



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
ELY DISTRICT OFFICE
Star Route 5, Box 1
Ely, Nevada, 89301



IN REPLY REFER TO:
4700
(NV-043)

JAN 8 1990

Dear Reader:

Enclosed is a final copy of the Removal Plan for Wilson Creek/Dry Lake Wild Horse Gather and the associated Environmental Assessment No. NV-040-0-1.

Thank you for comments to the draft documents you may have sent us. They were carefully reviewed and many of them were incorporated into the enclosed final documents.

The proposed action has changed from that stated in the draft documents. The removal will be approximately 94 horses instead of 110. The Fortification gather area (16 head) has been dropped. The approximate start date for the removal remains February 1, 1990.

Thank you for your interest in the Ely District wild horse program.

Sincerely,

Kenneth G. Walker
acting for Kenneth G. Walker
District Manager

- 2 Enclosures
1. Removal Plan (17 pp)
 2. EA No. NV-040-0-1 (27 pp)

REMOVAL PLAN FOR
WILSON CREEK/DRY LAKE
WILD HORSE GATHER

Prepared by Robert E. Brown
Wild Horse and Burro Specialist

Bureau of Land Management
Ely District
Schell Resource Area
Ely, Nevada

Removal Plan for Wilson Creek/Dry Lake
Wild Horse Gather

Purpose

The proposed action is to restore the range to a thriving natural ecological balance and prevent further deterioration of the range threatened by an overpopulation of wild horses in and around the Wilson Creek and Dry Lake Herd Management Areas (HMA's). The proposed action will bring the population of wild horses to a level in balance with available forage within the Wilson Creek and Dry Lake HMAs. The population adjustment is based solely on analysis of monitoring data. Helicopters will be used to capture the wild horses.

This document outlines the process and the events involved with the wild horse roundup for the Wilson Creek/Dry Lake Wild Horse Gather. Included are the numbers of horses to be gathered, 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 Inspector (PI), the delegation of authority, the briefing of the contractor(s), and the precapture evaluation held prior to gathering operations.

Area of Concern

The proposed gather area is located approximately 60 miles south of Ely in northern Lincoln County, Nevada, and includes the Dry Lake Herd Management Area (HMA), in the Bureau of Land Management (BLM) Ely District, Schell Resource Area. It also includes a horse free area adjacent to the Wilson Creek HMA. Maps are enclosed to help locate the proposed removal areas.

The gather 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). This action is considered a part of long term management.

Number of Horses to be Gathered

The proposed number of horses to be gathered based on analysis of monitoring data and the most recent complete aerial census is shown by area as follows:

<u>Gather Area</u>	<u>Nos. to be Gathered</u>	<u>Nos. to Remain</u>	<u>Censused Population (Year)</u>	
Wilson Creek HMA	0	198	198	(1988)
Horse Free Area	48	0	48	(1988)
Dry Lake HMA	46	74	120	(1989)
Total	<u>94</u>	<u>272</u>	<u>366</u>	

Under no circumstances will either of the HMA's be gathered below the numbers to remain, as identified above. Any subsequent gather will require additional analysis of monitoring data and a new capture plan and EA. A post gather census will be conducted on each HMA to ensure that the identified population numbers remain after the gather is complete. Horses will be released back into the HMA to maintain these numbers, if necessary. All wild horses will be removed from the horse free area outside of the HMA's.

Time and Method of Capture

The gather is expected to take place through issuance of a removal contract during FY90, and last approximately 2 weeks. The approximate start date for the removal contract is February 1, 1990. Under no circumstances will gathering be allowed during the foaling season (March 1 to July 1).

The method of capture to be used will be a helicopter to bring the horses to trap sites and horseback riders at the wings of portable traps. 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 nonharmful 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.

Other methods of capture are not being considered for various reasons. Water trapping wild horses, though easier on the animal, is not feasible due to winter snows and the numerous water sources available to horses in the proposed gathering area. Water traps take time to construct and require time for horses to accept as part of their environment; the time allotted to this roundup is limited. 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.

It is estimated that 3 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 siting 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., deep snow, dust, rocky terrain, temperatures, etc.).

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 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. It is expected that they will be located in the valley bottoms due to winter snow at higher elevations. There are few physical barriers and fences in the area and the contractor will be instructed to avoid them.

Administration of the Contract

BLM will be responsible for the capture, care, temporary holding of approximately 94 wild horses from the gather area, and their transportation to the adoption preparation facility through the issuance of a removal contract.

Within two weeks prior to the start of the contract, BLM will provide for a precapture 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 such stress would be acceptable to the animals if veterinarian expertise were present, or 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.

It is recommended that the COR be Robert E. Brown, Ely District Wild Horse Specialist. The recommended PI is Steve Surian (Schell Resource Area Range Conservationist). The COR will be directly responsible for conducting the roundup and can appoint other BLM personnel to assist with the roundup as necessary.

Other BLM personnel may be needed to help and include an archaeologist or a district archaeological technician to survey sites for cultural resources, Schell Resource Area personnel as the need arises, and a BLM law enforcement agent to protect BLM personnel and property from unlawful activities.

The COR is directly responsible for the conduct of the gathering operation and for reporting the roundup proceedings to the Ely District Manager, and the Nevada State Office.

The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. To ensure the contractor's compliance with the contract stipulations, the COR and Project Inspector will be on site. However, the Schell Resource Area Manager 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 overriding concern of the District Manager, Area Manager, COR and PI.

The COR and/or PI will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be 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 in administering the contract, BLM will have a helicopter available at the roundup site. This helicopter will be used with discretion to minimize disturbance of horses that would make gathering 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.

All publicity, formal public contact, and inquiries will be handled through the Schell Resource Area Manager. He will also coordinate the contract with Palomino Valley Corrals, the adoption preparation facility, to assure that there is space available in the corrals for the captured horses, that they can be handled humanely and efficiently, and that animals being transported from the capture site are arriving in good condition.

Contractor's Briefing

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 his duties and responsibilities before the notice to proceed is issued to him. There will also be an inspection of the contractor's equipment at this time to assure 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, and the presence of fences and other dangerous barriers.

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 Schell 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.

Destruction of Injured or Sick Animals

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 are 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 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.

Temporary Holding Facility

The holding facility shall be on public land unless an agreement is made between the contractor and a private landowner for use of private facilities. When private land is used, the contractor must guarantee BLM, and the public, access to the facilities and accept all liability for use of such facilities.

The contractor shall provide all feed, water, labor, and equipment to care for captured horses at the holding facility. The contractor shall also provide transportation of captured horses from the temporary holding facility to the Nevada Distribution Center, Palomino Valley (Reno), Nevada. BLM will provide transportation of unclaimed and claimed branded horses to an approved facility for release to the claimant or for handling under Nevada State estray laws. All work shall be accomplished in a safe and humane manner and be in accordance with the provisions of 43 CFR Part 4700 and the following specifications, provisions, and attached work location maps. All labor, vehicles, helicopters, traps, troughs, feed, temporary holding facilities, and other supplies and equipment including, but not limited to the aforementioned, shall be furnished by the contractor. BLM will furnish contract supervision.

Stipulations and Specifications

A. 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.
2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to insure that captured animals are transported without undue risk or injury.
3. Only stocktrailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stocktrailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stockracks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate the animals. 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 shall be equipped with at least one door at the rear end of the vehicle which is capable of sliding either horizontally or vertically.
5. Floors of vehicles and the loading chute shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings, to prevent the animals from slipping. This will be confirmed by the COR/PI prior to loading (every load).

6. Animals to be loaded and transported in any vehicle shall be as directed by the COR and may include limitations on numbers according to age, size, sex, temperament, and animal condition. A minimum of 1.4 linear foot per adult animal and .75 linear foot per foal shall be allowed per standard 8 foot wide stocktrailer/truck.

The BLM employee supervising the loading of the wild horses to be transported from the trap to the temporary holding corral will require separation of small foals and/or weak horses from the rest should he/she feel that they may be injured during the trip. He/She will consider the distance and condition of the road and animals in making this determination. Horses shipped from the temporary holding corral to the BLM facility will normally be separated by studs, mares and foals (including small yearlings). However, if the numbers of these classes of animals are too few in one compartment and too many in another, animals may be shifted between compartments to properly distribute the animals in the trailer. This may include placing a younger, lighter stud with the mares or a weak mare with the foals. Further separation may be required should condition of the animals warrant.

The BLM employee supervising the loading will exercise his/her authority to off-load animals should he/she feel there are too many horses on the trailer/truck.

7. The COR 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 shall provide for any brand and/or inspection services required for the captured animals.

It is currently planned to ship all horses to the Palomino Valley facility. Communication lines have been established with the Palomino Valley personnel involved in off-loading the horses, to receive feedback on the condition of shipped horses. Should problems arise, shipping methods and/or separation of the horses will be changed in an attempt to alleviate the problems.

8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which animals may have to be transported on dirt roads is approximately 30 miles per load.

Periodic checks by BLM employees will be made as the horses are transported along dirt roads. If speed restrictions are placed in effect, then BLM employees will, at times, follow and/or time trips to ensure compliance.

B. Trapping and Care

1. All capture attempts shall be accomplished by the utilization of a helicopter. A minimum of one saddlehorse shall be immediately available at the trapsite to accomplish roping if necessary. Roping shall be done as determined by the COR. Under no circumstances shall animals be tied down for more than 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 or herds will remain together. Foals shall not be left behind.

The Ely District will use an observation helicopter as the primary means in which to supervise the use of the project helicopter. In the absence of an observation helicopter, the project helicopter or saddle horses may be used to place a BLM observer on a point overlooking the area of the helicopter herding operations.

3. The rate of movement and distance the animals travel shall not exceed limitations set by the COR 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 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.

4. It is estimated that 3 trap locations will be required to accomplish the work. All trap locations and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have prior written approval of the landowner.

If tentative trap sites are not located near enough to the concentrations of horses, then the trap site will not be approved. The COR will move the general location of the

trap closer to the horses. Trap sites will not be approved where barbed-wire fences are used as wings, wing extensions, or to turn the horses, during herding, toward the trap.

5. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:

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 or like material. The loading chute shall also be a minimum of 6 feet high.

c. All runways shall be a minimum of 20 feet long and a minimum of 6 feet high and shall be covered with plywood or like material a minimum of 1 foot to 5 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.

e. All crowding pens including the 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 1 foot to 5 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.

6. No fence modification will be made without authorization from the COR. The contractor shall be responsible for restoration of any fence modification which he has made.

If the route the contractor wishes to herd horses passes through a fence, the contractor will be required to roll up the fencing material and pull up the posts to provide at least one-eighth mile of gap. The standing fence on each side of the gap will be well-flagged for a distance of 300 yards from the gap on each side.

7. 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.

8. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and stray animals from the other horses. 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.

As a minimum, studs will be separated from the mares and foals when the animals are held overnight.

9. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. 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. The Contractor shall schedule shipments of animals to arrive at final destination between 6:00 a.m. and 4:00 p.m. Every effort will be made to ensure that the time horses are standing on the trucks prior to off loading is minimized. No shipments shall be scheduled to arrive at final destination on Sunday.

10. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than 2 pounds of hay per 100 pounds of estimated body weight per day.

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

12. The contractor shall restrain sick or injured animals if treatment by the Government is necessary. The COR will determine if injured animals must be destroyed and provide for destruction of such animals. The contractor may be required to dispose of the carcasses as directed by the COR.

C. Helicopter, Pilot, and Communications

1. 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.

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

3. The COR 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(s) used for this contract will be assigned by the COR when the government furnished "slip-in" VHF/FM portable radio is used. When a VHF/AM radio is used, the frequency will be 122.925 MHz.

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

5. 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 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.

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 1,500 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.

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.

Prepared by:

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

12/20/89
Date

Reviewed by:

Gerald M. Smith
Gerald M. Smith
Schell Area Manager
Ely District Office

12/20/89
Date

Timothy B. Reuwsaat
Timothy B. Reuwsaat
Assistant District Manager, Resources
Ely District Office

12/20/89
Date

Concurred by:

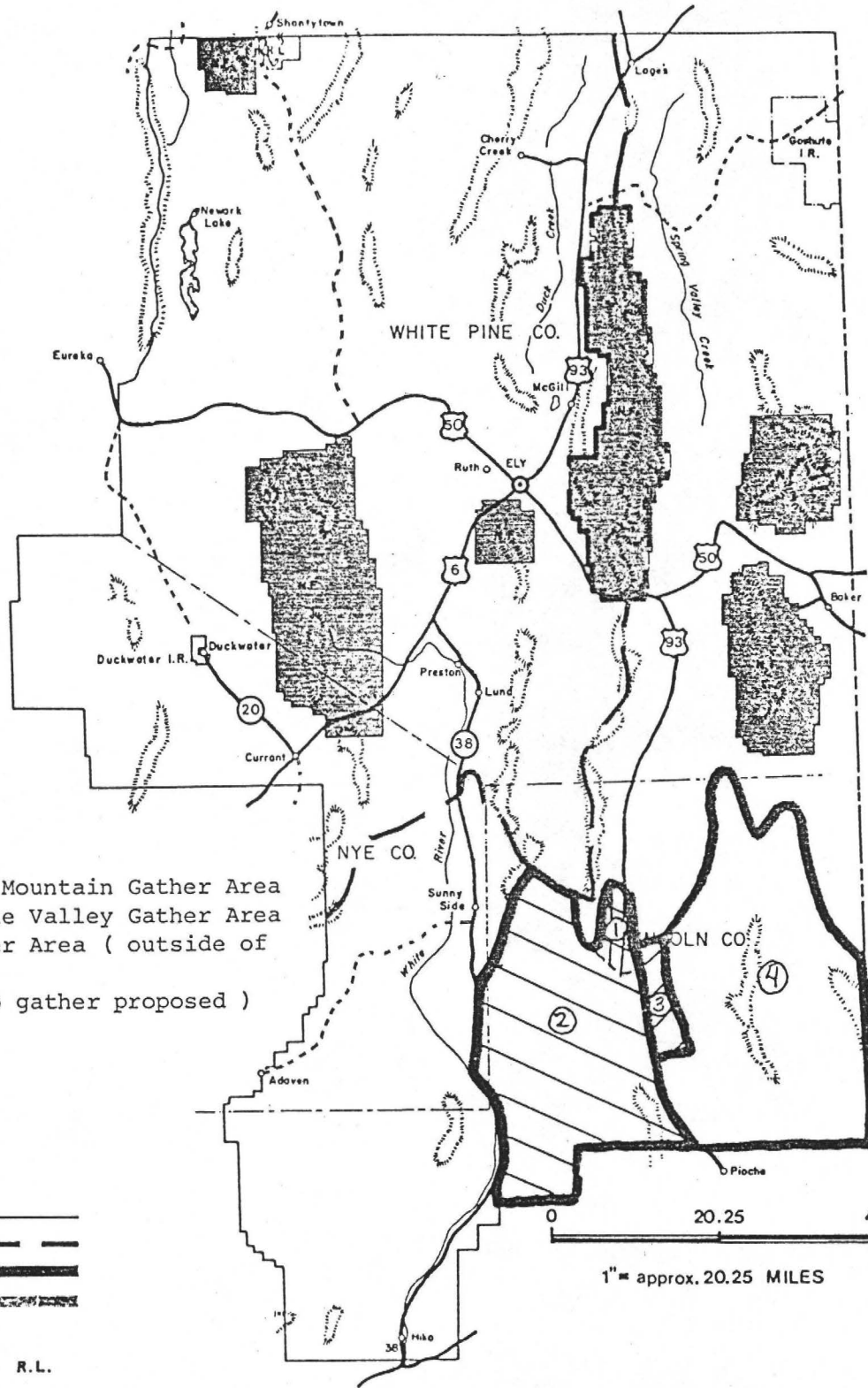
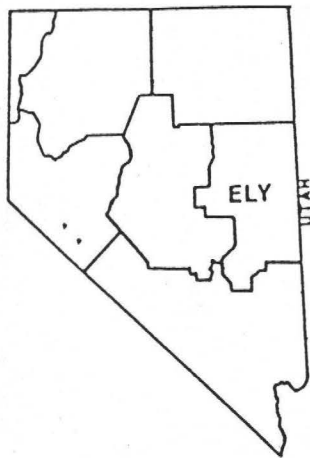
Kenneth G. Walker
Kenneth G. Walker
District Manager
Ely District Office

12-20-89
Date

Approved by:






Edward F. Spang
Edward F. Spang
Nevada State Director

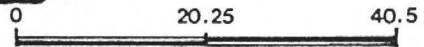
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WORK LOCATION MAP

1. Dry Lake HMA/ Grassy Mountain Gather Area
2. Dry Lake HMA/ Dry Lake Valley Gather Area
3. Horse Free Area Gather Area (outside of HMA boundaries)
4. Wilson Creek HMA (no gather proposed)

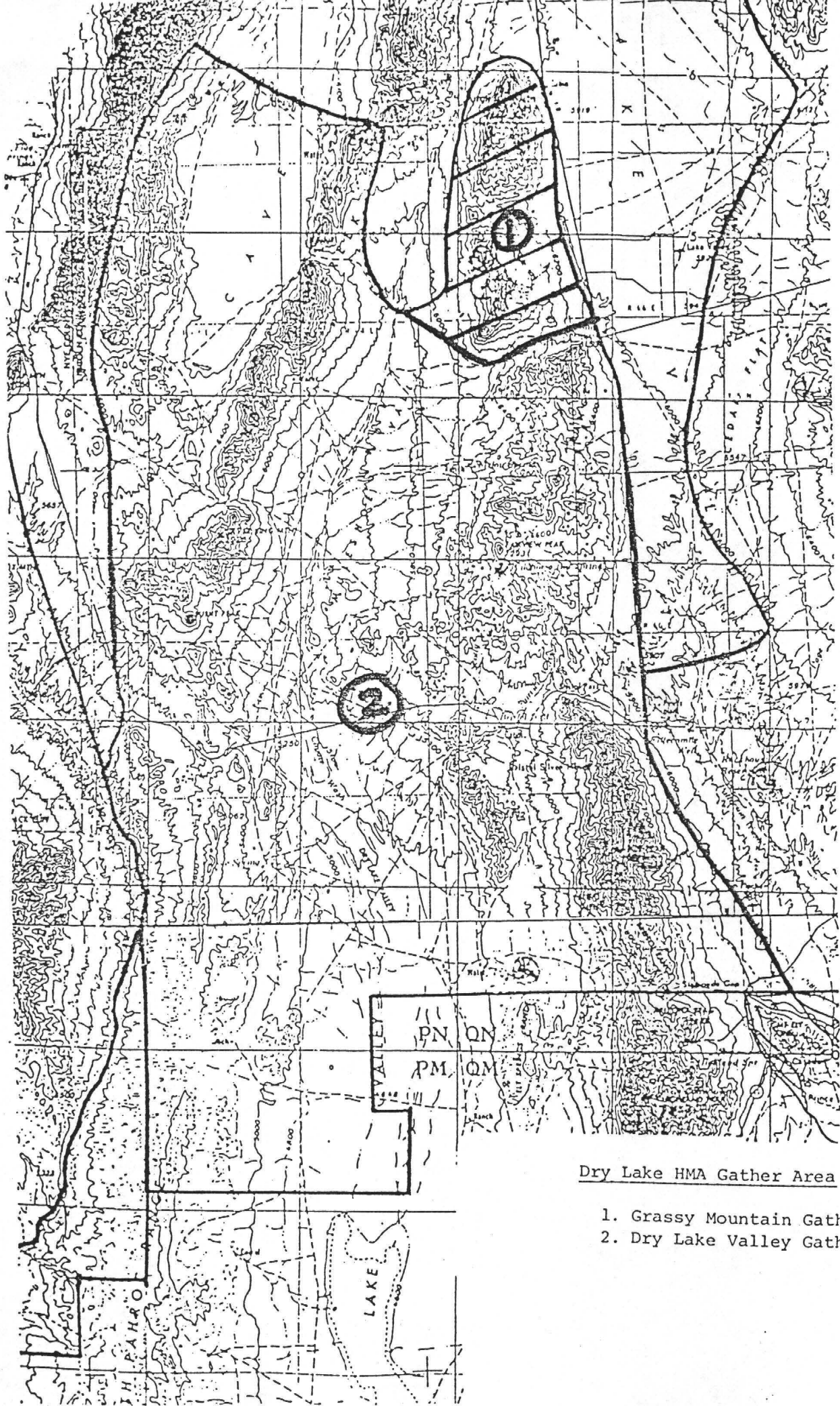
District Boundary 
 Resource Area Boundary 
 Humboldt National Forest 
 Indian Reservation 
 Ruby Lake National Wildlife Refuge 



1" = approx. 20.25 MILES

ELY DISTRICT

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



Dry Lake HMA Gather Area

1. Grassy Mountain Gather Area
2. Dry Lake Valley Gather Area

DR/FONSI
for
Wilson Creek/Dry Lake Wild Horse Gather
EA No. NV-040-0-1

Decision: I have reviewed the Environmental Assessment for the Wilson Creek/Dry Lake Wild Horse Gather and concur with my staff's assessment. I approve of the proposed action to conduct a helicopter removal of approximately 94 excess wild horses from the proposed gather areas with the mitigation as proposed:

1. Wherever possible, gathering 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 disturbances to them during the gather.
3. Horses will not be kept within the traps or corrals for more than 1 day to minimize stress to the animals, 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 on shipping schedules, number of horses captured, or other unforeseen circumstances.

The removal of wild horses will leave a minimum population of 272 animals on the two HMA's (74 on Dry Lake; 198 on Wilson Creek), which is based on an analysis of the most current monitoring studies data. The non-selected alternatives consist of water trapping the same number of wild horses, trapping them by running them on horseback, and no action.

Rationale: The proposed action should be undertaken to effectively manage the BLM HMA's within the gather area for a thriving natural ecological balance. The removal of wild horses from the horse free area (outside of HMA boundaries) should be undertaken to comply with Title 43 CFR 4710.4. The identified stipulations will ensure humane treatment of the captured horses. 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.

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. The standard operating procedures and mitigating measures will minimize the negative impacts. Direct and indirect environmental benefits are anticipated for wild horses, livestock, and wildlife 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 in the gather area, thus restoring the range to a thriving natural ecological balance.

Kenneth G. Walker
Kenneth G. Walker
Ely District Manger

12-21-89
Date

ENVIRONMENTAL ASSESSMENT
for the
WILSON CREEK/DRY LAKE WILD
HORSE GATHER

EA No. NV-040-0-1

Prepared by Robert E. Brown
Wild Horse and Burro Specialist

Bureau of Land Management
Ely District
Schell Resource Area
Ely, Nevada

BACKGROUND INFORMATION

Introduction

The Bureau of Land Management (BLM) Ely District, Schell Resource Area, is proposing to remove excess wild horses from one BLM herd management area (Dry Lake HMA), as well as from an area of the public lands adjacent to the Wilson Creek HMA, not designated for management of wild horses or burros.

The proposed gather area is located approximately 60 miles south of Ely in northern Lincoln County, Nevada. (see Appendix I - Location Maps).

Purpose and Need

The purpose of the proposed action is to remove excess wild horses from the Dry Lake HMA and from a horse free area adjacent to the Wilson Creek 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 within the Dry Lake HMA and adjacent to the Wilson Creek HMA within the Wilson Creek and Geyser Ranch Allotments. It is necessary to remove wild horses that have moved to areas outside of the Wilson Creek HMA and are contributing to the over utilization of the key forage species. The proposed action involves removals in order to correct resource degradation identified from analysis of rangeland monitoring data from the Wilson Creek and Geyser Ranch Allotment Evaluations. Wild horses will be removed from areas outside of the Wilson Creek HMA 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." Refer to Appendix II for allotment evaluation summaries.

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 Resource Area under a program of monitoring and adjustment of wild horses and livestock. This EA is a project specific refinement of the EIS focused on the removal of excess wild horses in the Wilson Creek and Dry Lake HMA's. The decisions regarding overall rangeland management analyzed in the Schell EIS will not be changed by the Wilson Creek/Dry Lake Removal Plan. Both documents are available for public review at the Ely District Office.

The proposal area is not covered by a herd management area plan (HMAP). The proposal is in conformance with the Schell MFP (1983) and ROD (1983), as well as the 1971 Wild Horse and Burro Act (Public Law 92-195), as amended. The proposal is also consistent with the Lincoln County Plan 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."

Major Issues

This proposal is concerned with two major issues. The first issue is to maintain an ecological balance and multiple use relationship of the area by managing wild horses within HMA boundaries at a level established through the analysis 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 gather approximately 94 excess wild horses as follows:

<u>Gather Area</u>	<u>Nos. to be Gathered</u>	<u>Nos. to Remain</u>	<u>Censused Population(Year)</u>
Wilson Creek HMA	0	198	198 (1988)
Horse Free Area	48	0	48 (1988)
Dry Lake HMA	46	74	120 (1989)
Total	94	272	366

Under no circumstances will either of the HMA's be gathered below the numbers to remain, as identified above. Any subsequent gather will require additional analysis of monitoring data and a new capture plan and EA. A post gather census will be conducted on each HMA to ensure that the identified population numbers still remain after the gather is complete. Horses will be released back into the HMA to maintain these numbers, if necessary. All wild horses will be removed from the horse free area outside of the HMA's.

The horses will be gathered using a helicopter and portable wing traps. The gather is expected to take place through issuance of a removal contract during FY90, and last approximately 2 weeks. The approximate start date for the removal contract is February 1, 1990.

It is estimated that 3 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 gathering 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 scouted in advance and avoided. Existing roads and trails would be used whenever possible. Horses would be truck hauled to temporary holding facilities in Palomino Valley, Nevada, for processing, then 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, gathering fees, and other associated costs as determined by the Schell Area Manager are paid to the Bureau, and then 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 (SOP's) are also 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 the handling would increase the safety of the animals, as well as the handlers.
- (2) No gathering 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 gathering operations and gathering 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 gathering 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. A qualified district BLM representative (COR or PI) will be present during gathering attempts to ensure strict compliance with the above mileage limitations and 43 CFR Part 4700 regulations. He/she will make a careful determination of a boundary line to serve as an outer limit within which attempts will be made to herd horses to a given trap. Topography, distance, weather, and current conditions of the horses will be considered in setting the mileage limits so as to avoid undue stress on the horses while they are being herded. The COR/PI will be present at the gathering site to ensure minimum injury and other traumatic effects that could occur to the horses and that contract stipulations are adhered to. The Authorized Officer will 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 gathering 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 gathering operation to provide protection for personnel working on the roundup, as well as the gathered horses.
- (11) Trap sites will not be placed within one-quarter mile of water sources such as streams, springs, reservoirs, or troughs.
- (12) Temporary traps and corrals will be removed and sites will be left clean of all debris within 30 days following the gathering operation.
- (13) No traps or holding corrals will be established within WSA's 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 Removal Plan for Wilson Creek/Dry Lake Wild Horse Gather will also 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 and the number of water sources available in or adjacent to the proposed gathering area. Water traps take time to construct and require time for horses to accept as part of their environment. The time allotted to this roundup is limited; therefore, this alternative will not be considered further.

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 roundups 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 gathering operations would be conducted; no wild horses would be gathered. Herd numbers would not be held at the levels established through analysis of monitoring studies and wild horses would eventually be established outside of HMA boundaries. Since this would be out of conformance with the land use plans, 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), and the Draft Schell Grazing EIS (1982). These documents are on file at the BLM Ely District Office. Certain elements of the affected

environment, which are necessary for the understanding of the anticipated impacts, will be described in the environmental consequences section for the proposed action.

ENVIRONMENTAL CONSEQUENCES

Proposed Action

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; or cultural, paleontological, and historical resource values.

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 Dry Lake 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.

Water and Riparian:

Springs located both within the Wilson Creek and Dry Lake HMAs show heavy use by wild horses and cattle. The Wilson Creek Allotment Evaluation documents damage attributable to wild horses and livestock on Barrel Spring, Lower Fairview Spring, Littlefield Spring, North Mud Spring and Mud Spring. The Geyser Ranch Allotment Evaluation attributes spring and riparian damage on the Grassy Springs complex to wild horses. Their associated riparian vegetation is being seriously impacted by heavy to severe grazing and has almost disappeared at some sources. The spring sources are experiencing heavy trampling which leads to reduced spring flow and fouled water. Erosion and loss of riparian species is taking place on many meadows in the HMA's.

Reduced wild horse numbers would lessen grazing and trampling at waterholes and riparian areas, contributing to a more favorable riparian habitat. Reduced wild horse 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. However, to adequately protect these riparian areas and spring sources, some exclosures will still be needed.

Wilderness Values

Four WSA's (Table Mountain, Parsnip Peak, Fortification Range, and White Rock Range) occur in the gather area. The use of aircraft for removing wild horses from within WSA's is consistent with the Interim Management Policy and Guidelines for Lands Under Wilderness Review (11/10/87), since it is considered as a nonimpairing activity. Since no traps or holding corrals will be established within the WSA's and motorized vehicles will be confined to existing roads and ways, no impacts to the WSA's 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 gather area would please local sportsmen and livestock operators. Proceeding with the gather 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.

Air Quality:

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

Wild Horses:

The Wilson Creek and Dry Lake HMA's are located approximately 60 miles south of Ely, Nevada, within the Ely District of the Bureau of Land Management. The most recent complete aerial census conducted in the Wilson Creek HMA was in March 1988 and resulted in an actual count of 198 wild horses in the HMA and 48 wild horses outside of and adjacent to the HMA, in the Patterson Seeding use area of the Wilson Creek Allotment. Of the 198 horses counted in the HMA, 41 were located in the Cottonwood Allotment and 157 were in the Wilson Creek Allotment. There were no horses counted in the Hamblin Valley, South Spring Valley, or Geyser Ranch Allotments, although small portions of these allotments are within the HMA.

The most recent complete aerial census conducted in the Dry Lake HMA was in March 1989 and resulted in an actual count of 120 wild horses in the HMA. Of these, 30 were located in the Geyser Ranch Allotment and 90 were in the Wilson Creek

Allotment. There were no horses censused in the Fox Mountain or Sunnyside Allotments, although small portions of these allotments are in the Dry Lake HMA.

The HMA locations are shown in Appendix I (Location Maps). The Patterson Seeding horse free area is also shown in Appendix I.

At the present time, the wild horses have virtually unrestricted movement within each HMA, including movement between allotments. A considerable number (20% of March 1988 censused numbers) of wild horses are using the Patterson Seeding use area of the Wilson Creek Allotment, outside of the Wilson Creek HMA, as all or part of their home range. This is due to a population increase beyond the HMA's capacity to produce sufficient forage (vegetation section) and supply adequate habitat.

From analysis of data it was determined that 198 wild horses are the maximum that the Wilson Creek HMA can support while maintaining an ecological balance among vegetation, wild horses, wildlife, and livestock. Analysis of data also shows the Dry Lake HMA can support a maximum of 74 wild horses while maintaining an ecological balance for the area (see Appendix II).

A negative impact on wild horses would be expected during gathering and handling. This would result from traumatic 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 at the trap site. The standard operating procedures and contract specifications will minimize the negative impacts from gathering, 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.

Removal operations may disrupt band structure either temporarily or permanently and cause some stress to individuals. A certain degree of heterozygosity will 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. If removals are selective in any way, this loss of heterozygosity will be greatly increased.

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 studies will help maintain the ecological balance and multiple use relationship of the area also.

Much biological information can be obtained from the gathered animals (sex and age ratios, parasites, diseases, etc.). All of this information would be useful in future wild horse management.

Soils:

Areas which presently exhibit soil erosion and compaction would be positively impacted because of the reduction of animals and decreased trampling effects. 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 gather area, and the time for gathering is short lived.

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 beneficial impacts to the soils resource. These beneficial responses - 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 extensive areas within the HMA's 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 (Patterson Seedings) can be attributed to both wild horses and livestock. Use in Dry Lake Valley can also be attributed to both wild horses and livestock. These areas are shown in Appendix I (Location Maps) as the Horse Free Area Gather Area and the Dry Lake Valley Gather Area, respectively. Use on the Grassy Mountain Gather Area (see Appendix I - Location Maps) can be attributed to wild horses only, since there has been no livestock use there during the monitoring evaluation period.

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 and reflect that portion of the area used by each species. 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 HMA's and are 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 Range Monitoring Procedures 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. Refer to the Wilson Creek and Geyser Ranch Allotment Evaluations for allowable use levels established for key management species within these allotments.

Based on an analysis of the monitoring data within the Wilson Creek and Geyser Ranch Allotment evaluations, 94 excess wild horses need to be removed to maintain an ecological balance in the area. The removals are proposed by gather area as follows (see Appendix II):

Horse Free Area Gather Area - all wild horses (48 based on the March 1988 census) will be removed. This area is outside of and adjacent to the Wilson Creek HMA and not managed for wild horses. Title 43 CFR part 4710.4 states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas". Wild horses in this area (Patterson Seeding Pasture of Wilson Creek Allotment) are establishing permanent residency outside of the Wilson Creek HMA. The June 1987 aerial census showed 46 horses in the area; the March 1988 census resulted in 48 horses being counted there. Field observations also show similar numbers of horses using this seeding yearlong.

Wilson Creek HMA - there will be no horses removed from this area, unless horses have moved into this area from the Horse Free Area. Analysis of monitoring data shows that the area should be managed for 198 wild horses, and this number will remain after the removal is completed. In view of the monitoring evaluation and proposed adjustments, horses will be removed from the horse free area outside of the HMA before gathering inside the HMA.

Grassy Mountain Gather Area - 14 wild horses will be removed, leaving 16 horses upon completion of the removal, based on an analysis of monitoring data.

Dry Lake Valley Gather Area - 32 wild horses will be removed, leaving 58 horses upon completion of the removal, based on an analysis of monitoring data.

Studies data, as well as the allotment evaluation summaries for the Wilson Creek and Geyser Ranch Allotments, 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 Wilson Creek and Geyser Ranch Allotment Evaluations, will be attained through this removal of excess wild horses and the forthcoming livestock adjustments.

There would be a short-term negative 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 gather area. Vegetative regeneration would be expected within 2 to 3 years depending on climatic conditions.

The reduction in wild horses would have a positive long-term impact on the vegetative community of the area. The ecological condition of the different plant communities would improve after the gather. 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 gather. 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. It would greatly benefit sage grouse since they use riparian areas for brooding. It would benefit mule deer since these areas serve as fawning areas and provide much needed nutrition for lactating does.

Livestock Grazing:

The Wilson Creek HMA lies within the Wilson Creek, Geyser Ranch, Cottonwood, Hamblin Valley and South Spring Valley Allotments. This removal will have no impact on the Cottonwood, Hamblin Valley or South Spring Valley Allotments, as there has been no gather proposed on these allotments.

The Dry Lake HMA lies within the Wilson Creek, Geyser Ranch, Fox Mountain and Sunnyside Allotments. The removal will have no impact on the Fox Mountain or Sunnyside Allotments, since no horse use has been noted there and no removal is proposed there.

Historical grazing preference for the Geyser Ranch Allotment (Wilson Creek HMA comprises 15% of the total allotment; Dry Lake HMA comprises 13% of the total allotment) has been 12,318 AUMs of which 12,308 are active use and 10 AUMs are in suspended nonuse. Roy Shurtz, who leases from Geyser Ranch Ltd., is the current livestock operator and is permitted all of the livestock preference within the Geyser Ranch Allotment. The season of use by cattle is yearlong under a 3 unit/4 pasture rest rotation grazing system. The allotment is grazed under an AMP. There has been up to 4,500 AUMs of temporary nonrenewable use allowed under the AMP in addition to active grazing preference. The allotment has been grazed at a range of 8,786 AUMs to 15,181 AUMs between 1982 and 1987. There was no livestock use made in 1988 or 1989, although use has been authorized since October 1989. Proposed livestock adjustments are planned by the end of 1989 to remove the 4,500 AUMs of temporary nonrenewable use. This amounts to a 26% reduction in actual livestock use.

Historical grazing preference for the Wilson Creek Allotment (Wilson Creek HMA comprises 54% of the total allotment; Dry Lake HMA comprises 43% of the total allotment) has been 65,433 AUMs of which 53,927 are active use and 11,506 AUMs are in suspended nonuse. There are 11 current livestock operators on the Wilson Creek Allotment - El Tejon Land and Livestock, Carlisle and Pauline Hulet, Frank and Rose Delmue, Roy Shurtz (lease from Geyser Ranch Ltd.), Gordon Lytle, Pearson Brothers, Jimmie Rosa, Robert G. Steward, Kenneth and Donna Lytle, Matt H. Bulloch, and S & H Ranches. The allotment is not grazed under an AMP, but is grazed seasonally by use areas. Sheep graze from November 1 to April 30 annually and cattle use the allotment yearlong. The allotment has been grazed at an average 40% of preference between 1982 and 1988. Livestock adjustments are proposed by September 1990; the degree of adjustment varies by use area. A 35% reduction from active preference is proposed for the Dry Lake Valley use area. The remaining use areas, other than the Patterson use area (horse free area), are not impacted by wild horses (see Appendix II).

There would be a slight negative impact to livestock grazing as a result of the proposed action. Livestock would be disturbed by all the activities associated with the gather. 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 gather.

PROPOSED MITIGATING MEASURES

1. Wherever possible, gathering 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 gather.
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.

SUGGESTED MONITORING

The COR/PI will continuously monitor the gather operation to ensure that all conditions and stipulations in this EA are complied with. The project area will be cleaned up (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, by helicopter, of the HMA's immediately following the gather to determine whether the proper number of horses remains. Additional aerial census will be conducted every 3 to 5 years thereafter (funding permitting) to monitor the growth of the herds. When census numbers exceed the proper number for management based on analysis of monitoring studies, a followup gather will be proposed to again reduce the herd to its proper management level.

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 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 gathering. 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 Record of Persons, Groups, and Agencies Contacted). Comments received were considered for the final environmental assessment.

Comment letters were received from one federal agency, one Nevada state agency, and four wild horse interest groups. The U.S. Fish and Wildlife Service and the American Mustang and Burro Association (Registry) had no comments on the proposal. The Nevada state agency (Division of Historic Preservation and Archaeology) commented in favor of the proposal.

Letters received from Animal Protection Institute of America (API), Commission for the Preservation of Wild Horses and Burros, and International Society for the Protection of Wild Horses and Burros (ISPMB) submitted numerous comments to the Removal Plan and Environmental Assessment. Their comments and questions were carefully evaluated and incorporated into the final documents as appropriate. These interest groups will receive response letters addressing their stated concerns. Both API and ISPMB are opposed to this removal, as well as any other removal in Nevada. They disagree with BLM Nevada's removal policy.

Record of Persons, Groups, and Agencies Contacted

- American Horse Protection Association
- American Mustang and Burro Registry
- National Mustang Association
- International Society for the Protection of Wild Horses and Burros
- Fund for Animals
- U.S. Humane Society
- Nevada State Department of Agriculture
- Animal Protection Institute of America
- American Humane Association
- National Wild Horse Association
- Wild Horse Organized Assistance
- Save the Mustangs
- American Bashkir Curly Register
- Humane Society of Southern Nevada
- Nevada Humane Society
- U.S. Fish and Wildlife Service
- Nevada Federation of Animal Protection Organizations
- Commission for the Preservation of Wild Horses and Burros
- Mr. Craig C. Downer
- American Wild Mustang and Burro Foundation
- Ms. Deborah Allard
- Ms. Nan Sherwood
- Ms. Amanda Rush
- Mr. John Walker, Nevada State Clearinghouse Coordinator
- Nevada Cattlemen's Association
- Nevada Department of Wildlife, Region III

- Bureau of Land Management, Nevada State Director
- Bureau of Land Management, Las Vegas District Manager
- Ms. Barbara Eustis-Cross, L.I.F.E. Foundation
- Mr. Donald Molde
- Ms. Tina Nappe
- Ms. Jan Nachlinger, The Nature Conservancy
- Nevada Farm Bureau Federation
- Nevada Outdoor Recreation Association
- Nevada Wildlife Federation
- Sierra Club, c/o Ms. Rose Strickland
- United States Wild Horse and Burro Foundation
- El Tejon Land and Livestock Co.
- Kirkeby Ranch
- Mr. Carlisle Hulet
- Frank and Rose Delmue
- Gordon Lytle
- Pearson Brothers
- Jimmie Rosa
- Kenneth and Donna Lytle
- Mr. Robert G. Steward
- Mr. H. Matt Bulloch
- S & H Ranches
- Roy Shurtz
- Geyser Ranch Ltd.
- Tom Brown, Lincoln County Game Board
- Lincoln County Commission

Internal District Review

Steve Surian	Livestock Grazing/Wild Horses and Burros
Robert Brown	Wild Horses and Burros
John Zancanella	Cultural Resources
Shaaron Netherton	Visual Resources Management/ Recreation/ Wilderness
Cris Ann Bybee	Soils/Air/Watershed
Mark Barber	Riparian/Threatened and Endangered Animals/Water Quality
Paul Podborny	Wildlife/Livestock Grazing
Kathy Lindsey	Threatened and Endangered Plants/ Vegetation
Jake Rajala	Socio-Economics/Environmental Coordination/ Land Use Planning
Timothy B. Reuwsaat	ADM Resources
Gerald M. Smith	Schell Resource Area Manager

SIGNATURES

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12/20/89
Date

Reviewed by:

Jake A. Rajala
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Environmental Coordinator
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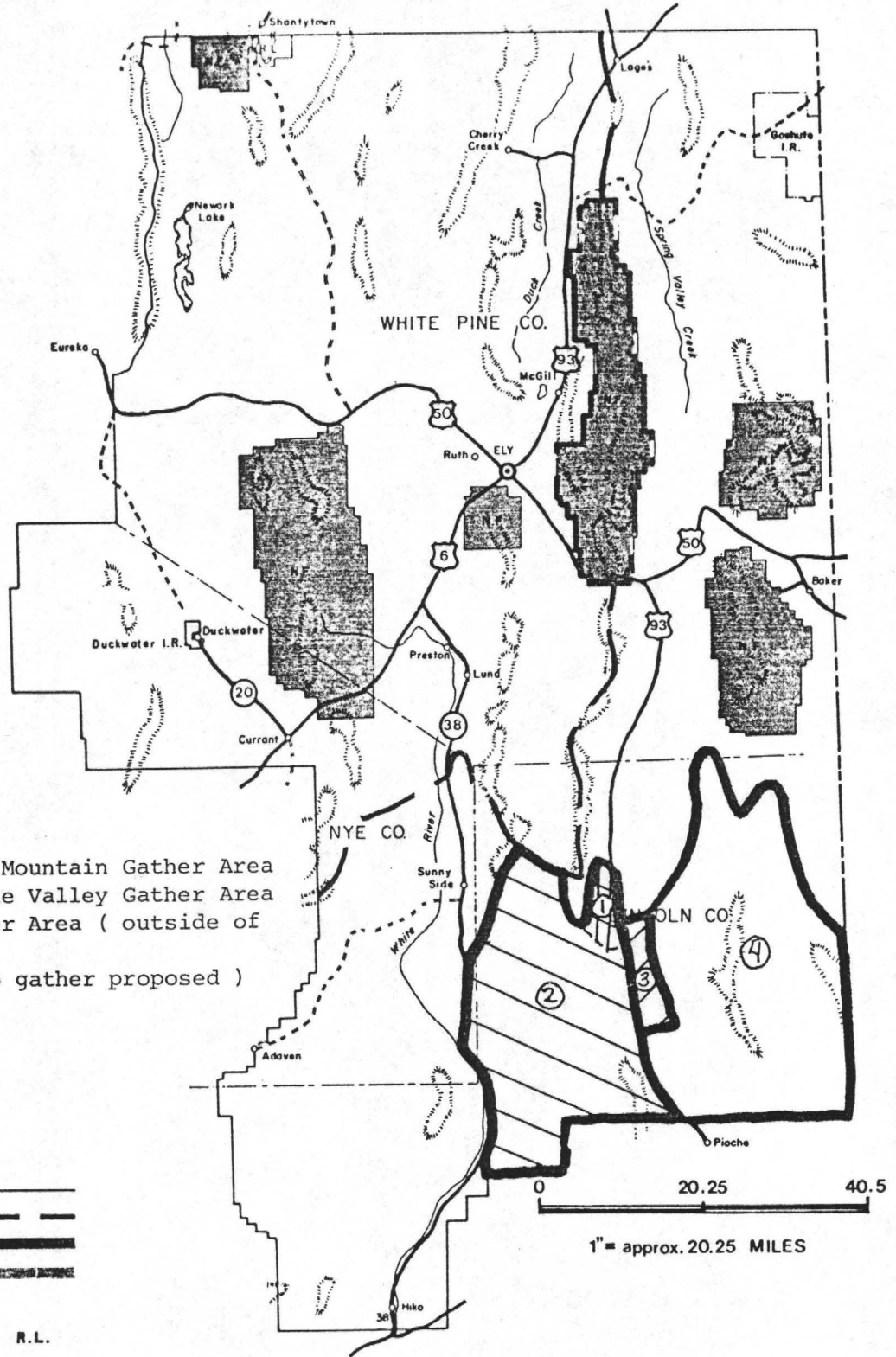
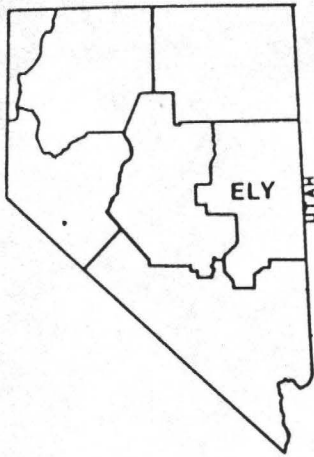
12/20/89
Date

Timothy B. Reuwsaat
Timothy B. Reuwsaat
ADM Resources
Ely District

12/20/8
Date

Gerald M. Smith
Gerald M. Smith, Manager
Schell Resource Area
Ely District

12/20/89
Date

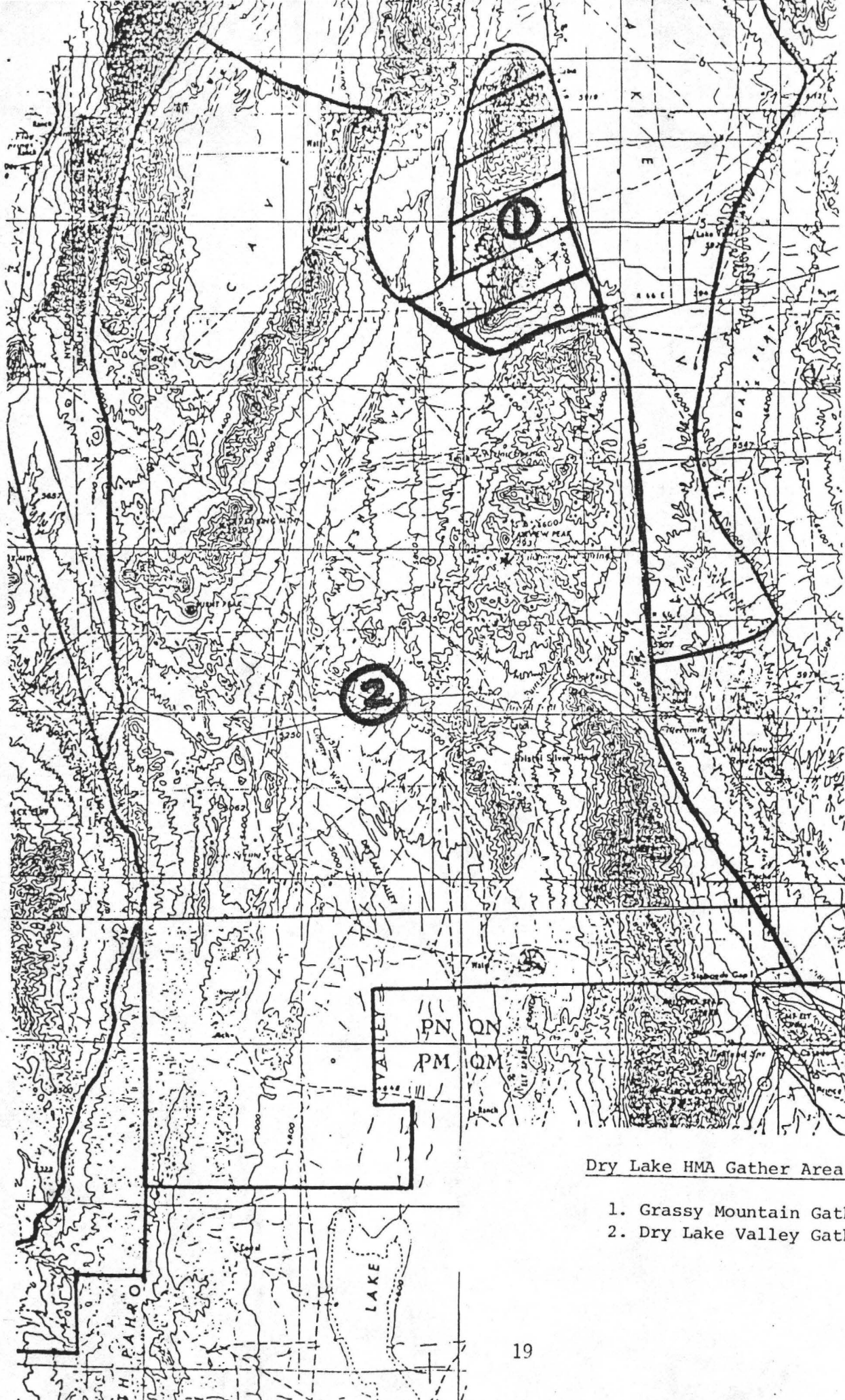


WORK LOCATION MAP

1. Dry Lake HMA/ Grassy Mountain Gather Area
2. Dry Lake HMA/ Dry Lake Valley Gather Area
3. Horse Free Area Gather Area (outside of HMA boundaries)
4. Wilson Creek HMA (no gather proposed)

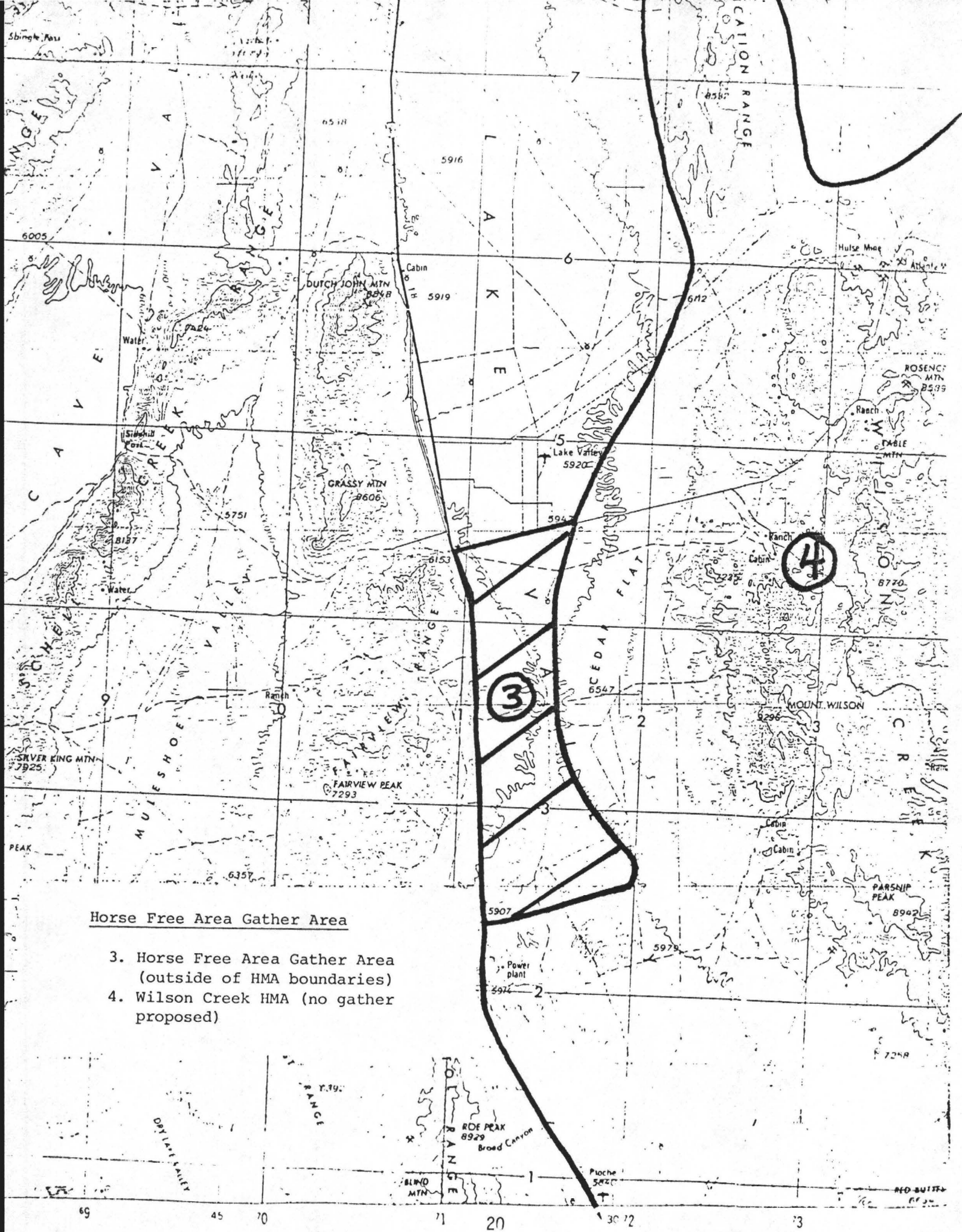
District Boundary —————
 Resource Area Boundary ————
 Humboldt National Forest —————
 Indian Reservation [stippled pattern]
 Ruby Lake National Wildlife Refuge R.L.

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



Dry Lake HMA Gather Area

1. Grassy Mountain Gather Area
2. Dry Lake Valley Gather Area



Horse Free Area Gather Area

- 3. Horse Free Area Gather Area
(outside of HMA boundaries)
- 4. Wilson Creek HMA (no gather
proposed)

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Appendix II

To meet the Schell Resource Area Land Use Plan (LUP) objectives on the Dry Lake Wild Horse Herd Management Area (HMA), adjustments of livestock and wild horses are required. The Dry Lake HMA encompasses portions of the Wilson Creek and the Geyser Ranch Allotments.

The Geyser Ranch Monitoring Evaluation Summary indicates that heavy to severe use is occurring on Grassy Springs (1-3), and associated riparian areas by wild horses. Overuse is also occurring on wheatgrass seedings by livestock, generally throughout the allotment. The livestock permittee (Geyser Ranch LTD) has agreed to a reduction of 26% or 4,500 AUMs of livestock use in order to meet LUP objectives. The Geyser Ranch Allotment is managed under an AMP, with a 3 unit/4 pasture rest rotation grazing system. According to the grazing formula, any given pasture is utilized for an equivalent of 18 months in a 48 month rotational period to maintain plant vigor and range productivity. The Geyser Ranch allotment was in nonuse from February 1988 to October 1989.

Wild horse use is yearlong on the allotment; however, use varies from year to year based on their movements. For example, 1987 census data indicates use by 49 wild horses in the Grassy Mountain area and 30 wild horses there in 1989. To stop overuse on Grassy Mountain, a reduction of 14 wild horses, or 160 AUMs, is required. All animal adjustments are based on the desired stocking rate formula:

$$\frac{\text{Actual Use (AUMs)}}{\text{Actual Utilization (\%)}} = \frac{\text{Desired Use (AUMs)}}{\text{Desired Utilization (\%)}}$$

$$\frac{360 \text{ AUMs}^*}{90\%} = \frac{200 \text{ AUMs}}{50\%^{**}}$$

*Based on 1989 wild horse census data

**Allowable use level

This equates to 200 AUMs or 16 wild horses of yearlong use on Grassy Mountain. To meet LUP objectives a reduction of 160 AUMs or 14 wild horses for 12 months is required.

Conclusions of the Geyser Ranch Allotment Evaluation were based upon data collected from the following sources:

1. Range, wildlife, and wild horse monitoring files compiled by the Schell Resource Area office since 1971.

2. Input from Geyser Ranch LTD, permittee; Roy Shurtz, lessee; at meetings on July 31, 1989, September 8, 1989, and September 14, 1989.
3. Input from Sierra Club and Natural Resources Defense Council in a letter dated July 30, 1989.
4. Input from Nevada Department of Wildlife, Region II; in letters dated May 26, 1989, June 6, 1989 and July 25, 1989.
5. Input from Nevada Department of Wildlife, Region III; in a letter dated August 8, 1989.
6. Input from Wild Horse Organized Assistance (WHOA), in a letter dated July 28, 1989.
7. Input from Fish and Wildlife Service, in a letter dated August 23, 1989.
8. Input from the Animal Protection Institute of America, in a letter dated August 23, 1989.
9. Input from the Commission for the Preservation of Wild Horses, in a letter dated July 28, 1989.
10. Allotment monitoring evaluation prepared by Schell Resource Area.

A more detailed analysis, to include use pattern maps, is available in the Geyser Ranch Allotment Evaluation Summary on file at the Ely District Office.

On the Wilson Creek Allotment portion of the Dry Lake HMA, LUP objectives of 45% use on shrubs and 55% use on grasses were not met for the period 1982-1987 and overuse varied from 20% to 80% of the area. To meet LUP objectives livestock will take a 35% or 6,405 AUMs reduction in use and will reduce the season of use from 11/1-4/30 to 11/1-3/31. Wild horses will take a proportional 35% reduction in use of 395 AUMs or 32 wild horses from yearlong use. This results in a combined removal of 46 wild horses from the two areas within the Dry Lake HMA and a new management level of 74 wild horses. All animal adjustments are based on the desired stocking rate formula, averaged for the period 1982-1987.

Conclusions of the Geyser Ranch Allotment Evaluation were based upon data collected from the following sources:

1. Range, wildlife, and wild horse monitoring files compiled by the Schell Resource Area office since 1982.

2. Input from Geyser Ranch LTD, permittee; Roy Shurtz, lessee; at meetings on July 31, 1989, September 8, 1989, September 14, 1989 and by telephone conversation on July 10, 1989.
3. Input from Sierra Club and Natural Resources Defense Council in a letter dated July 28, 1989.
4. Input from Nevada Department of Wildlife, Region III; in a letter dated August 9, 1989, and at field tours on July 26, 27, 28, 1989.
5. Input from Wild Horse Organized Assistance (WHOA), in a letter dated July 26, 1989.
6. Input from Fish and Wildlife Service, in a letter dated August 25, 1989.
7. Input from the Animal Protection Institute of America, in a letter dated July 17, 1989.
8. Input from the Commission for the Preservation of Wild Horses, in a letter dated July 27, 1989.
9. Allotment monitoring evaluation prepared by Schell Resource Area.
10. Input from Resource Concepts Inc., in a letter dated August 4, 1989; and at a meeting on September 8, 1989.
11. Input from El Tejon Land Livestock Co., in a letter dated August 11, 1989.
12. Input from Wilson Creek Consultation group at meetings on June 20, 1989, March 3, 1988, and October 6, 1987; and during a field tour on May 24-26, 1988.
13. Input from Ken Lytle, permittee, in a letter dated July 18, 1989; at meetings on November 14, 1989, August 31, 1989, and September 8, 1989; and by telephone conversation on June 23, 1989.
14. Input from Matt Bulloch, permittee, in a letter dated August 14, 1989; and at meetings on July 31, 1989, September 8, 1989, and November 14, 1989.
15. Input from Carlisle W. Hulet, in a letter dated July 28, 1989.
16. Input from Gordon Lytle, permittee, in a letter dated July 18, 1989; at meetings on November 14, 1989, August 31, 1989 and September 8, 1989.

17. Input from Frank Delmue, permittee, in a letter dated July 18, 1989; at meetings on November 14, 1989, August 31, 1989, and September 8, 1989.
18. Input from Randy Lytle, at meetings on November 14, 1989 and August 31, 1989.

A more detailed analysis is available in the Wilson Creek Allotment Evaluation Summary on file at the Ely District Office. Use pattern mapping for the Wilson Creek Allotment/Dry Lake HMA is displayed on an overlay registered to a base map at a scale of one inch to the mile, and is available at the Ely District Office.

Wilson Creek Allotment
Patterson Use Area, Horse Free Area

Based on the Wilson Creek Allotment Evaluation Summary, LUP objectives were not met approximately 50% of the time, and heavy to severe use often occurs within $1\frac{1}{2}$ miles of water. The 1988 wild horse census indicates that 48 wild horses contributed to overuse by utilizing 586 AUMs of forage in the Horse Free Area. The 1987 wild horse census indicates that 46 wild horses contributed to overuse by utilizing 552 AUMs of forage in the Horse Free Area. Additional field observations, made during the allotment monitoring and evaluation process, indicate that wild horses are establishing yearlong residency in this area. It is proposed to remove all horses from this use area since it is outside the Wilson Creek HMA and is not to be managed for wild horses.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

NEVADA STATE OFFICE
850 Harvard Way
P.O. Box 12000
Reno, Nevada 89520-0006



IN REPLY REFER TO:

4700
(NV-931.3)

Commission for the Preservation
of Wild Horses and Burros
c/o Ms. Terri Jay, Executive Director
Stewart Facility
5500 Snider Avenue, Bldg. 6, Room 137
Carson City, NV 89710

JAN 05 1990

Dear Ms. Jay:

The Bureau of Land Management proposes to gather excess wild horses and burros from public lands in the State of Nevada no sooner than 28 days from the date of this letter.

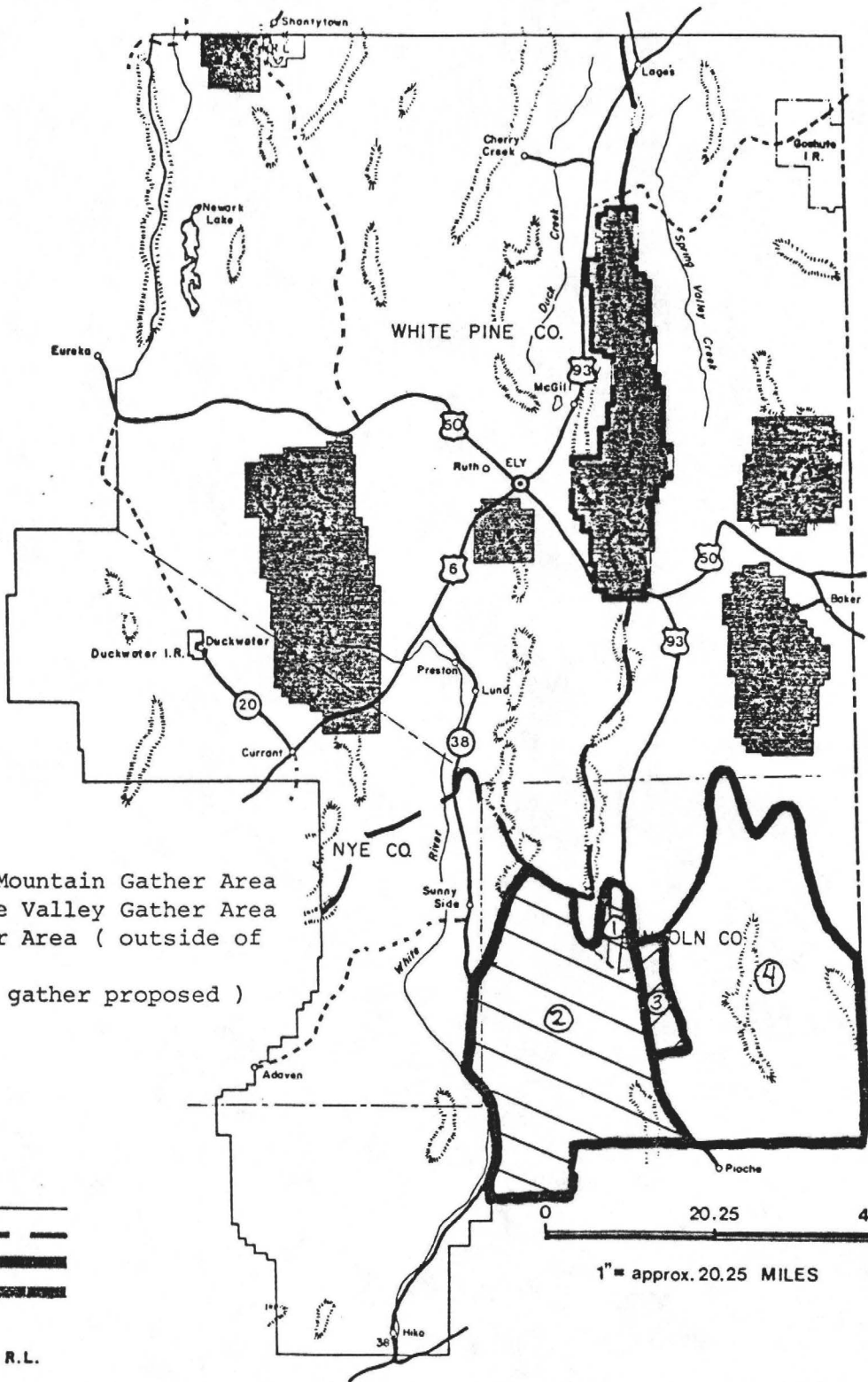
The proposed gathering will be conducted in the Ely District in the areas shown on the enclosed maps and as described below.

<u>Herd Management Area/Herd Area Name</u>	<u>Environmental Analysis Record Number</u>	<u>Reason for Gathering</u>	<u>Approximate Number to Be Removed</u>	<u>Approximate Number to Remain</u>
Horse Free Area Adjacent to Wilson Creek HMA	NV-040-0-1	Comply with 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."	48	0
<u>Dry Lake HMA</u>	NV-040-0-1	Resource protection and to restore a thriving natural ecological balance.	46	74

Sincerely,

Edward F. Spang
State Director, Nevada

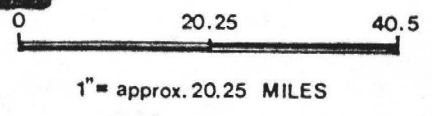
1 Enclosure
1 - Proposed Gathering Maps (3 pp)



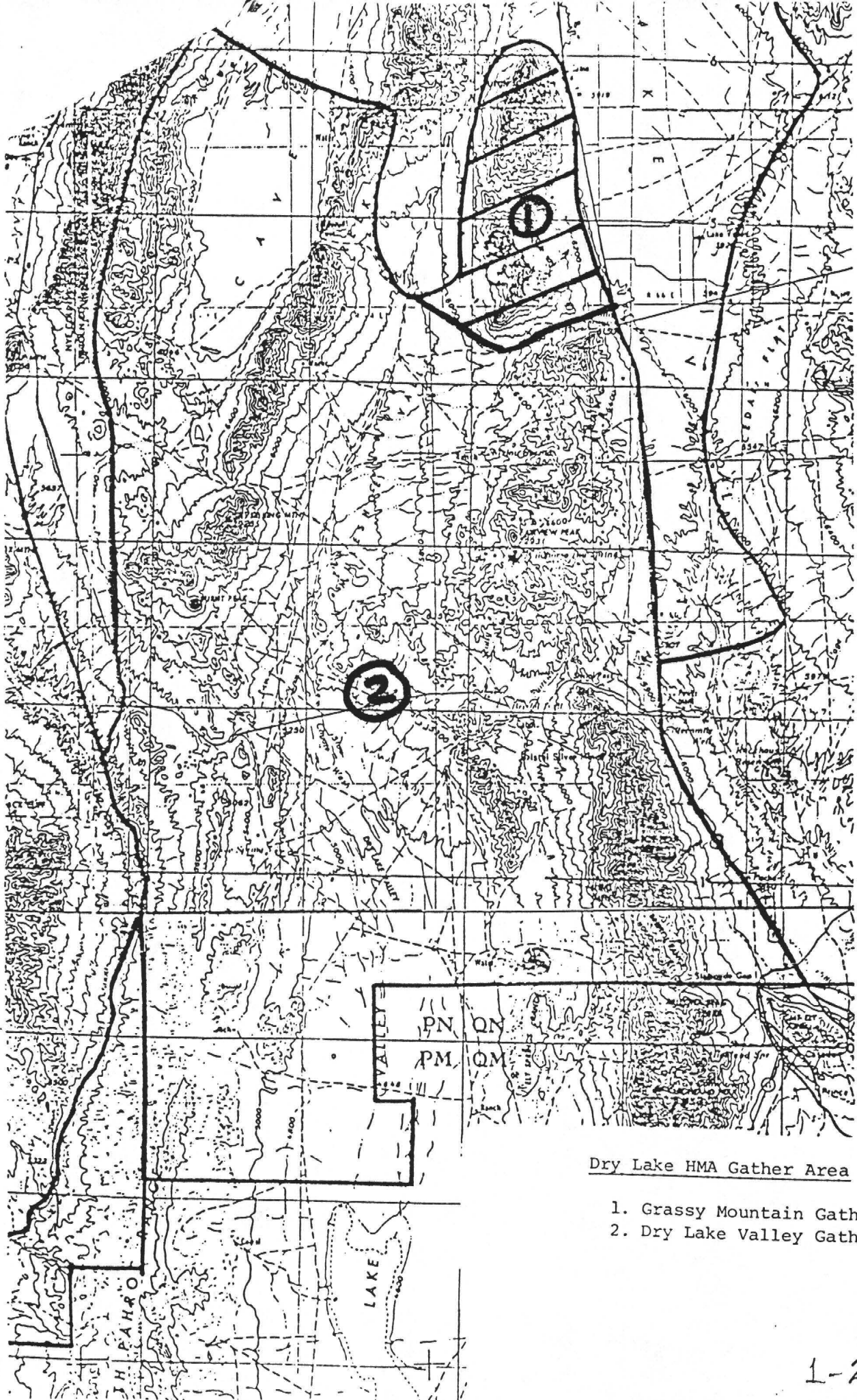
WORK LOCATION MAP

1. Dry Lake HMA/ Grassy Mountain Gather Area
2. Dry Lake HMA/ Dry Lake Valley Gather Area
3. Horse Free Area Gather Area (outside of HMA boundaries)
4. Wilson Creek HMA (no gather proposed)

District Boundary
 Resource Area Boundary
 Humboldt National Forest
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 Ruby Lake National Wildlife Refuge R.L.

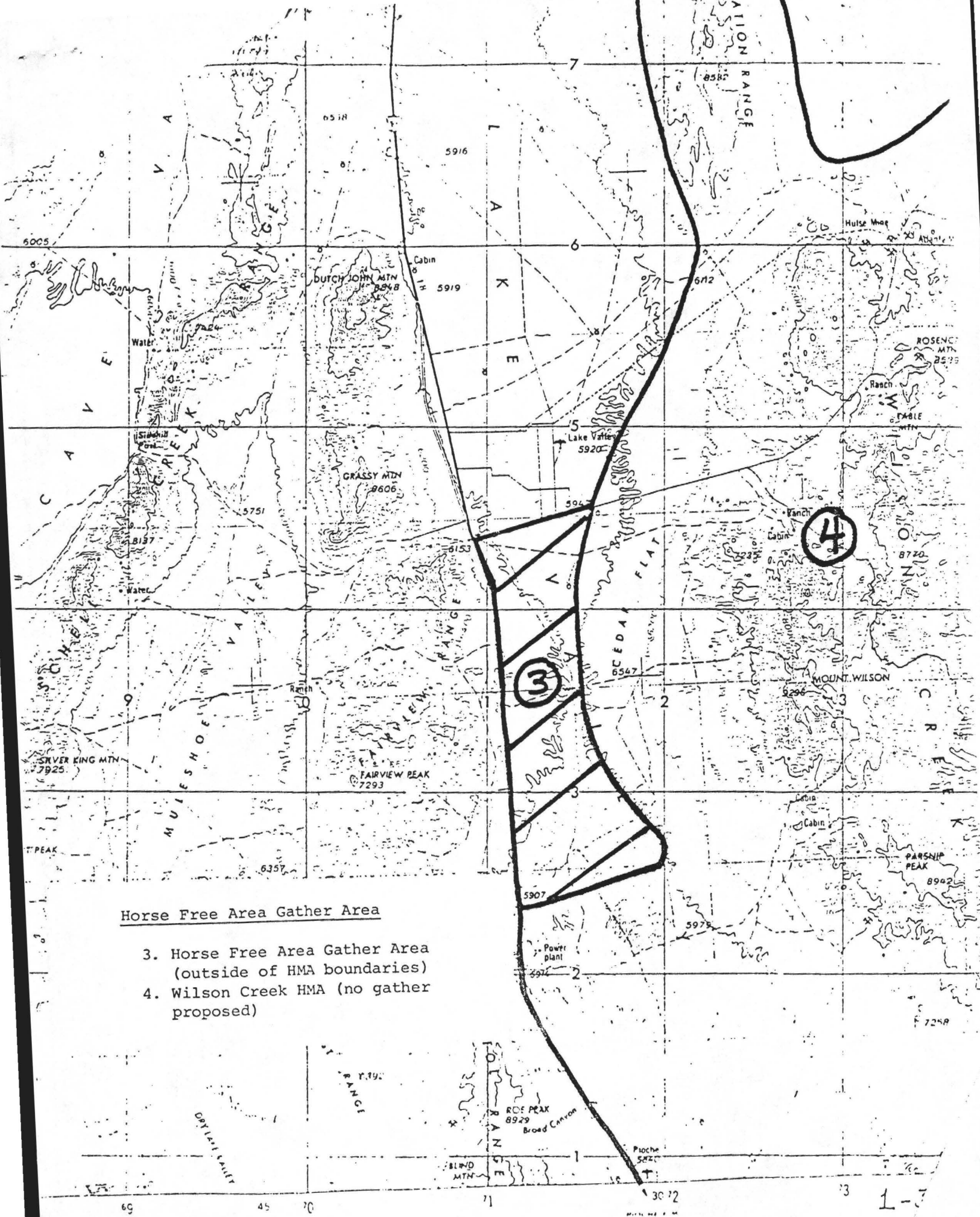


ELY DISTRICT
 BUREAU OF LAND MANAGEMENT
 U. S. DEPARTMENT OF THE INTERIOR



Dry Lake HMA Gather Area

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(outside of HMA boundaries)
4. Wilson Creek HMA (no gather
proposed)

BOB MILLER
Acting Governor

STATE OF NEVADA

12-14-89
TERRI JAY
Executive Director



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

Stewart Facility
Capitol Complex
Carson City, Nevada 89710
(702) 885-5589

December 14, 1989

Deloyd Satterthwaite, Chairman
Spanish Ranch
Tuscarora, Nevada 89834

Dawn Lappin
15640 Sylvester Road
Reno, Nevada 89511

Michael Kirk, D.V.M.
P.O. Box 5896
Reno, Nevada 89513

Kenneth G. Walker, District Manager
Bureau of Land Management
Ely District Office
Star Route 5, Box 1
Ely, Nevada 89301

Dear Mr. Walker,

Thank you for the opportunity to review and comment on the draft Removal Plan and EA for the Wilson Creek/Dry Lake Wild Horse Gather.

The first concern that I have regarding the proposed removal, pertains to the herd area boundaries. The BLM maps that I have show the 2 herd areas sharing the North/South boundary between them. They show no horse free area. Please provide the URA maps that delineate the 1971 area of use.

All of my other comments pertain to the EA. I have organized my comments according to the headings and sub-headings used in the EA.

BACKGROUND INFORMATION

Purpose and Need

Please provide the documentation which delineates whether the use outside of the HMA is incidental, migratory, or permanent.

Relationship to Planning

Since this area is not covered by a HMAP, when will the HMAP be completed? Since there is no AMP, when do you plan to complete one?

I object to the inclusion of referral to the Lincoln County Plan for Public Lands and Nevada Senate Bill 40. I'm sure you are aware that Federal Law superceeds State Law and therefore you have no obligation whatsoever to comply with state directives.

Major Issues

Both of these Herd Areas fall within the Wilson Creek Allotment. My comments on the Wilson Creek Allotment evaluation have already been sent to your office. The Wilson Creek Allotment evaluation sighted many, many, problems attributed solely to livestock grazing.

Kenneth G. Walker
December 14, 1989
Page 2

That document also stated as a LUP objective, to manage horses at the 1983 level of use or AML's. In light of the IBLA decision, which mandates to manage wild horses to achieve and maintain a thriving natural ecological balance, I find it very interesting that the "numbers to remain" is very close to the previously established AML. Did your data dictate these "stocking levels" for wild horses?

Please provide the data used to determine the stocking level.

With the majority of the livestock on the allotment year-round, and the horses consuming such a small proportion of the available AUM's, I question whether the removal is necessary at all.

Alternatives

In this section, you address alternative methods of capture. This section should address alternatives to capture, such as closure to livestock grazing.

Why haven't you assessed the viability of pushing or driving the horses that are outside of the HMA, back into the HMA? Isn't that an alternative?

Environmental Consequences

Proposed Action

Water and Riparian

Exclosures, spring improvements, and other developments are necessary to protect riparian areas, yet you sight removal as a solution to the riparian problems. Are you also going to remove the livestock that graze in large numbers yearlong in these areas?

Wild Horses

You state that horses have expanded into the Patterson seeding "due to a population increase beyond the HMA's capacity to produce sufficient forage and supply adequate habitat." Isn't it possible that the Patterson seeding provides a DIETARY PREFERENCE? Isn't it also possible that the long season of use and large numbers of livestock have forced the horses out of the HMA boundaries?

Vegetation

In this section, you state that horses graze yearlong, while cattle graze their specific season of use. Yet, your information on Wilson Creek shows 4 yearlong permits of over 34,000 AUM's.

Wildlife

You state that reduced wild horse numbers should reduce competition for the supply of mountain brush ... What plant species are you referring to? My research material shows that there is more competition between livestock and wildlife than horses and wildlife. If you have information to substantiate this claim, I would appreciate receiving it.

Kenneth G. Walker
December 14, 1989
Page 3

Livestock Grazing

"The proposed action would have a long-term positive impact on livestock grazing on all the allotments in the removal area."

Is this the purpose of the removal?


Why can't you institute closure to livestock grazing to reduce the forage competition for the horses?

Your document states that there will be some reductions in grazing at the end of this year. Will those reductions be from Preference or Actual Use?

Since I have requested specific information regarding the proposed action, I hereby reserve the right to modify my comments pending receipt of the requested information.

Thank you for the opportunity to provide comments. I look forward to working with you further.

Sincerely,



TERRI JAY
Executive Director

TJ/cb