



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE

Star Route 5, Box 1  
Ely, Nevada, 89301

G 10-28-88



IN REPLY REFER TO:

4700  
(NV-043)

OCT 28 1988

Dear Reader:

Enclosed is a copy of the draft Removal Plan for the Ely District South Wild Horse Gather and the associated Environmental Assessment No. NV-040-9-1.

We request your review and comments on the proposed action to remove approximately 233 wild horses from four BLM herd management areas (HMA's). The area of the proposed gather is located in eastern Nye County and northern Lincoln County, Nevada. This action will leave the BLM HMA's (Wilson Creek, Dry Lake, Seaman, and White River) within their respective appropriate management levels (AML's) as identified in the BLM land use plan.

Your comments should be received in our office by November 30, 1988, 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 Ely District South Wild Horse Gather (17 pp)
2. EA No. NV-040-9-1 (23 pp)

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REMOVAL PLAN FOR  
ELY DISTRICT SOUTH  
WILD HORSE GATHER

Prepared by Robert E. Brown  
Wild Horse and Burro Specialist

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

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Removal Plan for Ely District South  
Wild Horse Gather

Introduction

The proposed gather area is located approximately 40 air miles south of Ely in eastern Nye County and northern Lincoln County, Nevada. The plan is titled Ely District South Wild Horse Gather and includes the Wilson Creek, Dry Lake, Seaman, and White River Herd Management Areas (HMA's), in the Bureau of Land Management (BLM) Ely District, Schell Resource Area. It also includes a small portion of the Egan Resource Area (part of White River HMA). Maps are enclosed to help locate the proposed removal areas.

This document outlines the process and the events involved with the wild horse roundup for the Ely District South 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 Inspector (PI), the delegation of authority, the briefing of the contractor(s), and the precapture evaluation held prior to gathering operations.

The gather area is not covered by a herd management area plan (HMAP); however, both the Schell Management Framework Plan (MFP) and the Egan Resource Management Plan (RMP), and Records of Decision (ROD's) have established appropriate management levels (AML's) for the herds in their respective Resource Areas. The proposed gather is to reduce horse numbers to conform to the levels established in these land use plans. This action is, therefore, considered a part of long term management.

Number of Horses to be Gathered

The proposed number of horses to be gathered is shown by herd area as follows:

<u>Herd Area</u>	<u>Nos. to be Managed</u>	<u>Censused Population(Year)</u>	<u>Nos. to be Gathered</u>
Wilson Creek	181	246 (1988)	65
Dry Lake	82	96 (1987)	14
Seaman	84	190 (1987)	106
White River	20	68 (1988)	48
Total	367	600	233

Under no circumstances will any of the herds be gathered below their AML's. Any subsequent gather will require a new capture plan and EA. A post gather census will be conducted on each HMA to determine whether the AML's remain after the gather is complete. Horses will be released back into the HMA to maintain AML, if necessary.

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Time and Method of Capture

The gather is expected to take place through issuance of a removal contract during FY89, and last approximately 2 weeks. The approximate start date for the removal contract is January 15, 1989. 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 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 winter snows and 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 6 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., deep snow, 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.

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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. It is expected that they will be located in the valley bottoms due to winter snow at higher elevations. 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 233 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, 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 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 is Steve Surian (Schell Resource Area Range Conservationist). 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, Egan or 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.

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.

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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.

All publicity, formal public contact, and inquiries will be handled through the Schell Resource Area Manager, Jerry Smith. 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 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.

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- 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 Schell Area Manager or 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.

#### 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.

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.

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.

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.

B. Trapping and Care

1. All capture attempts shall be accomplished by the

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utilization of a helicopter. A minimum of one saddlenhorse 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.

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

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.

4. It is estimated that 6 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.

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

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the animals from seeing the sky, sun, clouds, etc. The 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.

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.

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. 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.

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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 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.

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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 an avionics system in the contractor's helicopter to accommodate a government furnished "slip-in" VHF/FM portable radio, manufactured by GE, Model HN-56 Porta-Mobil II, including the plugs necessary to connect the government radio to the aircraft's integrated audio and transmit selector system and the connectors to an external antenna to accommodate the COR/PI in monitoring the gather operation.

Prepared by:

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

\_\_\_\_\_  
Date

Reviewed by:

\_\_\_\_\_  
Gerald M. Smith  
Schell Area Manager  
Ely District Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gene L. Draiss  
Egan Area Manager  
Ely District Office

\_\_\_\_\_  
Date

Concurred by:

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

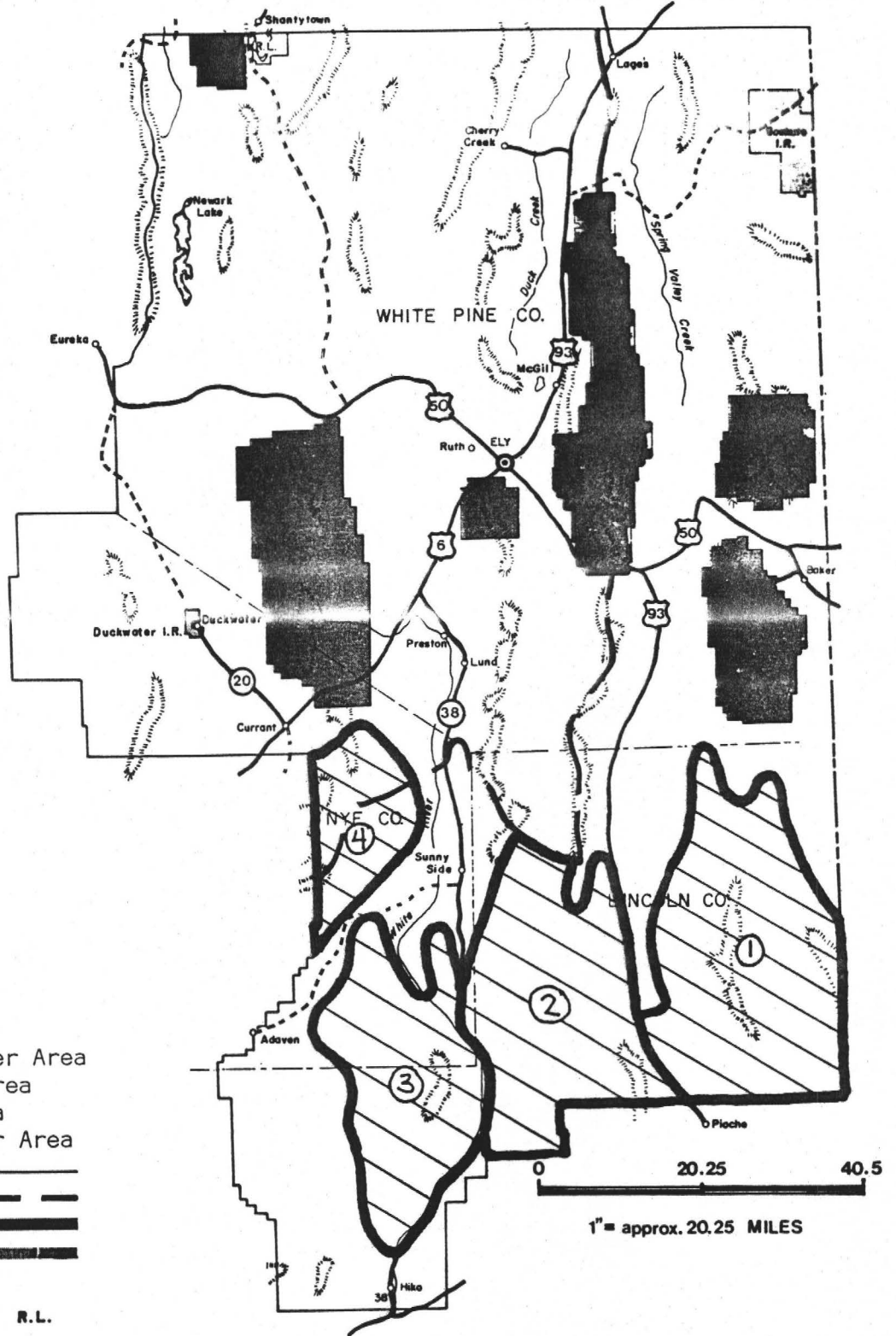
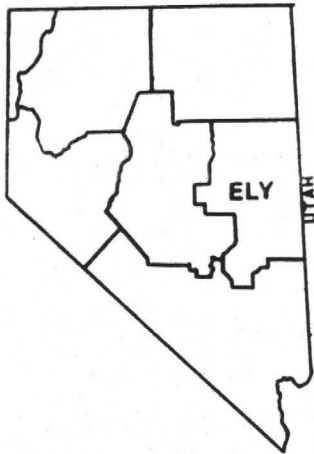
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Date

Approved by:

\_\_\_\_\_  
Edward F. Spang  
Nevada State Director

\_\_\_\_\_  
Date

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Work Location Map

- 1. Wilson Creek Gather Area
- 2. Dry Lake Gather Area
- 3. Seaman Gather Area
- 4. White River Gather Area

District Boundary

Resource Area Boundary

Humboldt National Forest

Indian Reservation

Ruby Lake National Wildlife Refuge

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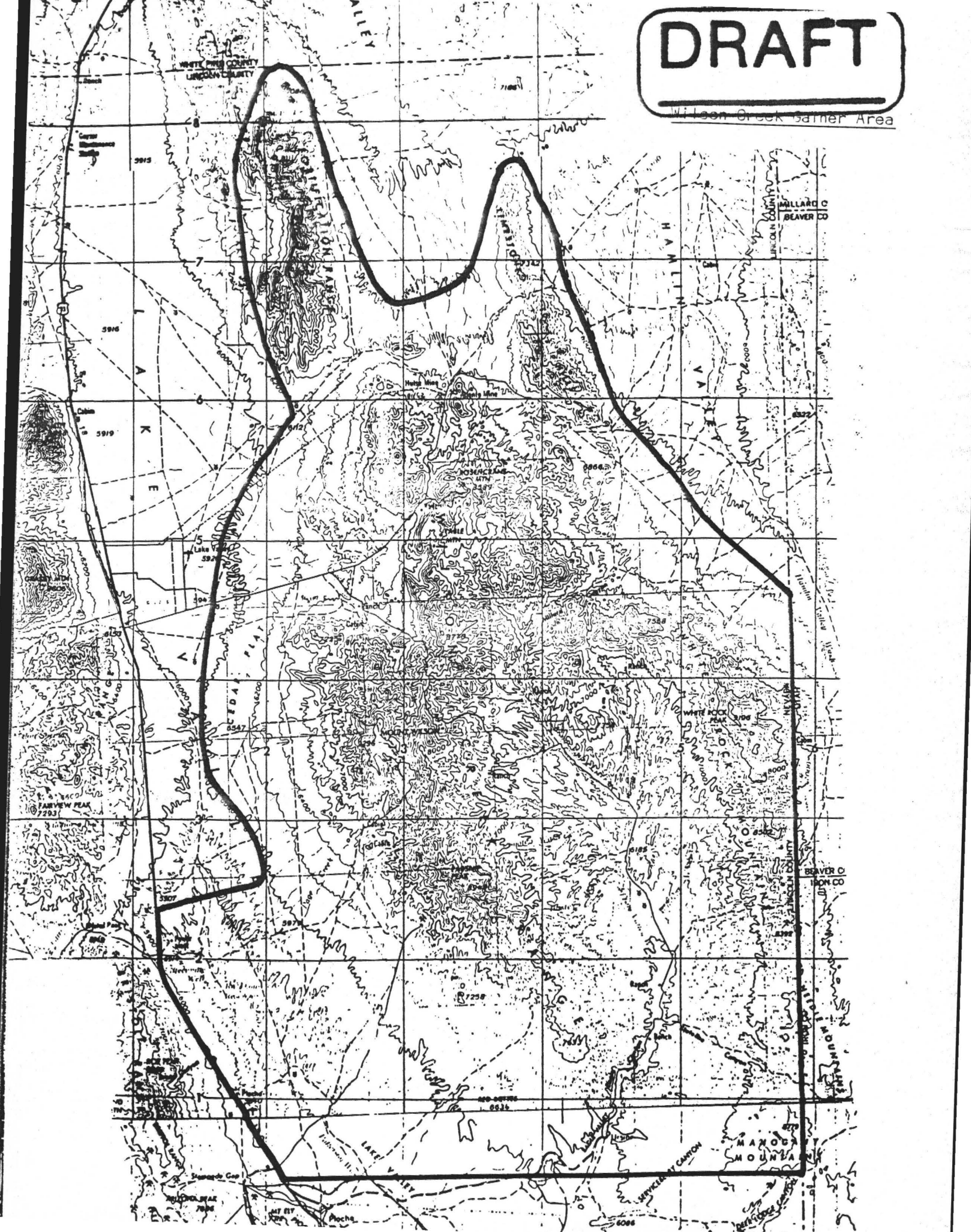
1" = approx. 20.25 MILES

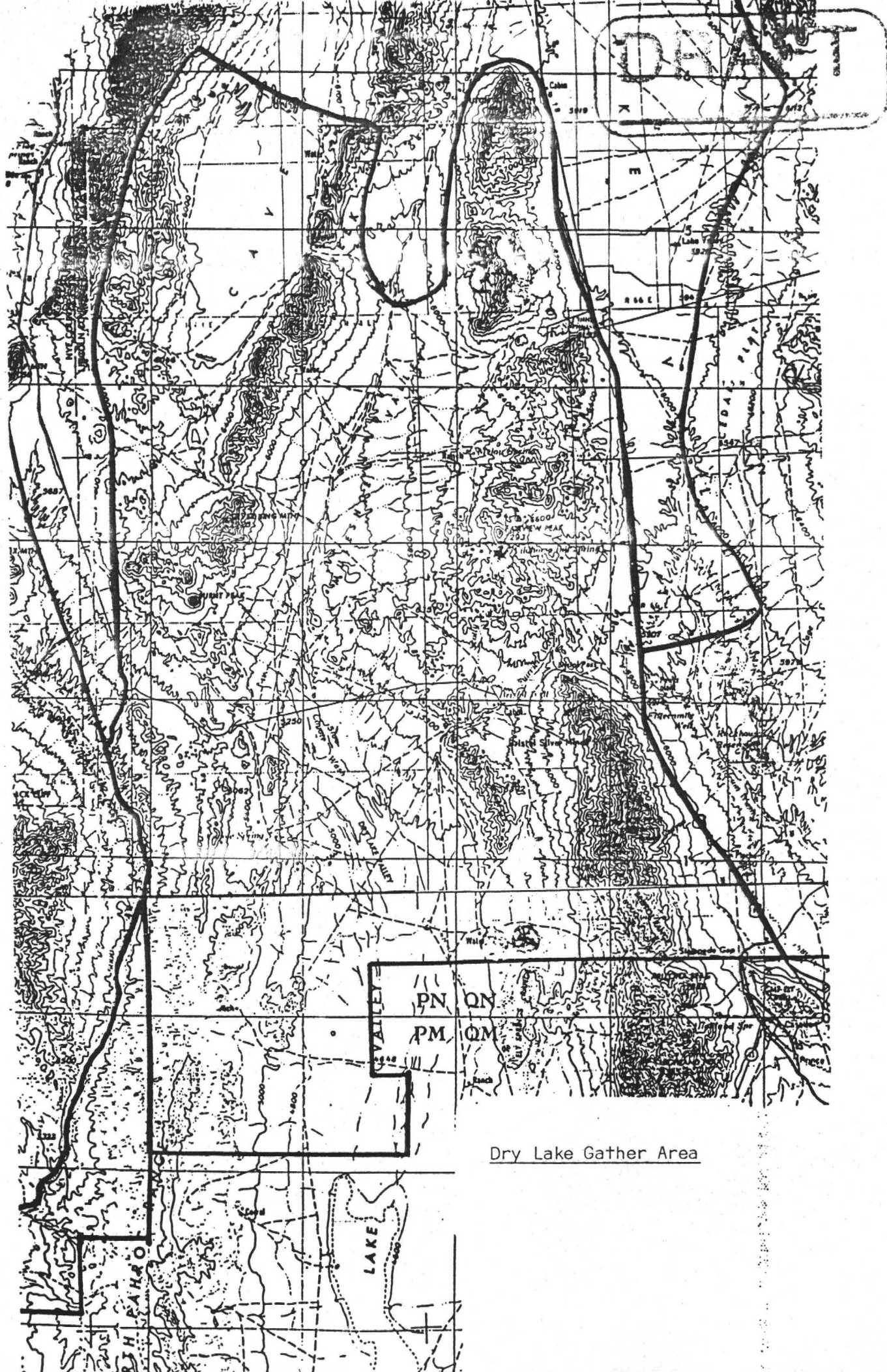
# ELY DISTRICT

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Wilson Creek Gopher Area

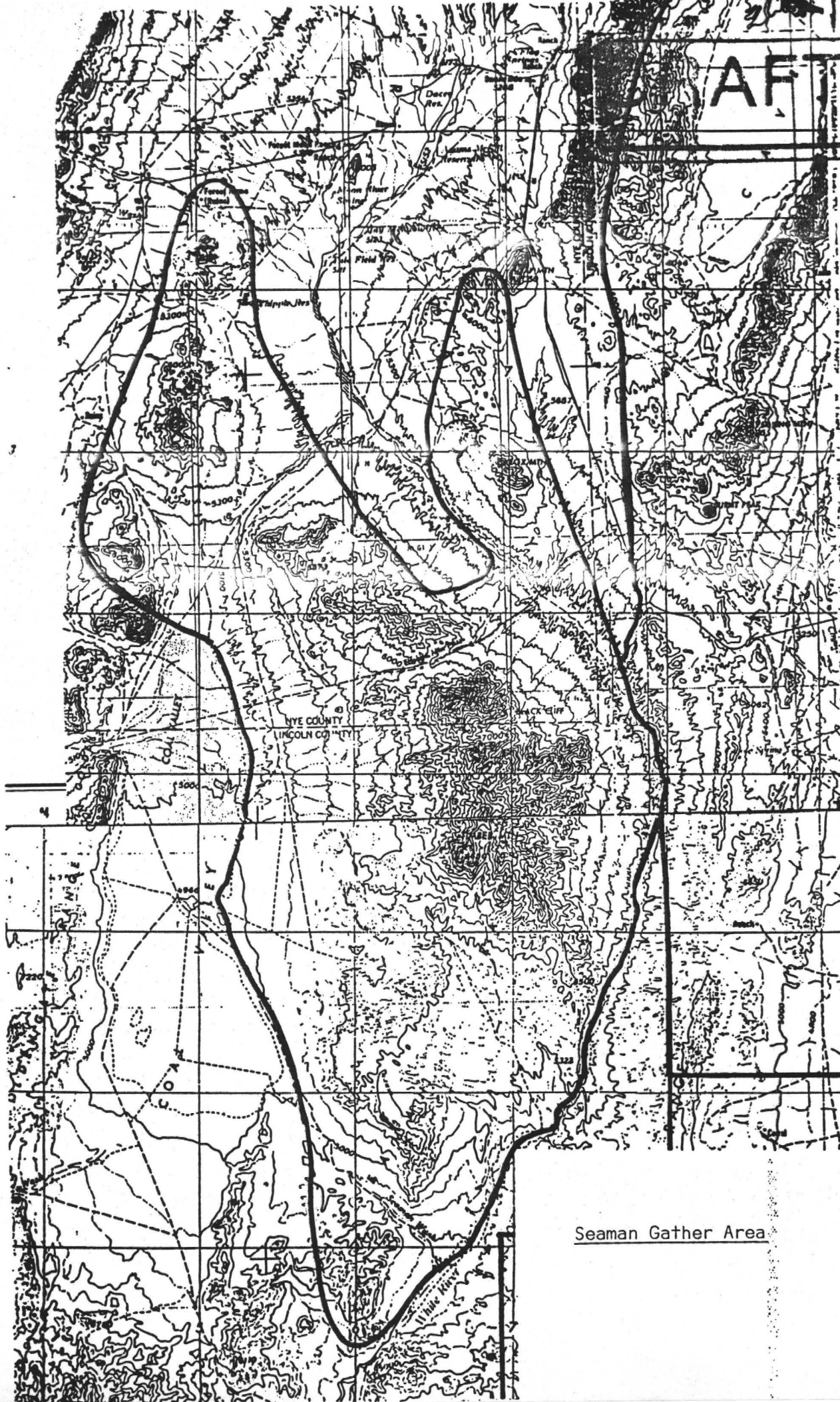




Dry Lake Gather Area

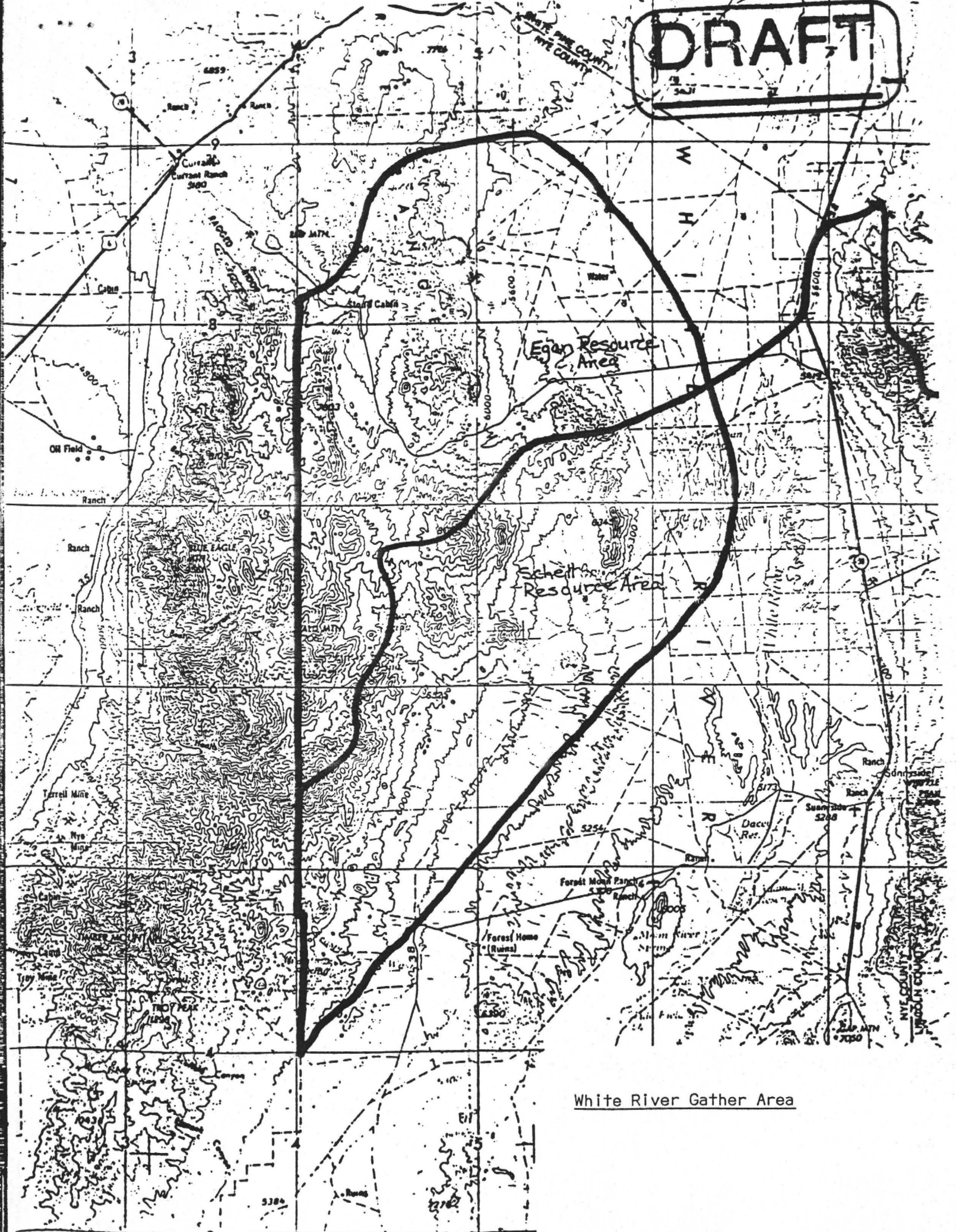


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Seaman Gather Area

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White River Gather Area

Wilson Creek

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ENVIRONMENTAL ASSESSMENT  
for the  
ELY DISTRICT SOUTH WILD  
HORSE GATHER

EA No. NV-040-9-1

Prepared by Robert E. Brown  
Wild Horse and Burro Specialist  
October 12, 1988

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, in conjunction with the Egan Resource Area, is proposing to remove excess wild horses from four BLM herd management areas (HMA's).

The proposed gather area is located approximately 40 air miles south of Ely in eastern Nye County and northern Lincoln County, Nevada. The gather proposal includes the removal of excess wild horses from the ~~Wilson Creek~~, Dry Lake, Seaman and White River HMA's, in the BLM Ely District, Schell Resource Area. It also includes a portion of the White River HMA in the BLM Ely District, Egan Resource Area (see Appendix I - Location Maps).

Purpose and Need

The purpose of this Environmental Assessment (EA) is to assess the environmental consequences of the proposed action and alternatives in relation to the affected environment.

Wild horses have exceeded the appropriate management level (AML) established for specific HMA's. Thus, they are competing with other ungulates for forage, water, cover, and living space in greater than established numbers.

Relationship to Planning

The proposal area is not covered by herd management area plans (HMAP's). The Schell MFP (1983) and ROD (1983) established the following AML's for the Schell Resource Area HMA's in the proposed gather area:

Wilson Creek	181
Dry Lake	82
Seaman	84
White River	20

The Egan RMP (1984) and ROD (1987) stated that the small portion of the White River HMA within the Egan Resource Area would be managed by the Schell Resource Area at an AML of 20 animals in agreement with the Schell MFP and ROD.

The proposal is in conformance with the BLM land use plans, as well as the 1971 Wild Horse and Burro Act (Public Law 92-195), as amended. The proposal is also consistent with the Nye and Lincoln County Plans for Public Lands developed in compliance with Nevada Senate Bill 40 in 1985.

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 the established AML's. 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 233 excess wild horses as follows:

<u>Herd Area</u>	<u>Nos. to be Managed</u>	<u>Censused Population(Year)</u>	<u>Nos. to be Gathered</u>
Wilson Creek	181	246 (1988)	65
Dry Lake	82	96 (1987)	14
Seaman	84	190 (1987)	106
White River	20	68 (1988)	48
Total	367	600	233

Under no circumstances will any of the herds be gathered below their AML's. Any subsequent gather will require a new capture plan and EA. A post gather census will be conducted on each HMA to determine whether the AML still remains after the gather is complete. Horses will be released back into the HMA to maintain AML, if necessary.

The horses will be gathered using a helicopter and portable wing traps. The gather is expected to take place through issuance of a removal contract during FY89, and last approximately 2 weeks. The approximate start date for the removal contract is January 15, 1989.

It is estimated that 6 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 or Egan 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 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 BLM 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 have a helicopter available during the entire gather operation to monitor all removal efforts as necessary.

- (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) A BLM official (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.
- (14) 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 following contract specifications will also be considered a part of the proposed action:

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.
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.
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.
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.

#### 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



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shall be done as determined by the COR. Under no circumstances shall animals be tied down for more than 1 hour.

2. The helicopter shall be used in such a manner that bands or herds will remain together. Foals shall not be left behind.
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.
4. It is estimated that 6 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.
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 letdown 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.
  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 stray 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.
  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. 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 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 an avionics system in the contractor's helicopter to accommodate a government furnished "slip-in" VHF/FM portable radio, manufactured by GE, Model HN-56 Porta-Mobil II, including the plugs necessary to connect the government radio to the aircraft's integrated audio and transmit selector system and the connectors to an external antenna to accommodate the COR/PI in monitoring the gather operation.

#### 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 winter snows and the 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 appropriate management levels and wild horses would eventually be established 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), the Draft Schell Grazing EIS (1982), the Egan Draft RMP and EIS (1983), and the Proposed Egan RMP and Final EIS (1984). These documents are on file at the BLM Ely District Office.

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.

Riparian Areas:

Reduced wild horse numbers would lessen grazing and trampling at waterholes and riparian areas, contributing to a more favorable riparian habitat.

Wilderness Values

Six WSA's (Table Mountain, Parsnip Peak, Fortification Range, Weepah Spring, White Rock Range, Riordan's Well) occur in the gather area. The use of aircraft for removing wild horses from within WSA's is consistent with the Interim Management Policy and Guidelines for Lands Under Wilderness Review (11/10/87), since it is considered as a nonimpairing activity. Since no traps or holding corrals will be established within the WSA's and motorized vehicles will be confined to existing roads and ways, no impacts to the WSA's are anticipated.

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

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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.

Water (Drinking/Ground/Quality):

Reduced wild horse numbers would lessen the competition among wild horses, wildlife, and livestock for limited water supplies, which in turn would contribute to a more favorable water quality for all animals.

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 and Burros:

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. 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.

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 Territory boundaries at the established AML's will help maintain the ecological balance and multiple use relationship of the area also.

Much biological information can be obtained from the gathered animals (sex and age ratios, parasites, diseases, etc.). All of this information would be useful in future wild horse management.

**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:**

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. Any reduction in wild horse numbers should reduce competition for forage and result in a beneficial impact to the elk,

mule deer, and antelope herds. Reduced competition for the short supply of mountain brush and other forage by all ungulates should help the elk, 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:

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 elk, 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 not be kept within the traps or corrals for more than 3 days 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.

#### 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 AML remains. Additional aerial census will be conducted every 3 to 5 years thereafter (funding permitting) to monitor the growth of the herds. When census numbers exceed established AML, a followup gather will be proposed to again reduce the herd to its AML.



CONSULTATION AND COORDINATIONIntensity 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 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 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 mainly by protectionist groups seeking to stop what they view as unwarranted horse gathering. However, recent litigations have been brought by private landowners, 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 being 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. In addition, the affected livestock permittees will be notified of the proposed action and a copy of the removal plan and/or environmental assessment will be sent to them upon request.

Record of Persons, Groups, and Agencies Contacted

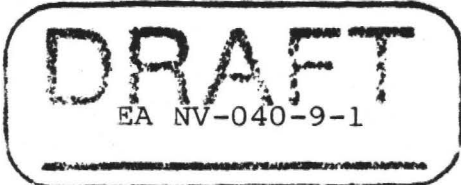
American Horse Protection Association  
American Mustang and Burro Registry  
National Mustang Association  
International Society for the Protection of Wild Horses and  
Burros  
Fund for Animals  
U.S. Humane Society  
Nevada State Department of Agriculture  
Animal Protection Institute  
American 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 Organization  
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 III  
Bureau of Land Management, Nevada State Director  
Bureau of Land Management, Battle Mountain District Manager  
Bureau of Land Management, Las Vegas District Manager

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Internal District Review

Loran Robison	Livestock Grazing
Steve Surian	Livestock Grazing
Brett Covlin	Livestock Grazing
Robert Brown	Wild Horses and Burros
John Zancanella	Cultural Resources
Shaaron Netherton	Visual Resources Management/Recreation/ Wilderness
Cris Ann Bybee	Soils/Air/Watershed
Mark Barber	Riparian/Threatened and Endangered Animals/Water Quality
Paul Podborny	Wildlife
Kathy Lindsey	Threatened and Endangered Plants/ Vegetation
Jake Rajala	Socio-Economics/Environmental Coordination/ Land Use Planning
Russell T. Dailey	ADM Resources



SIGNATURES

Prepared by:

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

\_\_\_\_\_  
Date

Reviewed by:

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Russell T. Dailey  
ADM Resources  
Ely District

\_\_\_\_\_  
Date

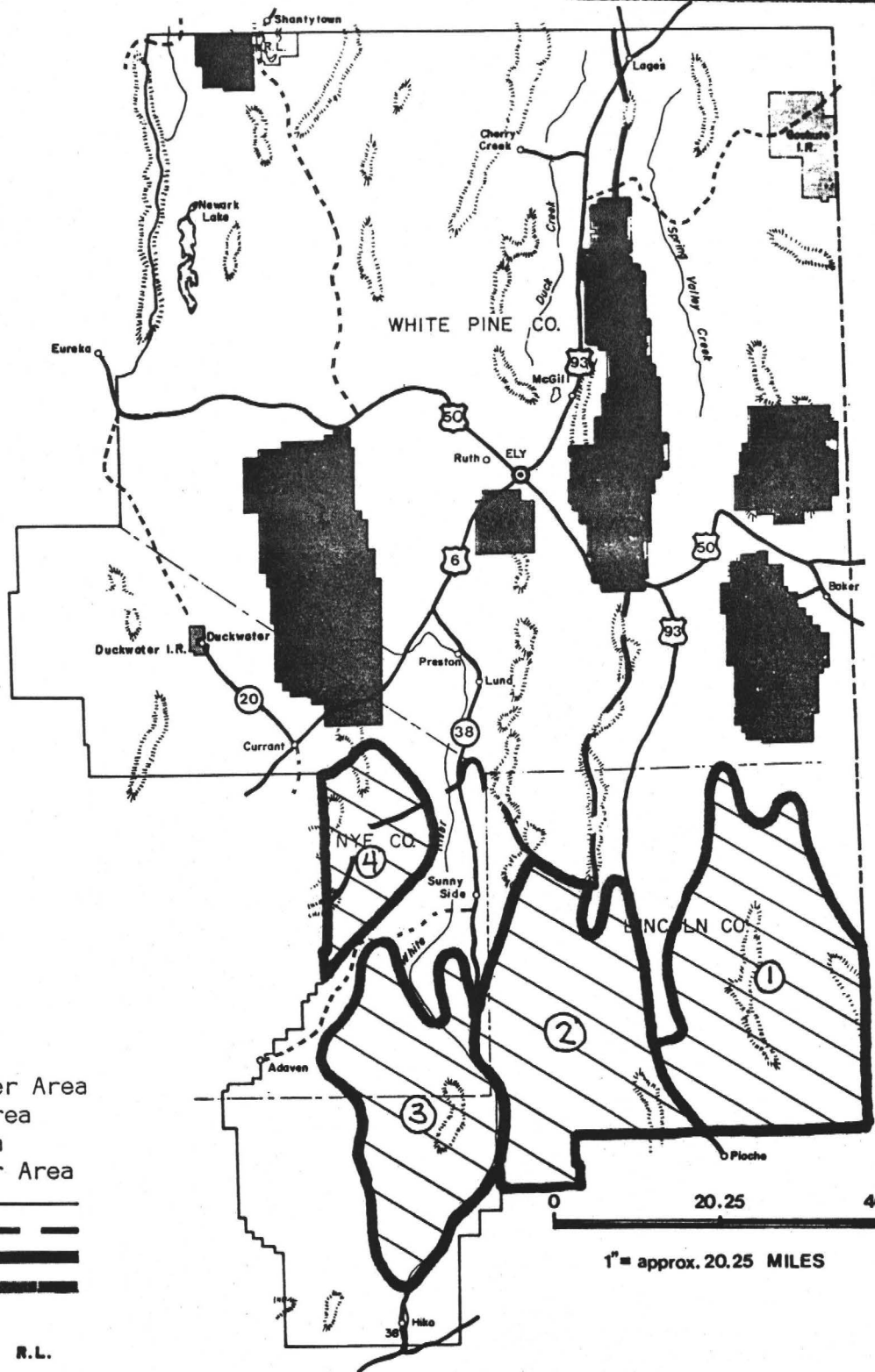
\_\_\_\_\_  
Gerald M. Smith, Manager  
Schell Resource Area  
Ely District

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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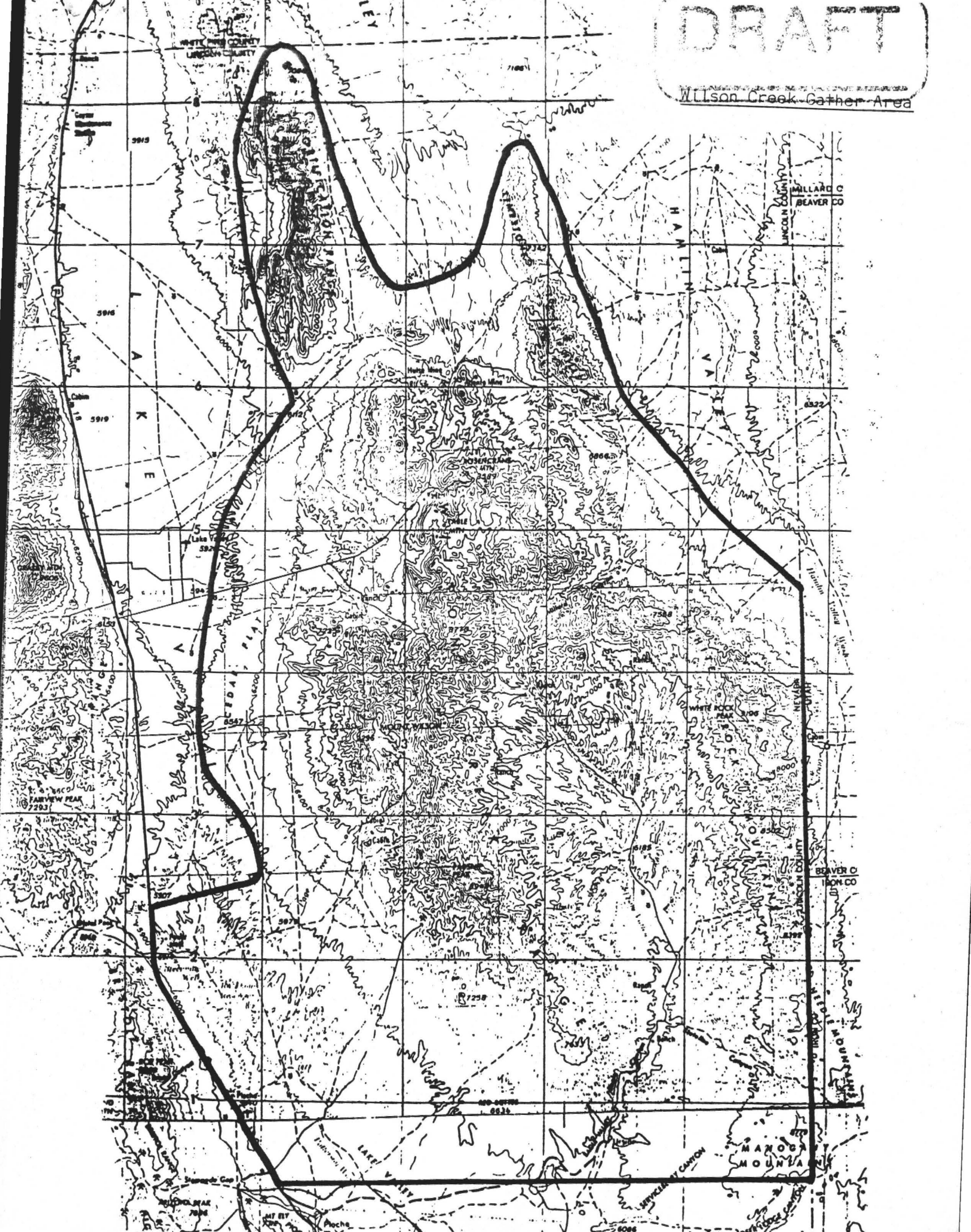
Work Location Map

- 1. Wilson Creek Gather Area
- 2. Dry Lake Gather Area
- 3. Seaman Gather Area
- 4. White River 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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Wilson Creek Gather Area

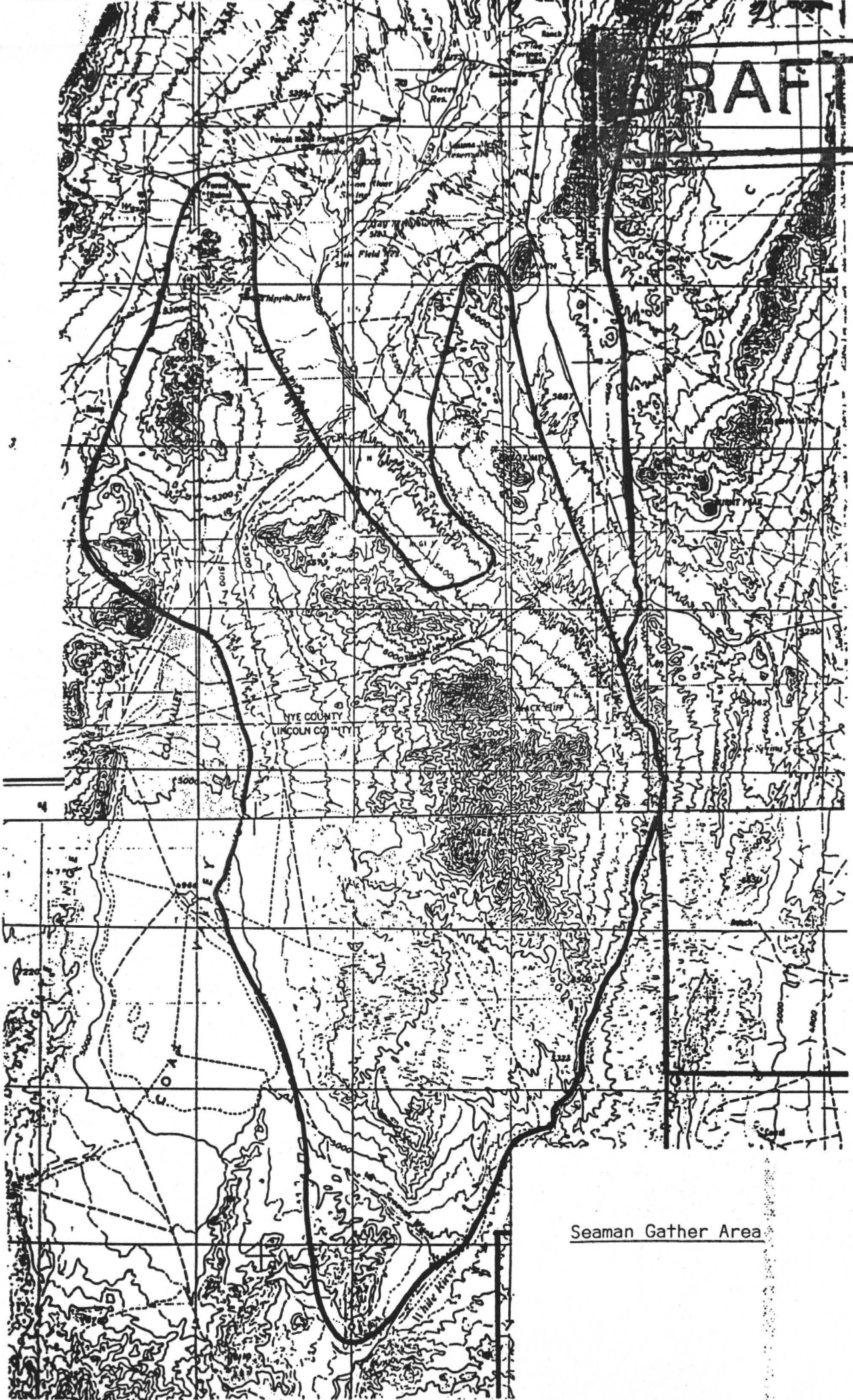


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PN	QN
PM	QM

Dry Lake Gather Area



Seaman Gather Area

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