



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Carson City Field Office  
5665 Morgan Mill Road  
Carson City, Nevada 89701  
775-885-6000  
<http://www.nv.blm.gov>



In Reply Refer To:  
4700  
(NV-032)

Dear Interested Public:

**OCT 15 1999**

The Battle Mountain Burn Area Wild Horse Removal Plan (September 24, 1999) addressed several HMAs including the New Pass/Ravenswood HMA which occurs in both the Battle Mountain and Carson City Field Office's area of jurisdiction. The Removal Plan will remove wild horses from the entire New Pass/Ravenswood HMA and surrounding areas. The New Pass/Ravenswood HMA is situated within 4 grazing allotments: Gilbert Creek, Manhattan Mountain, Clan Alpine and Mount Airy/New Pass. The Battle Mountain Burn Area Removal Plan is amended to include the entire New Pass/Ravenswood HMA and surrounding areas. The Battle Mountain Field Office has prepared an EA (NV-062-EA-00-03) for both Field Offices analyzing the impacts of this removal. The EA is available upon request from the Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, NV 89820.

The New Pass Herd Management Area Plan (HMAP), Capture Plan and Environmental Assessment (EA No. NV-030-93-013; 1993) contains a detailed description for the Carson City portion of the HMA. This plan is available upon request from the Carson City Field Office, 5665 Morgan Mill Rd., Carson City, NV 89701. The Battle Mountain Filed Office EA tiers from appropriate sections of the New Pass HMAP, Capture Plan and EA.

If you have any questions pertaining to this proposed action, please contact John Axtell of my staff at (775) 885-6146.

Sincerely,

*for* Daniel Jacquet  
Assistant Manager, Renewable Resources  
Carson City Field Office

1 Enclosure

1. Battle Mountain Field Office Burn Area Wild Horse Removal Plan, (11 pp)



United States Department of the Interior

Bureau of Land Management  
Battle Mountain Field  
50 Bastian Road  
Battle Mountain, Nevada 89820

BUREAU OF LAND MGMT  
CARSON CITY  
FIELD OFFICE  
1999 OCT -7 PM 12:17

In Reply Refer To:  
4700  
NV-060  
Sept. 24, 1999

Dear Interested Party:

In July and August, 1999 a series of lightening caused fires burned an area in excess of 1.6 million acres within the State of Nevada. Over 700,000 acres were within Lander, Elko and Eureka Counties. These fires consumed primarily grass-sagebrush and pinyon-juniper cover types which included two herd management areas and one area outside of the herd management areas, administered by the Battle Mountain Field Office, where wild horses were located. The end result of the devastation was the declaration of a disaster area by the Governor of the State of Nevada and by the U.S. Secretary of Agriculture. Restoration of these burned areas is critical to prevent proliferation of cheatgrass and weeds, which contribute to larger, more devastating wildland fires. Many of the burned areas will have to be closed to grazing to protect the rehabilitation effort.

Enclosed is a gather plan addressing the removal of wild horses within and outside the herd management areas affected by the wildfires and covered by the 1999 Northern Nevada Fire Complex Burned Area Rehabilitation Plan.

In accordance with 43 CFR 4770.3 (c), this letter constitutes my final decision to gather excess wild horses within the areas affected by the 1999 wildfires and is placed in full force and effect.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4. If an appeal is taken, your appeal must be filed with the Bureau of Land Management, P.O. Box 1420, Battle Mountain, Nevada, 89820, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) 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 also be submitted to the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, and to the Office of the Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Rm. E-2753, Sacramento, CA 95825, at the same time the original documents are filed with this office

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 rules:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success of 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.

If you have any questions concerning this decision, please contact John Winnepeninkx at the above address or call (775) 635-4058.

Sincerely,

*M. Lee Douthit*

M. Lee Douthit  
Associate Field Manager

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Battle Mountain Field Office

Burn Area  
Wild Horse Removal Plan

## I. INTRODUCTION

The purpose of this removal plan is to outline the methods and procedures to be used in the removal of the wild horses within those areas devastated by recent wild land fires. The removal areas are the New Pass Ravenswood Herd Management Area (HMA) the Rocky Hills HMA and the Simpson Park Mountain Range outside the boundaries of the Callaghan HMA. As a result of the fire activity, the wild horses in the Rocky Hills and New Pass Ravenswood HMAs have moved to areas outside the herd management area boundaries where there is adequate forage. Wild horses that are found outside the boundaries of the Herd Management Areas will also be removed in accordance with 43 CFR 4710.4. This plan will address the relocation of older wild horses that cannot be placed in the adoption program; the temporary holding of older horses in a pasture situation for later reintroduction to their home HMA and the use of fertility control drugs (PZP) on those horses that are placed in holding.

Removal of animals within and outside the herd management areas effected by the wild land fires of 1999 is needed in order to reestablish vegetation in the burned over areas and allow for the rehabilitation of the rangeland resources.

The Wild Horse Gather will be conducted by the Bureau of Land Management (BLM), Battle Mountain Field Office. The removal operation will begin on or after Oct. 20, 1999.

## II. General Area Description-Background Data

### A. Location

The New Pass Ravenswood HMA is located approximately 50 miles southwest of the town of Battle Mountain, Nevada within the Gilbert Creek and Manhattan Mountain Allotments. The Gilbert Creek Allotment includes a portion of the Antelope and Reese River Valleys. The climate in the area is very dry. Precipitation ranges from 8 inches in the valleys to 14 inches in the mountains. The terrain within the area varies from level valleys to high mountains, with elevations ranging from approximately 5,000 feet to over 9,000 feet. The major vegetation type of the lowlands is shadscale and budsage in the flats, Wyoming big sagebrush, mountain big sage, with pinyon-juniper in the intermediate elevations, and low sage and black sage on the higher elevations. The understory vegetation consists primarily of cheatgrass with an scattering of squirreltail and sandberg's bluegrass.

Approximately 99% of the acreage in the burned area is public land. The private land holdings

include most of the principal natural water sources, including Gilbert Spring, Water Canyon, and Big and Little Antelope Springs. Big George Spring, located in the central portion of Antelope Valley, is the sole water source within the valley which was developed as a source of water for wild horses. Big George spring is located north and west of Little Antelope Spring and is in the heart of the burned area.

The Manhattan Mountain Allotment forms the northeastern portion of the herd management area. Approximately 18% of the HMA is within this allotment. Wild horses utilize the Manhattan Mountain Allotment as part of their habitat since water and forage are adequate to meet their needs. Wild horses can be found on the mountain range throughout the year when heavy snow does not cover the mountain. When heavy snow forces the animals from the mountain, the animals move westward into Antelope Valley for forage.

#### Issue:

The New Pass Ravenswood HMA is approximately 43% burned. The fire consumed the antelope valley in the western portion of the HMA. Wild horses that utilize the east side of the HMA on Manhattan Mountain will stay on the east side during most of the year. During heavy snowfall the animals will move off the mountain and graze the lower Antelope Valley area. Since this area is burned, forage would not be available. Fencing the burn would protect the rehabilitation but would prevent the horses from moving to the valley. However, some of the horses would certainly breach the newly constructed fence to gain access to their traditional grazing areas. Recent monitoring of Antelope Valley has found wild horses in the burn area. The horses could move down the east side between the Manhattan Mountain and highway 305 then to the flat south of the mountain range. This area is outside the HMA and there is no water available to the horses in this area. The Manhattan Mountain portion of the HMA will not support all of the horses even if the winter was mild and the snows were light. There is a small group of wild horses that utilize the very southwest portion of the HMA and graze the foothills of the New Pass Mountain Range. They find limited water in small seeps and springs in the foothills.

**Simpson Park Mountain Range:** The Simpson Park Mountains are located northeast of Austin, Nevada and to the south and east of Grass Valley. The mountain range is a steep north and south trending range with elevations reaching to over 9,000 feet.

The major vegetation type on the mountain range is pinyon juniper with various perennial grasses including Idaho fescue, bluebunch wheatgrass, and scattered small aspen stands throughout the range. The lowlands consist of bluegrasses, squirreltail, shadscale green rabbitbrush, big sage and black sage. Wyoming big sagebrush, mountain big sage, with pinyon-juniper predominate the intermediate elevations.

Wild horses on the mountain range are permanent residents that have immigrated from the Callaghan HMA to the west. In November, 1993, 559 wild horses were gathered in the Simpson Park Mountains because the animals had established permanent residency outside of a herd management area. Another gather was conducted in February, 1997 in an attempt to remove wild horses from the area in accordance with 43 CFR 4710.4. The regulation states in part: "Management of wild horses and burros shall be undertaken with the objective of limiting the

animal's distribution to herd areas." The recent wild land fires in the Simpson Park Mountain Range (Trail Canyon BAER Unit) have consumed over 106,000 acres in the Battle Mountain and Elko Districts. The wild horses on the Simpson Park Range have moved to the east in the lower elevations further outside the HMA boundary.

Issue:

The wild horses inhabiting the Simpson Park Mountains are outside the boundaries of the Callaghan HMA. The burn eliminated much of the habitat on which the horses depend. The animals have moved further outside the HMA boundary to obtain forage.

Rocky Hills HMA: The Rocky Hills HMA is, located 54 miles south west of Elko, Nevada. It is approximately 124,000 acres in size, and is 15 miles wide, and 13 miles long. The Rocky Hills HMA is located within a smaller and less steep range of mountains which comprise the northern end of the Simpson Park Mountain Range. Elevations vary from 5,500 to 8,000 feet. Vegetation types are distributed according to topography and elevation and the associated precipitation. Within the highest elevations, and subsequently the greatest precipitation, the vegetation consists primarily of pinyon pine and juniper trees, mountain mahogany and sagebrush. The vegetation is much the same as is described for the Simpson Park range above.

Issue:

The Rocky Hills HMA is approximately 47% burned. Most of the water sources available to the wild horses are within the burned area. Fencing the burned area to protect the rehabilitation effort will effectively eliminate access to water within the boundaries of the HMA. The latest census conducted in September, 1998 found all of the animals within the current burned over areas. Since the burn, most of the animals have moved outside the HMA for forage.

#### B. Justification

Department of the Interior Policy guidelines on Emergency Fire Rehabilitation (EFR) are outlined in the Emergency Fire Rehabilitation Handbook H-1742. This policy states in part: "Wild horses and burros may also need to be excluded from treatment areas. EFR funds may be used for fencing or temporary relocation until the area recovers. Additional use supervision may be required to ensure that wild horses or burros are not accidentally trapped within the treatment areas if they inadvertently gain access. It is also important to ensure that wild horses or burros do not get trapped without access to water or do damage to seeded or recovering burned areas."

The removal of wild horses within the burned areas is necessary to allow for the rehabilitation of the burned areas and to prevent damage to the prescribed treatments.

#### C. Reference to the Land Use Plan

This document is in accordance with the Shoshone Eureka Resource Management Plan and Record of Decision signed on March 10, 1986. Removal of wild horses in the areas affected by the wild fires is consistent with the 1999 Northern Nevada Fire Complex Burned Area Emergency Rehabilitation (BAER) Plan.

A Programmatic EA (No. N66-EA8-42) analyzing the environmental consequences and mitigating measures of the proposed action was prepared and distributed for public comment in May 1988. After the incorporation of public comments, a Record of Decision and Finding of No Significant Impact was approved on 06/30/88. An Environmental Assessment (No. NV-030-92-010) addressing the release and relocation of wild horses was prepared on Jan. 2, 1992. An Environmental Assessment (No. NV-030-92-049) addressing the release and relocation of wild horses was prepared on Aug. 27, 1992. An Environmental Assessment (No. NV062-EA98-005) addressing the use of fertility control drugs to reduce the reproductive rates in wild horses was completed on Dec. 15, 1997. In addition to the above past NEPA documentation, a new analysis is in the process of being completed for the proposed action and will be finalized before the gathering of wild horses is initiated. These documents are available for review at the Battle Mountain Field Office.

#### D. Population and Removal Data

Aerial census data for the areas affected by the burns are as follows.

##### New Pass Ravenswood HMA

The New Pass Ravenswood Herd Management Area was gathered in August and November, 1994 in accordance with a final multiple use decision. Because of budget cutbacks, no census of the HMA has been conducted since that time. The estimated number of horses in the HMA is approximately 400 head.

Rocky Hills HMA: A Helicopter census of the Rocky Hills HMA was conducted in September of 1998. A total of 182 horses were counted during that flight.

Simpson Park: Based on recent information from livestock permittees in the Simpson Park area and Bureau of Land Management employee observations, it is estimated there are a total of 100 wild horses in the area affected by the burn.

#### Recommended Management Action:

1. New Pass Ravenswood HMA: Remove all of the wild horses within the Manhattan Mountain and Gilbert Creek Allotments except for the small group of wild horses in the extreme southwest portion of the HMA (estimated 30 head). All mares 9 years and younger and studs seven years and younger that are removed will be sent to Palomino Valley north of Sparks, NV for placement in the adoption program. All other animals for which an adoption demand does not exist will be stored in a natural setting within Nevada after being treated with the fertility control drug PZP. The animals will be relocated to their home HMA after rehabilitation is complete. It is expected to take two to three years for rehabilitation to be completed.
2. Rocky Hills HMA: Remove all of the wild horses from within and outside the boundaries of the HMA. All mares age 9 and under and all studs age 7 and under will be sent to Palomino Valley and placed into the adoption program. All older animals for which an adoption demand does not exist will be treated with the fertility control drug PZP and stored within Nevada in a

similar free-roaming situation. At the completion of rehabilitation, estimated at two to three years, the animals will be returned to their native herd management area.

3. Simpson Park: Remove all wild horses from the area outside the Callaghan HMA. All mares age 9 and under and all studs age 7 and under will be sent to Palomino Valley and placed into the adoption program. All older animals for which an adoption demand does not exist will be shipped to the Palmetto Herd Management Area<sup>1</sup> near Tonopah, Nevada. Curly horses removed from the Simpson Park Range will be stored and later released in the Lucky C Allotment (up to five (5) head) since this type of horse possess a historic significance to the area and was the type of horse initially inhabiting the area.. (Wooley, Dale E., The Demales and the American Curly Horse. June, 1994, Limited Publication) The release in this area, if feasible, will be accomplished after an analysis of the conditions in the allotment are completed.

In the event that a captured mare, foal or both are in poor physical condition and their survival on the range is questionable, the animals will be held on site until sufficiently healthy to survive on the range or until the gather is completed. If at the completion of the gather it still appears that the animal's survival is questionable, the animal(s) will be sent to Palomino Valley.

3. Destroy all sick, and/or lame animals or animals with genetic defects such as club feet.

### III. Methods for Removal and Safety

The methods employed during this capture operation will be herding animals with a helicopter to a trap built with portable panels. It is the intention of the BLM to contract with a private party for this operation. If a contract is not in place to conduct the capture operation, BLM may conduct the removal using BLM employees. At least one qualified Bureau employee will be supervising the capture operation at all times. The following stipulations and procedures will be followed during the capture operation to ensure the welfare, safety and humane treatment of the wild horses.

#### A. Trapping and Care

1. The primary method for gathering wild horses is the use of helicopter drive trapping. Roping will only be used as a supplemental gather technique when extremely necessary and only after a determination by the on-site Contracting Officer's Representative that helicopter drive trapping has been unsuccessful. Circumstances where roping may be necessary include, but are

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<sup>1</sup>The Palmetto HMA is dominated by two vegetation types - Sagebrush and Pinon-Juniper forest. Black sagebrush (*Artemisia arbuscula nova*) dominates the sagebrush vegetation type with a minor component of grasses. Scattered plant communities of Wyoming big sagebrush (*Artemisia tridentata wyomingensis*) and needleandthread (*Stipa comata*) occur within this vegetation type. The Pinon-Juniper vegetation type is dominated by Pinon pine (*Pinus edulis*) and Utah juniper (*Juniperus osteosperma*). In open canopy, the vegetation is dominated by black sagebrush with scattered grasses. This area is similar to the Simpson Park Mountain Range with respect to vegetation type.



not limited to: 1. when wild horses cannot be captured by helicopter drive trap methods in areas which require complete removal, 2. when it is necessary to capture an orphaned foal or a suspected wet mare. In all cases, when it is determined by the on-site Contracting Officer's Representative that animals must be roped, the roping will only proceed after consultation with the Field Manager.

2. The helicopter shall be used in a manner which encourages bands to remain together. Foals shall not be left behind.

3. The rate of movement and distance the animals travel shall not exceed limitations set by the Project Inspector who will consider terrain, physical barriers, weather, condition of the animals and other factors.

The terrain in each removal area varies from flat valley bottoms to mountainous, and the animals may be located at all elevations during the time the gathering is scheduled.

In general, roads in the capture areas are in fair to good condition. If a problem develops, speed restrictions shall be set roads will be wet down or alternate routes used. The maximum distance over which animals may have to be transported over dirt road is 10 miles. Periodic checks by BLM employees will be made as the animals are transported along dirt roads. If speed restrictions are in effect, then BLM employees will, at times, follow and/or time trips to ensure compliance.

Prior to any gathering operation, BLM will do a pre-capture evaluation of existing conditions in the gather area. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, topography, road conditions, locations of fences and other physical barriers, and animal distribution in relation to potential trap locations.

The evaluation will also arrive at a conclusion as to whether the level of activity is likely to cause undue stress to the animals, and whether such stress would be acceptable, or whether a delay in the capture activity is warranted. If it is determined that the capture efforts necessitate the services of a veterinarian, one will be obtained before proceeding with the capture operation.

The capture crew will be provided with a topographic map of the removal area which shows acceptable trap locations and existing fences and/or physical barriers prior to any gathering operation. The capture crew will also be apprized of the above conditions and will be given direction regarding the capture and handling of animals to assure their health and welfare is protected.

4. More than one trap location will be required to accomplish the work. All trap locations and holding facilities must be approved by the Project Inspector prior to construction. The capture crew may also be required to change or move trap locations as determined by the Project Inspector or to erect additional holding facilities to hold animals which must be housed for a period of time before being returned to the public lands. Written approval of the landowner will be required prior to construction of traps or holding facilities on private land.

General removal areas will be preselected by the Project Inspector after determining the habits of

the animals and observing the topography of the area. Site specific trap locations within the general removal areas will be mutually selected by the Contractor /capture crew and the BLM project inspector. Trap locations will be selected to cause as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive cultural clearances prior to construction if required. Additional trap sites may be required to relieve stress caused by certain conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.)

Due to the many variables affecting the distribution of animals such as weather, health and condition, and time of year, it is not possible to identify specific locations or numbers of traps at this time. They will be determined at the time of the removal operation.

#### IV. RESPONSIBILITY AND LINES OF COMMUNICATION

The Contracting Officer's Representative and Project Inspector, have the direct responsibility to ensure compliance with stipulations set for the capture operation. However, the Assistant District Manager for Renewable Resources in the Elko, Ely and Battle Mountain Districts will take an active role to ensure the appropriate lines of communication are established between the gathering operation and the various BLM offices which will be involved.

All publicity, formal public contact and inquiries will be handled through the Assistant Field Manager for Renewable Resources . The Project Inspector will coordinate the capture operation with the Palomino Valley Holding Facility to ensure animals are transported from the capture site in a safe and humane manner and are arriving in good condition.

Prior to shipping animals to Palomino Valley, brand inspection will be completed by a State Certified Brand Inspector.

The gathering of horses will be in accordance with the current Requirements Contract. These procedures contain, among other things, safety standards, shipment and handling of the horses. A copy of the contract may be obtained by writing to the following address.

Department of the Interior  
Bureau of Land Management  
Bldg. 50, Federal Center  
PO Box 25047  
Denver, Colorado 80225-0047

The contract specifications require humane treatment and care of the animals during the removal operations. These specifications are designed to minimize the risk of injury and death during and after the capture of the animals.

V. Signatures

Prepared by:

John F. Winnepeminkx

John F. Winnepeminkx  
Wild Horse and Burro Specialist  
Battle Mountain Field Office

9/24/99

Date

Approval:

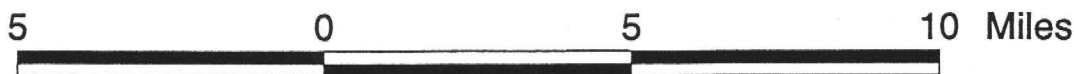
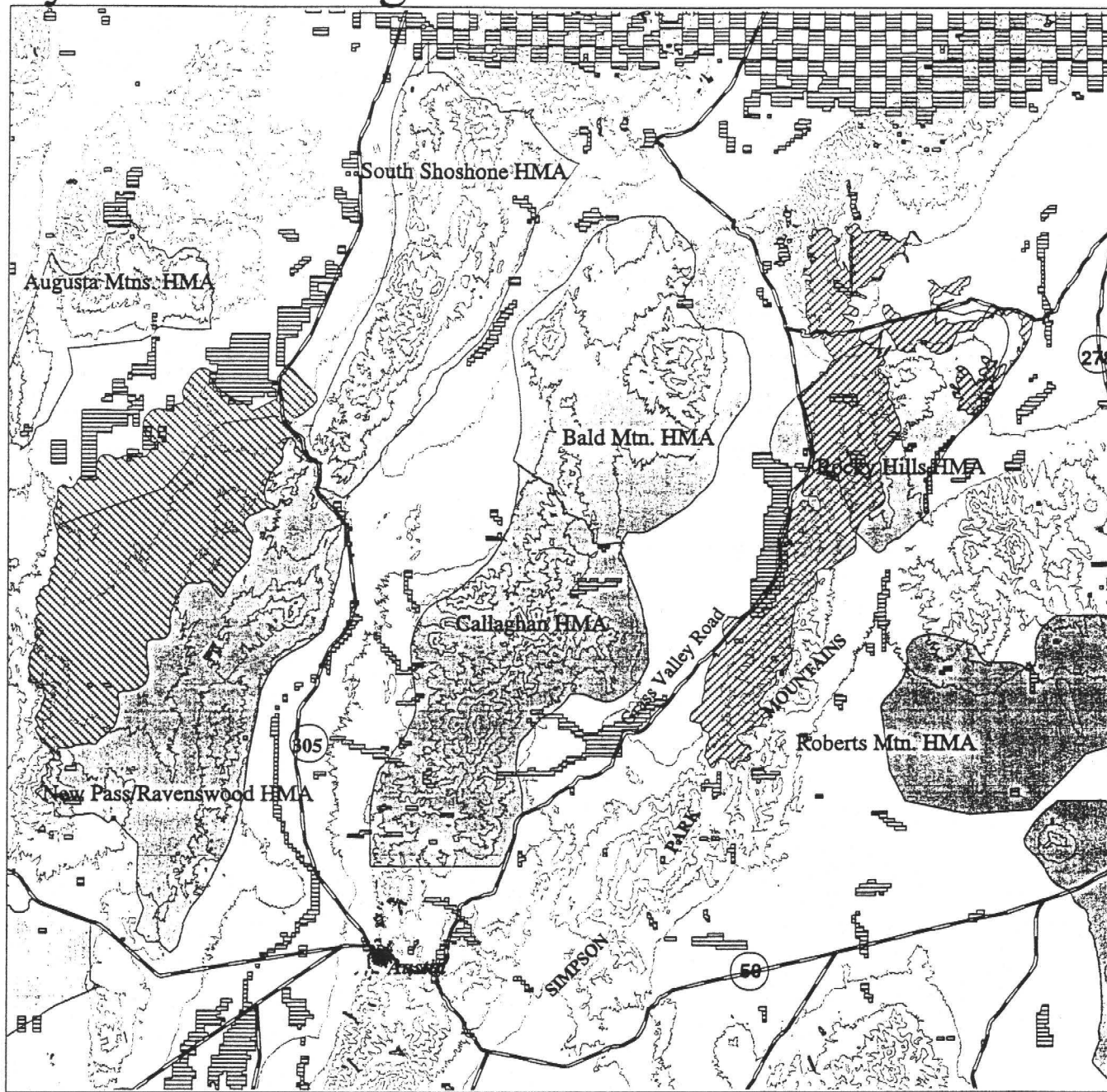
M. Lee Douthit

M. Lee Douthit  
Associate Field Manager  
Battle Mountain Field Office

9/24/99

Date

# Battle Mountain Field Office Herd Management Areas Impacted by Wildfire August 1999



Scale  
1:650000

- Major Roads
- Contour lines
- Antelope Fire Boundary
- Trail Canyon Fire
- Private Land
- Herd Management Areas

This GIS product was compiled from various sources and may be corrected, updated, modified or replaced at any time.