



*Sand Springs Ely G 8/30/00*

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Ely Field Office  
HC 33 Box 33500 (702 No. Industrial Way)  
Ely, Nevada 89301-9408  
<http://www.nv.blm.gov>

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DEPT. OF ADMINISTRATION  
DIRECTOR'S OFFICE

8/23/2000

In Reply Refer To:  
4700 (NV-042)

CERTIFIED MAIL # P 216 081 252  
RETURN RECEIPT REQUESTED

## NOTICE OF FINAL DECISION FULL FORCE AND EFFECT

### SAND SPRINGS EAST HERD MANAGEMENT AREA (HMA) EMERGENCY REMOVAL

Severe drought conditions exist within the Sand Springs East HMA. Forage production has been reduced, and water quality and quantity has been affected. Forage utilization in the portions of the Duckwater Allotment (Ike Springs/Ike Bench, Little Smokey Valley, North Sand Springs Valley, and South Sand Springs Valley use areas) was determined to be moderate in late June. Water availability was assessed in early August during several field visits and while collecting wild horse census data from low level helicopter flights. From these field observations it has been determined the wild horses and their habitat are being adversely impacted.

Approximately 200 wild horses must be gathered and removed from the HMA. All wild horses gathered will be placed into the adoption program or removed to a sanctuary. Wild horses will be gathered from the four use areas in the HMA identified above. No other portions of the Sand Springs East HMA will be gathered in conjunction with this emergency gather operation. The gather operation will be conducted by helicopter drive-trapping and/or roping. Upon completion of the gather, approximately 125-150 wild horses will remain in the HMA, based on recent (August 2000) aerial census.

Under current drought management measures, domestic livestock are being removed from the Duckwater Allotment in the four above mentioned use areas, per signed livestock management agreements with the individual permittees, and the allotment will be closed to grazing until the 2001 grazing season commences, or until drought indicators are reduced and the resource shortages are mitigated. A notice of closure agreement for livestock grazing is being issued in conjunction with this decision for those areas affected by the emergency gather operation.

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 9, 2000 and will continue until the action is completed. The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have critically reduced forage production and water availability for wild horses. The west half of the Duckwater Allotment portion of the Sand Springs East HMA is receiving moderate to heavy use, and has received 50% of its normal precipitation. Animals are concentrating around the few remaining productive water sources. Long term forecasts do not indicate that improvements in the current situation are likely to occur, and there are doubts as to whether the current forage situation will sustain the concentrated animal use currently occurring in the areas.
2. Water availability is decreasing daily at natural springs, several of the smaller sources have already dried up and more dependable sources are producing at extremely low flows.

**AUTHORITY:** 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 (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found 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 the 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."

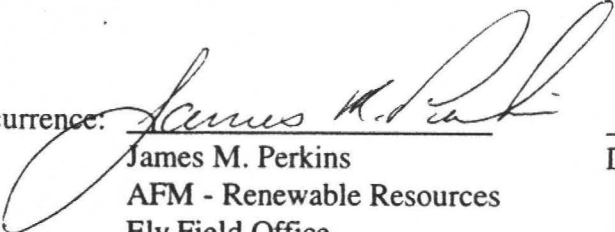
**APPEALS:** Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to 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 Hearing 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) BLM Ely Field Office, HC 33 Box 33500, Ely, NV 89301-9408. The original documents should be filed with this office.

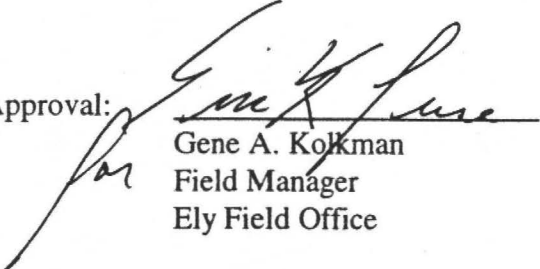
If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

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 (775) 289-1843 or write at the above address.

Concurrence:  8/22/00  
Date  
James M. Perkins  
AFM - Renewable Resources  
Ely Field Office

Approval:  8/23/00  
Date  
Gene A. Kolkman  
Field Manager  
Ely Field Office

1 Enclosure:

1. Sand Springs East Herd Management Area Emergency Gather Plan (6pp)

SAND SPRINGS EAST HERD MANAGEMENT AREA  
EMERGENCY GATHER PLAN

PREPARED BY  
Robert E. Brown  
Wild Horse and Burro Specialist

Ely Field Office  
August 22, 2000

## I. Purpose and Need

Resource conditions and animal health are currently being adversely affected by severe drought conditions in the southern portion of the Ely District, in White Pine, Nye and Lincoln Counties, Nevada. The drought conditions prevent the Sand Springs East Herd Management Area (HMA) from sustaining adequate water supplies and from producing adequate forage to sustain those animals currently occupying the area through the remainder of the year and especially during the coming winter. To prevent resource degradation and animal stress, an emergency gather will be initiated immediately.

The Ely Field Manager has determined that a Full Force and Effect Decision is necessary to accomplish an emergency gather to prevent resource degradation. Field observations of forage and water availability have indicated that wild horses and their habitat are being negatively impacted. The following conditions exist in the Sand Springs East HMA and adjacent areas:

- Forage Condition:** Current year's growth is extremely limited. Growth on native grasses (Indian ricegrass, needle-and-thread, and galleta grass) and shrubs (winterfat, sagebrush) averaged less than 6 inches.
- Forage Utilization:** Moderate to heavy utilization on herbaceous forage has been documented throughout the emergency gather area due to yearlong use by wild horses and seasonal use by livestock.
- Precipitation:** Precipitation for the year has averaged 40-50% of normal, with the majority of this precipitation coming in the month of February.
- Water Availability:** Water is limited to troughs being filled by the livestock permittee and several spring sources. Several of the key spring sources and reservoirs within the emergency gather area are dry. The remaining spring sources have a lower than normal flow.
- Animal Condition:** Lact./mares = condition classes 2-4  
Studs = condition class 3-5
- Capture Method:** Helicopter drive-trapping and/or roping will be the primary method of capture.
- Number of Animals:** Wild horses- capture 200, remove 200 within the HMA. Based on a recent aerial census (August 2000), approximately 125-150 wild horses will remain in the HMA upon completion of the removal.
- Age Criterion:** All age classes will be removed.

## II. Area of Concern

The proposed emergency gather area is located on public lands administered by the Bureau of Land Management (BLM) Ely Field Office, in Nye County, Nevada. The areas of concern are within the west half of the Duckwater Allotment within the Sand Springs East HMA, approximately 50 miles southwest of Ely, Nevada (refer to Map 1 & 2). All of the Sand Spring East HMA, within the Ike Springs/Ike Bench, Little Smoky Valley, North Sand Springs Valley and South Sand Springs Valley use areas, will be gathered in conjunction with this emergency gather.

III. Time Frame

The animals will be removed from the HMA beginning approximately September 9, 2000 and will continue until the emergency gather is completed.

IV. Gather Methods

The animals will be gathered through the use of helicopter drive-trapping and/or roping, as well as bait trapping (water) where feasible. The gather operation will adhere to the "Nevada Wild Horse and Burro Gather Contract" Number 1422-N660-C96-3004.

V. Administration of the Contract

The BLM will be responsible, through the above-cited contract (1422-N660-C96-3004), for all capture, care, and temporary holding of animals until release. The Contracting Officers Representative (COR) will be the Wild Horse and Burro Specialist from the Ely Field Office, who will be directly responsible for conducting the emergency gather.

VI. Disposal of Removed Animals

All wild horses gathered will be sent to the Palomino Valley Center at Sparks, Nevada to be prepared for adoption.

VII. Branded and Claimed Animals

A notice of intent to impound will be issued concurrently by BLM prior to any gathering operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale, if issued. The COR or Project Inspector (PI) will contact the District Brand Inspector and arrange dates and times for brand inspections as needed. Impounded privately owned animals will be handled in accordance with BLM Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

VIII. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animals will be destroyed in accordance with 43 CFR 4730.1. Animals will be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination; the advice of a veterinarian will be sought if the COR is uncertain about the severity of the injury or illness. Destruction will be done in the most humane method available.

IX. Responsibility

The Ely Field Manager is responsible for maintaining and protecting the health and welfare of wild horses. To ensure the contractor's compliance with contract stipulations, a COR from the Ely Field Office will be on site at all times during the emergency gather. The health and welfare of the animals will be the overriding concern of the Field Manager, COR and PI.

Prepared By:

Robert E. Brown  
Robert E. Brown  
Wild Horse and Burro Specialist  
Ely Field Office

8/22/00  
Date

Concurrence By:

James M. Perkins  
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AFM - Renewable Resources  
Ely Field Office

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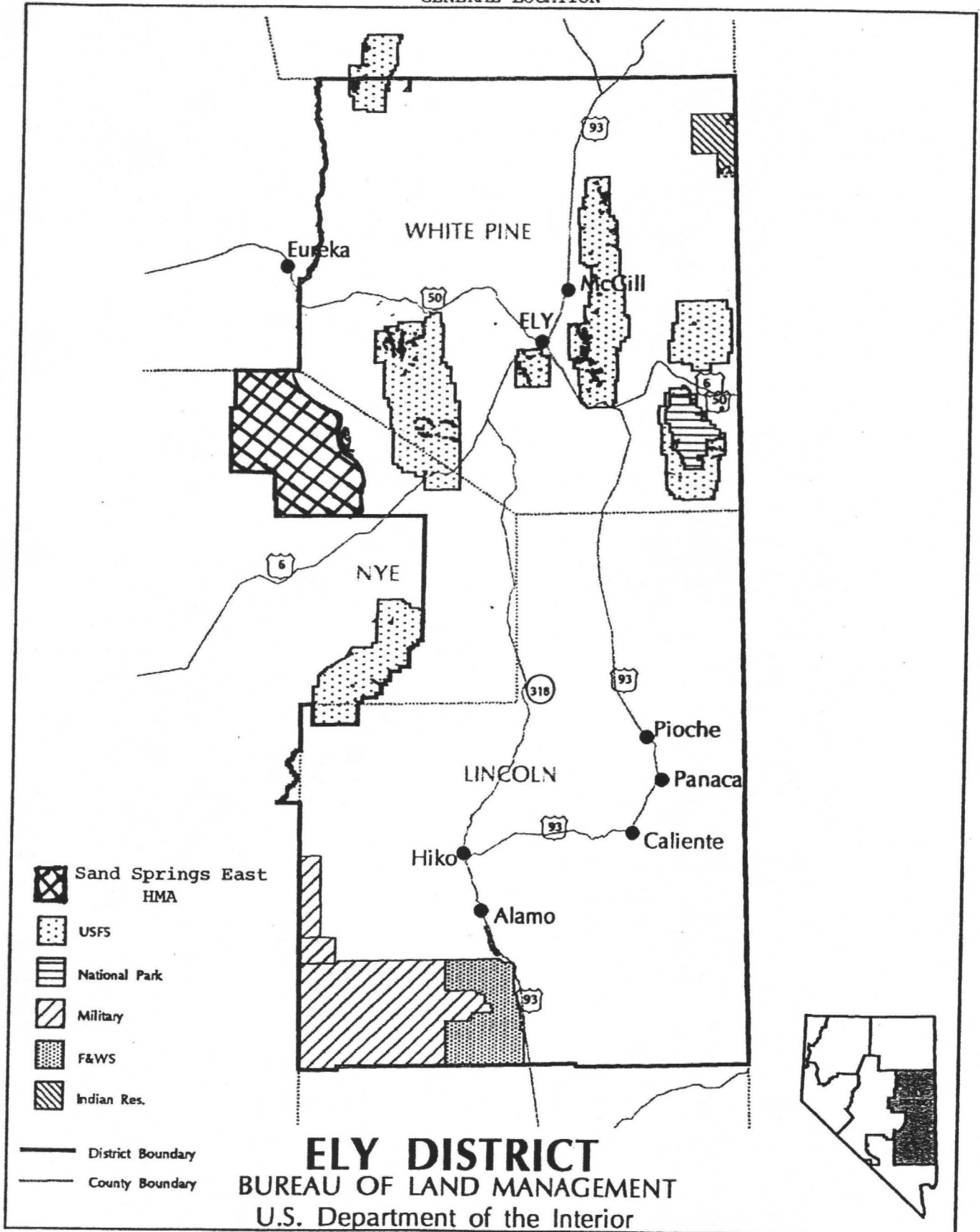
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Gene A. Kolkman  
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Field Manager  
Ely Field Office

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GENERAL LOCATION



**ELY DISTRICT**  
BUREAU OF LAND MANAGEMENT  
U.S. Department of the Interior



Sand Springs East HMA

