United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Ely Field Office
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Ely, Nevada 89301-9408
http://www.nv.blm.gov

TAKE PRIDE IN AMERICA

In Reply Refer To:
4720(NV-042,045)

DEC 15 2005

Dear Interested Party:

The Bureau of Land Management (BLM) Ely Field Office/Caliente Field Station is proposing to remove wild horses from Herd Management Areas that were impacted by the Delamar, Duzak, and Meadow Valley Mountains Fires. BLM has determined that large and or key forage areas for wild horses have burned and no longer can provide forage for maintenance of wild horses at current population levels. The gather would occur in February 2006 to prevent placing wild horse death and/or suffering from starvation due to a lack of forage. Further, the presence of wild horses would jeopardize the stabilization efforts of the burned areas, resulting in un-healthy rangeland.

Enclosed is the Ely South Desert Fires Emergency Wild Horse Gather Plan and Preliminary Environmental Assessment (E.A.) NV-040-06-008. A copy of the gather plan and preliminary environmental assessment is available for a 30 calendar day public scoping/notification period. **If any member of the interested public would like to provide any information, data, or analysis** please send written comments to Rick Orr, Assistant Field Manager, Caliente Field Station, Bureau of Land Management P.O. Box 237, Caliente Nevada 89001-0237.

If you have any questions, please contact Jared Bybee, Lead Wild Horse and Burro Specialist, Ely Field Office at (775) 289-1843, or Jake Rajala, Environmental Coordinator at (775) 289-1845.

Sincerely,

Richard A. Orr

Rick Orr
Assistant Field Manager
Caliente Field Station

1 Enclosure:
1. Ely South Desert Fires Emergency Wild Horse Gather Plan and Preliminary Environmental Assessment (E.A.) NV-040-06-008

U.S. Department of the Interior
Bureau of Land Management
Ely Field Office/Caliente Field Station

Ely South Desert Fires
Emergency Wild Horse Gather Plan
and Preliminary Environmental Assessment

NV-040-06-008

Jared Bybee
December 2005

I. Background Information

The Bureau of Land Management (BLM) is proposing to remove wild horses from Herd Management Areas (HMAs) that were affected by the Delamar, Duzak, and Meadow Valley Mountains Fires. These fires burned or affected portions of the following Wild Horse Herd Management Areas (HMAs): Delamar Mountains, Meadow Valley Mountains, Applewhite, Blue Nose Peak, Clover Mountains, and Clover Creek. The gather would occur in February 2006 to prevent wild horse death and/or suffering from starvation due to a lack of forage as well as to provide for stabilization of the burned areas.

Wild horses within the affected HMAs move among HMAs as follows: Delamar Mountains and Applewhite are the same population and use the same habitat. Clover Creek, Clover Mountains, and Blue Nose Peak are the same wild horse population and move among the three HMAs. Wild horses in Meadow Valley Mountains generally pioneer from Delamar Mountains, as wild horses are occasionally detected within the HMA. This movement of wild horses indicates the need to use the entire HMAs for year round maintenance of the population. Without the entire area available for wild horse use the current population would be difficult to sustain.

Higher than average precipitation during the winter of 2004-05 promoted abundant growth of native shrubs, forbs and grasses as well as heavy growth of non-native, invasive annual plant species, especially those in the genus *Bromus*, leading to the above mentioned fires.
The Southern Nevada Complex Fires were ignited by dry lightning storms and burned approximately 740,000 acres from June 22, 2005 to July 10, 2005. Of the total areas burned, 597,096 acres are on lands managed by the Ely BLM Field Office.

The Delamar Mountains/Applewhite HMAs and wild horse population is located directly south west of Caliente Nevada, and extends south to Kane Springs Summit. The Delamar Fire is located approximately ten miles south of Caliente, Nevada. The Fire encompasses approximately 50% of the Delamar Mountains Wild Horse Herd Management Area (HMA). The HMA is 186,000 acres in size, of which 93,000 acres burned in June/July of 2005. Refer to Figure 1 for a map of the Affected Area.

The Meadow Valley Mountains HMA is 97,000 acres, of which 77,000 acres are burned. The Meadow Valley Mountains Fire is located approximately 20 miles south of Caliente, Nevada. The fire burned approximately 80% of the Meadow Valley Mountains HMA. The AML has been set at zero due to desert tortoise protection as a federally listed threatened species as well as a lack of habitat to sustain wild horses. Refer to Figure 1 for a map of the Affected Area.

The Clover Creek, Clover Mountains, and Blue Nose Peak HMAs share one wild horse population. The Clover Mountains HMA has approximately 45,000 burned acres. Although the HMA is 173,000 acres, and approximately 25% of the HMA, the area that burned is the primary horse use area. Wild horses from Clover Creek routinely move into this area. Approximately 60% of the Blue Nose Peak HMA is burned. The Blue Nose Peak HMA serves as a winter retreat for this population of wild horses to escape winter snows. This area has very steep deep canyons and ridges without motorized access.

A helicopter flight was completed on November 28, and 29, 2005. The flight was completed in order to determine if current wild horse population estimates were accurate, ascertain distribution patterns and observe wild horse herd and individual animal health. The flight indicated wild horse population estimates were accurate. Animals also appear to be suffering from a lack of forage. Emaciated animals were observed within burned areas in the Delamar Mountains, Clover Mountains, Meadow Valley Mountains, and Blue Nose Peak. Only four foals were classified out of 102 animals observed indicating a 4% foal crop survival following the summer burns. Classification of four foals indicates poor overall herd health. Observations confirm that the current population of wild horses is at risk of death or suffering by starvation.

A. Need for the Proposed Action

BLM has determined that large and or key forage areas for wild horses have burned and no longer can provide forage for maintenance of wild horses at current population levels, placing the animals at risk of death and/or suffering by starvation. Further, the presence of wild horses would jeopardize the stabilization efforts of the burned areas, resulting in un-healthy rangeland.

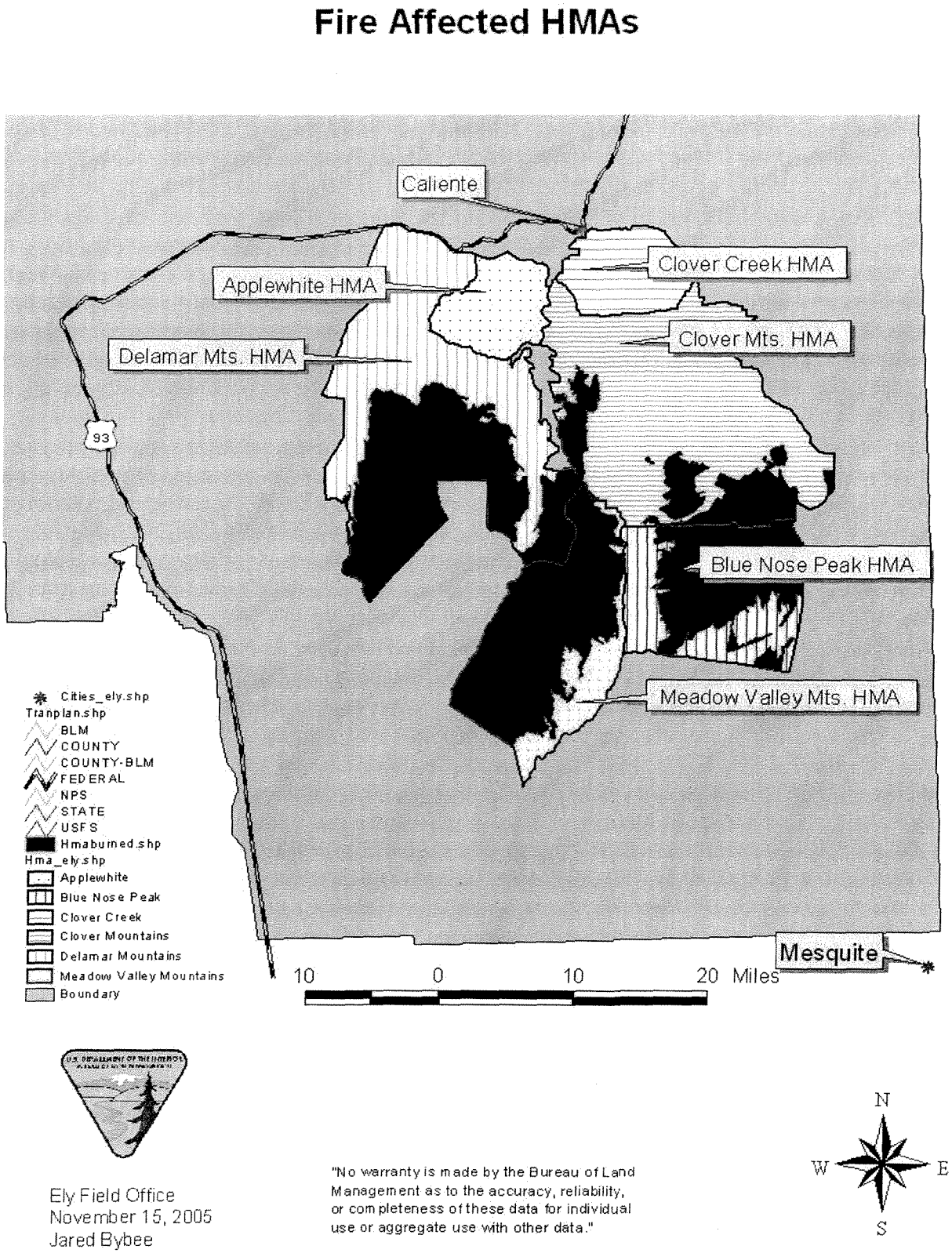
The proposed action is needed at this time to achieve a thriving natural ecological balance between wild horse populations, livestock, wildlife, and vegetation; to make significant progress towards attainment of Mojave-Southern Great Basin Resource Advisory Council rangeland health standards; and to protect the range from the deterioration associated with an overpopulation of wild horses as authorized under Section 3(b) (2) of the 1971 Free-Roaming Wild Horses and Burros Act and Section 302(b) of the Federal Land Policy and Management Act of 1976. Additionally, Promulgated Federal Regulations at Title 43 CFR 4700.0-6 (a) state "*Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat* (emphasis added)."

B. Relationship to Planning

The proposed action is in conformance with the Caliente Management Framework Plan (MFP), Caliente Grazing Environmental Statement (ES), and subsequent Record of Decision (ROD) dated 1982. Additionally, the proposed action is consistent with the Lincoln County Public Land and Natural Resource Management Plan as adopted by the Board of County Commissioners of Lincoln County, December 5, 1997 and the "Lincoln County Elk Management Plan" dated July 1999. The proposed action is also in conformance with all applicable regulations at 43 CFR (Code of Federal Regulations) 4700 and policies and with the Wild Free Roaming Horses and Burros Act of 1971. It is consistent with federal, state, and local laws, regulations, and plans.

The Delamar Mountains, Meadow Valley Mountains, Blue Nose Peak, Clover Mountains, Clover Creek, and Applewhite Herd Management Areas were designated as Herd Management Areas in the Caliente MFP. In November of 2003, AML was set through a "Notice of Wild Horse Management Decision and Finding of No Significant Impact (FONSI) for the Establishment of Appropriate Management Levels for Twelve Wild Horse Herd Management Areas with the Ely District." This document, together the environmental assessment (EA) accompanying the Wild Horse Decision, is incorporated by reference into this EA. Five alternatives were analyzed in that EA, including the No Action Alternative. The other

Figure 1. Map of the Affected Area



alternatives included setting AML based on monitoring data and the essential habitat components of forage, water, cover, and space; managing HMAs as complexes; reducing livestock numbers to provide forage for a minimum viable population of wild horses; and setting AML based solely on forage availability and emergency gather history.

In the AML decision for Bluenose Peak, Applewhite, Clover Mountains, and Clover Creek HMA, setting the AML at zero was identified as the environmentally preferred decision, but that can only be accomplished through a land use plan amendment. Delamar Mountains was identified as an interim AML due to viability limitations, AML was set based on forage availability and past emergency gather history. Meadow Valley Mountains previously had AML set at zero (Table 1) due to Desert Tortoise Habitat Issues. Currently the Ely Field Office is in the process of writing a new Resource Management Plan which would analyze the appropriateness of managing for wild horses in these HMAs. The proposed action in the RMP would be to set the AML at zero, and revert the HMAs into Herd Area status.

Existing AML and estimated populations for the affected herd management areas are summarized in Table 1 below.

Table 1.
Appropriate Management Levels and Current Estimated Populations for Affected HMAs

Herd Management Area	Appropriate Management Level	Current Estimated Population
Applewhite	1	2-7
Delamar Mountains	51-85 (interim)	50-60
Meadow Valley Mountains	0	10-15
Blue Nose Peak	1	5-10
Clover Mountains	1-16	25-35
Clover Creek	1-14	10-20

C. Issues

The two issues identified are protection of wild horses from suffering and/or starvation and protection of stabilization efforts.

II. Description of the Proposed Action and Alternatives

A. Proposed Action – Remove all Wild Horses

The Proposed Action is to capture and remove wild horses to the low range of AML from the Applewhite, Meadow Valley Mountains, Bluenose Peak, Clover Mountains, and Clover Creek HMAs as well as remove as many wild horses that can be captured from the Delamar HMA. Approximately 100-150 wild horses are currently living in the affected area, and the BLM would attempt to capture and remove all of those wild horses. The area would continue to be monitored for the detection of wild horses living in the HMAs affected by the fires. The health and condition of remaining animals would be assessed and removal of additional animals through an appropriate method would be implemented as needed

Multiple capture sites (traps) would be used to capture wild horses from the HMAs. Whenever possible, capture sites would be located in previously disturbed areas. All capture and handling activities (including capture site selections) would be conducted in accordance with Standard Operating Procedures (SOPs) described in Appendix 1. Capture techniques would be the helicopter-drive trapping method and/or helicopter-assisted roping from horseback.

B. No Action Alternative – Continuation of Existing Management

The No Action Alternative is required by National Environmental Policy Act (NEPA) analysis to provide a baseline for impact analysis.

Under this alternative a wild horse gather would not take place in February nor would subsequent follow up trapping. There would be no active management to control the size of the wild horse population at this time. The current population would be put at risk of starvation due to a lack of habitat. Existing management, including monitoring, would continue.

The No Action Alternative would violate the Wild Free-Roaming Horses and Burros Act, federal regulations and Bureau policy. The Wild Horses and Burros Act of 1971 mandates the Bureau to prevent the range from deterioration associated with overpopulation, and preserve and maintain a thriving natural ecological balance and multiple use relationships in that area. In addition, the No Action Alternative would not comply with the Mojave-Southern Great Basin RAC Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations.

C. Alternatives Considered but Dismissed from Detailed Analysis

One alternative which was considered but dismissed from detailed analysis is temporarily fencing burned areas to promote vegetation recovery. Due to the scope and extent of the burned areas, it was determined that temporary fencing was not feasible. Moreover, the few unburned areas remaining would not be expected to provide sufficient forage for current wild horse and wildlife populations, without risk of death by starvation. Another possible alternative would be to gather wild horses only to the high point of the appropriate management level. However, given the emaciated condition of wild horses at the present time and the low percentage of surviving foals, it would be inhumane not to remove as many animals as possible to reduce competition for available forage, risk of death by starvation, and greater potential to adversely impact vegetation recovery.

Another possible alternative would be to allow natural predators to control wild horse populations allowing post-fire vegetation recovery without the need to gather/remove wild horses. However, wild horses are introduced species within North America and have few natural predators. Even if natural predators were present, allowing wild horses to slowly starve before becoming prey is cruel and inhumane when viable options exist such as gather/removal before individual animal and herd health is jeopardized.

Another option considered was relying primarily on water and/or bait trapping as the primary gather/removal method as compared to helicopter drive-trapping or helicopter-roping from horseback methods. However, this method is extremely time and labor intensive, requiring daily

monitoring, often over several weeks to effectively capture/remove the animals. Helicopter drive-trapping or helicopter-roping from horseback have proven to be safe and effective methods for capture/removal and are expected to be more cost-effective given the number of animals proposed for removal and the size and complexity of the affected area. Further, the Delamar and Clover Mountains have numerous water sources with many small (non-fishery) stream stretches that would preclude the use of water trapping.

III. Affected Environment

Table 2 summarizes which of the critical elements of the human environment and other resources of concern within the project area are present, not present or not affected by the proposed action.

Table 2.
Summary of Critical and Other Elements of the Human Environment

Element	Present	Not Present or Not Affected	Element	Present	Not Present or Not Affected
Air Quality		X	Threatened or Endangered Species	X	
Areas of Critical Environmental Concern		X	Vegetation	X	
Cultural Resources/Paleontological	X		Visual Resource Management		X
Environmental Justice		X	Wastes, Hazardous and Solid		X
Floodplains		X	Water Quality (surface or ground)		X
Invasive, Non-native Species	X		Wetlands	X	
Native American Religious Concerns		X	Wild Horses	X	
Prime or Unique Farmlands		X	Wildlife (including migratory birds)	X	
Riparian Areas	X		Wilderness	X	
Soils	X		Wild and Scenic Rivers		X

IV. Environmental Consequences

The following critical or other elements of the human environment are present and may be affected by the Proposed Action or the alternative. The affected environment is described for the

reader to be able to understand the impact analysis.

A. Wild Horses

Affected Environment

Wild horses are introduced species within North America and have few natural predators. Few natural controls act upon wild horse herds making them very competitive with native wildlife and other living resources managed by the BLM.

Census flights have been conducted in the area every three to four years. These census flights have provided information pertaining to population numbers, foaling rates, distribution, and herd health. Wild horse population growth rates average approximately10% to 20% in the area. This fluctuation is due to many natural drought occurrences. The estimated herd population for the affected HMAs was determined from past census data and a subsequent November 2005 census flight which confirmed the Bureau's population estimates.

November 2005 observations also documented wild horses in poor and emaciated condition. In addition, only four foals were classified indicating poor overall herd health. Observations confirm that the current population of wild horses is at risk of death or suffering by starvation. Wild horses within the affected HMAs move between areas as follows: Delamar Mountains and Applewhite are the same population and use the same habitat; Clover Creek, Clover Mountains, and Blue Nose Peak the same wild horse population and move among the three HMAs, wild horses in Meadow Valley Mountains generally pioneer from Delamar Mountains, as wild horses are rarely detected in the HMA.

Environmental Impacts

Proposed Action – Based on past gather experience within the Ely District and the topography of the area, it is expected that the BLM would be able to capture 85 percent of the herd if the gather occurs in winter. A capture rate of 50-60% tends to occur in this area during the summer and fall. If 85 percent of the wild horses are captured, it is expected that 25 wild horses would remain within the area after the helicopter drive trap gather. Follow up monitoring would be conducted through helicopter census and vegetation stabilization objectives to determine if a subsequent gather is needed.

Removing approximately 125 wild horses from the affected area is expected to minimize the potential impacts to individual animals and the herd from the risk of death or suffering by starvation. Summer fires have significantly reduced the amount of forage available for use. Competition for scarce forage resources would severely stress mares and foals and increase fighting among stud horses as they protect their position for limited forage. Additionally, natural vegetation recovery would be slowed as wild horses travel looking for green growth, impacting the plant's ability to grow and store carbohydrates.

Gathering wild horses causes impacts to individual animals. These impacts may occur as a result of handling stress associated with the gather, capture, processing, and transportation of animals. The intensity of these impacts varies by individual and is indicated by behaviors ranging from

nervous agitation to physical distress. Mortality to individuals from this impact is infrequent but does occur in one half to one percent of wild horses captured in a given gather. Other impacts to individual wild horses include separation of members of individual bands of wild horses and removal of animals from the population.

Indirect impacts can occur to horses after the initial stress event, and may include increased social displacement, or increased conflict between studs. These impacts are known to occur intermittently during wild horse gather operations. Traumatic injuries may occur, and typically involve biting and/or kicking bruises, which don't break the skin. The occurrence of spontaneous abortion events among mares following capture is very rare.

Population-wide impacts to individual bands of wild horses would be minimized with this action because all horses caught would be removed. The remaining wild horses not captured would maintain their social structure and herd demographics (age and sex ratios). No observable effects to the remaining population associated with the gather impacts would be expected except a heightened shyness toward human contact.

No Action Alternative –Under this alternative, wild horses would not be removed at this time. The horses would not be subject to any individual direct or indirect impacts described in the Proposed Action as a result of a gather operation. The current estimated population of 100-150 wild horses could not be sustained with the forage that is currently available. Consequences of wild horses on the range after these fires would be increased risk to the health of the rangelands, and horse herd health. Individual horses would be at risk of death or suffering by starvation. The population of wild horses would compete for the available forage resources, affecting mares and foals most severely. Social stress would increase. Fighting among stud horses would increase as they protect their position at scarce forage sources, as well as injuries and death to all age classes of animals. The areas closest to the water would experience severe utilization and degradation. Over time, the animals would continue to deteriorate in condition as a result of declining forage availability and the increasing distance traveled to forage if forage can be found. Many horses, especially foals and mares, would likely die through the following summer due to a lack of forage.

B. Vegetation, Soils and Riparian

Affected Environment

1. Vegetation

Upland Vegetation
A variety of vegetation types burned in the Southern Nevada Complex Fires, including communities dominated by creosote bush-white bursage, Mojave mid elevation desert scrub (blackbrush), warm desert washes, riparian vegetation, sagebrush shrublands, pinyon-juniper woodlands, and interior chaparral. These communities respond differently to the effects of fire.

Creosote bush-white bursage desert scrub
This vegetation type is primarily found within the low elevation portions of the Meadow Valley Mountains HMA and Blue Nose Peak HMA. The Southern Nevada Complex Fires burned

through communities co-dominated by the shrubs creosote bush and white bursage. In some areas, galleta grass is common in the understory. Creosote and white bursage generally are not adapted to fire. Recruitment of these dominants as well as associated four-wing saltbush brittlebush and three-awn grasses is generally by seed preserved in the seedbank.

Mojave mid-elevation desert scrub
This vegetation type is primarily found within the Blue Nose Peak HMA. At elevations above creosote bush-white bursage communities, a variety of shrubs become dominant. In the burned areas, these communities were often dominated by blackbrush. Other common shrubs include various yucca species, Joshua tree, Nevada ephedra, rabbitbrush and indigobush. Grasses and forbs were a relatively minor component of blackbrush communities. In most areas, blackbrush formed extensive, nearly monotypic stands.

Observation of adjacent unburned areas and unburned islands revealed that many blackbrush shrublands have dense cover (40-50%), and relatively little abundance of *Bromus* fine fuels, especially in shrub interspaces. In some areas, even though blackbrush shrubs were completely consumed by fire, low density *Bromus* grasses remain unburned in the interspaces. Therefore, it is probable that blackbrush shrubs, rather than annual grasses, carried fires in this community.

Where fire burned through blackbrush communities, essentially all of the existing blackbrush was removed. Blackbrush, while extremely flammable, is not a fire tolerant species and individual plants are usually killed by even low severity fires. Studies indicate that blackbrush can take upwards of 60 years to reestablish (Anderson 2001) and possibly 1,000 years to be fully restored (Web et al. 2001). Other studies suggest that these sites are converted to other vegetation types and do not return as blackbrush sites (Callison et al 1985: Haines et al. 2003). Burned yuccas showed high levels of re-sprouting. Joshua trees occupying portions of the blackbrush community were also re-sprouting, but some of the re-sprouts were grazed. Of all vegetation types burned in the South Desert Complex Fires, blackbrush-dominated communities are the least likely to recover naturally.

Sagebrush shrublands
This vegetation type is primarily found in the high elevations of the Delamar Mountains, Clover Mountains, Clover Creek, and Applwhite HMAs in close association with Pinyon/Juniper communities. Communities dominated by sagebrush were burned. Other shrubs present include rubber rabbitbrush , antelope bitterbrush , and black greasewood. Depending upon adequate precipitation and rest from grazing, a number of native perennial grass species and are not likely to re-sprout including Indian ricegrass , blue grama , needle-and-thread, Great Basin wild rye, galleta grass, western wheatgrass and bluegrass.

Pinyon-juniper woodlands
This vegetation type occurs in all six HMAs. At higher elevations, woodlands dominated by pinyon pine and Utah juniper were burned. Neither pinyon nor juniper trees are fire-tolerant and readily die after moderate to severe fires. Some of the pinyon-juniper (PJ) woodlands were on steeper slopes in closed-canopy conditions with little or no understory. The fire burned intensely through the woodland canopy, killing the trees, and left little chance for native species to reestablish. These areas are likely prone to soil erosion and invasive annual grass establishment and dominance. Over time, burned PJ woodlands are likely to transition to fire-adapted interior

chaparral vegetation, creating a mosaic of vegetation types where fire occurs frequently and where fire does not occur frequently.

Interior chaparral
This vegetation type is a found on the south slope of the Delamar Mountains, and Clover Mountains HMAs. At higher elevations, above and intermingled with the PJ woodlands, fire-adapted shrub communities exist. These communities are similar to those found in Mediterranean climates, such as the California coast. Where communities similar to chaparral are found in the Intermountain West, they are oftened referred to as "Interior" chaparral. Common species of this vegetation type include manzanita , which is known to readily reestablish from seed in burned areas, turbinella oak, Gambel's oak , desert bitterbrush, cliffrose and yerba santa In portions of the Clover Mountains and Delamar Mountains, this community type also contained populations of ponderosa pine.

2. Riparian

Riparian vegetation dominates near springs and where water flows permanently. These communities are typically dominated by willows. It is likely that a majority of these vegetation communities surrounding water sources remain unburned.

3. Soils

Numerous soil mapping units are found in the areas burned by the Southern Nevada Complex Fires. Approximately one-third of burned areas, mainly at higher elevations were occupied by mesic soils, whereas two-thirds were occupied by thermic soils. Mesic soils can freeze and tend to have higher soil moisture than thermic soils.

Erosion due to wind and water is common in arid landscapes. Fire may exacerbate erosive potential due to removal of vegetation and changes to soil properties. Reconnaissance two months after the fire did not provide substantial evidence for increased erosion due to fire effects. Post-fire heavy precipitation events occurred during late July of 2005. Evidence of flash floods was present in washes and roads, as was charcoal sediment. Burned "spots" on slopes where shrubs were located were not elongated or mixed in to the surrounding, lesser burned landscape. Shrub skeletons and the roots that hold soil in place are still present in much of the burned areas. Since vegetative cover is generally low in many of the ecosystems that burned, it is unlikely that the removal of this cover drastically alters the erosion potential of a slope. The fire primarily removed foliage from shrubs, which generally consists of very small leaves. Removal of this foliage is not likely to greatly alter the erosive potential of these slopes.

Fire may also change erosive potential by altering soil profile properties. Soils can become hydrophobic if a fire burns hot and has a long residence time. Hydrophobic soils have lower infiltration rates and increased runoff. However, in most of the lower elevation areas that burned, the fire burned very quickly. The exception to this is in pinyon-juniper woodlands where a denser canopy was likely to retard water impact to slopes. These areas also burned with higher intensity, increasing the potential of soil hydrophobicity.

Up to 100 identified springs with riparian characteristics are located within the burned area. It is likely that many of these springs did not burn, although a burned matrix now surrounds them. These springs may now be "refuges" for wild horses, given the lack of habitat due to the fire.

Environmental Impacts

Proposed Action – Implementation of the proposed action would reduce the wild horse population within the area to within AML on all HMAs except Delamar Mountains which would be below the low end of AML.

Impacts to vegetation with implementation of the Proposed Action could include disturbance of native vegetation immediately in and around temporary trap sites, and holding and processing facilities. Impacts could be by vehicle traffic and the hoof action of penned horses, and could be locally severe in the immediate vicinity of the corrals or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Since most trap sites and holding facilities would be re-used during recurring wild horse gather operations, any impacts would remain site-specific and isolated in nature. In addition, most trap sites or holding facilities are selected to enable easy access by transportation vehicles and logistical support equipment and would generally be adjacent to or on roads, pullouts, water haul sites, or other flat spots that were previously disturbed. By adhering to the SOPs, adverse impacts to soils would be minimized.

By removing wild horses, hoof action on the soil around unimproved springs and stream banks should be reduced, leading to increased stream bank stability and improved riparian habitat conditions. There would also be a reduction in hoof action on upland habitats and reduced competition for available water sources. Also the removal of wild horses from the burned areas would allow the herbaceous component or understory that wild horses rely on for a feed source to recover. Without the herbaceous understory present, the long term maintenance of wild horses would prove to be impossible. The aerial seeding would be given a greater chance of success without a large herbivore present during the critical establishment period (which can last several years) of the young plants, which are known not to tolerate grazing.

No Action Alternative - The severe localized trampling associated with trap sites would not occur. However, as wild horse populations continue to grow, soil erosion would increase throughout the HMAs and in areas outside the HMAs where wild horses are living. Increased horse use throughout the HMAs. would adversely impact soils and vegetation health, especially around the water locations. As native plant health deteriorates and plants are lost, soil erosion would increase. The shallow soils typical of this region cannot tolerate much loss without losing productivity and thus the ability to be re-vegetated with native plants. Invasive, non-native plant species would increase and invade new areas following increased soil disturbance and reduced native plant vigor and abundance. This would lead to both a shift in plant composition towards weedy species and an irreplaceable loss of topsoil and productivity from erosion. These impacts would also be seen outside the HMAs, and could reach even larger geographic areas as wild horses forage further from the HMAs.

C. Wildlife (including Migratory Birds) and Special Status Species

Affected Environment

Wildlife potentially affected by the Southern Nevada Complex includes large and small mammals, birds, fish, reptiles, and amphibians. Mammals in the burned area include desert bighorn sheep, mule deer, elk, bobcat, coyote, kit fox, black-tailed jackrabbit, cottontail rabbit, antelope ground squirrel, kangaroo rat, and several bat species. Bird species include loggerhead shrike, greater roadrunner, house sparrow, black-throated sparrow, Gambel's quail, mourning dove, chukar, red-tailed hawk, turkey vulture, common raven, and other western species. Migratory bird species are found in the area especially during the spring and summer. Native fishes that are not considered special status species found in the Virgin River, Meadow Valley Wash, and Beaver Dam Wash include speckled dace, desert sucker, flannelmouth sucker, and Virgin River spinedace. Non-native fish species in watersheds downstream or within receiving drainages from the fires include red shiner, carp, small-mouth bass, channel catfish, and bluegill. Non-listed reptile species in the burned area and within close proximity include but are not limited to: western whiptail lizard, leopard lizard, side-blotched lizard, zebra-tailed lizard, horned lizard, western diamondback rattlesnake, Mojave green rattlesnake, gopher snake, chuckwalla, and kingsnake. Amphibian species occurring downstream from the burned area include Woodhouse's toad and bullfrog.

A species list was provided by the U.S. Fish and Wildlife Service – Nevada Fish and Wildlife Office on July 14, 2005. Two federally listed species occur within the burned area. They are the desert tortoise and bald eagle. The desert tortoise is widely distributed below 4,000 feet in elevation, in association with Mojave Desert scrub, particularly in creosote-bursage communities. The bald eagle winters around Lake Mead and may forage in the fire areas in the winter. Five federally listed species occur within the receiving waterbodies and associated riparian areas downstream from the burned areas. They are the Virgin River chub, woundfin, razorback sucker, southwest willow flycatcher, and Yuma clapper rail. The Virgin River chub and woundfin occur downstream of several of the fires in the Virgin River. The Yuma clapper rail also occurs along the Virgin River. The southwest willow flycatcher occurs along the Virgin and Muddy Rivers, and habitat for this species is present in the Meadow Valley Wash. Yellow-billed cuckoo, a candidate species, occurs within the riparian areas downstream from the burned areas. One experimental (nonessential) population of California condors may occasionally forage over the eastern edge of the fire area. Although not found within the Southern Nevada Complex, the fires burned 2 of the 3 identified refugia for Big Springs spinedace.

Numerous BLM-sensitive species occur within the burned area or within the receiving waterbodies and associated riparian areas downstream from the burned areas; most notable are the desert bighorn sheep, Gila monster, Sonora mountain kingsnake, Meadow Valley speckled dace, Meadow Valley desert sucker, and Virgin River spinedace.

Environmental Impacts

Proposed Action – Wildlife adjacent to trap sites would be temporarily displaced during capture operations by increased activity of trap setup, helicopters and vehicle traffic. Since the gather would occur in February, there would be no impacts to migratory birds during the breeding and nesting period as a result of trapping operations. Trap sites would not be constructed within tortoise habitat, although wild horses would be driven from tortoise habitat to a trap site outside of tortoise habitat in conjunction with the Meadow Valley Mountains and Blue Nose Peak

HMAs.

Reduction of wild horse numbers would result in reduced competition between wild horses and wildlife as soon as the gather is completed. This would result in improved habitat conditions by increasing forage availability, herbaceous cover, and quality. In addition, it would reduce competition between wild horses and wildlife for available forage and water resources. Disturbance associated with wild horses along stream bank riparian habitat and adjacent upland habitat would be reduced.

No Action Alternative – Wildlife would not be temporarily displaced or disturbed under the no action alternative. There would be continued competition with wild horses for water and forage resources. This competition would increase as wild horse numbers increased annually. Wild horses are aggressive around water sources, and some wildlife species may not be able to compete. The competition for resources may lead to increased stress or dislocation of native wildlife species, or possible death of individual animals.

D. Livestock

Affected Environment

Livestock grazing closures are in place, no livestock grazing would occur in the area until stabilization objectives are met.

Environmental Impacts

Proposed Action –There would be no impacts to livestock grazing since there would be no livestock use during the gather or fire stabilization period.

No Action Alternative –Same as the proposed action

E. Noxious Weed and Invasive Non-Native Species

Affected Environment

An abnormally wet winter and spring promoted abundant growth of shrubs, grasses, and forbs including noxious weeds and invasive plants. High densities of invasive annual bromes (cheatgrass and red brome) that greened up during the late winter and early spring became highly flammable fine fuels by late spring of 2005. These fine fuels, present in the interspaces between shrubs, allow fire to spread through Mojave Desert scrub (red brome), and Great Basin shrub/woodlands (cheatgrass). These grasses are fire-adapted and generally return at higher abundance following fire, fueling a positive-feedback loop known as the grass-fire cycle (Brooks et al. 2004, D'antonio and Vitousek 1992). In this cycle, grasses increase in abundance, which increases fire frequency, which increases abundance of grasses. This cycle hinders competition from native perennial grasses, forbs, and shrubs, which are not adapted to the increased fire frequency.

Sahara Mustard, an invasive non-native winter annual forb, is being considered as a Nevada

state-listed noxious weed. It is new to the area, which is why is has not yet been listed. Sahara mustard spread from the Sonoran Desert through the Mojave Desert and into the Colorado Plateau by being a roadside invader (Brooks and Lair 2005). This species is already abundant in Clark County and is being found in the southern portions of Lincoln County.

Other noxious weeds or invasive plants that are likely to become established and/or increase in abundance within the burned area include, filaree, Russian thistle and tamarisk.

Environmental Impacts

Proposed Action – The proposed gather may spread existing noxious weed species. This could occur if vehicles drive through infestations and spread seed into previously weed-free areas. The contractor together with the contracting officer's representative or project inspector (COR/PI) would examine proposed trap sites and holding corrals prior to construction. If noxious weeds were found, the location of the facilities would be moved. Any off-road equipment that has been exposed to weed infestations would be cleaned before moving into relatively weed free areas. All trap sites, holding facilities, and camping areas on public lands would be monitored during the next several years.

Despite short-term risks, with the reduction in wild horse numbers, and the subsequent recovery of the native vegetation, fewer disturbed sites would be available for non-native plant species to invade.

No Action Alternative – Under this alternative, the wild horse gather would not take place at this time. The likelihood of noxious weeds being spread by gather operations would not exist.

F. Cultural Resources/Paleontological Resources

Affected Environment

Cultural resources are known to exist within the area. A Class III cultural resources inventory has not occurred for the entire affected area.

Environmental Impacts

Proposed Action – No impacts to cultural resources/paleontological resources are anticipated to occur since all trap sites and holding facilities would be inventoried for cultural resources prior to set-up. An archaeologist would review all proposed trap sites and facility locations (new and previously used locations) to determine if these locations have had a cultural resources inventory, and/or if a new inventory is required (Cultural Resources Needs Assessment NV-8100-9). This review by the archaeologist, which does not normally include fieldwork, would be documented in the Needs Assessment. A District Archaeological Technician (DAT) would be on-site during the gather to perform any needed cultural resources inventories. If cultural resources are encountered at proposed trap site(s) or holding facility location(s), those location(s) would not be utilized unless it could be modified to avoid impacts to cultural resources. With reduced horse numbers, there would be less hoof action around riparian spring areas where cultural resources can often be high. This could lead to decreased damage to cultural resources by wild horses.

No Action Alternative - Under this alternative, the wild horse gather would not take place and therefore, no trap sites or holding facilities would be constructed. There would be no possibility that cultural resources would be damaged as a result of horse gather operations, however, high numbers of wild horses could cause damage to cultural resources due to trampling, especially around water sources, where the occurrence of cultural resources can often be high.

G. Wilderness

Affected Environment

The fires burned into four newly designated wilderness areas in the Ely District. These wilderness areas include the Clover Mountains, Delamar Mountains, Meadow Valley Range, and Mormon Mountains. Invasive *Bromus* grasses were already present in wilderness areas prior to the fire. Establishment of noxious weeds and increases in abundance of non-native annual *Bromus* grasses may threaten the naturalness of wilderness. The Clover Mountains and Meadow Valley Range Wilderness Areas are within the wild horse gather area. Morman Mountains and Delamar Mountains Wilderness Areas are adjacent to the wild horse gather area.

Environmental Impacts

Proposed Action – Impacts to opportunities for solitude could occur during gather operations due to the possible noise of the helicopter and increased vehicle traffic around wilderness areas. Those impacts would cease when the gather was completed. No surface impacts within the wilderness are anticipated to occur during the gather since all trap sites and holding facilities would be placed outside wilderness areas. Wilderness values of naturalness after the gather would be enhanced by a reduction in wild horse numbers result improved ecological condition of the plant communities and other natural resources as plant communities are allowed to stabilize wild horse herbivory.

No Action Alternative – No impacts to wilderness due to gather operations would occur. Impacts to wilderness values of naturalness could be threatened through the continued population growth of wild horses. Degradation of vegetative and soil resources by would be expected if wild horses are present.

V. Cumulative Impacts

Cumulative impacts are impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. The area of cumulative impact analysis is the area immediately adjacent to it.

According to the 1994 BLM *Guidelines For Assessing and Documenting Cumulative Impacts*, the cumulative analysis should be focused on those issues and resource values identified during scoping that are of major importance. Accordingly, the issues of major importance that are analyzed are maintaining rangeland health and proper management of wild horses within the

established boundaries of an HMA.

Past Actions

Fires were relatively uncommon in Mojave Desert ecosystems. In those systems where fire did occur with some frequency (e.g. pinyon-juniper woodlands, Interior chaparral), suppression activities prevented fire from spreading to natural extents. This could have created increased fuel loads in some areas. Livestock grazing and wild horse use occurred in portions of the affected area, which may have alter vegetation community composition. Large-scale invasion and increases in abundance of invasive annual *Bromus* grasses occurred.

Herd Areas were identified in 1971 as areas occupied by wild horses. The HMAs or Territories were established in the 1980s through the land use planning process as areas where wild horse management was a designated multiple uses. The BLM also moved to long range planning with the development of Resource Management Plans and Grazing Environmental Impact Statements. These EISs analyzed impacts of the Land Use Plan's management direction for grazing and wild horses, as updated through Bureau policies, Rangeland Program direction, and Wild Horse Program direction. Forage was allocated within the allotments for livestock use and range monitoring studies were initiated to determine if allotment objectives were being achieved, or that progress toward the allotment objectives was being made.

Gathering these HMAs on a regular basis has never happened, due to the preponderance of drought related emergencies that have occurred throughout this area. Emergency gathers have occurred in 1993, 1996, 1999, 2000, and 2002.

Present Actions

A wet winter and spring during 2004/2005 season promoted increased density of annual *Bromus* grasses, which permitted large-scale fires in June and July of 2005. Non-fire adapted shrubs, especially blackbrush, were consumed over large portions of these fires.

Today the burned area has an estimated population of 150 wild horses. Wild horse health is endangered due to the fires. Current BLM policy is to removal all animals during emergency situations, as well as protection of rehabilitation efforts until such a time as wild horse use is appropriate. Program goals have expanded beyond establishing a "*thriving natural ecological balance*" by setting appropriate management level (AML) for individual herds, to include achieving and maintaining healthy, viable, vigorous, and stable populations. Appropriate management levels for all HMAs within the Ely District are set.

Current mandates prohibit the destruction of healthy animals that are removed or deemed to be excess. Only sick, lame, or dangerous animals can be euthanized, and destruction is no longer used as a population control method. A recent amendment to the Wild Free-Roaming Horses and Burro Act allows the sale of excess wild horses that are over 10 years in age or have been offered unsuccessfully for adoption three times. Some of the animals removed as a result of the proposed action could be over age 10 and eligible for sale under the new authority.

Today public interest in the welfare and management of wild horses is currently higher than it has ever been. Many different values pertaining to wild horse management form current wild

horse perceptions. Wild horses are viewed as nuisances, as well as living symbols of the pioneer spirit.

The focus of wild horse management has also expanded to place more emphasis on achieving rangeland health as measured through the RAC Standards. Mojave-Southern Great Basin Resource Advisory Councils (RAC) developed standards and guidelines for rangeland health the current basis for managing wild horse and livestock grazing within the Ely Districts. Adjustments in numbers, season of use, grazing season, and allowable use are based on evaluating progress toward reaching the standards. Attainment of these standards cannot be met with the current burned area situation

Reasonably Foreseeable Future Actions

An increase in dominance of invasive annual grasses is likely, especially in areas formerly dominated by blackbrush. Corresponding changes to fire regimes are also likely. With this scenario, it is probable that fire would spread to adjacent areas that are presently dominated by blackbrush, causing further reductions in blackbrush dominated communities. Sahara mustard, without treatment, could rapidly spread northward, given the window of opportunity provided by the presently burned landscape.

In the future, the BLM would manage wild horses within HMAs that have suitable habitat for a population range, while maintaining genetic diversity, age structure, and sex ratios. Current policy is to express all future wild horse AMLs as a range, to allow for regular population growth, as well as better management of populations rather than individual HMAs. The Ely BLM District is in the process of writing a new Resource Management Plan which would analyze AMLs expressed as a range and addressing wild horse management on a programmatic basis. Future wild horse management would focus on an integrated ecosystem approach with the basic unit of analysis being the watershed. The BLM would continue to conduct monitoring to assess progress toward meeting rangeland health standards. Wild horses would continue to be a component of the public lands, managed within a multiple use concept.

While there is no anticipation for amendments to the Wild and Free-Roaming Horse and Burro Act that would change the way wild horses could be managed on the public lands, the Act has been amended three times since 1971. Therefore, there is potential for amendment as a reasonably foreseeable future action.

Impacts

Past actions regarding the management of wild horses have resulted in the current wild horse population within the Fire Area. Wild horse management has contributed to the present resource condition and wild horse herd structure within the gather area.

The combination of the past, present, and reasonably foreseeable future actions, along with the proposed action, should result in stabilization efforts being realized. Accordingly, the issues of major importance that are analyzed are maintaining rangeland health and proper management of wild horses within the established boundaries of an HMA.

VI. Proposed Mitigation and Suggested Monitoring

The area would continue to be monitored for the detection of wild horses living in the HMAs affected by the fires. The health and condition of remaining animals would be assessed and removal of additional animals through an appropriate method would be implemented as needed.

Proven mitigation and monitoring are incorporated into the proposed action through standard operating procedures, which have been developed over time. These SOPs (Appendix I) represent the "best methods" for reducing impacts associated with gathering, handling, transporting and collecting herd data. Additional mitigation regarding wild horse gathers within desert Tortoise habitat will be adhered to as well.

VII. Consultation and Coordination

Public hearings are held annually on a state-wide basis regarding the use of helicopters and motorized vehicles to capture wild horses (or burros). During these meetings, the public is given the opportunity to present new information and to voice any concerns regarding the use of these methods to capture wild horses (or burros). The Nevada State BLM Office held a meeting on May 17th, 2005, and received input from various members of the public. A tribal coordination meeting was held on November 17, 2005. The Preliminary EA was mailed to the following list of people on December 14, 2005:

CC:	
7J Ranch, c/o Henry Brackenbury	7004 0750 0000 0612 0088
Anna Charlton, Animal Rights Law Center	7004 0750 0000 0612 1597
Aosia Targosz, Nevada State Clearinghouse	7004 0750 0000 0612 1122
Barbara Flores, Colorado Wild Horse and Burro Coalition	7004 0750 0000 0612 0903
Barbara Warner	7004 0750 0000 0612 1115
Betsy Macfarlan, ENLC	7004 0750 0000 0612 0934
Betty Kelly, Wild Horse Spirit	7004 0750 0000 0612 0873
Bonnie Matton, Wild Horse Preservation League	7004 0750 0000 0612 0996
Catherine Barcomb, Comm for Pres of Wild Horses	7004 0750 0000 0612 0828
Charles Culverwell Estate, c/o Chuck Culverwell	7004 0750 0000 0612 1153
Charles S Watson, Jr, NV Outdoor Recreation, National Public Lands Task Force	7004 0750 0000 0612 1108
Christine Stones, Ely Shoshone Tribe	7004 0750 0000 0612 1061
Craig Downer, Wild Horse Wildness and Wildlife	7004 0750 0000 0612 0866
Dave & Jenifer Free	7004 0750 0000 0612 0927
Dave Free	7004 0750 0000 0612 0910
Dawn Lappin, Wild Horse Organized Assistance	7004 0750 0000 0612 0972
Delamar Valley Cattle, c/o Merlin Flake	7004 0750 0000 0612 1184
Diane Nelson, Wild Horse Sanctuary	7004 0750 0000 0612 1030
Donald Molde	7004 0750 0000 0612 0965
Ed and Connie Bundy	7004 0750 0000 0612 1207
Executive Director, Animal Protection Institute of America	7004 1160 0005 3070 1715
George Lee, Public Lands Foundation	7004 0750 0000 0612 0941
John Blethen	7004 0750 0000 0612 0811
June Sewing, National Mustang Association Inc	7004 0750 0000 0612 1085
Karen Sussman, Intl Soc Protection of Mustangs Burros	7004 0750 0000 0612 1054

Katie Fite, Western Watersheds Project	7004 0750 0000 0612 0859
Kay Wright Ranch LLC, c/o Rocky & Linda Hatch	7004 0750 0000 0612 1139
Laurel Marshall, Eureka Producers Cooperative	7004 0750 0000 0612 1009
Lavar & Kaye Wade	7004 0750 0000 0612 0071
Lyle and Ruth Whiteside	7004 0750 0000 0612 1214
Michael Wickersham, NDOW	7004 0750 0000 0612 1092
Mike Scott, NDOW	7004 0750 0000 0612 1016
National Mustang Association	7004 0750 0000 0612 1177
National Wild Horse Association	7004 1160 0005 0370 1692
Nevada Cattlemens Association	7004 1160 0005 3070 1708
Nevada Dept. of Agriculture	7004 1160 0005 3070 1722
Nevada Farm Bureau Federation	7004 1160 0005 3070 1678
Nevada Woolgrowers Association	7004 1160 0005 3070 1739
Newby Cattle Co., c/o Ken Newby	7004 0750 0000 0612 1160
Randall Spoerlein, Save the Mustangs	7004 0750 0000 0612 1078
Robert and Vivian Lewis	7004 0750 0000 0612 1191
Robert, Anthony and Chad Steele	7004 0750 0000 0612 1146
Roberta Moore, Great Basin National Park	7004 0750 0000 0612 0989
Roger Dieleman	7004 0750 0000 0612 0064
Sharon Crook	7004 0750 0000 0612 0880
Steve Fulstone	7004 0750 0000 0612 0897
Susan Asher, Nevada Humane Society	7004 0750 0000 0612 0835
Terry Reed, Public land Solutions	7004 0750 0000 0612 1023
Tina Nappe, Sierra Club	7004 0750 0000 0612 1047
US Fish and Wildlife Service Reno	7004 0750 0000 0612 0842
US Wild Horse Burro Foundation	7004 1160 0005 3070 1685

Internal District Review

Jared Bybee/Author	Wild Horses
Neil Frakes	Vegetation/Soils
Ryan Pitts	Invasive, Non-Native Species
Steve Leslie	Wilderness Values
Mark Henderson	Archaeological/Historic/Paleontological
Paul Podborny	Wildlife, Migratory Birds, Special Status Species/Writer Editor
Chris Hanefeld	Public Affairs
Jake Rajala	Environmental Coordination/Writer Editor
Elvis Wall	Native American Religious Concerns/Tribal Coordination

Nevada State Office

Susie Stokke	Writer/Editor

APPENDIX I
STANDARD OPERATING PROCEDURES

Gathers would be conducted by contractors or agency personnel. The same procedures for gathering and handling wild horses and burros apply whether a contractor or BLM personnel are used. The following stipulations and procedures will be followed to ensure the welfare, safety and humane treatment of the wild horses and burros (WH&B) in accordance with the provisions of 43 CFR 4700.

Gathers are normally conducted for one of the following reasons:

1. Regularly scheduled gathers to obtain or maintain the Appropriate Management Level (AML).

2. Drought conditions that could cause mortality to WH&B due to the absence of water or forage, and where continued grazing may result in a downward trend to the vegetative communities due to plant mortality and reduced vigor and productiveness.

3. Fires that remove forage to the extent that there is inadequate forage to sustain the population or to allow recovery of native vegetation.

4. Utilization levels that reach a point where a continued increase in utilization would cause a downward trend in the plant communities and impede meeting standards for rangeland health.

5. Monitoring indicates that WH&B use would begin to cause a downward trend in riparian function or not permit the recovery of riparian vegetation determined to be in undesirable condition.

A. Capture Methods used in the Performance of Gather Contract Operations

1. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:

   All trap and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (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.

2. 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.

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

following:

a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, 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 a minimum of 6 feet high and shall be fully covered, plywood, metal without holes.

c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.

d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, plastic snow fence, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses

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

4. No modification of existing fences 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. 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. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies 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. Under normal conditions, the government will require that animals be restrained for the purpose of determining an animal's age, sex, or other necessary procedures. In these instances, a portable restraining chute may be necessary and will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the capture area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the COR.

7. 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. An animal that is held at a temporary holding facility after 5:00 p.m. and on through the night, is defined as a horse/burro feed day. An animal that is held for only a portion of a day and is shipped or released does not constitute a feed day.

8. 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. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI will determine if injured animals must be destroyed and provide for destruction of such animals. The Contractor may be required to humanely euthanize animals in the field and to dispose of the carcasses as directed by the COR/PI.

10. Animals shall be transported to final destination 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 gather 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 final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the COR. 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.

B. CAPTURE METHODS THAT MAY BE USED IN THE PERFORMANCE OF A GATHER

1. Capture attempts may be accomplished by utilizing bait (feed or water) to lure animals into a temporary trap. If the contractor selects this method the following applies:

    a. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.

    b. All trigger and/or trip gate devices must be approved by the COR/PI prior to capture of animals.

    c. Traps shall be checked a minimum of once every 10 hours.

2. Capture attempts may be accomplished by utilizing a helicopter to drive animals into a

temporary trap. If the contractor selects this method the following applies:

a. A minimum of two saddle-horses 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 hour.

b. The contractor shall assure that foals shall not be left behind, and orphaned.

3. Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If the contractor with the approval of the COR/PI selects this method the following applies:

a. Under no circumstances shall animals be tied down for more than one hour.

b. The contractor shall assure that foals shall not be left behind, or orphaned.

c. 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.

C. USE OF 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) for all motorized equipment and tractor-trailers used to transport animals to final destination.

2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.

3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers 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 tractor-trailers is unacceptable and shall not be allowed.

4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either

horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.

5. Floors of tractor-trailers, stock trailers and 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 trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

   11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);
   8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
   6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
   4 square feet per burro foal (.50 linear feet in an 8 foot wide trailer).

7. The COR/PI shall consider the condition and size of the animals, weather conditions, 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. SAFETY AND COMMUNICATIONS

1. The Contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the capture of wild horses and burros utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government will take steps necessary to protect the welfare of the animals.

   a. The proper operation, service and maintenance of all contractor furnished property is the responsibility of the Contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment 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 personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative.

   b. The Contractor shall obtain the necessary FCC licenses for the radio system

   c. All accidents occurring during the performance of any task order shall be

immediately reported to the COR/PI.

2. Should the contractor choose to utilize a helicopter the following will apply:

    a. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State in which the gather is located.

    b. Fueling operations shall not take place within 1,000 feet of animals.

E. SITE CLEARANCES

Prior to setting up a trap or temporary holding facility, BLM will conduct all necessary clearances (archaeological, T&E, etc). All proposed site(s) must be inspected by a government archaeologist. Once archaeological clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.

F. ANIMAL CHARACTERISTICS AND BEHAVIOR

Releases of wild horses would be near available water. If the area is new to them, a short-term adjustment period may be required while the wild horses become familiar with the new area.

G. PUBLIC PARTICIPATION

It is BLM policy that the public will not be allowed to come into direct contact with wild horses or burros being held in BLM facilities. Only authorized BLM personnel, or contractors may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at anytime or for any reason during BLM operations.

H. RESPONSIBILITY AND LINES OF COMMUNICATION

Ely District - Contracting Officer's Representatives
Jared Bybee

Ely District - Project Inspectors
Paul Podborny

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Ely Assistant Field Manager for Renewable Resources or the Caliente Field Station Manager and the Ely Field Manager will take an active role to ensure the appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, and PVC Corral offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquiries will be handled through the Assistant Field

Manager for Renewable Resources. This individual will be the primary contact and will coordinate the contract with the BLM Corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications will be vigorously enforced.

Should the Contractor show negligence and/or not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.