



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:

4700 (NV-047)

APR 26 1994

Dear Reader:

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

The enclosed DR/FONSI is my final decision for approval of the proposed action as analyzed in the SEA and to implement the Diamond Hills HFA and Diamond HMA Wild Horse removal. This decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Diamond Hills HFA to return the area to a horse free area. Immediate removal of wild horses is necessary to restore the range to a thriving natural ecological balance and to avert the imminent overgrazing caused partially by wild horses in the HFA. It is also necessary to comply 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' distributions to herd areas." The Full Force and Effect determination is in accordance with the regulations at 43 CFR 4770.3(c).

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

Sincerely,

Kenneth G. Walker
District Manager

4 Enclosures

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

DR/FONSI
DIAMOND HILLS HFA AND
DIAMOND HMA WILD HORSE REMOVAL
EA NO. NV-040-8-15
AND
S1-93-NV-040-8-15

DECISION: I have reviewed the 1988 Environmental Assessment (EA NV-040-8-15) and the 1993 Supplemental EA (S1-93-NV-040-8-15) for the Diamond Hills Horse Free Area (HFA) and the Diamond Herd Management Area (HMA) Wild Horse Removal and I concur with the analysis for this decision. No mitigation is required beyond the Standard Operating Procedures which are considered part of the proposed action. Under 43 CFR 4710.4, we are directed to restrict wild horse use to those designated HMAs and it is also Nevada State Policy to return older horses within the HFA to the HMA of origin. I approve of the action to conduct a total removal in the Diamond Hills HFA and a selective removal as described in the Diamond Hills HFA and Diamond HMA Removal Plan.

The non-selected alternatives analyzed in EA NV-040-8-15 and S1-93-NV-040-8-15 consist of trapping wild horses by herding them on horseback and no action.

This final decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Diamond Hills HFA and Diamond HMA.

Rationale: The proposed action will result in wild horses being removed from an HFA and confining wild horse use to an HMA. The proposal is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195), as amended. It also conforms with the Egan RMP and ROD. In addition, it complies with the provisions of 43 CFR 4710.4 which states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas."

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

The immediate removal of excess wild horses from the HFA is necessary to avert the imminent degradation of the rangeland resources caused by overgrazing of wild horses and to restore the range to a thriving natural ecological balance. It is also necessary to comply with the provisions of 43 CFR 4710.4. Issuing this decision Full Force and Effect is in accordance with the regulations at 43 CFR 4770.3(c).

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

Rationale: Analysis of impacts did not identify any unique or unknown risks, impacts to public health or safety, high levels of public controversy, or impacts to threatened and endangered species. The standard operating procedures and mitigating measures will minimize negative impacts and ensure humane treatment of the captured horses. The EA as written in 1988 did not address Native American religious concerns or hazardous and solid wastes but these were addressed in the Supplemental EA S1-93-NV-040-8-15. The action proposed will have no impacts to these areas of concern and no new analysis is necessary.

Kenneth G. Walker

Kenneth G. Walker
District Manager

4-22-94

Date

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.

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.

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.

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

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 Draais	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

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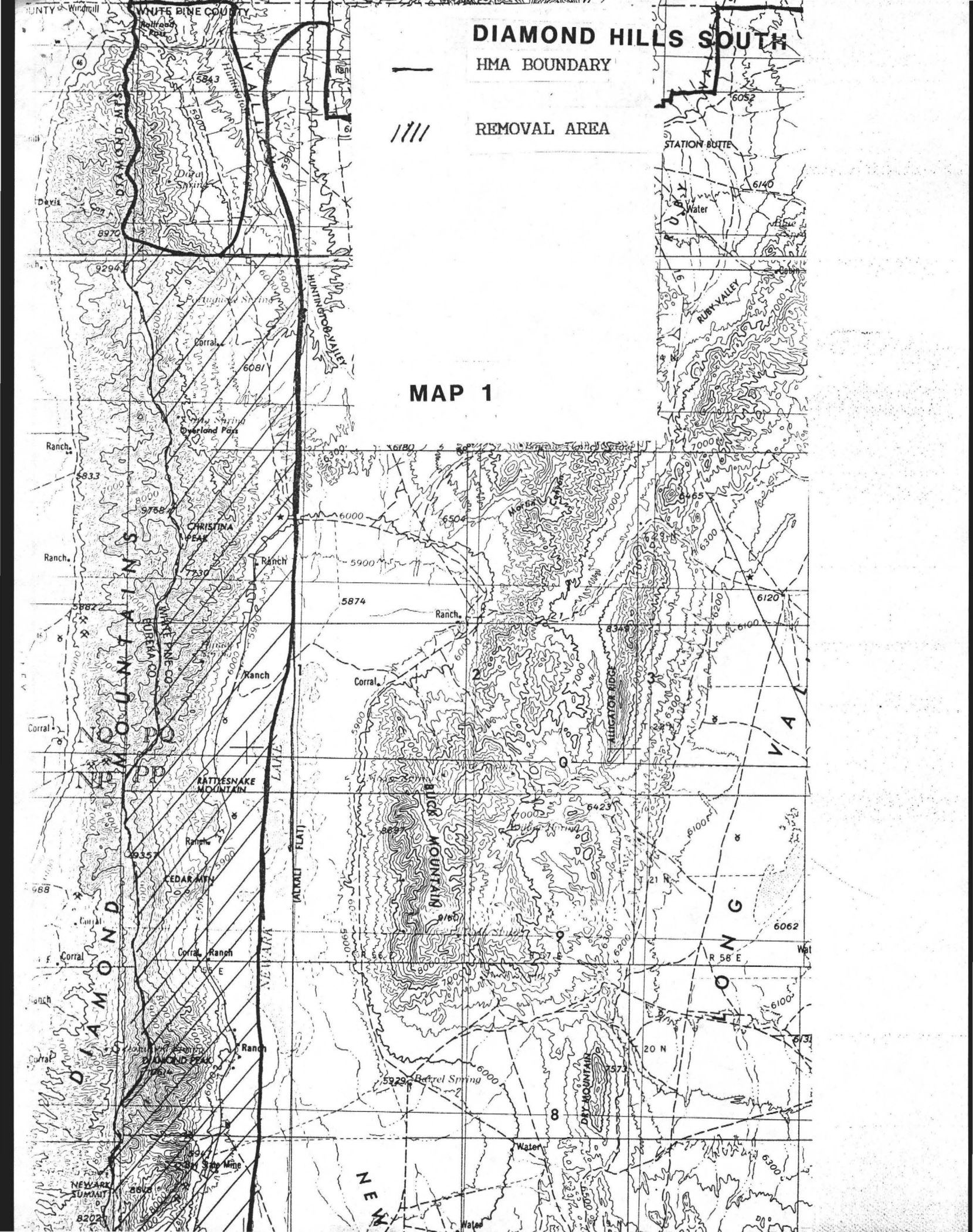
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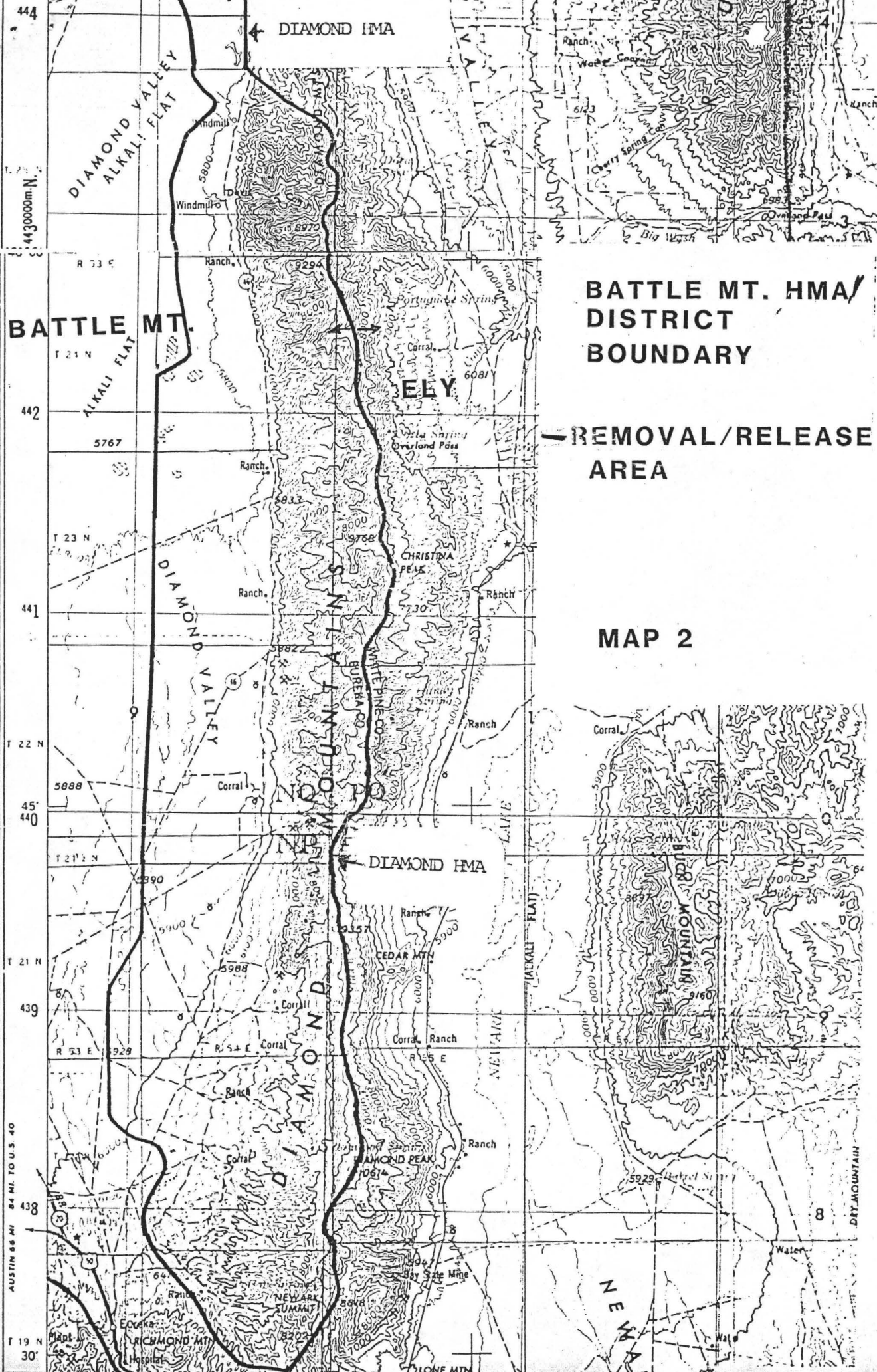
DIAMOND HILLS SOUTH

HMA BOUNDARY

REMOVAL AREA

MAP 1





**BATTLE MT. HMA/
DISTRICT
BOUNDARY**

**REMOVAL/RELEASE
AREA**

MAP 2

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.

movement classes data
?
up to 200?

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.

← dead ?

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 was given and public comments were solicited for a period of 30 days (see Record of Persons, Groups, and Agencies Contacted). Comments were received for the Preliminary Environmental Assessment from the Commission for the Preservation of Wild Horses and Wild Horse Organized Assistance. Both groups supported our recognition of all age classes being represented within the population using selective removal and had no negative comments about the proposed removal.

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

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.

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.

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

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.

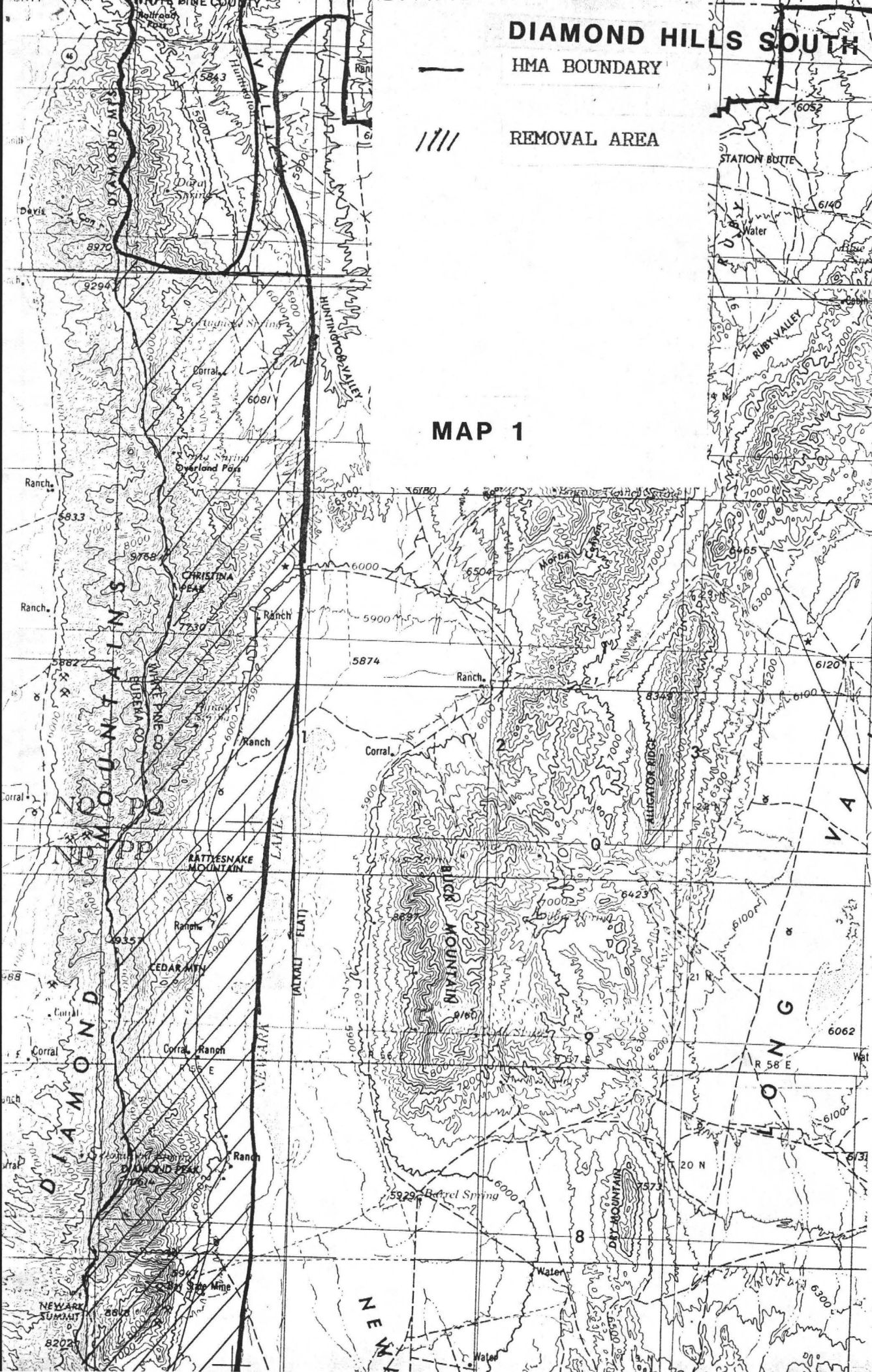
DIAMOND HILLS SOUTH

HMA BOUNDARY

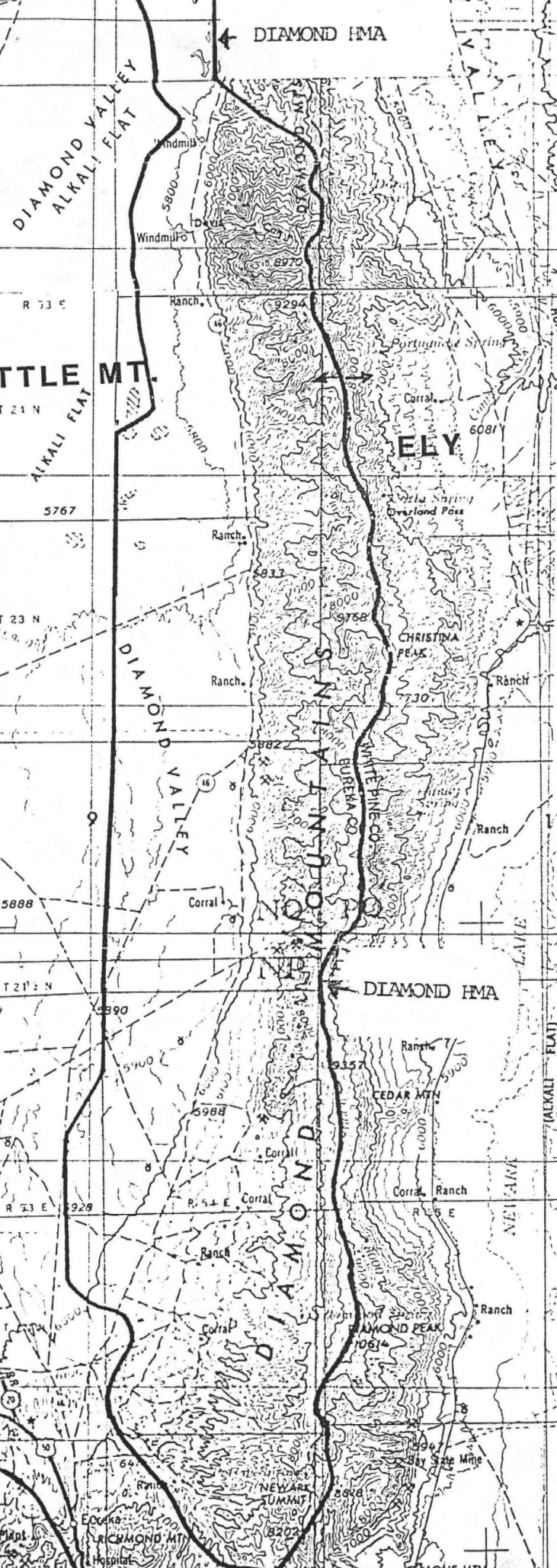
REMOVAL AREA



MAP 1



444
4430000m.N.
R 73 E
T 21 N
442
T 23 N
441
T 22 N
45'
440
T 21 N
439
R 73 E
438
AUSTIN 66 MI 84 MI TO U.S. 40
T 19 N
30'



**BATTLE MT. HMA/
DISTRICT
BOUNDARY**

**REMOVAL/RELEASE
AREA**

MAP 2

