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Department of the Interior  
Bureau of Land Management  
Nevada State Office  
1340 Financial Blvd.  
Post Office Box 12000  
Reno, Nevada 89520-0006

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Cindy McDonald  
3605 Silver Sand Court  
N. Las Vegas, NV 89032

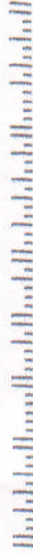


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## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Nevada State Office  
P.O. Box 12000 (1340 Financial Blvd)  
Reno, Nevada 89520-0006  
<http://www.nv.blm.gov>



In Reply Refer To:  
4700 (NV-930)

SEP 19 2006

Cindy McDonald  
3605 Silver Sand Court  
N. Las Vegas, Nevada 89032

Dear Ms. McDonald:

I am in receipt of your letters of September 2006 as well as various e-mails requesting information about Nevada's wild horse and burro program.

If you have not already done so, please contact each Nevada Field Office in writing to be placed on their respective wild horse and burro mailing lists. The names and addresses of Nevada Field Offices can be found at [www.nv.blm.gov](http://www.nv.blm.gov). Many of the documents BLM prepares which pertain to wild horses and burros are sent via certified mail with return receipt requested; therefore, each office will need to have your mailing address. You may also provide each office with your e-mail address in addition to your mailing address, if desired.

If you wish to be added to an "interested party" list regarding specific livestock grazing allotments, we have Federal Regulations pertaining to this request (43CFR 4100.0-5). You must contact each Nevada Field Office in writing to be placed on their respective mailing lists. You must also ask the authorized officer to be provided with an opportunity to be involved in the decision making process for the management of livestock grazing on specific grazing allotments. Please specify which allotments you are interested in or your request may be returned for clarification.

Due to the volume of information you have expressed an interest in, you may want to consider narrowing your request to the specific Herd Areas (HAs), Herd Management Areas (HMAs), or livestock grazing allotments which are of most importance or interest to you.

Your request for copies of all pertinent documents establishing appropriate management levels of wild horses and burros for specific HMAs managed by the Las Vegas Field Office and Tonopah Field Stations, represent hundreds of pages of documentation. There will be research, copy and postage fees for each of the documents requested. Research fees for these specific requests are estimated at \$5.20 per quarter hour (clerk rate), copy fees at \$0.13/page and postage is based on the number of pounds to be mailed. The Tonopah Field Station estimates the need to copy about 1070 pages of documentation at a total cost for research, copy and postage fees of approximately \$393.00. The Las Vegas Field Office estimates the need to copy about 400 pages of documentation at an approximate cost of \$150.00. Together, the two requests would total about \$543.00. Please let us know if you wish to proceed with your original request.

In order to avoid the expense associated with reproducing the requested documents, you may want to consider streamlining your request or visiting the Las Vegas and Tonopah offices to review the documents in person or make copies yourself of the documents you want (\$0.13/page).

You also asked about the opportunity to view the requested documents on the internet. Some field offices do post environmental assessments and decision documents on their field office web sites while others may not due to staffing shortages/availability. Most field offices post documents as they are made available for public review, but do not retain those documents on their web page much beyond the established public comment period. Regardless, every individual, agency or group on the field office's wild horse and burro mailing lists is notified when a document is available for public review and is provided with either a hard copy or a web site address.

In response to your questions about the 1971 Wild Free-Roaming Horses and Burros Act, the regulations provide for designating herd management areas as wild horse or burro ranges to be managed principally, but not necessarily exclusively, for wild horse or burro herds (43 CFR 4710.3-2). An HMA may be considered for designation as a wild horse or burro range when there is significant public value present, such as unique characteristics in a herd or an outstanding opportunity for public view. Designations are made through the Bureau of Land Management's (BLM) land use planning process. Nevada has two designated horse or burro ranges managed under this authority: the Nevada Wild Horse Range (Nellis) and the Marietta Burro Range.

Remaining Nevada herd management areas are managed in accordance with Section 3 (a) of the 1971 Wild Free-Roaming Horses and Burros Act (Act) which requires BLM to manage wild-free roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands, at the minimum feasible level and in consultation with State wildlife agencies in order to protect the natural ecological balance of all wildlife species which inhabit such lands.

Interior Board of Land Appeals (IBLA) decisions central to your questions concerning management of wild horses and burros on public lands include the following:

- **109 IBLA 115:** *"As the court stated in Dahl v. Clark supra at 594, the 'benchmark test' for determining the suitable number of wild horses on the public range is thriving ecological balance. In the words of the conference committee which adopted this standard: 'The goal of wild horse and burro management \*\*\*should be to maintain a thriving ecological balance between wild horse and burro populations, wildlife, livestock and vegetation, and to protect the range from the deterioration associated with overpopulation of wild horses and burros.'"*
- **109 IBLA 119:** *"We interpret the term AML within the context of the statute to mean that 'optimum number' of wild horses which results in a thriving ecological balance and avoids a deterioration of the range."*
- **109 IBLA 126:** *"...section 3(b) (2) of the Act provides explicit direction under which removal of wild horses from the public range is permitted, viz., where there is an overpopulation of wild horses in a given area and removal is necessary in order to restore a thriving ecological balance and prevent a deterioration of the range threatened by that overpopulation. We conclude that this statute provides the sole and exclusive authority for BLM to remove wild horses from the public range."*
- **118 IBLA 75:** *"Proper range management dictates removal of horses before the herd size causes damage to the range land. Thus, the optimum number of horses is somewhere below*

- the number that would cause damage. Removal of horses before range conditions deteriorate ensures that horses enjoy adequate forage and an ecological balance is maintained...*"

Relative to your question about the Spring Mountain Herd Area (HA) losing 411,979 acres between 2004 and 2005, BLM has undertaken a national project to track the changes in herd areas and herd management areas which have taken place since the Act was passed in 1971. The annual statistical report was updated to reflect this information in February 2005. Please refer to the following table for the Spring Mountains HA:

BLM HAs/TIMAs	BLM	Other	Total
<b>Spring Mtns HA</b>	836,499	29,854	866,353
Wheeler HMA (1998 Las Vegas RMP)	273,260	3,644	276,904
Red Rock HMA (1998 Las Vegas RMP)	157,251	4,721	161,972
To USFS (Forest Service Enhancement Act of 1987)	222,671	14,469	237,140
Spring Mt HA Remaining	183,317	7,020	190,337
Spring Mt HA Total	836,499	29,854	866,353

As shown in the above table, 276,904 acres of the Spring Mountain HA was designated as the Wheeler Pass Herd Management Area (HMA) in the 1998 Las Vegas Resource Management Plan. Likewise, 161,972 acres was designated as the Red Rock HMA. An additional 237,140 acres was transferred to the Forest Service through the Forest Service Enhancement Act of 1987, leaving 190,337 acres remaining within the Spring Mountain HA which is not currently designated for long-term management of wild horses and burros by BLM. Of the acreage transferred to the Forest Service, it is my understanding that 102,257 acres is managed by the Forest Service as the Spring Mountains Wild Horse Territory (WHT), 36,517 acres is managed as the Johnnie WHT and 25,030 acres is managed as the Red Rock WHT, for a total of 163,804 acres of WHT; the balance is Forest Service-managed HA.

To date this fiscal year, Nevada has removed approximately 4,073 excess wild horses or burros from the range.

Thank you for your interest in Nevada's wild horse and burro program. I hope the above information is helpful. Please let me know if you have any additional questions.

Sincerely,



Margaret L. Jensen  
Deputy State Director,  
Natural Resources, Lands and Planning

cc: