



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, NV 89301-9408

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In Reply Refer To:
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DR/FONSI
SEAMAN AND WHITE RIVER HMAS WILD HORSE REMOVAL PLAN
EA NO. NV-040-96-05

DECISION: I have reviewed the 1996 environmental assessment (EA # NV-040-96-05) for the Seaman and White River Herd Management Areas (HMAs) Wild Horse Removal and I concur with the analysis for this decision. No mitigation is required beyond the Standard Operating Procedures which are considered part of the proposed action. The allotment evaluations and final multiple use decisions (FMUDs) for the allotments within both HMAs also suggest the proposed removal takes place. I concur with the recommendation to conduct a selective removal as described in the Wild Horse Capture/Removal Plan for Seaman HMA and White River HMA.

The non-selected alternatives analyzed in EA # NV-040-96-05 consist of water trapping wild horses, trapping wild horses by herding them on horseback, and no action.

This final decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Seaman and White River HMAs.

Severe drought conditions currently exist within and adjacent to the White River and Seaman HMAs. Forage production is extremely limited. Forage utilization is currently in moderate to severe use categories. From field observations of available forage and water, as well as a review of monitoring data, it has been determined that the wild horses (which are in poor to fair body condition) and their habitats are being adversely impacted.

Approximately 275 excess wild horses must be removed from the White River HMA and approximately 250 excess wild horses must be removed from the Seaman HMA. All wild horses that are removed will be placed into the adoption program regardless of age, during this initial drought related removal. The gather operation will be conducted by helicopter trapping and/or roping. The removal will reduce both HMAs to the lower limits of their respective AMLs, due to extreme drought conditions, which are 77 wild horses remaining in the White River HMA and 136 animals in the Seaman HMA.

Livestock closures will occur on those areas within both HMAs, in conjunction with the removal of wild horses, that are severely impacted by the drought.

Due to the emergency nature of these conditions, it is necessary to implement this action immediately, through a Full Force and Effect Decision. This decision will be implemented on or about September 2, 1996 and will continue until the action is completed.

Rationale: The proposed action will result in wild horses being managed at appropriate management levels (AMLs) within the allotments of the Seaman and White River HMAs, establishing a thriving natural ecological balance among all multiple users. The proposal is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (P. L. 92-195), as amended. It also conforms with the Schell MFP and ROD, as well as the Egan RMP and ROD. In addition, it complies with the provisions of 43 CFR 4710.4 which states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas."

Direct and indirect environmental benefits are anticipated for livestock and wildlife, as well as the remaining wild horses, with the adoption of the proposed action. The removal will result in improvement of the rangeland resources through decreased utilization of the forage and water resources within the HMAs, thus restoring the range to a thriving natural ecological balance.

The immediate removal of excess wild horses from the HMAs is necessary to avert the imminent degradation of the rangeland resources caused by overgrazing of wild horses and to restore the range to a thriving natural ecological balance. It is also necessary to comply with the provisions of 43 CFR 4710.4.

The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically limited forage production and water availability for wild horses. Portions of both HMAs have already been severely overutilized, precipitation is less than 50% of normal, and current forage production is not enough to sustain the animals currently occupying the area.
2. Water availability for the wild horses' consumption is limited throughout both HMAs. Reservoirs are dry and spring flows are below normal, supplying only marginal amounts of water for the wild horses.
3. The animals are already below normal in body condition and will become more stressed as the drought continues, possibly to the point of death from lack of forage and water.

The authority for this decision is contained in Sec. 3 (a) and (b) and Sec. 4 of the Wild Free-Roaming Horse and Burro Act of 1971 (P. L. 92-195), as amended, and Title 43 of the

Code of Federal Regulations. The authority for the Full Force and Effect Decision is contained in the regulations at 43 CFR 4770.3 (c), which states:

"Notwithstanding the provisions of paragraph (a) of 4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."

FONSI: There will not be a significant impact to the quality of the human environment resulting from the implementation of the proposed action. Therefore, an environmental impact statement is not required for this action.

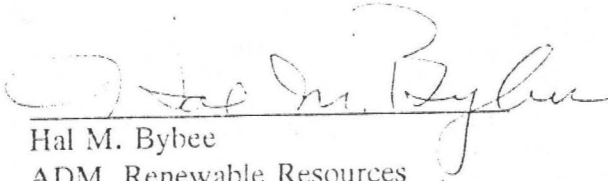
Rationale: Analysis of impacts did not identify any unique or unknown risks, impacts to public health or safety, high levels of public controversy, or impacts to threatened or endangered species. The standard operating procedures will minimize negative impacts and ensure humane treatment of the captured wild horses.

APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3 (a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3 (c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, and (3) the Ely District Office, HC33 Box 33500, Ely, NV 89301-9408. The original files should be filed with this office.

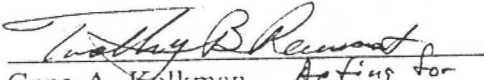
If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

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.

ADDITIONAL INFORMATION: Contact Robert E. Brown of my staff at (702) 289-1843, or write him at the above address.

Concurrence: 
Hal M. Bybee
ADM, Renewable Resources
Ely District

8/26/96
Date

Approval: 
Gene A. Kolkman *Acting for*
District Manager
Ely District

8/26/96
Date

2 Enclosures

1. EA # NV-040-96-05 (18 pp)
2. Capture/Removal Plan (17 pp)

ENVIRONMENTAL ASSESSMENT
for the
SEAMAN AND WHITE RIVER HMAS
WILD HORSE REMOVAL PLAN

EA No. NV-040-96-05

Prepared by
Sheree L. Luttrell and Robert E. Brown
Wild Horse Specialists

Bureau of Land Management
Ely District
Ely, Nevada

BACKGROUND INFORMATION

The Bureau of Land Management (BLM) Ely District is proposing to remove excess wild horses from the White River and Seaman Herd Management Areas (HMAs) as well as the adjacent horse free area. The horse free area is between the White River and Seaman HMAs and was not designated for management of wild horses or burros because they were not residing there as of the passage of the Wild Free Roaming Horse and Burro Act of 1971.

The proposed gather area is located approximately 75 miles south of Ely in Nye County and Lincoln County, Nevada. (See Attached Map).

Purpose and Need

The purpose of the proposed action is to remove excess wild horses from the Seaman HMA and the White River HMA.

The removal of wild horses is necessary to restore the range to a thriving natural ecological balance and multiple use relationship and prevent further deterioration of the vegetation community threatened by an overpopulation of wild horses in the areas identified above. The proposed action involves removals in order to correct resource degradation identified in the analysis of monitoring data conducted during allotment evaluations.

The final phase of the allotment evaluations is the issuance of Final Multiple Use Decisions (FMUDs). The FMUDs establish livestock permitted use and wild horse appropriate management levels (AMLs) which will achieve a thriving natural ecological balance.

Wild horses will be removed from areas outside of the White River HMA and Seaman HMAs to reduce resource damage and as directed by 43 CFR part 4710.4 which states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas."

The AMLs set in the FMUDs, the number of animals to remain, the September, 1995 census numbers and the number of horses to be removed are shown in Table 1.

Table 1. Appropriate Management Levels by Allotment as Identified in Final Multiple Use Decisions, Latest Census Data and Number to Be Removed in 10/96.

Allotment	Latest Census 9/95	Partial AMLs	15% below AML	Number to Remove 10/96
White River HMA				
Duckwater	80 (960 AUMs)	10 for 9 months (90 AUMs)	8 for 9 months (72 AUMs)	74 (888 AUMs)
Hardy Springs	220	24	20	200
North Cove	0	0	0	0
Subtotal	300	31	26	274
Seaman HMA				
Sunnyside	64	17	14	50
Forest Moon	66	15	13	53
Batterman Wash	0	0	0	0
Dry Farm	0	0	0	0
Wilson Creek	0	12 horses for one month (12 AUMs)	10 horses for one month (10 AUMs)	0
Subtotal	130	33	28	102
Outside HMAs				
"Reserved for Wildlife"	71	0	0	71
TOTAL	501	64	54	447

The number of horses to remain reflects 15% below established AML to conform with current Nevada policy and the Strategic Plan. Removing horses to a level 15% below AML also keeps the population more in balance with available forage throughout the three year rotation schedule for removals. Also, by removing once every three years, the animals are not subjected to the intensity of stress as would occur with annual removals to maintain the median AML every year.

Numbers by allotment are for information only. Exact numbers to remain and to be removed are on a total HMA basis. The numbers may vary within an allotment and horses will not be considered excess unless the total AML for the HMA is exceeded.

Wild horses will not be removed during the 10/96 removal from those allotments which do not have AML established through FMUDs unless emergency drought conditions warrant removal. Those allotments include Cove, Wells Station, Fox Mountain, Needles, West Timber Mountain, Coal Valley Lake, South Coal Valley, Timber Mountain and Black Bluff. Once AMLs are established, future removals will occur as necessary from these allotments.

Wild horses are managed on an HMA basis so that numbers within each allotment may vary. Only when the total AML for the HMA is exceeded will horses be removed. Table 2 shows the remaining allotments within the HMAs that do not have AML established or finalized. When AMLs are established through FMUDs for these allotments, removals will occur to attain AML. This capture/removal plan will cover all future removals for these two herd areas. The Seaman Herd Management Area Allotment Evaluation recommends the AML be set at 126 horses yearlong for those allotments listed below for the Seaman HMA. This figure will be added to the AML established previously through the evaluation/decision process for the other five allotments within the HMA. Therefore, the AML for the entire Seaman HMA would be 159 wild horses plus or minus 15 percent. The Allotment Evaluations for the Wells Station Allotment and the Cove Allotment recommend the AML's be set at 14 horses yearlong, 42 horses yearlong and 10 horses for 3 months respectively for both allotments. This figure will be added to the AML established previously through the evaluation/decision process for the three other allotments. Therefore, the AML for the entire White River HMA would be 90 wild horses plus or minus 15 percent.

Table 2. Allotments Within the HMAs that Do Not Have AML Established. Wild Horses Will Not be Removed From These Allotments During the Initial Removal (10/96), unless FMUDs Have Been Issued.	
White River HMA	Seaman HMA
Allotment	Allotment
Wells Station	Needles*
Cove	West Timber Mt.*
	Coal Valley Lake*
	South Coal Valley*
	Timber Mountain
	Fox Mountain*
	Black Bluff*

* These allotments are being evaluated together and are the result of proposed boundary changes. Old allotments within the new allotment boundaries include Oreana Spring, North Hiko-Six Mile, Seaman Springs, and Middle Coal Valley,

Relationship to Planning

This EA is tiered to the Schell Grazing Environmental Impact Statement (EIS) which analyzed the general ecological impacts of managing rangelands in the Schell Land Use Plan (LUP) area under a program of monitoring and adjustment of wild horses and livestock. The plan is in conformance with the Schell Management Framework Plan (MFP) and Record of Decision (ROD). This EA is a project specific refinement of the EIS, focused on the removal of excess wild horses in the White River and Seaman HMAs. The decisions regarding overall rangeland management analyzed in the Schell EIS will be implemented by the Seaman/White River Removal Plan.

The plan is also in conformance with the Proposed Egan Resource Management Plan and Final Environmental Impact Statement and Record of Decision.

The plan is in conformance with the 1971 Wild Free-Roaming Horse and Burro Act (Public Law 92-195), as amended. The proposal is also consistent with the Lincoln and Nye County Plan(s) for Public Lands developed in compliance with Nevada Senate Bill 40 in 1985 which states, "Manage wild horses to minimize detrimental impacts on other multiple uses and pursue resource enhancement where needed to correct wild horse caused damage." The

removal plan is also in conformance with the Strategic Plan for Management of Wild Horses and Burros on Public Lands, (issued June 1992, U.S. Department of the Interior, Bureau of Land Management).

Major Issues

This proposal is concerned with two major issues. The first issue is to maintain a thriving natural ecological balance and multiple use relationship in the area by managing wild horses within HMA boundaries at a level established through the evaluation of monitoring data. The second issue is the humane treatment and safe handling of the wild horses during capture, care, temporary holding, and transportation to the BLM adoption preparation facility.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action consists of using a helicopter to initially remove approximately 447 excess wild horses. Future removals will probably occur once every three years until populations are kept under control through the use of fertility control actions and/or selective removals.

The removal will be selective according to age of the animals. Animals between the ages of zero to nine years will be removed from the HMAs, in compliance with current Nevada and National Policy. Future removals will comply with policy at the time of removal. All the horses will be removed from the horse free area, but only animals between zero and nine may be shipped for adoption. Any horses over the age of 9 years will be released back into HMAs in areas where they will not easily return to the horse free area. An equal number of younger animals will need to be removed from the HMAs to accommodate the older, less adoptable horses from the horse free area.

Neither of the HMAs will be reduced below the numbers to remain as identified in Table 1. Subsequent removals may be based on this removal plan and EA until monitoring data reveals that a change in AML is needed.

A post removal census may be conducted on each area of the HMAs to ensure that the identified population levels remain after the removal is complete. Census will depend upon funding. Horses will be released back into the HMA to maintain these numbers, if necessary.

The horses will be captured using a helicopter to herd animals into portable wing traps. The initial removal is scheduled to occur in October 1996.

It is estimated that 4-5 temporary traps with deflector wings encompassing less than 1 acre each would be constructed on public lands in and adjacent to the herd areas. Temporary trap and corral sites would be selected by the contractor and approved by BLM. Each facility would be constructed from portable pipe panels. These traps would be moved as needed during the capture operation and completely removed from the area after the contract is completed. A contracted helicopter and experienced wranglers would be used to drive and direct horses to each trap site in an efficient and careful manner. Hazards such as cliffs, fences, and old mine shafts would be located in advance and avoided. Existing roads and trails would be used whenever possible. Captured excess horses will be hauled in stocktrailers to the National Wild Horse and Burro Center at Palomino Valley, Nevada, for processing, and then will be shipped to distribution centers for adoption. Horses that might be held at the trap site in excess of 10 hours would have food and water provided.

Branded trespass horses or other claimed horses and their current year's foals would be impounded and held until trespass fees, capture fees, and other associated costs as determined by the ADM Renewable Resources are paid to the Bureau. Once the fees are paid, these animals would be turned over to the owner. Branded horses not claimed would be treated under the Nevada State estray laws.

Applicable Standard Operating Procedures

These standard operating procedures (SOPs) are part of the proposed action:

- (1) Horse handling will be kept to a minimum. Capture and transporting operations can be traumatic to the animals. Minimizing handling will increase the safety of the animals, as well as the handlers.
- (2) No capture will be allowed during the foaling season, between March 1 and July 1, because of the potential stress to pregnant and lactating mares and the possibility of induced abortions.
- (3) Horses will not be run more than 10 miles nor faster than 20 miles per hour during capture operations and capture will be done in the early morning and early evening to avoid overheating horses during hot weather.
- (4) A veterinarian will be on call during capture operations.
- (5) Trap sites or holding corrals will not be placed in areas of any known listed or proposed threatened or endangered plant or animal species.
- (6) A cultural resources investigation by an archaeologist or a district archaeological technician will be conducted prior to any trap or holding corral construction. If cultural values are discovered, an alternate site will be selected.

(7) Helicopters will be used with caution. The COR/PI will be present at the capture site to ensure that all regulations and contract stipulations are adhered to. The Authorized Officer may also have a helicopter on site to use in monitoring and supervising the contract. This helicopter will be used with discretion to minimize disturbance of horses that would make capture more difficult. However, it will be used as needed to assure that the contractor is complying with the contract specifications.

(8) Captured horses that are obviously lame, deformed, or sick will be humanely disposed of at the trap site.

(9) Every effort will be made to keep mares and their young foals together.

(10) A BLM law enforcement agent will be present if needed during the capture operation to provide protection for personnel working on the removal, as well as the captured horses.

(11) Temporary traps and corrals will be removed and sites will be left clean of all debris within 30 days following the capture operation.

(12) No traps or holding corrals will be established within WSAs and motorized vehicles will be confined to existing roads and ways.

In addition to the standard operating procedures, the stipulations and specifications as listed in the Wild Horse Removal Plan for Seaman HMA/White River HMA will be considered a part of the proposed action.

Alternatives

Different methods of capturing wild horses are discussed in the removal plan and will be briefly discussed in the alternative section of this environmental assessment. Current economic and political constraints limit "technically feasible and reasonably available" alternatives which could be expected to attain the objectives of the proposed action.

Alternative I - Water Trapping Wild Horses

Water trapping wild horses, though easier on the animal, is not feasible due to winter snows. Therefore, this alternative will not be considered further. Future removals may incorporate water trapping but a separate analysis will occur prior to using water trapping.

Alternative II - Trapping Wild Horses by Running Them on Horseback

Trapping horses by running them on horseback is not feasible because it is too easy to lose the horses after starting them towards the trap. Injuries to both people and horses are more likely. The cost factor shown from previous removals using this method indicates that the costs are prohibitive. This alternative will, therefore, not be considered further.

Alternative III - No Action

Under the No Action alternative no capture operations would be conducted; no wild horses would be removed. Herd numbers would not be held at the levels established through analysis of monitoring studies and wild horses would remain established outside of HMA boundaries. Section 3(b)(2) of the Wild Free-Roaming Horse and Burro Act (PL 92-195) states in pertinent part "...When the Secretary determines... that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels." Since the no action alternative would not be in conformance with the Wild Free-Roaming Horse and Burro Act, the land use plan or the FMUDs, this alternative will not be considered further.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

A complete description of the affected environment can be found in the Schell Unit Resource Analysis (URA, 1981), the Draft Schell Grazing EIS (1982), the Egan RMP/EIS, and the Allotment Evaluations. These documents are on file at the BLM Ely District Office. Certain elements of the affected environment, which are necessary to understand the anticipated impacts, will be described in the environmental consequences section for the proposed action.

ENVIRONMENTAL CONSEQUENCES

There would be no impacts from the proposed action to threatened or endangered species (plants or animals); floodplains; wetlands; areas of critical environmental concern; wild and scenic rivers; visual resource management; prime or unique farmlands; cultural, paleontological, and historical resource values; Native American Religious concerns, or wastes, hazardous and solid.

Threatened and Endangered Plants: One plant which is a category 2 candidate for Federal listing as an endangered species has been located adjacent to the Seaman HMA. This plant is the Eastwood milkvetch (Asclepias eastwoodiana), and it could occur in low alkaline clay hills or shallow, gravelly drainages within the HMA. Traps and holding corrals will avoid these areas, and therefore no impacts to this plant are expected.

Threatened and Endangered Animals: Bald eagles and peregrine falcons may be found in the HMAs any time of the year. No special use areas have been identified and the proposed removals are not expected to impact these species.

Water and Riparian: There are few springs located within the White River or Seaman HMAs. Water sources including troughs off pipelines, and reservoirs show heavy use by wild horses and cattle.

Reduced wild horse numbers would lessen grazing and trampling at water sources. Reduced wild horse and livestock numbers would lessen the competition among wild horses, wildlife, and livestock for limited water supplies, which in turn would contribute to a more favorable water quality for all animals.

Wilderness Values: A small portion of The Riordan's Well Wilderness Study Area (WSA) is within the initial removal area. The entire Weepah Spring WSA is within the Seaman HMA. The use of aircraft for removing wild horses from within WSAs is consistent with the Interim Management Policy and Guidelines for Lands Under Wilderness Review (11/10/87), since it is considered a non-impairing activity. Since no traps or holding corrals will be established within the WSAs and motorized vehicles will be confined to existing roads and ways, no impacts to the WSAs are anticipated.

Social and Economic Values: Positive management and maintenance of wild horse numbers at a viable herd level could bring vicarious pleasure to wild horse advocates. The removal of excess wild horses from the removal area would please local sportsmen and livestock operators. Proceeding with the removal would help public relations for the Ely BLM District. There would be an economic benefit to the private contractor who is hired to remove the excess wild horses. The removal of younger age classes of horses will provide more suitable animals to meet the demands of the wild horse adoption program.

Air Quality: Short-term increases in dust levels caused by operation of ground vehicles and running horses would occur. Short-term impacts to air quality would also occur during capture operations and handling of horses, resulting from helicopter and vehicle exhaust emissions.

Wild Horses: The HMA locations are shown on the attached map. At the present time, the wild horses have virtually unrestricted movement within each HMA, including movement between allotments. A considerable number of wild horses are using an area between the White River HMA and the Seaman HMA, and adjacent to the HMAs on the east and west sides.

From analysis of data it was determined that maintaining wild horses at established AMLs in the White River HMA and Seaman HMA will maintain an ecological balance among vegetation, wild horses, wildlife, and livestock.

A negative impact on wild horses would be expected during capture and handling. This would result from effects of capturing, trapping, loading, and hauling the animals. The use of helicopters to capture excess wild horses may result in leppy foals and split bands, as well as injured horses. Incidents like these tend to be increased if the animals are pushed too hard. Death loss is not expected to exceed 2% of the horses captured. The standard operating procedures and contract specifications will minimize the negative impacts from capture, and help ensure humane treatment and safe handling of the wild horses during capture, care, temporary holding, and transportation to the BLM adoption preparation facility.

The proposed action will result in an increase in the proportion of wild horses over 10 years in age. This proportion cannot be identified until the proposed removal has been completed. Since these older horses will not be sterilized, reproduction is expected to continue. Studies have shown that feral mares continue to reproduce with only slight reduction beyond the 10 year age (Garrott and Taylor, 1990; Garrott et al., 1991). Studies have also shown that with the reduced post removal density, reproductive success will probably increase (Garrott and Taylor, 1990; Fowler, 1991). Since the genetic material that is responsible for the characteristics of the Seaman and White River herds remains in the older age classes, the removal of younger animals will have little effect on the physical characteristics or adaptability of future generations. The effect of releasing these older horses back into the herd area and the removal of younger horses will be monitored. A balanced sex ratio and releasing some younger horses will be considered in order to maintain the genetic integrity of the wild horses in the two HMAs.

Removal operations may disrupt band structure either temporarily or permanently and cause some stress to individuals. A certain degree of heterozygosity may be lost from a small population as a result of removals. However, removals may disrupt the band structure of remaining wild horses which would facilitate recombination of adult horses which may lead to an increase in average heterozygosity. Enough horses would remain to maintain viable herds and provide for interaction between bands. Reduced competition among wildlife, livestock, and horses for forage, water, cover, and living space would result in better condition animals, as well as higher survival and reproduction rates in each. Managing the wild horses within HMA boundaries at the established levels based on an analysis of monitoring data will help maintain the ecological balance and multiple use relationship of the area.

Demographic and biological information can be obtained from the captured animals (sex and age structure of the population, presence of parasites or diseases, etc.). This information is useful for future wild horse management.

Based on an analysis of the monitoring data within the initial removal area (Table 1), 447 excess wild horses need to be removed to maintain a thriving natural ecological balance in the area.

Soils: Areas which presently exhibit soil erosion and compaction would be impacted because the reduction in numbers of animals will cause decreased trampling. New trampling areas and resultant soil compaction would be created at the trap and holding corral sites by the large number of horses concentrated there. The impact would be minor since the impacted area would be small in relation to the removal area, and the duration of the removal is short.

Vegetative cover has a direct influence on the erosion potential of soils. The reduction in horse numbers and the resultant reduction in vegetative utilization (especially in heavy use areas) would have both short and long-term impacts to the soil resource. Less soil compaction and improved soil production potential, would be most important in heavy horse

use areas.

Vegetation: Utilization studies and use pattern mapping of the vegetation completed since 1982 show that areas within the HMAs are currently receiving heavy and severe use. This use can be attributed to wild horses, which graze yearlong, and to cattle, which graze during their established seasons of use by allotment. Use on the horse free area can also be attributed to both wild horses and livestock.

Percentages of wild horse and cattle use are based on actual use data, aerial census data, field observations, and distribution analysis of where the grazing use by individual species occurred. At current population levels, the ecological status of the HMA and surrounding area will continue to deteriorate.

Key area frequency transects are established in both HMAs and will be read approximately every five years. Determination of key areas and establishment of frequency transects was done and will continue, following established procedures in the Nevada Rangeland Monitoring Handbook and BLM Handbook TR 4400-4. All utilization studies were conducted using the key forage plant method as recommended in the Nevada Rangeland Monitoring Handbook and BLM Handbook TR 4400-3. Refer to the Allotment Evaluations and Management Action Selection Reports for allowable use levels established for key management species within these allotments.

Monitoring data and analysis of those data are presented in the allotment evaluation summaries. These documents provide a detailed analysis on which this removal proposal is based. These documents are on file at the BLM Ely District Office. (Studies files - 4400.2; evaluation files - 4400.3).

Removal of wild horses will prevent further deterioration of the range due to the wild horse overpopulation. By removing the excess wild horses, the remaining population will allow for a thriving ecological balance among wild horses, wildlife, livestock and vegetation. The allotment specific objectives for vegetation, as stated in the allotment evaluations, will be attained through this removal of excess wild horses and the forthcoming livestock adjustments.

There would be a short-term impact to the vegetation at the trap sites and holding corrals, which would be less than 1 acre each. The vegetation would be severely trampled by all the horses that would be concentrated at those locations. This would be a minor impact, though, because the impacted areas would be small in relation to the removal area. Vegetative regeneration would be expected within 2 to 3 years depending on climatic conditions.

The reduction in wild horses would have a long-term impact on the vegetative community of the area. The ecological condition of the different plant communities would improve after the removal. The more desirable grasses and shrubs would not be utilized as heavily. Production of these species would increase, as would their percentage of composition within the

community.

The invasion of undesirable grasses and forbs would not be as great under the proposed action. Decreased grazing pressure would slow downward trends in overall range condition and would improve the ecological balance and multiple use relationship of the area.

Wildlife: A minor impact to wildlife is expected during the removal. Some animals could be temporarily frightened or displaced by the increased activity during the removal operation. Helicopters have been observed to produce negative impacts on wildlife species - running and panic behavior in big game species, flight response in waterfowl, and frantic escape behavior in eagles and other raptors. Although the precise overall impacts of low-flying aircraft on wildlife are not known at the present time, caution will be exercised in using helicopters in wildlife concentration areas to minimize the impacts.

Any reduction in wild horse numbers should reduce competition for forage and result in a beneficial impact to the elk, mule deer, and antelope herds. Reduced competition for the supply of mountain brush and other forage should help the elk, deer and antelope through hard winters and reduce winter losses.

Reduced use and trampling on riparian areas should benefit a large number of wildlife species. Reduced trampling would enhance sage grouse habitat since they use riparian areas for brooding. Reduced trampling would benefit mule deer habitat since these areas serve as fawning areas and provide much needed nutrition for lactating does.

Livestock Grazing:

There would be a slight impact to livestock grazing as a result of the proposed action. Livestock would be disturbed by the activities associated with the removal. This would be a short-term impact and only on those allotments being used at the time of the removal. There would be no impact to the other allotments.

The proposed action would have a long-term positive impact on livestock grazing on all the allotments in the removal area. Forage competition would be reduced after the removal.

PROPOSED MITIGATING MEASURES

1. Wherever possible, capture will avoid areas of high concentrations of elk, mule deer and antelope to avoid stressing these animals.
2. Livestock concentrations will be avoided whenever possible to reduce the disturbance to them during the removal.
3. Horses will normally not be kept within the traps or corrals for more than 1 day to minimize stress to the animals and trampling effects and soil compaction, unless

approved by the Authorized Officer. Number of horses to be held may vary depending on how many are caught in any one area. Horses may be held longer than 1 day, dependent upon shipping schedules, number of horses captured, or other unforeseen circumstances.

4. Contractors and BLM personnel will be informed by the COR/PI of WSA locations and restrictions on motorized vehicle use within the WSAs.

SUGGESTED MONITORING

The COR/PI will continuously monitor the removal operation to ensure compliance with all conditions and stipulations in this EA. The project area will be cleaned (trash and debris) prior to release of the Contractor. The temporary traps and holding corrals will be removed by the Contractor within 30 days following contract completion.

The COR/PI will conduct an aerial census (funding permitting), of the HMAs immediately following the removal to determine whether the proper number of horses remains. Additional aerial census will be conducted every 1 to 2 years thereafter (funding permitting) to monitor the growth of the herds. If numbers exceed the proper number for management based on analysis of monitoring studies, a follow-up removal will be conducted to again reduce the herd to its appropriate management level. Follow-up removals may occur every three years to conform to the Strategic Plan.

Horses that are released back into the HMAs will be monitored within 72 hours to ensure that animals have found water and forage and are not trapped behind fences or other barriers. Monitoring will also include looking for foals which may have been abandoned. The wild horses in the two HMAs will be monitored to ensure the genetic integrity of the herds is maintained.

CONSULTATION AND COORDINATION

Intensity of Public Interest

Nationally, the issue of wild horses on western public rangelands has been an intense controversy spanning many years and beginning prior to the passage of the Wild Free-Roaming Horse and Burro Act in 1971. Wild horse preservationists are generally concerned with maintaining adequate habitat on public lands for optimum population levels of wild horses and viable herds.

Ranchers who graze livestock on public lands view excess wild horses as competitive with livestock for forage and water. However, some ranchers and others support a maintenance of reasonable numbers of wild horses.

Sportsmen and other wildlife interests also see excess horses as a competitive threat to wildlife populations and site competition for food, water, cover, and space as being detrimental.

Nevada, the state with the highest wild horse population, was also home state of the wild horse protection movement fostered by the late Velma Johnston ("Wild Horse Annie"). In Nevada, ranching is a mainstay business in rural counties. The levels of public interest in wild horses are high in Nevada, both from the protection and removal viewpoints. The Bureau of Land Management in Nevada has been and is involved in wild horse related court litigation. Litigations have been brought by protectionist groups seeking to stop what they view as unwarranted horse removals. Recent litigations have been brought by private landowners, including livestock permittees, many of whom have requested removal of wild horses from their private lands.

Since public interest is high and the wild horse program is of a controversial nature, public notification of the project was given and public comments were solicited for a period of 30 days (see the following list). Comment letters were received from the Commission for the Preservation of Wild Horses, the Nevada Division of Wildlife, and the USFS, Ely Ranger District. Their concerns were addressed in this final environmental assessment.

Record of Persons, Groups, and Agencies to be Contacted

- American Bashkir Curly Register
- American Horse Protection Association
- American Mustang and Burro Association
- Animal Protection Institute of America
- Bureau of Land Management, Nevada State Director
- Bureau of Land Management, Las Vegas District Manager
- Duckwater Tribal Council
- International Society for the Protection of Wild Horses and Burros
- Fund for Animals
- Georgia Earth Alliance, Ms. Gloria Wilkins
- The Humane Society of the United States
- Humane Society of Southern Nevada
- L.I.F.E. Foundation, Ms. Barbara Eustis-Cross,
- Lincoln County Commission
- Alan Chamberlain, Lincoln County Commissioner
- National Mustang Association
- Natural Resources Defense Council
- The Nature Conservancy, Ms. Jan Nachlinger
- Nevada Commission for the Preservation of Wild Horses
- Ms. Julie Butler, Nevada State Clearinghouse Coordinator
- Nevada State Department of Agriculture
- Nevada Cattlemen's Association

- Nevada Humane Society
- Nevada Division of Wildlife, Region II and III
- N-4 Grazing Board, Mr. Chris Collis
- Nevada Farm Bureau Federation
- Nevada Outdoor Recreation Association
- Nevada Wildlife Federation
- Nevada Wool Grower's Association
- Nye County Commission
- Resource Concepts, Inc.
- Rutger's Law School
- Save the Mustangs
- Sierra Club, c/o Ms. Rose Strickland
- United States Fish and Wildlife Service
- United States Wild Horse and Burro Foundation
- United States Forest Service, White Pine Ranger District
- Wild Horse Organized Assistance
- Ms. Deborah Allard
- Ms. Jonielle Anderson
- Mr. Paul Clifford Jr.
- Mr. Craig C. Downer
- Ms. Anne Earle
- Mr. Steven Fulstone
- Mr. Joe Higbee
- Mr. Varlin Higbee
- Mr. Bruce Jensen
- Mr. Chet Johnson
- Ms. Vanessa Kelling
- Mr. Donald Molde
- Ms. Tina Nappe
- Mr. Orren Nash
- Mr. Bertrand Paris
- Ms. Claudia J. Richards
- Ms. Bobbi Royle
- Ms. Amanda Rush
- Ms. Nan Sherwood
- Mr. Nolan Shumway
- Mr. Gary Sprouse
- Mr. Thomas Steele
- Mr. Wayne Stevens
- Mr. Gracian Uhalde
- Mr. Charles Wadsworth
- Mr. Monte Wadsworth
- Ms. Edie Wilson

Internal District Review

Robert Brown
Mark Henderson
Rick Waldrup

Wild Horses and Burros
Cultural Resources
Visual Resources Management/Recreation/ Wilderness

Jack Norman
Mark Barber
Paul Podborny
Chris Mayer
Jake Rajala

Soils/Air/Watershed/Water Quality
Riparian/Threatened and Endangered Animals
Wildlife
Range/Threatened and Endangered Plants
Socio-Economics/Environmental Coord./Land Use
Planning

Alfred W. Coulloudon
Kirk Laird
Darrell Winter
Harry Rhea

Rangeland Management
Geology
Lands
Forestry

Timothy B. Reuwsaat
Hal Bybee

Associate District Manager
ADM Renewable Resources

SIGNATURES

Prepared by:

Robert E. Brown

Robert E. Brown
Wild Horse and Burro Specialist
Ely District

8/26/96
Date

Reviewed by:

Jake A. Rajala

Jake A. Rajala
Dist. Environmental/ Planning Coordinator
Ely District

8/26/96
Date

Timothy B. Reuwsaat

Timothy B. Reuwsaat
Associate District Manager
Ely District

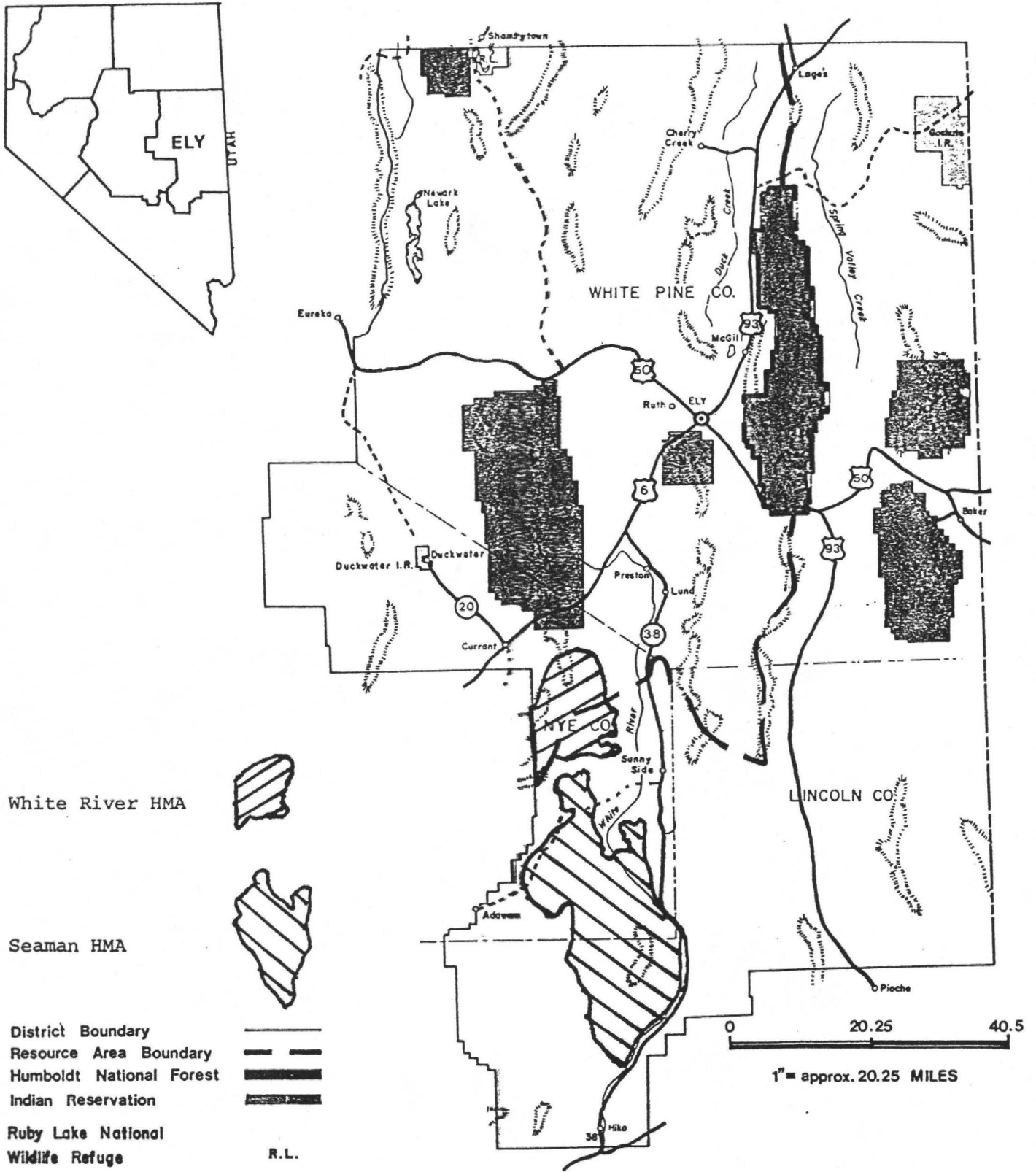
8/26/96
Date

Hal M. Bybee

Hal M. Bybee
ADM Renewable Resources
Ely District

8-26-96
Date

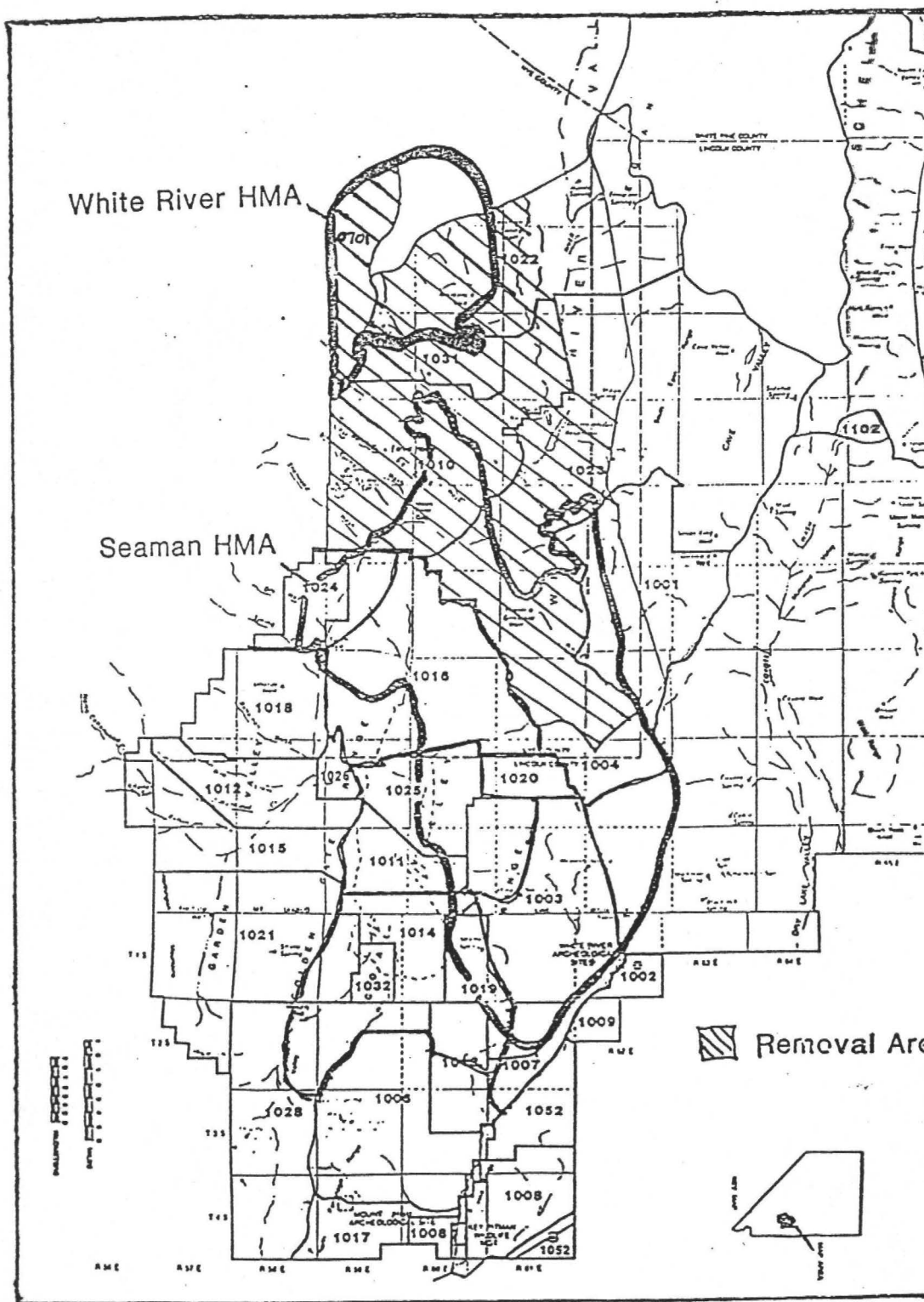
General Location Map



ELY DISTRICT

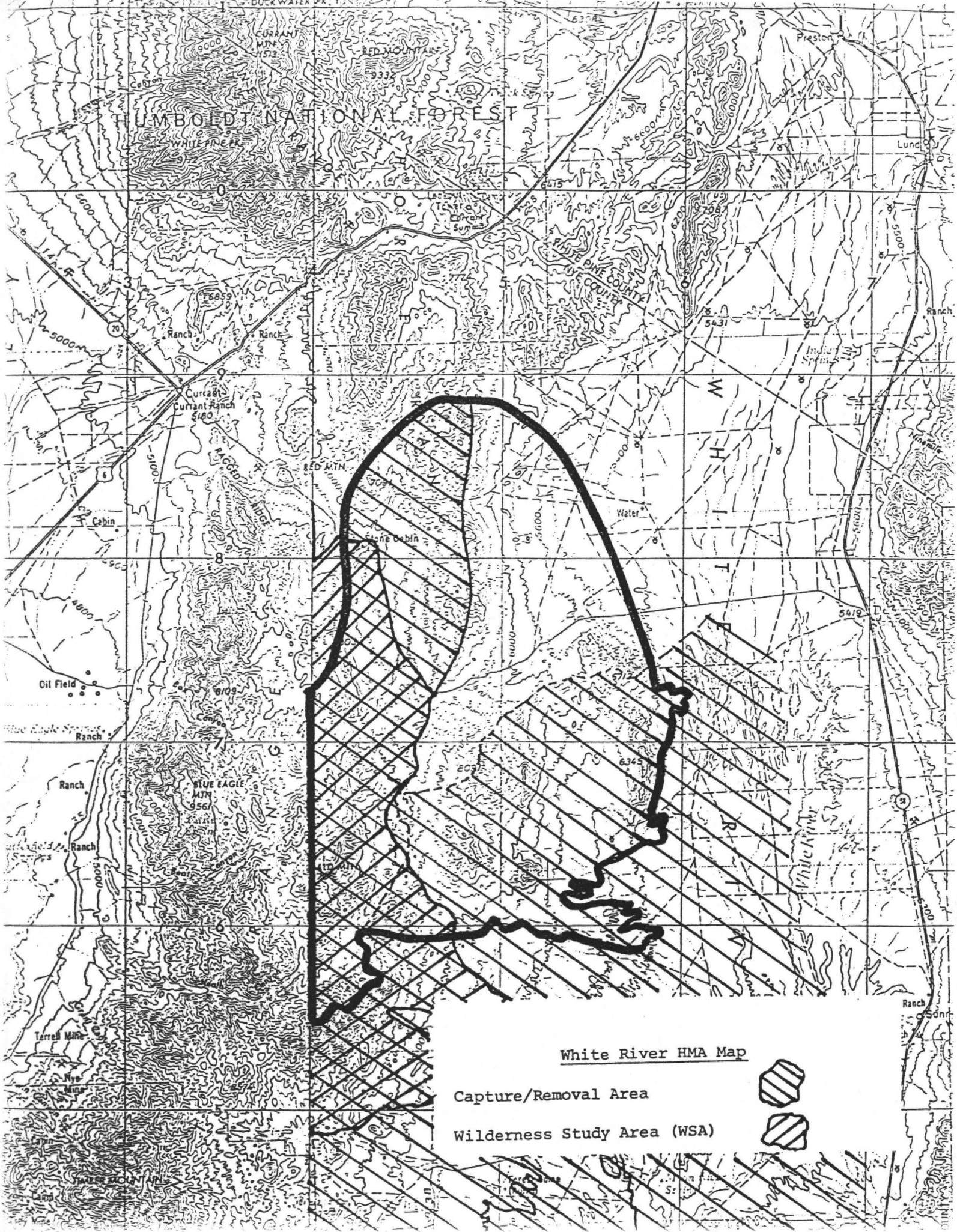
BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR

INITIAL REMOVAL AREA (2/96)



ALLOTMENTS

- 0701 Duckwater
- 1010 Forest Moon
- 1022 Hardy Spring
- 1023 Sunnyside
- 1031 "Reserved for Wildlife"



HUMBOLDT NATIONAL FOREST

White River HMA Map

Capture/Removal Area

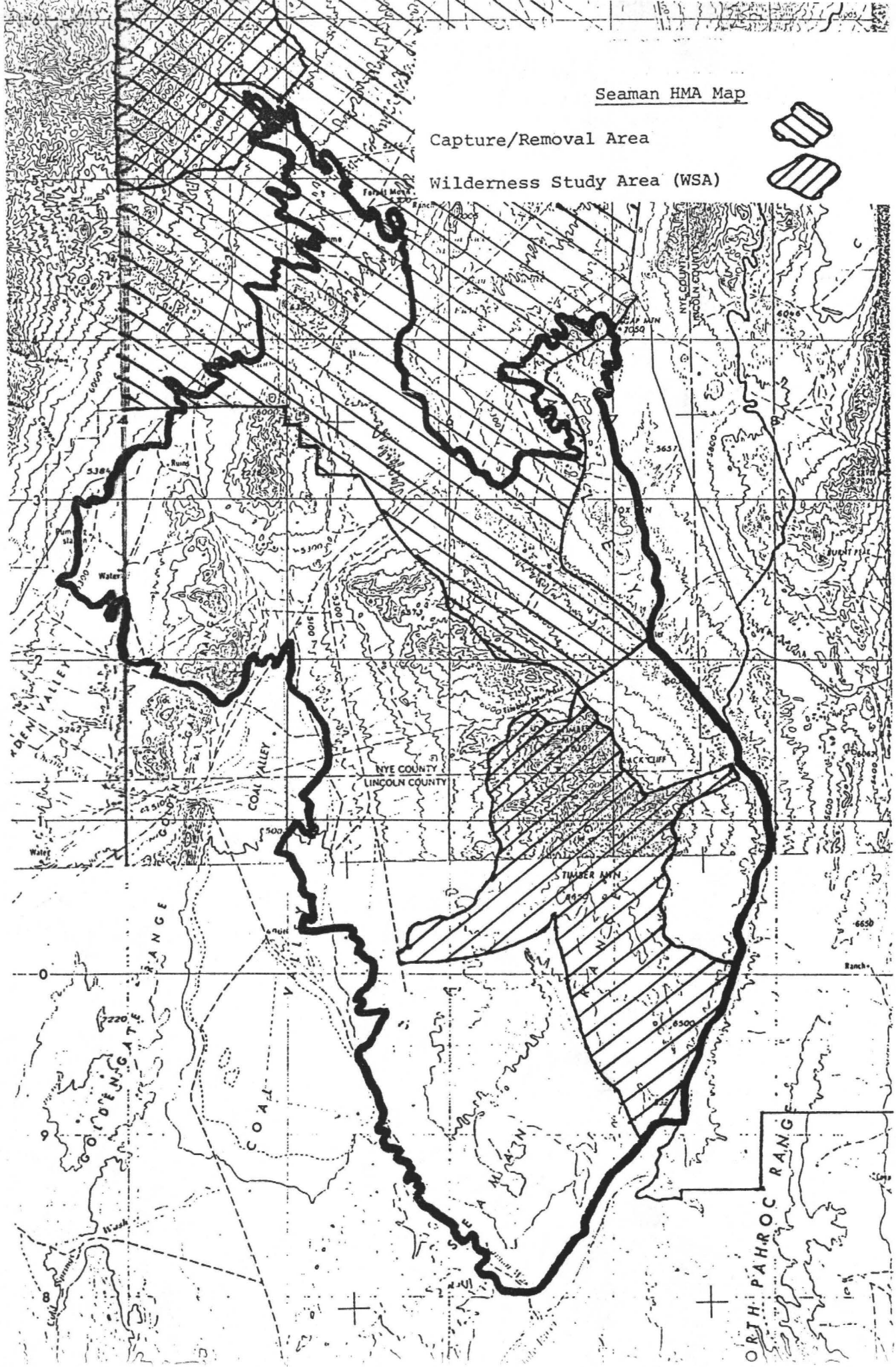
Wilderness Study Area (WSA)



Seaman HMA Map

Capture/Removal Area

Wilderness Study Area (WSA)



WILD HORSE
CAPTURE/REMOVAL PLAN FOR
SEAMAN HMA AND WHITE RIVER HMA

Prepared by Sheree L. Luttrell and Robert E. Brown
Wild Horse Specialists

Bureau of Land Management
Ely District
Ely, Nevada

CAPTURE/REMOVAL PLAN FOR THE SEAMAN AND WHITE RIVER HMAS

I. Purpose and Rationale

The proposed action is to capture and remove excess wild horses from the Seaman and White River Herd Management Areas (HMAs) and adjacent horse free areas. Horses up to the age of nine years old will be removed unless emergency conditions exist which may require horses above nine years old to be removed in compliance with National and Nevada policy. Future removals will follow policy in effect at the time of removal. The initial removal is scheduled to occur in October 1996; however, emergency drought conditions may require horses to be removed earlier than scheduled. Subsequent removals may occur to maintain appropriate management levels (AMLs).

The proposed action(s) will: (1) restore the range to a thriving natural ecological balance, (2) prevent further deterioration of the range threatened by an overpopulation of wild horses, and (3) bring the populations of wild horses to a level in balance with available forage within the Seaman and White River HMAs.

This document outlines the process and events involved with the capture and/or removal of wild horses from the Seaman and White River HMAs. The methodology will remain the same for future removals if they become necessary. Included are the initial numbers of horses to be captured, the time and method of capture, and the handling and disposition of captured horses. Also outlined are the BLM personnel involved with the roundup, the Contracting Officer's Representatives (COR), the delegation of authority, the briefing of the contractor(s), and the pre-capture evaluation held prior to capture operations.

Relationship to Planning

The capture area is not covered by a herd management area plan (HMAP); however, the proposed action is in conformance with the Schell Management Framework Plan (MFP) and Record of Decision (ROD). The plan is also in conformance with the Proposed Egan Resource Management Plan and Final Environmental Impact Statement and Record of Decision. This action is an implementation of the allotment evaluations and Final Multiple Use Decisions (FMUDs) within the herd areas. IBLA has ruled "...that it is not necessary that BLM prepare an HMAP as a basis for ordering the removal of wild horses, so long as the record otherwise substantiates compliance with the statute. Indeed, 43 CFR 4710.3-1 does not require preparation of an HMAP as a prerequisite for a removal action. Thus, we are not persuaded that preparation of an HMAP must in all cases precede the removal of wild horses from an HMA/WHT, and decline to order preparation of HMAP's." (IBLA 88-591, 88-638, 88-648, 88 679, at 127).

The removal also implements the Strategic Plan for Management of Wild Horses and Burros on Public Lands (SP), issued on 6/92; U.S. Department of the Interior, Bureau of Land Management. The SP states that only animals between the ages of 1 and 3 years should be

removed. However, current National and Nevada policy is to remove animals up to nine years of age from HMAs and from horse free areas.

II. Area of Concern

The capture areas in the Seaman and White River HMAs are located approximately 75 miles south of Ely in Nye and Lincoln Counties, Nevada. The Seaman HMA is entirely within the Schell Land Use Plan (LUP) area of the Ely District BLM. The White River HMA is just north of the Seaman HMA, in Nye County, Nevada. The White River HMA is in the Schell LUP area and the Egan LUP area of the Ely District BLM. The Ely District has management responsibilities for both HMAs. Maps of the proposed removal areas are attached.

III. Number of Horses to be Captured/Removed

All AMLs were established through the evaluation of monitoring data which was conducted during the allotment evaluation/ multiple use decision process. The last step in the allotment evaluation process is the issuance of Final Multiple Use Decisions (FMUDs) for each allotment. The FMUDs established the AMLs identified in Table 1. All AMLs established included a range of $\pm 15\%$ to allow the populations to increase to a certain size before a removal is necessary. Populations will be removed to 15% below the AML and will be allowed to increase to 15% over AML before a removal is initiated. This means fewer removals will be necessary over time which reduces stress on the animals.

Table 1 also shows the latest census data for each allotment and the number to be removed in October 1996.

Table 1. Appropriate Management Levels by Allotment as Identified in Final Multiple Use Decisions, Latest Census Data and Number to Be Removed in 10/96.

Allotment	Latest Census 9/95	Partial AMLs	15% below AML	Number to Remove 10/96
White River HMA				
Duckwater	80 (960 AUMs)	10 for 9 months (90 AUMs)	8 for 9 months (72 AUMs)	74 (888 AUMs)
Hardy Springs	220	24	20	200
North Cove	0	0	0	0
Subtotal	300	31	26	274
Seaman HMA				
Sunnyside	64	17	16	50
Forest Moon	66	15	13	53
Batterman Wash	0	0	0	0
Dry Farm	0	0	0	0
Wilson Creek	0	12 horses for one month (12 AUMs)	10 horses for one month (10 AUMs)	0
Subtotal	130	33	28	102
Outside HMAs				
"Reserved for Wildlife"	71	0	0	71
TOTAL	501	64	54	447

AMLs established in the FMUDs are final and will only change when new monitoring data indicate that a change is needed. This capture/removal plan addresses the methodology and procedures to be used to capture and remove the animals to attain and maintain the established AML.

Wild horses are managed on an HMA basis so that numbers within each allotment may vary. Only when the total AML for the HMA is exceeded will horses be removed. Table 2 shows the remaining allotments within the HMAs that do not have AML established or finalized. The allotment evaluations are completed on these allotments but the proposed and final multiple use decisions (FMUD) have not yet been issued. When AMLs are established through the FMUDs for these allotments, removals will occur to attain AML. This capture/removal plan will cover all future removals for these two herd areas. The Seaman Herd Management Area Allotment Evaluation recommends the AML be set at 126 horses yearlong for those allotments listed below for the Seaman HMA. This figure will be added to the AML established previously through the evaluation/decision process for the other five allotments within the HMA. Therefore, the AML for the entire Seaman HMA would be 159 wild horses plus or minus 15 percent. The Allotment Evaluations for the Wells Station Allotment and the Cove Allotment recommend the AML's be set at 14 horses yearlong, 42 horses yearlong and 10 horses for 3 months respectively for both allotments. This figure will be added to the AML established previously through the evaluation/decision process for the three other allotments. Therefore, the AML for the entire White River HMA would be 90 wild horses plus or minus 15 percent.

Table 2. Allotments Within the HMAs that Do Not Have AML Established. Wild Horses Will Not be Removed From These Allotments During the Initial Removal (10/96), unless FMUDs have been issued.	
White River HMA	Seaman HMA
Allotment	Allotment
Wells Station	Needles*
Cove	West Timber Mt.*
	Coal Valley Lake*
	South Coal Valley*
	Timber Mountain
	Fox Mountain*
	Black Bluff*

* These allotments are being evaluated together and are the result of proposed boundary changes. Old allotments within the new allotment boundaries include Oreana Spring, North Hiko-Six Mile, Seaman Springs, and Middle Coal Valley.

The initial removal will be selective by age and only animals between the ages of zero to nine will be removed from the HMAs in conformance with Nevada State Policy. All animals outside the HMAs will be removed and horses nine years old and younger will be shipped to PVC. Horses older than nine years will be released back into the adjacent herd areas from which they were captured. To remove 447 animals in the proper ages classes, approximately 650 animals will need to be captured, based on an estimate that 30% of the population is over 9 years of age. Older horses will be released back to the area of capture after the operations are complete in that area. Released animals will be monitored within 72 hours to ensure that they are not caught behind fences and that they have found water and forage.

IV. Time and Method of Capture

The initial removal is scheduled for October 1996. Future removals will be conducted when the need arises and when funding becomes available. Timing of the removals is also dependent on the statewide priority schedule. Because the HMAs are adjacent to each other, it would be less expensive and more efficient to combine the removals. However, if funding is not sufficient for both HMAs, the removals may be conducted separately. Horses will not be captured or removed during the foaling season (March 1 to July 1).

The method of capture will be to use a helicopter to herd the animals to portable wing traps. It is estimated that 4 or 5 trap locations will be required to accomplish the work.

Other methods of capture are not being considered in the Seaman and White River HMAs. Water trapping wild horses, though easier on the animal, is not feasible due to winter snows available to horses in the proposed capture area. Trapping horses by running them on horseback is not feasible because it is too easy to lose the horses after starting them towards the trap; injuries to both people and horses are more likely and the cost factor shown from previous roundups using this method indicates that the costs are prohibitive.

The terrain in the removal area varies from flat valley bottoms to mountainous, and the horses could be located at all elevations depending on the time of year the removal is conducted. There are few physical barriers and fences in the area and the contractor will be instructed to avoid them.

V. Administration of the Contract

BLM will be responsible for overseeing a contract for the capture, care, aging and temporary holding of approximately 447 wild horses from the capture area for the initial removal. BLM is also responsible to oversee the transportation to the adoption preparation facility as specified in the removal contract.

Within two weeks prior to the start of the contract, BLM will conduct a pre-capture evaluation of existing conditions in the capture area. The evaluation will include animal

condition, prevailing temperatures, snow 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 a delay in the capture activity is warranted. If it is determined that the capture can proceed with a veterinarian present, the services of a veterinarian will be obtained before the capture will proceed.

The contractor will be briefed on duties and responsibilities before the notice to proceed is issued. There will also be an inspection of the contractor's equipment at this time to ensure that it meets specifications and is adequate for the job. Any equipment that does not meet specifications must be replaced within 36 hours. The contractor will also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations, wilderness study area boundaries and motorized equipment limitations, and the presence of fences and other dangerous barriers.

At least one authorized BLM employee, a Contracting Officer's Representative (COR) or Project Inspector (PI) will be present at the site of captures/removals. The COR/PI will be directly responsible for the capture/removal. Other BLM personnel may be needed to assist the operation; i.e. an archaeologist or an archaeological technician to conduct cultural inventories, and a BLM law enforcement agent to protect BLM personnel and property from unlawful activities.

The CORs/Pis are directly responsible for the conduct of the capture/removal operation and for reporting progress to the Ely District Manager, and the Nevada State Office.

The Associate District Manager (ADM) for Renewable Resources and the Ely 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 most important concern and responsibility of the District Manager, ADM Renewable Resources, and CORs/Pis.

All publicity, public contact, and inquiries will be handled through the ADM Renewable Resources. The manager will also coordinate the contract with the National Wild Horse and Burro Center at Palomino Valley, the adoption preparation facility, to assure there is space available in the corrals for the captured horses, animals are handled humanely and efficiently, and animals being transported from the capture site are arriving in good condition.

The COR/PI will constantly evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be ensured through issuance of written instructions to the contractor, stop work orders and default procedures should the contractor not perform work according to the stipulations.

To assist the COR/PI in administering the contract, the BLM will have a helicopter available, as needed, at the roundup site. This helicopter will be used with discretion to minimize

disturbance of horses that would make capture more difficult. However, it will be used as needed to assure that the contractor is complying with the specifications of the contract and to ensure the humane capture of animals.

If the contractor fails to perform in an appropriate manner at any time, the contract will not be allowed to continue until problems encountered are corrected to the satisfaction of the COR/PI.

VI. STIPULATIONS AND SPECIFICATIONS

A. TRAPPING AND CARE

All capture attempts shall be accomplished utilizing helicopter drive-trapping and shall incorporate the following:

1. Trap and Holding Facility Locations. All trap locations and holding facilities must be approved by the COR and/or 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.

The COR/PI will ensure that the general location of the trap is close to major concentrations of horses. General locations of traps will be selected by the COR after determining the habits of the animals and observing the topography of the area. Specific locations may be selected by the contractor with the COR/PI's approval within this general preselected area. Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads.

Due to the many variables such as weather, time of year, location of horses, and suitable trap sites, it is not possible to identify specific locations at this time. They will be determined at the time of the capture.

Trap sites or holding corrals will not be placed in areas of any known threatened or endangered species or in areas of candidate species.

A cultural resources investigation by an archaeologist or an archaeological technician will be conducted prior to trap or holding facility construction. If cultural values are found, an alternative site will be selected

Trap sites for capturing horses with a helicopter will not be placed within ¼ mile of water sources such as streams, springs, reservoirs or troughs.

Temporary traps and corrals will be removed and sites will be left free of all debris within 30 days following the operation.

Traps or corrals will not be placed within WSAs and motorized equipment will be limited to existing roads and ways. Helicopters may be flown over the WSA but will not land unless an emergency exists. The contractor will be informed of all WSA boundaries and limitations.

2. Rate and Distance of Movement. 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 to be herded more than 10 miles nor faster than 20 miles per hour. The COR/PI may decrease the rate of travel or distance moved should the route to the trap site pose a danger or cause avoidable stress (steep and/or rocky). Animal condition will also be considered in making distance and speed restrictions.

Temperature limitations are 10 degrees F. as a minimum and 95 degrees F. as a maximum. Special attention will be given to avoiding physical hazards such as fences.

3. Trap and Holding Facility Construction. All traps, wings and holding facilities shall be constructed, maintained and operated to handle 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 and the bottom rail of which shall not be more than 12 inches from 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 (without holes) 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.
- 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 gates leading to the runways shall be covered with a material which prevents the animals from seeing out

(plywood, burlap, etc.) and shall be covered a minimum of 2 feet 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.**

4. **Fence Modifications.** No fence modifications will be made without authorization from the COR/PI. The contractor shall be responsible for restoration of any fence modification which he has made.

5. **Dust.** 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.

6. **Animal Separation.** Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares 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. The contractor will be required to restrain animals for the purpose of determining age. Alternate pens shall be furnished by the contractor to hold older animals which will be returned to the herd areas. Additional holding pens will be needed to segregate animals transported from remote locations so they may be returned to their traditional ranges. Segregation or temporary marking and later sorting will be at the discretion of the COR/PI.

7. **Food and Water.** 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 two pounds of hay per 100 pounds of estimated body weight per day.

8. **Security.** It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.

9. **Sick or Injured Animals.** The contractor shall restrain sick or injured animals if treatment by the Government is necessary.

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR/PI will have the primary responsibility for determining when an animal will be destroyed

and will perform the actual destruction. The contractor will be permitted to destroy an animal only in the event the COR/PI is not at the capture site or holding corrals, and there is an immediate need to alleviate pain and suffering of a severely injured animal. When the COR/PI is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a final determination. Destruction shall be done in the most humane method available as per Washington Office Wild Free-Roaming Horse and Burro Program Guidance dated January 1983. A veterinarian can be called from Ely if necessary to care for any injured horses.

The contractor may be required to dispose of the carcasses as directed by the COR/PI.

The carcasses of wild horses which die or must be destroyed as a result of any infectious, contagious, or parasitic disease will be disposed of by burial to a depth of at least 3 feet.

The carcasses of wild horses which must be destroyed as a result of age, injury, lameness, or noncontagious disease or illness will be disposed of by removing them from the capture site or holding corral and placing them in an inconspicuous location to minimize the visual impacts. Carcasses will not be placed in drainages regardless of drainage size or downstream destination.

10. Transportation. Animals shall be transported to final destination (the National Wild Horse and Burro Center at Palomino Valley) 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 capture operations may be held up to 21 days or as directed by the COR/PI. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI. The contractor shall schedule shipments of animals to arrive at the final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at 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 at the discretion of the COR/PI.

11. Release of Animals onto Range. Animals which are to be released back to the range will be released in small groups to avoid a herd stampede mentality. Mare/foal pairs will be released together. Stud horses will not be released at the same time as mares or mares with foals to avoid fighting over mares and

injury to foals. If a foal becomes separated from a mare, the foal will be recaptured and sent to PVC.

12. Handling procedures for mares and foals

- a. Mares older than the target age group (over 9 years old in the HMAs and over 9 years old from the horse-free area) will be paired with their foals and both will be returned to the range.
- b. When mares older than the target group will not pair with their foals, the foals will be sent to the National Wild Horse and Burro Center at Palomino Valley (PVC) for adoption and the mares will be returned to the range.
- c. When mares older than the target group will accept their foals, but either the mare or the foal or both are in poor physical condition and their survival on the range is questionable, the animals will be held on site until healthy. If at the termination of the capture operation, it still appears that the animal's survival is questionable, they will be sent to PVC.
- d. When mares within the target age group will accept their foals, the pair will be sent to PVC.
- e. When mares within the target group will not accept their foals, both the mare and foal will be sent to PVC.

B. CAPTURE METHODS FOR HELICOPTER DRIVE TRAPPING

1. The primary method for gathering wild horses and burros is the use of helicopter drive trapping. Roping will only be used as a supplemental gather technique when determined by the on-site COR that drive trapping will not be successful and it is in the best interest of the animals being gathered to capture them using roping techniques. Circumstances where roping may be necessary include, but are not limited to, where all wild horses and burros must be gathered and/or removed from areas specified in the gather plan as being complete removal and those individual animals continue to elude helicopter herding operations and where it is necessary to capture an orphaned foal or a suspected wet mare. In all cases, when it is determined by the COR that a significant proportion of animals must be roped, the roping will only proceed after consultation with the District Manager or their designated representative.
2. The helicopter shall be used in such a manner that bands remain together. Foals shall not be left behind.

3. Helicopter, Pilot and Communications

a. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractors Federal Aviation Certificates, applicable regulations of the State of Nevada and shall follow what are recognized as safe flying practices.

b. When refueling, the helicopter shall remain a distance of at least 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.

c. The COR/PI shall have the means to communicate with the Contractor's pilot and be able to direct the use of the capture helicopter at all times. If communications cannot be established, the government will take steps as necessary to protect the welfare of the animals. The frequency(ies) used for this contract will be assigned by the COR/PI when the radio is used. When a VHF/AM radio is used, the frequency will be 122.925 MHz.

d. The contractor shall obtain the necessary FCC licenses for the radio system.

e. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

f. At time of delivery order completion, the contractor shall provide the COR/PI with a completed copy of the Service Contract Flight Hour Report.

g. All incidents/accidents occurring during the performance of the delivery order shall be immediately reported to the COR/PI.

C. 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 used to transport animals to final destination.

2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to ensure captured animals are transported without undue risk or injury.

3. Only stocktrailers 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 haul animals from temporary holding facilities to final destination(s). 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 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.

4. All vehicles used to transport animals to final destination(s) 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 the 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 by the COR/PI.

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

6. 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);
8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
4 square feet per burro foal (.5 linear foot in an 8 foot wide trailer);

7. 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.

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.

D. CONTRACTOR FURNISHED PROPERTY

1. All hay, water, vehicles, saddle horses, helicopters and other equipment shall be provided by the contractor. Other equipment includes, but is not limited to, a minimum of 2,500 linear feet of 72-inch high (minimum height) panels for traps and holding facilities. 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.

2. The contractor shall furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.

3. The contractor shall furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 MHz.

4. The contractor shall provide a programmable VHF/FM radio transceiver in the contractor's helicopter to accommodate the COR/PI in monitoring the capture operation.

E. GOVERNMENT FURNISHED PROPERTY

The government will provide a portable "Fly" restraining chute at each pre-work conference, to be used by the contractor for the purpose of restraining animals to determine the age of specific individuals or other similar practices. The government may also provide portable 2-way radios, if needed. The contractor shall be responsible for the security of all government furnished property.

VII. BRANDED AND CLAIMED ANIMALS

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

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of this notice, 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.

When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the capture area. If determined necessary at that time by all parties involved, horses will be sorted into three categories:

- a. Branded animals with offspring, including yearlings.
- b. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g., geldings, bobbed tails, photo documentation, saddle marks, etc.).
- c. Unbranded animals and offspring without obvious evidence of former private ownership.

The COR/PI, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming horses. The District Brand Inspector will determine ownership of branded animals and their offspring and, if possible, the ownership of unbranded animals determined not to be wild and free-roaming horses.

Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM pending notification of the owner or claimant.

A separate holding corral will be set up near the temporary holding corral to house these horses until the owner/claimant or BLM can pick them up.

The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges, as determined appropriate by the ADM Renewable Resources in accordance with 43 CFR Subpart 4710.6 and provisions in 43 CFR Subpart 4150. In the event settlement is not made, the horses will be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined, and unclaimed, unbranded horses with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.

The District Brand Inspector will provide the COR/PI a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley (Reno), and for the branded or

claimed horses where impoundment and trespass charges have not been offered or received,
for shipment to public auction or another holding facility.

Prepared by:

Robert E. Brown
Robert E. Brown
Wild Horse and Burro Specialist
Ely District

8/26/96
Date

Reviewed by:

Hal M. Bybee
Hal M. Bybee
ADM Renewable Resources
Ely District Office

8-26-96
Date

Timothy B. Reuwsaat
Timothy B. Reuwsaat
Associate District Manager
Ely District Office

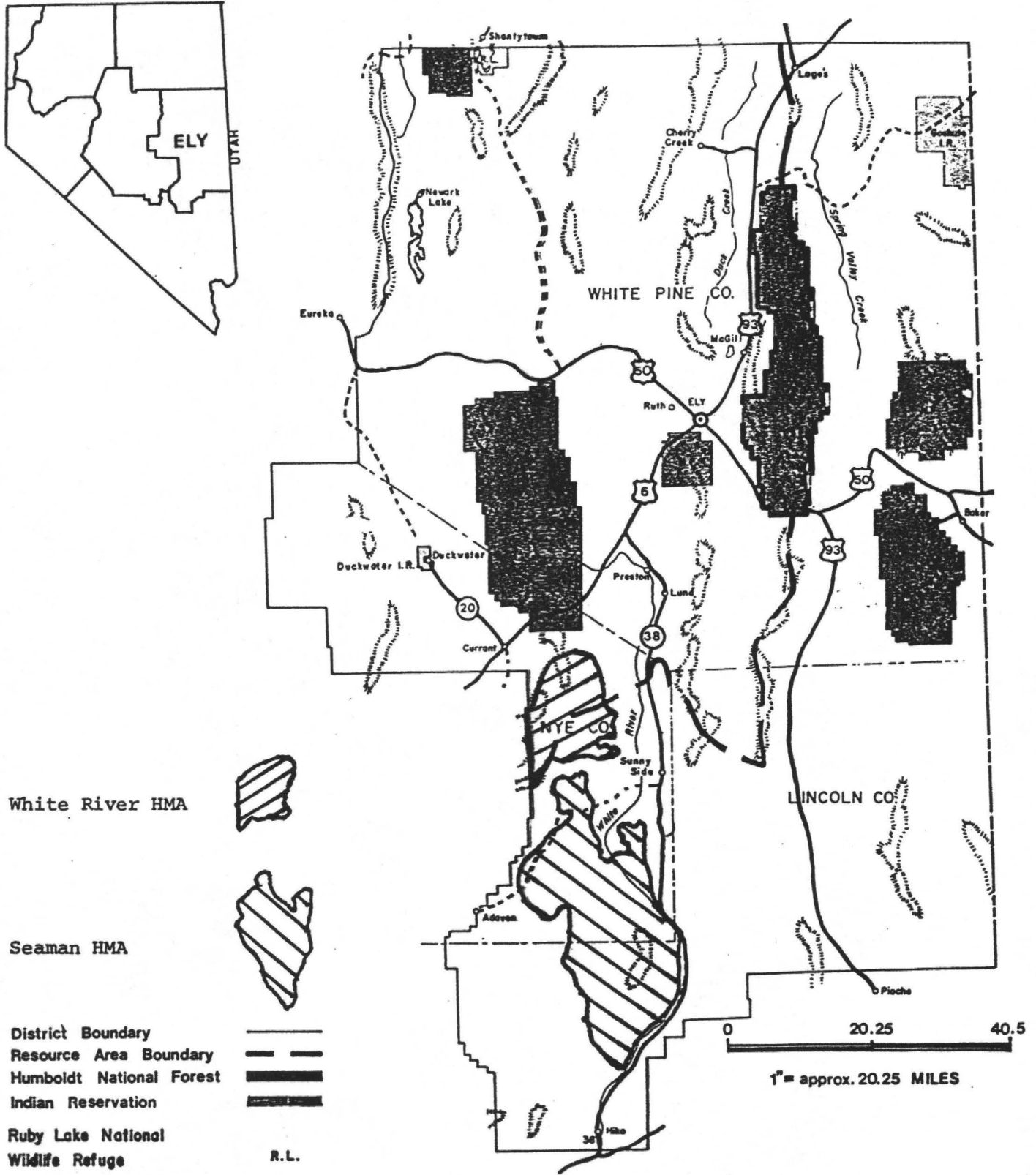
8/26/96
Date

Approved by:

Gene A. Kolkman Acting for
Gene A. Kolkman
District Manager
Ely District Office

8/26/96
Date

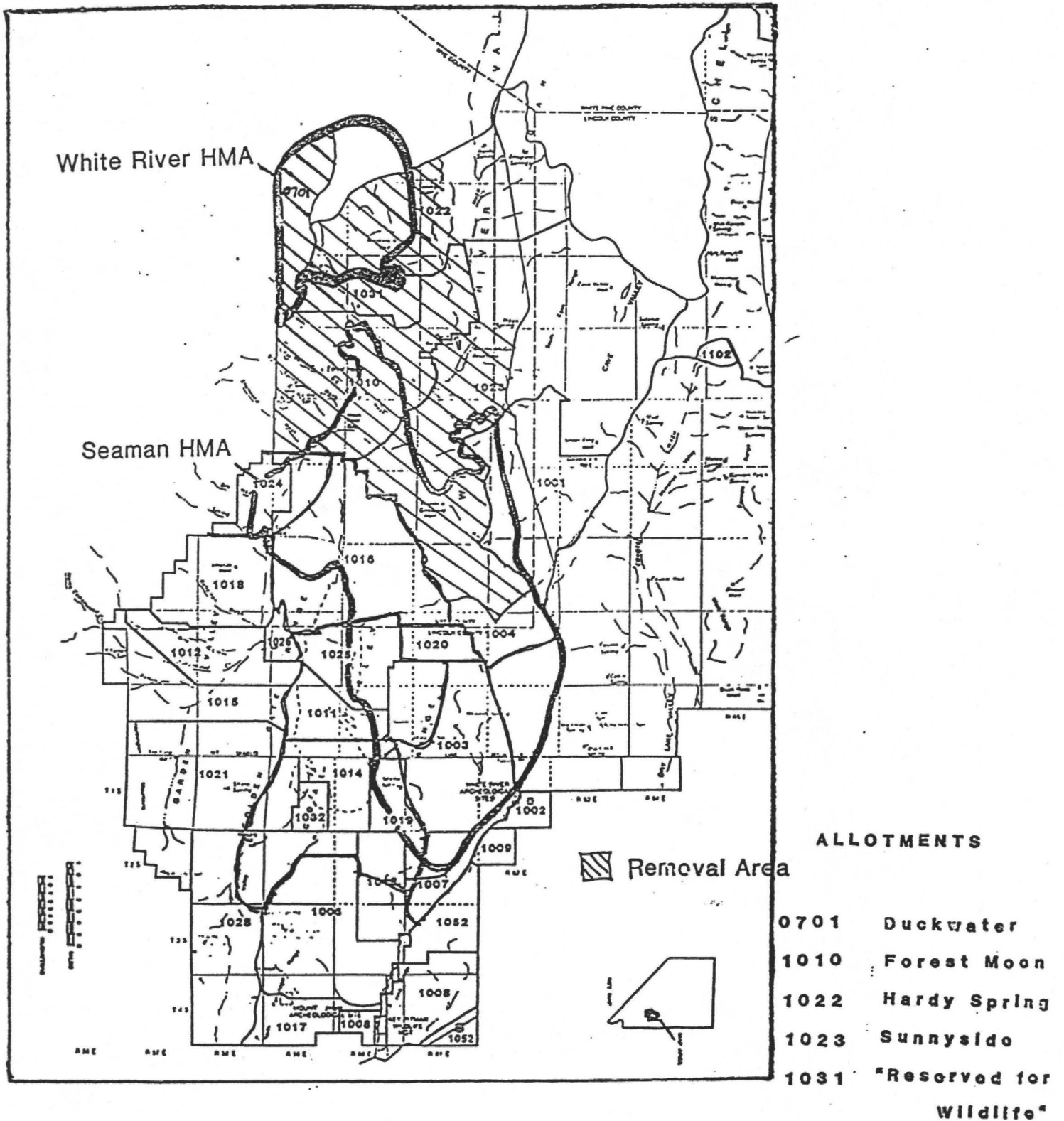
General Location Map

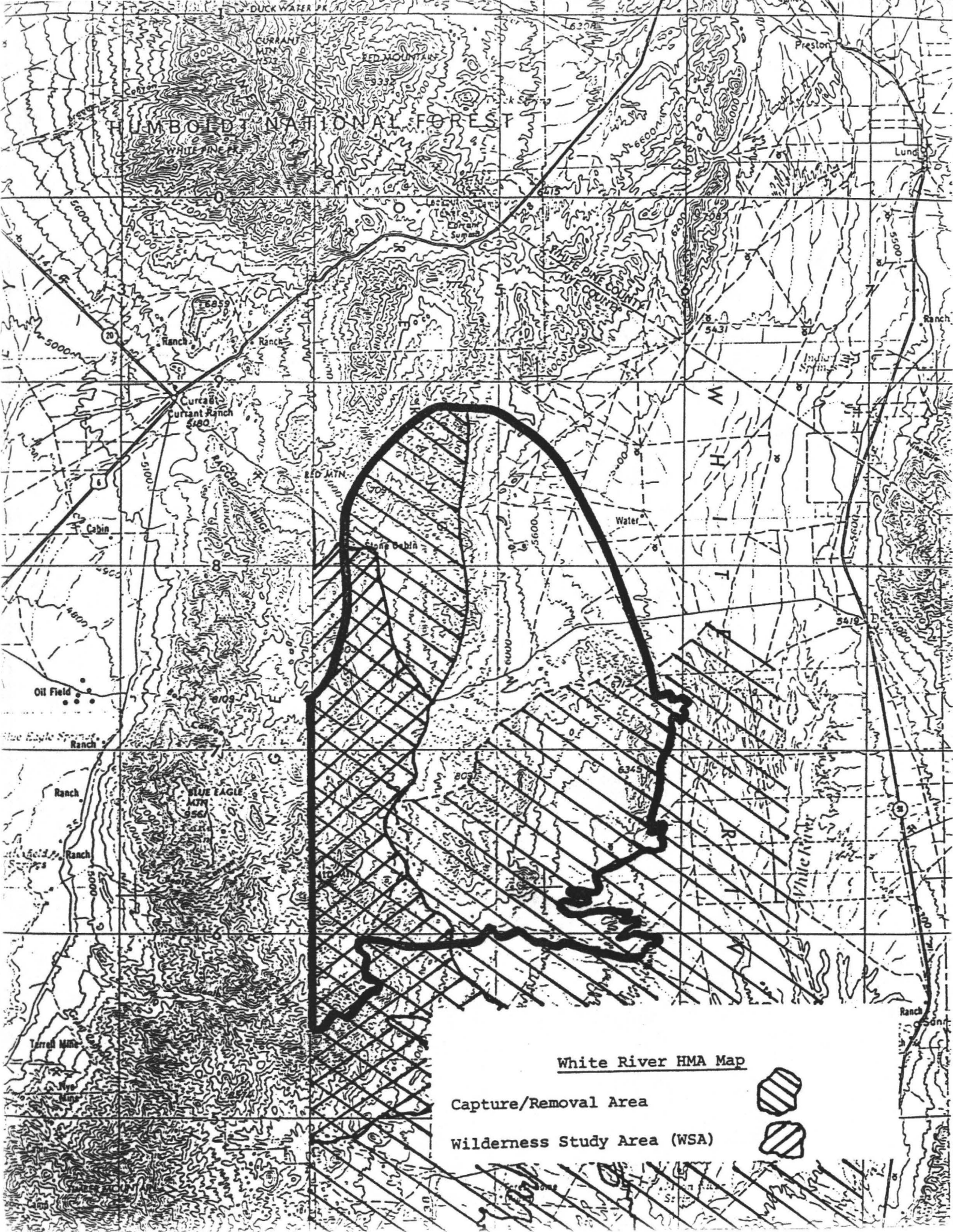


ELY DISTRICT

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

INITIAL REMOVAL AREA (2/96)





White River HMA Map

Capture/Removal Area

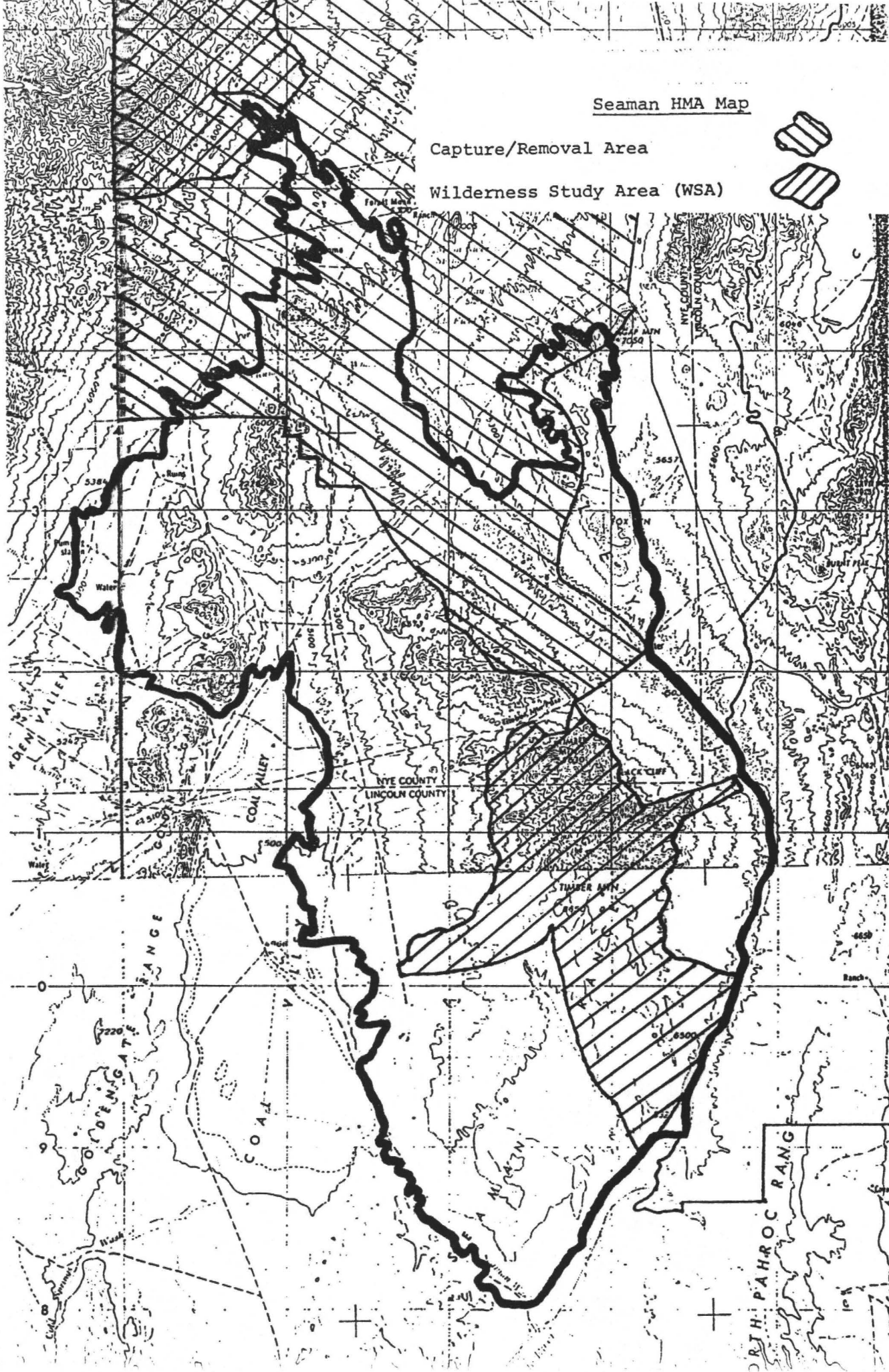
Wilderness Study Area (WSA)



Seaman HMA Map

Capture/Removal Area

Wilderness Study Area (WSA)





21 White Seaman
United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, NV 89301-9408

In Reply Refer To:
4700 (NV-043)

CERTIFIED MAIL # Z 425 081 685
RETURN RECEIPT REQUESTED

DR/FONSI

SEAMAN AND WHITE RIVER HMAs WILD HORSE REMOVAL PLAN
EA NO. NV-040-96-05

DECISION: I have reviewed the 1996 environmental assessment (EA # NV-040-96-05) for the Seaman and White River Herd Management Areas (HMAs) Wild Horse Removal and I concur with the analysis for this decision. No mitigation is required beyond the Standard Operating Procedures which are considered part of the proposed action. The allotment evaluations and final multiple use decisions (FMUDs) for the allotments within both HMAs also suggest the proposed removal takes place. I concur with the recommendation to conduct a selective removal as described in the Wild Horse Capture/Removal Plan for Seaman HMA and White River HMA.

The non-selected alternatives analyzed in EA # NV-040-96-05 consist of water trapping wild horses, trapping wild horses by herding them on horseback, and no action.

This final decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Seaman and White River HMAs.

Severe drought conditions currently exist within and adjacent to the White River and Seaman HMAs. Forage production is extremely limited. Forage utilization is currently in moderate to severe use categories. From field observations of available forage and water, as well as a review of monitoring data, it has been determined that the wild horses (which are in poor to fair body condition) and their habitats are being adversely impacted.

Approximately 275 excess wild horses must be removed from the White River HMA and approximately 250 excess wild horses must be removed from the Seaman HMA. All wild horses that are removed will be placed into the adoption program regardless of age, during this initial drought related removal. The gather operation will be conducted by helicopter trapping and/or roping. The removal will reduce both HMAs to the lower limits of their respective AMLs, due to extreme drought conditions, which are 77 wild horses remaining in the White River HMA and 136 animals in the Seaman HMA.

Livestock closures will occur on those areas within both HMAs, in conjunction with the removal of wild horses, that are severely impacted by the drought.

By decision

Due to the emergency nature of these conditions, it is necessary to implement this action immediately, through a Full Force and Effect Decision. This decision will be implemented on or about September 2, 1996 and will continue until the action is completed.

Rationale: The proposed action will result in wild horses being managed at appropriate management levels (AMLs) within the allotments of the Seaman and White River HMAs, establishing a thriving natural ecological balance among all multiple users. The proposal is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (P. L. 92-195), as amended. It also conforms with the Schell MFP and ROD, as well as the Egan RMP and ROD. In addition, it complies with the provisions of 43 CFR 4710.4 which states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas."

Direct and indirect environmental benefits are anticipated for livestock and wildlife, as well as the remaining wild horses, with the adoption of the proposed action. The removal will result in improvement of the rangeland resources through decreased utilization of the forage and water resources within the HMAs, thus restoring the range to a thriving natural ecological balance.

The immediate removal of excess wild horses from the HMAs is necessary to avert the imminent degradation of the rangeland resources caused by overgrazing of wild horses and to restore the range to a thriving natural ecological balance. It is also necessary to comply with the provisions of 43 CFR 4710.4.

The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically limited forage production and water availability for wild horses. Portions of both HMAs have already been severely overutilized, precipitation is less than 50% of normal, and current forage production is not enough to sustain the animals currently occupying the area.
2. Water availability for the wild horses' consumption is limited throughout both HMAs. Reservoirs are dry and spring flows are below normal, supplying only marginal amounts of water for the wild horses.
3. The animals are already below normal in body condition and will become more stressed as the drought continues, possibly to the point of death from lack of forage and water.

quantity

The authority for this decision is contained in Sec. 3 (a) and (b) and Sec. 4 of the Wild Free-Roaming Horse and Burro Act of 1971 (P. L. 92-195), as amended, and Title 43 of the

Code of Federal Regulations. The authority for the Full Force and Effect Decision is contained in the regulations at 43 CFR 4770.3 (c), which states:

"Notwithstanding the provisions of paragraph (a) of 4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."

FONSI: There will not be a significant impact to the quality of the human environment resulting from the implementation of the proposed action. Therefore, an environmental impact statement is not required for this action.

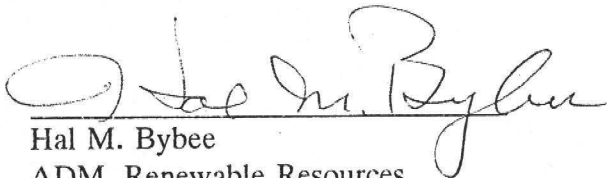
Rationale: Analysis of impacts did not identify any unique or unknown risks, impacts to public health or safety, high levels of public controversy, or impacts to threatened or endangered species. The standard operating procedures will minimize negative impacts and ensure humane treatment of the captured wild horses.

APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3 (a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3 (c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, and (3) the Ely District Office, HC33 Box 33500, Ely, NV 89301-9408. The original files should be filed with this office.

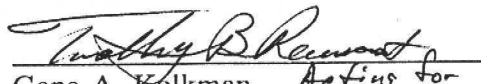
If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

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.

ADDITIONAL INFORMATION: Contact Robert E. Brown of my staff at (702) 289-1843, or write him at the above address.

Concurrence: 
Hal M. Bybee
ADM, Renewable Resources
Ely District

8/26/96
Date

Approval: 
Gene A. Kolkman *Acting for*
District Manager
Ely District

8/26/96
Date

2 Enclosures

1. EA # NV-040-96-05 (18 pp)
2. Capture/Removal Plan (17 pp)

ENVIRONMENTAL ASSESSMENT
for the
SEAMAN AND WHITE RIVER HMAS
WILD HORSE REMOVAL PLAN

EA No. NV-040-96-05

Prepared by
Sheree L. Luttrell and Robert E. Brown
Wild Horse Specialists

Bureau of Land Management
Ely District
Ely, Nevada

BACKGROUND INFORMATION

The Bureau of Land Management (BLM) Ely District is proposing to remove excess wild horses from the White River and Seaman Herd Management Areas (HMAs) as well as the adjacent horse free area. The horse free area is between the White River and Seaman HMAs and was not designated for management of wild horses or burros because they were not residing there as of the passage of the Wild Free Roaming Horse and Burro Act of 1971.

The proposed gather area is located approximately 75 miles south of Ely in Nye County and Lincoln County, Nevada. (See Attached Map).

Purpose and Need

The purpose of the proposed action is to remove excess wild horses from the Seaman HMA and the White River HMA.

The removal of wild horses is necessary to restore the range to a thriving natural ecological balance and multiple use relationship and prevent further deterioration of the vegetation community threatened by an overpopulation of wild horses in the areas identified above. The proposed action involves removals in order to correct resource degradation identified in the analysis of monitoring data conducted during allotment evaluations.

The final phase of the allotment evaluations is the issuance of Final Multiple Use Decisions (FMUDs). The FMUDs establish livestock permitted use and wild horse appropriate management levels (AMLs) which will achieve a thriving natural ecological balance.

Wild horses will be removed from areas outside of the White River HMA and Seaman HMAs to reduce resource damage and as directed by 43 CFR part 4710.4 which states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas."

The AMLs set in the FMUDs, the number of animals to remain, the September, 1995 census numbers and the number of horses to be removed are shown in Table 1.

Table 1. Appropriate Management Levels by Allotment as Identified in Final Multiple Use Decisions, Latest Census Data and Number to Be Removed in 10/96.

Allotment	Latest Census 9/95	Partial AMLs	15% below AML	Number to Remove 10/96
White River HMA				
Duckwater	80 (960 AUMs)	10 for 9 months (90 AUMs)	8 for 9 months (72 AUMs)	74 (888 AUMs)
Hardy Springs	220	24	20	200
North Cove	0	0	0	0
Subtotal	300	31	26	274
Seaman HMA				
Sunnyside	64	17	14	50
Forest Moon	66	15	13	53
Batterman Wash	0	0	0	0
Dry Farm	0	0	0	0
Wilson Creek	0	12 horses for one month (12 AUMs)	10 horses for one month (10 AUMs)	0
Subtotal	130	33	28	102
Outside HMAs				
"Reserved for Wildlife"	71	0	0	71
TOTAL	501	64	54	447

The number of horses to remain reflects 15% below established AML to conform with current Nevada policy and the Strategic Plan. Removing horses to a level 15% below AML also keeps the population more in balance with available forage throughout the three year rotation schedule for removals. Also, by removing once every three years, the animals are not subjected to the intensity of stress as would occur with annual removals to maintain the median AML every year.

Numbers by allotment are for information only. Exact numbers to remain and to be removed are on a total HMA basis. The numbers may vary within an allotment and horses will not be considered excess unless the total AML for the HMA is exceeded.

Wild horses will not be removed during the 10/96 removal from those allotments which do not have AML established through FMUDs unless emergency drought conditions warrant removal. Those allotments include Cove, Wells Station, Fox Mountain, Needles, West Timber Mountain, Coal Valley Lake, South Coal Valley, Timber Mountain and Black Bluff. Once AMLs are established, future removals will occur as necessary from these allotments.

Wild horses are managed on an HMA basis so that numbers within each allotment may vary. Only when the total AML for the HMA is exceeded will horses be removed.

Table 2 shows the remaining allotments within the HMAs that do not have AML established or finalized. When AMLs are established through FMUDs for these allotments, removals will occur to attain AML. This capture/removal plan will cover all future removals for these two herd areas. The Seaman Herd Management Area Allotment Evaluation recommends the AML be set at 126 horses yearlong for those allotments listed below for the Seaman HMA. This figure will be added to the AML established previously through the evaluation/decision process for the other five allotments within the HMA. Therefore, the AML for the entire Seaman HMA would be 159 wild horses plus or minus 15 percent. The Allotment Evaluations for the Wells Station Allotment and the Cove Allotment recommend the AML's be set at 14 horses yearlong, 42 horses yearlong and 10 horses for 3 months respectively for both allotments. This figure will be added to the AML established previously through the evaluation/decision process for the three other allotments. Therefore, the AML for the entire White River HMA would be 90 wild horses plus or minus 15 percent.

Table 2. Allotments Within the HMAs that Do Not Have AML Established. Wild Horses Will Not be Removed From These Allotments During the Initial Removal (10/96), unless FMUDs Have Been Issued.	
White River HMA	Seaman HMA
Allotment	Allotment
Wells Station	Needles*
Cove	West Timber Mt.*
	Coal Valley Lake*
	South Coal Valley*
	Timber Mountain
	Fox Mountain*
	Black Bluff*

* These allotments are being evaluated together and are the result of proposed boundary changes. Old allotments within the new allotment boundaries include Oreana Spring, North Hiko-Six Mile, Seaman Springs, and Middle Coal Valley,

Relationship to Planning

This EA is tiered to the Schell Grazing Environmental Impact Statement (EIS) which analyzed the general ecological impacts of managing rangelands in the Schell Land Use Plan (LUP) area under a program of monitoring and adjustment of wild horses and livestock. The plan is in conformance with the Schell Management Framework Plan (MFP) and Record of Decision (ROD). This EA is a project specific refinement of the EIS, focused on the removal of excess wild horses in the White River and Seaman HMAs. The decisions regarding overall rangeland management analyzed in the Schell EIS will be implemented by the Seaman/White River Removal Plan.

The plan is also in conformance with the Proposed Egan Resource Management Plan and Final Environmental Impact Statement and Record of Decision.

The plan is in conformance with the 1971 Wild Free-Roaming Horse and Burro Act (Public Law 92-195), as amended. The proposal is also consistent with the Lincoln and Nye County Plan(s) for Public Lands developed in compliance with Nevada Senate Bill 40 in 1985 which states, "Manage wild horses to minimize detrimental impacts on other multiple uses and pursue resource enhancement where needed to correct wild horse caused damage." The

removal plan is also in conformance with the Strategic Plan for Management of Wild Horses and Burros on Public Lands, (issued June 1992, U.S. Department of the Interior, Bureau of Land Management).

Major Issues

This proposal is concerned with two major issues. The first issue is to maintain a thriving natural ecological balance and multiple use relationship in the area by managing wild horses within HMA boundaries at a level established through the evaluation of monitoring data. The second issue is the humane treatment and safe handling of the wild horses during capture, care, temporary holding, and transportation to the BLM adoption preparation facility.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action consists of using a helicopter to initially remove approximately 447 excess wild horses. Future removals will probably occur once every three years until populations are kept under control through the use of fertility control actions and/or selective removals.

release back
The removal will be selective according to age of the animals. Animals between the ages of zero to nine years will be removed from the HMAs, in compliance with current Nevada and National Policy. Future removals will comply with policy at the time of removal. All the horses will be removed from the horse free area, but only animals between zero and nine may be shipped for adoption. Any horses over the age of 9 years will be released back into HMAs in areas where they will not easily return to the horse free area. An equal number of younger animals will need to be removed from the HMAs to accommodate the older, less adoptable horses from the horse free area.

Neither of the HMAs will be reduced below the numbers to remain as identified in Table 1. Subsequent removals may be based on this removal plan and EA until monitoring data reveals that a change in AML is needed.

A post removal census may be conducted on each area of the HMAs to ensure that the identified population levels remain after the removal is complete. Census will depend upon funding. Horses will be released back into the HMA to maintain these numbers, if necessary.

The horses will be captured using a helicopter to herd animals into portable wing traps. The initial removal is scheduled to occur in October 1996.

It is estimated that 4-5 temporary traps with deflector wings encompassing less than 1 acre each would be constructed on public lands in and adjacent to the herd areas. Temporary trap and corral sites would be selected by the contractor and approved by BLM. Each facility would be constructed from portable pipe panels. These traps would be moved as needed during the capture operation and completely removed from the area after the contract is completed. A contracted helicopter and experienced wranglers would be used to drive and direct horses to each trap site in an efficient and careful manner. Hazards such as cliffs, fences, and old mine shafts would be located in advance and avoided. Existing roads and trails would be used whenever possible. Captured excess horses will be hauled in stocktrailers to the National Wild Horse and Burro Center at Palomino Valley, Nevada, for processing, and then will be shipped to distribution centers for adoption. Horses that might be held at the trap site in excess of 10 hours would have food and water provided.

Better
↓
Branded trespass horses or other claimed horses and their current year's foals would be impounded and held until trespass fees, capture fees, and other associated costs as determined by the ADM Renewable Resources are paid to the Bureau. Once the fees are paid, these animals would be turned over to the owner. Branded horses not claimed would be treated under the Nevada State estray laws.

Applicable Standard Operating Procedures

These standard operating procedures (SOPs) are part of the proposed action:

- (1) Horse handling will be kept to a minimum. Capture and transporting operations can be traumatic to the animals. Minimizing handling will increase the safety of the animals, as well as the handlers.
- (2) No capture will be allowed during the foaling season, between March 1 and July 1, because of the potential stress to pregnant and lactating mares and the possibility of induced abortions.
- (3) Horses will not be run more than 10 miles nor faster than 20 miles per hour during capture operations and capture will be done in the early morning and early evening to avoid overheating horses during hot weather.
- (4) A veterinarian will be on call during capture operations.
- (5) Trap sites or holding corrals will not be placed in areas of any known listed or proposed threatened or endangered plant or animal species.
- (6) A cultural resources investigation by an archaeologist or a district archaeological technician will be conducted prior to any trap or holding corral construction. If cultural values are discovered, an alternate site will be selected.

(7) Helicopters will be used with caution. The COR/PI will be present at the capture site to ensure that all regulations and contract stipulations are adhered to. The Authorized Officer may also have a helicopter on site to use in monitoring and supervising the contract. This helicopter will be used with discretion to minimize disturbance of horses that would make capture more difficult. However, it will be used as needed to assure that the contractor is complying with the contract specifications.

(8) Captured horses that are obviously lame, deformed, or sick will be humanely disposed of at the trap site.

(9) Every effort will be made to keep mares and their young foals together.

(10) A BLM law enforcement agent will be present if needed during the capture operation to provide protection for personnel working on the removal, as well as the captured horses.

(11) Temporary traps and corrals will be removed and sites will be left clean of all debris within 30 days following the capture operation.

(12) No traps or holding corrals will be established within WSAs and motorized vehicles will be confined to existing roads and ways.

In addition to the standard operating procedures, the stipulations and specifications as listed in the Wild Horse Removal Plan for Seaman HMA/White River HMA will be considered a part of the proposed action.

Alternatives

Different methods of capturing wild horses are discussed in the removal plan and will be briefly discussed in the alternative section of this environmental assessment. Current economic and political constraints limit "technically feasible and reasonably available" alternatives which could be expected to attain the objectives of the proposed action.

Alternative I - Water Trapping Wild Horses

Water trapping wild horses, though easier on the animal, is not feasible due to winter snows. Therefore, this alternative will not be considered further. Future removals may incorporate water trapping but a separate analysis will occur prior to using water trapping.

Alternative II - Trapping Wild Horses by Running Them on Horseback

Trapping horses by running them on horseback is not feasible because it is too easy to lose the horses after starting them towards the trap. Injuries to both people and horses are more likely. The cost factor shown from previous removals using this method indicates that the costs are prohibitive. This alternative will, therefore, not be considered further.

Alternative III - No Action

Under the No Action alternative no capture operations would be conducted; no wild horses would be removed. Herd numbers would not be held at the levels established through analysis of monitoring studies and wild horses would remain established outside of HMA boundaries. Section 3(b)(2) of the Wild Free-Roaming Horse and Burro Act (PL 92-195) states in pertinent part "...When the Secretary determines... that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels." Since the no action alternative would not be in conformance with the Wild Free-Roaming Horse and Burro Act, the land use plan or the FMUDs, this alternative will not be considered further.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

A complete description of the affected environment can be found in the Schell Unit Resource Analysis (URA, 1981), the Draft Schell Grazing EIS (1982), the Egan RMP/EIS, and the Allotment Evaluations. These documents are on file at the BLM Ely District Office. Certain elements of the affected environment, which are necessary to understand the anticipated impacts, will be described in the environmental consequences section for the proposed action.

ENVIRONMENTAL CONSEQUENCES

There would be no impacts from the proposed action to threatened or endangered species (plants or animals); floodplains; wetlands; areas of critical environmental concern; wild and scenic rivers; visual resource management; prime or unique farmlands; cultural, paleontological, and historical resource values; Native American Religious concerns, or wastes, hazardous and solid.

Threatened and Endangered Plants: One plant which is a category 2 candidate for Federal listing as an endangered species has been located adjacent to the Seaman HMA. This plant is the Eastwood milkvetch (Asclepias eastwoodiana), and it could occur in low alkaline clay hills or shallow, gravelly drainages within the HMA. Traps and holding corrals will avoid these areas, and therefore no impacts to this plant are expected.

Threatened and Endangered Animals: Bald eagles and peregrine falcons may be found in the HMAs any time of the year. No special use areas have been identified and the proposed removals are not expected to impact these species.

Water and Riparian: There are few springs located within the White River or Seaman HMAs. Water sources including troughs off pipelines, and reservoirs show heavy use by wild horses and cattle.

what livestock data →

Reduced wild horse numbers would lessen grazing and trampling at water sources. Reduced wild horse and livestock numbers would lessen the competition among wild horses, wildlife, and livestock for limited water supplies, which in turn would contribute to a more favorable water quality for all animals.

Wilderness Values: A small portion of The Riordan's Well Wilderness Study Area (WSA) is within the initial removal area. The entire Weepah Spring WSA is within the Seaman HMA. The use of aircraft for removing wild horses from within WSAs is consistent with the Interim Management Policy and Guidelines for Lands Under Wilderness Review (11/10/87), since it is considered a non-impairing activity. Since no traps or holding corrals will be established within the WSAs and motorized vehicles will be confined to existing roads and ways, no impacts to the WSAs are anticipated.

Social and Economic Values: Positive management and maintenance of wild horse numbers at a viable herd level could bring vicarious pleasure to wild horse advocates. The removal of excess wild horses from the removal area would please local sportsmen and livestock operators. Proceeding with the removal would help public relations for the Ely BLM District. There would be an economic benefit to the private contractor who is hired to remove the excess wild horses. The removal of younger age classes of horses will provide more suitable animals to meet the demands of the wild horse adoption program.

Air Quality: Short-term increases in dust levels caused by operation of ground vehicles and running horses would occur. Short-term impacts to air quality would also occur during capture operations and handling of horses, resulting from helicopter and vehicle exhaust emissions.

Wild Horses: The HMA locations are shown on the attached map. At the present time, the wild horses have virtually unrestricted movement within each HMA, including movement between allotments. A considerable number of wild horses are using an area between the White River HMA and the Seaman HMA, and adjacent to the HMAs on the east and west sides.

From analysis of data it was determined that maintaining wild horses at established AMLs in the White River HMA and Seaman HMA will maintain an ecological balance among vegetation, wild horses, wildlife, and livestock.

A negative impact on wild horses would be expected during capture and handling. This would result from effects of capturing, trapping, loading, and hauling the animals. The use of helicopters to capture excess wild horses may result in leppy foals and split bands, as well as injured horses. Incidents like these tend to be increased if the animals are pushed too hard. Death loss is not expected to exceed 2% of the horses captured. The standard operating procedures and contract specifications will minimize the negative impacts from capture, and help ensure humane treatment and safe handling of the wild horses during capture, care, temporary holding, and transportation to the BLM adoption preparation facility.

Reproduction Pass
→

The proposed action will result in an increase in the proportion of wild horses over 10 years in age. This proportion cannot be identified until the proposed removal has been completed. Since these older horses will not be sterilized, reproduction is expected to continue. Studies have shown that feral mares continue to reproduce with only slight reduction beyond the 10 year age (Garrott and Taylor, 1990; Garrott et al., 1991). Studies have also shown that with the reduced post removal density, reproductive success will probably increase (Garrott and Taylor, 1990; Fowler, 1991). Since the genetic material that is responsible for the characteristics of the Seaman and White River herds remains in the older age classes, the removal of younger animals will have little effect on the physical characteristics or adaptability of future generations. The effect of releasing these older horses back into the herd area and the removal of younger horses will be monitored. A balanced sex ratio and releasing some younger horses will be considered in order to maintain the genetic integrity of the wild horses in the two HMAs.

Logarithm
→

Removal operations may disrupt band structure either temporarily or permanently and cause some stress to individuals. A certain degree of heterozygosity may be lost from a small population as a result of removals. However, removals may disrupt the band structure of remaining wild horses which would facilitate recombination of adult horses which may lead to an increase in average heterozygosity. Enough horses would remain to maintain viable herds and provide for interaction between bands. Reduced competition among wildlife, livestock, and horses for forage, water, cover, and living space would result in better condition animals, as well as higher survival and reproduction rates in each. Managing the wild horses within HMA boundaries at the established levels based on an analysis of monitoring data will help maintain the ecological balance and multiple use relationship of the area.

True
AP
Paper
→

Demographic and biological information can be obtained from the captured animals (sex and age structure of the population, presence of parasites or diseases, etc.). This information is useful for future wild horse management.

Based on an analysis of the monitoring data within the initial removal area (Table 1), 447 excess wild horses need to be removed to maintain a thriving natural ecological balance in the area.

Soils: Areas which presently exhibit soil erosion and compaction would be impacted because the reduction in numbers of animals will cause decreased trampling. New trampling areas and resultant soil compaction would be created at the trap and holding corral sites by the large number of horses concentrated there. The impact would be minor since the impacted area would be small in relation to the removal area, and the duration of the removal is short.

Vegetative cover has a direct influence on the erosion potential of soils. The reduction in horse numbers and the resultant reduction in vegetative utilization (especially in heavy use areas) would have both short and long-term impacts to the soil resource. Less soil compaction and improved soil production potential, would be most important in heavy horse

use areas.

Vegetation: Utilization studies and use pattern mapping of the vegetation completed since 1982 show that areas within the HMAs are currently receiving heavy and severe use. This use can be attributed to wild horses, which graze yearlong, and to cattle, which graze during their established seasons of use by allotment. Use on the horse free area can also be attributed to both wild horses and livestock.

Percentages of wild horse and cattle use are based on actual use data, aerial census data, field observations, and distribution analysis of where the grazing use by individual species occurred. At current population levels, the ecological status of the HMA and surrounding area will continue to deteriorate.

Key area frequency transects are established in both HMAs and will be read approximately every five years. Determination of key areas and establishment of frequency transects was done and will continue, following established procedures in the Nevada Rangeland Monitoring Handbook and BLM Handbook TR 4400-4. All utilization studies were conducted using the key forage plant method as recommended in the Nevada Rangeland Monitoring Handbook and BLM Handbook TR 4400-3. Refer to the Allotment Evaluations and Management Action Selection Reports for allowable use levels established for key management species within these allotments.

Monitoring data and analysis of those data are presented in the allotment evaluation summaries. These documents provide a detailed analysis on which this removal proposal is based. These documents are on file at the BLM Ely District Office. (Studies files - 4400.2; evaluation files - 4400.3).

Removal of wild horses will prevent further deterioration of the range due to the wild horse overpopulation. By removing the excess wild horses, the remaining population will allow for a thriving ecological balance among wild horses, wildlife, livestock and vegetation. The allotment specific objectives for vegetation, as stated in the allotment evaluations, will be attained through this removal of excess wild horses and the forthcoming livestock adjustments.

There would be a short-term impact to the vegetation at the trap sites and holding corrals, which would be less than 1 acre each. The vegetation would be severely trampled by all the horses that would be concentrated at those locations. This would be a minor impact, though, because the impacted areas would be small in relation to the removal area. Vegetative regeneration would be expected within 2 to 3 years depending on climatic conditions.

The reduction in wild horses would have a long-term impact on the vegetative community of the area. The ecological condition of the different plant communities would improve after the removal. The more desirable grasses and shrubs would not be utilized as heavily. Production of these species would increase, as would their percentage of composition within the

community.

The invasion of undesirable grasses and forbs would not be as great under the proposed action. Decreased grazing pressure would slow downward trends in overall range condition and would improve the ecological balance and multiple use relationship of the area.

Wildlife: A minor impact to wildlife is expected during the removal. Some animals could be temporarily frightened or displaced by the increased activity during the removal operation. Helicopters have been observed to produce negative impacts on wildlife species - running and panic behavior in big game species, flight response in waterfowl, and frantic escape behavior in eagles and other raptors. Although the precise overall impacts of low-flying aircraft on wildlife are not known at the present time, caution will be exercised in using helicopters in wildlife concentration areas to minimize the impacts.

Any reduction in wild horse numbers should reduce competition for forage and result in a beneficial impact to the elk, mule deer, and antelope herds. Reduced competition for the supply of mountain brush and other forage should help the elk, deer and antelope through hard winters and reduce winter losses.

Reduced use and trampling on riparian areas should benefit a large number of wildlife species. Reduced trampling would enhance sage grouse habitat since they use riparian areas for brooding. Reduced trampling would benefit mule deer habitat since these areas serve as fawning areas and provide much needed nutrition for lactating does.

Livestock Grazing:

Closures
→ There would be a slight impact to livestock grazing as a result of the proposed action. Livestock would be disturbed by the activities associated with the removal. This would be a short-term impact and only on those allotments being used at the time of the removal. There would be no impact to the other allotments.

The proposed action would have a long-term positive impact on livestock grazing on all the allotments in the removal area. Forage competition would be reduced after the removal.

PROPOSED MITIGATING MEASURES

1. Wherever possible, capture will avoid areas of high concentrations of elk, mule deer and antelope to avoid stressing these animals.
2. Livestock concentrations will be avoided whenever possible to reduce the disturbance to them during the removal.
3. Horses will normally not be kept within the traps or corrals for more than 1 day to minimize stress to the animals and trampling effects and soil compaction, unless

approved by the Authorized Officer. Number of horses to be held may vary depending on how many are caught in any one area. Horses may be held longer than 1 day, dependent upon shipping schedules, number of horses captured, or other unforeseen circumstances.

4. Contractors and BLM personnel will be informed by the COR/PI of WSA locations and restrictions on motorized vehicle use within the WSAs.

SUGGESTED MONITORING

The COR/PI will continuously monitor the removal operation to ensure compliance with all conditions and stipulations in this EA. The project area will be cleaned (trash and debris) prior to release of the Contractor. The temporary traps and holding corrals will be removed by the Contractor within 30 days following contract completion.

The COR/PI will conduct an aerial census (funding permitting), of the HMAs immediately following the removal to determine whether the proper number of horses remains. Additional aerial census will be conducted every 1 to 2 years thereafter (funding permitting) to monitor the growth of the herds. If numbers exceed the proper number for management based on analysis of monitoring studies, a follow-up removal will be conducted to again reduce the herd to its appropriate management level. Follow-up removals may occur every three years to conform to the Strategic Plan.

Horses that are released back into the HMAs will be monitored within 72 hours to ensure that animals have found water and forage and are not trapped behind fences or other barriers. Monitoring will also include looking for foals which may have been abandoned. The wild horses in the two HMAs will be monitored to ensure the genetic integrity of the herds is maintained.

CONSULTATION AND COORDINATION

Intensity of Public Interest

Nationally, the issue of wild horses on western public rangelands has been an intense controversy spanning many years and beginning prior to the passage of the Wild Free-Roaming Horse and Burro Act in 1971. Wild horse preservationists are generally concerned with maintaining adequate habitat on public lands for optimum population levels of wild horses and viable herds.

Ranchers who graze livestock on public lands view excess wild horses as competitive with livestock for forage and water. However, some ranchers and others support a maintenance of reasonable numbers of wild horses.

Sportsmen and other wildlife interests also see excess horses as a competitive threat to wildlife populations and site competition for food, water, cover, and space as being detrimental.

Nevada, the state with the highest wild horse population, was also home state of the wild horse protection movement fostered by the late Velma Johnston ("Wild Horse Annie"). In Nevada, ranching is a mainstay business in rural counties. The levels of public interest in wild horses are high in Nevada, both from the protection and removal viewpoints. The Bureau of Land Management in Nevada has been and is involved in wild horse related court litigation. Litigations have been brought by protectionist groups seeking to stop what they view as unwarranted horse removals. Recent litigations have been brought by private landowners, including livestock permittees, many of whom have requested removal of wild horses from their private lands.

Since public interest is high and the wild horse program is of a controversial nature, public notification of the project was given and public comments were solicited for a period of 30 days (see the following list). Comment letters were received from the Commission for the Preservation of Wild Horses, the Nevada Division of Wildlife, and the USFS, Ely Ranger District. Their concerns were addressed in this final environmental assessment.

Record of Persons, Groups, and Agencies to be Contacted

- American Bashkir Curly Register
- American Horse Protection Association
- American Mustang and Burro Association
- Animal Protection Institute of America
- Bureau of Land Management, Nevada State Director
- Bureau of Land Management, Las Vegas District Manager
- Duckwater Tribal Council
- International Society for the Protection of Wild Horses and Burros
- Fund for Animals
- Georgia Earth Alliance, Ms. Gloria Wilkins
- The Humane Society of the United States
- Humane Society of Southern Nevada
- L.I.F.E. Foundation, Ms. Barbara Eustis-Cross,
- Lincoln County Commission
- Alan Chamberlain, Lincoln County Commissioner
- National Mustang Association
- Natural Resources Defense Council
- The Nature Conservancy, Ms. Jan Nachlinger
- Nevada Commission for the Preservation of Wild Horses
- Ms. Julie Butler, Nevada State Clearinghouse Coordinator
- Nevada State Department of Agriculture
- Nevada Cattlemen's Association

- Nevada Humane Society
- Nevada Division of Wildlife, Region II and III
- N-4 Grazing Board, Mr. Chris Collis
- Nevada Farm Bureau Federation
- Nevada Outdoor Recreation Association
- Nevada Wildlife Federation
- Nevada Wool Grower's Association
- Nye County Commission
- Resource Concepts, Inc.
- Rutger's Law School
- Save the Mustangs
- Sierra Club, c/o Ms. Rose Strickland
- United States Fish and Wildlife Service
- United States Wild Horse and Burro Foundation
- United States Forest Service, White Pine Ranger District
- Wild Horse Organized Assistance
- Ms. Deborah Allard
- Ms. Jonielle Anderson
- Mr. Paul Clifford Jr.
- Mr. Craig C. Downer
- Ms. Anne Earle
- Mr. Steven Fulstone
- Mr. Joe Higbee
- Mr. Varlin Higbee
- Mr. Bruce Jensen
- Mr. Chet Johnson
- Ms. Vanessa Kelling
- Mr. Donald Molde
- Ms. Tina Nappe
- Mr. Orren Nash
- Mr. Bertrand Paris
- Ms. Claudia J. Richards
- Ms. Bobbi Royle
- Ms. Amanda Rush
- Ms. Nan Sherwood
- Mr. Nolan Shumway
- Mr. Gary Sprouse
- Mr. Thomas Steele
- Mr. Wayne Stevens
- Mr. Gracian Uhalde
- Mr. Charles Wadsworth
- Mr. Monte Wadsworth
- Ms. Edie Wilson

Internal District Review

Robert Brown
Mark Henderson
Rick Waldrup

Wild Horses and Burros
Cultural Resources
Visual Resources Management/Recreation/ Wilderness

Jack Norman
Mark Barber
Paul Podborny
Chris Mayer
Jake Rajala

Soils/Air/Watershed/Water Quality
Riparian/Threatened and Endangered Animals
Wildlife
Range/Threatened and Endangered Plants
Socio-Economics/Environmental Coord./Land Use
Planning

Alfred W. Coulloudon
Kirk Laird
Darrell Winter
Harry Rhea

Rangeland Management
Geology
Lands
Forestry

Timothy B. Reuwsaat
Hal Bybee

Associate District Manager
ADM Renewable Resources

SIGNATURES

Prepared by:

Robert E. Brown

Robert E. Brown
Wild Horse and Burro Specialist
Ely District

8/26/96
Date

Reviewed by:

Jake A. Rajala

Jake A. Rajala
Dist. Environmental/ Planning Coordinator
Ely District

8/26/96
Date

Timothy B. Reuwsaat

Timothy B. Reuwsaat
Associate District Manager
Ely District

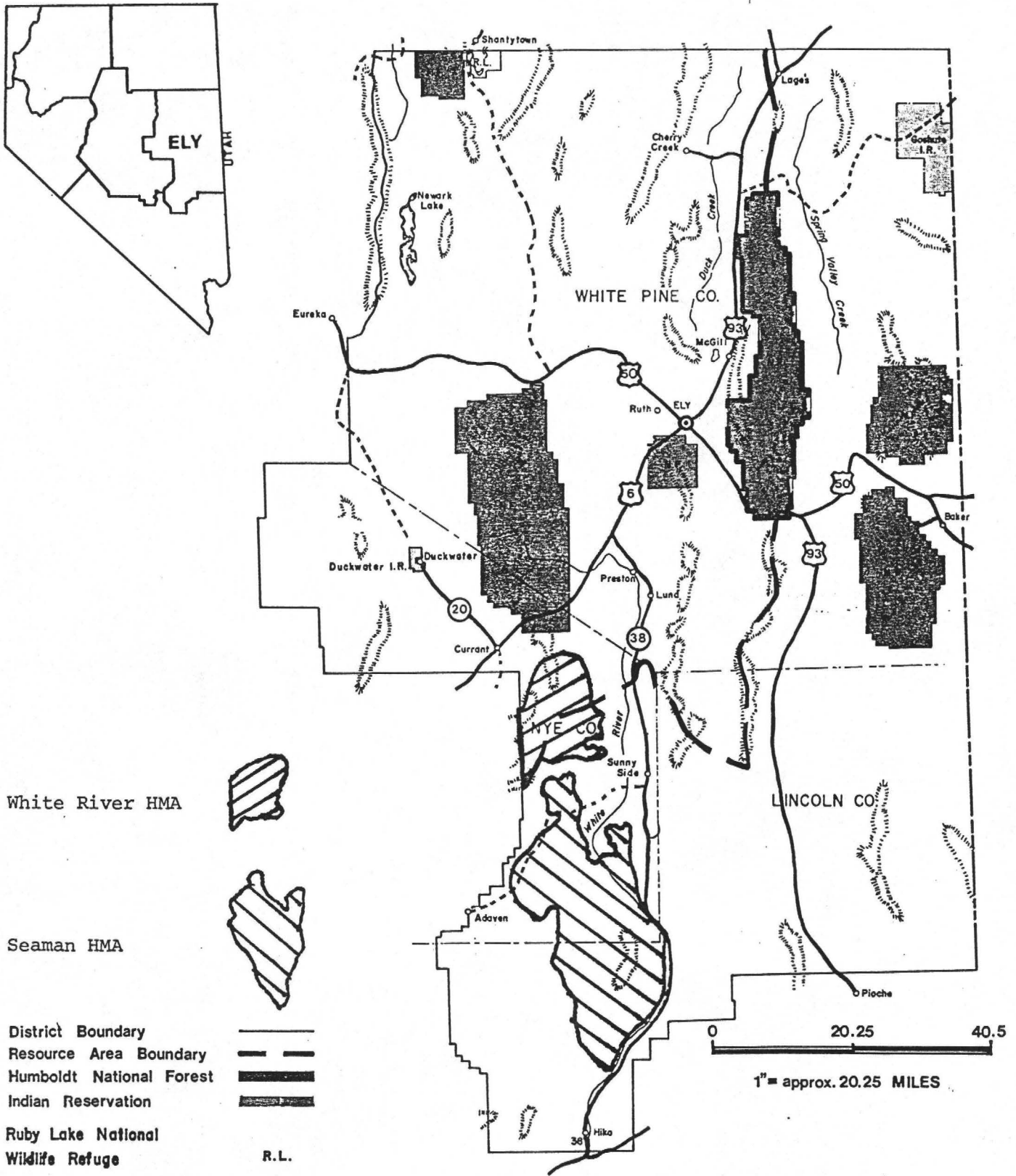
8/26/96
Date

Hal M. Bybee

Hal M. Bybee
ADM Renewable Resources
Ely District

8-26-96
Date

General Location Map



White River HMA

Seaman HMA

District Boundary
 Resource Area Boundary
 Humboldt National Forest
 Indian Reservation
 Ruby Lake National
 Wildlife Refuge

R.L.

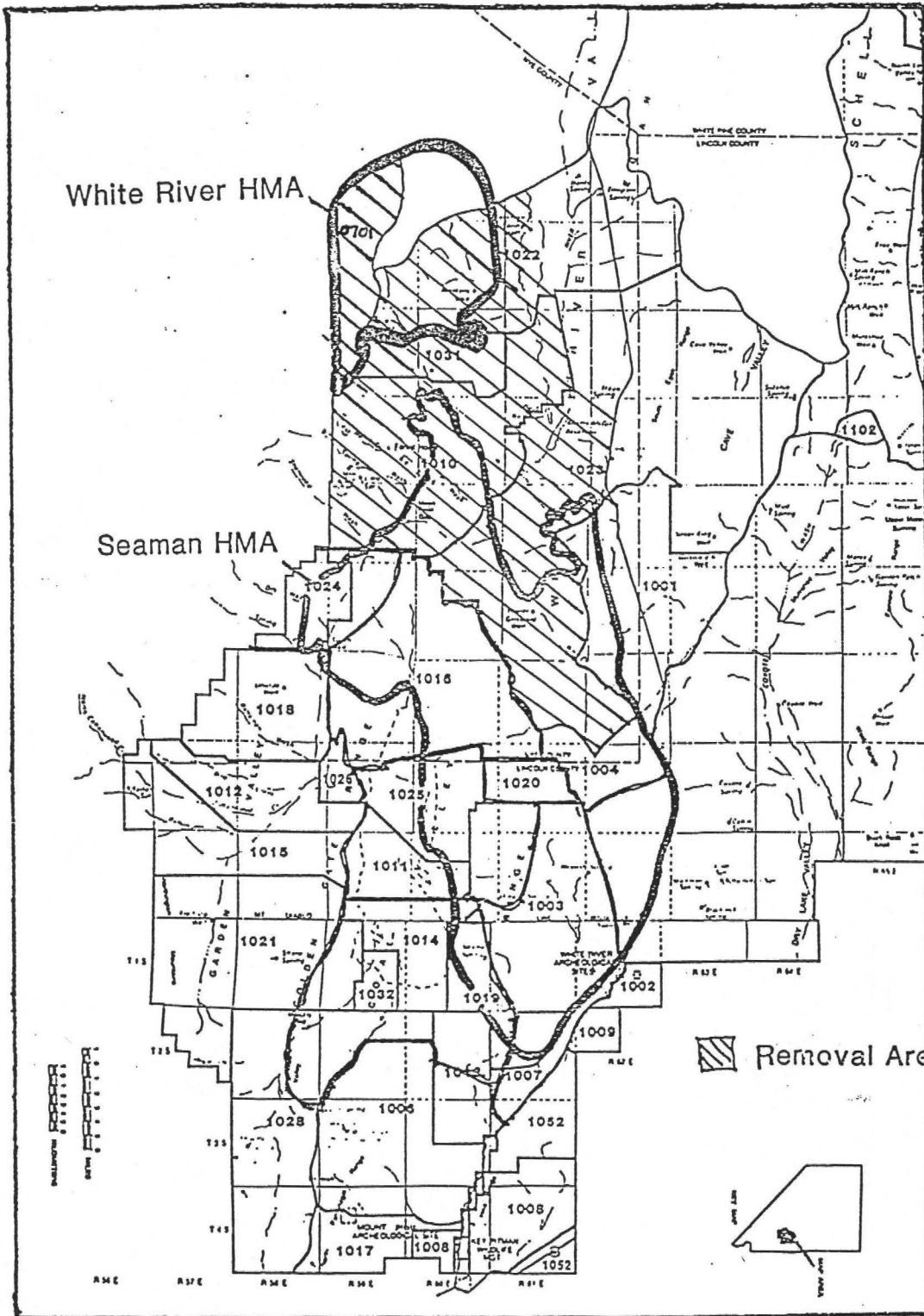
0 20.25 40.5

1" = approx. 20.25 MILES

ELY DISTRICT


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

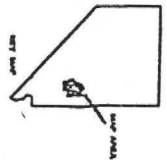
INITIAL REMOVAL AREA (2/96)



ALLOTMENTS

- 0701 Duckwater
- 1010 Forest Moon
- 1022 Hardy Spring
- 1023 Sunnyside
- 1031 "Reserved for Wildlife"

 Removal Area



SCALE
0 100 200 300 400 500
Feet

AME

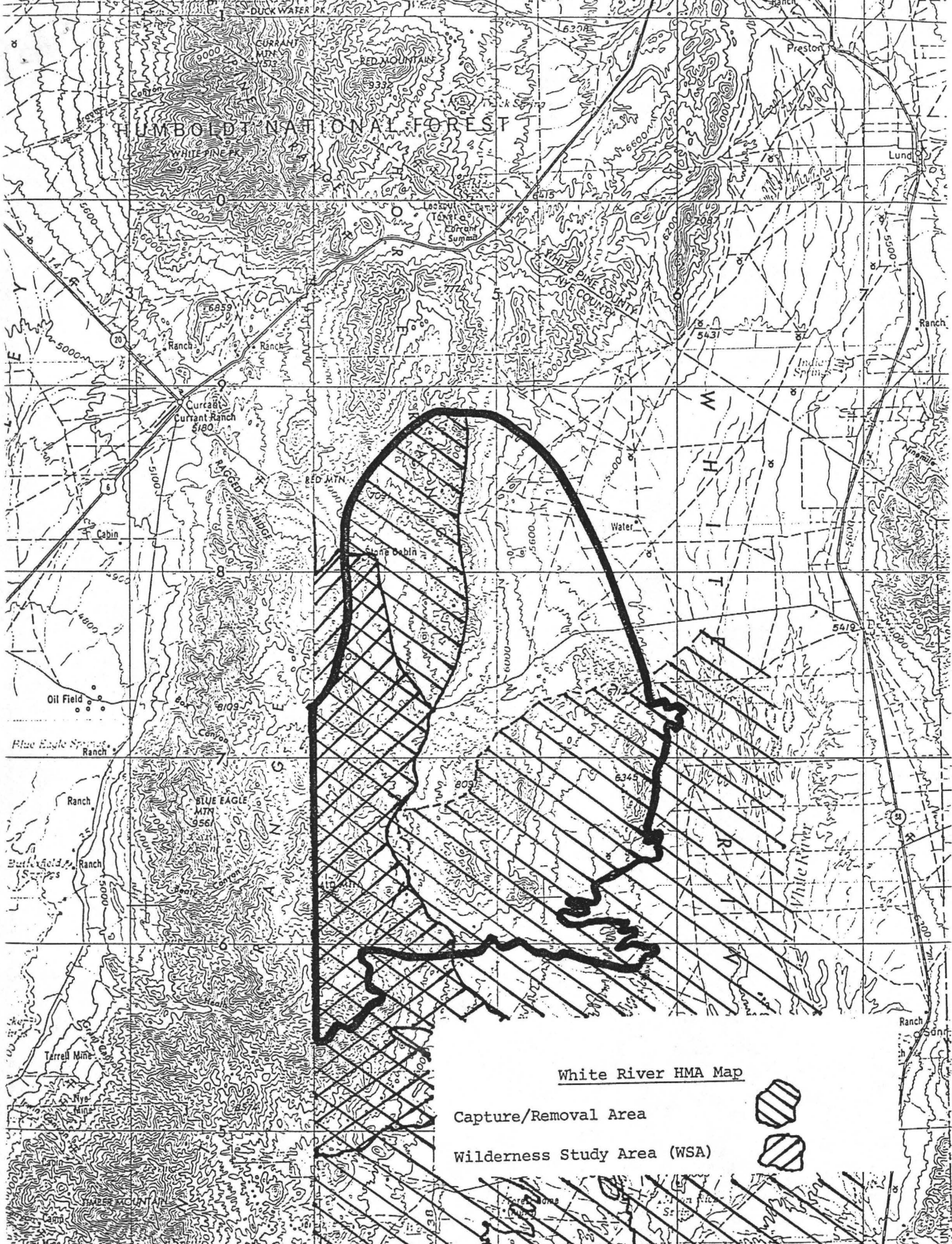
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White River HMA Map

Capture/Removal Area

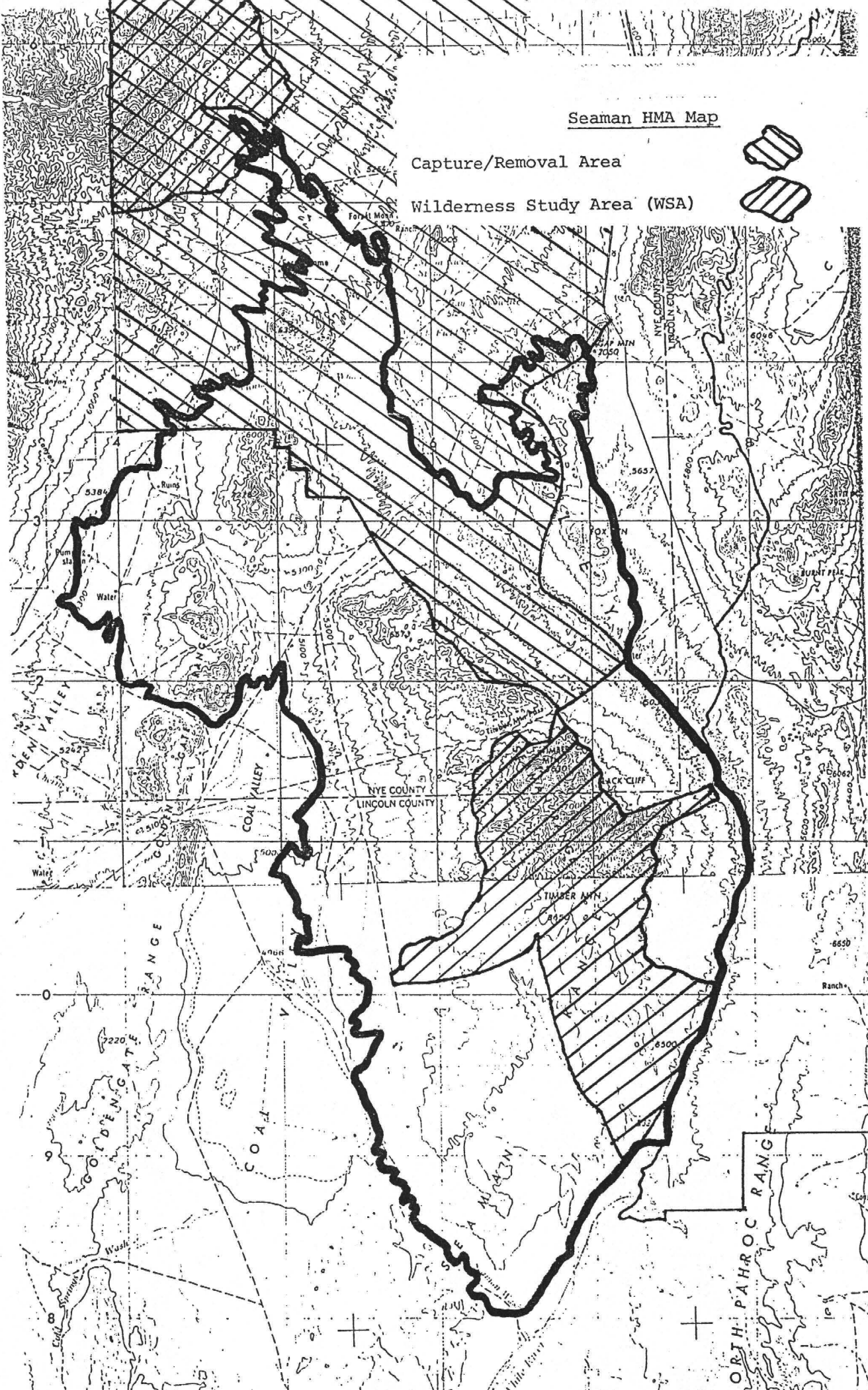
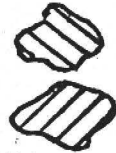
Wilderness Study Area (WSA)



Seaman HMA Map

Capture/Removal Area

Wilderness Study Area (WSA)



WILD HORSE
CAPTURE/REMOVAL PLAN FOR
SEAMAN HMA AND WHITE RIVER HMA

Prepared by Sheree L. Luttrell and Robert E. Brown
Wild Horse Specialists

Bureau of Land Management
Ely District
Ely, Nevada

CAPTURE/REMOVAL PLAN FOR THE SEAMAN AND WHITE RIVER HMAS

I. Purpose and Rationale

The proposed action is to capture and remove excess wild horses from the Seaman and White River Herd Management Areas (HMAs) and adjacent horse free areas. Horses up to the age of nine years old will be removed unless emergency conditions exist which may require horses above nine years old to be removed in compliance with National and Nevada policy. Future removals will follow policy in effect at the time of removal. The initial removal is scheduled to occur in October 1996; however, emergency drought conditions may require horses to be removed earlier than scheduled. Subsequent removals may occur to maintain appropriate management levels (AMLs).

The proposed action(s) will: (1) restore the range to a thriving natural ecological balance, (2) prevent further deterioration of the range threatened by an overpopulation of wild horses, and (3) bring the populations of wild horses to a level in balance with available forage within the Seaman and White River HMAs.

This document outlines the process and events involved with the capture and/or removal of wild horses from the Seaman and White River HMAs. The methodology will remain the same for future removals if they become necessary. Included are the initial numbers of horses to be captured, the time and method of capture, and the handling and disposition of captured horses. Also outlined are the BLM personnel involved with the roundup, the Contracting Officer's Representatives (COR), the delegation of authority, the briefing of the contractor(s), and the pre-capture evaluation held prior to capture operations.

Relationship to Planning

The capture area is not covered by a herd management area plan (HMAP); however, the proposed action is in conformance with the Schell Management Framework Plan (MFP) and Record of Decision (ROD). The plan is also in conformance with the Proposed Egan Resource Management Plan and Final Environmental Impact Statement and Record of Decision. This action is an implementation of the allotment evaluations and Final Multiple Use Decisions (FMUDs) within the herd areas. IBLA has ruled "...that it is not necessary that BLM prepare an HMAP as a basis for ordering the removal of wild horses, so long as the record otherwise substantiates compliance with the statute. Indeed, 43 CFR 4710.3-1 does not require preparation of an HMAP as a prerequisite for a removal action. Thus, we are not persuaded that preparation of an HMAP must in all cases precede the removal of wild horses from an HMA/WHT, and decline to order preparation of HMAP's." (IBLA 88-591, 88-638, 88-648, 88 679, at 127).

The removal also implements the Strategic Plan for Management of Wild Horses and Burros on Public Lands (SP), issued on 6/92; U.S. Department of the Interior, Bureau of Land Management. The SP states that only animals between the ages of 1 and 3 years should be

removed. However, current National and Nevada policy is to remove animals up to nine years of age from HMAs and from horse free areas.

II. Area of Concern

The capture areas in the Seaman and White River HMAs are located approximately 75 miles south of Ely in Nye and Lincoln Counties, Nevada. The Seaman HMA is entirely within the Schell Land Use Plan (LUP) area of the Ely District BLM. The White River HMA is just north of the Seaman HMA, in Nye County, Nevada. The White River HMA is in the Schell LUP area and the Egan LUP area of the Ely District BLM. The Ely District has management responsibilities for both HMAs. Maps of the proposed removal areas are attached.

III. Number of Horses to be Captured/Removed

All AMLs were established through the evaluation of monitoring data which was conducted during the allotment evaluation/ multiple use decision process. The last step in the allotment evaluation process is the issuance of Final Multiple Use Decisions (FMUDs) for each allotment. The FMUDs established the AMLs identified in Table 1. All AMLs established included a range of $\pm 15\%$ to allow the populations to increase to a certain size before a removal is necessary. Populations will be removed to 15% below the AML and will be allowed to increase to 15% over AML before a removal is initiated. This means fewer removals will be necessary over time which reduces stress on the animals.

Table 1 also shows the latest census data for each allotment and the number to be removed in October 1996.

Table 1. Appropriate Management Levels by Allotment as Identified in Final Multiple Use Decisions, Latest Census Data and Number to Be Removed in 10/96.				
Allotment	Latest Census 9/95	Partial AMLs	15% below AML	Number to Remove 10/96
White River HMA				
Duckwater	80 (960 AUMs)	10 for 9 months (90 AUMs)	8 for 9 months (72 AUMs)	74 (888 AUMs)
Hardy Springs	220	24	20	200
North Cove	0	0	0	0
Subtotal	300	31	26	274
Seaman HMA				
Sunnyside	64	17	16	50
Forest Moon	66	15	13	53
Batterman Wash	0	0	0	0
Dry Farm	0	0	0	0
Wilson Creek	0	12 horses for one month (12 AUMs)	10 horses for one month (10 AUMs)	0
Subtotal	130	33	28	102
Outside HMAs				
"Reserved for Wildlife"	71	0	0	71
TOTAL	501	64	54	447

AMLs established in the FMUDs are final and will only change when new monitoring data indicate that a change is needed. This capture/removal plan addresses the methodology and procedures to be used to capture and remove the animals to attain and maintain the established AML.

Wild horses are managed on an HMA basis so that numbers within each allotment may vary. Only when the total AML for the HMA is exceeded will horses be removed. Table 2 shows the remaining allotments within the HMAs that do not have AML established or finalized. The allotment evaluations are completed on these allotments but the proposed and final multiple use decisions (FMUD) have not yet been issued. When AMLs are established through the FMUDs for these allotments, removals will occur to attain AML. This capture/removal plan will cover all future removals for these two herd areas. The Seaman Herd Management Area Allotment Evaluation recommends the AML be set at 126 horses yearlong for those allotments listed below for the Seaman HMA. This figure will be added to the AML established previously through the evaluation/decision process for the other five allotments within the HMA. Therefore, the AML for the entire Seaman HMA would be 159 wild horses plus or minus 15 percent. The Allotment Evaluations for the Wells Station Allotment and the Cove Allotment recommend the AMLs be set at 14 horses yearlong, 42 horses yearlong and 10 horses for 3 months respectively for both allotments. This figure will be added to the AML established previously through the evaluation/decision process for the three other allotments. Therefore, the AML for the entire White River HMA would be 90 wild horses plus or minus 15 percent.

Table 2. Allotments Within the HMAs that Do Not Have AML Established. Wild Horses Will Not be Removed From These Allotments During the Initial Removal (10/96), unless FMUDs have been issued.	
White River HMA	Seaman HMA
Allotment	Allotment
Wells Station	Needles*
Cove	West Timber Mt.*
	Coal Valley Lake*
	South Coal Valley*
	Timber Mountain
	Fox Mountain*
	Black Bluff*

* These allotments are being evaluated together and are the result of proposed boundary changes. Old allotments within the new allotment boundaries include Oreana Spring, North Hiko-Six Mile, Seaman Springs, and Middle Coal Valley.

The initial removal will be selective by age and only animals between the ages of zero to nine will be removed from the HMAs in conformance with Nevada State Policy. All animals outside the HMAs will be removed and horses nine years old and younger will be shipped to PVC. Horses older than nine years will be released back into the adjacent herd areas from which they were captured. To remove 447 animals in the proper ages classes, approximately 650 animals will need to be captured, based on an estimate that 30% of the population is over 9 years of age. Older horses will be released back to the area of capture after the operations are complete in that area. Released animals will be monitored within 72 hours to ensure that they are not caught behind fences and that they have found water and forage.

IV. Time and Method of Capture

The initial removal is scheduled for October 1996. Future removals will be conducted when the need arises and when funding becomes available. Timing of the removals is also dependent on the statewide priority schedule. Because the HMAs are adjacent to each other, it would be less expensive and more efficient to combine the removals. However, if funding is not sufficient for both HMAs, the removals may be conducted separately. Horses will not be captured or removed during the foaling season (March 1 to July 1).

The method of capture will be to use a helicopter to herd the animals to portable wing traps. It is estimated that 4 or 5 trap locations will be required to accomplish the work.

Other methods of capture are not being considered in the Seaman and White River HMAs. Water trapping wild horses, though easier on the animal, is not feasible due to winter snows available to horses in the proposed capture area. Trapping horses by running them on horseback is not feasible because it is too easy to lose the horses after starting them towards the trap; injuries to both people and horses are more likely and the cost factor shown from previous roundups using this method indicates that the costs are prohibitive.

The terrain in the removal area varies from flat valley bottoms to mountainous, and the horses could be located at all elevations depending on the time of year the removal is conducted. There are few physical barriers and fences in the area and the contractor will be instructed to avoid them.

V. Administration of the Contract

BLM will be responsible for overseeing a contract for the capture, care, aging and temporary holding of approximately 447 wild horses from the capture area for the initial removal. BLM is also responsible to oversee the transportation to the adoption preparation facility as specified in the removal contract.

Within two weeks prior to the start of the contract, BLM will conduct a pre-capture evaluation of existing conditions in the capture area. The evaluation will include animal

condition, prevailing temperatures, snow 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 a delay in the capture activity is warranted. If it is determined that the capture can proceed with a veterinarian present, the services of a veterinarian will be obtained before the capture will proceed.

The contractor will be briefed on duties and responsibilities before the notice to proceed is issued. There will also be an inspection of the contractor's equipment at this time to ensure that it meets specifications and is adequate for the job. Any equipment that does not meet specifications must be replaced within 36 hours. The contractor will also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations, wilderness study area boundaries and motorized equipment limitations, and the presence of fences and other dangerous barriers.

At least one authorized BLM employee, a Contracting Officer's Representative (COR) or Project Inspector (PI) will be present at the site of captures/removals. The COR/PI will be directly responsible for the capture/removal. Other BLM personnel may be needed to assist the operation; i.e. an archaeologist or an archaeological technician to conduct cultural inventories, and a BLM law enforcement agent to protect BLM personnel and property from unlawful activities.

The CORs/Pis are directly responsible for the conduct of the capture/removal operation and for reporting progress to the Ely District Manager, and the Nevada State Office.

The Associate District Manager (ADM) for Renewable Resources and the Ely 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 most important concern and responsibility of the District Manager, ADM Renewable Resources, and CORs/Pis.

All publicity, public contact, and inquiries will be handled through the ADM Renewable Resources. The manager will also coordinate the contract with the National Wild Horse and Burro Center at Palomino Valley, the adoption preparation facility, to assure there is space available in the corrals for the captured horses, animals are handled humanely and efficiently, and animals being transported from the capture site are arriving in good condition.

The COR/PI will constantly evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be ensured through issuance of written instructions to the contractor, stop work orders and default procedures should the contractor not perform work according to the stipulations.

To assist the COR/PI in administering the contract, the BLM will have a helicopter available, as needed, at the roundup site. This helicopter will be used with discretion to minimize

disturbance of horses that would make capture more difficult. However, it will be used as needed to assure that the contractor is complying with the specifications of the contract and to ensure the humane capture of animals.

If the contractor fails to perform in an appropriate manner at any time, the contract will not be allowed to continue until problems encountered are corrected to the satisfaction of the COR/PI.

VI. STIPULATIONS AND SPECIFICATIONS

A. TRAPPING AND CARE

All capture attempts shall be accomplished utilizing helicopter drive-trapping and shall incorporate the following:

1. Trap and Holding Facility Locations. All trap locations and holding facilities must be approved by the COR and/or 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.

The COR/PI will ensure that the general location of the trap is close to major concentrations of horses. General locations of traps will be selected by the COR after determining the habits of the animals and observing the topography of the area. Specific locations may be selected by the contractor with the COR/PI's approval within this general preselected area. Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads.

Due to the many variables such as weather, time of year, location of horses, and suitable trap sites, it is not possible to identify specific locations at this time. They will be determined at the time of the capture.

Trap sites or holding corrals will not be placed in areas of any known threatened or endangered species or in areas of candidate species.

A cultural resources investigation by an archaeologist or an archaeological technician will be conducted prior to trap or holding facility construction. If cultural values are found, an alternative site will be selected.

Trap sites for capturing horses with a helicopter will not be placed within ¼ mile of water sources such as streams, springs, reservoirs or troughs.

Temporary traps and corrals will be removed and sites will be left free of all debris within 30 days following the operation.

Traps or corrals will not be placed within WSAs and motorized equipment will be limited to existing roads and ways. Helicopters may be flown over the WSA but will not land unless an emergency exists. The contractor will be informed of all WSA boundaries and limitations.

2. Rate and Distance of Movement. 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 to be herded more than 10 miles nor faster than 20 miles per hour. The COR/PI may decrease the rate of travel or distance moved should the route to the trap site pose a danger or cause avoidable stress (steep and/or rocky). Animal condition will also be considered in making distance and speed restrictions.

Temperature limitations are 10 degrees F. as a minimum and 95 degrees F. as a maximum. Special attention will be given to avoiding physical hazards such as fences.

3. Trap and Holding Facility Construction. All traps, wings and holding facilities shall be constructed, maintained and operated to handle 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 and the bottom rail of which shall not be more than 12 inches from 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 (without holes) 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.

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 gates leading to the runways shall be covered with a material which prevents the animals from seeing out

(plywood, burlap, etc.) and shall be covered a minimum of 2 feet 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.

4. Fence Modifications. No fence modifications will be made without authorization from the COR/PI. The contractor shall be responsible for restoration of any fence modification which he has made.

5. Dust. 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.

6. Animal Separation. Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares 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. The contractor will be required to restrain animals for the purpose of determining age. Alternate pens shall be furnished by the contractor to hold older animals which will be returned to the herd areas. Additional holding pens will be needed to segregate animals transported from remote locations so they may be returned to their traditional ranges. Segregation or temporary marking and later sorting will be at the discretion of the COR/PI.

7. Food and Water. 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 two pounds of hay per 100 pounds of estimated body weight per day.

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

9. Sick or Injured Animals. The contractor shall restrain sick or injured animals if treatment by the Government is necessary.

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR/PI will have the primary responsibility for determining when an animal will be destroyed

and will perform the actual destruction. The contractor will be permitted to destroy an animal only in the event the COR/PI is not at the capture site or holding corrals, and there is an immediate need to alleviate pain and suffering of a severely injured animal. When the COR/PI is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a final determination. Destruction shall be done in the most humane method available as per Washington Office Wild Free-Roaming Horse and Burro Program Guidance dated January 1983. A veterinarian can be called from Ely if necessary to care for any injured horses.

The contractor may be required to dispose of the carcasses as directed by the COR/PI.

The carcasses of wild horses which die or must be destroyed as a result of any infectious, contagious, or parasitic disease will be disposed of by burial to a depth of at least 3 feet.

The carcasses of wild horses which must be destroyed as a result of age, injury, lameness, or noncontagious disease or illness will be disposed of by removing them from the capture site or holding corral and placing them in an inconspicuous location to minimize the visual impacts. Carcasses will not be placed in drainages regardless of drainage size or downstream destination.

10. Transportation. Animals shall be transported to final destination (the National Wild Horse and Burro Center at Palomino Valley) 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 capture operations may be held up to 21 days or as directed by the COR/PI. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI. The contractor shall schedule shipments of animals to arrive at the final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at 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 at the discretion of the COR/PI.

11. Release of Animals onto Range. Animals which are to be released back to the range will be released in small groups to avoid a herd stampede mentality. Mare/foal pairs will be released together. Stud horses will not be released at the same time as mares or mares with foals to avoid fighting over mares and

injury to foals. If a foal becomes separated from a mare, the foal will be recaptured and sent to PVC.

12. Handling procedures for mares and foals

- a. Mares older than the target age group (over 9 years old in the HMAs and over 9 years old from the horse-free area) will be paired with their foals and both will be returned to the range.
- b. When mares older than the target group will not pair with their foals, the foals will be sent to the National Wild Horse and Burro Center at Palomino Valley (PVC) for adoption and the mares will be returned to the range.
- c. When mares older than the target group will accept their foals, but either the mare or the foal or both are in poor physical condition and their survival on the range is questionable, the animals will be held on site until healthy. If at the termination of the capture operation, it still appears that the animal's survival is questionable, they will be sent to PVC.
- d. When mares within the target age group will accept their foals, the pair will be sent to PVC.
- e. When mares within the target group will not accept their foals, both the mare and foal will be sent to PVC.

B. CAPTURE METHODS FOR HELICOPTER DRIVE TRAPPING

1. The primary method for gathering wild horses and burros is the use of helicopter drive trapping. Roping will only be used as a supplemental gather technique when determined by the on-site COR that drive trapping will not be successful and it is in the best interest of the animals being gathered to capture them using roping techniques. Circumstances where roping may be necessary include, but are not limited to, where all wild horses and burros must be gathered and/or removed from areas specified in the gather plan as being complete removal and those individual animals continue to elude helicopter herding operations and where it is necessary to capture an orphaned foal or a suspected wet mare. In all cases, when it is determined by the COR that a significant proportion of animals must be roped, the roping will only proceed after consultation with the District Manager or their designated representative.
2. The helicopter shall be used in such a manner that bands remain together. Foals shall not be left behind.

3. Helicopter, Pilot and Communications

a. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractors Federal Aviation Certificates, applicable regulations of the State of Nevada and shall follow what are recognized as safe flying practices.

b. When refueling, the helicopter shall remain a distance of at least 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.

c. The COR/PI shall have the means to communicate with the Contractor's pilot and be able to direct the use of the capture helicopter at all times. If communications cannot be established, the government will take steps as necessary to protect the welfare of the animals. The frequency(ies) used for this contract will be assigned by the COR/PI when the radio is used. When a VHF/AM radio is used, the frequency will be 122.925 MHz.

d. The contractor shall obtain the necessary FCC licenses for the radio system.

e. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

f. At time of delivery order completion, the contractor shall provide the COR/PI with a completed copy of the Service Contract Flight Hour Report.

g. All incidents/accidents occurring during the performance of the delivery order shall be immediately reported to the COR/PI.

C. 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 used to transport animals to final destination.

2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to ensure captured animals are transported without undue risk or injury.
3. Only stocktrailers 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 haul animals from temporary holding facilities to final destination(s). 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 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.

4. All vehicles used to transport animals to final destination(s) 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 the 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 by the COR/PI.

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

6. 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);
8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
4 square feet per burro foal (.5 linear foot in an 8 foot wide trailer);

7. 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.

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.

D. CONTRACTOR FURNISHED PROPERTY

1. All hay, water, vehicles, saddle horses, helicopters and other equipment shall be provided by the contractor. Other equipment includes, but is not limited to, a minimum of 2,500 linear feet of 72-inch high (minimum height) panels for traps and holding facilities. 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.

2. The contractor shall furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.

3. The contractor shall furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 MHz.

4. The contractor shall provide a programmable VHF/FM radio transceiver in the contractor's helicopter to accommodate the COR/PI in monitoring the capture operation.

E. GOVERNMENT FURNISHED PROPERTY

The government will provide a portable "Fly" restraining chute at each pre-work conference, to be used by the contractor for the purpose of restraining animals to determine the age of specific individuals or other similar practices. The government may also provide portable 2-way radios, if needed. The contractor shall be responsible for the security of all government furnished property.

VII. BRANDED AND CLAIMED ANIMALS

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

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of this notice, 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.

When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the capture area. If determined necessary at that time by all parties involved, horses will be sorted into three categories:

- a. Branded animals with offspring, including yearlings.
- b. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g., geldings, bobbed tails, photo documentation, saddle marks, etc.).
- c. Unbranded animals and offspring without obvious evidence of former private ownership.

The COR/PI, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming horses. The District Brand Inspector will determine ownership of branded animals and their offspring and, if possible, the ownership of unbranded animals determined not to be wild and free-roaming horses.

Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM pending notification of the owner or claimant.

A separate holding corral will be set up near the temporary holding corral to house these horses until the owner/claimant or BLM can pick them up.

The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges, as determined appropriate by the ADM Renewable Resources in accordance with 43 CFR Subpart 4710.6 and provisions in 43 CFR Subpart 4150. In the event settlement is not made, the horses will be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined, and unclaimed, unbranded horses with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.

The District Brand Inspector will provide the COR/PI a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley (Reno), and for the branded or

claimed horses where impoundment and trespass charges have not been offered or received, for shipment to public auction or another holding facility.

Prepared by:

Robert E. Brown

Robert E. Brown
Wild Horse and Burro Specialist
Ely District

8/26/96
Date

Reviewed by:

Hal M. Bybee

Hal M. Bybee
ADM Renewable Resources
Ely District Office

8-26-96
Date

Timothy B. Reuwsaat

Timothy B. Reuwsaat
Associate District Manager
Ely District Office

8/26/96
Date

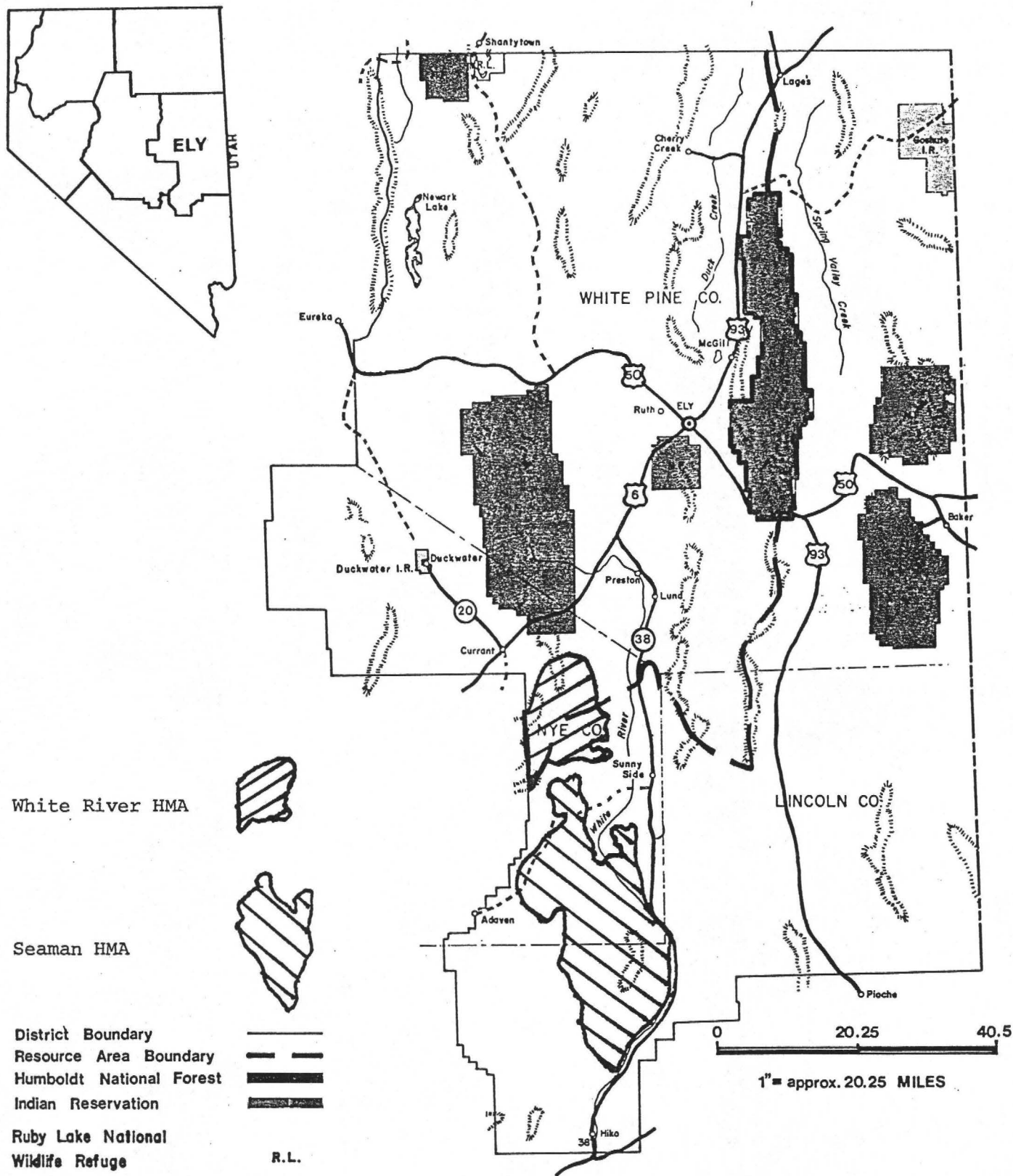
Approved by:

Gene A. Kolkman

Gene A. Kolkman *Acting for*
District Manager
Ely District Office

8/26/96
Date

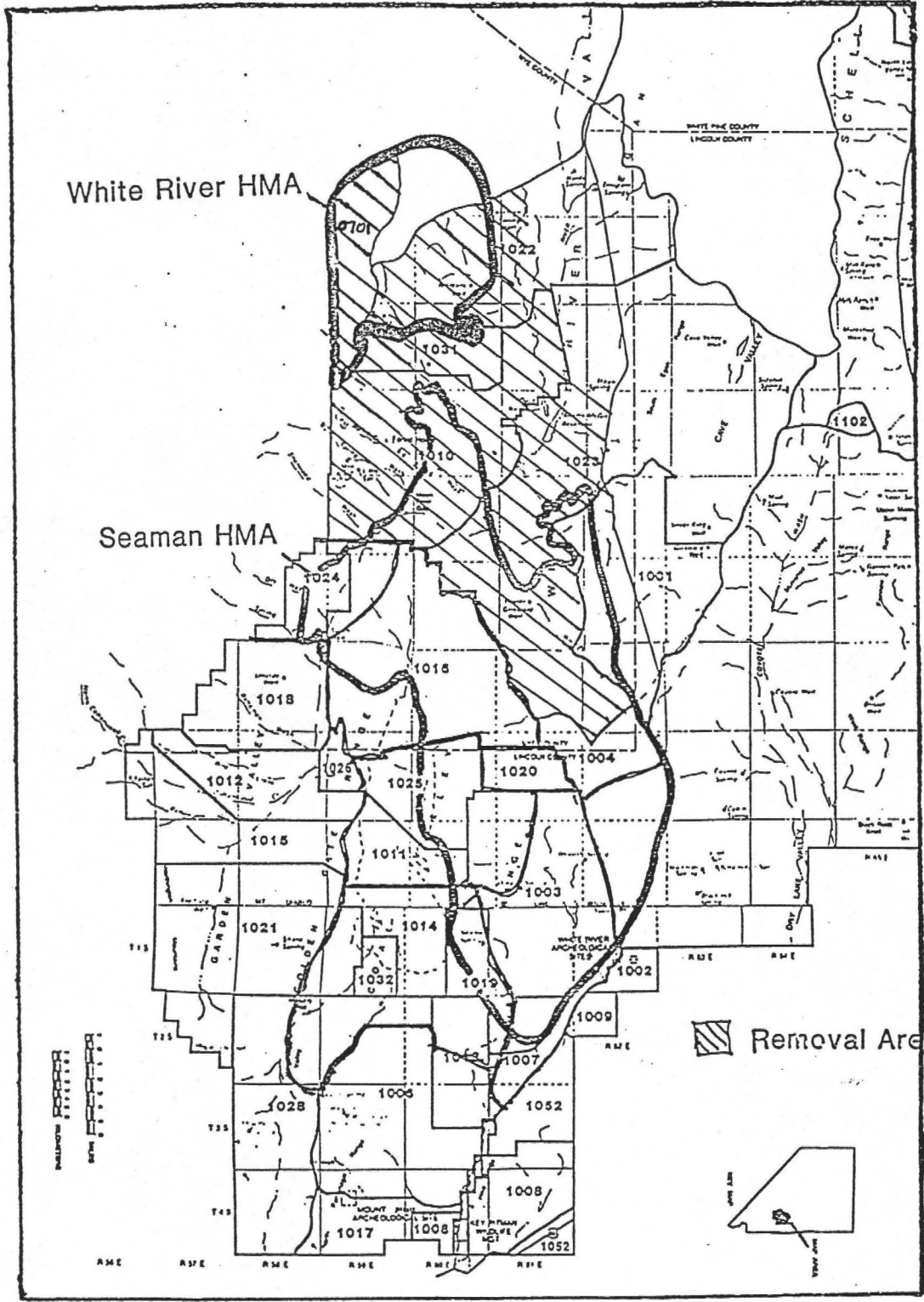
General Location Map




ELY DISTRICT

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

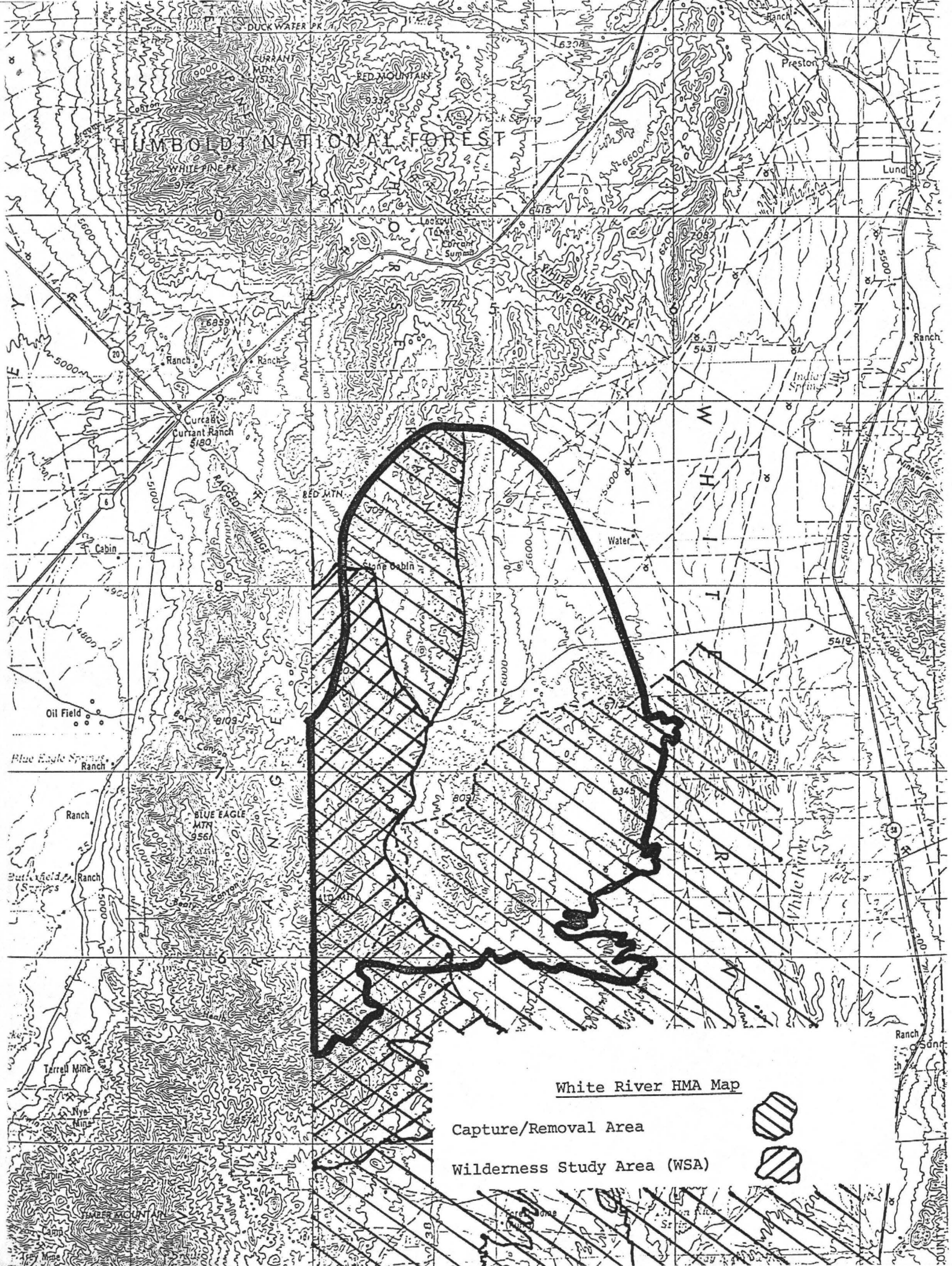
INITIAL REMOVAL AREA (2/96)



ALLOTMENTS

 Removal Area

- 0701 Duckwater
- 1010 Forest Moon
- 1022 Hardy Spring
- 1023 Sunnyside
- 1031 "Reserved for Wildlife"



White River HMA Map

Capture/Removal Area

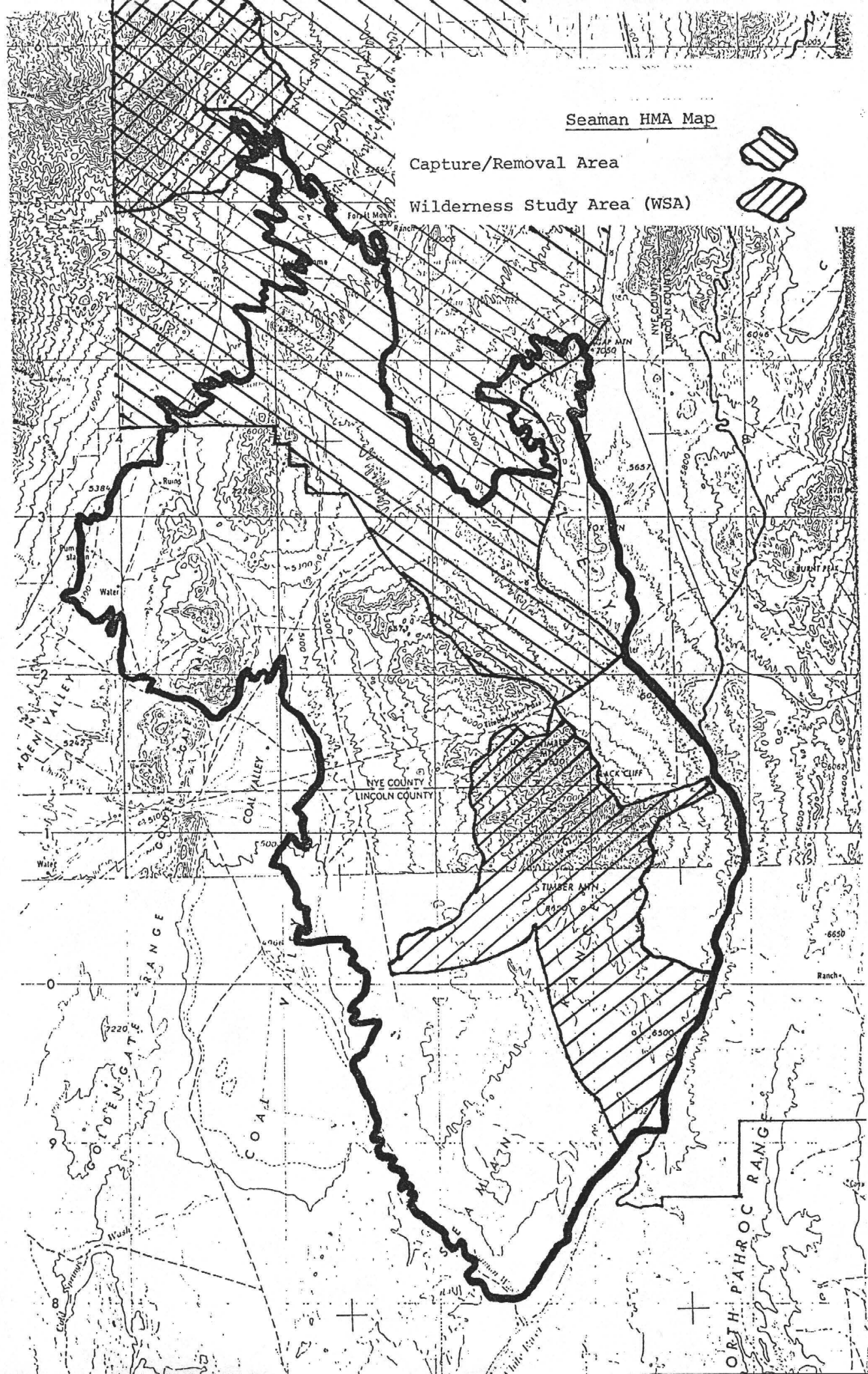
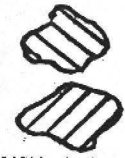
Wilderness Study Area (WSA)



Seaman HMA Map

Capture/Removal Area

Wilderness Study Area (WSA)



COAL VALLEY

NYE COUNTY
LINCOLN COUNTY

TIMBER MOUNTAIN

ORTH PAHROCC RANG



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

1105 Terminal Way
Suite 209

Reno, Nevada 89502
(702) 688-2626

September 11, 1996

cc
MCS
Sullivan
Bottler

Mr. Gene A. Kolkman
Ely District
Bureau of Land Management
HC 33 Box 33500
Ely, Nevada 89301-9408

Subject: White River/Seaman HMAs SAI#96300107

Dear Mr. Kolkman:

The Commission for the Preservation of Wild Horses has received and reviewed the Emergency Removal Decision affecting the Seaman and White River Herd Management Areas. As we have witnessed and have been consulted by your staff, the drought conditions continue in the Mojave Desert. It is obvious that high numbers of wild horses and livestock are exhausting forage and water supplies to a point of jeopardizing animals. As livestock are removed to pastures and feedlots, wild horses and wildlife suffer the continued drought conditions. These conditions are obvious particularly in the ephemeral ranges south of Caliente. Your drought monitoring priorities and indicator checklist analysis were appropriate measures for any pending emergency gather decisions necessary to save rangelands and wild horses.

It was disturbing to receive the "Seaman and Wild River HMAs Wild Horse Removal Plan" and "Wild Horse Capture/Removal Plan For Seaman HMA and White River HMA", and discover no data to support an emergency gather. Data points of the Ely District drought indicator and monitoring priority lists were not presented.

Previous emergency gather decisions rated lactating mares in condition classes between two and four. These observations and the loss of all available water easily justified an emergency gather of all wild horses from allotments or portions of herd management areas.

Mr. Gene Kolkman
September 11, 1996
Page 2

Your decision to implement only the wild horse decisions of multiple use decisions is confusing. A ninety percent removal of wild horses without specifically defining "emergency livestock decisions" offers little immediate protection of degraded range conditions. It is suggested that livestock closures are in effect, but the decision provides little or no evidence of these actions.

We can only support the following actions:

Emergency removal of wild horses and livestock in areas where significant death loss of wild horses within six months.

Livestock decisions are issued concurrent with wild horse emergency gather decisions.

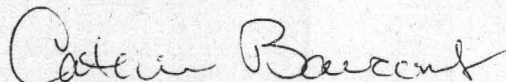
Livestock decisions establish a criteria for future turnout.

After-the-fact environmental assessments need to be prepared to explain the impacts of short-term actions and establishes the long term plan or strategy to sustain wild horse herds. This document should address the following:

- a. Herd integrity - age, longevity, sex and color structure of the herd.
- b. HMA Suitability - land status, water and fences.
- c. Monitoring - wild horse use pattern mapping and utilization data.

Gene, we are aware of the serious drought conditions and support the proper application of emergency gathers. It would appear reasonable that emergency measures would also be required for livestock and these actions might be better reflected in decisions. After consulting with your staff, the emergency measures could be better explained in our above request. As you are aware the Commission did not agree with the procedures and assumptions made in determining the appropriate management levels for these herds; therefore, the 90 percent reduction in wild horses should not leave any doubt as to the impact by other users in the immediate future. We encourage the District to continue monitoring to determine the real affects of these decisions.

Sincerely,



CATHERINE BARCOMB
Executive Director