



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office  
Star Route 5, Box 1  
Ely, Nevada 89301



6/15/90

IN REPLY REFER TO:

4700  
(NV-043)

JUN 15 1990

Dear Reader:

Enclosed is a copy of the draft Removal Plan for the Antelope Wild Horse Gather and the associated Environmental Assessment No. NV-040-0-23.

We request your review and comments on the proposed action to remove approximately 390 wild horses from the Antelope herd management area (HMA) and an adjacent horse free area. The area of the proposed gather is located in northeastern White Pine County, Nevada. This action will leave that portion of the Antelope HMA within the Chin Creek, Tippett, and Sampson Creek allotments at its respective level established as proper for management through an analysis of monitoring studies.

Your comments should be received in our office by July 15, 1990, for consideration in this proposed action. If you have any questions or require additional information, please contact:

Bob Brown, Wild Horse Specialist  
Bureau of Land Management  
Ely District Office  
Star Route 5, Box 1  
Ely, Nevada 89301

or call (702) 289-4865.

Sincerely,

Kenneth G. Walker  
District Manager

2 Enclosures

1. Removal Plan for Antelope Wild Horse Gather
2. EA No. NV-040-0-23

**DRAFT**

REMOVAL PLAN FOR  
ANTELOPE  
WILD HORSE GATHER

Prepared by Robert E. Brown  
Wild Horse and Burro Specialist

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

Did we get ROD's  
on Chin Crater  
Sampson Creek  
& Dippett?

check #1's.  
check removal over  
5 years - check if  
livestock reduction is  
from actual or preference  
is Nancy appealing?

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Removal Plan for Antelope  
Wild Horse Gather

Purpose

The proposed action is to restore the range to a thriving natural ecological balance and prevent further deterioration of the range threatened by an overpopulation of wild horses in and around the Antelope Herd Management Area (HMA). The proposed action will bring the population of wild horses to a level in balance with available forage within the Chin Creek, Sampson Creek and Tippet Allotments in the Antelope HMA. The population adjustment is based solely on analysis of monitoring data. Helicopters will be the primary method used to capture the wild horses. Some roping from horseback will also be allowed.

This document outlines the process and the events involved with the wild horse roundup for the Antelope Wild Horse Gather. Included are the numbers of horses to be gathered, the time and method of capture, and the handling and disposition of captured horses. Also outlined are the BLM personnel involved with the roundup, the Contracting Officer's Representative (COR) and Project Inspectors (PI's), the delegation of authority, the briefing of the contractor(s), and the precapture evaluation held prior to gathering operations.

Area of Concern

The proposed gather area is located approximately 35 miles north of Ely in northern White Pine County, Nevada, and includes that portion of the Antelope Herd Management Area (HMA) within the Chin Creek, Sampson Creek and Tippet Allotments, in the Bureau of Land Management (BLM) Ely District, Schell Resource Area. It also includes a horse free area south of and adjacent to the Antelope HMA. Maps are enclosed to help locate the proposed removal areas.

The gather area is covered by the Antelope Wild Horse Herd Management Area Plan (HMAP). The proposed action is in conformance with the Schell Management Framework Plan (MFP) and Record of Decision (ROD). This action is considered a part of long term management.

Number of Horses to be Gathered

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

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<u>Gather Area</u>	<u>Nos. to be Gathered</u>	<u>Nos. to Remain</u>	<u>Censused Population(Year)</u>	
Antelope HMA*	358	211	569	(1990)
Horse Free Area	32	0	32	(1990)
Antelope HMA**	0	158	158	(1990)
Total	<u>390</u>	<u>369</u>	<u>759</u>	

*Who did census?*

\*That portion of Antelope HMA within the Chin Creek, Sampson Creek and Tippet Allotments (removal area based on analysis of monitoring data).

\*\*That portion of Antelope HMA within Egan Resource Area and the Becky Spring, Deep Creek, Goshute Mountain, and Tippet Pass Allotments (non removal area).

Under no circumstances will the HMA be gathered below the numbers to remain, as identified above, nor will any horses be removed from within the HMA outside of the Chin Creek, Sampson Creek or Tippet Allotments. Any subsequent gather will require additional analysis of monitoring data and a new capture plan and EA. A post gather census will be conducted on the HMA to ensure that the identified population numbers remain after the gather is complete. Horses will be released back into the HMA to maintain these numbers, if necessary. All wild horses will be removed from the horse free area outside of the HMA.

Time and Method of Capture

The gather is expected to take place through issuance of a removal contract during FY90, and last approximately 4 weeks. The approximate start date for the removal contract is September 1, 1990. Under no circumstances will gathering be allowed during the foaling season (March 1 to July 1).

The method of capture to be used will be a helicopter to bring the horses to trap sites and horseback riders at the wings of portable traps. The Horse Free Area may require a combination of helicopter trapping and roping from horseback, as determined by the COR, to eliminate all horses from the area. Roping will be allowed to complete the total removal as horses become widely scattered. The temporary traps and corrals will be constructed from portable pipe panels. A temporary holding corral will be constructed in the area to hold horses after capture. A loading chute at the holding corral will be equipped with plywood sides or similar material so horses' legs won't get caught in the panels. Trap wings will be constructed of portable panels, jute netting, or other materials determined to be nonharmful to the horses. Barbed wire or other harmful materials will not be allowed for wing construction. All trap, corral, and wing construction will be approved by the COR.



Other methods of capture are not being considered for various reasons. Water trapping wild horses, though easier on the animal, is not feasible due to the numerous water sources available to horses in the proposed gathering area. Water traps take time to construct and require time for horses to accept as part of their environment; the time allotted to this roundup is limited. Trapping horses by running them on horseback is not feasible because it is too easy to lose the horses after starting them towards the trap; injuries to both people and horses are more likely and the cost factor shown from previous roundups using this method indicates that the costs are prohibitive.

It is estimated that 5 trap locations will be required to accomplish the work. Each site will be selected by the COR after determining the habits of the animals and observing the topography of the area. Specific siting may be selected by the contractor with the COR's approval within this general preselected area. Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive cultural and threatened/endangered plant and animal clearances prior to construction. Additional trap sites may be required, as determined by the COR, to relieve stress to pregnant mares, foals, and other horses caused by certain conditions at the time of the gather (i.e., dust, rocky terrain, temperatures, etc.).

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

The terrain in the removal area varies from flat valley bottoms to mountainous, and the horses could be located at all elevations during the time that the gather is scheduled. There are few physical barriers and fences in the area and the contractor will be instructed to avoid them.

#### Administration of the Contract

BLM will be responsible for the capture, care, temporary holding of approximately 390 wild horses from the gather area, and their transportation to the adoption preparation facility through the issuance of a removal contract.

Within two weeks prior to the start of the contract, BLM will provide for a precapture evaluation of existing conditions in the gather area. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, topography, road conditions, locations of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a conclusion as to whether the level of activity is likely to

cause undue stress to the animals, and whether such ~~stress would~~ be acceptable to the animals if veterinarian expertise were present, or whether a delay in the capture activity is warranted. If it is determined that the capture can proceed with a veterinarian present, the services of a veterinarian will be obtained before the capture will proceed.

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

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

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

The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. To ensure the contractor's compliance with the contract stipulations, the COR and Project Inspector will be on site. However, the Schell Resource Area Manager and the Ely District Manager are very involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the District Manager, Area Manager, COR and PI.

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

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

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

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

#### Contractor's Briefing

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

#### Branded and Claimed Animals

A notice of intent to impound and a 28-day notice to gather wild horses will be issued concurrently by the BLM prior to any gathering operations in this area.

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale if issued.

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

When horses are captured, the COR/PI and the District Brand Inspector ~~will~~ <sup>No</sup> 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.



No

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

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

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

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

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

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

#### Destruction of Injured or Sick Animals

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



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

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

#### Temporary Holding Facility

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

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

#### Stipulations and Specifications

##### A. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals.
2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to insure that captured animals are transported without undue risk or injury.
3. Only stocktrailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stocktrailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stockracks of transporting

vehicles shall be a minimum height of 6 feet ~~6 inches from~~ vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate the animals. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.

4. All vehicles used to transport animals to final destination shall be equipped with at least one door at the rear end of the vehicle which is capable of sliding either horizontally or vertically.

5. Floors of vehicles and the loading chute shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings, to prevent the animals from slipping. This will be confirmed by the COR/PI prior to loading (every load).

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

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

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

7. The COR shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, or other factors when planning for the movement of captured animals. The COR shall provide for any brand and/or inspection services required for the captured animals.

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

8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which animals may have to be transported on dirt roads is approximately 25 miles per load.

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

B. Trapping and Care

1. All capture attempts shall be accomplished by the utilization of a helicopter. A minimum of one saddlehorse shall be immediately available at the trapsite to accomplish roping if necessary. Roping shall be done as determined by the COR. Under no circumstances shall animals be tied down for more than 1 hour.

Roping will be allowed only to capture an orphaned foal or a suspected wet mare. However, since all wild horses have to be removed from the area outside of the HMA's, roping will be allowed if certain individual horses continue to elude helicopter herding operations.

2. The helicopter shall be used in such a manner that bands or herds will remain together. Foals shall not be left behind.

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

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

BLM will not allow horses to be herded more than 10 miles nor faster than 20 miles per hour. The COR may decrease the

rate of travel or distance moved should the route to the trap site pose a danger or cause avoidable stress (steep and/or rocky). Animal condition will also be considered in making distance and speed restrictions.

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

4. It is estimated that 5 trap locations will be required to accomplish the work. All trap locations and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have prior written approval of the landowner.

If tentative trap sites are not located near enough to the concentrations of horses, then the trap site will not be approved. The COR will move the general location of the trap closer to the horses. Trap sites will not be approved where barbed-wire fences are used as wings, wing extensions, or to turn the horses, during herding, toward the trap.

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

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

b. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of 6 feet high.

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

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

e. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be



covered a minimum of 1 foot to 5 feet above ground level. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.

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

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

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

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

8. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estray animals from the other horses. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling.

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

9. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR. The Contractor shall schedule shipments of animals to arrive at final destination between 6:00 a.m. and 4:00 p.m. Every effort will be made to ensure that the time horses are standing on the trucks prior to off loading is minimized. No shipments shall be scheduled to arrive at final destination on Sunday.

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

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

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

C. Helicopter, Pilot, and Communications

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

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

3. The COR shall have the means to communicate with the Contractor's pilot and be able to direct the use of the gather helicopter at all times. If communications cannot be established, the Government will take steps as necessary to protect the welfare of the animals. The frequency(s) used for this contract will be assigned by the COR when the government furnished "slip-in" VHF/FM portable radio is used. When a VHF/AM radio is used, the frequency will be 122.925 MHz.

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

5. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

D. Contractor-Furnished Property

1. All hay, water, vehicles, saddle horses, helicopters and other equipment shall be provided by the contractor. Other

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equipment includes, but is not limited to, a ~~minimum of~~ 1,500 linear feet of 72-inch high (minimum height) panels for traps and holding facilities. Separate water troughs shall be provided at each pen where animals are being held.

2. The contractor shall furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.
3. The contractor shall furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 MHz.
4. The contractor shall provide a programmable VHF/FM radio transceiver in the contractor's helicopter to accommodate the COR/PI in monitoring the gather operation.

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Prepared by:

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

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Date

Reviewed by:

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Gerald M. Smith  
Schell Area Manager  
Ely District Office

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Approved by:

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

\_\_\_\_\_  
Date

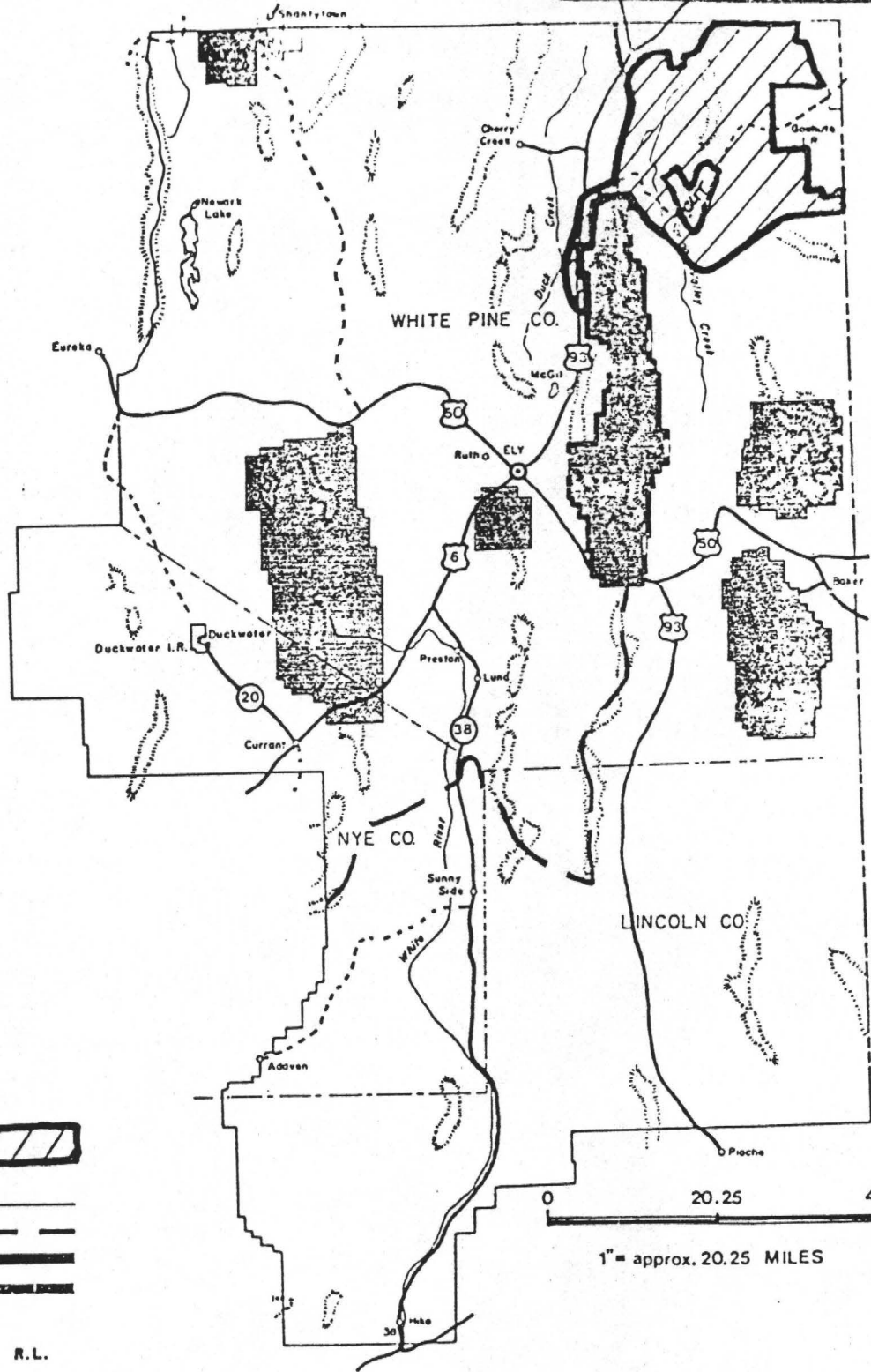
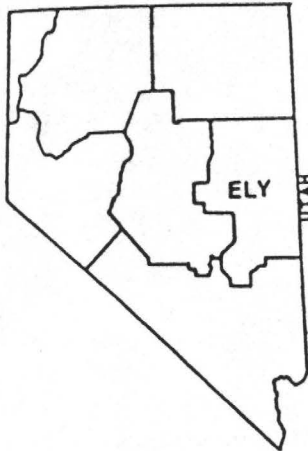
Concurred by:

\_\_\_\_\_  
Fred Wolf  
Acting Nevada State Director

\_\_\_\_\_  
Date



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WORK LOCATION MAP

Gather Area



District Boundary



Resource Area Boundary



Humboldt National Forest



Indian Reservation

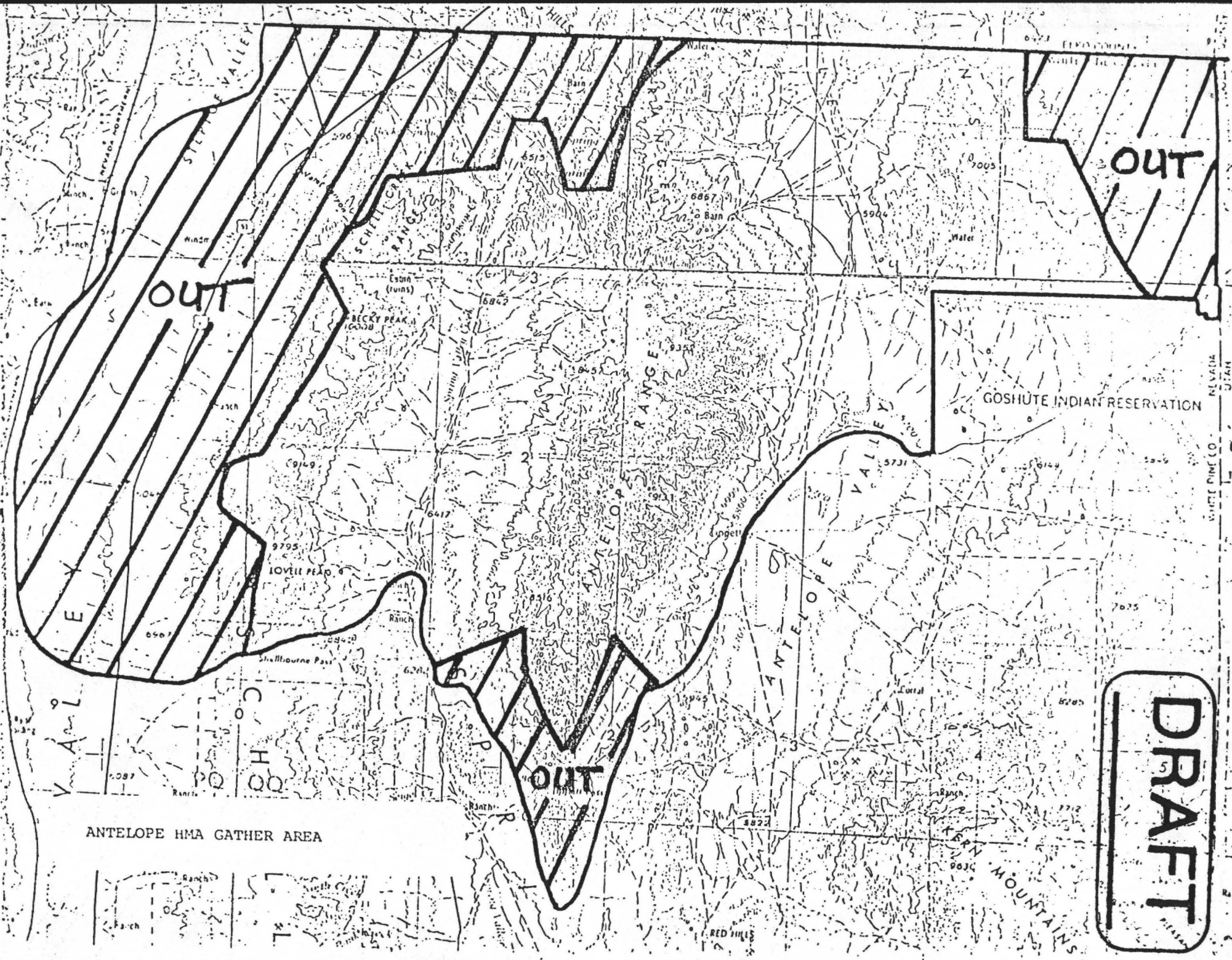


Ruby Lake National Wildlife Refuge

R.L.

ELY DISTRICT

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



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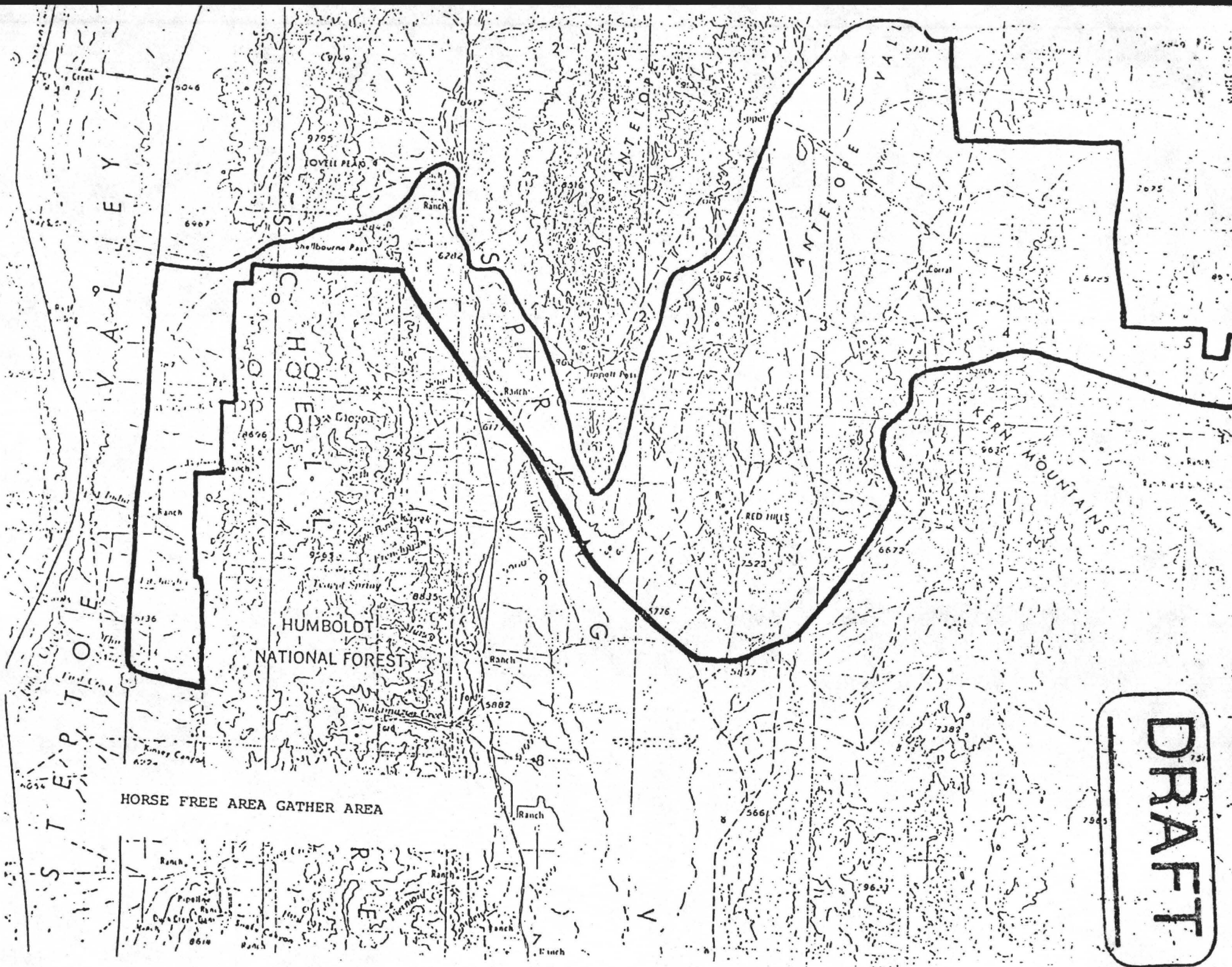
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ANTELOPE HMA GATHER AREA

GOSHUTE INDIAN RESERVATION

NEVADA  
UTAH  
WHITE PINE CO.  
GOSHUTE INDIAN RESERVATION



HORSE FREE AREA GATHER AREA

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PRELIMINARY  
ENVIRONMENTAL ASSESSMENT  
for the  
ANTELOPE WILD HORSE GATHER

EA No. NV-040-0-23

check URA map  
"horse free" areas does  
not coincide w/my map  
increases not stipulated

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not over 5 year period - equitable  
w/ livestock.

Prepared by Sheree L. Kahle  
Wild Horse and Burro Specialist

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



## BACKGROUND INFORMATION

### Introduction

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

The proposed gather area is located approximately 35 miles north of Ely in northern White Pine County, Nevada, and includes that portion of the Antelope HMA within the Chin Creek, Sampson Creek, and Tippett Allotments in the Bureau of Land Management (BLM) Ely District, Schell Resource Area. (see Appendix I - Location Maps).

### Purpose and Need

The purpose of the proposed action is to remove excess wild horses from the Antelope HMA and from a horse free area adjacent to the Antelope HMA.

The removal of wild horses is necessary to restore the range to a thriving natural ecological balance and multiple use relationship and prevent further deterioration of the vegetation community threatened by an overpopulation of wild horses within and adjacent to the Antelope HMA within the Chin Creek, Sampson Creek and Tippett Allotments. It is necessary to remove wild horses that have moved to areas outside of the Antelope HMA and are contributing to the over utilization of the key forage species. The proposed action involves removals in order to correct resource degradation identified from analysis of rangeland monitoring data from the Chin Creek, Sampson Creek, and Tippett Allotment evaluations. Wild horses will be removed from areas outside of the Antelope HMA to reduce resource damage and as directed by 43 CFR part 4710.4 which states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas."

### Relationship to Planning

This EA is tiered to the Schell Grazing Environmental Impact Statement (EIS) which analyzed the general ecological impacts of managing rangelands in the Schell Resource Area under a program of monitoring and adjustment of wild horses and livestock. This EA is a project specific refinement of the EIS focused on the removal of excess wild horses in the Antelope HMA. The decisions regarding overall rangeland management analyzed in the Schell EIS will not be changed by the Antelope Removal Plan. Both documents are available for public review at the Ely District Office.

The proposal area is covered by the Antelope Herd Management Area Plan (HMAP). The proposal is in conformance with the Schell MFP (1983) and ROD (1983), as well as the 1971 Wild Horse and Burro Act (Public Law 92-195), as amended. The proposal is also consistent with the White Pine County Plan for Public Lands developed in compliance with Nevada Senate Bill 40 in 1985 which states, "Manage wild horses to minimize detrimental impacts on other multiple uses and pursue resource enhancement where needed to correct wild horse caused damage."

Major Issues

This proposal is concerned with two major issues. The first issue is to maintain an ecological balance and multiple use relationship of the area by managing wild horses within HMA boundaries at a level established through the analysis of monitoring data. The second issue is the humane treatment and safe handling of the wild horses during capture, care, temporary holding, and transportation to the BLM adoption preparation facility.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action consists of using a helicopter to gather approximately 390 excess wild horses as follows:

<u>Gather Area</u>	<u>Nos. to be Gathered</u>	<u>Nos. to Remain</u>	<u>Censused Population(Year)</u>
Antelope HMA*	358	211	569 (1990)
Horse Free Area	32	0	32 (1990)
Antelope HMA**	0	158	158 (1990)
Total	390	369	759

\*That portion of Antelope HMA within Chin Creek, Sampson Creek, and Tippet Allotments (removals are based on analysis of monitoring data, ie. actual use, use pattern mapping and utilization studies.)

\*\*That portion of Antelope HMA within Egan Resource Area as well as the Becky Spring, Deep Creek, Goshute Mountain, and Tippet Pass Allotments within Schell Resource Area. These areas do not have completed allotment evaluations at this time and will be non-removal areas.

Under no circumstances will the HMA be gathered below the numbers to remain, as identified above. Any subsequent gather will require additional analysis of monitoring data and a new capture plan and EA. A post gather census will be conducted on

*fluctuations between  
Utah & Elko Co.*

the HMA to ensure that the identified population numbers still remain after the gather is complete. Horses will be released back into the HMA to maintain these numbers, if necessary. All wild horses will be removed from the horse free area outside of the HMA.

The horses will be gathered using a helicopter and portable wing traps. The horse free area may require a combination of helicopter trapping and roping from horseback, as determined by the COR, to eliminate all horses from the area. Roping will be allowed to complete the total removal as horses become widely scattered. The gather is expected to take place through issuance of a removal contract during FY90, and last approximately 4 weeks. The approximate start date for the removal contract is September 1, 1990.

It is estimated that 5 temporary traps with deflector wings encompassing less than 1 acre each would be constructed on public lands in the herd areas. Temporary trap and corral sites would be selected by the contractor and approved by BLM. Each facility would be constructed from portable pipe panels. These traps would be moved as needed during the gathering operation and completely removed from the area after the contract is completed. A contracted helicopter and experienced wranglers would be used to drive and direct horses to each trap site in an efficient and careful manner. Hazards such as cliffs, fences, and old mine shafts would be scouted in advance and avoided. Existing roads and trails would be used whenever possible. Horses would be truck hauled to temporary holding facilities in Palomino Valley, Nevada, for processing, then shipped to distribution centers for adoption. Horses that might be held at the trap site in excess of 10 hours would have food and water provided.

Branded trespass horses or other claimed horses and their current year's foals would be impounded and held until trespass fees, gathering fees, and other associated costs as determined by the Schell Area Manager are paid to the Bureau, and then these animals would be turned over to the owner. Branded horses not claimed would be treated under the Nevada State estray laws.

#### Applicable Standard Operating Procedures

These standard operating procedures (SOP's) are also part of the proposed action:

- (1) Horse handling will be kept to a minimum. Capture and transporting operations can be traumatic to the animals. Minimizing the handling would increase the safety of the animals, as well as the handlers.
- (2) No gathering will be allowed during the foaling season, between March 1 and July 1, because of the potential stress to pregnant and lactating mares and the possibility of induced abortions.

(3) Horses will not be run more than 10 miles nor faster than 20 miles per hour during gathering operations and gathering will be done in the early morning and early evening to avoid overheating horses during hot weather.

(4) A veterinarian will be on call during gathering operations.

(5) Trap sites or holding corrals will not be placed in areas of any known listed or proposed threatened or endangered plant or animal species.

(6) A cultural resources investigation by an archaeologist or a district archaeological technician will be conducted prior to any trap or holding corral construction. If cultural values are discovered, an alternate site will be selected.

(7) Helicopters will be used with caution. A qualified district Representative (COR or PI) will be present during gathering attempts to ensure strict compliance with the above mileage limitations and 43 CFR Part 4700 regulations. He/she will make a careful determination of a boundary line to serve as an outer limit within which attempts will be made to herd horses to a given trap. Topography, distance, weather, and current conditions of the horses will be considered in setting the mileage limits so as to avoid undue stress on the horses while they are being herded. The COR/PI will be present at the gathering site to ensure minimum injury and other traumatic effects that could occur to the horses and that contract stipulations are adhered to. The Authorized Officer will also have a helicopter on site to use in monitoring and supervising the contract. This helicopter will be used with discretion to minimize disturbance of horses that would make gathering more difficult. However, it will be used as needed to assure that the contractor is complying with the contract specifications.

(8) Captured horses that are obviously lame, deformed, or sick will be humanely disposed of at the trap site.

(9) Every effort will be made to keep mares and their young foals together.

(10) A BLM law enforcement agent will be present if needed during the gathering operation to provide protection for personnel working on the roundup, as well as the gathered horses.

(11) Trap sites will not be placed within one-quarter mile of water sources such as streams, springs, reservoirs, or troughs.

(12) Temporary traps and corrals will be removed and sites will be left clean of all debris within 30 days following the gathering operation.

(13) No traps or holding corrals will be established within WSA's and motorized vehicles will be confined to existing roads and ways.



In addition to the standard operating procedures, the stipulations and specifications as listed in the Removal Plan for the Antelope Wild Horse Gather will also be considered a part of the proposed action.

### Alternatives

Different methods of capturing wild horses are discussed in the removal plan and will be briefly discussed in the alternative section of this environmental assessment. Current economic and political constraints limit "technically feasible and reasonably available" alternatives which could be expected to attain the objectives of the proposed action.

#### Alternative I - Water Trapping Wild Horses

Water trapping wild horses, though easier on the animal, is not feasible due to number of water sources available in or adjacent to the proposed gathering area. Water traps take time to construct and require time for horses to accept as part of their environment. The time allotted to this roundup is limited; therefore, this alternative will not be considered further.

#### Alternative II - Trapping Wild Horses by Running Them on Horseback

Trapping horses by running them on horseback is not feasible because it is too easy to lose the horses after starting them towards the trap. Injuries to both people and horses are more likely. The cost factor shown from previous roundups using this method indicates that the costs are prohibitive. This alternative will, therefore, not be considered further.

#### Alternative III - No Action

Under the No Action alternative no gathering operations would be conducted; no wild horses would be gathered. Herd numbers would not be held at the levels established through analysis of monitoring studies and wild horses would remain and increase outside of HMA boundaries. Since this would be out of conformance with the land use plans, this alternative will not be considered further.

### DESCRIPTION OF THE AFFECTED ENVIRONMENT

A complete description of the affected environment can be found in the Schell Unit Resource Analysis (URA, 1981), and the Draft Schell Grazing EIS (1982). These documents are on file at the BLM Ely District Office. Certain elements of the affected environment, which are necessary for the understanding of the anticipated impacts, will be described in the environmental consequences section for the proposed action.

## ENVIRONMENTAL CONSEQUENCES

### Proposed Action

There would be no impacts from the proposed action to threatened or endangered species (plants or animals); floodplains; wetlands; areas of critical environmental concern; wild and scenic rivers; visual resource management; prime or unique farmlands; or cultural, paleontological, and historical resource values.

### Threatened and Endangered Plants:

There are no threatened or endangered plant species known to occur within the Antelope HMA. However, a plant, Thelypodium sagittatum var. ovalifolium has been located southeast of Becky Springs and south of Henriod Ranch. This species is on the State of Nevada's threatened and endangered plant species "watch" list. Species in this category have no special status but are being monitored. The proposed action will have no known impact on this species since trap sites will not be located where the plants are found.

### Threatened and Endangered Animals:

Bald eagles and peregrine falcons may be found on the HMA any time of the year, but no special use areas have been identified. The proposed wild horse gather is not expected to impact these species.

### Water and Riparian:

The Antelope HMA is well watered in the upper elevations of the Schell Creek Range and North Antelope Range. In other parts of the plan area water is not well distributed or is lacking. The Chin Creek and Sampson Creek Allotment Evaluations document damage attributable to wild horses and livestock on several springs. Their associated riparian vegetation is being impacted by heavy to severe grazing and objectives for riparian management are not being met. Reduced wild horse numbers would lessen grazing and trampling at waterholes and riparian areas, contributing to a more favorable riparian habitat.

*So would reducing livestock - so would fences*

### Wilderness Values:

There are no Wilderness Study Areas located within or adjacent to the entire Antelope HMA removal area.

### Social and Economic Values:

Positive management and maintenance of wild horse numbers at a viable herd level could bring vicarious pleasure to wild horse advocates. The removal of excess wild horses from the gather

area would please local sportsmen and livestock operators. Proceeding with the gather would help public relations for the Ely BLM District. There would be an economic benefit to the private contractor who is hired to remove the excess wild horses.

#### Air Quality:

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

#### Wild Horses:

The Antelope HMA is located approximately 35 miles north of Ely, Nevada, within the Ely District of the Bureau of Land Management. The most recent complete aerial census conducted in the Antelope HMA was in March 1990 and resulted in an actual count of 759 wild horses in and adjacent to the HMA. There were 569 horses counted in the portion of the HMA where allotment evaluations have been completed; 483 were located in the Chin Creek Allotment, 27 were in the Sampson Creek Allotment, 59 were in the Tippet Allotment. There were 158 horses counted in the Egan Resource Area portion of the HMA and the portion of Schell Resource area where evaluations have not been completed; 50 were in the Deep Creek Allotment, 32 were in the Goshute Mountain Allotment, 34 were in the Tippet Pass Allotment and 19 were in the Becky Springs Allotment. (Horses will not be removed from these areas as a part of this management action.) There were 32 horses counted outside of and adjacent to the HMA. The HMA location is shown in Appendix I (Location Map). The horse free area is also shown in Appendix I.

From analysis of data it was determined that 211 wild horses are the maximum that the Chin Creek, Sampson Creek and Tippet allotment portions of the Antelope HMA can support while maintaining an ecological balance among vegetation, wild horses, wildlife, and livestock.

A negative impact on wild horses would be expected during gathering and handling. This would result from traumatic effects of capturing, trapping, loading, and hauling the animals. The use of helicopters to capture excess wild horses may result in leppy foals and split bands, as well as injured horses. Incidents like these tend to be increased if the animals are pushed too hard. Death loss is not expected to exceed 2% of the horses captured at the trap site. The standard operating procedures and contract specifications will minimize the negative impacts from gathering, and help ensure humane treatment and safe handling of the wild horses during capture, care, temporary holding, and transportation to the BLM adoption preparation facility.

Removal operations may disrupt band structure either temporarily or permanently and cause some stress to individuals. A certain degree of heterozygosity will be lost from a small population as a result of removals. However, removals may disrupt the band structure of remaining wild horses which would facilitate recombination of adult horses which may lead to an increase in average heterozygosity. If removals are selective in any way, this loss of heterozygosity will be greatly increased.

Enough horses would remain to maintain viable herds and provide for interaction between bands. Reduced competition among wildlife, livestock, and horses for forage, water, cover, and living space would result in better condition animals, as well as higher survival and reproduction rates in each. Managing the wild horses within HMA boundaries at the established levels based on an analysis of monitoring studies will help maintain the ecological balance and multiple use relationship of the area also.

Biological information can be obtained from the gathered animals (sex ratios and age classes, proportion of females breeding, parasites, diseases, etc.). All of this information would be useful in future wild horse management. Population analysis is based on information which can be gathered only from intensive management practices and a gather will not only reduce an overpopulation of wild horses but will also provide some of this vital information.

#### Soils:

Areas which presently exhibit soil erosion and compaction would be positively impacted because of the reduction of animals and decreased trampling effects. New trampling areas and resultant soil compaction would be created at the trap and holding corral sites by the large number of horses concentrated there. The impact would be minor since the impacted area would be small in relation to the gather area, and the time for gathering is short lived.

Vegetative cover has a direct influence on the erosion potential of soils. The reduction in horse numbers and the resultant reduction in vegetative utilization (especially in heavy use areas) would have both short and long-term beneficial impacts to the soils resource. These beneficial responses - less soil compaction and improved soil production potential - would be most important in heavy horse use areas.

#### Vegetation:

Utilization studies and use pattern mapping of the vegetation completed since 1982 show that extensive areas within the HMA's are currently receiving heavy and severe use. This use can be attributed to wild horses, which graze yearlong, and to cattle and sheep, which graze during their established seasons of use by allotment.

*and to unchecked trespass <sup>livestock</sup> grazing which was substantial during 1981-1985*



Percentages of wild horse, cattle, and sheep use are based on actual use data, aerial census data, field observations, and distribution analysis of where the grazing use by individual species occurred and reflect that portion of the area used by each species. At current population levels, the ecological status of the HMA and surrounding area will continue to deteriorate.

Key area frequency transects are established in the HMA and are read approximately every five years. Determination of key areas and establishment of frequency transects was done and will continue, following established procedures in the Nevada Range Monitoring Procedures and BLM Handbook TR 4400-4. All utilization studies were conducted using the key forage plant method as recommended in the Nevada Rangeland Monitoring Handbook.

#### Chin Creek Allotment Monitoring Data and Analysis:

Allowable use levels were exceeded, use pattern mapping indicated areas of heavy to severe use in 1985 and 1986, and apparent trend is down at four of eight key areas - all of which are in areas used by wild horses and wildlife but not by cattle and only to a small extent by sheep.

Use in Spring Valley since 1982 has been mostly horse use (81% horse use; 19% livestock use.) In 1986, 264 AUMs were used by sheep and 360 AUMs were used by sheep in 1987. Use in the Antelope Range in 1987 was entirely from horses. Use in Antelope Valley was 44 % wild horse and 56% livestock. Use in the Black Hills was 100% from horses. Horse use in Spring Valley is yearlong and use (AUMs) equals the number of horses counted in the area using aerial census times the number of months horses used the area (12). Use in the Antelope Range was exclusively by horses in both 1985 and 1986, although they only use the area in the summer months. Use in this area equals the number of animals counted in the Antelope Range and in the Antelope Valley times five months. The Antelope Valley pastures are the horses' winter range and use in the area equals the number of horses counted in the valley and in the mountains times seven months. Use in the Black Hills is yearlong and equals the number of horses counted times 12. Refer to The Management Action Selection Report and the Proposed Decision for the Chin Creek Allotment for specific monitoring and analysis of data.

It has been determined through monitoring and evaluation that a thriving natural ecological balance will be obtained by maintaining wild horse numbers at an appropriate management level of 152 animals for that portion of the Antelope HMA which occurs in the Chin Creek Allotment.

### Sampson Creek Allotment Monitoring Data and Analysis:

The entire allotment lies within the antelope HMA. Wild horses use the west half of the allotment during the summer and the east half during the winter.

Allowable use levels were exceeded six out of seven years and use pattern mapping indicates heavy and severe use in 1985 and 1986 in the area where no livestock use is made. Trend is down at all three key areas. Use (AUMs) by horses was estimated from census data and equals the number counted on the allotment times seven because horses use the allotment yearlong.

It has been determined through monitoring that a thriving natural ecological balance will be obtained by maintaining wild horse numbers at an appropriate management level of 25 animals for that portion of the Antelope HMA which occurs within the Sampson Creek Allotment.

### Tippett Allotment Monitoring Data and Analysis:

Wild horses use the portions of the Tippett Allotment that encompass the Schell Creek Range and the Antelope Range. Livestock also use these areas and percentages of total use are as follows: In the Schell Creek Range - 67% horse use and 33% livestock use. In the Antelope Range - 56% horse use and 44% livestock use. There are no wild horses found in the portions of the allotment that encompass Antelope Valley or the Kern Mountains.

Allowable use levels since 1986 were exceeded at 4 of the 5 key areas which represent both wild horse and livestock use. Use pattern mapping shows heavy to severe use in 1985 and 1986. Overall trend for the allotment seems to be static but encroachment of juniper/pinyon has caused a loss of 2,464 AUMs on the allotment. Through analysis of monitoring data it has been determined that a thriving natural ecological balance will be obtained by maintaining horse numbers at an appropriate management level of 34 animals for that portion of the Antelope HMA which occurs in the Tippett Allotment.

Refer to the Management Action Selection Report and the Proposed Decisions for Chin Creek, Sampson Creek and Tippett Allotments for allowable use levels established for key management species within these allotments. These documents are available for public examination in the Ely District Office of the BLM.

Based on an analysis of the monitoring data within the Chin Creek, Sampson Creek and Tippett Allotments 390 excess wild horses need to be removed to maintain an ecological balance in the herd area. The removals are proposed by gather area as follows:

Antelope HMA - 358 horses will be removed from the portions of the HMA that are within the Chin Creek, Sampson Creek and Tippet Allotments. 369 animals will remain within the HMA upon completion of the removal operation.

Horse Free Area Gather Area - All wild horses (32 based on the March 1990 census) will be removed. This area is outside of and adjacent to the Antelope HMA and not managed for wild horses. Title 43 CFR part 4710.4 states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas". Wild horses in this area are establishing permanent residency outside of the Antelope HMA.

Studies data, allotment evaluation summaries, Management Action Selection Reports and the Proposed Decisions for the Chin Creek, Sampson Creek, and Tippet Allotments provide a detailed analysis upon which this removal proposal is based. These documents are on file at the BLM Ely District Office.

Removal of wild horses will prevent further deterioration of the range due to the wild horse overpopulation. By removing the excess wild horses, the remaining population will allow for a thriving ecological balance among wild horses, wildlife, livestock and vegetation. The allotment specific objectives for vegetation, as stated in the Chin Creek, Sampson Creek, and Tippet Allotment Evaluations, will be attained through this removal of excess wild horses and the forthcoming livestock adjustments.

There would be a short-term negative impact to the vegetation at the trap sites and holding corrals, which would be less than 1 acre each. The vegetation would be severely trampled by all the horses that would be concentrated at those locations. This would be a minor impact, though, because the impacted areas would be small in relation to the gather area. Vegetative regeneration would be expected within 2 to 3 years depending on climatic conditions.

The reduction in wild horses would have a positive long-term impact on the vegetative community of the area. The ecological condition of the different plant communities would improve after the gather. The more desirable grasses and shrubs would not be utilized as heavily. Production of these species would increase, as would their percentage of composition within the community.

The invasion of undesirable grasses and forbs would not be as great under the proposed action. Decreased grazing pressure would slow downward trends in overall range condition and would improve the ecological balance and multiple use relationship of the area.

## Wildlife:

A minor impact to wildlife is expected during the gather. Some animals could be temporarily frightened or displaced by the increased activity during the removal operation. Helicopters have been observed to produce negative impacts on wildlife species - running and panic behavior in big game species, flight response in waterfowl, and frantic escape behavior in eagles and other raptors. Although the precise overall impacts of low-flying aircraft on wildlife are not known at the present time caution will be exercised in using helicopters in wildlife concentration areas to minimize the impacts.

Any reduction in wild horse numbers should reduce competition for forage and result in a beneficial impact to the mule deer and antelope herds. Reduced competition for the supply of mountain brush and other forage should help the deer and antelope through hard winters and reduce winter losses.

Reduced use and trampling on riparian areas should benefit a large number of wildlife species. It would greatly benefit sage grouse since they use riparian areas for brooding. It would benefit mule deer since these areas serve as fawning areas and provide much needed nutrition for lactating does.

## Livestock Grazing:

The Antelope HMA covers portions of the Chin Creek, Sampson Creek, Tippett, Tippett Pass, Becky Spring, Deep Creek, and Goshute Mountain Allotments within the Schell Resource Area. It also falls within the boundaries of five allotments within the Egan Resource area - Cherry Creek, Becky Creek, North Steptoe, Lovell Peak, and Schellbourne. This removal will have no impact on the Tippett Pass, Becky Spring, Deep Creek or Goshute Mountain Allotments in the Schell Resource Area, as there has been no gather proposed on these allotments. It will also have no impact on the five Egan Resource Area allotments; there has been no gather proposed on these allotments.

The Proposed Decisions for the Chin Creek, Sampson Creek, and Tippett Allotments propose reductions in current livestock active use and some changes in period of use for all three allotments.

The Chin Creek reduction, in accordance with 43 CFR 4110.3-3(a) and (b), will be implemented over a five year period as follows:



*Chin Creek  
Gear-bound*

FROM:

Kind	Period of Use	%PL	AUMs Active	Susp
Cattle & Sheep	03/01 - 02/28	100	13,115	130

TO:

Effective	Period of Use	%PL	AUMs Active	Susp
Year 1 (June 1, 1990)	03/01 - 02/28	100	10,955	2,290
Year 3 (March 1, 1993)	03/01 - 02/28	100	9,691	3,554
Year 5 (March 1, 1995)	03/01 - 02/28	100	8,426	4,919

The Sampson Creek reduction, in accordance with 43 CFR 4110.3-3(a) and (b), will be implemented over a five year period as follows:

FROM:

Kind	Period of Use	%PL	AUMs Active	Susp
Sheep	05/01 - 07/31	100	1,592	0

TO:

Effective	Period of Use	%PL	AUMs Active	Susp
Year 1 (June 1, 1990)	05/01 - 09/30	100	1,503	89
Year 3 (March 1, 1993)	05/01 - 09/30	100	1,415	177
Year 5 (March 1, 1995)	05/01 - 09/30	100	1,327	265

The Tippet reduction, in accordance with 43 CFR 4110.3-3(a) and (b), will be implemented over a five year period as follows:

FROM:

Hank Vogler	Kind	Period of Use	%PL	AUMs	
				Active	Susp
	Cattle	03/01 - 02/28		5,950	
	Sheep	03/01 - 11/30		4,421	
	Sheep	02/01 - 02/28		379	
				<u>10,750</u>	
Intermountain Ranches, Inc.	Sheep	03/01 - 11/30		1,625	
Lyman Rosenlund	Sheep	03/01 - 10/31		1,240	

TO:

Effective	Period of Use	%PL	AUMs	
			Active	Susp
Year 1 (June 1, 1990)	03/01 - 02/28		10,875	2,740
Year 3 (March 1, 1993)	03/01 - 02/28		8,134	5,481
Year 5 (March 1, 1995)	03/01 - 02/28		5,393	8,222

There would be a slight negative impact to livestock grazing as a result of the proposed action. Livestock would be disturbed by all the activities associated with the gather. This would be a short-term impact and only on those allotments being used at the time of the removal. There would be no impact to the other allotments.

The proposed action would have a long-term positive impact on livestock grazing on all the allotments in the removal area. Forage competition would be reduced after the gather.

PROPOSED MITIGATING MEASURES

1. Wherever possible, gathering will avoid areas of high concentrations of mule deer and antelope to avoid stressing these animals.
2. Livestock concentrations will be avoided whenever possible to reduce the disturbance to them during the gather.
3. Horses will normally not be kept within the traps or corrals for more than 1 day to minimize stress to the animals and trampling effects and soil compaction, unless approved by the Authorized Officer. Number of horses to be held may vary depending on how many are caught in any one area. Horses may be held longer than 1 day, dependent upon shipping schedules, number of horses captured, or other unforeseen circumstances.

*feed & water*

SUGGESTED MONITORING

The COR/PI will continuously monitor the gather operation to ensure that all conditions and stipulations in this EA are complied with. The project area will be cleaned up (trash and debris) prior to release of the Contractor. The temporary traps and holding corrals will be removed by the Contractor within 30 days following contract completion.

The COR/PI will conduct an aerial census, by helicopter, of the HMA's immediately following the gather to determine whether the proper number of horses remains. Additional aerial census will be conducted every 3 to 5 years thereafter (funding permitting) to monitor the growth of the herd. When census numbers exceed the proper number for management based on analysis of monitoring studies, a followup gather will be proposed to again reduce the herd to its proper management level. *If additional forage becomes available or if 3rd and 5th year livestock reductions are determined to be unnecessary, the proper management level for horses will be increased accordingly.*

CONSULTATION AND COORDINATION

Intensity of Public Interest

Nationally, the issue of wild horses on western public rangelands has been an intense controversy spanning many years and beginning prior to the passage of the Wild Horse and Burro Act in 1971. Wild horse preservationists are generally concerned with maintaining adequate habitat on public lands for optimum population levels of wild horses and viable herds.

Ranchers who graze livestock on public lands view excess wild horses as competitive with livestock for forage and water. However, some ranchers and others support a maintenance of reasonable numbers of wild horses.

Sportsmen and other wildlife interests also see excess horses as a competitive threat to wildlife populations and site competition for food, water, cover, and space as being detrimental.

Nevada, the state with the highest wild horse population, was also home state of the wild horse protection movement fostered by the late Velma Johnston ("Wild Horse Annie"). In Nevada, ranching is a mainstay business in rural counties. The levels of public interest in wild horses are high in Nevada, both from the protection and removal viewpoints. The Bureau of Land Management in Nevada has been and is involved in wild horse related court litigation. Litigations have been brought by protectionist groups seeking to stop what they view as unwarranted horse gathering. Recent litigations have been brought by private landowners, including livestock permittees, many of whom have requested removal of wild horses from their private lands.

Since public interest is high and the wild horse program is of a controversial nature, public notification of the project is being given and public comments are solicited for a period of 30 days (see Record of Persons, Groups, and Agencies Contacted). Comments received will be considered for the final environmental assessment.

Record of Persons, Groups, and Agencies Contacted

- American Horse Protection Association
- American Mustang and Burro Registry
- National Mustang Association
- International Society for the Protection of Wild Horses and Burros
- Fund for Animals
- U.S. Humane Society
- Nevada State Department of Agriculture
- Animal Protection Institute of America
- American Humane Association
- National Wild Horse Association
- Wild Horse Organized Assistance
- Save the Mustangs
- American Bashkir Curly Register
- Humane Society of Southern Nevada
- Nevada Humane Society
- U.S. Fish and Wildlife Service
- Nevada Federation of Animal Protection Organizations
- Commission for the Preservation of Wild Horses and Burros
- Mr. Craig C. Downer
- American Wild Mustang and Burro Foundation
- Ms. Deborah Allard
- Ms. Nan Sherwood
- Ms. Amanda Rush
- Mr. John Walker, Nevada State Clearinghouse Coordinator
- Nevada Cattlemen's Association
- Nevada Department of Wildlife, Region II
- Bureau of Land Management, Nevada State Director
- Bureau of Land Management, Elko District Manager
- Mr. Steven Fulstone
- Ms. Barbara Eustis-Cross, L.I.F.E. Foundation
- Mr. Donald Molde
- Ms. Tina Nappe
- Ms. Jan Nachlinger, The Nature Conservancy
- Nevada Farm Bureau Federation
- Nevada Outdoor Recreation Association
- Nevada Wildlife Federation
- Sierra Club, c/o Ms. Rose Strickland
- United States Wild Horse and Burro Foundation
- Mr. Reed B. Robison
- Mr. Warren P. Robison
- Mr. Hank Vogler
- Mr. George Swallow
- Mr. Marvin Jessen
- Mr. Albert Means
- Mr. John Phillips
- Mr. Lyman J. Rosenlund
- White Pine County Commission



Internal District Review

Ray Jensen/Robert Brown/Lisa Diercks  
Robert Brown/Sheree Kahle  
Brian Amme  
Jake Rajala

Jay Ruegger  
Mark Barber

Paul Podborny  
Loran Robison  
Timothy B. Reuwsaat  
Gerald M. Smith  
Gene Draais

Livestock Grazing  
Wild Horses and Burros  
Cultural Resources/Wilderness  
Visual Resources Management/  
Recreation/Socio-Economics/  
Environmental Coordination/  
Land Use Planning  
Soils/Air  
Riparian/Threatened and  
Endangered Plants and  
Animals/Wildlife  
Wildlife/Livestock Grazing  
Watershed/Water Quality  
ADM Resources  
Schell Resource Area Manager  
Egan Resource Area Manager

SIGNATURES

Prepared by:

\_\_\_\_\_  
Sheree L. Kahle  
Wild Horse and Burro Specialist  
Schell Resource Area  
Ely District

\_\_\_\_\_  
Date

Reviewed by:

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jake A. Rajala  
Environmental Coordinator  
Ely District

\_\_\_\_\_  
Date

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

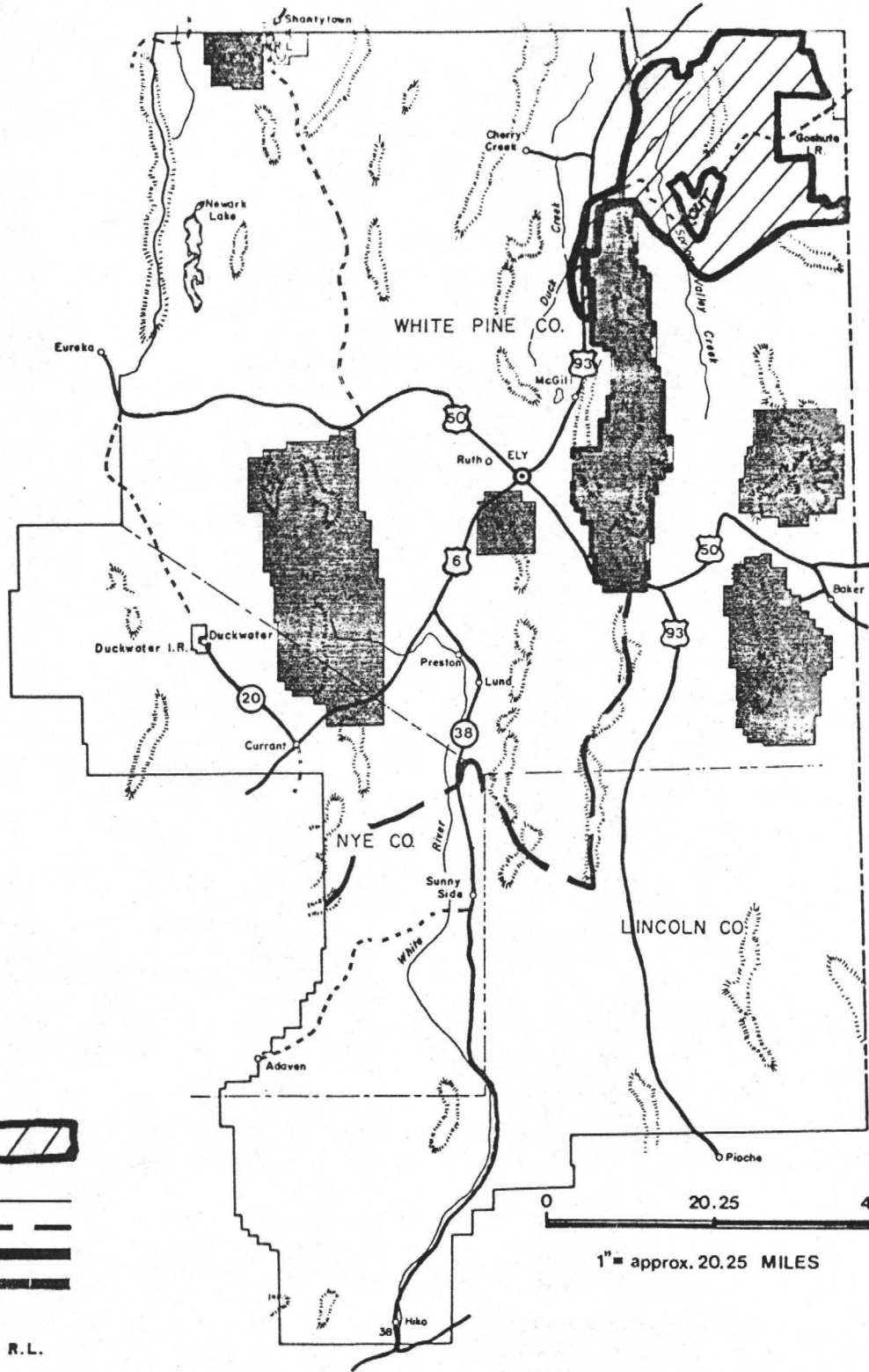
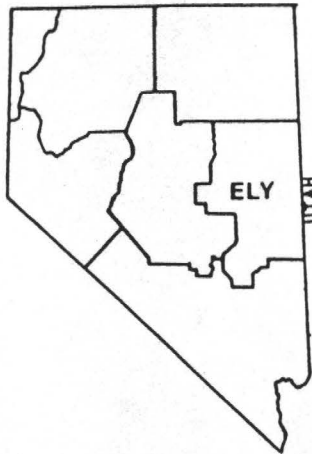
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Date

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Gerald M. Smith, Manager  
Schell Resource Area  
Ely District

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



WORK LOCATION MAP

Gather Area



District Boundary



Resource Area Boundary



Humboldt National Forest



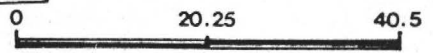
Indian Reservation



Ruby Lake National

Wildlife Refuge

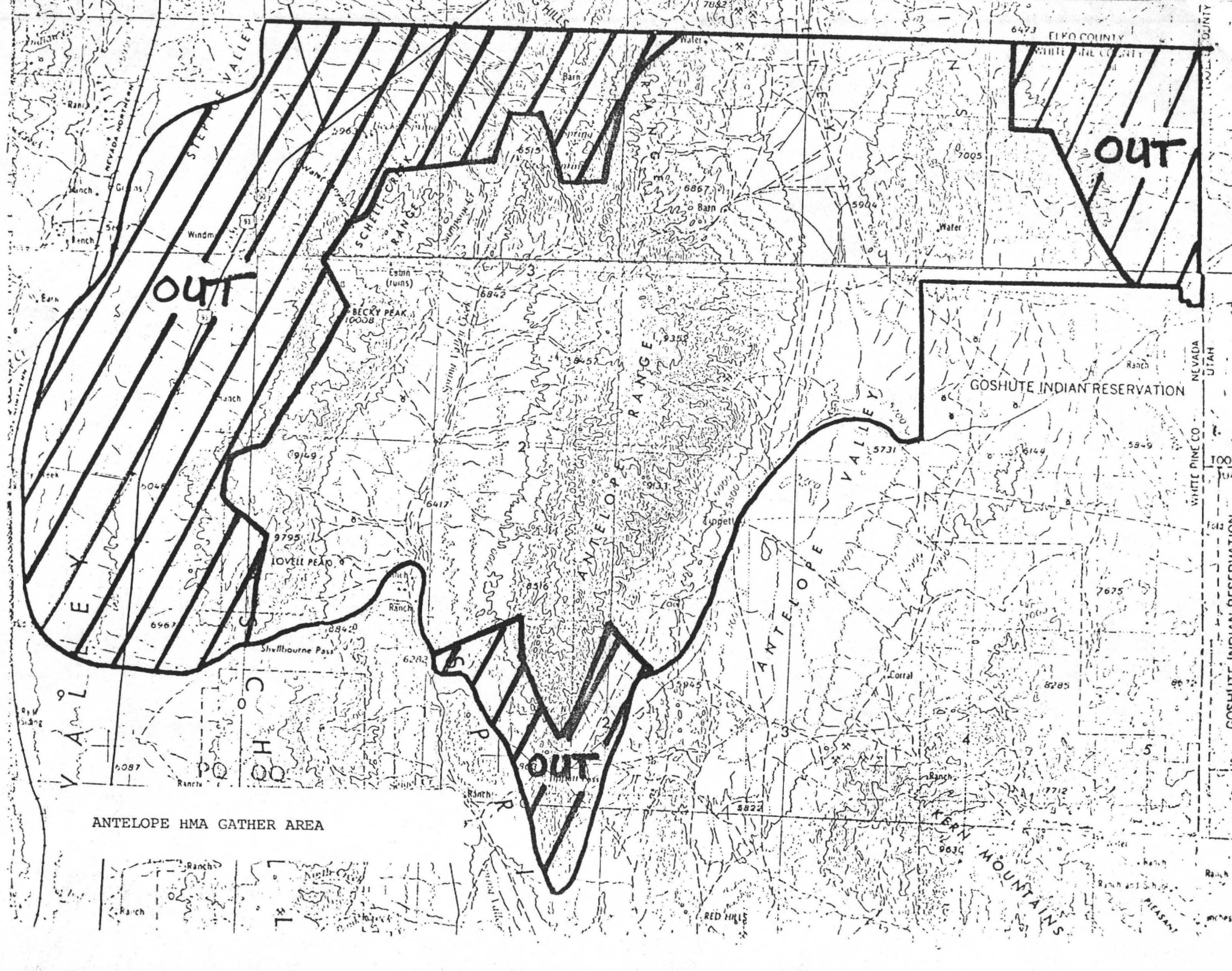
R.L.



1" = approx. 20.25 MILES

# ELY DISTRICT

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



ANTELOPE HMA GATHER AREA

OUT

OUT

OUT

GOSHUTE INDIAN RESERVATION

GOSHUTE INDIAN RESERVATION

NEVADA  
UTAH  
WHITE PINE CO.

ELKO COUNTY

WHITE PINE COUNTY

TOOELE COUNTY

RED HILLS  
MOUNTAINS







**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

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

**COMMISSIONERS**  
Deloyd Satterthwaite, Chairman  
Spanish Ranch  
Tuscarora, Nevada 89834  
  
Dawn Lappin  
15640 Sylvester Road  
Reno, Nevada 89511  
  
Michael Kirk, D.V.M.  
P.O. Box 5896  
Reno, Nevada 89513

July 11, 1990

Ken Walker, District Manager  
Ely District - BLM  
Star Route 5, Box 1  
Ely, Nevada 89301

Dear Mr. Walker,

Thank you for the opportunity to review and provide comments on the draft Removal Plan for the Antelope Wild Horse Gather and associated EA No. NV-040-0-23.

The Commission feels that the Allotment Evaluation process is the only way to insure that decisions on the public lands that affect wild horses will be based on scientific data rather than politics.

We would like to support proper management of wild horses, when the management decisions are based on appropriate data.

Since we have not received answers to specific questions that were raised in our response to the Allotment Evaluations for Tippet, Chin Creek, and Sampson Creek, nor have we received a response to our Protest of the Proposed decisions, we cannot support the proposed reduction of wild horses at this time.

Since your documentation states that there is considerable fluxuation of horses between this HMA and Elko's HMA and Utah, what action will you take if there aren't sufficient horses in the HMA to complete the capture contract? What is the assumed rate of error, since the same horses may be counted not only by two districts, but two states?

PRELIMINARY EA No. NV-040-0-23

Under Alternatives, you state that, "Current economic and political constraints limit technically feasible and reasonable available alternatives..." Please explain what those technically feasible and reasonable alternatives are?

ENVIRONMENTAL CONSEQUENCES

Proposed Action

Water and Riparian - Reducing livestock and fencing riparian areas are also methods to protect riparian areas.

Wild Horses - You state that "Biological information can be obtained," and "All of this information would be useful..." Will the information be collected, compiled and used?

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Vegetation: You neglected to state that Tippet and Chin Creek, the two largest allotments are grazed year-long, the same "season of use" as wild horses.

What portion of the damage is directly attributed to the "substantial" trespass grazing that occurred between 1981 and 1985, as reported in your allotment evaluation?

Why are horses being forced out of their habitat (by removal) when a percentage of the resource damage was caused by an unauthorized activity?

Livestock Grazing: If livestock reductions are to be implemented over a 5 year period, then wild horses should also be reduced over a five-year period.

#### PROPOSED MITIGATING MEASURES

3. Feed and water must be provided at the trap site. We recommend the BLM investigate the possibility of adding electrolytes to the water for those horses that are in poor condition.

#### REMOVAL PLAN FOR ANTELOPE WILD HORSE GATHER

##### Number of Horses to be Gathered

It is our understanding that the Department of Agriculture requested and/or funded the census of Chin Creek in conjunction with the Nevada Department of Wildlife. Were BLM personnel also involved and was that data comparable to the BLM's own?

##### Time and Method of Capture

What will you do to insure that removals from horse free areas will not be necessary in the future? Will you fence the HMA boundary? Has relocation to another portion of the HMA been proposed? As long as the wild horses spend a portion of their time in their herd area and have not established permanent residence outside the HMA, incidental use outside the HMA does not qualify the animals for elimination.

##### Branded and Claimed Animals

According to your NSO Instruction Memorandum, it is the sole responsibility of the BLM to determine wild and free-roaming status of horses.

Once it is determined that horses are not, in fact, wild and free-roaming, then it is up to the Brand Inspector to determine claims versus estrays.

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Stipulations and Specifications

10. Water and Feed - If horses are in poor condition, a stipulation should be added that electrolytes be added to the water to help mitigate the stress of capture.

Reiteration of Points Raised in Protests

SAMPSON CREEK: The reduction of wild horses needs to be done over five years, the same as livestock for the aforementioned reasons.

Horses must be reduced gradually, with monitoring to continue so that the horses will not have to take a complete reduction if the livestock do not.

The Antelope HMAP should be modified to reflect a gradual reduction, with flexibility in the proper management number to allow for increases in numbers when there is an increase in forage.

TIPPETT: Your words - "Unauthorized use was probably quite significant during the 1981-85 period and although..." What portion of this unauthorized use is causing a reduction of wild horses?

We have yet to receive an answer to our question regarding proportionate increases. How are you classifying wild horses, under proportionate increases, as wildlife or livestock?

CHIN CREEK: If there is a riparian area which requires protection, the area should be fenced. Reductions may not be necessary to protect these important areas if the areas themselves are protected.

We hope that our concerns for the allotment in the portion of the Antelope HMA for which this gather is proposed, can be addressed and resolved in a timely manner, so that proper management and protection of the wild horses and their habitat can become a reality.

This Commission is committed to working with the Bureau to this end for the welfare of the wild horses in Nevada.

We thank you for the opportunity to participate in the capture review process.

Sincerely,

TERRI JAY  
Executive Director

TJ/cb