative resource in the entire area currently occupied by wild horses. WHOA will not support and will take all necessary actions to prevent the removal of wild horses which is based on a geographic boundary that is "legally" being contested. WHOA supports the short term objectives of the HMAP, but only so long as they apply to the entire Nellis Range Complex until the 1971 herd area boundary has been resolved.

page three-NWHR AE, EA and Gather Plan

WFOA strongly objects to condition criteria, unless the Bureau adopts statewide policies on all grazing animals. At the very least we would object until such a time as evidence would prove that what is normal in a domestic horse, is normal in a wild horse population. We insist that if a norm is to be established as to condition that BLM monitor through necropsies and/or blood work of deformed animals, that are otherwise healthy, but must be destroyed. The necropsies of a small percentage of animals captured does not indicate the health of the entire herd, and that is simply applying reason.

Mr. Tucker, the controversy regarding the 1971 boundary started with the land use planning and addressed appropriately by the agency. The controversy management started when the BLM took a Christmas vacation in the middle of a "so-called" emergency, and suspended the of the water resource. An "emergency" that developed in fall was not resolved until January.

WFOA hopes that lessons have been learned by both sides, that 1) you recognize our legal responsibilities, and that we 2) recognize your physical/fiscal limitations and work together to resolve both. If BLM truly understands its' mandate by Congress and the courts, you will recognize the 1971 herd area is not properly supported by your AE, that we have no choice... but to challenge the elimination of critical habitat. Then apply your monitoring to the entire Nellis Complex, so that management can begin, until such time as the boundary dispute is resolved by the powers that be.

Most sincerely,

Dawn Y. Lappin (Mrs.)
Director

cc: David A. Hornbeck
Board of Trustees



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June 21, 1990

Curtis Tucker, Area Manager
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P.O. Box 237
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Dear Mr. Tucker,

Thank you for the opportunity to review and provide comments on the draft Nevada Wild Horse Range Evaluation.

The allotment evaluation process allows the agency and interested publics to ask four basic questions: 1) What do you want? (proper use); 2) What do you have? (actual use); 3) What or who caused the problem? (how many animals); and, 4) How do you fix the problem?

The Commission fully supports this process, as well as the collection and analyzation of this data by BLM. The dispute arises when BLM defies law in the recognition of 1971 herd areas. Therefore, question two of the process is skewed. The Commission fails to understand, especially in light of historical BLM documents that show the 1971 area is different than the area of the NWHR, how the BLM can develop the scenario as presented in these documents, when a major and migratory portion of their habitat is eliminated.

II B. 1) Documents provided by a 1985 C & C Committee member, Dawn Lappin (WFOA), show the participants, as well as a narrative, wherein the C & C Committee did not dispute the 1962 NWHR, but did not reach any concensus on the 1971 herd areas. Those areas were to be delineated in the land use planning process. Repeated field tours by Mrs. Johnston, Dawn Lappin, Governor's Committees, the National Mustang Association, and BLM documents provide a recognition of the wild horse habitat outside the NWHR. (See Attachments 1 & 2). Failure to delineate the 1971 herd area boundaries in the land use planning process by the BLM, clearly has caused confusion and adversarial publics when none need exist. These documents compound that issue and appears to set a tone by the BLM to use media hype to threaten legitimate

Curtis Tucker, Area Manager
June 21, 1990
Page 2

legal questions on the boundary issue. In fact, at least four implied threats of either using the media, "Join the team or be left behind," or water would be made available to horses if we supported the "emergency" capture, were made by various BLM personnel. It has been reported to the Commission that one such recent incident has been reported to Mr. Wolfe of NSO.

The process in delineating the 1971 herd areas in the LUP's has been used in every District and every herd area, with the Nellis Range Complex, the ONLY EXCEPTION.

The Commission will support the removal of excess wild horses from the Nellis Range Complex down to that level which will achieve proper utilization of the vegetative resource in the entire area currently occupied by wild horses. The Commission will not support a removal which is based upon a boundary which is currently under dispute (See Attachment 3). There appears to be no obstacle to management, other than BLM's reluctance to admit a mistake, to extending the monitoring, analyzation and the HMAP to the areas currently used by wild horses, until such a time as the boundary issue is addressed. Then modification of those documents can reflect that decision.

We agree and support the HMAP short term objectives; but only as they apply to the entire area currently used by wild horses, until the boundary issue is resolved.

IV B. (a) We have received verbal reports of trespass livestock on the Nellis Range Complex. Clarify whether this is true or not.

(c) We have observed the census-taking and do not feel the entire Nellis Range Complex was covered on each census date. Please clarify.

If BLM insists on using the necropsy reports of the half dozen horses out of a population estimated at that time to be 3000, painting an incomplete picture of the disputes; then we would insist that BLM document for the public the date of the wash-out of Breen Creek, the dates of the water monitoring, the frequency of monitoring, the termination date of monitoring of the water, the date of removal and the date of rehabilitation of Breen Creek. We insist BLM remove the negative, or include the entire story.

3. The Commission believes your graphs adequately argue our point that wild horses prefer the 1971 areas, rather than the man-made NWHR boundary which pre-dated the 1971 Act, and thereby added critical habitat to the NWHR (See Attachments 4 & 5).

Velma Johnston and Dawn Lappin (WHOA) were frequent observers on the Nellis Range Complex in the 1970's and 1980's. Memos and many BLM documents denote the habitat preference outside the NWHR.

Curtis Tucker, Area Manager
June 21, 1990
Page 3

The Commission is fully aware of all NSO policies on wild horses and knows of no such six-mile criteria, when in fact, many Districts report horses traveling distances from 10 - 15 miles to water. The evidence of those herds show stress is from the lack of volume of water, not distance.

We have no objection to the inclusion of a six-mile radius as a habitat objective, but to apply this criteria suddenly to adjust populations, is not in concert with BLM procedures in Nevada, particularly when wild horses are known to travel 10 - 15 miles throughout Nevada, with no problem. This is similar to the inclusion of condition criteria you proposed which totally ignores published data which shows that wild populations and domestic livestock go through a natural winter starvation. Reference Nevada Rancher.

9. We disagree that Breen Creek is not within the 1971 herd area.

A. Forage Resources

Delete reference of distance and add volume criteria in addition to the vegetation availability.

Page 34, last paragraph:

We strongly disagree and object that your document implies all horses outside NWHR are expansion. Records of WHOA, BLM, and NMA clearly show historical use outside the NWHR.

Conclusion, a removal of wild horses is necessary, provided such a removal is based on monitoring data, with the analyzation and interpretation of that data for the entire Nellis Range Complex.

The Commission would support removal of wild horses based on data showing the water and vegetative resources has been exceeded and threaten the thriving ecological balance. However, in the case of the AE provided for comment, the analyzation of data is limited to a boundary, the exact location of which has been placed in dispute by the Commission's protest to the Director. Since the proposed appropriate management level for this area is based upon the availability of water, and since several waters are outside the disputed boundary, the issue of the boundary would have a direct bearing on the numbers of wild horses which could be supported within the 1971 herd area; the AML in your documents has not been properly supported. This Commission feels it is improper to propose a roundup of wild horses which is tied to a geographic area until the BLM Director rules on our protest. It should be obvious that should the Director agree with the records and the Commission on historical herd areas, it would bear directly on the number of wild horses that could be supported by available water and vegetation, which would be greater than identified in your plan.

VI A. 1 (a) Delete; This water resource is in a disputed area.

3 (a) Delete; currently in dispute.

(b) Insert - "Remove population down to a level which will achieve proper utilization of the vegetative resource, based upon the entire area currently occupied by wild horses, until the 1971 boundary is determined."

Future Considerations

(a) Delete: This argues your own 6 mile criteria.

(b)* This is not NSO policy. NSO policy is to contract captures and use BLM personnel only in specific instances.

*In addition, Nevada has no operational capture crew without depriving those other Districts of needed man power. Furthermore, it is no more cost effective to pay out of state crews than to contract.

*Past contracts, especially those the BLM were determined to do, greatly reduced the so called 90 day contracting period.

(c) BLM must assure that studies must be in accordance with BLM's mandate and with the currently approved monitoring studies procedures (See Attachment 6).

(f) Demonstrate the applicability of these criteria to wild horses or delete. Experiments done through Stewardship have had inadequate time to determine what affect this specific solution will do to the natural selection and gene pool. We surmise, by it's inclusion that BLM knows more about survival of the fittest (sic?) than the population itself. Delete.

(g) The Commission would have no objection to the production of a video, once the man-power, monitoring, range improvements, and habitat and population objectives have been reached. The Commission would take direct offense to the use of a skewed video to tell an incomplete story.

*It would appear on first impression, that BLM had sought and received military acceptance of the attention that a video of a military installation would generate.

The Commission insists on some military documentation that the video would have military concurrence, and we would insist that whatever the 1971 boundary ends up being, be included in your video.

(h) The Commission has no objections to the inclusion of the entire interested publics; so long as the entire controversies are submitted, and they are not limited to specific supportive public.

(i) The Commission believes, through it's contact with the public, that a broad range of citizens referred to on page 39 of the AE, insists the BLM follow the laws PL92-195, NEPA, FLPMA, and PRIA, amendments, regulations and policies until such a time as they are repealed or amended. If you intend on public inquiry

Curtis Tucker, Area Manager
June 21, 1990
Page 5

that would generate public access (field or video) we insist on written concurrence by the military. The Scoping, MFP I, II, III, the RMP, the HMAP's have most likely identified interested parties. The BLM has always had an avenue available, so we can only presume that anything further implies a strategy designed to offset legitimate legal questions.

C. Threatened and Endangered Plants

Your information on T & E species is incorrect. The Nellis Bombing and Gunnery Range, which contains the NWHR, contains the following species:

1. ASCLEPIAS EASTWOODIANA Barneby
2. CRYPANTHA HOFFMANNII I.M. Johnston
3. CORYPHANTHA VIVIPARA Clokey Pincusion Cactus
4. SCLEROCACTUS POLYANCISTRUS Mojave Fishhook Cactus
5. ASTRAGALUS FUNEREUS M.E. Jones - Funeral Milk-Vetch
6. PHACELIA BEATLEYAE Reveal & Constance

We believe the overlap of USF & WS protected range as well as the T & E species identified above, require consultation under Section 7.

In conclusion, we object to the inclusion of Ensminger or Wiltbank criteria until it is adopted as statewide policy. If BLM insists on adopting condition criteria for wild horses, we insist it be applied to all grazing species, statewide.

Section I

B.2. Delineate C & C Committee from public response to HMAP. See Attachment 1.

History

Commissioner Lappin provided this Commission with documents pertaining to the areas of use during the 1960's, 1970's, and 1980's. As Executive Director, I obtained further documentation by researching BLM's own files. The establishment of NWHR has absolutely no bearing on the mandate of Congress in the establishment of 1971 herd areas. The only confusion on the 1971 herd areas is that of the agencies.

Section III

The LUP failed to delineate 1971 area of use and therefore the AML as argued in your documents cannot be supported.

The Commission supports continued collection of monitoring data on a regular basis, and recommends this data be analyzed, interpreted and applied to establish and maintain a thriving natural ecological balance in the Nellis Range Complex until such time as the 1971 herd areas are established.

Curtis Tucker, Area Manager
June 21, 1990
Page 6

Section IV

Rhetorically speaking, would the livestock community accept reductions based on one years' utilization data?

Page 12, paragraph 2 - Delete distance and add volume of water produced as criteria.

III. The Commission fully supports this process as well as the collection and analyzation of this data by BLM.

Conclusion:

It appears the District is ignoring the Commissions' protest of the boundary, which has a direct bearing on space, cover, water, and forage. By doing so, the Bureau fails to recognize not only historical use areas, but essentially eliminates crucial portions of the required habitat, in direct conflict with the law.

The tone, the threats and refusal to recognize legitimate legal concerns, places the Commission in an adversarial position to your proposal, when in fact the Commission would support the monitoring and analyzation of the data that would achieve proper utilization of the water and forage resources within the Nellis Range Complex. When BLM documents dated 1971 and 1973 and many more recognize and support managed wild horses on the Nellis Range Complex, we can not understand why the current BLM has chosen to ignore a strong ally of the monitoring and A & E process. Nor do we understand why the BLM would want to generate more adverse publicity to an area the military wishes to protect from public inquiry.

Your response in the final document will provide the Commission the direction we must take under Nevada State Law, and those governing our Commission. We strongly hope our comments receive sincere consideration and, accept our rationale on reduction of animals based on resources and not a geographic boundary.

Sincerely,

TERRI JAY
Executive Director

TJ/cb

Dear Mr. Tucker;

Thank you for the opportunity to review and provide comments on the draft Nevada Wild Horse Range Evaluation and draft NWHR Gacher Plan and EA.

The allotment evaluation process allows the agency and interested publics to ask four basic questions: 1) what do you want (proper use), 2) what do you have (actual use), 3) what or who caused the problems (how many animals), and 4) how do you fix the problems. The Commission fully supports this process as well as the collection and analysis of this data by BEM. The dispute arises when BEM defies law in ^{the} recognition of 1971 herd ~~use~~ areas; therefore question two

of the process is skewed. The Commission fails to understand, especially in light of historical BEM documents that the 1971 area is different than the area of the NWHR; how the BEM can develop the scenario as presented in these documents, when a major and migratory portion of their habitat is eliminated. See Att #1

II B.1 Documents provided by a 1985 C. C. Committee member, Dawn Lappin (WFOA), show those ~~present~~ participants, as well as a narrative wherein the C. C. Committee did not dispute the

the 1962 NWHR, but did not reach any consensus on the 1971 herd ~~use~~ areas. These areas were to be delineated in the land use planning process. ~~as required by Congress.~~ Repeated field tours by Mrs. Johnston, Dawn Lappin, Governors' Committees, the National Mustang Association, and BEM documents provide a recognition of the wild horse habitat outside the NWHR. Failure to delineate the 1971 herd area boundaries in the land use planning process by the BEM clearly has caused confusion and adversarial publics when none need exist. These documents compound that issue and appears to set a tone by the BEM to use media hype to threaten legitimate legal questions on the boundary issue. D. L.

so threatened prior to the 1989
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(2)

at least four implied threats of either using the media, join the team or be left behind, or water would be made available to horses if we supported the "emergency" capture, ^{were made} by various BLM personnel. It has been reported, ^{to the Com. that} one such recent incident has been reported to Mr. Wolfe of NSO.

The process in delineating the 1971 herd areas in the LUPs has been used in every district and every herd area, with the ~~Las~~ Nellis Range Complex, the only exception.

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There appears to be no ~~obstruction~~ ^{obstacle to management, other} than BLM's reluctance to admit a mistake; to extending the monitoring, analysis, and the HMAP to the areas currently used by wild horses, until such a time as the boundary issue is addressed, then modification of those documents to reflect that decision.

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IV B. (a) we have received verbal reports of trespass livestock on the Nellis Range Complex, clarify whether this is true or not.

(c) we have observed the census-taking ~~at~~ and do not feel they cover the entire Nellis Range Complex ^{on} each census, date please clarify.

If BLM insists on using the necropsied reports of the half dozen horses out of a population estimated at that time to be 3000, painting an incomplete picture of the disputes; then we would insist document for the public the date of wash-out of Green Creek, the dates of the water monitoring, the frequency ^{of monitoring}, the termination date of monitoring of the water, the ~~water~~, date of removal & the date rehabilitation of Green Creek. We insist BLM remove the negative, or include the entire story.

3. The Commission believes your graphs adequately argue our point that wild horses prefer the 1971 ~~we~~ areas, rather than the ~~arbitrary~~ man-made NWHR boundary, which pre-dated the 1971 Act, and thereby added to the ⁴⁺⁵ NWHR, critical habitat. (See Attach. ~~3+4~~)

(3) (4)

Valma Johnston, & Davon Lappin (WFOA) were frequent observers on the Nellis Range Complex in the 1970's and 1980's and memos & ^{many} BSM documents denote the habitat preference outside the NWHR.

The Commission is fully aware of all N50 policies ^{in WH} and knows of no such six mile criteria, when in fact, many districts report traveling distances to water from 10-15 miles. The evidence of these herds show stress is from the lack of volume of water, not distance.

We have no objection to the inclusion of a six mile radius as a habitat objective, but to apply this criteria suddenly to adjust populations is not in concert with BSM procedures in Nevada, particularly when wild horses are known to travel 10-15 miles throughout Nevada, with no problem. This is similar to the inclusion of condition criteria you proposed, which totally discounts managers of wild populations, as well as domestic cattle herders documented in publications showing that animals go through a winter starvation. Reference Nevada Rancher.

9. The dispute that Brum Creek is not within the 1971 herd area

A. Storage Resources

ditte requirements of distance and all volume criteria in addition to the vegetation availability.

Page 34, last paragraph

The strategy diagram and report that

your document implies all have outside

NVHR are expansion. Records of NVHR,

B.M., N.M.A. clearly show historical

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removal of wild horses is necessary,

provided such removal is based on

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The Commission would support

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The BLM Director holds on our part

It should be obvious that should the

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The Commission on Historical Herd

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VI A.1. (a) delic, this will measure

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Future Considerations

- (a) delete, this argues your own 6 mile criteria
- (b) * This is not NSO policy. NSO policy is to contract captures + use BEM personnel only in specific instances.
- * In addition, Nevada has no operational capture crew without depriving those ^{of the} districts of needed man power. Furthermore, it is no more cost effective to pay out of state crews than to contract.
- * Cost contracts, especially those the BEM were determined to do, greatly reduced the so-called 90 day period contracting period.
- (c) BEM must assure that studies must be in accordance with BEM's mandate, and with the currently approved monitoring studies procedures. See attach # 6
- (f) Demonstrate the applicability of these criteria to wild horses or delete.
Experiments done through Stewardship have had inadequate time to determine what affect this specific selection will do to the natural selection and gene pool. We surmise, by its'

(3)

inclusion that Bum knows more about survival of the fittest (sic?) than the population itself. Delete.

(g) The Commission would have no objection to ~~a~~ the production of a video, once the Max-power, monitoring, ~~and~~ range improvements, and habitat & population objectives have been reached. The Commission would take direct offense to the use of a skewed video to tell an incomplete story.

* It would appear on first impression, that Bum had sought and received military acceptance of the attention that video to a military installation would generate.

The Commission insists on some military documentation that the 1971 herd area, video would have military concurrence, and we would insist that whatever the 1971 boundary ends up being, be included in your video.

(h) The Commission has no objections to the inclusion of the entire ~~public~~ interested public; so long as the entire ~~controversy~~ controversies are submitted, and they are not limited to ~~supportive~~ specific supportive public.

(c) The Commission believes, through its contact with the public, that a broad range of citizens ~~is~~ referred to on page 39 of the AE, insists the BEM follow the laws PL 92-195, NEPA, FLPMA, PRCA, amendments, ~~and~~ regulations and policies until such a time as they are repealed or amended. If you intend on public inquiry that would generate public access (film or video) we insist on written concurrence by the military. The Serping, MAFP I, II, III, the RMP, the HMAP's have most likely identified interested parties, the BEM has always had this avenue available, so we can only presume that anything further implies a strategy designed to offset legitimate legal questions.

C. Included T & E species here

add: we believe the ~~to~~ overlap of USFWS protected range as well as the T & E species identified above require consultation under Section 7.

In conclusion, we object to the inclusion of Ensminger or Wittbank criteria until is adopted as statewide policy. If BLM insists on adopting condition criteria for wild horses, we insist it be applied to all grazing species, statewide.

Section I

B.2. Delineate C & A Committee from public response to HMAP. See attached #. 1.

History

Commissioner Lappin provided this Commission with documents pertaining to the areas of use during the 1960s 1970s 1980s. As Executive Director, I obtained further documentation by researching BLM's own files. The establishment of NWHR has absolutely no bearing on the mandate of Congress in 1971, and requires BLM & FS to delineate 1971 herd areas. The only confusion on the 1971 herd areas is that of the agencies.

Section III

The LUP failed to delineate 1971 area of use and therefore the AML as argued in your documents cannot be supported.

Does the trend observations take drought into consideration as was used by the LPO District in determining determining livestock stocking rates? The Commission supports continued collection of monitoring data on a regular basis, and recommends this data be analyzed, interpreted and applied to establish & maintain a thriving ecological balance in the Kullis Range Complex until such time as the 1971 herd areas are established.

Section IV

Retrospectively speaking, would the livestock community accept reductions based on one years' utilization data?

pg 12, para 2 - delete distance and add volume of water produced as criteria add sect on vegetation.

III. Repeat "The Commission will support..." (Pg 1, second para)

Conclusion:

It appears the Dist is ignoring the Commission's protest of the boundary; which has a direct bearing on space, cover, water & forage; by doing so, fails to recognize not only historical use areas, but essentially eliminates crucial portions of their habitat requirements, in direct conflict with the law.

The tone, the threats and refusal to recognize legitimate legal concerns places the Commission in an adversarial position to your proposal; ~~when in fact the Commission~~ ~~& A+E~~ when in fact the Commission would support the monitoring and analization of the data that would achieve proper utilization of the water and forage resources

within the Nellis Range Complex.

I can't help but wonder, when ^{BLM's} documents dated 1971, 1973, and ^{more} more recognized & support managed wild horses on the Nellis Range Complex, why the ^{current} BLM has chosen to acquire a strong ally-ally of the monitoring & A+E process. Now do we understand why the BLM would want to generate more adverse publicity to an area the military wishes to protect from public inquiry.

Your response in the final document will provide the Commission the direction we ~~must~~ must take under Nevada State law, and those governing our Commission. We strongly hope sincerely ~~hope~~ ^{we} comments are ^{received} sincerely consideration and; accept our rationale on reduction of animals based on resources & not geographic boundary.