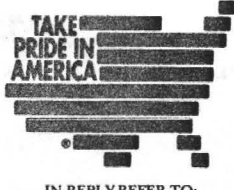


3-10-94



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

4700 (NV-047)

MAR . 1994

MAR 10 1994

Dear Reader:

Enclosed you will find copies of the draft Capture/Removal Plan for Monte Cristo and Sand Springs East Herd Management Areas and the associated preliminary environmental assessment (EA) supplement. This letter should be considered to be the 28-day notice for the proposed removal action. The proposed action, as discussed in the above mentioned documents, will be conducted within the Monte Cristo and Sand Springs East Herd Management Areas (HMAs) to achieve the Appropriate Management Levels (AMLs) established through monitoring and the multiple use decision process.

Final Multiple Use Decisions and US Forest Service Allotment Management Plans (AMPs) are completed on portions of the Monte Cristo HMA, establishing a partial AML of 72 wild horses yearlong. Current data shows that approximately 100 wild horses need to be removed to achieve the partial AML where it is established. The Monte Cristo AML will be updated to include the remainder of the HMA as final multiple use decisions and AMPs are issued for those allotments not currently having an established AML. Excess wild horses will only be removed from those allotments within the HMA where an AML is established and where monitoring data shows a need to remove excess wild horses to maintain a thriving natural ecological balance.

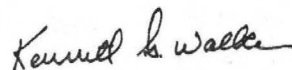
The Sand Springs East HMA does not yet have an AML established through monitoring, since the final multiple use decision has not yet been issued for the HMA. No removals will occur within this HMA until the AML is properly established based on monitoring, and the final multiple use decision has been issued, unless emergency conditions within the HMA warrant a removal for the welfare of the wild horses there.

Any wild horses 10 years of age and older, that are captured outside of but adjacent to the HMA, will be released back into the adjacent HMA. Captured horses under 10 years of age found in the adjacent areas will be removed and processed for the adoption program. These areas are not managed for wild horses and are considered as horse free areas.

It is BLM's intent to issue the Final Removal Plan in Full Force and Effect. Please provide your comments to the Ely District Manager no later than close of business April 15, 1994. Pertinent comments will be considered and incorporated, as appropriate, and a final decision will be issued and sent to all interested parties.

Any questions you may have regarding these documents can be directed to Joe Stratton, Egan Resource Area Wild Horse Specialist, at (702) 289-4865.

Sincerely,



Kenneth G. Walker  
District Manager

2 Enclosures

1. Monte Cristo/Sand Springs East HMA Removal Plan
2. Supplemental EA S2-93-NV-040-8-15 and S1-93-NV-040-7-6

CAPTURE/REMOVAL PLAN  
FOR  
MONTE CRISTO AND SAND SPRINGS EAST  
HERD MANAGEMENT AREAS

PURPOSE

The proposed action is to initially capture and remove wild horses five years old and under (or current Nevada State Office approved age classes up to nine years old) within the Monte Cristo and Sand Springs East Herd Management Areas (HMAs). Wild horses up to nine years old will be removed from associated horse free areas and horses ten and older will be returned to the adjacent HMA. The range conditions as described in the Newark, Six-mile, and South Pancake allotment evaluations show that management objectives within these allotments are not being met due to overgrazing by wild horses and livestock. The proposed action will progress toward achieving and maintaining the Appropriate Management Level (AML) of 72 within the Six-mile, Newark, and South Pancake allotments.

This document outlines the process and events involved with the capture and/or removal of wild horses within the Monte Cristo and Sand Springs East HMAs. Included are the approximate numbers to be removed, the appropriate management level (AML) to be gathered to, 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 Representative (COR) and Project Inspectors (PIs), the delegation of authority, the briefing of the contractor(s), and the pre-capture evaluation held prior to gathering operations.

Relationship to Planning

The proposed action is in conformance with the Proposed Egan Resource Management Plan/Final Environmental Impact Statement (RMP/EIS), the Egan Record of Decision (ROD), Humboldt National Forest Land and Resource Management Plan, and the FMUDs for the South Pancake and Six-Mile allotments. The Newark FMUD that was under appeal has been settled by an agreement which did not change the management of wild horses as stated in the original FMUD. The Monte Cristo Wild and Free Roaming Horses Management Plan (1977) is in need of revision to incorporate new policies and strategies developed in the wild horse program, especially

the Strategic Plan for Management of Wild Horses and Burros on Public Lands. Future allotment FMUDs for the Moorman Ranch, Duckwater, and Monte Cristo allotments, administered by the Bureau of Land Management, will also conform to the objectives outlined in the Land Use Plans; as will the Treasure Hill and Black Rock allotments administered by the U.S. Forest Service. The initial and subsequent removals will only take place on those allotments with completed Allotment Evaluations, FMUDs, or US Forest Service approved Allotment Management Plans (AMPs). Also, removals may occur on allotments within the HMAs in an attempt to avert imminent death of wild horses or destruction of wild horse habitat due to range degradation or water shortages.

AREA OF CONCERN

The Monte Cristo and Sand Springs East HMAs are located approximately 50 miles west of Ely in northern Nye and southwestern White Pine Counties, Nevada, in the Bureau of Land Management's (BLM) Ely District, Egan Resource Area and the U.S. Forest Service's Ely Ranger District. Removals may also occur in adjacent horse-free areas if it is determined that wild horses are residing outside the HMA yearlong. The U.S. Forest Service, Ely Ranger District has co-management responsibility for the Monte Cristo HMA with the BLM. Table 1 shows the allotments that have established AML and the proposed date AML will be established on the remainder. The BLM is the lead agency for the management of the Monte Cristo HMA. Maps of the HMAs are located in Appendix I.

Table 1 The allotments within the Monte Cristo HMA with established AML and when the remaining allotments will have AML established.

<u>Allotment</u>	<u>AML</u>	<u>Allotment</u>	<u>Year</u>
Six-mile	11	Duckwater	1994
South Pancake	40	Monte Cristo	1994
Newark	<u>21</u>	Moorman Ranch	1994
Total	72	Treasure Hill (U.S.F.S.)	1996*
		Black Rock (U.S.F.S.)	1994*

\*US Forest Service allotments are administered under Allotment Management Plans.

CAPTURE/REMOVAL PROCEDURES

The initial removal for the Six-mile, Newark, and South Pancake allotments within the Monte Cristo HMA will be selective for animals five years old and under (or the current Nevada State Office policy of age groups which can be removed) in order to achieve AML. The remaining allotments within Monte Cristo and

Sand Springs East HMAs with FMUDs or US Forest Service AMPs forthcoming will be incorporated into removal efforts as the AML becomes final through an FMUD or AMP with no further public review of the EA or Removal Plan. Removal efforts may occur on allotments within the HMAs without FMUDs in an attempt to avert imminent death of wild horses or destruction of wild horse habitat due to range degradation or water shortages. In horse free areas, animals removed will be nine years old and under with animals over nine years old being released back into the adjacent HMA. This criteria was selected to remove the most adoptable animals from the HMA while achieving AML in the shortest timeframe possible.

Subsequent removals will consist of selective removals of those age classes allowed by current policy in order to achieve and maintain AML in conformance with the Strategic Plan for Management of Wild Horses and Burros on Public Lands. The subsequent captures/removals may result in the use of immunocontraception in conjunction with selective removals in order to reduce the herd growth and maintain AML.

The initial removal will consist of capturing 160 wild horses and removing approximately 100 animals, five years-old and under in conformance with the Strategic Plan. If other allotment AMLs become final, the initial removal will be a larger number. A strategy for gathering HMAs on a three year schedule is to begin in FY1994 in Nevada. The Monte Cristo Wild and Free Roaming Horses Management Plan (1977) established a  $\pm 25\%$  range around the AML. To conform with the Strategic Plan a  $\pm 15\%$  range around the AML will adequately allow for the herd growth between removals. This change will take place when the Monte Cristo Wild and Free Roaming Horses Management Plan (1977) is revised. All removals prior to this revision will be implemented with the intent to reduce the herd to the AML as established in the allotment evaluation. The initial removal will take place within the South Pancake, Newark, and Six-Mile allotments which have established AMLs of 72 (40 in South Pancake allotment, 11 in Six-Mile, and 21 in Newark allotment). As the Moorman Ranch, Duckwater, and Monte Cristo allotment evaluations/FMUDs are completed and AML is established, these allotments will come under the removal procedures of this plan. In addition, the U.S. Forest Service's, Treasure Hill and Black Rock allotments are in the process of developing Allotment Management Plans. No other public review of this removal plan will occur as AMLs are established on the Moorman Ranch, Duckwater and Monte Cristo allotments. The AMLs established in these Allotment Evaluations and FMUDs will be incorporated into this removal plan for future removals.

Every attempt will be made to keep mares and foals together as removal operations proceed. A special pen will be arranged to allow mares and foals to pair up. Mares that are over the

desired removal age will be returned to the range with their unweaned foals and foals that do not pair up with a mare will be taken to Palomino Valley. Mares that meet the removal age criteria will be sent with their foal to Palomino Valley.

Removals will be followed by a post-removal census to determine if the proper number of horses remain in the HMAs.

#### Time and Method of Capture

The initial gather is expected to take place through issuance of a removal contract in FY94 and last approximately two weeks. The start date for the removal contract will be dependent on the funding available in FY94 and Nevada removal priorities. Subsequent captures in future years will also take place through the issuance of removal contracts. Helicopter gathering will not be allowed during the foaling season (March 1 to June 30). Water trapping will be allowed throughout the year but would be used only if helicopter gathering is unfeasible. Water trapping operations would vary in length depending on the numbers of horses to be removed and the wariness of the horses coming into the trap.

The primary method of capture will be a helicopter bringing the horses to trap sites and horseback riders at the wings of portable traps to drive them all the way into the trap. Roping wild horses from horseback may be used in combination with the helicopter in order to remove horses that will not enter the trap. The temporary traps and corrals will be constructed from portable pipe panels. A temporary holding corral will be constructed in the area to hold horses after capture. A loading chute at the holding corral will be equipped with plywood sides or similar material so horses' legs won't get caught in the panels. Trap wings will be constructed of portable panels, jute netting, or other materials determined to be non-harmful to the horses. Barbed wire or other harmful materials will not be allowed for wing construction. All trap, corral, and wing construction will be approved by the COR.

Water trapping is a backup method that is being considered to remove horses in limited areas where resource damage is occurring. Water trapping will be performed by BLM personnel or removal contract. Water trapping would be used because of chronic problems catching horses within a particular area and the continued occurrence of resource damage. Water trapping would also be used only in areas where it would be a feasible method (i.e. not used in areas with abundant water sources). Traps would be constructed with the same materials described in the paragraph above.

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 costs are prohibitive.

It is estimated that up to ten trap locations will be required to accomplish the work. Each site will be selected by the COR after determining the habits of the animals and observing the topography of the area. Specific sites may be selected by the contractor with the COR'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 and will receive cultural and threatened/endangered plant and animal clearances prior to construction. Additional trap sites may be required, as determined by the COR, to relieve stress to pregnant mares, foals, and other horses caused by certain conditions at the time of the gather (i.e., dust, rocky terrain, temperatures, etc.).

Due to other 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 gather.

The terrain in the removal area varies from flat valley bottoms to mountainous, and the horses could be located at all elevations during the time that the gather is scheduled. There are a few physical barriers and fences in the area and the contractor will be instructed to avoid them.

#### Monitoring

Due to the large numbers of horses that will be held in corrals, the potential exists for band disruption and contraction of dust pneumonia. Additional monitoring of the area after the gather is completed will be necessary in order to guard against detrimental effects to the horses as a result of removal operations. Horses that are captured at a specific trap site within the HMA will be marked with a grease pencil to ensure that, if need be, they will be released in the vicinity of the trap location that they were captured. Horses over ten years old from horse free areas will be released within the HMA at water sources. Horses that are held throughout the length of the gather will be monitored in the holding facility to prevent spread of dust pneumonia or other conditions which may occur.

Water trapping should not create the problems outlined in the paragraph above as it will be on a more limited scale and horses will not be held for long periods.

## Administration of the Contract

BLM will be responsible for overseeing a contract for the capture, care, aging and temporary holding of approximately 160 wild horses and removing approximately 100 from the gather area for the initial removal. Subsequent removals will include larger numbers of horses as a larger portion of the HMA will be included in the operation. 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 gather 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.

A bidders tour of the area will be conducted, if necessary, prior to contract award. The contractor, after award of the contract, 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 will be present at the site of captures/removals. Either a Contracting Officer's Representative or a Project Inspector (PI) will be on site. The COR/PIs 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 COR/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 Egan Resource Area Manager and the Ely District Manager are heavily 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, Area Manager, and COR/PIs.

All publicity, public contact, and inquiries will be handled through the Egan Resource Area Manager. 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/PIs 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/PIs 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/PIs.

#### STIPULATIONS AND SPECIFICATIONS

##### A. TRAPPING AND CARE

Water trapping will be used only in specific circumstances and on a limited scale for chronic problem areas. Traps will be constructed in the same manner as helicopter traps and they will be monitored 24 hours a day during water trapping operations. All wild horse handling procedures will apply to water trapping and helicopter trapping equally.

All capture attempts utilizing helicopter drive-trapping 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/PI 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.

The US Forest Service's Currant Mountain Wilderness lies within the Monte Cristo HMA. No motorized ground travel, no holding corrals, traps, or other man-made structures are allowed within the wilderness boundary. In most cases, aerial travel is limited over wilderness

areas to 2,000 feet above the ground. In certain situations, the aerial travel ceiling can be waived by the Forest Supervisor or Regional Forester. This waiver would be sought to allow the contractor to drive horses to trap locations outside of the wilderness boundary.

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.

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.

B. CAPTURE METHODS FOR HELICOPTER DRIVE TRAPPING

1. Capture attempts shall be accomplished by the utilization of a helicopter. A minimum of one saddle-horse shall be immediately available at the trap-site to accomplish roping if necessary. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one (1) hour.

Roping will be allowed only to capture an orphaned foal or a suspected wet mare. However, since all wild horses have to be removed from the area outside of the HMA's, roping will be allowed if certain individual horses continue to elude helicopter herding operations.

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 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 gather 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 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.

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 six feet six 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 six feet high and shall have a minimum five 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 gather 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.

BRANDED AND CLAIMED ANIMALS

A notice of intent to impound and a 28-day notice to gather wild horses will be issued concurrently by the 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/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 gathering 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.


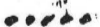

The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges, as determined appropriate by the Egan Area Manager in accordance with 43 CFR Subpart 4710.6 and provisions in 43 CFR Subpart 4150. In the event settlement is not made, the horses will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

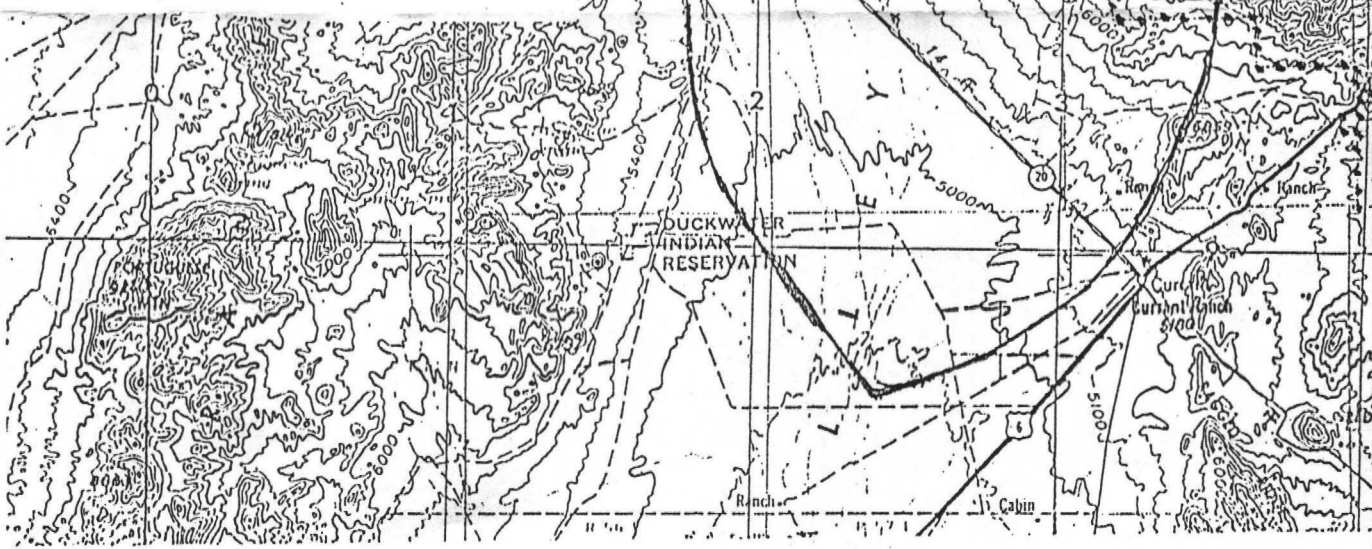
Branded horses with offspring whose owners cannot be determined, and unclaimed, unbranded horses with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.

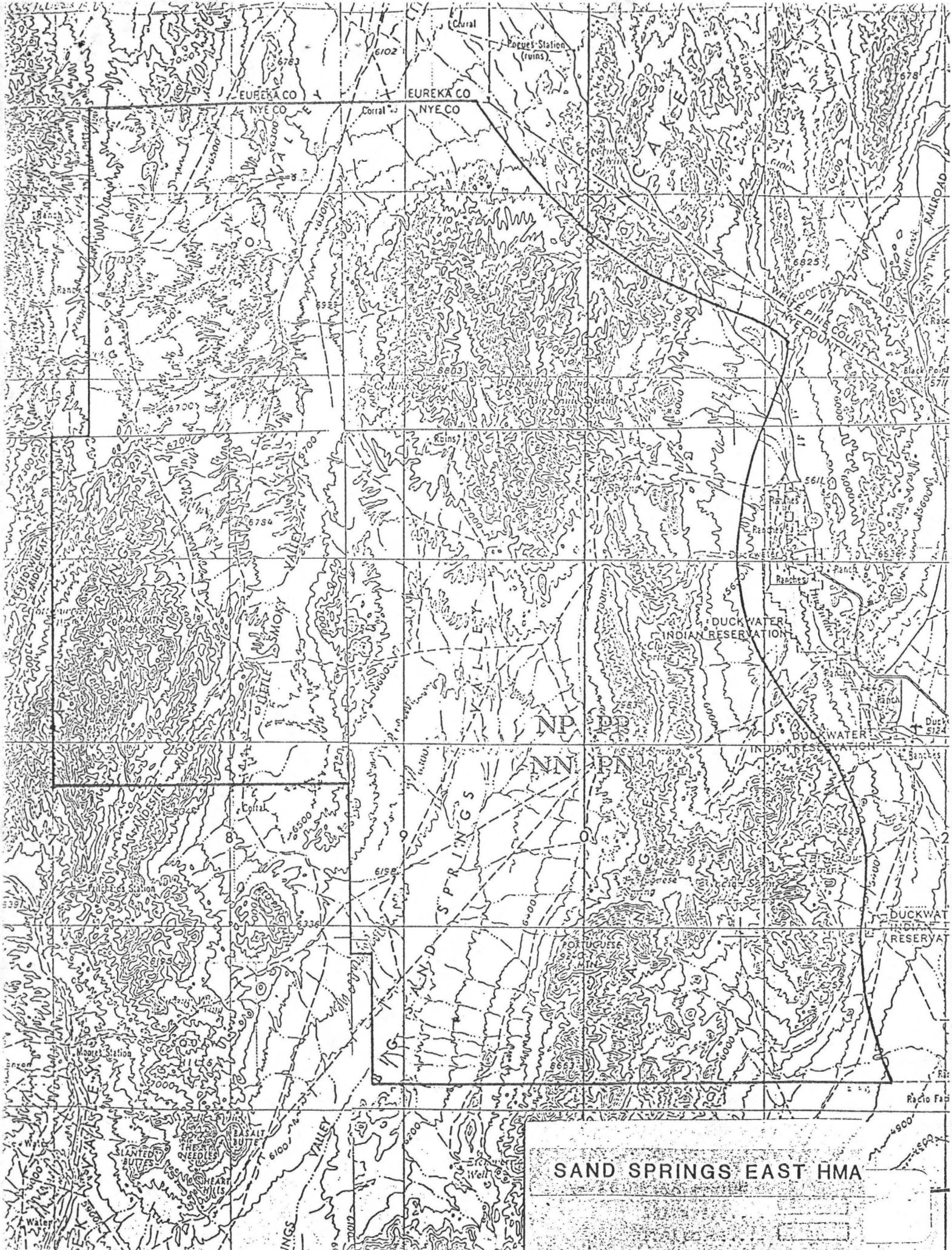
The District Brand Inspector will provide the COR/PI a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley (Reno), and for the branded or claimed horses where impoundment and trespass charges have not been offered or received, for shipment to public auction or another holding facility.



**MONTE CRISTO HMA**

-  **BOUNDARY**
-  **USFS BOUNDARY**
-  **USFS WILDERNESS**





SAND SPRINGS EAST HMA

ENVIRONMENTAL ASSESSMENT  
PRELIMINARY SUPPLEMENT  
for the  
MONTE CRISTO/SAND SPRINGS EAST  
HERD MANAGEMENT AREAS  
CAPTURE/REMOVAL PLAN  
S2-93-NV-040-8-15  
S1-93-NV-040-7-6

Prepared by Joseph A. Stratton  
Egan Wild Horse and Burro Specialist

Ely District  
Bureau of Land Management  
Ely, Nevada

## BACKGROUND INFORMATION

### Introduction

The Bureau of Land Management (BLM), Ely District, Egan Resource Area is proposing to implement a Capture/Removal Plan for the Monte Cristo and Sand Springs East Herd Management Areas (HMAs). This Environmental Assessment (EA) Supplement incorporates EA NV-040-8-15 and EA NV-040-7-6 by reference, which analyzed the removal of wild horses from the above HMAs.

The HMAs are adjacent to one another approximately 50 air miles west of Ely, Nevada in southwestern White Pine and northern Nye Counties. The Monte Cristo HMA is approximately 229,940 acres; 155,330 acres administered by BLM, 71,680 acres administered by U.S. Forest Service, and 1,930 acres private. The Sand Springs East HMA has approximately 386,000 acres administered by the BLM, approximately 3,785 acres within the Duckwater Shoshone Reservation, and approximately 4,080 acres of private land. Portions of South Pancake, Six-Mile, Monte Cristo, Newark, Moorman Ranch, and Duckwater BLM grazing allotments and portions of the Blackrock and Treasure Hill US Forest Service allotments are located in the Monte Cristo HMA. The Sand Springs East HMA is made up entirely of the Duckwater allotment.

### Purpose and Need

The purpose of this action is to selectively remove wild horses down to an established Appropriate Management Level (AML) and to then maintain that AML through the implementation of the Strategic Plan for Management of Wild Horses and Burros on Public Lands. The achievement and maintenance of AML within the Monte Cristo and Sand Springs East HMAs will return the range to a thriving natural ecological balance that does not currently exist within these HMAs.

### Relationship to Planning

The Capture/Removal Plan is in accordance with the Egan Resource Management Plan/Environmental Impact Statement (RMP/EIS) and the Egan Record of Decision (ROD). The plan is also in conformance with the Humboldt National Forest Land and Resource Management Plan. The Monte Cristo Wild and Free Roaming Horses Management

Plan that was written in 1977 is in need of revision to incorporate changes in Bureau policy as it relates to the allotment evaluation process and establishing new AMLs different from those established in the Monte Cristo Plan. The ROD states that "Monitoring studies will be used to determine if adjustments in wild horse numbers are necessary to meet management objectives." The removal is also in accordance with EA NV-040-8-15 and EA NV-040-7-6 which analyzed the impacts of wild horse removals within the Monte Cristo and Sand Springs East HMAs. This proposed action is also in line with the Allotment Evaluation and Final Multiple Use Decision (FMUD) process. The Six-mile and South Pancake FMUDs have been completed within the Monte Cristo HMA. The Newark allotment evaluation is completed and an out of court settlement has been reached resulting in no change to the wild horse AML. The Duckwater, Moorman Ranch, and Monte Cristo allotment evaluations are still forthcoming and will be incorporated upon their completion. The Treasure Hill and Blackrock Allotment Management Plans will be forthcoming from the U.S. Forest Service and also incorporated into this proposed action.

The Capture/Removal Plan is designed to effectively manage the Monte Cristo and Sand Springs East wild horse populations in accordance with Title 43 Code of Federal Regulations, Part 4700 and Nevada State Office Manual Supplement 4730.6. The Capture/Removal Plan adheres to the multiple-use policy specified in the Wild Free-roaming Horse and Burro Act of 1971 (P.L. 92-195) and the Federal Land Policy and Management Act of 1976 (P.L. 94-579).

The proposal is also consistent with the White Pine County Policy Plan for Public Lands and the Nye County Policy Plan for Public Lands developed in compliance with Nevada Senate Bill 40 in 1985. It does not conflict with any county or State land use or zoning decision or recommendation.

### Major Issues

The major issue involved in the development of the Monte Cristo and Sand Springs East Capture/Removal Plan is developing a strategy for achieving AML as determined by monitoring and evaluation of allotments. The Monte Cristo and Sand Springs East Capture/Removal Plan will describe the methods used to achieve AML and reduce herd growth in order to limit the need for future removals. Another issue involved is the effect that selective removal will have on the Monte Cristo and Sand Springs East wild horse populations.

## DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

### Proposed Action

The proposed action is to initially capture and remove wild horses five years old and under (or current Nevada State Office approved age classes up to nine years old) within the Monte Cristo and Sand Springs East HMAs. In associated horse free areas, animals up to nine years old will be removed and horses ten and older will be returned to the HMA. The range conditions as described in the Newark, Six-mile, and South Pancake allotment evaluations show that management objectives within these allotments are not being met due to overgrazing by wild horses and livestock. The proposed action will progress toward achieving the AML of 72 within Six-mile, Newark, and South Pancake allotments. As AML is established in the other allotments of these HMAs, these allotments will be incorporated into future removals as described in the associated removal plan. No removals will occur within allotments until AML is established through the issuance of a FMUD or an appeal is settled.

Every attempt will be made to keep mares and foals together as removal operations proceed. A special pen will be arranged to allow mares and foals to pair up. Mares that are over the desired removal age will be returned to the range with their unweaned foals and foals that do not pair up with a mare will be taken to Palomino Valley. Mares that meet the removal age criteria will be sent with their foal to Palomino Valley.

It is also proposed to use water trapping of wild horses in areas where chronic resource damage is occurring or where it is difficult to trap horses using the helicopter. This method would only be used on a short term basis and could be conducted by BLM personnel or removal contract depending on the number of horses to be removed. In EA NV-040-7-6, water trapping was not considered an option for trapping wild horses. That was due to the one-time nature of that removal plan. This plan will consider water trapping as a potential option to be used only on a limited scale in problem areas.

#### Applicable Standard Operating Procedures

Standard operating procedures for the selective removal of wild horses within the Ely District can be found in the associated removal plan, the Egan RMP, and the Humboldt National Forest Land and Resource Management Plan.

#### No Action

The no action alternative would mean that the removal of wild horses would not be conducted and management objectives within the allotments of the Monte Cristo and Sand Springs East HMAs would not be met. Therefore, the no action alternative is not viable and will not be considered further. No other alternatives are necessary to address unresolved conflicts concerning alternative uses of available resources.



## DESCRIPTION OF THE AFFECTED ENVIRONMENT

A description of the affected environment can be found in EA NV-040-8-15, EA NV-040-7-6, and the Egan RMP on file at the Ely District office concerning the Monte Cristo and Sand Springs East HMAs. The Ely Ranger District portion of the affected environment is described in the Humboldt National Forest Land and Resource Management Plan available at the Ely Ranger District Office.

## ENVIRONMENTAL CONSEQUENCES

### Proposed Action

The following resources are not impacted by the proposed action: areas of critical environmental concern; wild and scenic rivers; floodplain and wetlands; prime or unique farmlands; visual resources; threatened or endangered animals or plants; cultural, historical and paleontological resource values; Native American religious concerns; solid or hazardous waste; social and economic values; or air quality. The Ely District's EA NV-040-8-15 and EA NV-040-7-6 have analyzed the impacts from the proposed action with the exception of the change in age structure due to the selective removal. The proposed action will have an impact on the Monte Cristo and Sand Springs East wild horse populations by creating a dominance of older age classes within the populations. The use of water trapping as discussed in the above mentioned EAs will not be used on a large scale; it will only apply to small areas and fewer horses. All environmental analysis applies to both helicopter and water trapping methods.

The Ely District's Egan RA wild horse specialist will supervise removal and transportation of wild horses during removal efforts from the Monte Cristo and Sand Springs East HMAs to ensure the horses are handled in a safe and humane manner. Those horses that are captured and released back into the HMAs will be monitored within 72 hours to ensure they are obtaining water and forage and returning to normal social habits.

### Wild Horses

Wild horse numbers within the portion of the Monte Cristo and Sand Springs East HMAs that have completed FMUDs will require a reduction in populations of approximately 67% in order to achieve AML. Removing a large segment of the five and under age classes, will result in a herd dominated by animals six years and older. This situation may reduce the reproductive potential of the herd; however, the age classes of mares six-nine will still be in place and will not put the population in danger of not reproducing adequately to maintain the population. The same situation exists if the age class of mares to be removed is increased. A small number of each age class will remain within the HMAs to provide

for each age class being represented within the population and will not put the population in danger of not maintaining itself.

The selective removal of horses will provide more forage and over the long term fewer roundups as the AML is reached. The use of water trapping in small areas will reduce stress to animals and also be less expensive if conducted by BLM personnel.

#### Wilderness

The US Forest Service's Currant Mountain Wilderness lies within the Monte Cristo HMA. No motorized ground travel, no holding corrals, traps, or other man-made structures are allowed within the wilderness boundary. In most cases, aerial travel is limited over wilderness areas to 2,000 feet above the ground. In certain situations, the aerial travel ceiling can be waived by the Forest Supervisor or Regional Forester. This waiver would be sought to allow the contractor to drive horses to trap locations outside of the wilderness boundary.

The BLMS Park Range Wilderness Study Area (WSA) is within the removal area for the Sand Springs HMA. No motorized vehicle use or traps will be used within the WSA boundary.

#### PROPOSED MITIGATING MEASURES

Mitigation measures consist of the standard operating procedures within the removal plan. No additional mitigation is proposed.

#### SUGGESTED MONITORING

No further monitoring is suggested other than that stated in the proposed action.

#### CONSULTATION AND COORDINATION

##### Intensity of Public Interest

The issue of wild horses and their management has been one of high public interest for many years. Prior to the passage of the first protective regulations in the 1950's, local area residents captured horses on a regular basis, generally to be sold for slaughter. As laws were passed and more publicity generated about the issue, public concern became greater, both for and against protection of these animals. Public interest continues but now also includes groups and individuals interested in wildlife and game resources.

Interest in the issue of forage allocation among advocates for wildlife, wild horses, and livestock exists on the national level through organized wild horse interest groups, humane and animal

rights organizations, environmental groups, and organized wildlife and livestock interests. On the local level, there is a high degree of interest from the affected livestock grazing permittees and from sportsman's clubs concerned with allocating a portion of the forage resource to wildlife. These concerns are first addressed in the issuance of Final Multiple Use Decisions resulting from allotment evaluations. These evaluations determine management levels of all species using the public land based on vegetation monitoring. All interested parties have an opportunity for participation in the review of these documents and actions (see Record of Persons, Groups, and Agencies Contacted). A comment period of 30 days is allowed for this preliminary supplement. Comments received will be considered in preparation of the Final EA Supplement.

Record of Persons, Groups, and Agencies Contacted

- Ms. Deborah Allard
- American Bashkir Curly Register
- American Horse Protection Association
- American Mustang and Burro Registry
- Ms. Joneille Anderson
- Animal Protection Institute of America
- Mr. Paul C. Clifford Jr.
- Commission for the Preservation of Wild Horses and Burros
- Craig C. Downer
- Anne Earle
- Barbara Eustis-Cross, Executive Director, L.I.F.E. Foundation
- Steven Fulstone
- Fund for Animals
- Claudia Jean Richards
- Humane Society of Southern Nevada
- International Society for the  
Protection of Wild Horses and Burros
- Vanessa Kelling
- Mr. Donald Molde
- Tina Nappe
- National Mustang Association, Inc.
- Jan Nachlinger, Nevada Protection Planner  
The Nature Conservancy
- Nevada Cattlemen's Association
- Nevada Division of Wildlife  
Region II
- Nevada Division of Wildlife  
Region III
- Division of Wildlife, Mike Podborny
- Division of Wildlife, Curtiss Baughman
- Nevada Farm Bureau Federation
- Nevada Humane Society
- Nevada Outdoor Recreation Association
- Nevada State Department of Agriculture
- Nevada Wildlife Federation



Chris Mayer  
Jake Rajala

Tim Reuwsaat  
Fred Fisher  
Gene Drais  
Mark Lowrie

US Forest Service Review

Wayne Swenson  
Jerry Green

Range/T&E Plants  
Environmental Coordination  
and Planning

All Resources  
Range  
All Resources  
Range

Range  
All Resources



**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

50 Freeport Boulevard, No. 2  
Sparks, Nevada 89431  
(702) 359-8768

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Reno, Nevada

April 20, 1994

Kenneth G. Walker, District Manager  
BLM Ely District Office  
HC33 Box 33500  
Ely, Nevada 89301-9408

Subject: Draft Capture/Removal Plan Monte Cristo and Sand Springs  
East Herd Management Areas and Associated EA's

Dear Mr. Walker,

Thank you for the opportunity to review and comment on the draft capture/removal plans for the Monte Cristo and Sand Springs East Herd Management Areas (HMA's).

We find this document confusing in its content. There is mention of partial removal of approximately 100 horses since partial AML's have been established, however, without census and distribution data, please explain how you have determined that these "excess" 100 horses are not from other allotments within the HMA and have not seasonally migrated to these "gather" allotments. Please provide in your final the percentage of the HMA that constitutes the range of the 72 horses as well as census and distribution information.

We must protest this gather plan in the initial stages until AML's have been established in all of the allotments of each of the HMA's providing an overall AML for the entire HMA. Using distribution and census information you would then be able to determine if your gather would jeopardize the AML for the HMA.

In addition, we find this document to be NEPA insufficient in that removals are being proposed according to the Strategic Plan for the Management of Wild Horses and Burros. An EA was never done on this plan which the Bureau explained that it wasn't necessary since it wasn't a decision document. It was further explained that all documents implementing the Strategic Plan would have EA's exploring the potential consequences to the wild horse's genetic diversity, longevity, and social structure. We find the associated EA for this gather to be lacking in all of the above. To be NEPA

Kenneth G. Walker, District Manager  
April 20, 1994  
Page 2

sufficient, we would request that these issues be addressed in a supplemental EA accompanying the Final Plan.

Through our confusion from reviewing these documents we may be misunderstanding your explanations. We will be discussing our concerns with Bob Brown and Joe Stratton shortly and look forward to resolution of our comments and concerns.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB  
Executive Director