

m 6-22-94



United States Department of the Interior



IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT
LAS VEGAS DISTRICT OFFICE
4765 VEGAS DRIVE
P.O. BOX 26569
LAS VEGAS, NEVADA 89126

4700/4000
(NV-053)

State of Nevada
Department of Transportation
Garth Dull, Director of Transportation
1263 S. Stewart Street
Carson City, NV 89712

JUN 22 1994

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Dear Mr. Dull:

Subsequent to my letter to you dated June 14, 1994, I directed my staff to visit the right-of-way for State Route (SR) 160 from Pahrump north to Highway 95 and review the Nevada Department of Transportation's fencing efforts.

As a result of this, I would like to share some potential Bureau actions and additional recommendations and mitigation concerns that they discussed with me.

1. There are two existing six foot tall metal culverts near Johnnie on SR 160 that may be able to serve as temporary east/west access routes for burros. They are too small for wild horses.

One is located .2 mile north of mile marker 24 and the other .5 mile south.

The north culvert needs approximately 1 to 2 feet of sand/gravel removed from the east inlet.

The south culvert has been undercut and washed out leaving a 30 inch drop on the west outlet. The flow in this culvert appears to be greater than the North one. The rip-rap needs to be restored and made traversable. Additionally, a short lip welded on the outlet end of the culvert may help trap a 1 to 2 inch layer of sand/gravel providing a better walking surface.

2. The highway fencing design should funnel the horses in and out of the two culverts using a "Y" section of fence entering both sides of the culverts. The fence currently blocks access to the north culvert.

Access to these culverts is needed to mitigate short term impacts on wild burros in the Johnnie Herd Use Area of the

Mount Stirling and Last Chance Wild Horse and Burro Herd Management Areas (HMA).

3. I would direct my staff to use a combination of hay, water, and temporarily corralled burros (jennies) to attract and educate the wild burros on the use and location of these two culverts.

Due to the size difference in horses, it is not likely that this will mitigate their use of the west side of the highway in the HMA.

4. A gate or drop fence is needed at each culvert on both sides of the road to allow access for the water, corrals and jennies used for attracting burros to the culvert. My staff would be available to select the locations for these access gates. A drop fence may be more economical.

5. About .7 mile south of mile marker 24 there is a deeper wash with an existing 24 inch culvert. There is approximately a 20 foot drop from the west side and a 25 foot drop from the east side of SR 160. This may be an excellent future location for one or more 8 foot by 10 to 12 foot box culverts.

I would like a committment from NDOT to place box culverts of this kind in the appropriate drainages, with BLM technical input, at the time this section of highway is scheduled for roadway work or reconstruction.

This size culvert is essential to mitigate long term impacts to wild horses and burros.

The wild horses and burros make use of water trapped on both sides of this drainage after rainstorms. We recommend using a "Y" section of fence entering both sides of the highway. Without this, the animals are likely to be attracted to the water and breech the fence creating a safety hazard.

6. Our past experience with fencing in wild horse and burro habitat indicates a propensity for breeches. Could you send my staff the fence standards being used on the Johnnie fence for review? In our experience, when the bottom wire is too high or the top wire too low, animals can get under and go over the fence.

As I indicated in my June 14, 1994 correspondence, the use of "one-way" wild horse and burro gates will allow animals trapped on the highway an escape route. We have the design specifications for one way gates used for mule deer, should you be interested.

I appreciate your consideration and cooperation in combining public safety with the management of our wildlife and historic wild horses and burros in the Johnnie Herd Use Area.

If you have concerns or questions on this, please contact Gary Ryan or Gary McFadden at (702) 647-5000.

Sincerely,

A handwritten signature in cursive script that reads "Gary Ryan".

Gary Ryan
Acting District Manager

Johnnie

6-14-94



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

Las Vegas District Office

4785 Vegas Drive
P.O. Box 28569
Las Vegas, Nevada 89128



6/23 - 7/18 Fence will Close.

In Reply Refer To:
4700/4000
(NV-053)

June 14, 1994

State of Nevada
Department of Transportation
Garth Dull, Director of Transportation
1263 S. Stewart Street
Carson City, NV 89712

Dear Mr. Dull:

My staff discussed our management concerns with your staff in 1993 during the early planning stages for fencing the right of way for State Route (SR) 160 from Pahrump north to Highway 95. In subsequent telephone conversations on May 24, 1994 and June 3, 1994, my staff reiterated these same concerns. Unfortunately, these latter discussions occurred after construction had commenced.

SR 160 traverses the Johnnie Herd Use Area of the Mount Stirling and Last Chance Wild Horse and Burro Herd Management Areas (HMA). This HMA falls under the 1971 Wild Free Roaming Horse and Burro Act as amended.

The Bureau of Land Management has been managing this wild horse and burro herd with removals of problem animals, herd movement and census data, and monitoring studies. No major removal has been completed due to funding constraints.

Human safety in relation to highway collisions with these wild animals is a primary concern. This has prompted our coordination with NDOT for highway signs warning of horses and consideration of fencing the right of way and building underpasses (concrete box culverts). We have conducted numerous problem animal removals in response to the safety concern.

We conducted a census the week of May 16, 1994 to determine current use areas and animals numbers. Based on the census/movement data from 1988 to 1994, about 1/5 th of the wild horses and 1/2 of the wild burros have established territories on the west side of SR 160 where they make extensive use of forage and shade. Since the wild horses

and burros use both sides of the highway, safe and unrestricted access to springs, forage, and shade on both sides of the highway is very important to their survival.

If SR 160 is fenced without installing at least one 8x12 cement box culvert serving as an underpass, the horses and burros would be deprived of almost 1/2 their herd use area. Potential management problems are:

1. Horses and burros could die of thirst when trapped on the west side of SR 160.
2. Horses and burros may migrate into Pahrump seeking water and forage causing damage to private property.
3. Animals trying to get to home territories or gain access to springs could get trapped between the two highway fences. The trapped animal(s) would become a serious highway safety problem.
4. The lack of springs on the west side of SR 160 would remove the area from practical use by the wild horses and burros. The Johnnie Herd Use Area would be reduced in size by approximately 50 %. As a result, we would need to study the long term potential viability of the herd.

The overall management of this historic wild horse and burro herd would be impacted.

Some management considerations would be:

1. One of the primary herd crossing areas is located in the deep wash near mile marker 23. The placement of at least one reinforced concrete box culvert with a minimum of 1 opening of 8X12 feet would help insure safe and unrestricted access to both sides of the highway. We could work with you on this
2. The fencing design should funnel the horses in and out of the culverts using a "Y" section of fence entering both sides of the culverts. These locations may be ideal locations for the one way gates discussed in number 3.
3. The placement of "one-way" wild horse and burro gates on the west and east side of SR 160 at the major crossing areas. These gates would open in both the northerly and southerly directions allowing animals trapped on the highway an escape route.

It is highly probable that animals will breach the highway fence and be trapped in the right of way posing a safety hazard. These one-way gates are designed to deal with that situation and have done so effectively for mule deer in parts of Nevada and California.

Should circumstances make it necessary at a later date, we may need to work with you to modify any one-way gates or install additional ones. If this requires

an easement and/or an agreement with you, we are agreeable to this.

4. Cattle guards are preferred over gates on the primary roads/trails. We suggest locked gates in addition to cattle guards on SR 160. This would meet our access needs. A double lock system using BLM and NDOT locks would provide easy access so we both can enter with heavy equipment as needed.

We would be glad to work with you on the placement of gates and/or cattle guards. There are a number of roads/trails that we make frequent use of in managing the public lands.

5. **The fence design should consider wildlife (big horn sheep) requirements.**

If a culvert(s) (serving as an underpass) is completed, we would use a combination of hay, water, and temporarily corralled domestic horses/burros (mares/jennies) to attract and educate the wild horses and burros on its use and location. The Western Mustang and Burro Alliance and The National Wild Horse Association will assist us through the cooperative agreement we have with them. We would be glad to accompany your contract supervisor during different stages of the construction.

Your consideration and cooperation in combining public safety with the management of our wildlife and historic wild horses and burros in the Johnnie Herd Use Area is appreciated.

If you have concerns or questions on this, please contact Gary Ryan or Gary McFadden at (702) 647-5000.

Sincerely,



Gary Ryan
District Manager

October 6, 1993, 9:30 A.M.

10-693

Meeting with the BLM staff at Las Vegas BLM
Headquarters:

Attendees:

GARY ZUNINO, NDOT
WAYNE KINDER, FHWA
ROY LEE, BLM
DAN MORGAN, BLM
REAL ESTATE / RIW, BLM ?
JOE FRANK, NDOT
JERRY PIRETTI, NDOT

DAN MORGAN STATED THAT AN E.A. WAS NOT NECESSARY
ON THIS PROJECT DUE TO THE FACT THE FENCE WAS NOT
BEING BUILT ON BLM RIW. ANY PROBLEMS THAT MAY
OCCUR FROM HORSES BEING CAUGHT ON THE WEST SIDE
OF THE HIGHWAY WILL BE TAKEN CARE OF BY THE BLM.

WAYNE KINDER SUGGESTED THAT WE, IN SOME FORM, CONTACT
ANY ADVOCACY GROUPS THAT MAY HAVE A PROBLEM WITH THE
FENCE.

WE WILL LOOK INTO WINGING THE FENCE AT THE 6' X 8' CAMP.