

Johnnie

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6-30-94



**UNITED STATES DEPARTMENT of the INTERIOR
BUREAU OF LAND MANAGEMENT**

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



In Reply Refer To:
4700
(NV-053)

JUN 30 1994

**NOTICE OF FINAL DECISION
FULL FORCE AND EFFECT**

JOHNNIE HMA EMERGENCY REMOVAL

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

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

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

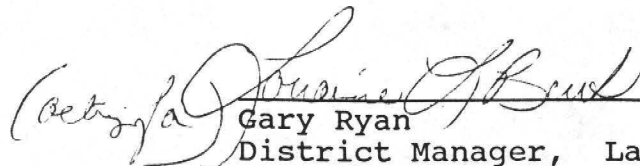
Due to the emergency nature of these conditions, it is necessary to implement this removal immediately, through a Full Force and Effect decision. This Decision will be implemented on July 6, 1994 and will continue until the action is completed. The rationale for placing this decision in Full Force and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

1. The fence will critically limit the water and forage available for wild horses and burros. The construction of the NDOT fence will divide the HMA approximately in half. Insufficient water is available to sustain the current population of animals on the west side of SR 160. The primary use area is receiving heavy to severe use on both the west and east side of SR 160. This limited forage and water availability could result in excessive stress to the animals.
2. If the entire herd was relocated to the east side of the HMA or 50 % of their existing habitat, habitat degradation would occur due to insufficient forage and existing heavy to severe use levels.

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

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

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



Gary Ryan
District Manager, Las Vegas

2 Enclosures:

1. Capture Plan
2. Environmental Assessment

JOHNNIE HERD MANAGEMENT AREA
GATHER PLAN

PREPARED BY
Shawna Woods
Wild Horse and Burro Specialist

Las Vegas District
Stateline Resource Area

JOHNNIE EMERGENCY WILD HORSE REMOVAL PLAN

I. Purpose and Authority

The purpose of this removal is to deal on a short term basis with the emergency conditions existing for the wild horses and burros in the Johnnie Herd Management Area. Long term management solutions are being developed and will be addressed at a later date. This removal action is not attempting to set or address an appropriate management level (AML).

The Nevada Department of Transportation (NDOT) is currently constructing a safety fence on their right-of-way along State Route (SR) 160 from Highway 95 to just north of Pahrump. This fence will divide the Last Chance/Mt. Stirling Herd Management Areas (HMA) approximately in half creating an adverse situation for the survival of the animals on the west side of the fence. A total of approximately 18 miles of the proposed fence line would be within the HMA (Refer to the attached removal area map).

The Last Chance and Mount Stirling HMA boundaries overlap. In the absence of any natural barriers, wild horses and burros move freely from one HMA to the other. The shared area of use for these HMA's is the same and is reflected in the Supplement to the Draft Stateline Resource Management Plan (RMP) and Environmental Impact Statement dated May 2, 1994. The RMP identifies this area as the Johnnie HMA. This removal plan will consider the Johnnie HMA.

There are no natural water sources on the west side of SR 160. The primary water sources on the east side of SR 160 are on private land and privately controlled. Two east side waters on public lands administered by BLM, Diebert and Kwichup springs, are minor springs with flows of less than a pint per minute.

Most of the east side water sources are within 2 to 8 miles of the habitat on the west side of SR 160. This has historically allowed animals to use the habitat on the west side by crossing the highway.

The habitat on the west side of the highway has a significant amount of north and northeast aspect. The shade provided in the hotter months from May to September is an important habitat parameter for wild burros. This area has historically been part of the burro's primary use area.

Wild horses use the lower terrain during the summer and stay closer to the waters to the east and on the west side in the town of Johnnie.

In the spring and fall, the burros and horses spread out over the HMA to take advantage of spring and summer vegetative growth during cooler ambient temperatures. More animals use the east side of SR 160 during the cooler times of the year.

Use pattern data for 1987 and 1989 showed use levels from slight to moderate. The 1991, and 1993 use pattern map data shows an increasing area of heavy to severe use in the primary use area. Concentrated trailing and trail terracing on hillsides is prevalent in the primary use areas.

The construction of the fence would result in the animals on the west side of SR 160 being isolated from the primary water sources on the east side. It would also prevent access to approximately 1/2 the HMA. If the entire herd was relocated to the east side of the HMA, habitat degradation would occur due to insufficient forage and existing heavy to severe use levels. Emergency measures are required to prevent the horses and burros from being trapped by the fence and suffering potential harm within an area with insufficient habitat resources, and creating additional traffic hazards in the event the animals breach the fence to obtain access to the habitat in the east habitat.

During the current warm season, it is estimated that approximately 25 horses and 200 burros would be effected by the construction of the highway right-of-way fencing. The water and habitat availability has become critically limited for the wild horses and burros within the Johnnie HMA. It has been determined the wild horses and their habitat could be negatively impacted if horses are allowed to remain in this area.

Authority for this proposed action is contained in the Wild Horse and Burro Act of 1971 (Public Law 92-195) and regulations contained in Title 43 Code of Federal Regulations (CFR) 4720.1 and 4770.3 (c).

II. Area of Concern

The proposed emergency gather area is located in Stateline Resource Area of the Las Vegas District and is in Nye County, Nevada. The area of concern is the Johnnie HMA, which is within the Mount Stirling allotment. The area includes Mount Montgomery and the Last Chance range on the west side of SR 160 and Mount Schader and the Spring Mountains on the east side. The area is approximately 5 miles north of Pahrump, Nevada (refer to Map 1).

This proposal is in conformance with the Clark County Management Framework Plan (MFP) and Record of Decision (ROD)

and the Esmeralda-Southern Nye Resource Management Plan and ROD.

III. Number of Wild Horses and Burros to be Gathered

We will be removing approximately 25 wild horses and 150 burros from the west side of SR 160's right-of-way fence in the Johnnie HMA. Out of this total approximately 25 burros will remain on the west side with water provided from a private source (cooperative agreement). Approximately 25 will be relocated to the east side of the fence. The remaining burros will be placed into the adoption program. All wild horses 5 years old and under will be placed into the adoption program, the remainder will be relocated east of the fence.

IV. Numbers of Wild Horses

Census data from 1988 estimated 55 burros (actual count). The 1994 census estimated 400 burros (Lincoln Index) and 90 horses.

V. Time Frame

The animals will be removed from the HMA beginning July 6, 1994 and will continue until the action is completed.

VI. Gather Methods and Safety

Use of a helicopter and/or water trapping would be the proposed method to and remove/relocate the targeted animals. Helicopter trapping would be the primary capture method, due to the expedient nature of the method. Water trapping would be used in only those areas where helicopter use is limited by safety concerns or weather conditions. Traps sites would be placed in previously disturbed areas and areas which have been inventoried and cleared for archeological resources and desert tortoise.

Refer to the proposed action in the attached Environmental Assessment NV-054-94-89 for a more detailed discussion.

VII. Administration of the Contract

Refer to the proposed action in the attached Environmental Assessment NV-054-94-89 for a more detailed discussion.

VIII. Disposition of Removed Animals:

Refer to the proposed action in the attached Environmental Assessment NV-054-94-89 for a more detailed discussion.

IX. Branded and Claimed Animals

A notice of intent to impound will be issued concurrently by the BLM prior to any gathering operations in this area.

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale if issued.

The COR/PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

Impounded privately owned animals will be handled in accordance with the Bureau of Land Management, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

X. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination, with the advice of a veterinarian, if needed, when unsure of the severity of the illness or injury. Destruction will be done in the most humane method available.

XI. Responsibility:

The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. To ensure the contractor's compliance with the contract stipulations, the COR and PI's, all from the Las Vegas District, will be on site. Also, the Stateline Area Manager and the Las Vegas District Manager are very involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the District Manager, Area Manager, COR and PI's.

Prepared By:

Shawna Woods

Shawna Woods
Stateline RA Wild Horse and Burro Specialist
Las Vegas District Office

6-30-94
Date

Reviewed By:

Marvin D. Morgan

Marvin D. Morgan
Stateline Area Manager
Las Vegas District

6-30-94
Date

Approved By:

Louise A. Best (acting for)

Gary Ryan
District Manager, Acting
Las Vegas District

6/30/94
Date



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

60030 1994

4700
(NV054)

CERTIFIED 2525425
RETURN RECEIPT REQUESTED

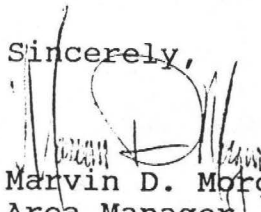
Dear Reader:

Enclosed for your information and review is a copy of the Environmental Assessment for the Johnnie Emergency Wild Horse Removal, the Johnnie Herd Management Area Gather Plan and the Full Force and Effect Decision. These documents outline actions the Bureau of Land Management, Las Vegas District, will take on the public lands to manage wild horses and burros in Clark and Nye Counties.

If you have any questions, comments, or need additional information please address them to the Stateline Area Manager at the above address. You may also reach the Wild Horse and Burro Specialists on my staff at (702) 647-5000.

Thank you for your interest in the Wild Horse and Burro Program.

Sincerely,


Marvin D. Morgan
Area Manager

Enclosures as stated.

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BUREAU OF LAND MANAGEMENT
4765 VEGAS DRIVE
LAS VEGAS, NEVADA 89108

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

Woods

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

*Commission for the Preservation of
Wild Horses & Burros
c/o Cathy Barcomb,
Stewart Facility,
5500 Snider Ave.
Bldg. 6, Room 137
Carson City, NV. 89710*

4a. Article Number

2525A25

4b. Service Type

- | | |
|---|--|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input checked="" type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD
FULL FORCE AND EFFECT DECISION
Johnnie Emergency Wild Horse Removal
EA-NV-054-94-89

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in Environmental Assessment EA-NV-054-94-89, I have determined that the action will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared.

Decision

It is my decision to authorize the Johnnie Emergency Wild Horse Removal, as described in the proposed action of EA NV-054-94-89. The authorized action will be placed in Full Force and Effect in accordance with 43 CFR 4170.3 (c).

Monitoring

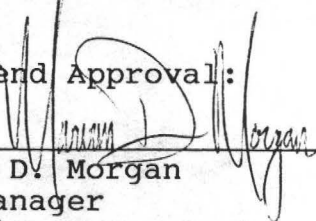
Monitoring of the Johnnie Emergency Wild Horse Removal will be conducted on site throughout all phases of the operations by the Contracting Officer's Representative (COR) or Project Inspectors (PI); the COR and PI will be staff members from the Las Vegas District, BLM.

Rationale

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

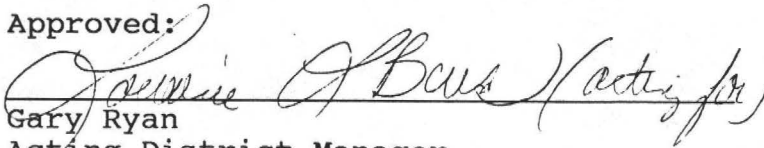
Other alternatives, including the No Action Alternative, were considered but not selected. Management objectives could not be met in a timely and cost-effective manner by the other alternatives and severe impacts to the animals and their habitat would have occurred.

The proposed action is in conformance with the Esmeralda-Southern Nye Resource Management Plan (RMP).

Recommend Approval:


Marvin D. Morgan
Area Manager
Stateline Resource Area

6/30/94
Date

Approved:


Gary Ryan
Acting District Manager
Las Vegas District

6/30/94
Date

ENVIRONMENTAL ASSESSMENT
NV-054-94-89

FOR THE
JOHNNIE EMERGENCY WILD HORSE REMOVAL

PREPARED BY
Shawna Woods
Wild Horse and Burro Specialist

Las Vegas District
Stateline Resource Area

I. INTRODUCTION

The Nevada Department of Transportation (NDOT) is currently constructing a safety fence on their right-of-way along State Route (SR) 160 from Highway 95 to just north of Pahrump. This fence will divide the Last Chance/Mt. Stirling Herd Management Areas (HMA) approximately in half creating an adverse situation for the survival of the animals on the west side of the fence. A total of approximately 18 miles of the proposed fence line would be within the HMA. (Refer to the attached Map)

The Last Chance and Mount Stirling HMA boundaries overlap. In the absence of any natural barriers, wild horses and burros move freely from one HMA to the other. The shared area of use for these HMA's is the same and is reflected in the Supplement to the Draft Stateline Resource Management Plan (RMP) and Environmental Impact Statement dated May 2, 1994. The RMP identifies this area as the Johnnie HMA. This Environmental Assessment will consider the Johnnie HMA.

There are no natural water sources on the west side of SR 160. The primary water sources on the east side of SR 160 are on private land and privately controlled. Two east side waters on public lands administered by BLM, Diebert and Kwichup springs, are minor springs with flows of less than a pint per minute.

Most of the east side water sources are within 2 to 8 miles of the habitat on the west side of SR 160. This has historically allowed animals to use the habitat on the west side by crossing the highway.

The habitat on the west side of the highway has a significant amount of north and northeast aspect. The shade provided in the hotter months from May to September is an important habitat parameter for wild burros. This area has historically been part of the burro's primary use area.

Wild horses use the lower terrain during the summer and stay closer to the waters to the east and on the west side in the town of Johnnie.

In the spring and fall, the burros and horses spread out over the HMA to take advantage of spring and summer vegetative growth during cooler ambient temperatures. More animals use the east side of SR 160 during the cooler times of the year.

Census data from 1988 estimated 55 burros (actual count). The 1994 census estimated 400 burros (Lincoln Index). Use pattern data for 1987 and 1989 showed use levels from slight to moderate. The 1991, and 1993 use pattern map data shows an increasing area of heavy to severe use in the primary use area. Concentrated trailing and trail terracing on hillsides is prevalent in the primary use areas.

II. PURPOSE AND NEED

The purpose of this removal is to deal on a short term basis with the man caused emergency conditions existing for the wild horses and burros in the Johnnie Herd Management Area. Long term management solutions are being developed and will be addressed at a later date. This removal action is not attempting to set or address an appropriate management level (AML).

The construction of the fence would result in the animals on the west side of SR 160 being isolated from the primary water sources on the east side. It would also prevent access to approximately 1/2 the HMA.

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

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

During the current warm season, it is estimated that approximately 25 horses and 200 burros would be effected by the construction of the highway right-of-way fencing. The water and habitat availability has become critically limited for the wild horses and burros within the Johnnie HMA. It has been determined the wild horses and their habitat could be negatively impacted if horses are allowed to remain in this area.

II. LEGAL DESCRIPTION OF THE PROPOSED EMERGENCY GATHER AREA

The proposed emergency gather area is located in Stateline Resource Area of the Las Vegas District and is in Nye County, Nevada. The area includes Mount Montgomery and the Last Chance range on the west side of SR 160 and Mount Schader and the Spring Mountains on the east side. The area is approximately 5 miles north of Pahrump, Nevada (refer to Map 1). The legal description of the emergency gather area is as follows:

Mount Diablo Meridian

T. 17 and 18 S R. 52 and 53 E., All Sections

III. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

The proposed action would consist of removing approximately 25 wild horses and 150 burros from the west side of SR 160's right-of-way fence in the Johnnie HMA. Out of this total approximately 25 burros will remain on the west side with water provided from a private source (cooperative agreement). Approximately 25 will be relocated to the east side of the fence. The remaining burros will be placed into the adoption program. All wild horses 5 years old and under will be placed into the adoption program, the remainder will be relocated east of the fence.

Use of a helicopter and/or water trapping would be the proposed method to remove/relocate the targeted animals. Helicopter trapping would be the primary capture method, due to its expedient nature. Water trapping would be used in only those areas where helicopter use is limited by safety concerns or weather conditions. Traps sites would be placed in previously disturbed areas and areas which have been inventoried and cleared for archeological resources and desert tortoise.

Animals selected for removal versus relocation would adhere to the following guidelines:

Horses ages 0 through 5 years old and burros of all ages removed from the Johnnie Emergency Gather Area would be placed into the National Adoption Program. Under the guidelines of the Bureau's Strategic Plan for Management of Wild Horses and Burros on Public Lands, only 0 to 3 year old horses can be entered into the adoption program after appropriate management level (AML) is reached within the HMA. The remaining animals can be relocated to HMAs without an established Appropriate Management Level (AML), where resource data support increased animal numbers. Animals could also be relocated to those HMAs with numbers under AML levels.

The remaining horses over the 6 yr. age limit and unadoptable horses or burros would be relocated within the HMA. Horses would not be relocated to adjacent HMAs, since, in most cases, there are no physical barriers to prevent the animals from returning to their original HMA.

The Bureau of Land Management (BLM) would administer and evaluate the gather operation at all times, with Bureau employees familiar with the gather plan and contract requirements. The Contracting Officer's Representative (COR) or Project Inspectors (PI) would determine specific gather areas and numbers of animals within these areas, as dictated by animal concentration, terrain, physical barriers and weather conditions. Following identification of the specific gather areas, the COR/PI and gather contractor would select the general location of trap sites in which to herd the animals. Animal concentration, terrain, physical barriers, and weather conditions would be considered when selecting trap sites. Corral type traps, constructed of portable pipe panels would be used to capture the herded and or water trapped animals.

B. Special Project Stipulations

The gather operation would be evaluated according to compliance with the following stipulations and standard operating procedures:

Contractor's Briefing

1. The contractor's, after award of the contract, will be briefed on his duties and responsibilities before the notice to proceed is issued. There will also be an inspection of the contractor equipment to ensure that it meets specifications and is adequate for the job. Any equipment that does not meet specifications must be replaced within 48 hours.
2. The contractor will be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations, and the presence of fences and other dangerous barriers.

Temporary Holding Facility

1. The temporary holding facility will be on public land unless an agreement is made between the contractor and the private landowner for the use of the facilities. When private land is used, the contractor must guarantee BLM, and the public access to the facility and accept all liability for use of the facility. Use of private facilities is subject to approval by the COR.

2. The contractor shall provide all feed, water, labor and equipment to care for captured animals at the holding facility, and transportation of the captured animals from the temporary holding facility to the specified adoption center (Kingman, Arizona). All labor, vehicles, helicopters, traps, troughs, feed, temporary holding facilities and other equipment, including but not limited to the aforementioned shall be furnished by the contractor. BLM will furnish contract supervision.

Use of 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. The contractor shall provide the COR/PI with a current safety inspection (less than one year old) of all tractor/stocktrailers to be used to transport animals to the final destination.
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 of 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 transport animals from temporary holding facilities to final destination. Sides of 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. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough so that the animals cannot push their hooves through the side. Final approval of vehicles used to transport animals shall be held by the COR/PI.

5. Floors of vehicles and 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. This will be confirmed by the COR/PI prior to loading (every load).
6. Animals to be loaded and transported in any vehicle shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. A minimum of 1.4 linear foot per adult animal and .75 linear foot per foal shall be allowed per standard 8 foot wide stock trailer/truck.

The BLM employee supervising the loading of the wild horses to be transported from the trap to the temporary holding corral will require separation of small foals and weak horses and burros from the rest, if they could be injured during the trip. Distance and condition of the road and animals will be considered in making this determination. Horses and burros shipped from the temporary holding corral to the BLM holding facility will normally be separated by studs, jacks, mares, jennies 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. Horses and burros may be shipped together, if they can be separated within the trailer so that no harm would come to them. Further separation may be required should condition of the animals warrant.

The BLM employee supervising the loading will exercise authority to off-load animals should there be too many horses/burros on the trailer or truck.

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

It is currently planned to ship all horses to the Kingman, Arizona facility. Communication lines have been established with the personnel involved in off-loading the horses, to receive feedback on the condition of shipped horses. Should problems arise, shipping methods or separation of the horses will be changed in an attempt to alleviate the problems.

8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which animals may be required to be transported on dirt road is approximately 5 miles.

Periodic checks by BLM employees will be made as the horses/burros are transported along dirt roads. If speed restrictions are placed in effect, then BLM employees will, at times, follow or time trips to ensure compliance.

Trapping and Care:

1. The helicopter shall be used in such a manner that bands of horses/burros will remain together. Foals shall not be left behind. The Las Vegas District may use an observation helicopter to supervise the use of the project helicopter. In the absence of an observation helicopter, a saddle horse may be used to place a BLM observer on a point overlooking the area of the helicopter herding operations.
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.

BLM will not allow horses/burros to be herded more than 5 miles nor faster than 10 miles per hour. The COR/PI may decrease the rate of travel or distance moved should the route to the trap site be steep or rocky enough to pose a danger or cause avoidable stress. Animal condition will also be considered in making distance and speed restrictions.

Special attention will be given to avoiding physical hazards such as fences.

3. It is estimated that a minimum of two trap locations will be required to accomplish the work. 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.

If tentative trap sites are not located close enough to the concentrations of horses/burros, then the trap site will not be approved. The COR/PI will move the general location of the trap closer to the horses/burros. Trap sites will not be approved where barbed-wire fences are used as wings, wing extensions or to turn the horses, during herding unless covered with jute material or black plastic.

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.

If the route the contractor wishes to herd horses/burros 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 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. All proposed trapping locations and holding facilities will be inventoried for the occurrence of desert tortoise, burrows and/or sign. Upon completion of the inventory, a may effect or no effect determination will be made. If a may effect situation is determined, Section 7 consultation with the U.S. Fish and Wildlife Service will be initiated. Trap sites and holding facilities may be relocated to obtain a no effect determination if desert tortoises or their sign is observed.
6. 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, the bottom rail of which shall not be more than 12 inches from the 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 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 and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 6 feet above ground level. The location of the government furnished portable fly chute to restrain, age or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.
 - 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 material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 6 feet above ground level. 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.
- 7. 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 as directed. All holding pens will be kept wet to supply a cooling effect on the animals.
 - 8. Alternate pens, within the holding facility shall be furnished by the contractor to separate horses and burros mares or jennies with small foals, sick and injured animals, and stray animals from the other horses. Animals shall be sorted as to kind, age, number, size, temperament, sex, and condition when in the holding facility so as to minimize injury due to fighting and trampling. As a minimum, studs/jacks will be separated from the mares/jennies and foals when the animals are held overnight.

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). In areas requiring one or more traps and where a centralized holding facility is used, the contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the COR.

- 9. The contractor shall provide animals held for 5 hours or more in the traps or holding facilities with a continuous supply of fresh clean water at a minimum of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

Water will be sprayed on the ground of the temporary holding facility and shade provided to minimize the heat stress on the animals.

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 or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI.

Due to the extreme heat expected in the capture area, all transportation of animals to the final holding facilities shall be done in the early morning prior to sunrise. This is the coolest time of day and will cause the least stress to the animals. The contractor shall schedule shipments of animals to arrive at final destination by 7:00 a.m.. No shipments shall be scheduled to arrive at the final destination on Sunday or 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. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination will be made at the discretion of the COR.

11. It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
12. The contractor shall restrain sick or injured animals if treatment by the government is necessary. The COR/PI 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.

Desert Tortoise

1. The contractor and all employees will be informed about the desert tortoise. This will include information provided by the BLM on the life history of the desert tortoise, its protected status, protocols for dealing with tortoises if and when they are encountered, and the definition of "take" via informational handout provided by the BLM. Each shall be advised of the potential impacts to desert tortoises and potential penalties eg. up to \$50,000 in fines and one year in prison, for taking a Federally protected species.

The contractor shall ensure that all personnel associated with the gather shall acknowledge receipt of the tortoise information through the signing of an acknowledgement for which shall be returned to the BLM upon completion of circulation to all employees.

2. Trap sites and holding corral locations and helicopter staging areas will be selected with the input of a BLM biologist to ensure that impacts to tortoise habitat are avoided.
3. Trap sites, holding corral and staging areas will be surveyed for desert tortoise and tortoise burrows before use by a BLM biologist. If an active tortoise burrow is located on the proposed site a new site will be selected.
4. To the extent possible, all traps, holding corrals and staging areas will be located in previously disturbed areas which are devoid of perennial vegetation and will be located adjacent to existing roads and trails.
5. To the extent possible, vehicular travel will be restricted to existing roads, trails and washes. If off-road vehicular travel is necessary, the route will be surveyed for the presence of desert tortoise before use.
6. Garbage and similar items will be placed in appropriate containers and not allowed to accumulate in order to discourage the attraction of ravens to the area.
7. If a desert tortoise should wander onto the trap, holding corral or staging area, all activities with the potential to harm the tortoise will cease until the tortoise moves out of harms way under its own volition.

B. Alternatives to the Proposed Action

1. BAIT-WATER TRAPPING ALTERNATIVE

This alternative would conduct the horse removal entirely by bait/water trapping at a newly created temporary water source(s). The use of this alternative as the exclusive capture method would not meet management objectives due to the following constraints:

- a. The time and logistics of providing the amount of water needed, monitoring a minimum of two trap sites, and introducing a temporary water source to the animals may be more costly than the use of the helicopter trap method.

Time is a factor in using bait/water trapping, in order to familiarize the animals with the trap and temporary water source. This process would take significantly longer than the period required to capture the animals by helicopter. In the process, animals may suffer injury due to the limited water available on the west side of SR 160.

- b. Though bait/water trapping is less expensive on a per animal basis than helicopter capture, other expenses are higher. Length of capture time would raise the total cost because of extra feed days needed for holding the animals for a longer period of time. Manpower costs (per diem, wages, vehicle costs) would be higher as a result of the extended capture time when compared to helicopter trapping.

Since the use of bait/water trapping as the sole capture method could not meet management objectives in a timely and cost-effective manner, this alternative will not be used as the only method of capture. As stated in the proposed action, it may be used as a supplement to the proposed action.

2. WATER HAULING

The alternative to haul water for an indefinite period of time would consist of establishing a temporary water source and using heavy equipment to haul water to augment the one existing privately owned source in the area. This was considered to be unfeasible due to the amount of water needed on a daily basis and the transportation distances and the cost. Also, the hauling of water for an indefinite period to artificially maintain a wild horse and burro herd would not be considered a natural environment .

This alternative would not meet management objectives to preserve and maintain a thriving natural ecological balance and is inconsistent with managing the HMA at the minimum feasible level. This alternative will not be further analyzed in this document.

3. NO ACTION ALTERNATIVE

The No Action Alternative would not authorize the removal of wild horses/burros, as described in the proposed action. This alternative would not allow the Bureau to meet management objectives. The Wild Horse and Burro Act of 1971 (PL 92-195) mandates that agency actions preserve and maintain a thriving natural ecological balance between wild horses and their environment. Large numbers of animals would potentially perish due to a lack of water and others may breach the fence trying to reach the east side and create a human safety hazard on SR 160.

Since this alternative does not conform to existing policy and legal mandates, would not achieve management objectives, and would subject the animals to unnecessary harmful and inhumane man-caused environmental conditions, it will not be analyzed further in this analysis.

IV. CONFORMANCE WITH LAND USE PLANS AND OTHER LEGAL AND REGULATORY MANDATES

Authority for this proposed action is contained in the Wild Horse and Burro Act of 1971 (Public Law 92-195) and regulations contained in Title 43 Code of Federal Regulations (CFR) 4720.1 and 4770.3 (c).

This proposal is in conformance with the Clark County Management Framework Plan (MFP) and Record of Decision (ROD) and the Esmeralda-Southern Nye Resource Management Plan and ROD.

V. DESCRIPTION OF THE AFFECTED ENVIRONMENT

The following resource values were determined to be present within the project area and could be impacted by the proposed action:

A. Soil Resources

The soil textures within the emergency gather area are generally characterized as loamy skeletal and are situated on landforms which range from nearly level to strongly sloping surfaces. The soil depth is described as shallow to moderate. Soil surface textures are generally loamy with small to medium size gravel and rocks. Water erodibility hazard is generally slight.

B. Water and Riparian Resources

Several springs can be found within the emergency gather area. Water sources at Johnnie, Johnnie Mine and Grapevine Spring are dependable sources and used by the horses and burros. No riparian areas are located on the west side of SR 160 within the capture area.

C. Vegetative Resources

The vegetation occurring in the emergency gather area is primarily white bursage, creosote, range ratney, mormon tea, red brome, mesquite, galleta grass, and numerous annual forbs and grasses. Annual forbs and grasses were present earlier in the grazing season. At the proposed trap sites and holding facilities, the vegetation would be anticipated to be predominantly creosote, white bursage and annuals.

Use pattern maps show use levels at heavy to severe in the primary use areas around Mount Montgomery and Schader.

D. Wildlife Habitat

The emergency gather area supports one big game species: desert bighorn sheep. The desert bighorn sheep population in the area is estimated to be 100 animals. Other wildlife in the area is typical of the Mojave Desert.

E. Threatened and Endangered Species

The desert tortoise, a federally listed threatened species, occurs within the proposed project area. No other listed or sensitive plant or animal species are known to occur in within the proposed project area. The poor digability of the soils overall rates them as poor desert tortoise burrowing habitat. Data from the Last Chance desert tortoise study plot indicates a correspondingly low tortoise density of less than 10 per square mile.

F. Livestock Grazing

The Johnnie HMA lies within the boundaries of the Mount Stirling grazing allotment. The active grazing preference for the allotment is 1,500 AUMS and the season of use on the Term Permit is from March 1 through February 28. Use areas vary according to climate. Use generally occurs in the upper elevations in the warmer months (May to September) and lower elevations from October to April. During the 1993-94 grazing year the permittee licensed 50 cattle from 12-1-93 through 2-28-94 (148 AUMS). The permittee voluntarily limits livestock use to the northeast portion of the allotment due to the heavy use of the vegetative resources in the Johnnie area by the horses and burros. (See map 2 for allotment boundaries). Currently, the permittee does not run livestock in the Johnnie area, although the potential for livestock does exist should the permittee wish to use this area of the allotment.

No overlap in use occurs between livestock and wild horses and burros in the removal area.

G. Wild Horses and Burros

The Johnnie HMA is located approximately 30 to 35 miles northwest of Las Vegas. The HMA is bound on the south by Pahrump, Nevada, on the east by Toiyabe National Forest and on the west by Amargosa Flat.

Based on the May 1994 census data approximately 90 wild horses and 400 burros occur within the HMA.

F. Cultural Resources

Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies take into account the effects of their undertakings on historic properties. It was determined by the District Archaeologist that a survey would not be required due to the temporary nature of the action.

G. Visual Resources

The project area falls within a Class III visual resource management area. Within Class III areas, contrasts caused by management activities may be evident and begin to attract attention; however, changes should remain subordinate to the existing landscape.

H Recreation

The project area receives widely dispersed recreation, which consists mainly of off road vehicles, and limited hiking and camping.

I. Air quality

Generally, air quality in the proposed project area is good.

VII. ENVIRONMENTAL IMPACTS

The following list of resources or values are not present or are not affected by the proposed action in this EA:

- Areas of Critical Environmental Concern (ACEC)
- Farm lands (prime or unique)
- Floodplains
- Native American Religious Concerns
- Wastes (hazardous or solid)
- Water quality (drinking/ground)
- Wild and scenic rivers
- Wilderness.
- Socio-Economic Values

A. Proposed Action

1. Impacts to Soils, Water, Riparian, and Vegetative Resources

In the short term, areas within the vicinity of the trap sites and holding facilities would be trampled by horses/burros, disturbing the soil surface structure. Soils could also be compacted at these facilities, due to wetting to minimize dust levels and hoof action. Coarse soils would compact less frequently and to a lesser density than the medium to fine textured soils. The total area of disturbance would be approximately 5 acres.

Every effort will be made to locate the trap and holding sites in previously disturbed areas to minimize the effect on soil and vegetative resources.

The removal of approximately 25 wild horses and 150 burros from the western portion of the HMA would benefit the vegetative resources. Grass species would increase in quantity, quality and vigor due to reduced grazing pressure from wild horses and burros in the primary use area. Forage availability, quality and vigor should increase with a reduction in utilization levels.

2. Impacts to Wildlife Habitat

Wildlife species would be minimally impacted by removal activities. Helicopter usage and the location of traps and holding facilities could displace individual animals during the short duration of the removal. Long-term improvements in rangeland conditions, as natural re-vegetation occurs under lessened grazing pressure, would benefit all forage consumers.

3. Impacts to Threatened and Endangered Species

No impacts would occur to threatened desert tortoise, as the trap sites would be inventoried and approved prior to any facility construction. If a desert tortoise or sign of one is identified, the capture facilities would be moved to a more suitable site.

4. Impacts to Wild Horses and Burros

Unavoidable impacts in the form of injuries to the horses may occur as a result of the removal process. Data obtained from prior gathers have indicated that death loss would not exceed 5 percent of the horses/burros captured (BLM 1990). Potential injuries and fatalities would be minimized through enforcement of contract specifications for safety and humane treatment of the captured animals. BLM representatives would monitor the contractor's activities at all times during the gather to ensure compliance. In the event that BLM personnel conduct this gather, the same stipulations would apply to all staff and all aspects of the removal.

Some stress to the horses would be associated with the helicopter herding operations. These would be minimal impacts to individual animals which would be anticipated to be of short duration, given the standard operating procedures and mitigation measures identified in this proposal. The stress associated with relocation of the burros would have minimal short term impacts on the animals.

Removal of wild horses and burros would prevent the harm and possible death of a substantial number of horses/burros and further deterioration of the range (continued heavy to severe use levels) on the west side of the highway.

5. Livestock Grazing

No adverse or beneficial impacts to livestock grazing are anticipated by the proposed action.

6. Cultural Resources

Due to the temporary short term nature of the disturbance around the trap sites, an inventory will not be required. The trap sites would be located in previously disturbed areas.

7. Visual resources

Visual resources may be effected on a short term basis from the activity in the area. Some motorist may find it "exciting" to view a horse and burro gather. The emergency gather is expected to last a maximum of 2 weeks and the effect would be short term.

8. Recreation

The activities associated with the gather may temporarily disrupt recreational use in the area. The emergency gather is expected to last a maximum of 2 weeks and the effect would be short term.

9. Air Quality

Air quality may be effected on a short term basis from the gather. As soon as the gather activities cease the air quality would return to normal.

VIII.APPENDICES

- Map 1 - General Map of HMA
- Map 2 - Allotment boundaries

IX. COORDINATION AND CONSULTATION

Coordination with affected parties has been on-going during the development of this proposal; concerns and comments were incorporated, as appropriate, into the analysis. Copies of the environmental assessment and capture plan were sent to the following persons, groups, and government agencies.

American Horse Protection Association
American Humane Association
American Mustang & Burro Association
American Wild Mustang & Burro Foundation
Animal Protection Institute
BLM, Kingman Resource Area, Kingman, Arizona

Cal Baird, Mount Sterling Grazing Permittee
Commission for the Preservation of Wild Horses
Humane Society of So. NV.
International Society for the Protection of Wild Horses and Burros
International Society for the Protection of Mustangs and Burros
(Karen Sussman)
National Mustang Association
National Resource Defence Council
National Wild Horse Association
Nevada Department of Wildlife
Nevada State Division of Agriculture
Nevada Department of Transportation, Garth Dull
Save the Mustangs
Sierra Club
U.S. Forest Service Charleston Ranger District
U.S. Fish and Wildlife Service
U.S. Humane Society
United States Wild Horse and Burro Foundation
Western Mustang & Burro Allian
Wild Horse Organized Assistance

Reviewers:

Donn Siebert	Supervisory Natural Resource Specialist, Stateline Resource Area (SRA)
Stan Rolf	Archeologist, LVDO
Jeannie Cole	Wildlife Biologist, SRA
Bob Bruno	Wilderness Coordinator, SRA
Eddie Garner	Soil, Water and Air Specialist, SRA
Gary McFadden	LVDO Wild Horse and Burro Specialist
Bob Stager	LVDO Range Staff Specialist
Dan Morgan	Stateline Resource Area Manager
Gary Ryan	Las Vegas Acting District Manager

Prepared by:

Shawna Woods
Shawna Woods
Wild Horse and Burro Specialist
Stateline Resource Area

6-30-94
Date

Concurred by:

Gary McHadden
Gary McHadden
Wild Horse and Burro Specialist
Las Vegas District

6-30-94
Date

Jeffrey G. Steinmetz
Jeff Steinmetz
Environmental Coordinator
Stateline Resource Area

6/30/94
Date

Threatened & Endangered Species
No Effect - May Effect
Determination

6842.1

Project Lead: Shawna Woods
Date: June 13, 1994
Case Number: No number
Sec. 7 Log Number: NV054-94-066

I. Proposed Action

The Bureau proposes to contract an emergency gather of wild horses and burros from the Johnnie Herd Management Area. The gather is necessary for two reasons. First, because Nevada Division of Transportation is currently fencing State Route 160 and secondly, because over-utilization of forage is occurring. The fence would effectively cut the herd management area in half. There is not sufficient water and forage on both sides of the highway to support current numbers of horses and burros. Once the fence is completed, animals would be concentrated in smaller areas near existing waters. Over-utilization of forage would increase in these areas.

The gather would be held in late June or early July of 1994 and would take up to two weeks to complete. An estimated 150 burros and 30-40 horses would be removed. Animals would primarily be removed from the west side of State Route 160. Although, some animals may also be taken from the east side. Removed animals which are suitable for adoption would be provided to adoption facilities.

Removal methods would consist of either helicopter herding of animals into traps or water trapping. When temperatures are below 90 degrees, animals may be herded with the helicopter into traps. When temperatures exceed 90 degrees, animals would be water trapped.

Traps would be located near existing roads and in previously disturbed areas to the extent possible. Helicopter staging areas would be located in previously disturbed areas. All trap sites and staging areas would be surveyed for desert tortoise before selection to ensure that no tortoises or tortoise burrows are located on the site. Trap sites would be located within current horse and burro use areas.

II. Legal Location

T. 17-18S., R. 52-53E., various sections, Nye County, Nevada.

III. Determination

The above described action or activity has a (check one) X no effect _____ may effect on the desert tortoise, a threatened species or its critical habitat. If a "may effect" determination is made, initiate Section 7 consultation according to District policy and procedures.

Rationale:

Over the long-term, there would be a positive impact on desert tortoise from the removal of wild horses and burros from the Johnnie Herd Management Area. Reducing numbers of horses and burros would reduce the potential for trampling of tortoises and burrows. Utilization of forage by horses and burros would be reduced, leaving more forage for tortoises and reducing impacts on the vegetative community.

The potential for incidental take of desert tortoise is very low. Trap sites, holding corrals and staging areas would be located in previously disturbed areas near existing roads and trails. These areas would be checked for the presence of tortoise. If active burrows are found in the vicinity, the site would be relocated. Off-road vehicular travel would be minimal to non-existent. The gather will be held in late June or early July when temperatures are such that tortoises spend less time above ground. In addition, the lack of precipitation this year has resulted in little succulent forage being available. This would be expected to further reduce above ground activity by tortoises.

There would be no negative impact on desert tortoise if the following mitigation measures are implemented.

1. Trap sites, holding corral locations and helicopter staging areas will be selected with the input of a BLM biologist to ensure that impacts to tortoise habitat are avoided.
2. Trap sites, holding corral sites and staging areas will be surveyed for desert tortoise and tortoise burrows before use by a BLM biologist. If an active tortoise burrow is located on the proposed site, a new site will be selected.
3. To the extent possible, all traps, holding corrals and staging areas will be located in previously disturbed areas which are devoid of perennial vegetation and will be located adjacent to existing roads and trails.
4. To the extent possible, vehicular travel will be restricted to existing roads, trails and washes. If off-road vehicular travel is necessary, the route will be surveyed for presence of desert tortoise before use.
5. If a tortoise wanders onto the capture site, all activity with the potential to harm the tortoise will cease until the tortoise wanders out of harm's way of its own volition.
6. The contractor and his employees will be informed about the desert tortoise (which will include information provided by the BLM on the life history of the desert tortoise, its protected status, protocols for dealing with tortoises if and when they are encountered, and the definition of "take") via an informational handout provided by BLM.

The contractor shall ensure that all personnel associated with the gather shall acknowledge receipt of the tortoise information through the signing of an acknowledgement form which shall be returned to the Bureau of Land Management upon complete circulation to all such employees.



The Threatened Desert Tortoise

Legal Status

The desert tortoise (*Gopherus agassizii*) in the Mojave desert (north and west of the Colorado River) was Federally listed under emergency provisions of the Endangered Species Act of 1973 as endangered on August 4, 1989 and permanently listed as a threatened species on April 2, 1990. The tortoise was listed because of direct losses and threats to tortoise populations and habitat. Desert tortoises are directly impacted by increased raven predation on juveniles, collection by humans, vandalism, losses on roads and to off highway vehicle activities, and the

Upper Respiratory Disease Syndrome. Tortoise habitat is lost directly to urbanization, agriculture, road construction, military activities, and other uses. Off highway vehicle use, rights-of-way, and grazing degrade habitat. All of these activities fragment tortoise habitat which may reduce a tortoise population below the level necessary to maintain a minimum viable population.

The U.S. Endangered Species Act makes it illegal to harass, collect, or harm tortoises and provides for penalties of up to \$50,000 in fines and one year in prison for each count. Nevada State law 503.080.1a also affords protection to the desert tortoise.

The Endangered Species Act allows for individuals of an endangered or threatened species to be taken incidentally to an otherwise lawful activity; as long as the conditions of the Fish and Wildlife Service's (Service) Biological Opinion are followed. "Take" includes harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing or collecting, or attempting to engage in any such conduct. Harm includes significant habitat modification or degradation that impacts a listed species by interfering with breeding, feeding, or sheltering behavior. The threatened listing of the desert tortoise occurred because of widespread habitat destruction and degradation, illegal collection, an upper respiratory disease, raven predation, and other factors.

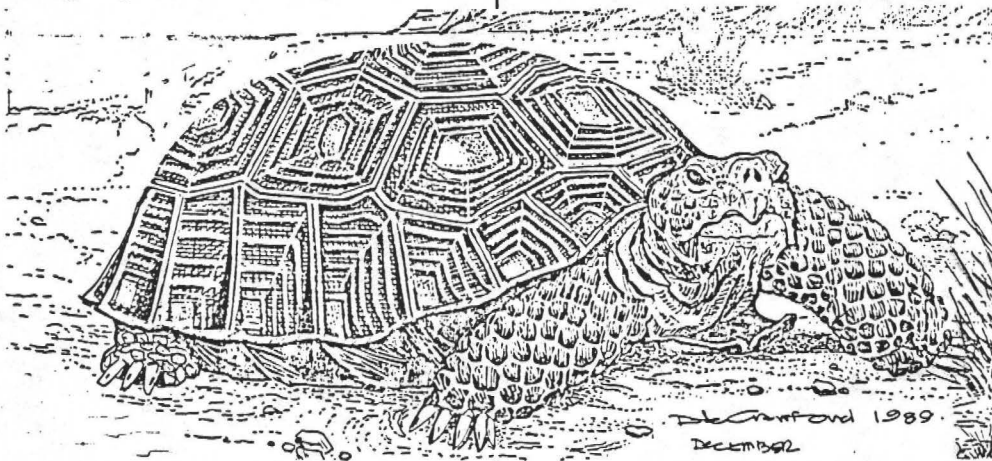
Tortoises in captivity prior to the initial listing of August 4, 1989 are not protected by the Act. If you are interested in having a pet tortoise, you may obtain one from someone that has acquired their pet legally or from Tort-Group; a private organization dedicated to preservation of wild tortoises and to the welfare of captive ones.

Life History

The desert tortoise is the largest reptile and the only wild land tortoise found in southern Nevada. The tortoise occurs in southern Nevada, western California, southwestern Utah, western Arizona, and northwestern Mexico. In Nevada, tortoises are found in creosote bush, cactus and shadscale scrub, and Joshua tree woodland habitats below 5000' elevation.

Tortoise populations are patchily distributed and densities range from a few per square mile to 200 per square mile. A tortoise will live in the same general area of less

than one square mile during its lifespan of 50 to 100 years. This slow moving desert reptile ranges in size from 2 to 15 inches long and is soil colored. Because of their color and shape,



tortoises can be very difficult to see.

There are several clues that can be used to tell male and female tortoises apart. However, only tortoises greater than seven inches long can be sexed reliably. Males tend to be larger than females, have a longer tail, have longer upward curving gular horns, have larger chin glands, and have a concave plastron (bottom portion of shell).

Tortoises are well adapted to their desert environment and spend up to 98% of their time in burrows they dig. Burrows are crescent shaped and are most often found at the base of desert shrubs or in wash banks. A tortoise may excavate and use many burrows during the year. Some burrows are used for only a short period of time and others may be used for several years. Some researchers believe that some winter dens on the Beaver Dam Slope in Utah may be 5000 years old. Many mammals, birds, reptiles, and invertebrates utilize tortoise burrows. Burrows and tortoises in Nevada are most often found on valley floors and slopes, but they may also be found on the less precipitous slopes and ridges of desert mountain ranges.

Besides tortoises, burrows, and remains; another method that biologists use to determine if tortoises exist in an area is the presence of scat (feces). Fresh scat is dark brown or black, but turns gray as it weathers. Scat length varies, from one half to four inches, depending on the size of the tortoise. Scats usually contain coarse plant fibers.

Tortoises are inactive from mid November until February. The activity period for desert tortoises is from March until late October when they usually spend part of

each day above ground. Tortoises are especially active during warm days when it is overcast or raining, when they seek water that collects in natural depressions or in depressions the tortoises dig themselves. Available drinking water is essential to tortoise survival. The diet of tortoises, which are vegetarians, includes a wide variety of herbs, grasses, cacti, and flowers. Since droughts are common in the deserts that tortoises inhabit, they rely on the erratic years of good rainfall and the ensuing growth of palatable plants.

Sexual maturity for tortoises occurs at 15-20 years of age. Breeding occurs in March and April and egg laying is from May to July. Nests are almost always located at the entrance of burrows. Clutches contain 1 to 14 eggs and a mature female may lay 0 to 3 clutches annually. The eggs are covered with soil and hatch after 80 to 130 days in August or September.

Predators are usually only a problem for young tortoises. Predation is the greatest cause of mortality for hatchlings. Eggs are eaten by Gila monsters, foxes, coyotes, snakes, and badgers. The shell of juvenile tortoises does not harden for five or more years and young tortoises may fall prey to ravens, hawks and eagles, coyotes, foxes, bobcats, badgers, skunks, and feral dogs and cats. Up to 200 young tortoise carcasses have been found under raven perches and nests. While successful predation on adults is rare; coyotes, foxes, bobcats, eagles, and feral dogs have been known to prey on tortoises. Habitat quality can affect predation in certain habitats.

Research

There are many ongoing research projects that are addressing various aspects of tortoise management and physiology. Research is being conducted on the Upper Respiratory Disease Syndrome and on health baselines. Research will continue in 1991 on those topics and on live-stock grazing, predator-prey relationships, genetics, tortoise translocation/relocation, research protocols, and habitat restoration. The Bureau of Land Management will be actively involved in funding and participating in these research projects. This is especially true in the Las Vegas District, where the BLM is facility manager of the Desert Tortoise Conservation Center in cooperation with the Nevada Department of Wildlife and The Nature Conservancy.

Construction Activities

When preconstruction activities such as driving off of established roads, construction layout, and flagging of the rights-of-way (ROW) occurs, a qualified biologist must accompany each work crew. Vegetation should be avoided to the extent possible to reduce impacts to the habitat. When a tortoise is sighted within the job site or near construction activities, the on site biologist must be contacted immediately.

Immediately prior to site preparation and excavation; backfill, grading, and restoration; or other construction activity; a qualified biologist must conduct a thorough survey of the job site. All burrows will be conspicuously flagged.

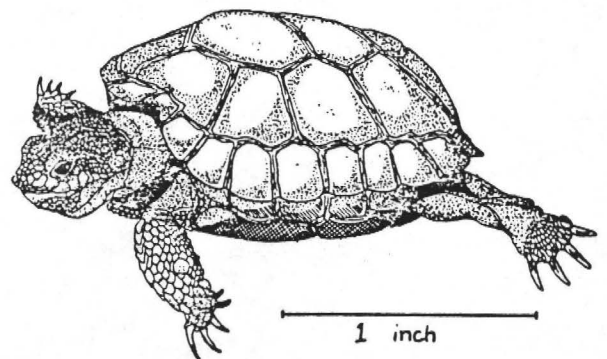
All tortoises found on the job site and associated access roads will be moved 150 to 300 feet outside the site by a qualified biologist. All activity that may harm the tortoise will cease until the tortoise has been moved. Tortoises found in the open will be placed in the shade of a shrub and tortoises removed from burrows will be placed in a similar unoccupied burrow or in an artificial burrow. Tortoises will not be placed on lands not administered by the BLM without written permission from the landowner. Tortoise handling, moving, data collection, and artificial burrow construction shall follow the procedures outlined in the Interim Techniques Handbook for Collecting and Analyzing Data on Desert Tortoise Populations and Habitats.

All vehicle traffic during construction will be confined to existing roadways and to areas that have been cleared of tortoises. Speed limits in undeveloped areas of tortoise habitat will not exceed 10 MPH from 1 March to 15 November, except in emergency situations. Vehicles within tortoise habitat must have the ground beneath them checked for tortoises before the vehicle is moved.

If a live tortoise is in danger, a construction worker may move the tortoise out of harms way using approved methods.

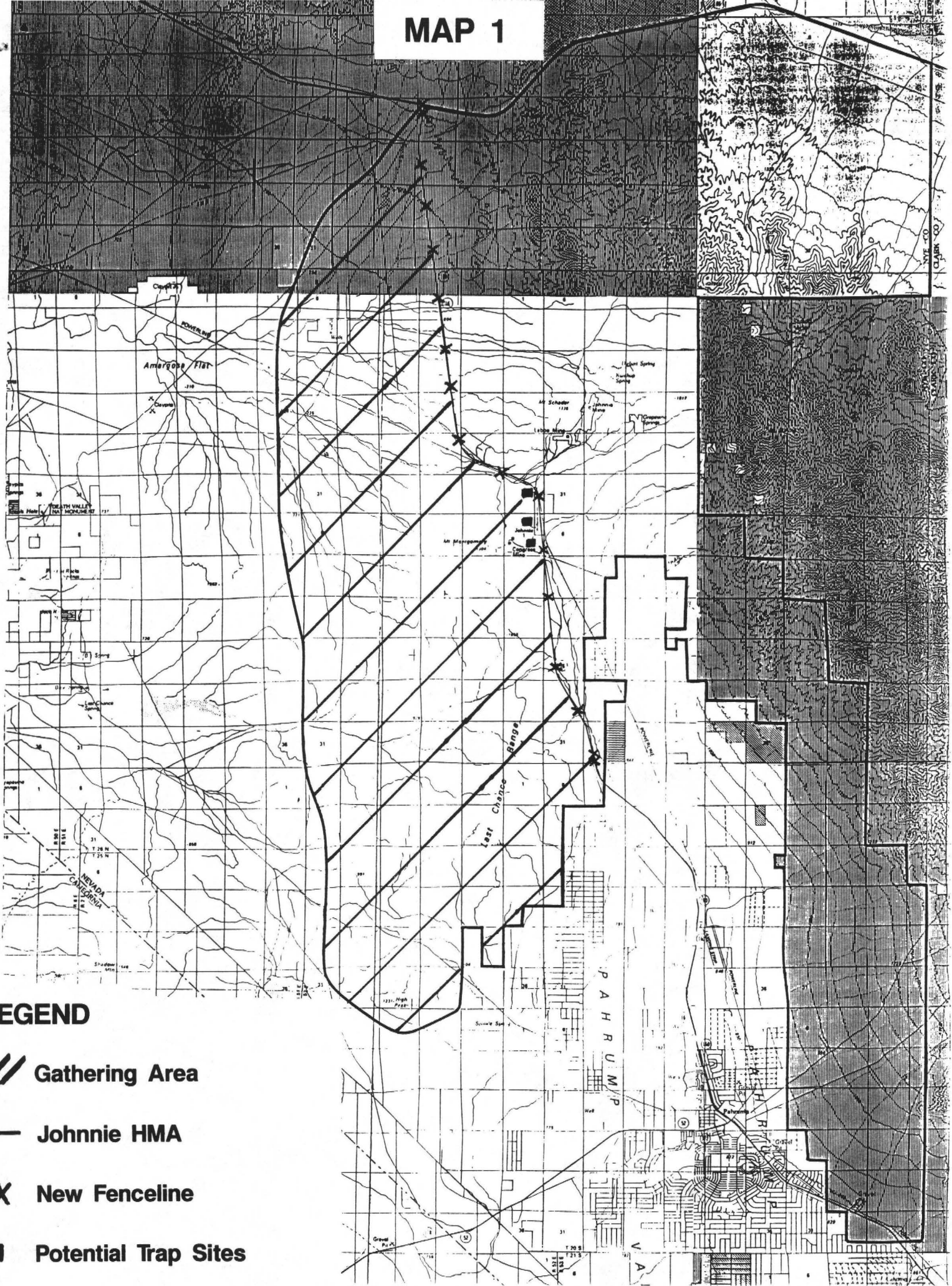
Tortoise Handling

Handle all tortoises carefully and only if authorized to do so! Tortoises can be injured and can die from improper handling. Do not approach tortoises unless absolutely necessary, as your presence can induce stress in the animal. When you must approach a tortoise, move slowly and approach from the rear of the animal. Pick up the tortoise gently and keep it level at all times. When handling large tortoises, grasp the animal with both hands, one at each side of the animal. When moving tortoises longer distances, a cardboard box should be used. Boxes will be used for only one tortoise. All personnel handling tortoises will wear surgical type gloves to inhibit the transmission of diseases among tortoises. Not more than one tortoise can be handled with each pair of gloves. The Upper Respiratory Disease Syndrome is not transmissible to humans.

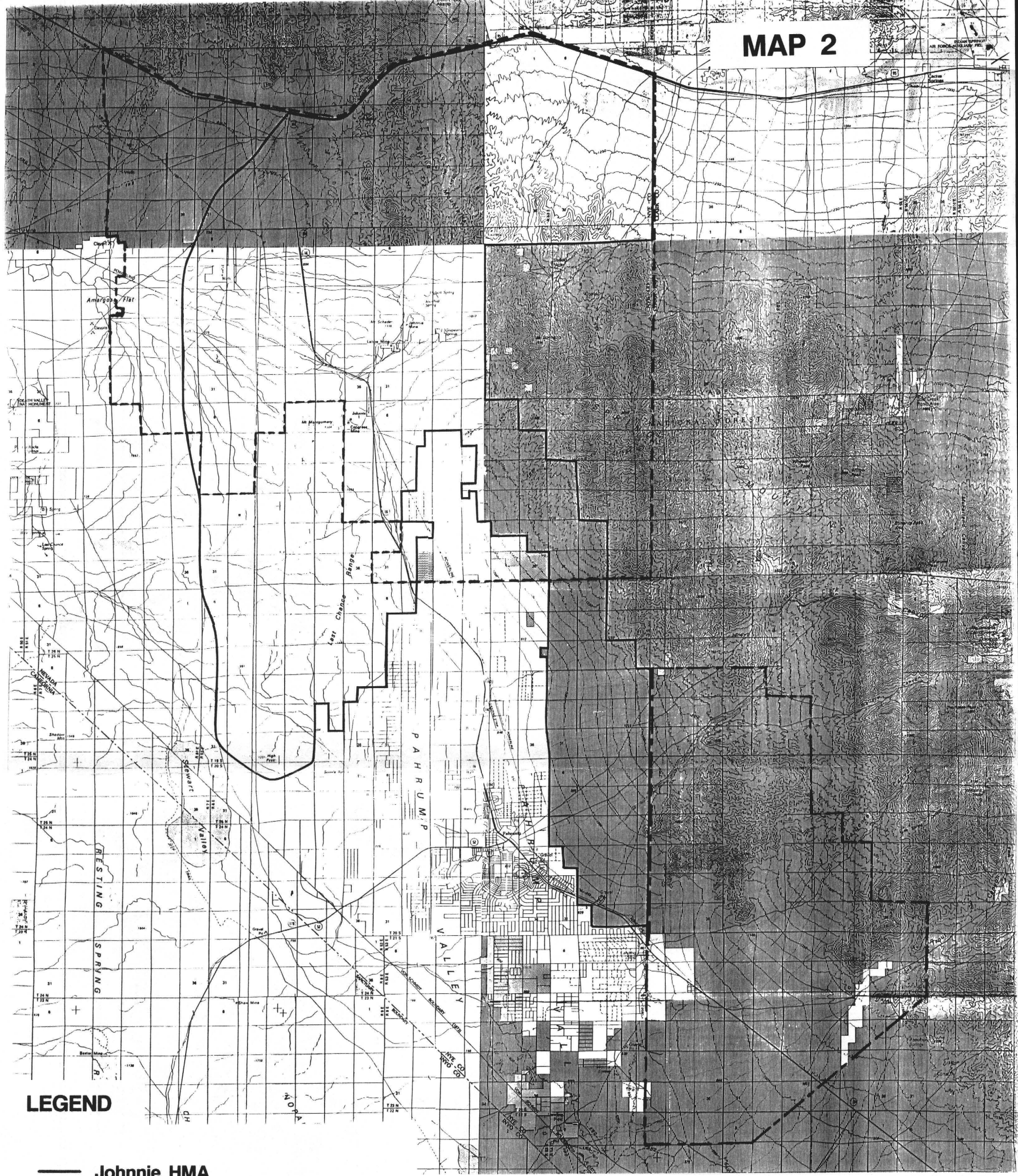


Typical hatchling tortoise.

MAP 1



MAP 2



LEGEND

- Johnnie HMA
- Mt. Stirling Allotment
- .-.- Wheeler Wash Allotment