



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

4/26/94
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TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

4700 (NV-047)

5-16-94

APR 26 1994

Dear Reader:

Enclosed is a final approved copy of the Buck and Bald Wild Horse Herd Removal Plan and Supplemental Environmental Assessment (SEA), along with the Decision Record/Finding of No Significant Impact (DR/FONSI) for these documents.

The enclosed DR/FONSI is my final decision for approval of the proposed action as analyzed in the SEA and to implement the Buck and Bald Wild Horse removal. This decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Buck and Bald HMA to reach the established AML. Immediate removal of wild horses in excess of AML is necessary to restore the range to a thriving natural ecological balance and to avert the imminent overgrazing caused partially by wild horses in the HMA. The Full Force and Effect determination is in accordance with the regulations at 43 CFR 4770.3(c).

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4, Subpart E. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on Form 1842-1. Please provide this office with a copy of your Statement of Reasons. Copies of your appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision appealed from is in error. For other questions or comments, please contact Joe Stratton or Bob Brown at (702) 289-4865.

Sincerely,

Kenneth G. Walker
District Manager

4 Enclosures

1. Buck and Bald Removal Plan
2. SEA
3. DR/FONSI
4. Form 1842-1

CAPTURE/REMOVAL PLAN
FOR THE
BUCK AND BALD
HERD MANAGEMENT AREA

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 Buck and Bald Herd Management Area (HMA) and associated horse free areas including the Diamond Horse Free Area (HFA). Future removals will occur within the Buck and Bald HMA as proposed in this plan in order to achieve Appropriate Management Levels (AML). The range conditions as described in the Newark, Dry Mountain, Horse Haven, Medicine Butte, Ft. Ruby, and Warm Springs 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 AML of 346 within the Newark, Cold Creek, Dry Mountain, Horse Haven, Ft. Ruby, Medicine Butte, and Warm Springs allotments as determined by the allotment evaluation and Final Multiple Use Decision (FMUD) process. The Moorman Ranch, Maverick Springs, Ruby Valley, and Thirty-mile Spring allotment evaluations and FMUDs will be forthcoming and incorporated into this removal plan for future removal efforts.

This document outlines the process and events involved with the capture and/or removal of wild horses within the Buck and Bald HMA and associate HFAs. Included are the approximate numbers to be removed in order to reach the (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 Resource Area Record of Decision (ROD), and the FMUDs for the Newark, Cold Creek, Dry Mountain, Horse Haven, Medicine Butte, Ft. Ruby, and Warm Springs. Removals will incorporate policies of the Strategic Plan for Management of Wild Horses and Burros on Public Lands in order to achieve and maintain AML. Future allotment FMUDs for the Moorman Ranch, Maverick Springs, Ruby Valley, and Thirty-Mile Spring, allotments will also conform to the objectives outlined in the Land Use Plans. The initial and subsequent removals will only take place on those allotments with completed Allotment Evaluations and FMUDs.

AREA OF CONCERN

The Buck and Bald HMA is located approximately 30 air miles northwest of Ely in northern White Pine County, Nevada, in the Bureau of Land Management (BLM) Ely District, Egan Resource Area. Removals may also occur in the adjacent Diamond horse-free areas if it is determined that wild horses are residing outside the HMA yearlong. Maps of the Buck and Bald HMA and the allotments within the HMA are located in Appendices 1 & 2.

Table 1 shows the allotments that have AML established and the dates when AML will be established on the remainder. The proposed action is also being written to be in conformance with the future FMUDs for the above mentioned allotments because this action is considered to be part of long term management for the Buck and Bald HMA.

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

<u>Allotment</u>	<u>AML</u>	<u>Allotment</u>	<u>Year*</u>
Medicine Butte	11	Thirty-Mile Spring	1994
Warm Springs	170	Moorman Ranch	1994
Horse Haven	36	Maverick Springs	1994
Ft. Ruby	0	Ruby Valley	1994
Newark	51		
Cold Creek	48		
Dry Mt.	<u>30</u>		
Total	346		

*This is the year the final decision is scheduled to be issued.

Any removals will be followed by a post-removal census to determine that the proper number of horses remain in the HMA.

CAPTURE/REMOVAL/RELEASE PROCEDURES

The removals for the Buck and Bald HMA will initially be horses five and under or the current Nevada State Office approved age classes up to nine years old. Future removals will occur under this plan to continually attempt to achieve and maintain AML. This criteria was selected to remove the most adoptable animals from the HMA while achieving AML in the shortest manner possible. The removal of horses five and under will not achieve AML within the Buck and Bald HMA in one removal effort requiring that future removals will include horses up to nine years old or current Nevada policy. If achievement of AML is obtainable with younger age classes of horses, then that course of action will be pursued. The initial removal will remove approximately 750 animals, five years-old and under. A strategy for gathering HMAs on a three year schedule is to begin in FY94 in Nevada. This will reduce the number of removals necessary to maintain a thriving natural ecological balance and reduce the stress to the wild horses because of repeated removal operations. As Allotment Evaluations and Final Multiple Use Decisions become final, they will be incorporated into removal efforts to achieve AML as determined by the Allotment Evaluation process. No further public review of this document will occur as new AMLs will be incorporated into this plan.

With the proposed plan to remove animals five years old and under, the possibility exists that mares and dependent foals will be removed from the range. Steps will be taken to keep mares and foals together and in the event mares and foals are separated, mares and foals will be put in a separate pen to allow mares and foals to pair up again. In the event a mare is not in the target age group and has a dependent foal, then both will be returned to the range. Mares of the target age group with dependent foals will be sent to Palomino Valley Corrals and dependent foals that do not pair up with a mare will be sent to Palomino Valley Corrals. Ground and aerial surveys as needed will be done to look for foals that have been abandoned during capture operations, and every attempt will be made to avoid this situation as well as finding the mare for the abandoned foal.

Wild horses that do not meet the age removal criteria of age will be released back onto the range. Wild Horses that are captured in the HFA that do not meet the age criteria for removal will be incorporated into the Buck and Bald HMA population. They will be released near water and monitored to ensure they adapt to the new

surroundings. All horses will be marked with a grease pencil in order to identify them as to the location they were trapped. Horses to be released will be released in the area where they were trapped. Horses will be released in small groups to reduce the "stampede" reaction that has occurred on other releases of large numbers of horses.

Time and Method of Capture

The initial gather is expected to take place through issuance of a removal contract during FY94, and last approximately 3 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 occur through the issuance of a removal contract. Under no circumstances will helicopter gathering be allowed during the foaling season (March 1 to June 30). Water trapping will be allowed throughout the year but would be used only when helicopter gathering is not feasible. 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 to be used will be a helicopter to bring the horses to trap sites and horseback riders at the wings of portable traps. Roping horses from horseback may be used in combination with the helicopter to remove horses in areas outside of the HMA boundary. 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 an alternate method being considered to remove horses in limited areas where resource damage is occurring. If performed by BLM personnel, the BLM will be responsible for the transportation of horses to Palomino Valley Corrals. If water trapping is performed by contract, the contractor will have responsibility for the transportation of horses to Palomino Valley Corrals. Water trapping would be used in cases 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

trapping in areas with abundant water sources. Traps would be constructed with the same materials described in the paragraph above.

Trapping horses by herding them with riders 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 costs from previous roundups using this method are prohibitive.

It is estimated that up to seven 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, snow, rocky terrain, temperatures, etc.).

Due to 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 few physical barriers and fences in the area, and the contractor will be instructed to avoid them.

Monitoring

The large numbers of horses that may be held in corrals during this gather operation increases, the potential for band disruption and the possibility of wild horses contracting dust pneumonia. Additional monitoring of the HMA after the gather will be necessary in order to guard against detrimental affects to the horses. Horses that are captured at a specific trap site will be marked with a grease pencil to ensure that, if needed, they are released in the vicinity of the trap location where they were captured. 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. Wet mares and dependent foals will have a separate pen to allow them to pair up if they are separated during the removal operations. Post-release monitoring will be conducted to insure horses return to normal patterns and do not get hung up on fences and can find water sources.

Water trapping should not create problems listed 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 1,200 wild horses from the gather area for the initial removal. BLM is also responsible to oversee the transportation to the adoption preparation facility as specified in the removal contract.

Within two weeks prior to the start of the contract, BLM will conduct a pre-capture evaluation of existing conditions in the 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 removal is warranted. If it is determined that the removal 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

(COR) 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 are the most important concerns and responsibilities 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. This is to assure that 1) there is space available in the corrals for the captured horses; 2) animals are handled humanely and efficiently; and 3) 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, and stop work orders and default procedures will be initiated 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 shall be accomplished utilizing helicopter drive-trapping and shall incorporate the following:

1. Trap and Holding Facility Locations. All trap locations and holding facilities must be approved by the COR and/or PI prior to construction. The contractor may 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 limit 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 $\frac{1}{4}$ 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.

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 to the trap 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 to the animals because of steep and/or rocky terrain. 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 six feet high.

c. All runways shall be a minimum of 30 feet long and a minimum of six feet high and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of one foot to six 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 two feet to six 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 a 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.

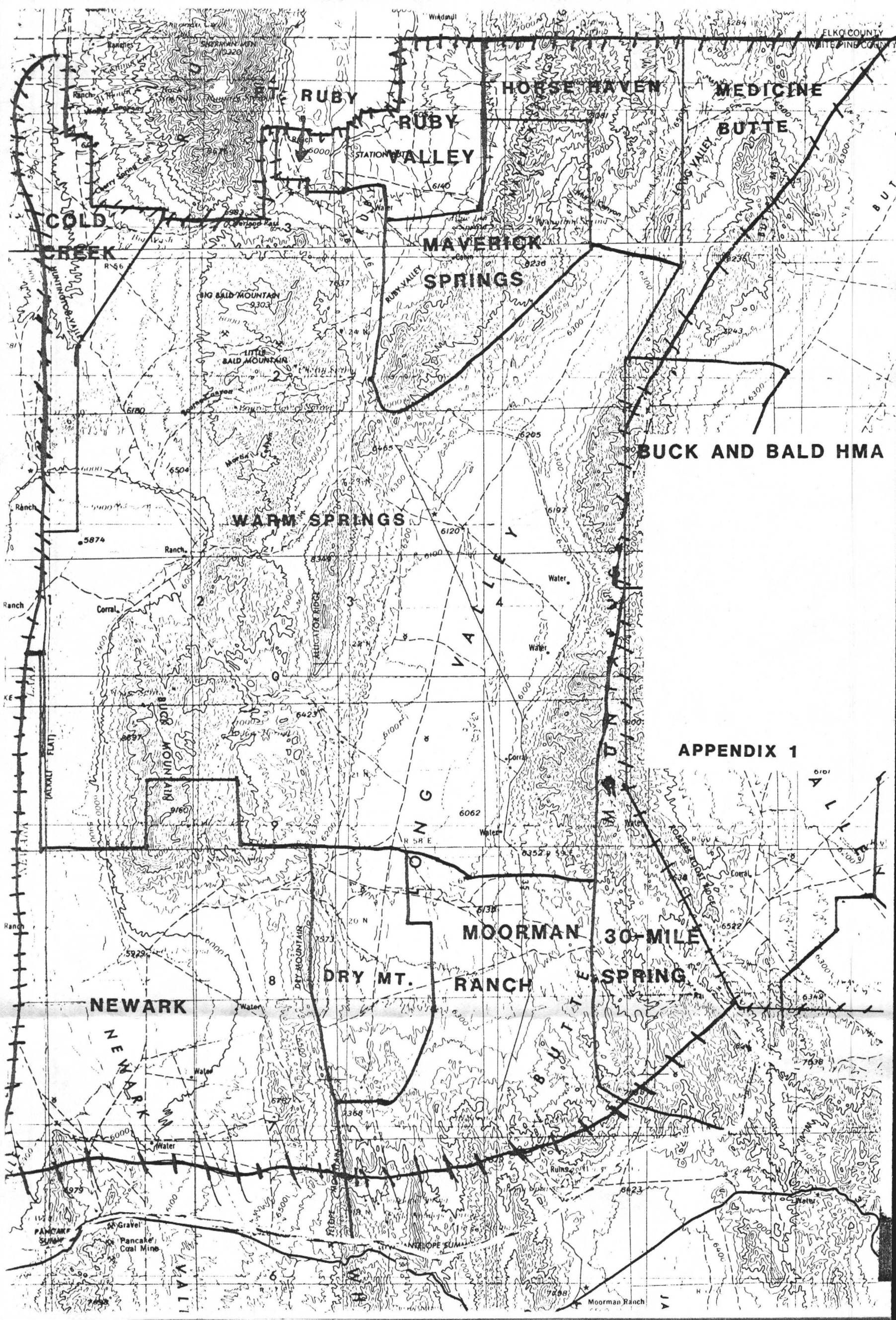
Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM pending notification of the owner or claimant.

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.



APPENDIX 1

ELKO COUNTY
WHITE PINE COUNTY

RUBY

HORSE HAVEN

MEDICINE BUTTE

RUBY VALLEY

COLD CREEK

MAVERICK SPRINGS

BUCK AND BALD HMA

WARM SPRINGS

APPENDIX 1

MOORMAN 30-MILE SPRING

DRY MT. RANCH

NEWARK

NEWARK

NEWARK

PANCAKE SUMMIT

NELOPE SUMMIT

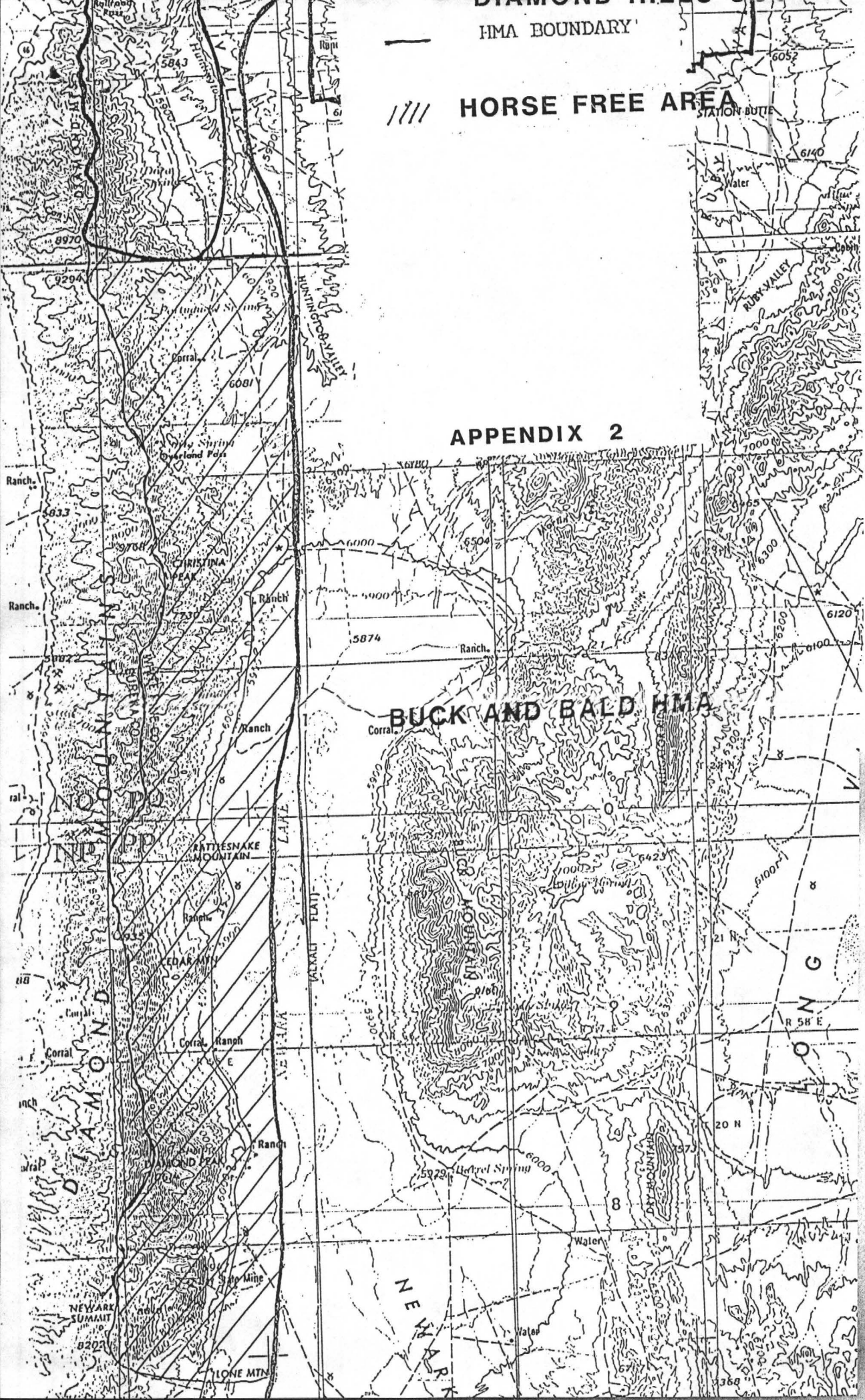
Moorman Ranch

HMA BOUNDARY

////// HORSE FREE AREA

APPENDIX 2

BUCK AND BALD HMA



Environmental Assessment
Supplement
for the
Buck and Bald Wild Horse
Removal Plan

S3-93-NV-040-8-15

prepared by
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Egan Resource Area
Wild Horse 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 Buck and Bald Herd Management Area (HMA). This Environmental Assessment (EA) Supplement incorporates EA NV-040-8-15 by reference, which analyzed the removal of wild horses from the HMA.

This area is located approximately 30 air miles northwest of Ely, Nevada in northwestern White Pine County. The herd area is approximately 800,000 public acres and 13,080 acres are private. Portions of Newark, Moorman Ranch, Dry Mountain, Warm springs, Horse Haven, Ft. Ruby, Maverick Springs, Ruby Valley, Medicine Butte, Thirty-mile Spring, and Cold Creek BLM grazing allotments make up the Buck and Bald HMA.

The Buck and Bald HMA is also adjacent to the Diamond Hills Horse Free Area (HFA). This HFA has traditionally been an area that wild horses move into. If horses are determined to be established in this HFA during a Buck and Bald removal operation, wild horses will be removed from the HFA and older horses will be incorporated into the Buck and Bald HMA.

Purpose and Need

The purpose and need of the proposed selective removal of wild horses is to achieve and maintain Appropriate Management Level (AML) as determined by allotment evaluations and Final Multiple Use Decisions (FMUD) and to remove horses from adjacent HFAs. The maintenance of AML will be carried out in accordance with the Strategic Plan for Management of Wild Horses and Burros on Public Lands. The achievement and maintenance of AML will restore the range to a thriving natural ecological balance.

Relationship to Planning

The Capture/Removal Plan is in conformance with the Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/EIS) and the Egan Resource Area Record of Decision (ROD). 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 conformance with the Buck and Bald Habitat Management Plan and EA NV-040-8-15 which analyzed the impacts of wild horse removals within the Buck and Bald HMA. This proposed action is also in conformance with the Allotment

Evaluation and Final Multiple Use Decision (FMUD) process. The Horse Haven, Dry Mountain, Ft. Ruby, Warm Springs, Newark, Cold Creek, and Medicine Butte FMUDs have been completed within the Buck and Bald HMA. The Moorman Ranch, Thirty-mile Spring, Maverick Springs, and Ruby Valley allotment evaluations and FMUDs are still forthcoming and will be incorporated as part of this Capture/Removal Plan upon their completion.

The Capture/Removal Plan is designed to effectively manage the Buck and Bald wild horse population 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 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 Buck and Bald Capture/Removal Plan is developing a strategy for achieving and maintaining AML as determined by monitoring and evaluation of allotments. The Buck and Bald 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 Buck and Bald wild horse population.

DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action is to remove wild horses initially in the five and under age classes (or the current Nevada State Office approved ages for removal up to nine years old) within the Buck and Bald HMA. The goal is to achieve AML in the shortest time possible in order to restore the range to a thriving natural ecological balance. Range objectives are not being met as described in the Newark, Cold Creek, Horse Haven, Medicine Butte, Ft. Ruby, and Warm Springs allotment evaluations in part due to overgrazing by wild horses. Subsequent removals, if different in procedure, will require an amendment to the Removal Plan describing the new procedures to be used. The AMLs that are final are within the Medicine Butte allotment (11), Dry Mt. (30), Ft. Ruby (0), Warm Springs (170), Newark (51), Cold Creek (48), and Horse Haven (36). As allotment evaluations and FMUDs and appeal hearings become final, those AMLs will be incorporated into the operating procedures of this removal plan. This removal plan and EA

supplement will not change in its application as these AMLs are incorporated resulting in no further public review of this Capture/Removal plan after it is approved unless removal procedures are altered.

It is also proposed to use water trapping of wild horses in areas 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-040-8-15, 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 considers water trapping as a potential option to be used only on a limited scale in problem areas.

Adjacent HFAs will also have removals conducted under the conditions and methods described in the associated Removal Plan.

Applicable Standard Operating Procedures

Standard operating procedures for selective removals can be found in the associated removal plan and the Egan Resource Area's RMP.

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 Buck and Bald HMA 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

The affected environment is within the Buck and Bald HMA. The initial removal will occur within the Newark, Cold Creek, Medicine Butte, Warm Springs, Horse Haven, Ft. Ruby, and Dry Mt. allotments. Future allotments within the Buck and Bald HMA will be incorporated into the affected environment as Allotment Evaluations and FMUDs are finalized. The allotments and the HMA are described in detail in the Egan Rangeland Program Summary (RPS) 1988, Proposed Egan Resource Management Plan and Final Environmental Impact Statement (RMP/EIS) 1984, and Egan Resource Area Record of Decision (ROD) 1987.

ENVIRONMENTAL CONSEQUENCES

Proposed Action

In addition to those consequences outlined in the original EA, the proposed removal will not have an impact on Native American Religious Concerns or Solid Waste and Hazardous Materials. All

environmental analyses applies to both helicopter and water trapping methods. The following analysis is in addition to the impacts discussion in the original EA NV-040-8-15.

Wild Horses:

Wild horse numbers within the portion of the Buck and Bald HMA that have completed FMUDs will require a reduction in populations of up to 70% in some areas 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 through 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 every age class should 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 incorporation of older horses within the population from associated HFAs should not have a significant impact due to the smaller numbers of horses establishing themselves within HFAs.

The use of water trapping, although more time consuming, in situations of difficulty in capturing horses would result in less stress on the horses with no differences on the wild horse population.

PROPOSED MITIGATING MEASURES

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

SUGGESTED MONITORING

Future monitoring will consist of new allotment evaluations and FMUDs as stated in the proposed action. In addition, horses that do not meet the age criteria for removal will be monitored within 72 hours of release to ensure their return to normal behavior patterns.

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 animals 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 was allowed for this preliminary supplement. Comments were received and considered in preparation of the Final EA Supplement. Comments were received from the Commission for the Preservation of Wild Horses and Wild Horse Organized Assistance. Both groups supported the roundup but questioned if returning older age horses to the HMA above AML would prompt a like reduction in livestock numbers. At present, it is not an option we are considering and will attempt to reach AML with removal efforts.

Record of Persons, Groups, and Agencies Contacted

- Susan Alden
- 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 Department of Wildlife
Region II
- Nevada Farm Bureau Federation
- Nevada Humane Society
- Nevada Outdoor Recreation Association
- Nevada State Department of Agriculture
- Nevada Wildlife Federation
- Bobbi Royle
- Ms. Amanda Rush
- Save the Mustangs
- Ms. Nan Sherwood
- Sierra Club
- U. S. Fish and Wildlife Service
- The Humane Society of the United States
- United States Wild Horse and Burro Foundation
- Mr. Ron Sparks, Nevada State Clearinghouse (15 copies)
- White Pine County Commissioners
- White Pine Sportsmen
- Wild Horse Organized Assistance
- Gloria Wilkins
- Russell Ranches, Dan Russell
- BLM Nevada State Office
- Ruby Marshes National Wildlife Refuge
- BLM Elko District Office
- USFS Ruby Mountain Ranger District
- Triple E Livestock, Sam Etchegary
- Paris Livestock, Pete Paris Jr.
- Bob Dickenson
- Gracian Uhalde
- Raymond Rosenlund

Internal District Review

Mike Perkins
 Dan Netcher
 Harry Rhea
 Wendy Fuell
 Fred Fisher
 Bob Brown
 Brian Amme

Mike Bunker
 Jack Norman
 Loran Robison
 Mark Barber
 Chris Mayer
 Jake Rajala

Tim Reuwsaat
 Gene Drais

Wildlife
 Minerals
 Forest Resources
 Range
 Range
 Wild Horses
 Cultural/Native American
 Concerns
 Wilderness/Recreation
 Soils
 Air/Water Resources
 Riparian/T&E Animals
 Range/T&E Plants
 Environmental Coordination
 and Planning
 All Resources
 All Resources

DR/FONSI
BUCK AND BALD HMA WILD HORSE REMOVAL
EA NO. NV-040-8-15
AND
S3-93-NV-040-8-15

DECISION: I have reviewed the 1988 Environmental Assessment (EA NV-040-8-15) and the 1993 Supplemental EA (S3-93-NV-040-8-15) for the Buck and Bald Herd Management Area (HMA) Wild Horse Removal, and I concur with the analysis for this decision. No mitigation is required beyond the Standard Operating Procedures which are considered part of the proposed action. Allotment Evaluations and Final Multiple Use Decisions (FMUD) for the Ft. Ruby, Medicine Butte, Dry Mt., Newark, Cold Creek, Horse Haven, and Warm Springs allotments have shown the need for this proposed removal. I approve of the action to conduct a selective removal as described in the Buck and Bald HMA Removal Plan.

The non-selected alternatives analyzed in EA NV-040-8-15 and S3-93-NV-040-8-15 consist of trapping wild horses by herding them on horseback and no action.

This final decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Buck and Bald Herd Management Area.

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

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

Immediate removal of excess wild horses to achieve the AML as established through the allotment evaluations and FMUDs is necessary to avert the imminent degradation of the rangeland resources caused by overgrazing of wild horses. Immediate removal of the excess wild horses is also necessary to restore the range to a thriving natural ecological balance. Issuing this

decision Full Force and Effect is in accordance with the regulations at 43 CFR 4770.3(c).

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

Rationale: Analysis of impacts did not identify any unique or unknown risks, impacts to public health or safety, high levels of public controversy, or impacts to threatened and endangered species. The standard operating procedures and mitigating measures will minimize negative impacts and ensure humane treatment of the captured horses. The EA as written in 1988 did not address Native American religious concerns or hazardous and solid wastes but these were addressed in the Supplemental EA S3-93-NV-040-8-15. The action proposed will have no impacts to these areas of concern and no new analysis is necessary.

Kenneth G. Walker

Kenneth G. Walker
District Manager

4-22-94

Date