



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



4700 (NV-047)

NOV 19 1993

Dear Reader:

Enclosed you will find copies of the Draft Diamond Hills Horse Free Area and Diamond Herd Management Area Removal Plan and Preliminary Supplemental EA S1-93-NV-040-8-15. This letter should be considered the 28-day notice for this proposed action. The proposed action as discussed in the above mentioned documents will be conducted within the Diamond Hills Horse Free Area (HFA) and the Diamond Herd Management Area (HMA) to remove wild horses from within a Horse Free Area and to return to the range wild horses over ten years old within the Diamond HMA. This will require the removal of up to 200 wild horses from the Diamond HFA. Wild horses over ten years old will be released within the Diamond HMA requiring a like number of wild horses five years old and under to be removed to maintain the same population level within the Diamond HMA. Please provide your comments to Ely District Manager no later than close of business ~~December 27,~~ 1993. Pertinent comments will be considered and incorporated, as appropriate, and a final decision will be issued and sent to all interested parties.

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

Sincerely,

Ac.ing

Kenneth G. Walker  
District Manager

2 Enclosures

1. Diamond Hills HFA and Diamond HMA Removal Plan
2. Supplemental EA S3-93-NV-040-8-15

PRELIMINARY  
ENVIRONMENTAL ASSESSMENT  
for the  
DIAMOND HILLS HORSE FREE AREA  
and the  
DIAMOND HERD MANAGEMENT AREA  
REMOVAL PLAN  
S-1-93-NV-040-8-15

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

Ely District, Egan Resource Area  
Bureau of Land Management

## BACKGROUND INFORMATION

### Introduction

The area of the proposed action is approximately 60 miles west of Ely, Nevada in the Diamond Mountains (see map). This area is the boundary between the Battle Mt. District, Shoshone-Eureka Resource Area (RA) and the Ely District, Egan RA. The area of the proposed action is within both RAs. The Diamond Hills Horse Free Area (HFA) is within the Ely District and the Diamond Herd Management Area (HMA) is within the Battle Mt. District. This analysis is tiered from Ely District Environmental Assessment (EA) NV-040-8-15 which addresses the total removal of horses from the Diamond Hills Horse Free Area (HFA) and Battle Mountain EA number N66-EA8-42, which addresses wild horse removals. These documents are incorporated by reference.

### Purpose and Need

The purpose for the proposed action is to totally remove wild horses from the Diamond Hills HFA within the Ely District. The need is to comply with regulations which limit wild horse distribution to herd areas. The BLM and Nevada State Office policy directs that wild horses 10 years old and older be returned into an adjacent HMA. The animals within the Diamond Hills HFA are believed to have come from the Diamond HMA within the Battle Mt. District. Therefore, a selective removal of horses 5 years old and under is needed to allow room within the Diamond HMA for release of horses 10 years old and older from the Diamond Hills HFA.

### Relationship to Planning

The proposed action is in conformance with the Proposed Egan Resource Management Plan/Final Environmental Impact Statement (RMP/EIS) and the Egan Record of Decision (ROD). It is also in conformance with an Environmental Assessment (EA) prepared in 1988 (EA NV-040-8-15) which analyzed the impacts of a total removal within the Diamond Hills HFA. The proposed action is also in conformance with the Shoshone-Eureka RMP which analyzes the impacts of the management of wild horses and burros. The proposed action is also in conformance with a Programmatic EA number N66-EA8-42 which addresses the impacts of removals of wild horses and burros within the Battle Mountain District both within and outside Herd Use Areas (HUA). This EA tiers from the Battle Mt. and Ely EAs but addresses the specifics of this proposed action.

The proposal is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195), as amended. 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. The proposal is also consistent with the White Pine and Eureka county's Policy Plans for Public Lands.

### Major Issues

The major issues involved in this proposal are 1) to reduce numbers of wild horses within the Diamond Hills HFA to zero, 2) the effect on the wild horse population of removing horses 5 years old and under and releasing horses 10 years old and older into the Diamond HMA, and 3) the humane treatment and care of horses during capture, transportation, and release.

### DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

#### Proposed Action

The proposed action addressed by EA NV-040-8-15 is to do a total removal using helicopters of wild horses within the Diamond Hills HFA. In addition, the proposed action addressed in this EA is to do a selective removal of wild horses 5 years old and under from within the Diamond HMA in sufficient numbers to allow the release of animals 10 years old and older from the Diamond Hills HFA. Based on census of the Diamond Hills HFA, there is a potential for up to 200 wild horses to be present within the HFA. Population information from the adjacent Buck and Bald HMA suggests that 15.8% of a population is 10 years old and older. This would result in the need to selectively remove 31 horses 5 years old and under from within the Diamond HMA if 200 horses were present within the Diamond Hills HFA. Further information from Buck and Bald, indicates that 70% of the herd should be in the 5 and under age classes. This would require approximately 50 animals to be captured from the Diamond HMA in order to capture the estimated 31 necessary for replacement.

#### Applicable Standard Operating Procedures

Standard operating procedures for the removal of wild horses within the Ely and Battle Mt. Districts can be found in the associated removal plan and the respective resource area's RMP.

#### No Action

The no action alternative would mean that the removal of wild horses would not be conducted within the Diamond Hills HFA. This would mean that the BLM would be in violation of the 43 CFR Part 4710.4 which requires the BLM to remove wild horses from outside a herd area. If this total removal does not take place, the proposed action within the Battle Mt. District would not be necessary. Therefore, the no action alternative will not be considered

further. No other alternatives are necessary to address unresolved conflicts concerning alternative uses of available resources.

#### DESCRIPTION OF THE AFFECTED ENVIRONMENT

A description of the affected environment can be found in EA NV-040-8-15 on file at the Ely District office and EA N66-EA8-42 on file in the Battle Mt. District office.

The affected environment occurs within the Ely District and the Battle Mt. District. The Ely District portion of the proposed action will be a total removal of wild horses from the Diamond Hills HFA considered in EA NV-040-8-15. The Battle Mt. portion of the proposed action is covered by this EA and the programmatic EA N66-EA8-42.

#### ENVIRONMENTAL CONSEQUENCES

##### Proposed Action

The following resources are not impacted by the proposed action: areas of critical environmental concern; wild and scenic rivers; wilderness; floodplain and wetlands; prime or unique farmlands; visual resources; threatened or endangered animals or plants; cultural, historical and paleontological resource values; Native American religious concerns; solid or hazardous waste; social and economic values; or air quality. The Battle Mt. District's programmatic EA N66-EA8-42 and the Ely District's EA NV-040-8-15 have analysis completed on the proposed action and these documents are incorporated by reference.

##### Wild Horses

The numbers of wild horses within the Diamond HMA would not be changed; only the age structure of the population would be altered. This EA will address the affect of adding older individuals to the population of horses within the Battle Mt. District's Diamond HMA.

The proposed action would add approximately 31 horses 10 years old and older which is approximately 10.0% of the population and remove the same number of animals 5 years and under from within the Diamond HMA, as determined by the 8/93 census of 298 horses in the HMA. This interjection of new individuals will temporarily have an impact on the social structure until these new individuals are incorporated into the population. The reproductive output of the population may decrease slightly due to the younger, higher reproductive animals being removed and the older animals being inserted into the population, but it should not have any type of impact that would threaten the population.

## PROPOSED MITIGATING MEASURES

Mitigating measures are described in the Battle Mt. District programmatic EA N66-EA8-42, Ely District EA NV-040-8-15, and operating procedures described in the associated removal plan.

## SUGGESTED MONITORING

The Egan RA wild horse specialist of the Ely District would supervise removal and transportation of wild horses during removal efforts of wild horses from the Diamond Hills HFA to ensure the horses are handled in a safe and humane manner. The Shoshone-Eureka RA wild horse specialist or Battle Mt. District Wild Horse Specialist would ensure the capture and release of wild horses within the Diamond HMA is conducted in a safe and humane manner, as well as, monitoring the horses 10 years old and older that are released within the Battle Mt. District to ensure these horses become acclimated to the new area. The main problems that horses would be monitored for are impeded movements due to unfamiliarity with existing fences and lack of water because of the lack of knowledge of water location. Horses that are released will be monitored on the ground or from the air within 72 hours after release.

## 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. In recent years, groups have become very vocal for the total protection of wild horses with reduction in livestock grazing pressure in the areas where wild horses are found. 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.

Since public interest is high and the wild horse program is of a controversial nature, public notification of the proposal will be given and public comments will be solicited for a period of 30 days (see Record of Persons, Groups, and Agencies Contacted. Comments received will be considered for the Final Environmental Assessment.

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
- 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
- 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, C/O Mr. Dale Elliot
- Nevada Department of Wildlife  
Region II
- Nevada Farm Bureau Federation
- Nevada Federation of Animal Protection Organizations
- 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

- Ms. Vanessa Kelling
- 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
- Paris Livestock
- Russell Ranches
- Ms. Anne Earle
- BLM Nevada State Office
- BLM Battle Mountain District Office
- BLM Elko District Office

Internal District Review

Dan Netcher  
 Wendy Fuell  
 Mike Perkins  
 Fred Fisher

Bill Robison  
 Bob Brown  
 Brian Amme

Mike Bunker  
 Jack Norman  
 Loran Robison  
 Mark Barber  
 Chris Mayer  
 Hal Bybee  
 Jake Rajala  
 Tim Reuwsaat  
 Gene Drais

Geologist  
 Area Range Conservationist  
 Area Wildlife Biologist  
 Supervisory Range  
 Conservationist  
 Hazardous Materials Coord.  
 Wild Horses  
 Cultural/Native American  
 Concerns  
 Wilderness/Recreation  
 Soils  
 Air/Water Resources  
 Riparian/T&E Animals  
 Range/T&E Plants  
 Operations  
 Environmental Coordinator  
 ADM Resources  
 Area Manager



Signature

Prepared by:

*Joseph A. Stratton*

*11/18/93*

Joseph A. Stratton

Date

Egan Resource Area Wild Horse Specialist

Reviewed by:

*Jake Rajala*

*11/18/93*

Jake Rajala

Date

Environmental Coordinator

*William D. Robison Acting*

*11/18/93*

Tim Reuwsaat

Date

ADM Resources

*Gene Draais*

*11/18/93*

Gene Draais

Date

Egan Resource Area Manager

*acty  
su*

**DRAFT**

REMOVAL PLAN  
FOR THE  
DIAMOND HILLS HORSE FREE AREA  
AND THE  
DIAMOND HERD MANAGEMENT AREA

Purpose

The purpose of this action is to remove wild horses from areas outside a designated herd area as required by 43 CFR 4710.4, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas." The goal will be to totally remove all wild horses from the Ely District's Diamond Hills Horse Free Area (HFA) since it is outside of an established Herd Management Area (HMA) and to maintain the area as horse free.

The purpose of doing a selective removal and release within the Battle Mt. District is to return 10 year old and older unadoptable horses back onto the range without changing numbers of horses that are present within the Diamond HMA.

Area of Concern

The Diamond Hills HFA is located approximately 60 miles west of Ely along the east side of the Diamond Mountains within White Pine County and south of the Diamond Hills South HMA. The west side of the Diamond Mountains is within the Battle Mountain BLM District, Diamond Herd Management Area (HMA). The Diamond Hills South HMA is fenced from the Horse Free Area, but the Horse Free Area is not fenced from the Diamond HMA of the Battle Mountain District. It is believed that the animals inhabiting the HFA have drifted into the Ely District from the Battle Mountain District. The attached map indicates the areas to be gathered and where horses will be released in the Battle Mountain District.

PROPOSED ACTION

This document outlines the process and the events involved with the wild horse roundup for the Diamond Hills HFA total removal and the selective removal and release of horses within the Battle Mt. Diamond HMA. Bureau policy is to remove wild horses from HFAs as required in 43 CFR 4710.4. Animals 9 years and under will be sent to Palomino Valley Corrals to enter the adoption program. Animals 10 years old and older are to be placed in the HMA from where the horses came.

The Ely District's Diamond Hills HFA removal will be a total removal of all horses within the area regardless of age or sex. The area is a designated horse free area and has no management plans for wild horses. The horses that are gathered within the Ely District Diamond Hills HFA will be separated into two groups; horses that are 9 years old and under and horses 10 years old and older. The horses 9 years old and under

will be sent to Palomino Valley Corrals. The horses 10 years old and older will be taken to the Battle Mt. District's Diamond HMA. A selective removal will occur within the Battle Mt. District's Diamond HMA for horses 5 years old and under, equal to the number of 10 year old and older horses gathered in the Diamond Hills HFA in the Ely District. In summary, horses 10 years old and older gathered in the Ely District would be traded one-for-one with horses 5 year old and under from the Battle Mt. District's Diamond HMA. The horse numbers within the Battle Mt., Diamond HMA would remain the same and the Ely District's Horse Free Area would not have any horses present at the cessation of removal activities. Based on previous census, there is a potential for up to 200 horses to be present within the Diamond Hills HFA. Based on population data from the adjacent Buck and Bald HMA within the Ely District, approximately 16.0% of the population should be in the 10 year old and older age groups. Population information from the Nevada State Office from 1986-1991 shows that only 9.9% of the population should be 10 years old and older. Using the 15.8% figure, if there are 200 horses within the Horse Free Area approximately 31 will be in the 10 and over age classes. Using the 9.9% figure, only 20 horses will be in the 10 and over age class. For the sake of analysis, we will anticipate having 31 horses in the 10 and over age groups. Using the same data from Buck and Bald, approximately 70% of the herd will be in the 5 and under age classes. This will require gathering approximately 53 horses on Battle Mt.'s. Diamond HMA to gather the necessary estimate of 31 horses, 10 years and older. The 8/1993 wild horse census within Battle Mt.'s Diamond HMA resulted in a count of 298 horses. Gathering approximately 50 animals would effect 17% of the population and exchanging 31 younger horses for older horses this would effect 10% of the population.

The numbers estimated above are not absolute. They are only estimates but may be considerably higher or lower depending on the situation existing at the time of the removal. The estimates are the best information available from previous census and removals. At the time of the removal operation, differences from the estimates will not change the procedures of this plan. This action should not jeopardize the reproductive ability of the Diamond population as Garrott and Taylor 1990 and Garrot et al 1991 found the reproductive ability in mares ten years old and older is only slightly reduced.

The wild horses that are released within the Diamond HMA of the Battle Mt. District will be monitored on the ground or from the air within 72 hours their release. They will be monitored to ensure they are not hung up on fences and have found water.

#### Relationship to Planning

The proposed total removal within the Ely District is in accordance with the Proposed Egan Resource Management Plan/Final Environmental Impact Statement (RMP/EIS), the Egan Resource Area Record of Decision (ROD), and Environmental Assessment (EA) NV-040-8-15. A new EA is not being written because the EA listed above adequately analyzes the impacts of a total removal within the Ely District's Diamond Hills HFA.

The proposed selective removal and release of horses 10 years old and older within the Battle Mt. District is in conformance with the

Shoshone-Eureka RMP and the Programmatic EA N66-EA8-42 for the removal of wild horses within the Battle Mt. District. A new EA will accompany this plan to determine the impacts of this specific selective removal and release within the Battle Mt. District.

#### Time and Method of Capture

The initial removal is expected to take place through issuance of a removal contract during FY94, and last approximately 2 weeks. The approximate start date for the removal contract will be after January 1, 1994. A 28-day notice will be issued prior to any removal operations. Under no circumstances will removals be allowed during the foaling season (March 1 to June 30). Subsequent removals may be necessary to ensure the area remains free of horses to comply with 43 CFR 4710.4.

The primary method of capture will be using a helicopter to drive horses into a trap. Riders on horses may also be used to rope horses that will not enter the trap on their own. 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.

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 sites may be selected by the contractor with the COR's approval within this general preselected area. Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive cultural and threatened/endangered plant and animal clearances prior to construction. Additional trap sites may be required, as determined by the COR, to relieve stress to pregnant mares, foals, and other horses caused by certain conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.).

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

The terrain in the removal area varies from bench lands to extremely steep mountainous areas, 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.

#### Administration of the Contract

BLM will be responsible for overseeing a contract for the capture, care, aging and temporary holding of up to approximately 250 wild horses from the Diamond Hills HFA total removal and the Diamond HMA selective removal combined. BLM is also responsible to oversee the transportation to the adoption preparation facility and the release sight as specified in the removal contract.

Within two weeks prior to the start of the contract, BLM will conduct a pre-capture evaluation of existing conditions in the gather area. The evaluation will include animal condition, prevailing temperatures, snow conditions, soil conditions, topography, road conditions, locations of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a conclusion as to whether the level of activity is likely to cause undue stress to the animals and whether a delay in the capture activity is warranted. If it is determined that the capture can proceed with a veterinarian present, the services of a veterinarian will be obtained before the capture will proceed.

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

At least one authorized BLM employee 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 very involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals is the most important concern and responsibility of the District Manager, Area Manager, and COR/PIs.

**DRAFT**

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 Corrals, the adoption preparation facility, to assure there is space available in the corrals for the captured horses, animals are handled humanely and efficiently, and animals being transported from the capture site are arriving in good condition.

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

To assist the COR/PIs in administering the contract, the BLM will have a helicopter available, as needed, at the roundup site. This helicopter will be used with discretion to minimize disturbance of horses that would make capture more difficult. However, it will be used as needed to assure that the contractor is complying with the specifications of the contract and to ensure the humane capture of animals.

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

#### STIPULATIONS AND SPECIFICATIONS

##### A. TRAPPING AND CARE

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

1. Trap and Holding Facility Locations. All trap locations and holding facilities must be approved by the COR and/or PI prior to construction. The contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

The COR/PI will ensure that the general location of the trap is close to major concentrations of horses. General locations of traps will be selected by the COR/PI after determining the habits of the animals and observing the topography of the area. Specific locations may be selected by the contractor with the COR/PI's approval within this general preselected area.

Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads.

Due to the many variables such as weather, time of year, location of horses, and suitable trap sites, it is not

possible to identify specific locations at this time. They will be determined at the time of the capture.

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

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

Trap sites for capturing horses with a helicopter will not be placed within  $\frac{1}{4}$  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.

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

2. Rate and Distance of Movement. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

BLM will not allow horses to be herded more than 10 miles nor faster than 20 miles per hour. The COR/PI may decrease the rate of travel or distance moved should the route to the trap site pose a danger or cause avoidable stress (steep and/or rocky). Animal condition will also be considered in making distance and speed restrictions.

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

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

a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.

b. All loading chute sides shall be fully covered with plywood (without holes) or like material. The loading chute shall also be a minimum of 6 feet high.

c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 6 feet above ground level.

d. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR/PI.

e. All crowding pens including gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 2 feet to 6 feet above ground level. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.

f. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.

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

5. Dust. When dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water.

6. Animal Separation. Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. The contractor will be required to restrain animals for the purpose of determining age. Alternate pens shall be furnished by the contractor to hold older animals which will be returned to the herd areas. Additional holding pens will be needed to segregate animals transported from remote locations so they may be returned to their traditional ranges. Segregation or temporary marking and later sorting will be at the discretion of the COR.

7. Food and Water. The contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay



at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

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

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

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR/PI will have the primary responsibility for determining when an animal will be destroyed and will perform the actual destruction. The contractor will be permitted to destroy an animal only in the event the COR/PI is not at the capture site or holding corrals, and there is an immediate need to alleviate pain and suffering of a severely injured animal. When the COR/PI is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a final determination. Destruction shall be done in the most humane method available as per Washington Office Wild Free-Roaming Horse and Burro Program Guidance dated January 1983. A veterinarian can be called from Ely if necessary to care for any injured horses.

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

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

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

10. Transportation. Animals shall be transported to final destination (the National Wild Horse and Burro Center at Palomino Valley) from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals to be released back into the HMA following capture operations may be held up to 21 days or as directed by the COR/PI. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI. The contractor shall schedule shipments of animals to arrive at the final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final

destination on Sunday or Federal holidays. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the COR/PI.

11. Mares and Foals. The following criteria shall be used to determine which animals will be returned to the range or sent to PVC.

a. Mares older than the age group to be removed should be paired with their foals and returned to the range.

b. When mares older than the age group to be removed will not pair with their foals, the foals should be sent to PVC and the mares returned to the range.

c. When mares older than the targeted age group to be removed will accept their foals, but either the mare or the foal or both are in poor physical condition and their survival on the range is questionable, the animals should be held on site until healthy. If at the termination of the gather it still appears that the animal's survival is questionable, they should then be sent to PVC.

d. When mares within the targeted age group to be removed are captured and will accept her foal, the pair should be sent to PVC.

e. When mares within the age group to be removed are captured and will not accept the foal, both the mare and the foal should be sent to PVC.

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 or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.

c. The COR/PI shall have the means to communicate with the Contractor's pilot and be able to direct the use of the 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.

**DRAFT**

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

3. Only stocktrailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities. Only stocktrailers or single deck trucks shall be used to haul animals from temporary holding facilities to final destination(s). Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from the floor. Single deck trucks with trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Trailers less than 40 feet shall have at least one (1) partition gate providing two (2) compartments within the trailer to separate the animals. The compartments shall be of equal size plus or minus 10 percent.

Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.

4. All vehicles used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the vehicle which is capable of sliding either horizontally or vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of the trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough so that the animals cannot push their hooves through the side. Final approval of vehicles to transport animals shall be held by the COR/PI.

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

6. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);

8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);

6 square feet per horse foal (.75 linear foot in a 8 foot wide trailer);

4 square feet per burro foal (.5 linear foot in an 8 foot wide trailer);

**DRAFT**

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.

**DRAFT**

The COR/PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

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

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

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

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

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

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

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

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

#### Intensity of Public Interest

The issue of wild horses is an issue of diverse opinions spanning a broad realm of interested parties. The Bureau of Land Management attempts to incorporate the needs of these varied interests. Below is

a list of the parties contacted in the matter of this proposed action and also members of the Ely District staff who reviewed this plan.

- 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
- 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
- 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, c/o Mr. Dale Elliot
- Nevada Department of Wildlife  
Region II
- Nevada Farm Bureau Federation
- Nevada Federation of Animal Protection Organizations
- 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 (15 copies), Nevada State Clearinghouse
- White Pine County Commissioners
- White Pine Sportsmen
- Wild Horse Organized Assistance
- Gloria Wilkins
- Russell Ranches
- Paris Livestock
- Anne Earle
- BLM, Nevada State Office
- BLM, Battle Mt. District Office

**DRAFT**

Internal District Review

Mike Perkins	Egan Area Wildlife Biologist
Fred Fisher	Egan Area Supervisory Range Conservationist
Chris Mayer	Ely District Range Conservationist
Wendy Fuell	Egan Area Range Conservationist
Bob Brown	Ely District Wild Horse Specialist
Mark Barber	Ely District Wildlife Biologist
Jake Rajala	Ely District Environmental Coordinator
Tim Reuwsaat	Ely Associate District Manager
Gene Drais	Egan Area Manager
Dan Netcher	Egan Area Geologist
Brian Amme	Egan Area Archeologist
Mike Bunker	Ely District Recreation
Jack Norman	Ely District Soil Specialist
Loran Robison	Ely District Air/Water Resources
Bill Robison	Ely District Hazmat. Coordinator
Hal Bybee	Ely District Chief of Operations
Tim Reuwsaat	Ely District Chief of Resources

Literature Cited:

Garrot, R.A., T.C. Eagle, and E.D. Plotka. 1991. Age-specific reproduction in feral horses. Can. J. Zool. 69:In press.

\_\_\_\_\_, and L. Taylor. 1990. Dynamics of a feral horse population in Montana. J. Wildl. Manage. 54:603-612.

Signature:

Prepared by:

Joseph A. Stratton 11/18/93  
 Joseph A. Stratton Date  
 Egan Resource Area Wild Horse Specialist

Reviewed by:

Bob Brown 11/18/93  
 Bob Brown Date  
 Ely District Wild Horse Specialist

William D. Robison Acting 11/18/93  
 Timothy B. Reuwsaat Date  
 Ely District ADM Resources

Gene Drais 11/18/93  
 Gene Drais Date  
 Egan Resource Area Manager

copy  
82

**DRAFT**



# DIAMOND HILLS SOUTH

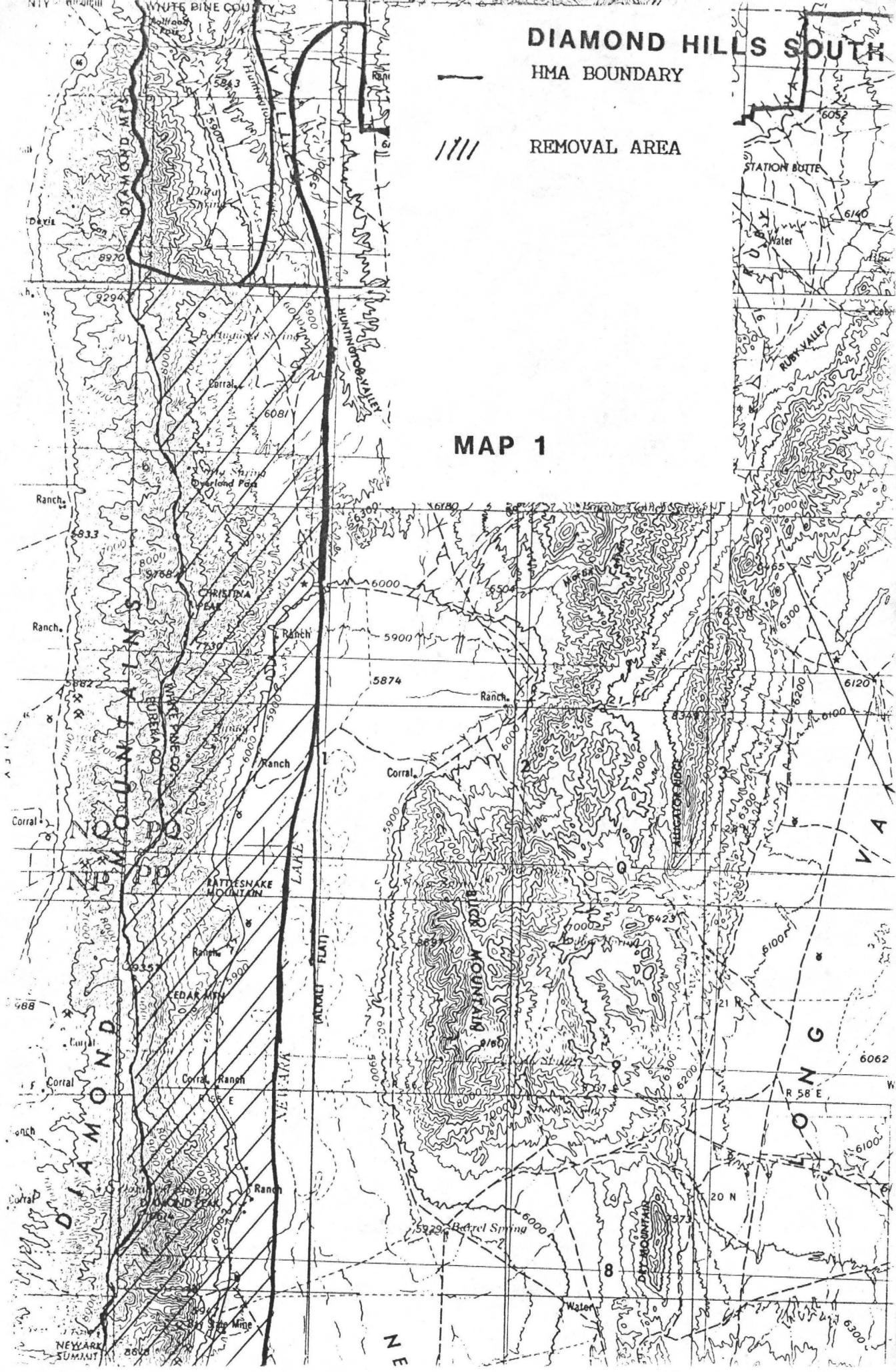
HMA BOUNDARY

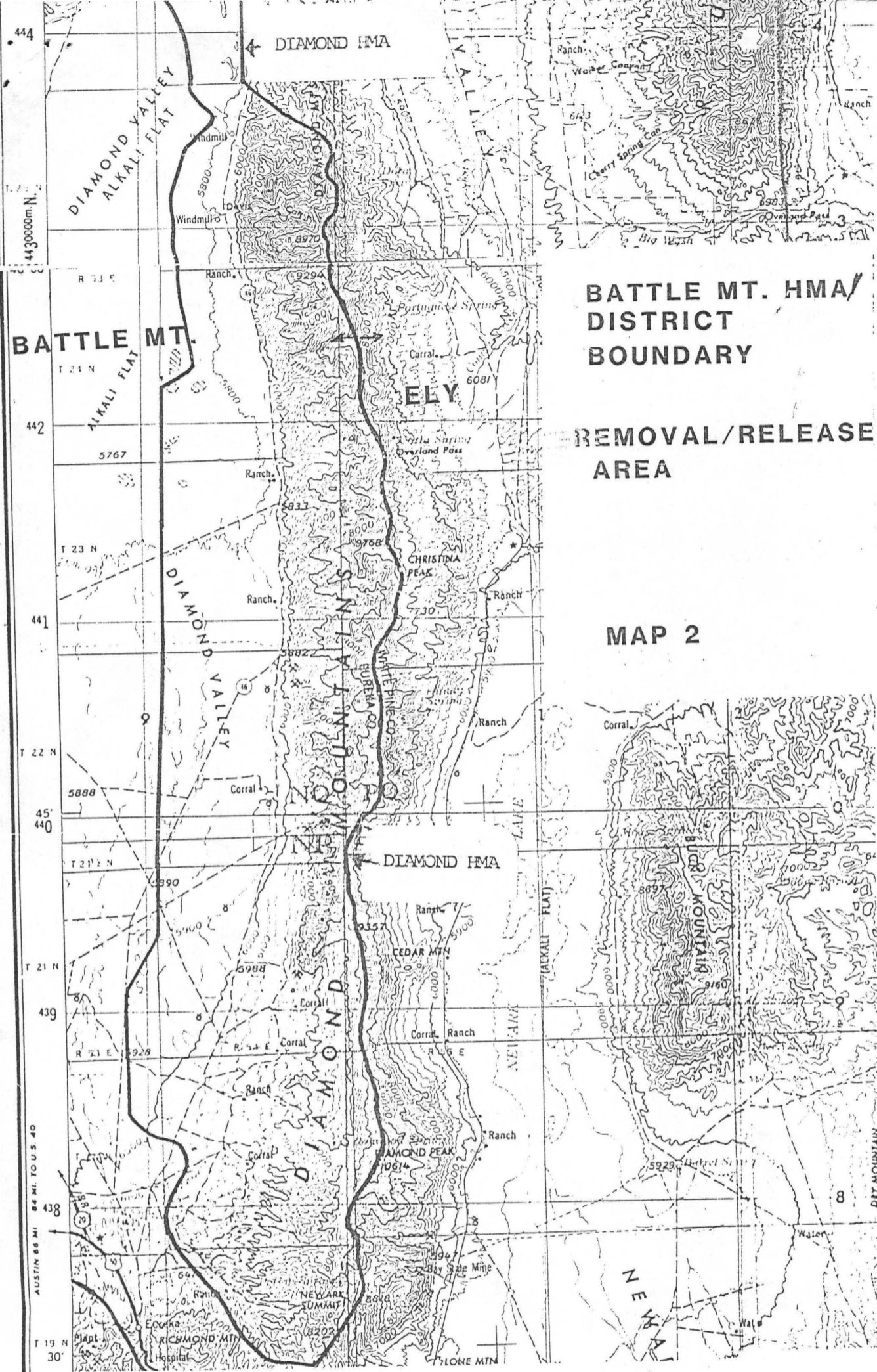


REMOVAL AREA



## MAP 1

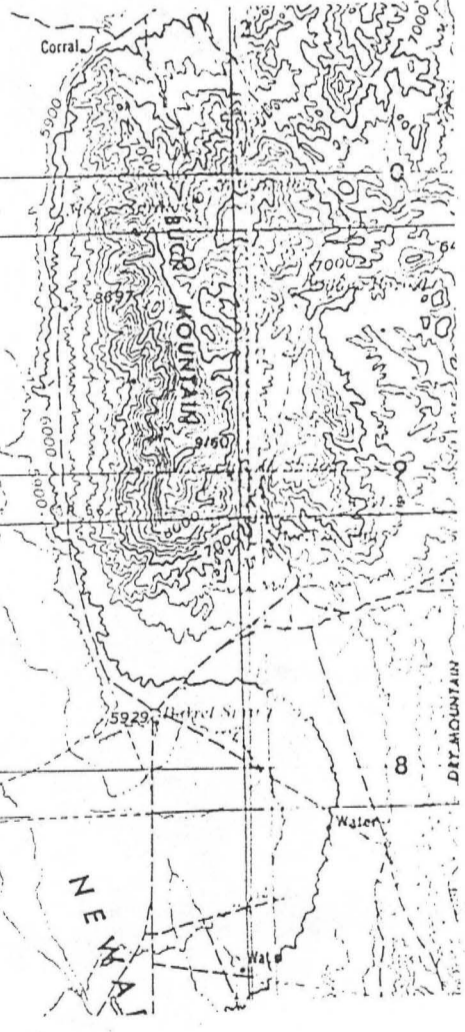




**BATTLE MT. HMA/  
DISTRICT  
BOUNDARY**

**REMOVAL/RELEASE  
AREA**

**MAP 2**



Preliminary  
Environmental Assessment  
Supplement  
for the  
Diamond Hills South  
Removal Plan

S1-95-NV-040-8-15

prepared by  
Joseph A. Stratton  
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 Diamond Hills South Herd Management Area (HMA) and adjacent Diamond Horse Free Area (HFA). This Environmental Assessment (EA) Supplement incorporates EA NV-040-8-15 by reference, which analyzed the impacts associated with the removal of wild horses from the HMA. The original EA did not consider the impacts on Native American Religious Concerns, Solid Waste and Hazardous Materials, or the impacts of selective removals on the wild horse population.

This area is located approximately 60 air miles northwest of Ely, Nevada in northwestern White Pine County. The herd area is approximately 10,500 public acres. The Railroad Pass BLM grazing allotment makes up the entire Diamond Hills South HMA, as well as part of the Diamond HFA. A map depicting these areas can be found in Appendix 1 of the attached Capture/Removal Plan.

The Diamond Hills South HMA is also adjacent to the Diamond HFA, Buck and Bald HMA, Elko District's Diamond Hills North HMA, and Battle Mt. District's Diamond HMA. This HFA has traditionally been an area that wild horses move into. If horses are determined to be established in this HFA during a Diamond Hills South removal operation, wild horses will be removed from the HFA and older horses will be incorporated into the Diamond Hills South 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 the Railroad Pass allotment evaluation and Final Multiple Use Decisions (FMUD) and to remove horses from adjacent HFAs with the intention of restricting wild horse use to the HMA. 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 EA NV-040-8-15 which analyzed the impacts of wild horse removals from five BLM HMAs and two USFS Wild Horse Territories, including the Diamond Hills South HMA and Diamond HFA. This proposed action is also in conformance with the Allotment Evaluation and Final Multiple Use Decision (FMUD) process. The Railroad Pass allotment evaluation and FMUD have been completed for the Diamond Hills South HMA.

The Capture/Removal Plan is designed to effectively manage the Diamond Hills South 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 implementation of the Diamond Hills South Capture/Removal Plan is the development of a strategy for achieving and maintaining AML as determined by monitoring and evaluation of the allotment for the HMA and restricting wild horse use to the HMA. The Diamond Hills South Capture/Removal Plan describes the methods used to achieve AML and reduce herd growth in order to limit the need for future removals and limiting wild horse use to the HMA. Another issue involved is the effect that selective removal will have on the Diamond Hills South 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 Diamond Hills South HMA and adjacent Diamond HMA. The goal is to achieve AML in the shortest time possible in order to restore the range to a thriving natural ecological balance and limit wild horse use to the HMA. Range objectives are not being met as described in the Railroad Pass allotment evaluation 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 AML of 22 is final

within the Railroad Pass allotment, which encompasses the entire Diamond Hills South HMA, with a range of  $\pm 15\%$  established around the AML. This action proposes to reduce the number of wild horses to the lower end of the range, that being 19, and allow the herd to increase to the upper range, that being 25, before conducting another removal.

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 reduce or eliminate potential impacts for selective removals and they can be found in the associated removal plan beginning on page 7 under the section STIPULATIONS AND SPECIFICATIONS 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 Diamond Hills South 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 Diamond Hills South HMA. The initial removal will occur within the Railroad Pass allotment. The allotment 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 watertrapping 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 Diamond Hills South HMA will require a reduction in population of up to 70% or more 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 HMA to provide for each age class being represented within the population and will not put the population in danger of not maintaining itself. In addition, the Diamond Hills South HMA is adjacent to the Diamond HMA in the Battle Mt. District and the Diamond Hills North HMA in the Elko District. This is an unfenced boundary and exchange of animals takes place between these HMAs ensuring a continuous exchange of new genes within the HMA. The impacts of incorporation of older horses within the population from associated HFAs will be minimal due to the small numbers of horses establishing themselves outside of the HMA.

The use of water trapping, although more time consuming, would result in less stress on the horses with the same impacts as described above on the wild horse population.

### CUMULATIVE IMPACTS

There would be no cumulative impacts to the wild horse population. The population would continue to reproduce and grow with no restrictions on reproduction.

### SUGGESTED MONITORING

Future monitoring will consist of continued wild horse aerial census, new allotment evaluations, and FMUDs. 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 is allowed for this preliminary supplemental EA.

### Record of Persons, Groups, and Agencies Contacted

- Ms. Deborah Allard
- American Bashkir Curly Register
- American Horse Protection Association
- American Mustang and Burro Association
- Ms. Joneille Anderson
- Animal Protection Institute of America
- Mr. Paul C. Clifford Jr.
- Commission for the Preservation of Wild Horses
- Craig C. Downer
- Anne Earle
- Barbara Eustis-Cross, Executive Director, L.I.F.E. Foundation
- Steven Fulstone
- Fund for Animals
- Claudia Jean Richards
- Humane Society of Southern Nevada
- International Society for the  
Protection of Wild Horses and Burros
- Vanessa Kelling



- Mr. Donald Molde
- Tina Nappe
- National Mustang Association, Inc.
- Jan Nachlinger, Nevada Protection Planner,  
The Nature Conservancy
- Nevada Cattlemen's Association
- Nevada Division of Wildlife  
Region II
- Nevada Division of Wildlife  
c/o Mike Podbourny
- Nevada Division of Wildlife  
c/o Curtis Baughman
- Nevada Farm Bureau Federation
- Nevada Humane Society
- Nevada Outdoor Recreation Association
- Nevada State Department of Agriculture
- Nevada Wildlife Federation
- Nevada Wool Growers Association
- Bobbi Royle
- Rutgers School of Law-Newark
- 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
- Edie Wilson
- Pete Goicoechea
- BLM Nevada State Office
- BLM Elko District Office
- BLM Battle Mt. District Office
- Paris Livestock, Pete Paris Jr.
- Harold Rother Inc.

Internal District Review

Mike Perkins  
 Dan Netcher  
 Harry Rhea  
 Wendy Fuell  
 Fred Fisher  
 Bob Brown  
 Jack Norman  
 Mark Barber  
 Chris Mayer

Wildlife  
 Minerals  
 Forest Resources  
 Range  
 Range  
 Wild Horses  
 Soils  
 Riparian/T&E Animals  
 Range/T&E Plants

Mike McGinty  
Dave Valentine  
Martin Hudson

Lands  
Cultural  
Wilderness/Recreation/  
Environmental Coordination  
and Planning  
All Resources

Gene Drais

SIGNATURES

Prepared by:

\_\_\_\_\_  
Joseph A. Stratton  
Wild Horse and Burro Specialist  
Egan Resource Area

\_\_\_\_\_  
Date

Reviewed by:

\_\_\_\_\_  
Martin Hudson  
Environmental Coordinator  
Egan Resource Area

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gene L. Drais, Manager  
Egan Resource Area  
Ely District

\_\_\_\_\_  
Date

DRAFT

CAPTURE/REMOVAL PLAN  
FOR THE  
DIAMOND HILLS SOUTH  
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 Diamond Hills South Wild Horse Herd Management Area (HMA) and associated Diamond Horse Free Area (HFA). Future removals will occur within the Diamond Hills South HMA as proposed in this plan in order to achieve Appropriate Management Level (AML). The range condition as described in the Railroad Pass allotment evaluation shows that management objectives within the allotment are not being met due to overgrazing by wild horses and livestock. The proposed action will progress toward achieving and maintaining the AML of 22 wild horses within the Railroad Pass allotment and HMA as determined by the allotment evaluation and Final Multiple Use Decision (FMUD) process. The Railroad Pass allotment evaluation and FMUD established a range of  $\pm 15\%$  or 19 to 25 wild horses yearlong within the HMA. The intent of removals will be to remove wild horses down to the lower limit of 19 and allow the herd to grow to 25 before conducting another removal.

This document outlines the process and events involved with the capture and/or removal of wild horses within the Diamond Hills South HMA and associated HFA. Included are the approximate numbers to be removed in order to reach the (AML), the number to be gathered to, the time and method of capture, and the handling and disposition of captured wild 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 FMUD for the Railroad Pass Allotment. 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.

## AREA OF CONCERN

The Diamond Hills South HMA is located approximately 60 air miles northwest of Ely in northern White Pine County, Nevada, in the Bureau of Land Management's (BLM) Ely District, Egan Resource Area. Removals may also occur in the adjacent Diamond HFA if it is determined that wild horses are residing outside the HMA yearlong. A map of the Diamond Hills South HMA, the Diamond HFA, and the Railroad Pass Allotment is located in Appendix 1.

## CAPTURE/REMOVAL/RELEASE PROCEDURES

The removals for the Diamond Hills South HMA will initially include wild 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 timeframe possible. The removal of wild horses five and under will not achieve AML within the Diamond Hills South HMA in one removal effort, requiring that future removals include wild horses up to nine years old or current Nevada policy. If achievement of AML is obtainable with younger age classes of wild horses, then that course of action will be pursued. The initial removal will remove approximately 100 animals, five years old and under. A strategy for gathering HMAs on a three year schedule began 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.

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; but 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 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 Diamond Hills South HMA population. They will be released near water and monitored to ensure they adapt to the new surroundings. All wild horses will be marked with a grease pencil in order to identify them as to the location they were trapped. Wild horses to be released will be released in the area where they were trapped. Wild horses will be released in small groups to reduce the "stampede" reaction that has occurred on other releases of large numbers of wild horses.

#### Time and Method of Capture

The initial gather is expected to take place through issuance of a removal contract in late FY95, and last approximately 6 days. The start date for the removal contract will be dependent on the funding available in FY95 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 wild horses to be removed and the wariness of the wild horses coming into the trap.

The primary method of capture to be used will be a helicopter to bring the wild horses to trap sites and horseback riders at the wings of portable traps to rope wild horses that escape the wings. Roping wild horses from horseback may be used in combination with the helicopter to remove wild 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 wild horses after capture. A loading chute at the holding corral will be equipped with plywood sides or similar material so wild 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 wild 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 wild horses in limited areas where resource damage is occurring. If performed by BLM personnel, the BLM will be responsible for

the transportation of wild horses to Palomino Valley Corrals. If water trapping is performed by contract, the contractor will have responsibility for the transportation of wild horses to Palomino Valley Corrals. Water trapping would be used in cases of chronic problems catching wild 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 wild horses by herding them with riders on horseback is not feasible because it is too easy to lose the wild horses after starting them towards the trap; injuries to both people and wild horses are more likely and costs from previous roundups using this method are prohibitive.

It is estimated that two 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 wild 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 wild 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 wild 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 wild 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 numbers of wild 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 wild horses. Wild 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. Wild 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 wild 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 wild 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 140 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.

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 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 Area 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 wild 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 wild 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 wild 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 wild 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 wild 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 wild 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 wild 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 wild 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, roping will be allowed if certain individual wild 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.

SIGNATURES

Prepared by:

\_\_\_\_\_  
Joseph A. Stratton  
Wild Horse and Burro Specialist  
Egan Resource Area

\_\_\_\_\_  
Date

Reviewed by:

\_\_\_\_\_  
Bob Brown  
Wild Horse Specialist  
Ely District

\_\_\_\_\_  
Date

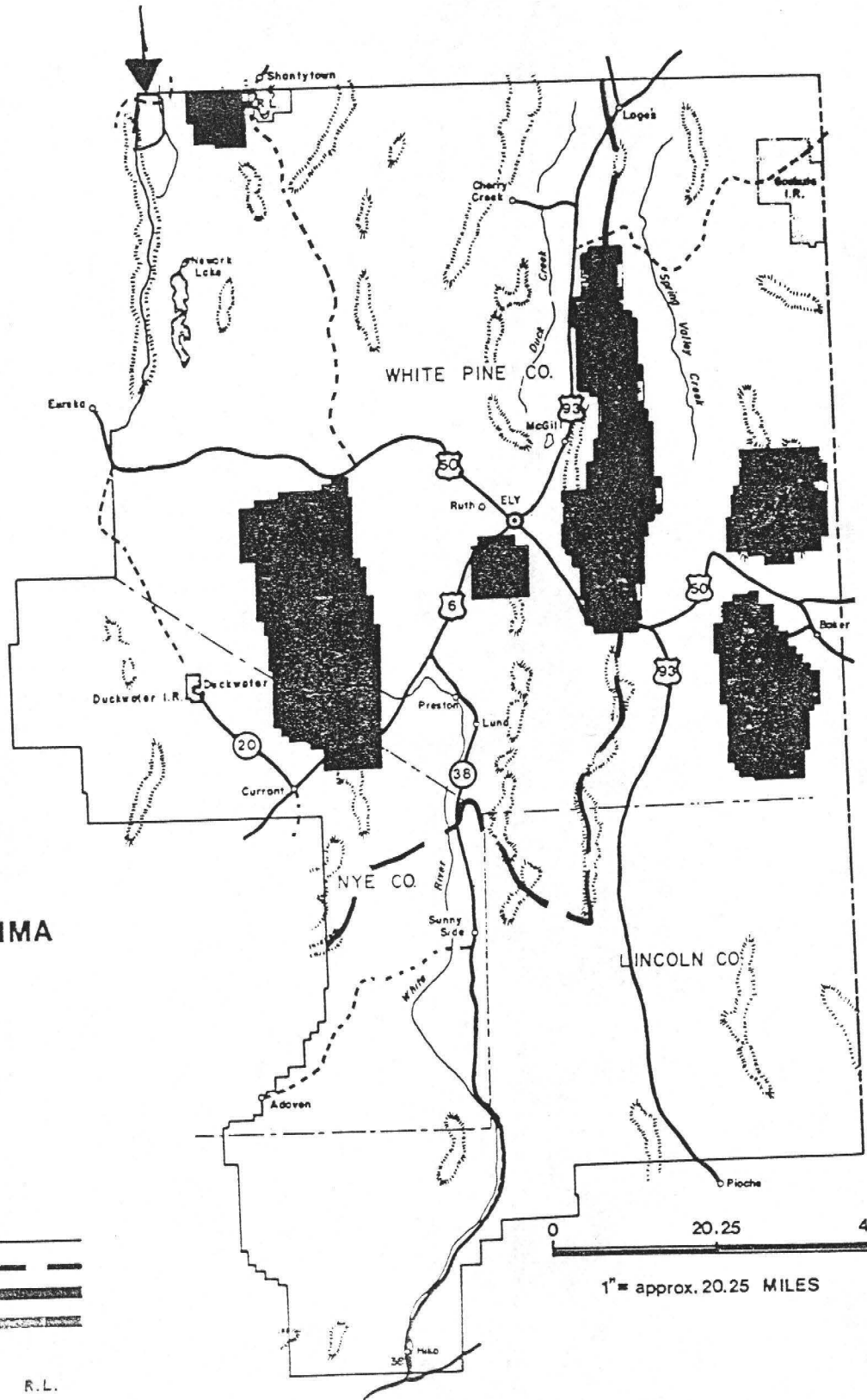
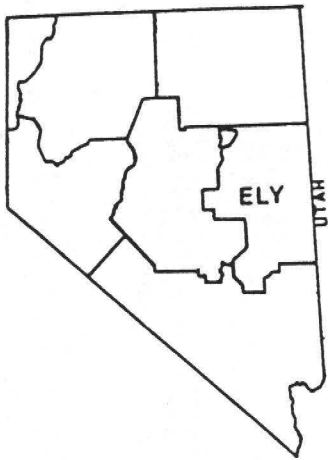
\_\_\_\_\_  
Gene L. Drais, Manager  
Egan Resource Area  
Ely District

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_  
Timothy B. Reuwsaat  
District Manager

\_\_\_\_\_  
Date



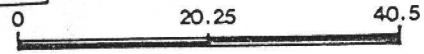
0

**DIAMOND  
HILLS SOUTH HMA**

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



R.L.



1" = approx. 20.25 MILES

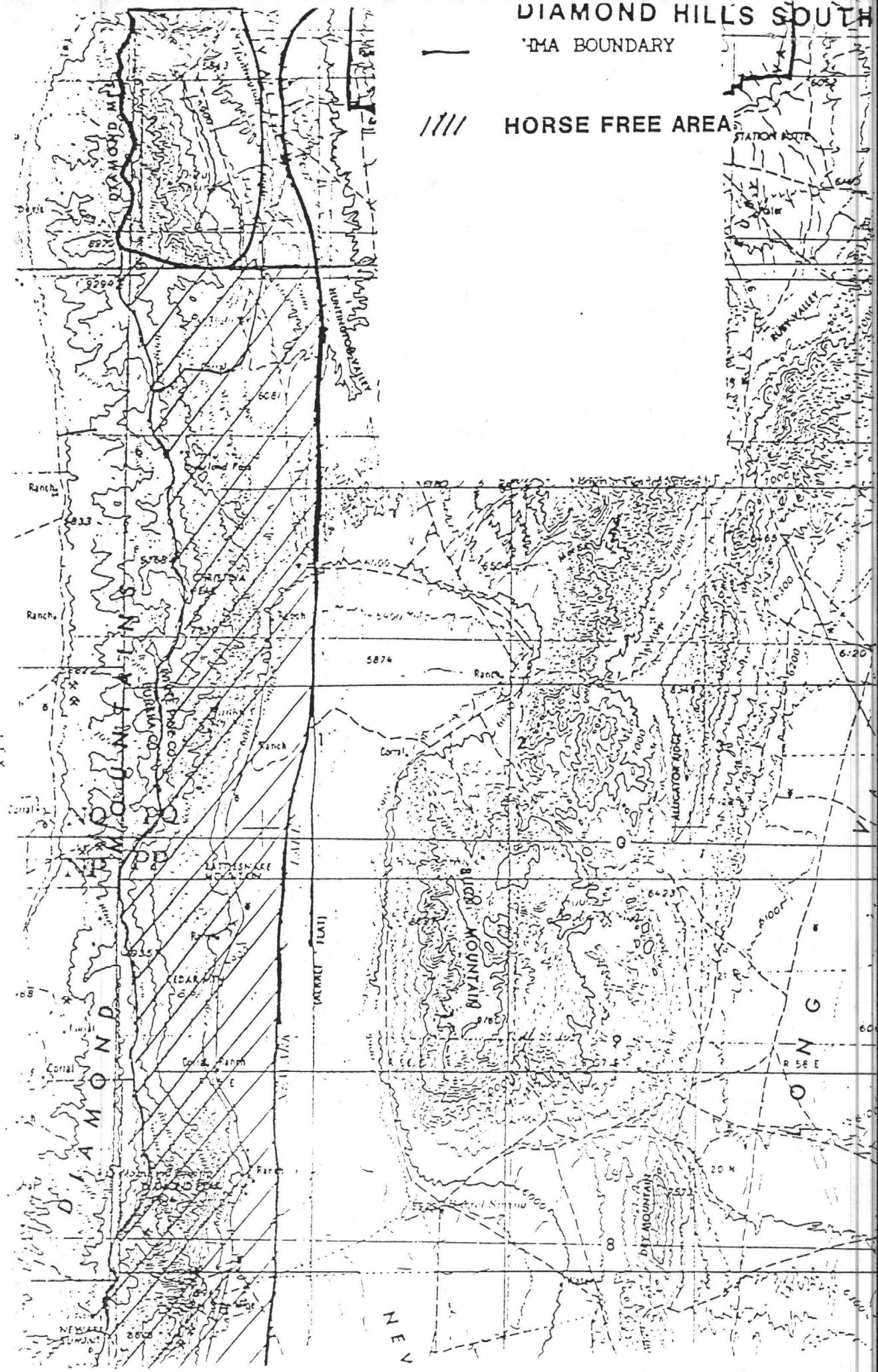
**ELY DISTRICT**

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

# DIAMOND HILLS SOUTH

— MA BOUNDARY

//// HORSE FREE AREA



**DRAFT**

REMOVAL PLAN  
FOR THE  
DIAMOND HILLS HORSE FREE AREA  
AND THE  
DIAMOND HERD MANAGEMENT AREA

Purpose

The purpose of this action is to remove wild horses from areas outside a designated herd area as required by 43 CFR 4710.4, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas." The goal will be to totally remove all wild horses from the Ely District's Diamond Hills Horse Free Area (HFA) since it is outside of an established Herd Management Area (HMA) and to maintain the area as horse free.

The purpose of doing a selective removal and release within the Battle Mt. District is to return 10 year old and older unadoptable horses back onto the range without changing numbers of horses that are present within the Diamond HMA.

Area of Concern

The Diamond Hills HFA is located approximately 60 miles west of Ely along the east side of the Diamond Mountains within White Pine County and south of the Diamond Hills South HMA. The west side of the Diamond Mountains is within the Battle Mountain BLM District, Diamond Herd Management Area (HMA). The Diamond Hills South HMA is fenced from the Horse Free Area, but the Horse Free Area is not fenced from the Diamond HMA of the Battle Mountain District. It is believed that the animals inhabiting the HFA have drifted into the Ely District from the Battle Mountain District. The attached map indicates the areas to be gathered and where horses will be released in the Battle Mountain District.

PROPOSED ACTION

This document outlines the process and the events involved with the wild horse roundup for the Diamond Hills HFA total removal and the selective removal and release of horses within the Battle Mt. Diamond HMA. Bureau policy is to remove wild horses from HFAs as required in 43 CFR 4710.4. Animals 9 years and under will be sent to Palomino Valley Corrals to enter the adoption program. Animals 10 years old and older are to be placed in the HMA from where the horses came.

The Ely District's Diamond Hills HFA removal will be a total removal of all horses within the area regardless of age or sex. The area is a designated horse free area and has no management plans for wild horses. The horses that are gathered within the Ely District Diamond Hills HFA will be separated into two groups; horses that are 9 years old and under and horses 10 years old and older. The horses 9 years old and under

will be sent to Palomino Valley Corrals. The horses 10 years old and older will be taken to the Battle Mt. District's Diamond HMA. A selective removal will occur within the Battle Mt. District's Diamond HMA for horses 5 years old and under, equal to the number of 10 year old and older horses gathered in the Diamond Hills HFA in the Ely District. In summary, horses 10 years old and older gathered in the Ely District would be traded one-for-one with horses 5 year old and under from the Battle Mt. District's Diamond HMA. The horse numbers within the Battle Mt., Diamond HMA would remain the same and the Ely District's Horse Free Area would not have any horses present at the cessation of removal activities. Based on previous census, there is a potential for up to 200 horses to be present within the Diamond Hills HFA. Based on population data from the adjacent Buck and Bald HMA within the Ely District, approximately 16.0% of the population should be in the 10 year old and older age groups. Population information from the Nevada State Office from 1986-1991 shows that only 9.9% of the population should be 10 years old and older. Using the 15.8% figure, if there are 200 horses within the Horse Free Area approximately 31 will be in the 10 and over age classes. Using the 9.9% figure, only 20 horses will be in the 10 and over age class. For the sake of analysis, we will anticipate having 31 horses in the 10 and over age groups. Using the same data from Buck and Bald, approximately 70% of the herd will be in the 5 and under age classes. This will require gathering approximately 53 horses on Battle Mt.'s Diamond HMA to gather the necessary estimate of 31 horses, 10 years and older. The 8/1993 wild horse census within Battle Mt.'s Diamond HMA resulted in a count of 298 horses. Gathering approximately 50 animals would effect 17% of the population and exchanging 31 younger horses for older horses this would effect 10% of the population.

The numbers estimated above are not absolute. They are only estimates but may be considerably higher or lower depending on the situation existing at the time of the removal. The estimates are the best information available from previous census and removals. At the time of the removal operation, differences from the estimates will not change the procedures of this plan. This action should not jeopardize the reproductive ability of the Diamond population as Garrott and Taylor 1990 and Garrot et al 1991 found the reproductive ability in mares ten years old and older is only slightly reduced.

The wild horses that are released within the Diamond HMA of the Battle Mt. District will be monitored on the ground or from the air within 72 hours their release. They will be monitored to ensure they are not hung up on fences and have found water.

#### Relationship to Planning

The proposed total removal within the Ely District is in accordance with the Proposed Egan Resource Management Plan/Final Environmental Impact Statement (RMP/EIS), the Egan Resource Area Record of Decision (ROD), and Environmental Assessment (EA) NV-040-8-15. A new EA is not being written because the EA listed above adequately analyzes the impacts of a total removal within the Ely District's Diamond Hills HFA.

The proposed selective removal and release of horses 10 years old and older within the Battle Mt. District is in conformance with the



Shoshone-Eureka RMP and the Programmatic EA N66-EA8-42 for the removal of wild horses within the Battle Mt. District. A new EA will accompany this plan to determine the impacts of this specific selective removal and release within the Battle Mt. District.

#### Time and Method of Capture

The initial removal is expected to take place through issuance of a removal contract during FY94, and last approximately 2 weeks. The approximate start date for the removal contract will be after January 1, 1994. A 28-day notice will be issued prior to any removal operations. Under no circumstances will removals be allowed during the foaling season (March 1 to June 30). Subsequent removals may be necessary to ensure the area remains free of horses to comply with 43 CFR 4710.4.

The primary method of capture will be using a helicopter to drive horses into a trap. Riders on horses may also be used to rope horses that will not enter the trap on their own. 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.

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 sites may be selected by the contractor with the COR's approval within this general preselected area. Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive cultural and threatened/endangered plant and animal clearances prior to construction. Additional trap sites may be required, as determined by the COR, to relieve stress to pregnant mares, foals, and other horses caused by certain conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.).

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

The terrain in the removal area varies from bench lands to extremely steep mountainous areas, 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.

#### Administration of the Contract

BLM will be responsible for overseeing a contract for the capture, care, aging and temporary holding of up to approximately 250 wild horses from the Diamond Hills HFA total removal and the Diamond HMA selective removal combined. BLM is also responsible to oversee the transportation to the adoption preparation facility and the release sight as specified in the removal contract.

Within two weeks prior to the start of the contract, BLM will conduct a pre-capture evaluation of existing conditions in the gather area. The evaluation will include animal condition, prevailing temperatures, snow conditions, soil conditions, topography, road conditions, locations of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a conclusion as to whether the level of activity is likely to cause undue stress to the animals and whether a delay in the capture activity is warranted. If it is determined that the capture can proceed with a veterinarian present, the services of a veterinarian will be obtained before the capture will proceed.

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

At least one authorized BLM employee 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 very involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals is the most important concern and responsibility of the District Manager, Area Manager, and COR/PIs.

**DRAFT**

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 Corrals, the adoption preparation facility, to assure there is space available in the corrals for the captured horses, animals are handled humanely and efficiently, and animals being transported from the capture site are arriving in good condition.

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

To assist the COR/PIs in administering the contract, the BLM will have a helicopter available, as needed, at the roundup site. This helicopter will be used with discretion to minimize disturbance of horses that would make capture more difficult. However, it will be used as needed to assure that the contractor is complying with the specifications of the contract and to ensure the humane capture of animals.

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

#### STIPULATIONS AND SPECIFICATIONS

##### A. TRAPPING AND CARE

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

1. Trap and Holding Facility Locations. All trap locations and holding facilities must be approved by the COR and/or PI prior to construction. The contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

The COR/PI will ensure that the general location of the trap is close to major concentrations of horses. General locations of traps will be selected by the COR/PI after determining the habits of the animals and observing the topography of the area. Specific locations may be selected by the contractor with the COR/PI's approval within this general preselected area.

Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads.

Due to the many variables such as weather, time of year, location of horses, and suitable trap sites, it is not

possible to identify specific locations at this time. They will be determined at the time of the capture.

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

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

Trap sites for capturing horses with a helicopter will not be placed within  $\frac{1}{4}$  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.

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

2. Rate and Distance of Movement. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

BLM will not allow horses to be herded more than 10 miles nor faster than 20 miles per hour. The COR/PI may decrease the rate of travel or distance moved should the route to the trap site pose a danger or cause avoidable stress (steep and/or rocky). Animal condition will also be considered in making distance and speed restrictions.

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

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

- a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.

b. All loading chute sides shall be fully covered with plywood (without holes) or like material. The loading chute shall also be a minimum of 6 feet high.

c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 6 feet above ground level.

d. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR/PI.

e. All crowding pens including gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 2 feet to 6 feet above ground level. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.

f. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.

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

5. Dust. When dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water.

6. Animal Separation. Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. The contractor will be required to restrain animals for the purpose of determining age. Alternate pens shall be furnished by the contractor to hold older animals which will be returned to the herd areas. Additional holding pens will be needed to segregate animals transported from remote locations so they may be returned to their traditional ranges. Segregation or temporary marking and later sorting will be at the discretion of the COR.

7. Food and Water. The contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay

at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

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

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

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR/PI will have the primary responsibility for determining when an animal will be destroyed and will perform the actual destruction. The contractor will be permitted to destroy an animal only in the event the COR/PI is not at the capture site or holding corrals, and there is an immediate need to alleviate pain and suffering of a severely injured animal. When the COR/PI is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a final determination. Destruction shall be done in the most humane method available as per Washington Office Wild Free-Roaming Horse and Burro Program Guidance dated January 1983. A veterinarian can be called from Ely if necessary to care for any injured horses.

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

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

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

10. Transportation. Animals shall be transported to final destination (the National Wild Horse and Burro Center at Palomino Valley) from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals to be released back into the HMA following capture operations may be held up to 21 days or as directed by the COR/PI. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI. The contractor shall schedule shipments of animals to arrive at the final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final

destination on Sunday or Federal holidays. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the COR/PI.

11. Mares and Foals. The following criteria shall be used to determine which animals will be returned to the range or sent to PVC.

a. Mares older than the age group to be removed should be paired with their foals and returned to the range.

b. When mares older than the age group to be removed will not pair with their foals, the foals should be sent to PVC and the mares returned to the range.

c. When mares older than the targeted age group to be removed will accept their foals, but either the mare or the foal or both are in poor physical condition and their survival on the range is questionable, the animals should be held on site until healthy. If at the termination of the gather it still appears that the animal's survival is questionable, they should then be sent to PVC.

d. When mares within the targeted age group to be removed are captured and will accept her foal, the pair should be sent to PVC.

e. When mares within the age group to be removed are captured and will not accept the foal, both the mare and the foal should be sent to PVC.

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

**DRAFT**

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

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

c. The COR/PI shall have the means to communicate with the Contractor's pilot and be able to direct the use of the 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 6 feet 6 inches from the floor. Single deck trucks with trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Trailers less than 40 feet shall have at least one (1) partition gate providing two (2) compartments within the trailer to separate the animals. The compartments shall be of equal size plus or minus 10 percent.

Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.

4. All vehicles used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the vehicle which is capable of sliding either horizontally or vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of the trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough so that the animals cannot push their hooves through the side. Final approval of vehicles to transport animals shall be held by the COR/PI.

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

6. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);

8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);

6 square feet per horse foal (.75 linear foot in 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.

**DRAFT**

The COR/PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

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

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

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

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

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

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

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

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

#### Intensity of Public Interest

The issue of wild horses is an issue of diverse opinions spanning a broad realm of interested parties. The Bureau of Land Management attempts to incorporate the needs of these varied interests. Below is

a list of the parties contacted in the matter of this proposed action and also members of the Ely District staff who reviewed this plan.

- 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
- 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
- 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, c/o Mr. Dale Elliot
- Nevada Department of Wildlife  
Region II
- Nevada Farm Bureau Federation
- Nevada Federation of Animal Protection Organizations
- 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 (15 copies), Nevada State Clearinghouse
- White Pine County Commissioners
- White Pine Sportsmen
- Wild Horse Organized Assistance
- Gloria Wilkins
- Russell Ranches
- Paris Livestock
- Anne Earle
- BLM, Nevada State Office
- BLM, Battle Mt. District Office

**DRAFT**

Internal District Review

Mike Perkins	Egan Area Wildlife Biologist
Fred Fisher	Egan Area Supervisory Range Conservationist
Chris Mayer	Ely District Range Conservationist
Wendy Fuell	Egan Area Range Conservationist
Bob Brown	Ely District Wild Horse Specialist
Mark Barber	Ely District Wildlife Biologist
Jake Rajala	Ely District Environmental Coordinator
Tim Reuwsaat	Ely Associate District Manager
Gene Drais	Egan Area Manager
Dan Netcher	Egan Area Geologist
Brian Amme	Egan Area Archeologist
Mike Bunker	Ely District Recreation
Jack Norman	Ely District Soil Specialist
Loran Robison	Ely District Air/Water Resources
Bill Robison	Ely District Hazmat. Coordinator
Hal Bybee	Ely District Chief of Operations
Tim Reuwsaat	Ely District Chief of Resources

Literature Cited:

Garrot, R.A., T.C. Eagle, and E.D. Plotka. 1991. Age-specific reproduction in feral horses. Can. J. Zool. 69:In press.

\_\_\_\_\_, and L. Taylor. 1990. Dynamics of a feral horse population in Montana. J. Wildl. Manage. 54:603-612.

Signature:

Prepared by:

*Joseph A. Stratton*

*11/18/93*

Joseph A. Stratton  
Egan Resource Area Wild Horse Specialist

Date

Reviewed by:

*Bob Brown*

*11/18/93*

Bob Brown  
Ely District Wild Horse Specialist

Date

*William D. Robison Acting*

*11/18/93*

Timothy B. Reuwsaat  
Ely District ADM Resources

Date

*Gene Drais*

*11/18/93*

Gene Drais  
Egan Resource Area Manager

Date

*copy  
SN*

**DRAFT**

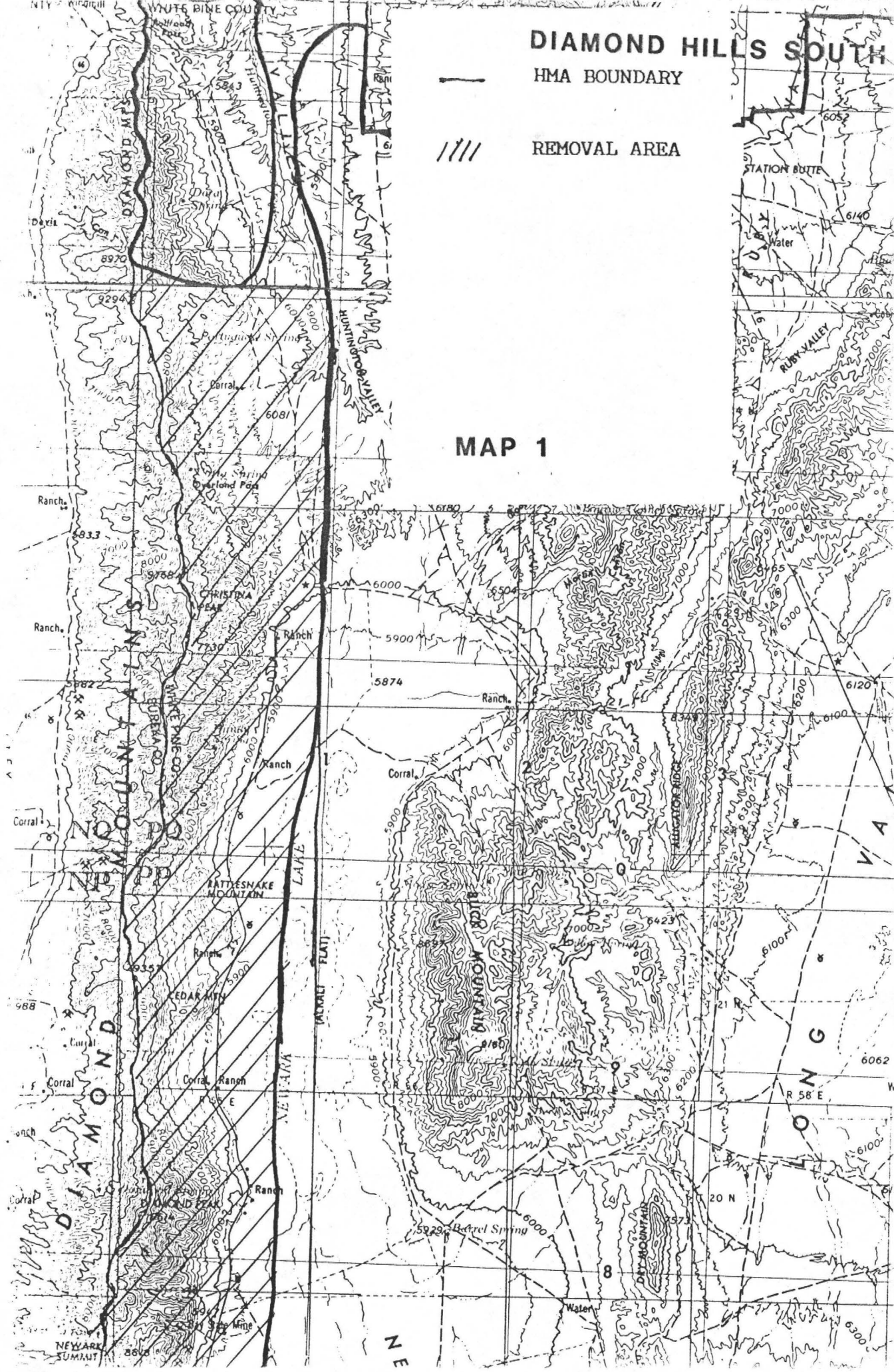
# DIAMOND HILLS SOUTH

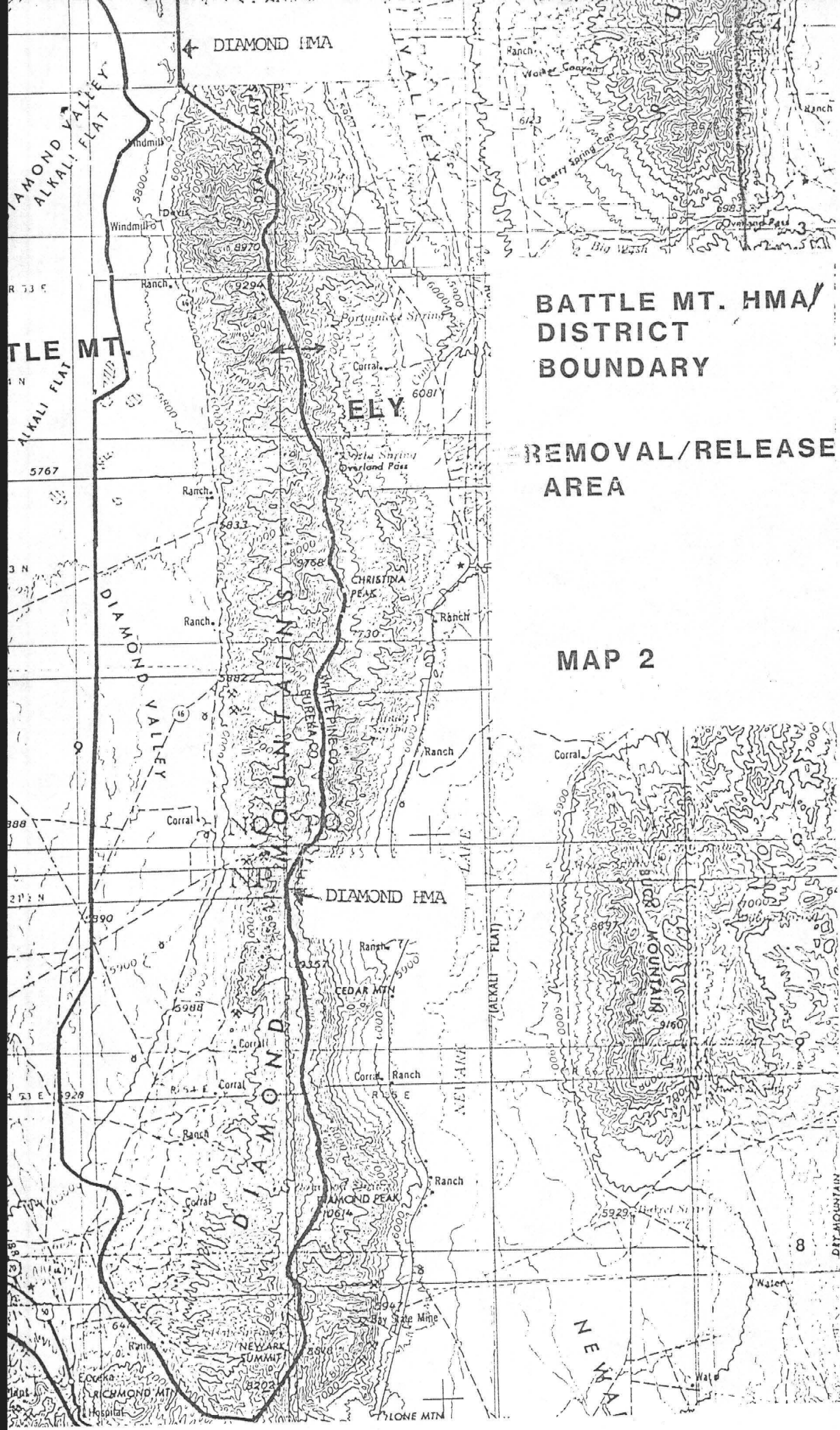
HMA BOUNDARY



REMOVAL AREA

## MAP 1





**BATTLE MT. HMA/  
DISTRICT  
BOUNDARY**

**REMOVAL/RELEASE  
AREA**

**MAP 2**

11-18-93

PRELIMINARY  
ENVIRONMENTAL ASSESSMENT  
for the  
DIAMOND HILLS HORSE FREE AREA  
and the  
DIAMOND HERD MANAGEMENT AREA  
REMOVAL PLAN  
S-1-93-NV-040-8-15

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

Ely District, Egan Resource Area  
Bureau of Land Management



## BACKGROUND INFORMATION

### Introduction

The area of the proposed action is approximately 60 miles west of Ely, Nevada in the Diamond Mountains (see map). This area is the boundary between the Battle Mt. District, Shoshone-Eureka Resource Area (RA) and the Ely District, Egan RA. The area of the proposed action is within both RAs. The Diamond Hills Horse Free Area (HFA) is within the Ely District and the Diamond Herd Management Area (HMA) is within the Battle Mt. District. This analysis is tiered from Ely District Environmental Assessment (EA) NV-040-8-15 which addresses the total removal of horses from the Diamond Hills Horse Free Area (HFA) and Battle Mountain EA number N66-EA8-42, which addresses wild horse removals. These documents are incorporated by reference.

### Purpose and Need

The purpose for the proposed action is to totally remove wild horses from the Diamond Hills HFA within the Ely District. The need is to comply with regulations which limit wild horse distribution to herd areas. The BLM and Nevada State Office policy directs that wild horses 10 years old and older be returned into an adjacent HMA. The animals within the Diamond Hills HFA are believed to have come from the Diamond HMA within the Battle Mt. District. Therefore, a selective removal of horses 5 years old and under is needed to allow room within the Diamond HMA for release of horses 10 years old and older from the Diamond Hills HFA.

### Relationship to Planning

The proposed action is in conformance with the Proposed Egan Resource Management Plan/Final Environmental Impact Statement (RMP/EIS) and the Egan Record of Decision (ROD). It is also in conformance with an Environmental Assessment (EA) prepared in 1988 (EA NV-040-8-15) which analyzed the impacts of a total removal within the Diamond Hills HFA. The proposed action is also in conformance with the Shoshone-Eureka RMP which analyzes the impacts of the management of wild horses and burros. The proposed action is also in conformance with a Programmatic EA number N66-EA8-42 which addresses the impacts of removals of wild horses and burros within the Battle Mountain District both within and outside Herd Use Areas (HUA). This EA tiers from the Battle Mt. and Ely EAs but addresses the specifics of this proposed action.

The proposal is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195), as amended. 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. The proposal is also consistent with the White Pine and Eureka county's Policy Plans for Public Lands.

### Major Issues

The major issues involved in this proposal are 1) to reduce numbers of wild horses within the Diamond Hills HFA to zero, 2) the effect on the wild horse population of removing horses 5 years old and under and releasing horses 10 years old and older into the Diamond HMA, and 3) the humane treatment and care of horses during capture, transportation, and release.

### DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

#### Proposed Action

The proposed action addressed by EA NV-040-8-15 is to do a total removal using helicopters of wild horses within the Diamond Hills HFA. In addition, the proposed action addressed in this EA is to do a selective removal of wild horses 5 years old and under from within the Diamond HMA in sufficient numbers to allow the release of animals 10 years old and older from the Diamond Hills HFA. Based on census of the Diamond Hills HFA, there is a potential for up to 200 wild horses to be present within the HFA. Population information from the adjacent Buck and Bald HMA suggests that 15.8% of a population is 10 years old and older. This would result in the need to selectively remove 31 horses 5 years old and under from within the Diamond HMA if 200 horses were present within the Diamond Hills HFA. Further information from Buck and Bald, indicates that 70% of the herd should be in the 5 and under age classes. This would require approximately 50 animals to be captured from the Diamond HMA in order to capture the estimated 31 necessary for replacement.

#### Applicable Standard Operating Procedures

Standard operating procedures for the removal of wild horses within the Ely and Battle Mt. Districts can be found in the associated removal plan and the respective resource area's RMP.

#### No Action

The no action alternative would mean that the removal of wild horses would not be conducted within the Diamond Hills HFA. This would mean that the BLM would be in violation of the 43 CFR Part 4710.4 which requires the BLM to remove wild horses from outside a herd area. If this total removal does not take place, the proposed action within the Battle Mt. District would not be necessary. Therefore, the no action alternative will not be considered

further. No other alternatives are necessary to address unresolved conflicts concerning alternative uses of available resources.

#### DESCRIPTION OF THE AFFECTED ENVIRONMENT

A description of the affected environment can be found in EA NV-040-8-15 on file at the Ely District office and EA N66-EA8-42 on file in the Battle Mt. District office.

The affected environment occurs within the Ely District and the Battle Mt. District. The Ely District portion of the proposed action will be a total removal of wild horses from the Diamond Hills HFA considered in EA NV-040-8-15. The Battle Mt. portion of the proposed action is covered by this EA and the programmatic EA N66-EA8-42.

#### ENVIRONMENTAL CONSEQUENCES

##### Proposed Action

The following resources are not impacted by the proposed action: areas of critical environmental concern; wild and scenic rivers; wilderness; floodplain and wetlands; prime or unique farmlands; visual resources; threatened or endangered animals or plants; cultural, historical and paleontological resource values; Native American religious concerns; solid or hazardous waste; social and economic values; or air quality. The Battle Mt. District's programmatic EA N66-EA8-42 and the Ely District's EA NV-040-8-15 have analysis completed on the proposed action and these documents are incorporated by reference.

##### Wild Horses

The numbers of wild horses within the Diamond HMA would not be changed; only the age structure of the population would be altered. This EA will address the affect of adding older individuals to the population of horses within the Battle Mt. District's Diamond HMA.

The proposed action would add approximately 31 horses 10 years old and older which is approximately 10.0% of the population and remove the same number of animals 5 years and under from within the Diamond HMA, as determined by the 8/93 census of 298 horses in the HMA. This interjection of new individuals will temporarily have an impact on the social structure until these new individuals are incorporated into the population. The reproductive output of the population may decrease slightly due to the younger, higher reproductive animals being removed and the older animals being inserted into the population, but it should not have any type of impact that would threaten the population.

## PROPOSED MITIGATING MEASURES

Mitigating measures are described in the Battle Mt. District programmatic EA N66-EA8-42, Ely District EA NV-040-8-15, and operating procedures described in the associated removal plan.

## SUGGESTED MONITORING

The Egan RA wild horse specialist of the Ely District would supervise removal and transportation of wild horses during removal efforts of wild horses from the Diamond Hills HFA to ensure the horses are handled in a safe and humane manner. The Shoshone-Eureka RA wild horse specialist or Battle Mt. District Wild Horse Specialist would ensure the capture and release of wild horses within the Diamond HMA is conducted in a safe and humane manner, as well as, monitoring the horses 10 years old and older that are released within the Battle Mt. District to ensure these horses become acclimated to the new area. The main problems that horses would be monitored for are impeded movements due to unfamiliarity with existing fences and lack of water because of the lack of knowledge of water location. Horses that are released will be monitored on the ground or from the air within 72 hours after release.

## 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. In recent years, groups have become very vocal for the total protection of wild horses with reduction in livestock grazing pressure in the areas where wild horses are found. 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.

Since public interest is high and the wild horse program is of a controversial nature, public notification of the proposal will be given and public comments will be solicited for a period of 30 days (see Record of Persons, Groups, and Agencies Contacted. Comments received will be considered for the Final Environmental Assessment.

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
- 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
- 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, C/O Mr. Dale Elliot
- Nevada Department of Wildlife  
Region II
- Nevada Farm Bureau Federation
- Nevada Federation of Animal Protection Organizations
- 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

- Ms. Vanessa Kelling
- 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
- Paris Livestock
- Russell Ranches
- Ms. Anne Earle
- BLM Nevada State Office
- BLM Battle Mountain District Office
- BLM Elko District Office

Internal District Review

Dan Netcher  
 Wendy Fuell  
 Mike Perkins  
 Fred Fisher

Bill Robison  
 Bob Brown  
 Brian Amme

Mike Bunker  
 Jack Norman  
 Loran Robison  
 Mark Barber  
 Chris Mayer  
 Hal Bybee  
 Jake Rajala  
 Tim Reuwsaat  
 Gene Drais

Geologist  
 Area Range Conservationist  
 Area Wildlife Biologist  
 Supervisory Range  
 Conservationist  
 Hazardous Materials Coord.  
 Wild Horses  
 Cultural/Native American  
 Concerns  
 Wilderness/Recreation  
 Soils  
 Air/Water Resources  
 Riparian/T&E Animals  
 Range/T&E Plants  
 Operations  
 Environmental Coordinator  
 ADM Resources  
 Area Manager

Signature

Prepared by:

*Joseph A. Stratton*

*11/18/93*

Joseph A. Stratton

Date

Egan Resource Area Wild Horse Specialist

Reviewed by:

*Jake Rajala*

*11/18/93*

Jake Rajala

Date

Environmental Coordinator

*William D. Robison Acting*

*11/18/93*

Tim Reuwsaat

Date

ADM Resources

*Gene Drais*

*11/18/93*

Gene Drais

Date

Egan Resource Area Manager

*acty  
su*

BOB MILLER  
Governor

STATE OF NEVADA

12-20-93  
CATHERINE BARCOMB  
Executive Director



**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

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

**COMMISSIONERS**

Paula S. Askew, *Chairperson*  
Carson City, Nevada  
Steven Fulstone, *Vice Chairman*  
Smith Valley, Nevada  
Michael Jackson  
Las Vegas, Nevada  
Dan Keiserman  
Las Vegas, Nevada  
Dawn Lappin  
Reno, Nevada

December 20, 1993

Kenneth G. Walker, District Manager  
BLM-Ely District Office  
HC 33 Box 33500  
Ely, Nevada 89301-9408

Subject: Draft Diamond Hills Horse Free Area and Diamond Herd  
Management Area Removal Plan and Preliminary EA

Dear Mr. Walker,

Thank you for the opportunity to review and comment on the  
Draft Diamond Hills Horse Free Area and Diamond Herd Management  
Area Removal Plan and Preliminary Supplemental EA S1-93-NV-040-8-  
15.

We have noted your consideration and analysis of the  
reproductive potential of the herd in that a small number of every  
age class should remain in the HMA. Again, this shows your  
Districts concern and commitment for the viability of the wild  
horses under your care.

Sincerely,

*Catherine Barcomb*

CATHERINE BARCOMB  
Executive Director



# WHO A

WILD HORSE ORGANIZED ASSISTANCE  
P.O. BOX 555  
RENO, NEVADA 89504



a note from

Dawn Y. Lappin

December 20, 1993

Kenneth G. Walker, District Manager  
BLM-Ely District Office  
HC 33 Box 33500  
Ely, Nevada 89301-9408

Subject: Draft Diamond Hills Horse Free Area and Diamond Herd  
Management Area Removal Plan and Preliminary EA

Dear Mr. Walker,

Thank you for the opportunity to review and comment on the  
Draft Diamond Hills Horse Free Area and Diamond Herd Management  
Area Removal Plan and Preliminary Supplemental EA S1-93-NV-040-8-  
15.

We have noted your consideration and analysis of the  
reproductive potential of the herd in that a small number of every  
age class should remain in the HMA. Again, this shows your  
Districts concern and commitment for the viability of the wild  
horses under your care.

Sincerely,

DAWN Y. LAPPIN  
Director