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# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Carson City District Office  
1535 Hot Springs Road  
Carson City, Nevada 89706-0638  
PH: (702) 885-6000

DEC 6 1996

IN REPLY REFER TO:  
1060  
(NV-03200)

Dear Interested Party:

Enclosed is the Garfield Flat Herd Management Area (HMA) Capture Plan and Finding of No Significant Impact / Decision Record which implements the Plan. This decision is issued Full Force and Effect to allow for the timely removal of wild horses in and outside the Garfield Flat HMA. Timely removal of these wild horses is necessary to prevent further over-utilization of the vegetative resource and to be in compliance with existing laws and regulations, notably; 43 CFR 4720.1 - " Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately ...". The Full Force and Effect determination is in accordance with the regulation, 43 CFR 4770.3(c).

The gather will be delayed approximately 30 days to allow for an appeal period. There will be no extension of the delay period and the gather will be conducted on or about January 6, 1997.

This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations in the attached Form 1842-1.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21(b), 58 FR 4939,4942-43 (Jan. 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must be submitted directly to Interior Board of Land Appeals, 4015 Wilson Boulevard, Arlington, Va 22203 at the same time the original documents are filed with this office and the Regional Solicitor.

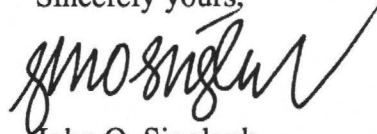
If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of a decision pending appeals shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

For questions or comments, please contact Richard Jacobsen or Jim Gianola of my staff at 885-6000.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John O. Singlaub", written in a cursive style.

John O. Singlaub  
District Manager

2 Enclosures:

1. Removal Plan and FONSI/Decision Record
2. Form 1842-1

# GARFIELD FLAT HERD MANAGEMENT AREA CAPTURE PLAN

## I. INTRODUCTION

This Capture Plan/Environmental Assessment (EA) addresses the Garfield Flat Herd Management Area (HMA) and areas outside of the HMA where excess wild horses would be removed in order to implement the Multiple-Use-Decision (MUD) and to be in compliance with existing laws and regulations. This Capture Plan / EA will remain in effect indefinitely for the Garfield Flat HMA until amended or superseded.

## II. PURPOSE AND AUTHORITY

The purpose of the proposed action is to implement removal and safety measures for the management of wild horses in the Garfield Flat HMA. The overriding goal of management is to maintain the range in a thriving natural ecological balance, maintain the horse in a healthy state and to be in compliance with all existing laws and regulations. The proposed action would adjust the population of wild horses to 83 and then maintain the population within a range of 83 to 125 in the HMA.

The Wild Horse and Burro Act of 1971 (Public Law 92-195), and 43 CFR 4700-4740 provide the authority for the proposed action.

## III. AREAS OF CONCERN

The area of concern is depicted on Attachment #1 and #2.

## IV. METHODS FOR REMOVAL AND SAFETY

Three primary capture techniques would be utilized; helicopter herding, bait trapping or horseback herding, all of which can be performed either in house or via an existing contract. The following applies to all methods of capture:

### A. Helicopter Herding

This method would use a helicopter to herd horses or burros into a trap built with portable panels. If a contract crew is utilized one or more Bureau employees would supervise the contractor at all times during the capture operation to ensure compliance with the contract stipulations. The following stipulations and procedures will be followed during the removal to ensure the safety, welfare and humane treatment of the wild horses or burros, and that the animals are removed from the proper areas.

#### 1. Roundup Procedures within Contract Area:

The Contracting Officer's Representative (COR) or Project Inspectors (PI) will determine specific roundup areas as animal concentration, terrain, physical barriers and weather conditions dictate.

Upon determination of the specific roundup areas, the COR/PI will select the general location of trap sites in which to herd the animals. Animal concentration, terrain, physical barriers and weather conditions will all be considered when selecting trap sites

## 2. Trapping and Care

a. All trap locations and holding facilities must be approved by the COR/PI prior to construction. Proposed trap sites and holding facilities will be inventoried prior to construction in order to avoid those areas where cultural resources exist. 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.

b. The helicopter shall be used in such a manner that bands of horses will remain together. Foals shall not be left behind. A minimum of one saddle-horse shall be immediately available at the trapsite to accomplish roping if necessary. Roping will only be used as a supplemental gather technique when determined necessary by the COR/PI and District Manager. Under no circumstances shall animals be tied down for more than one hour.

c. 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.

d. 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:

1. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 6 feet high for horses and 5 feet for burros, and the bottom rail of which shall not be more than 1 foot from the ground level. All traps and holding facilities shall be oval or round in design.

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

3. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. 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.

4. Wings shall not be constructed out of barbed-wire or other materials injurious to animals and must be approved by the COR/PI. Wings may be constructed along existing fencelines, at the discretion of the COR/PI, only if the barbed wire or other wire fencing material is removed from the fence posts and laid on the ground for the length of the wing, or if portable panels are placed along the inside of the fence to protect the animals from injury from fence wire.

5. All crowding pens including the gates leading to the runways shall be covered with material which prevents the animals from seeing out (plywood, burlap, snowfence etc.) and

shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 to 6 feet for horses. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.

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

7. 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 made.

8. 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.

9. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government would require that animals be restrained for the purpose of determining an animals age or similar practice. In these instances, a portable restraining chute would be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the capture area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, 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 would be at the discretion of the COR/PI.

10. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than 2 pounds of hay per 100 pounds of estimated body weight per day. An animal that is held at a temporary holding facility from no later than 5:00 p.m. and through the night, is defined as a horse feed day. An animal that is held for only a portion of a day does not constitute a feed day.

11. Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g., rubber, galvanized metal with rolled edges, rubber over metal) so as to avoid injury to the animals.

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

13. The contractor shall restrain sick or injured animals if treatment 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.

14. 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 to be released back into the HMA following gather operations may be held up to two days or as directed by the COR/PI. Animals shall not be held in traps and or temporary holding facilities on days when no work is being conducted except as specified by the COR/PI. The Contractor shall schedule shipments of animals to arrive at final destinations between 7:00 am. and 4:00 pm. No shipments shall be scheduled to arrive at final destinations on Sunday and Federal holidays, unless prior approval has been obtained by the COR/PI. 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 is at the discretion of the COR/PI.

15. Following the release of animals from corrals or trailers, the area surrounding the release site will be monitored to determine the success of the release prior to the contractor moving to another area or the termination of the task order.

16. If possible all horses to be released will be turned into areas where adequate forage and water are readily available and no damage to the resource will occur as a result of their presence.

### 3. Motorized Equipment

a. 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 1 year old) of all tractor/stocktrailers used to transport animals to the final destination.

b. 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.

c. Only stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities. Only stocktrailers, or single deck trucks shall be used to transport animals from temporary holding facilities to final destination. Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from the floor. Single deck trucks with trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Trailers less than 40 feet shall have at least one (1) partition gate to providing two (2) compartments within the trailer to separate the animals. The compartments shall be of equal size plus or minus 10 percent. 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.

d. All vehicles used to transport animals to final destination shall be equipped with at least one (1) 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 to transport animals shall be held COR/PI.

e. Floors of vehicles, trailers and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.

f. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);

6 square feet per horse foal (0.75 linear foot in an 8 foot wide trailer);

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

h. 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.

#### B. Bait Trapping

This method would involve the use of either water or feed as an enticement to lure wild horses into a trap consisting of portable panels using a one way gate or trip closure system. Capture and post capture handling of the wild horses is addressed in the helicopter herding section of this document.

#### C. Horse Back Herding

This method would involve herding the wild horses horseback into a trap consisting of portable panels. Capture and post capture handling of the wild horses is addressed in the helicopter herding section of this document.

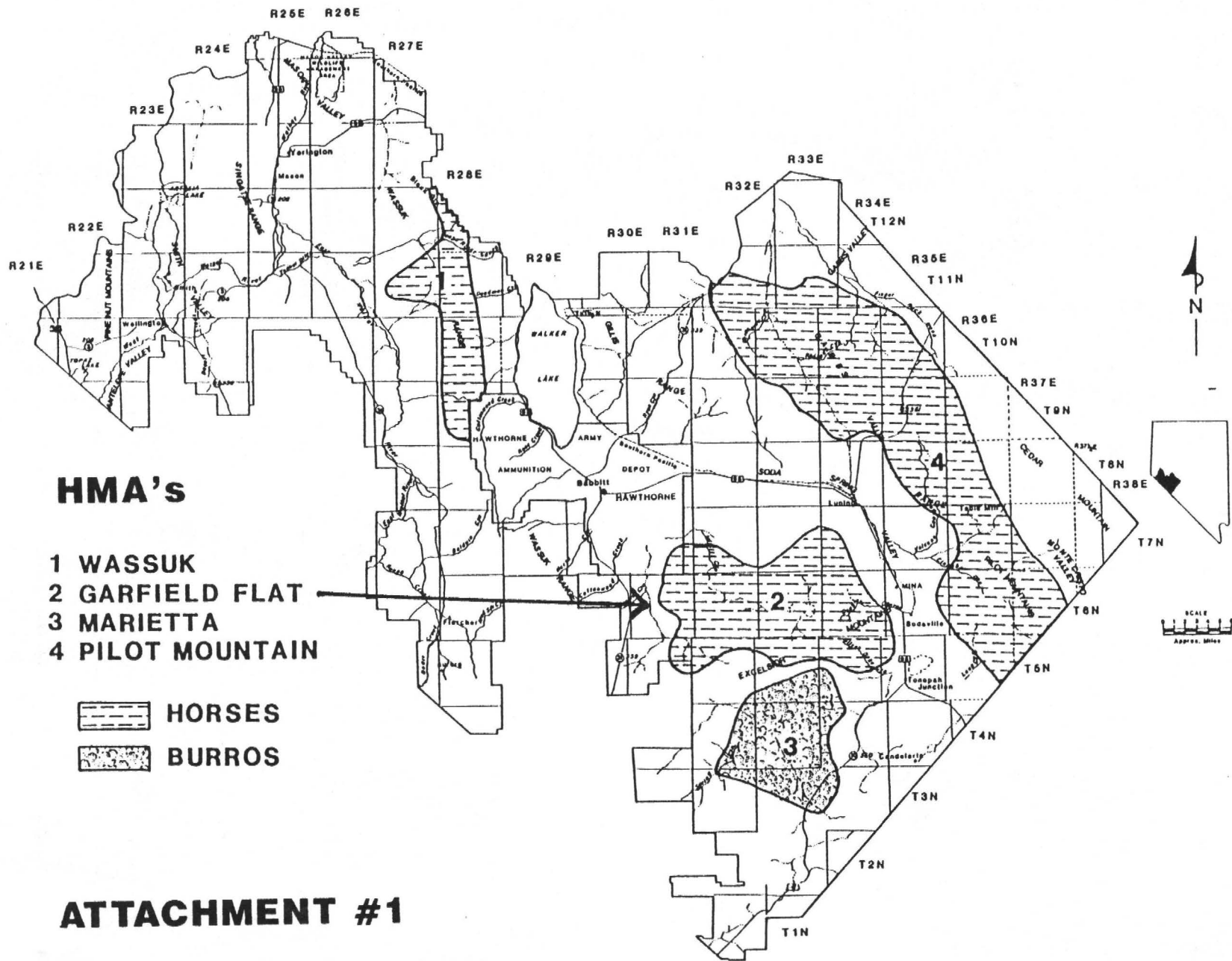
### V. DISPOSITION OF REMOVED ANIMALS

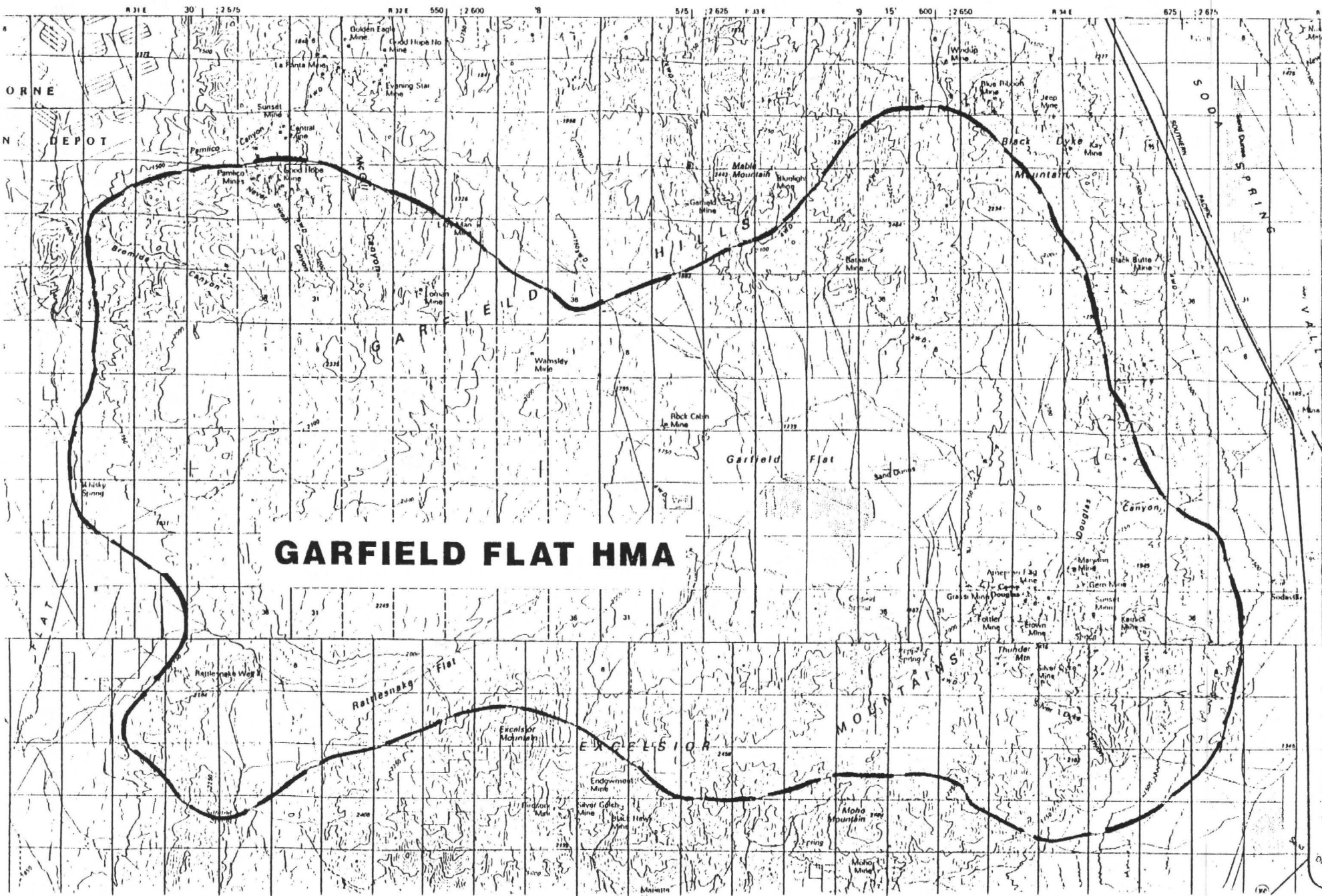
The wild horses would be sent to either Palomino Valley Wild Horse and Burro Placement Center or other facilities, as required, to be processed for adoption. Impounded, privately owned animals will be processed according to State law and Bureau policy.

## VI. RESPONSIBILITY

The District Managers are responsible for maintaining and protecting the health and welfare of the wild horses/burros. To ensure the contractor's compliance with the contract stipulations, the COR/PIs from the District, would be on site. Also, the Assistant District Managers for Renewable Resources in addition to the District Managers are very involved with guidance and input into the removal plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the District Manager, Assistant District Managers, COR and PIs.







# GARFIELD FLAT HMA

## FINDING OF NO SIGNIFICANT IMPACT AND DECISION RECORD

Decision: Implement the Garfield Flat Herd Management Area Capture Plan. The major action in the subject plan is removing excess wild horses from the HMA. The plan will guide the Bureau's actions throughout the course of the gather.

Finding of No Significant Impacts: Based on the analysis of potential environmental impacts contained in the environmental assessment, impacts are not expected to be significant and an environmental impact statement is not required.

By maintaining the population of wild horses within a range of 83 to 125, the vegetation utilization levels will be maintained at sustainable levels (< 55% use). This action is not significant because a viable population of wild horses would be maintained within the HMAs and the vegetation, wildlife and livestock would not be adversely impacted.

To avoid adverse impacts to foals, foals would be weaned from their mares prior to the release of older excess mares into other Herd Management Areas. This action is not significant because impacts are avoided.

Unavoidable impacts in the form of injuries to the horses may occur during the removal process. Death loss is not expected to exceed 1% of the horses captured at the trap site. Some stress to the horses would be associated with the capture operations, however, after adoption, the horses become accustomed to captivity. Because the loss of animals due to accidents is low, the impacts involved in the capture operation are not significant.

Rationale for Decision: The decision to implement this Capture Plan is in conformance with the Walker RMP and the Multiple Use Decision for Garfield Flat Allotment. This action will maintain the range in a thriving ecological balance and prevent a deterioration of the range, as analyzed in the subject EA, in accordance with Sec. 3(b) of the Wild Free-Roaming Horses and Burros Act, as amended, 16 U.S.C. 1333(b) (1989). This would result in reduced soil erosion, improved plant vigor and density, and improve the physical condition of wild horses.

This action will not adversely impact air quality, ACECs, cultural resources, farmlands, floodplains, Native American religious concerns, T&E species, water quality, wetlands and riparian zones, wild and scenic rivers or wilderness.

