



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:

4700
(NV-043)

AUG 11 1988

Dear Reader:

Enclosed is a final copy of the Removal Plan for Ely/Elko District Wild Horse Gather and the associated Environmental Assessment No. NV-040-8-15.

Thank you for comments to the draft documents you may have sent us. They were carefully reviewed and many of them were incorporated into the above final documents.

The proposed action remains the same as in the draft - to remove approximately 1,045 wild horses from five BLM herd management areas (HMA's), two USFS wild horse territories, and one designated horse-free area. The action will leave the appropriate management levels within each HMA/territory as identified in both the BLM and USFS land use plans. The start date for the removal contract has changed from the original September 1, 1988 date to mid-September.

Your interest and involvement in the Bureau's wild horse program are greatly appreciated.

Sincerely,

Kenneth G. Walker
District Manager

2 Enclosures

1. Removal Plan (23 pp)
2. EA No. NV-040-8-15 (29 pp)

REMOVAL PLAN FOR
ELY/ELKO DISTRICT
WILD HORSE GATHER

Prepared by Robert E. Brown
Wild Horse and Burro Specialist

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

Removal Plan for Ely/Elko District Wild Horse Gather

Introduction

The proposed gather area is located approximately 30 air miles west of Ely in western White Pine County and south-central Elko County, Nevada. The plan is titled Ely/Elko District Wild Horse Gather and includes the Buck and Bald, Butte, Diamond Hills South, and Monte Cristo Herd Management Areas (HMA's), as well as one designated horse-free area, in the Bureau of Land Management (BLM) Ely District, Egan Resource Area. It also includes the Maverick-Medicine HMA in the BLM Elko District, Wells Resource Area. Two U.S. Forest Service (USFS) Humboldt National Forest wild horse territories are also included, the Cherry Springs Territory in the Ruby Mountains Ranger District and the Monte Cristo Territory (included in BLM's Monte Cristo HMA) in the Ely Ranger District. 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/Elko District 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 and USFS 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.

The Monte Cristo HMA is managed through a Cooperative Management Plan, approved in 1977, between the USFS Humboldt National Forest, Ely Ranger District and the BLM Ely District. The plan is entitled Monte Cristo Wild and Free Roaming Horses Management Plan. Management numbers set in the herd management plan are to maintain an average of 96 head, but to allow for a 25 percent fluctuation by not allowing the herd to increase above 120 head or to decrease below 72 head.

The Cherry Springs Wild Horse Territory is also covered by a management plan, the Cherry Springs Wild Horse Territory Plan, approved in 1977. Management numbers established in this plan are to maintain between 42 and 68 horses on the Cherry Springs Territory.

The remainder of the gather area is not covered by a herd management area plan (HMAP); however, both the Egan and Wells Resource Management Plans (RMP's), and Records of Decision (ROD's) have established appropriate management levels (AML's) for the herds in their respective Resource Areas. In addition, the USFS territories' management numbers are addressed in the 1986 ROD, final EIS, and Land and Resource Management Plan for the Humboldt National Forest. These documents have established upper and lower limits of horses to be managed in the respective herd areas/territories. 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>
Monte Cristo	72 to 120*	145 (1986)	100 **
Horse Free Area	0	65 (1987)	65
Diamond Hills South	36	95 (1987)	59
Buck and Bald	700	1,081 (1987)	381
Cherry Springs	42 to 68*	100 (1987)	50
Butte	60	202 (1987)	142
Maverick-Medicine	195 to 244*	443 (1987)	248
Total	1,105 to 1,228	2,131	1,045

* These ranges, not to be confused with AML's, were established around the AML within management plans/land use plans as methods to achieve management objectives.

** The number of horses to be gathered is greater than the difference between the latest census (1986) and the minimum management number for the Monte Cristo herd. Recent ground counts showed that 100 head could be removed and the AML of 72 to 120 wild horses would still remain. Under no circumstances will the herd be gathered below the AML of 72 wild horses. Any subsequent gather will require a new capture plan and EA. A post gather census will be conducted on each HMA to ensure that the AML remains after the gather is complete.

Time and Method of Capture

The gather is expected to take place through issuance of a removal contract during FY88, and last approximately 6 weeks. The approximate start date for the removal contract is September 1, 1988. 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 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 13 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 will 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 1,045 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 Bill Lindsey (Egan Resource Area Supervisory Range Conservationist), Walter A. Burdick Jr. (Egan Resource Area Range Technician), Bruce Portwood (Elko District Wild Horse Specialist), and Ray Lister (Wells Resource Area Wildlife Biologist). USFS representatives will be Wayne Swenson and Rita Suminski during the Monte Cristo removal effort, and Tom Shore and Frank Stilwill during the Cherry Springs removal effort. 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 Wells 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, the Elko District Manager, and the Nevada State Office. The USFS representatives are responsible for reporting to their respective ranger districts.

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.

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

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

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

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

The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges, as determined appropriate by the Egan Area Manager or Wells 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 or Elko 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 or National Forest 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, USFS, 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 30 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 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 13 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 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.

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.

Prepared by:

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

7/6/88
Date

Reviewed by:

Gene L. Drais
Gene L. Drais
Egan Area Manager
Ely District Office

7-6-88
Date

John A. Phillips
John A. Phillips
Wells Area Manager
Elko District Office

7/14/88
Date

Paul P. Demeule
Paul Demeule
Ely District Ranger
Humboldt National Forest

7/6/88
Date

Mont E. Lewis, Jr.
Mont E. Lewis, Jr.
Ruby Mountains District Ranger
Humboldt National Forest

7/14/88
Date

Concurred by:

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

7-28-88
Date

Rodney Harris
Rodney Harris
District Manager
Elko District Office

7/19/88
Date

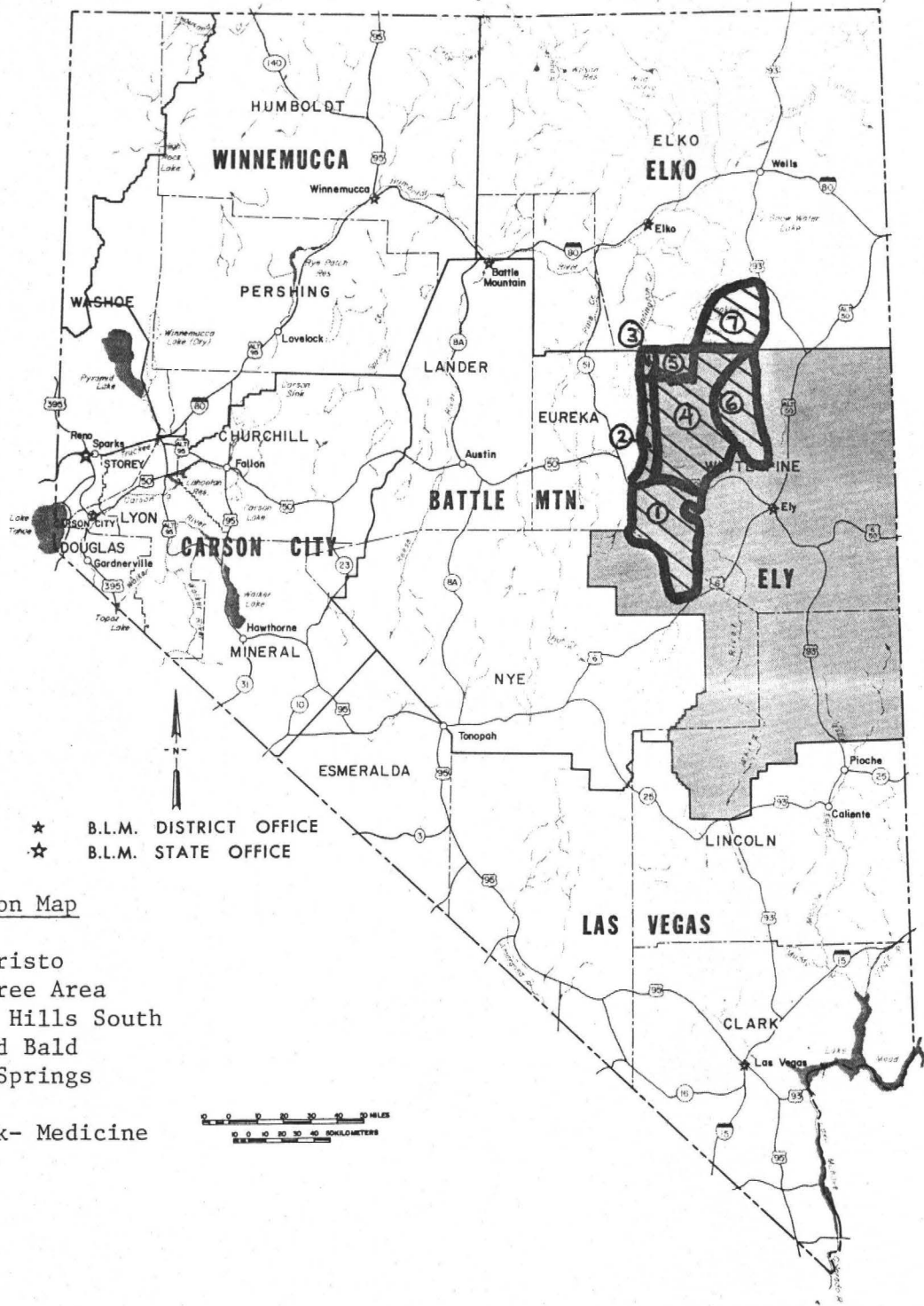
B. J. Graves
B. J. Graves
Forest Supervisor
Humboldt National Forest

7/14/88
Date

Approved by:

Edward F. Spang
Edward F. Spang
Nevada State Director

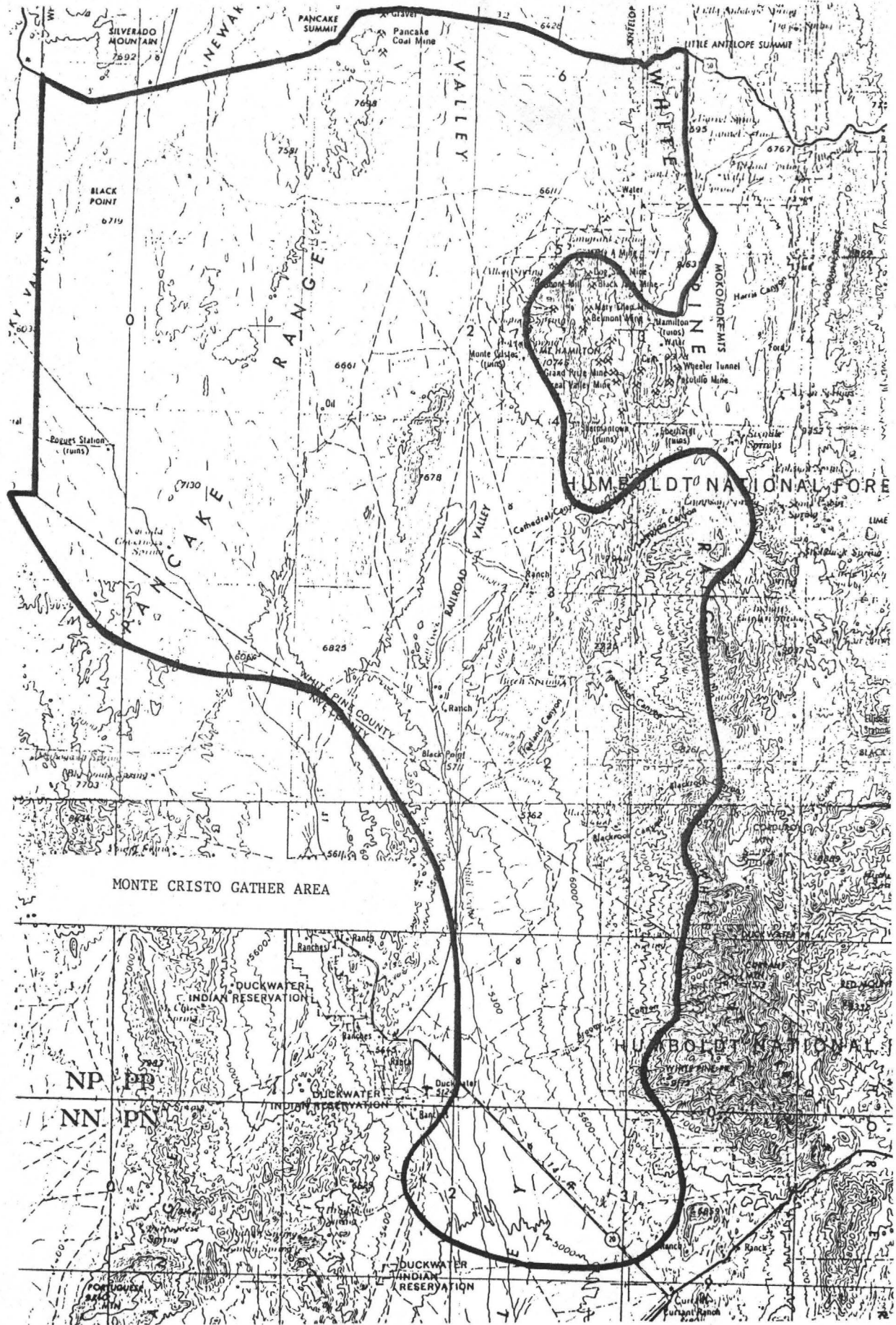
8/8/88
Date



Work Location Map

NEVADA DISTRICTS

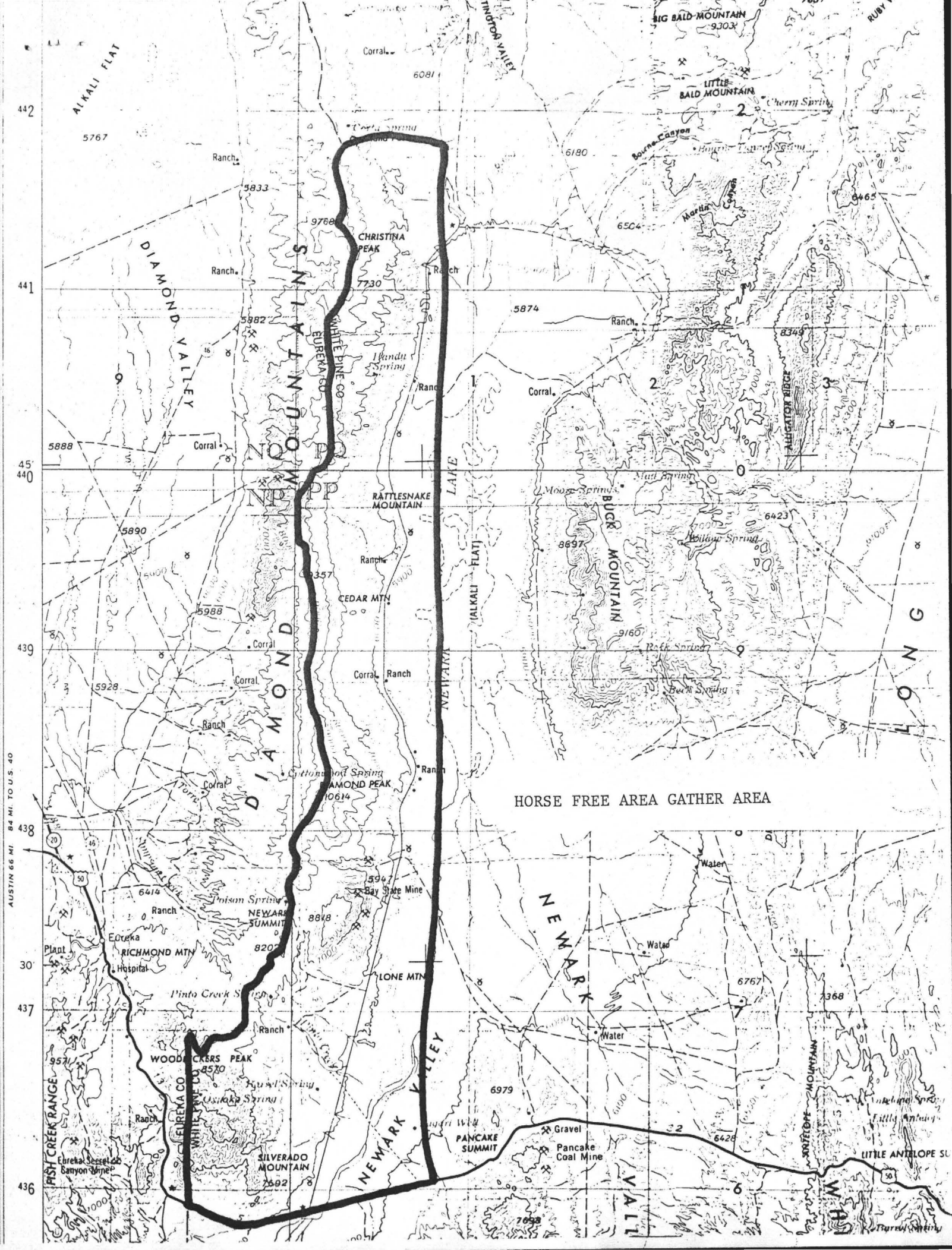
BUREAU OF LAND MANAGEMENT
 U. S. DEPARTMENT OF THE INTERIOR



MONTE CRISTO GATHER AREA

NP PP
NN PN

DUCKWATER
INDIAN RESERVATION



HORSE FREE AREA GATHER AREA

AUSTIN 66 MI. 84 MI. TO U.S. 40

442
441
45'
440
439
438
30
437
436

ALKALI FLAT

DIAMOND MOUNTAINS

NEWARK VALLEY

NEWARK MOUNTAINS

BUCK MOUNTAIN

BIG BALD MOUNTAIN 9303

LITTLE BALD MOUNTAIN

CHRISTINA PEAK 9788

DIAMOND PEAK 10614

CEDAR MTN

NEWARK SUMMIT 8818

WOODCKERS PEAK 8570

SILVERADO MOUNTAIN 7802

RATTLESNAKE MOUNTAIN

PANCAKE SUMMIT 6979

8697

9160

6979

7098

6180

6504

5874

5882

5890

5928

5988

5988

5928

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

8207

8818

8570

7802

7802

7098

6081

5833

9788

7730

5882

5890

5928

5988

5988

6414

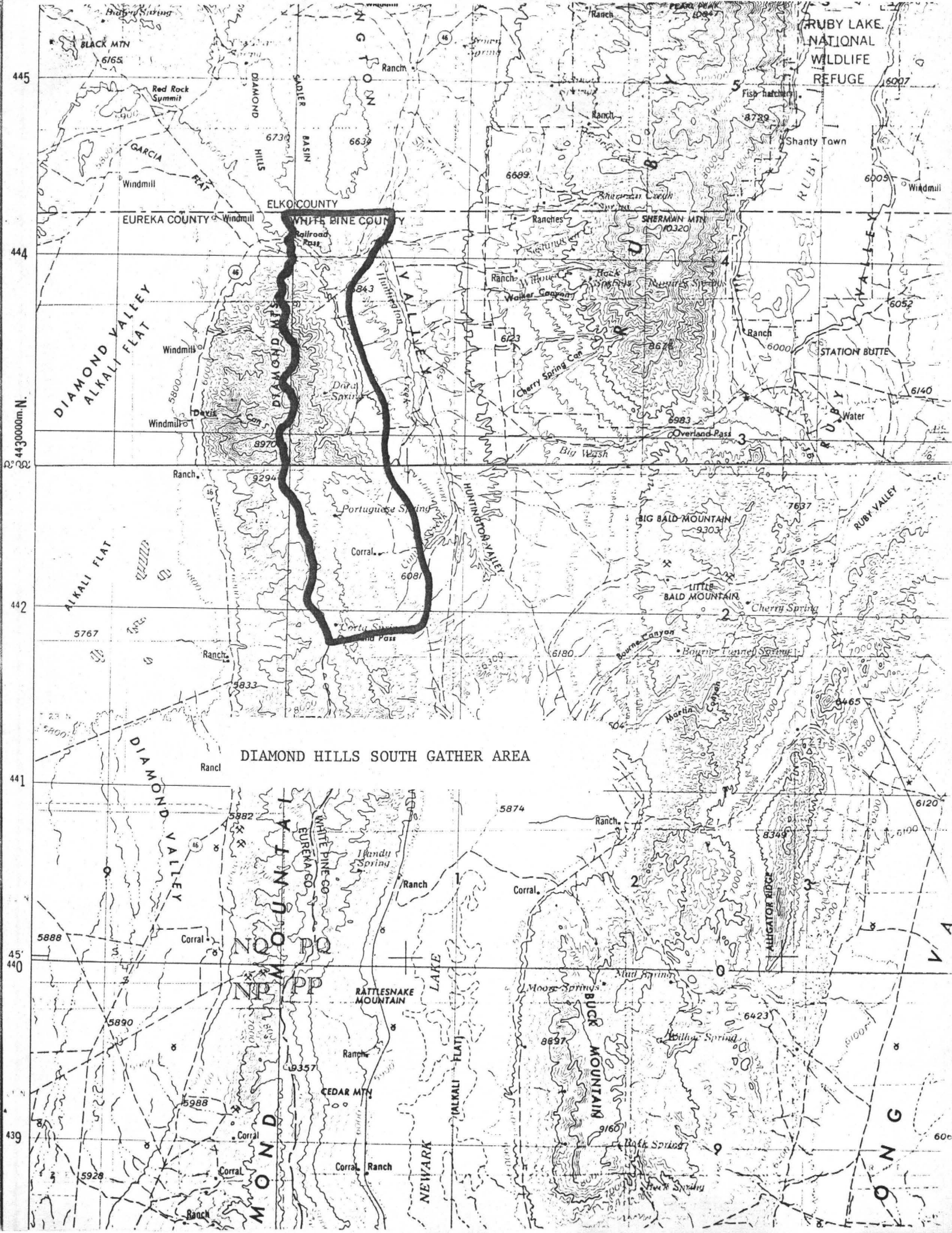
8207

8818

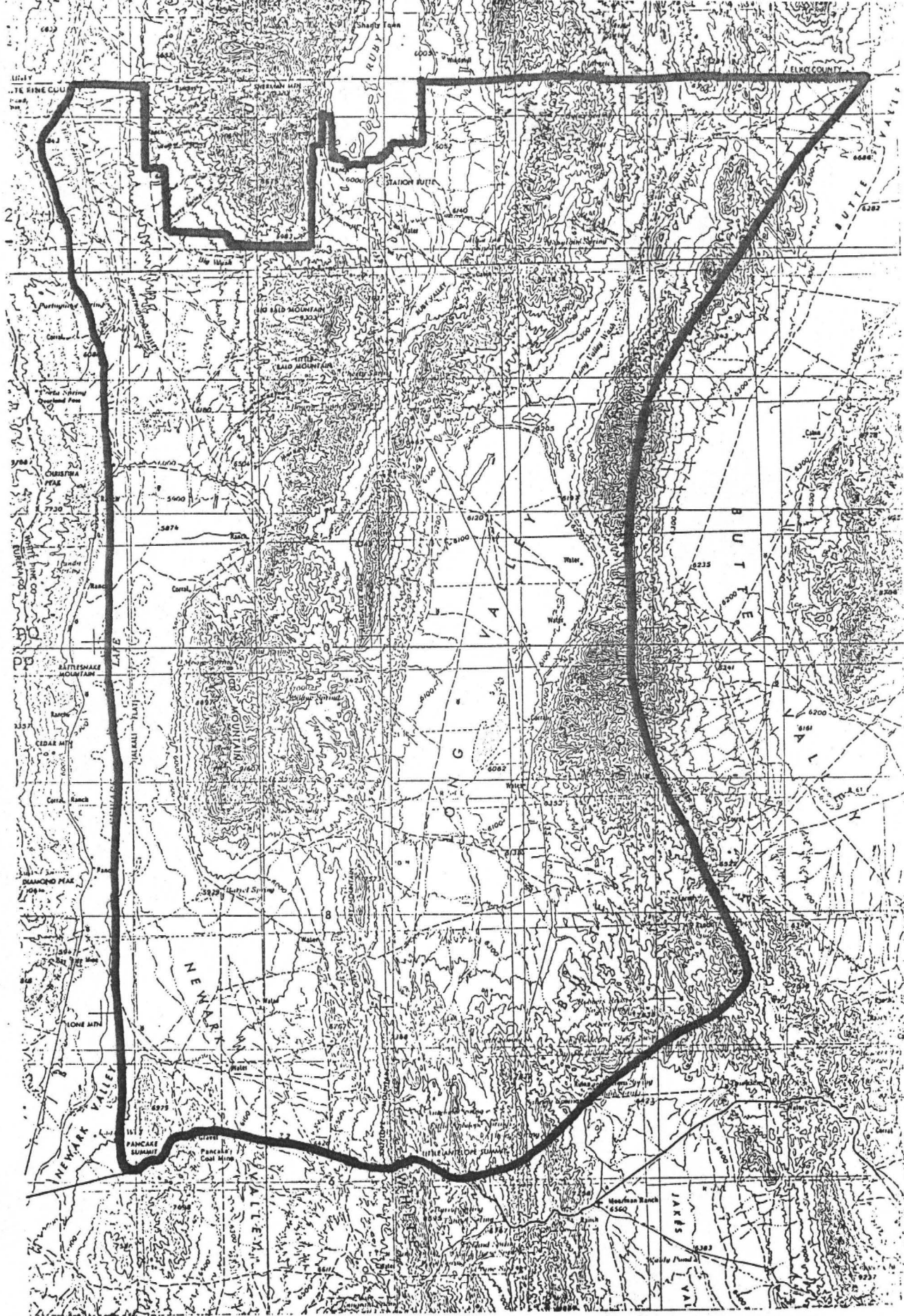
8570

7802

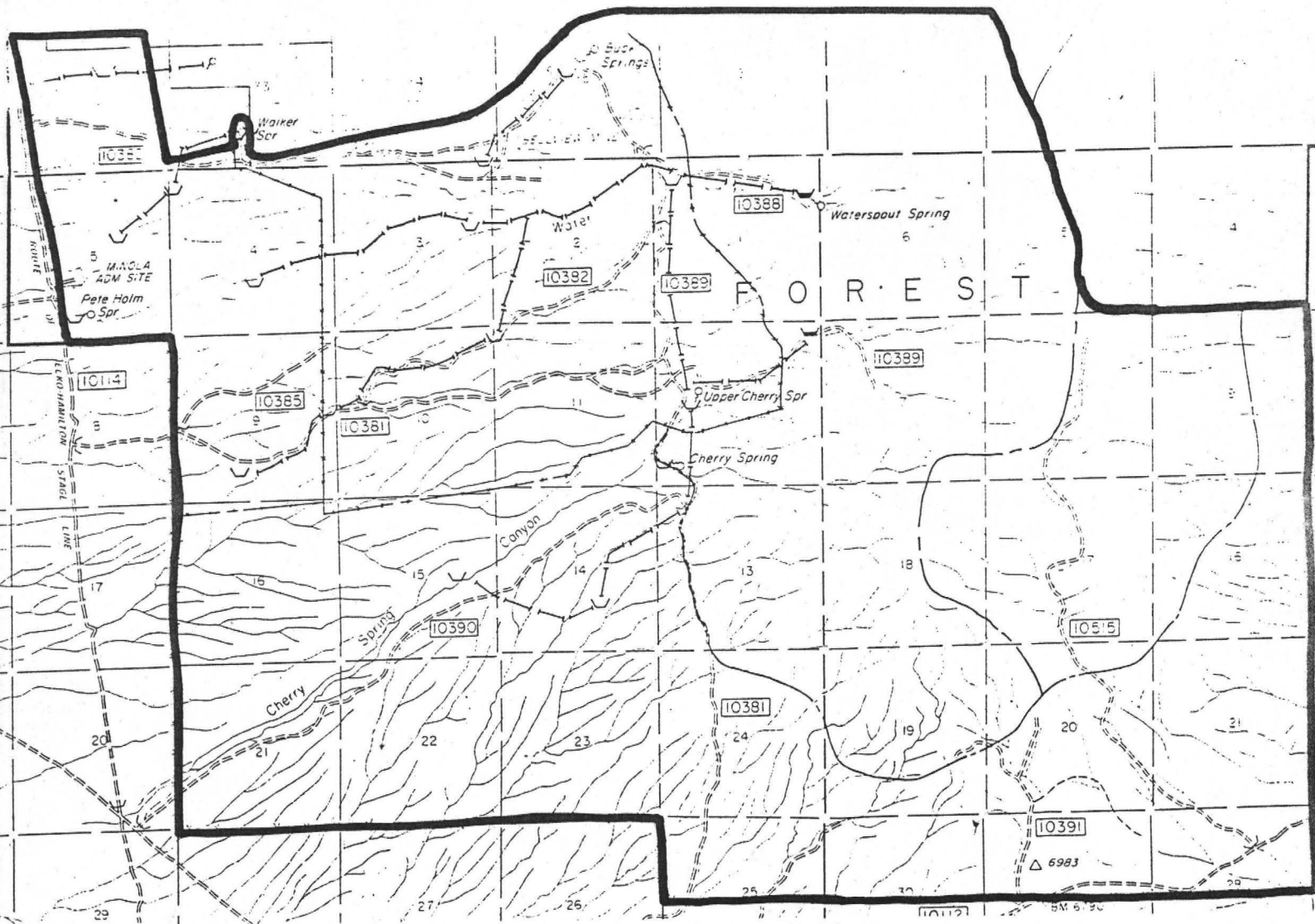
7802



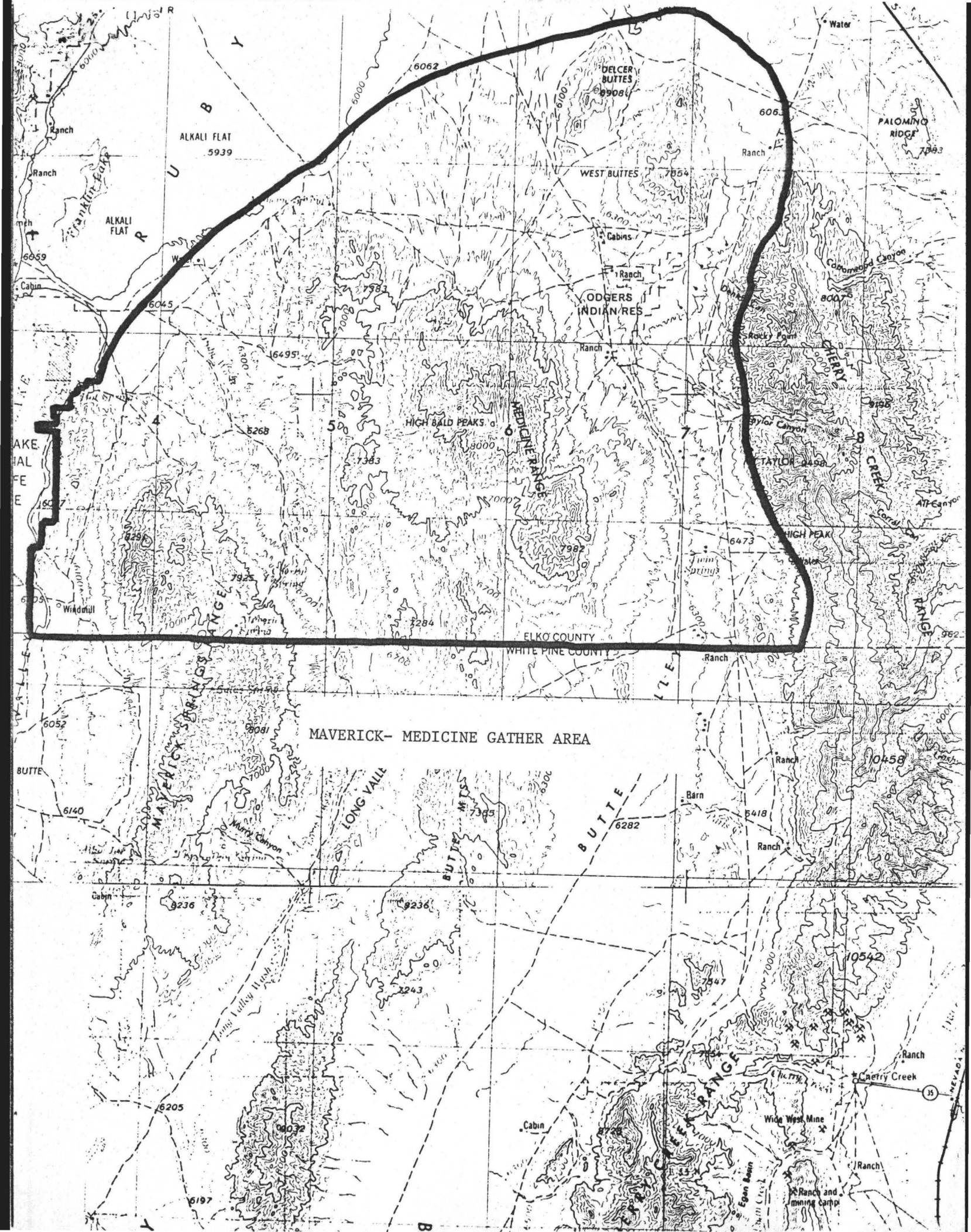
DIAMOND HILLS SOUTH GATHER AREA



BUCK AND BALD GATHER AREA



CHERRY SPRINGS GATHER AREA



ALKALI FLAT
5939

DELCEY BUTTES
8908

WEST BUTTES
7854

ODGERS INDIAN RES
Ranch

HIGH BALD PEAKS
8000

MEDICINE RANGE

TAYLOR CANYON
8458

MAVERICK- MEDICINE GATHER AREA

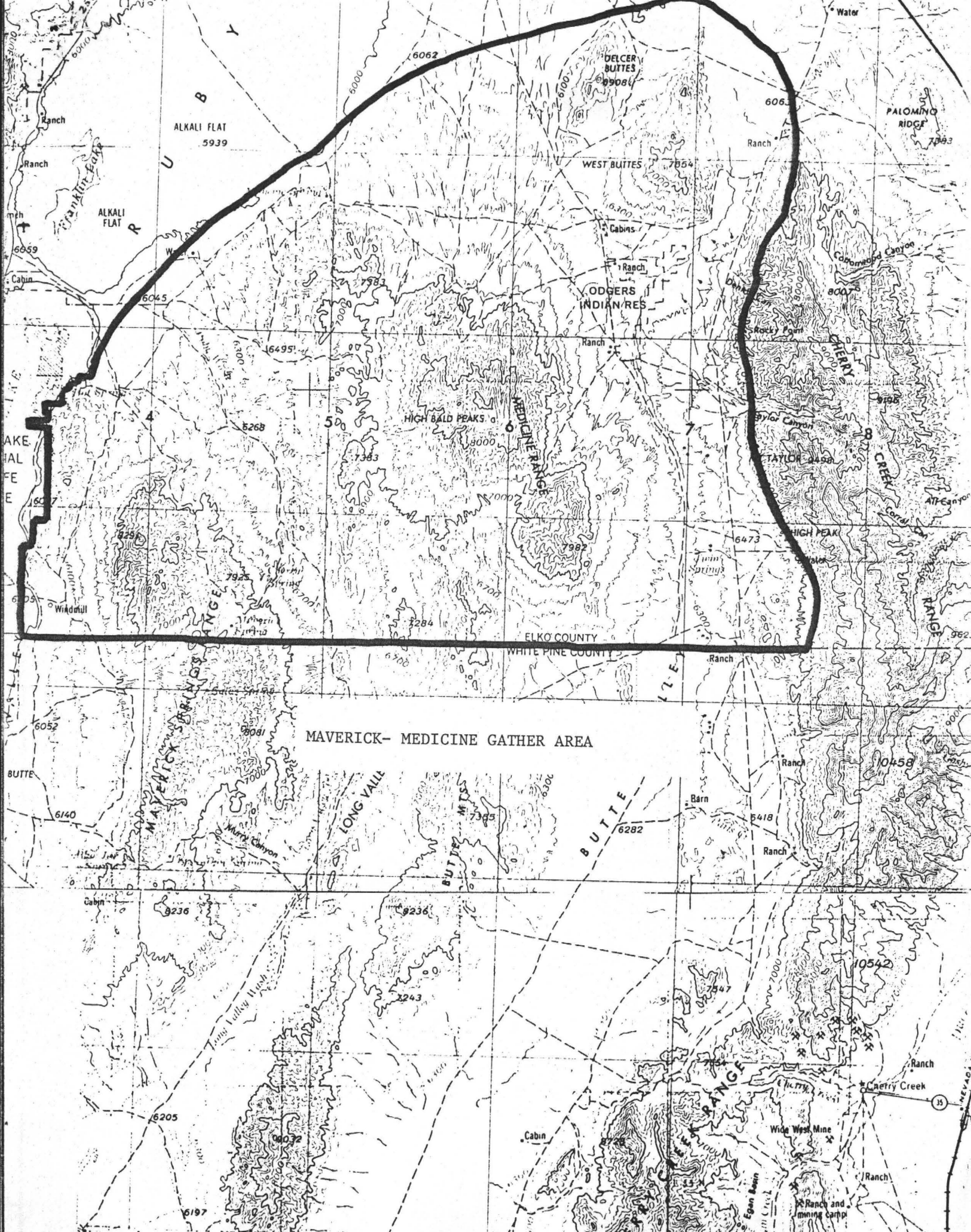
LONG VALLEY

BUTTE

10542

Wide West Mine

Caetry Creek



DR/FONSI
for
Ely/Elko District Wild Horse Gather
EA No. NV-040-8-15

Decision: We have reviewed the Environmental Assessment for the Ely/Elko District Wild Horse Gather and concur with the staff's assessment. We approve of the proposed action to conduct a helicopter removal of approximately 1,045 excess wild horses from the proposed gather areas with the mitigation as proposed. The removal of wild horses will leave a minimum population of 1,115 animals on the five BLM HMA's and two USFS Territories, which is within the established AML's. The non-selected alternatives consist of water trapping the same number of wild horses, trapping them by running them on horseback, and no action.

Rationale: The proposed action should be undertaken to effectively manage the BLM HMA's and USFS Territories within the gather area at their established appropriate management levels. The stipulations will ensure humane treatment of the captured horses. The proposal is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (P.L. 92-195), as amended. It also conforms with the Egan and Wells RMP's and ROD's, as well as the ROD, Final EIS, and Land and Resource Management Plan for the Humboldt National Forest.

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

Rationale: Direct and indirect environmental benefits are anticipated for wild horses, livestock, and wildlife with the adoption of the proposed action. The plan will result in improvement of the rangeland resources through decreased utilization of the forage and water resources in the gather area.

Kenneth G. Walker
Kenneth G. Walker
Ely District Manager
Bureau of Land Management

7-28-88
Date

Rodney Harris
Rodney Harris
Elko District Manager
Bureau of Land Management

7/19/88
Date

B. J. Graves
B. J. Graves
Forest Supervisor
Humboldt National Forest

7/14/88
Date

ENVIRONMENTAL ASSESSMENT
for the
ELY/ELKO DISTRICT WILD
HORSE GATHER

EA No. NV-040-8-15

Prepared by Robert E. Brown
Wild Horse and Burro Specialist
May 16, 1988

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

BACKGROUND INFORMATION

Introduction

The Bureau of Land Management (BLM) Ely District, Egan Resource Area, in conjunction with the Elko District, Wells Resource Area, and the U.S. Forest Service (USFS) Humboldt National Forest, Ely Ranger District and Ruby Mountains Ranger District, is proposing to remove excess wild horses from five BLM herd management areas (HMA's), one designated horse free area, and two USFS wild horse territories.

The proposed gather area is located approximately 30 air miles west of Ely in western White Pine County and south-central Elko County, Nevada. The gather proposal includes the removal of excess wild horses from the Buck and Bald, Butte, Diamond Hills South, and Monte Cristo (HMA's), as well as one designated horse free area, in the BLM Ely District, Egan Resource Area. It also includes the Maverick-Medicine HMA in the BLM Elko District, Wells Resource Area. Two USFS Humboldt National Forest wild horse territories are also included, the Cherry Springs Territory in the Ruby Mountains Ranger District and the Monte Cristo Territory (jointly managed with BLM's Monte Cristo HMA) in the Ely Ranger District (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 established home ranges within designated horse free areas or have exceeded the appropriate management level (AML) established for specific HMA's/Territories. Thus, they are competing with other ungulates for forage, water, cover, and living space in greater than established numbers.

Relationship to Planning

The Monte Cristo HMA/Wild Horse Territory is managed through a cooperative management plan approved in 1977, between the USFS Humboldt National Forest, Ely Ranger District and the BLM Ely District, Egan Resource Area. The Monte Cristo Wild and Free Roaming Horses Management Plan established management numbers for the Monte Cristo herd at an average of 96 head, but to allow for a 25-percent fluctuation and maintain the herd between 72 and 120 horses.

The Cherry Springs Wild Horse Territory is managed under the Cherry Springs Wild Horse Territory Plan, also approved in 1977. Management numbers are established in this plan to provide a range of 42 to 68 horses.

The remainder of the proposal area is not covered by herd management area plans (HMAP's). The Egan RMP (1984) and ROD (1987) established the following AML's for the Egan Resource Area HMA's in the proposed gather area:

Buck and Bald	700
Butte	60
Diamond Hills South	36
Monte Cristo	96 ± 25% (72 to 120)

The Wells RMP (1983) and ROD (1985) established the Maverick-Medicine AML at 80-100 percent of the 1981 census level of 244 horses (195 to 244). In addition, the USFS wild horse territories' management numbers are addressed, to conform with the numbers established in the Monte Cristo and Cherry Springs management plans, in the ROD, final EIS, and Land and Resource Management Plan for the Humboldt National Forest (1986).

The proposal is in conformance with both BLM and USFS 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 Elko and White Pine 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/Territory 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 1,045 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>
Monte Cristo	72 to 120	145 (1986)	100 *
Horse Free Area	0	65 (1987)	65
Diamond Hills South	36	95 (1987)	59
Buck and Bald	700	1,081 (1987)	381
Cherry Springs	42 to 68	100 (1987)	50
Butte	60	202 (1987)	142
Maverick-Medicine	195 to 244	443 (1987)	248
Total	1,105 to 1,228	2,131	1,045

* The number of horses to be gathered is greater than the difference between the latest census (1986) and the minimum management number for the Monte Cristo herd. Recent ground counts showed that 100 head could be removed and the AML of 72 to 120 wild horses would still remain. Under no circumstances will the herd be gathered below the AML of 72 wild horses. 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 FY88, and last approximately 6 weeks. The approximate start date for the removal contract is September 1, 1988.

It is estimated that 13 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 Egan or Wells 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.

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 30 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 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 13 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 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.

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 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 be established outside of HMA/Territory 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 Egan Draft RMP and EIS (1983), the Proposed Egan RMP and Final EIS (1984), the Wells Draft RMP and EIS (1983), the Proposed Wells RMP and Final EIS (1983), and the ROD, Final EIS, and Land and Resource Management Plan for the Humboldt National Forest (1986). These documents are on file at the BLM Ely and Elko District Offices, and the USFS Humboldt National Forest Ely and Ruby Mountains Ranger District Offices.

ENVIRONMENTAL CONSEQUENCESProposed Action

There would be no impacts from the proposed action to threatened or endangered species (plants or animals); floodplains; wetlands; wilderness values; 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.

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 and Elko BLM Districts, as well as for the USFS Humboldt National Forest Ely and Ruby Mountains Ranger Districts. 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 mule deer and antelope herds. Reduced competition for the short supply of mountain brush and other forage by all ungulates 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:

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 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 was given and public comments were solicited for a period of 30 days (see Record of Persons, Groups, and Agencies Contacted). Comments received were considered for the final environmental assessment. Letters, responding to the comments received, were written to the persons/groups making comments to the draft document.

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
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
Paris Livestock
Bureau of Land Management, Nevada State Director
Bureau of Land Management, Battle Mountain District Manager
Bureau of Land Management, Elko District Manager
U.S. Forest Service, Humboldt National Forest, Ely District
Ranger
U.S. Forest Service, Humboldt National Forest, Ruby Mountains
District Ranger
U.S. Forest Service, Humboldt National Forest, Forest Supervisor
Western Shoshone National Council

Internal District Review

Bill Lindsey	Livestock Grazing
Lisa Diercks	Livestock Grazing
Robert Brown	Wild Horses and Burros
Sarah Johnston	Cultural Resources
Shaaron Netherton	Visual Resources Management/Recreation
Cris Ann Bybee	Soils/Air/Watershed
Mark Barber	Riparian/Threatened and Endangered Animals/Water Quality
Mike Perkins	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
Robert E. Brown
Wild Horse and Burro Specialist
Ely District

7/6/88
Date

Reviewed by:

Jake Rajala
Jake A. Rajala
Environmental Coordinator
Ely District

6/29/88
Date

Russell T Dailey
Russell T. Dailey
ADM Resources
Ely District

7/5/88
Date

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

7-6-88
Date

John A Phillips
John A Phillips, Manager
Wells Resource Area
Elko District

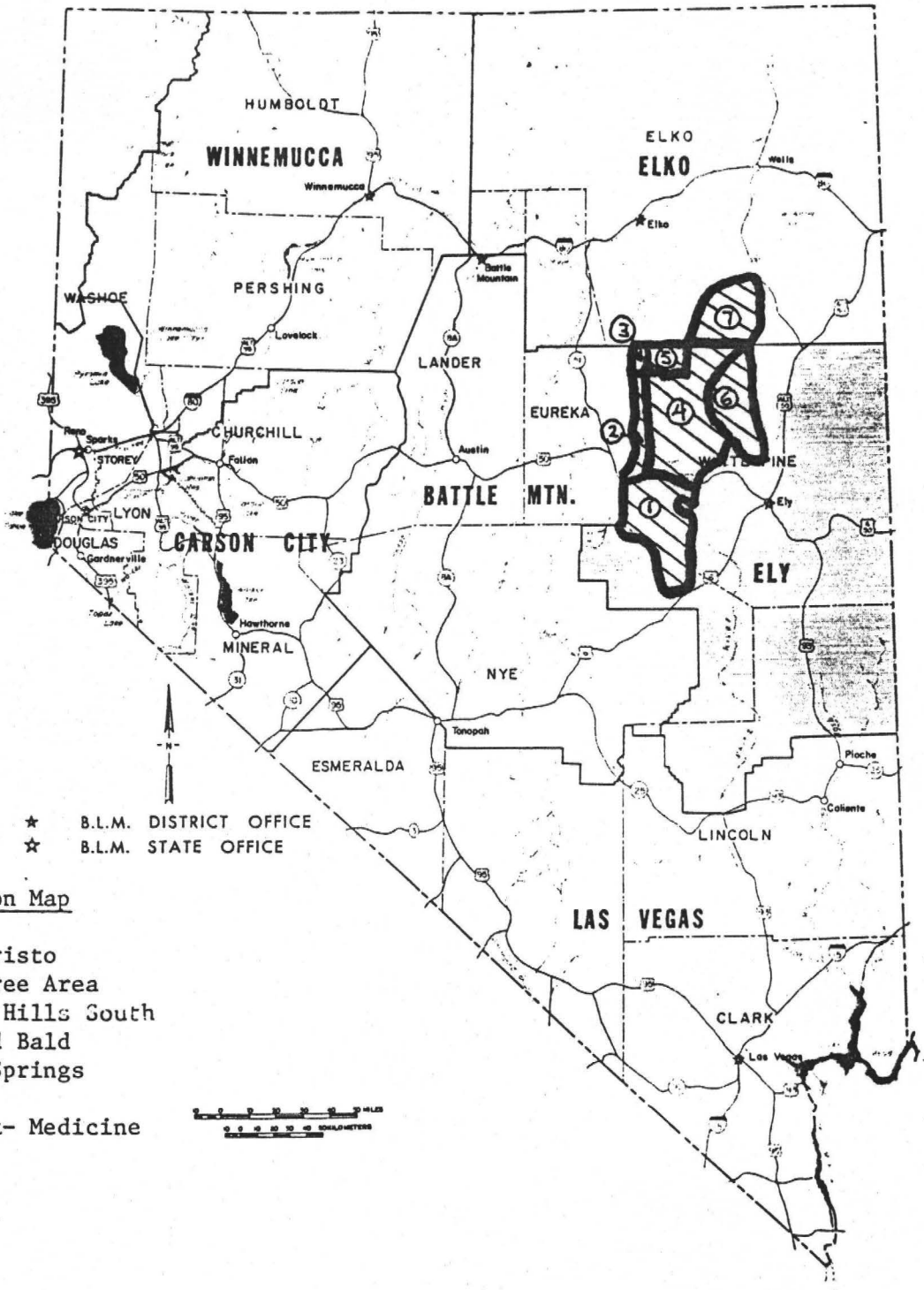
7/14/88
Date

Paul Demeule
Paul Demeule
Ely District Ranger
Humboldt National Forest

7/6/88
Date

Mont E. Lewis, Jr.
Mont E. Lewis, Jr.
Ruby Mountains District Ranger
Humboldt National Forest

7/14/88
Date



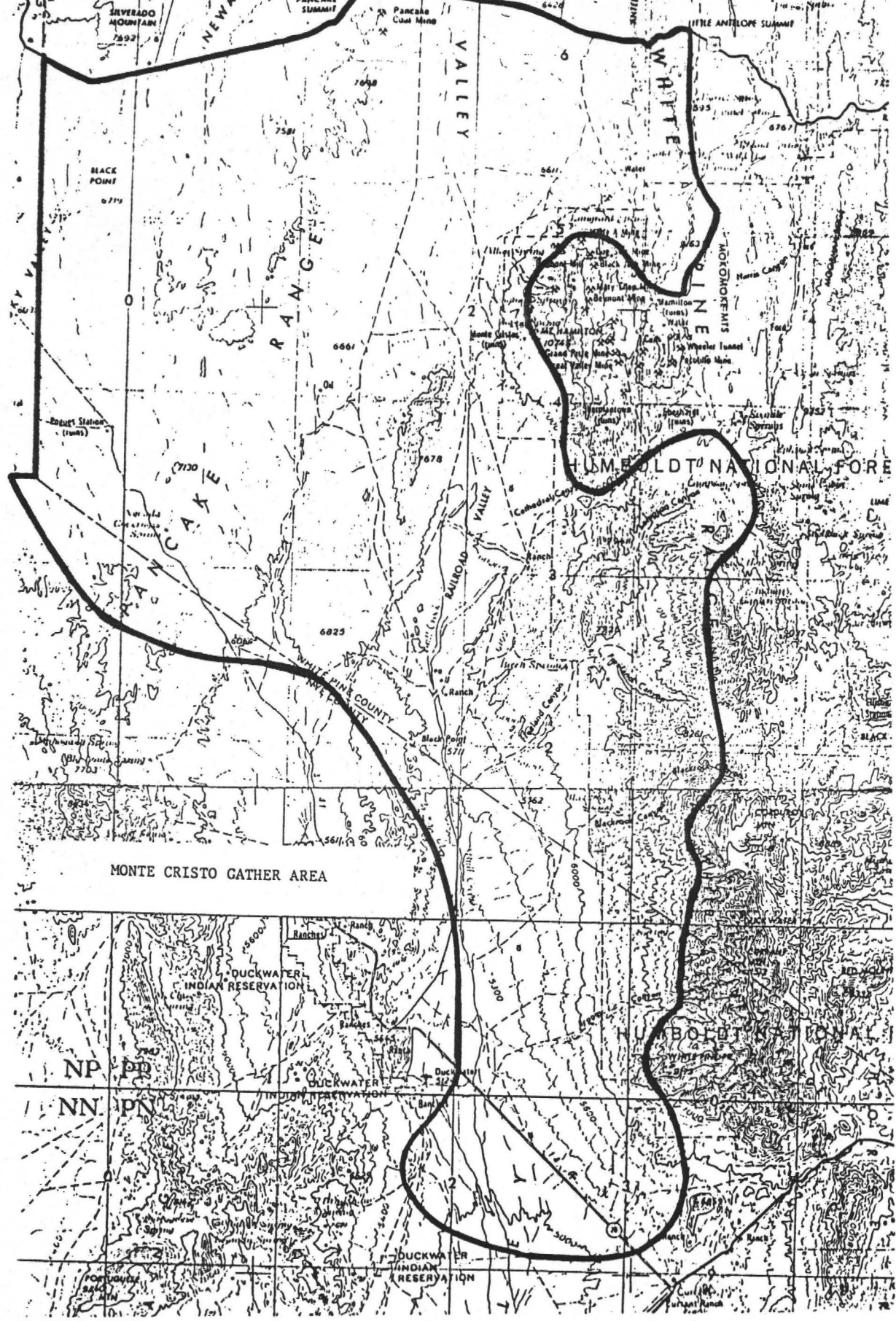
★ B.L.M. DISTRICT OFFICE
 ☆ B.L.M. STATE OFFICE

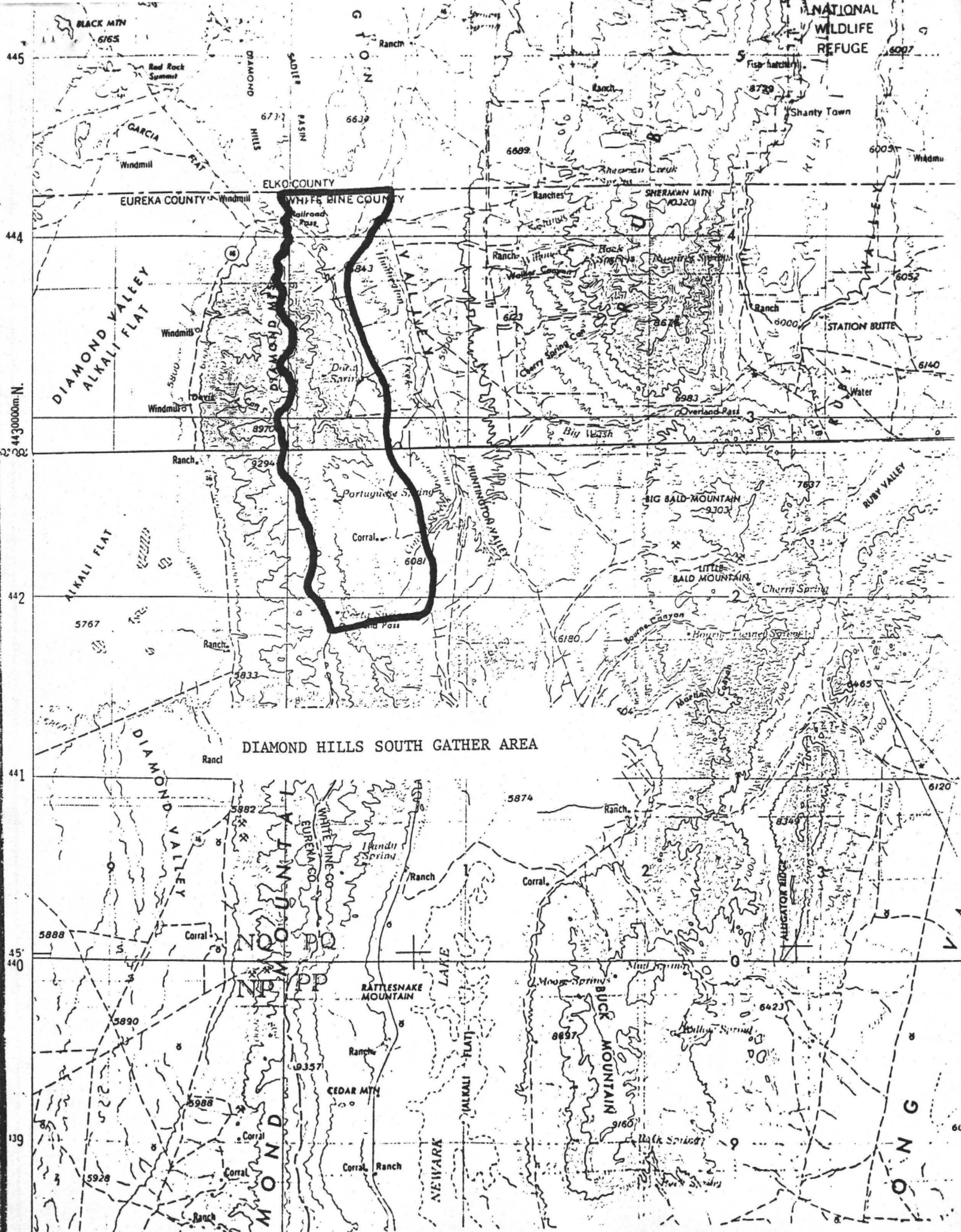
Work Location Map

- 1. Monte Cristo
- 2. Horse Free Area
- 3. Diamond Hills South
- 4. Buck and Bald
- 5. Cherry Springs
- 6. Butte
- 7. Maverick- Medicine



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





DIAMOND HILLS SOUTH GATHER AREA

4430000m.N.

445

444

442

441

440

439

DIAMOND VALLEY
ALKALI FLAT

ELKO COUNTY
EUREKA COUNTY
WHITE PINE COUNTY

NATIONAL WILDLIFE REFUGE

ALKALI FLAT

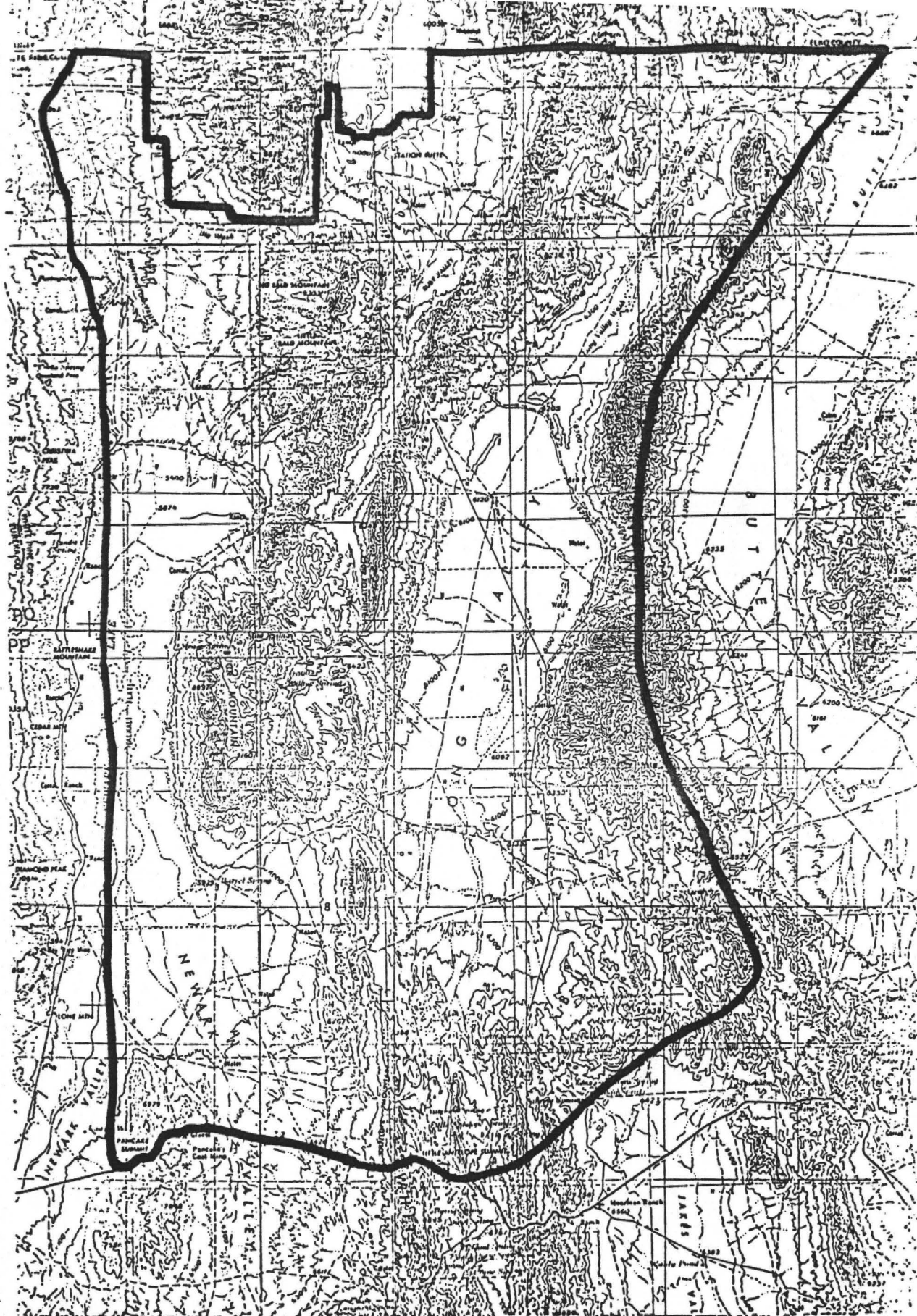
DIAMOND VALLEY

DIAMOND MOUNTAIN

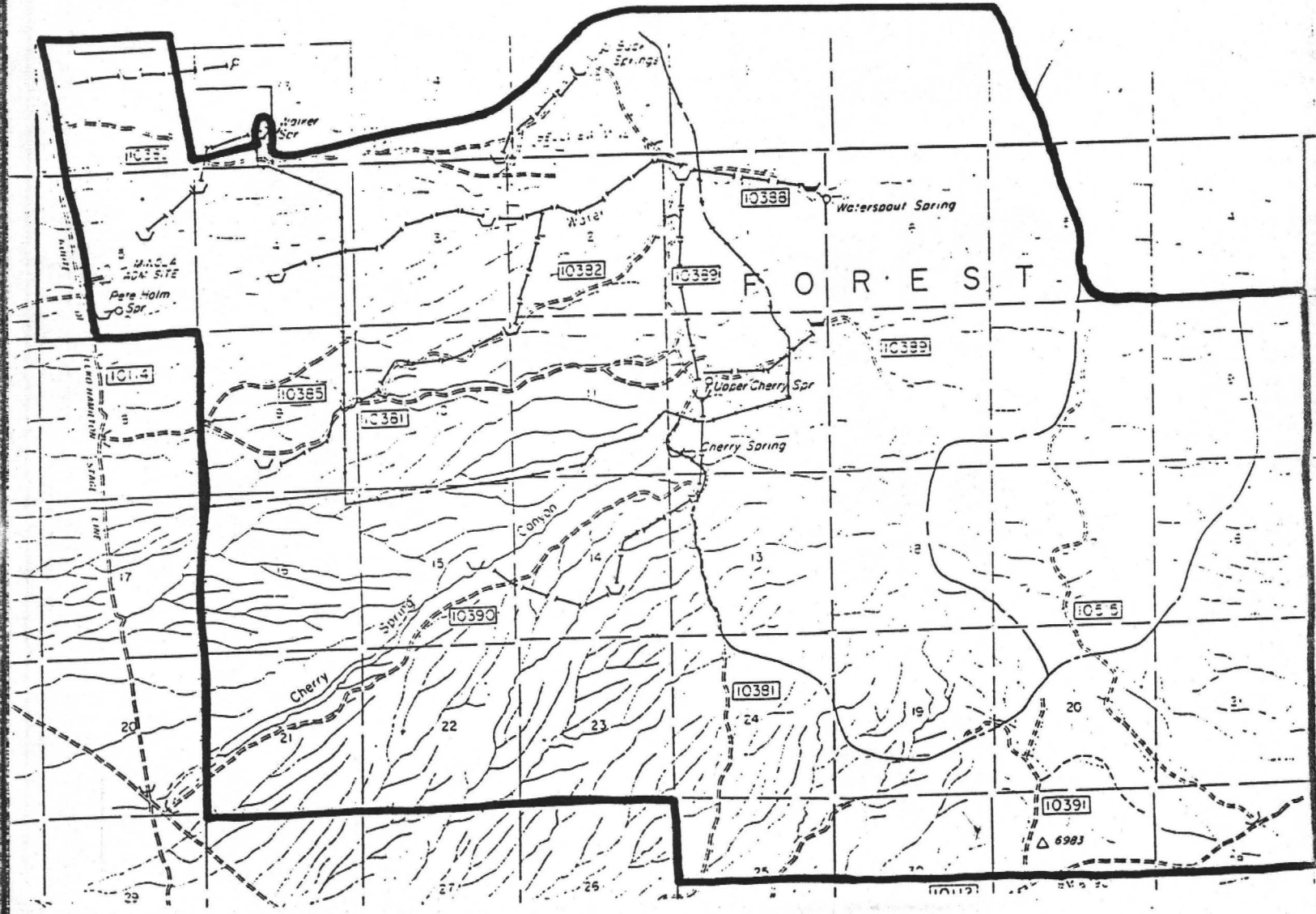
NEWARK
ALKALI FLAT

BUCK MOUNTAIN

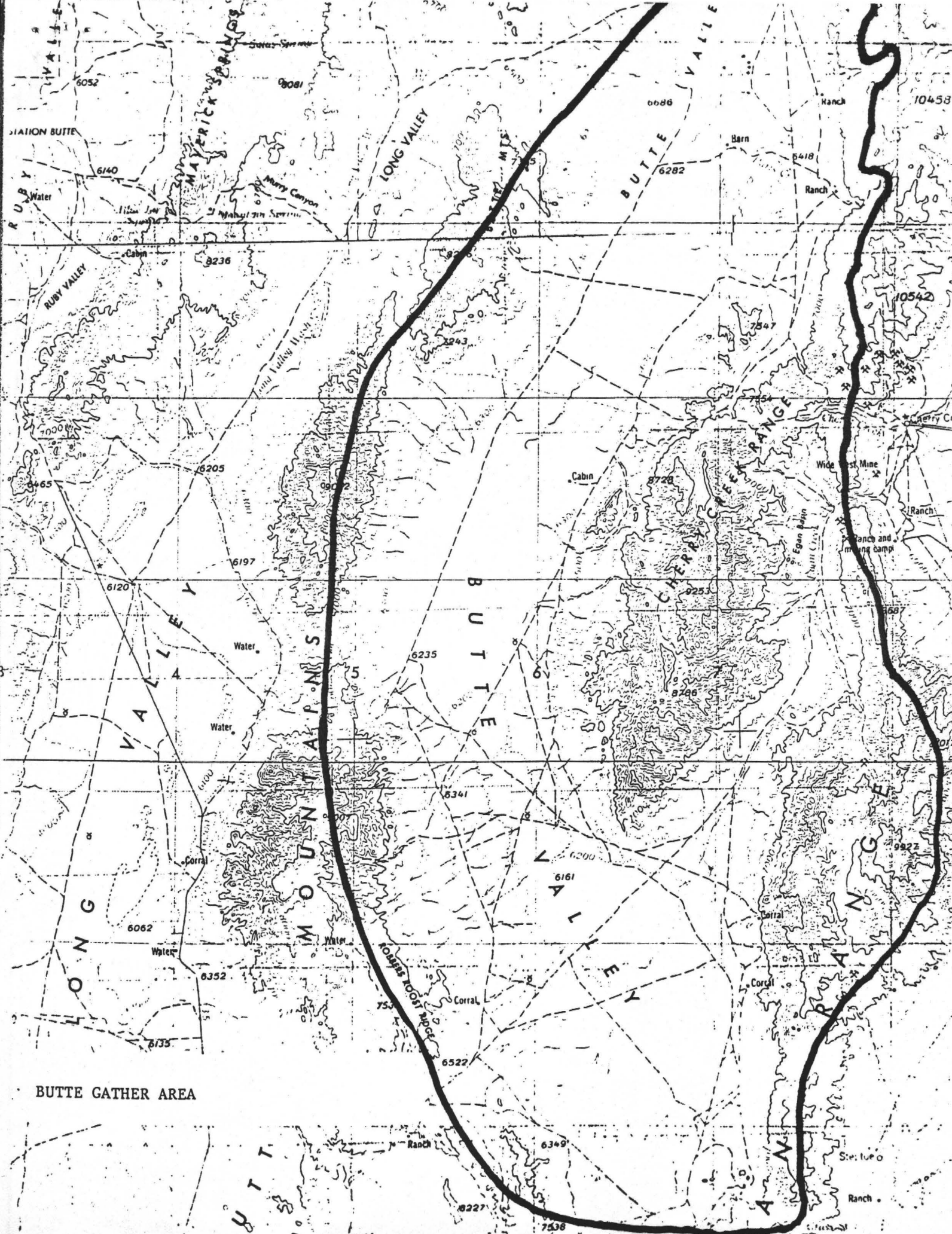
ONG



BUCK AND BALD GATHER AREA



CHERRY SPRINGS GATHER AREA



BUTTE GATHER AREA

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Ely District Office
Star Route 5, Box 1
Ely, Nevada 89301

9/23/88
Monte Cristo HMA

In reply refer to:
4710, NV-04-88-1
(NV-043)

SEP 23 1988

Memorandum

To: State Director, Nevada (NV-931.3)

From: District Manager, Ely

Subject: Response to the Animal Protection Institute of America's (API) Appeal (NV-04-88-1) of the Wild Horse Removals: Monte Cristo, Diamond Hills South, Buck and Bald, Cherry Springs, Butte, and Maverick-Medicine HMA's and Recommendation for Dismissal.

The following represents a chronological narrative of the issues and events that led to the aforementioned appeal from API. Included is the Ely District's response to the allegations in the appeal with supportive evidence, documentation, and reasoning for the request for dismissal.

In the copy of the appeal sent to the Ely District Office, addressed to IBLA, API refers to six appendices (of their appeal) which they request to be considered as supportive evidence for their appeal (Attachment No. 1):

1. Appendix A - Letter from API requesting clarification on numbers and a revised management plan for the Buck and Bald Herd Management Area (HMA).
2. Appendix B - Protest letter from API objecting to the removals as not consistent with the land use plans (LUP).
3. Appendix C - 1985 Capture Plan for Buck/Bald, Maverick/Medicine Wild Horse Gather; Capture Plan for 1985 Monte Cristo Wild Horse Gather (incomplete); and 1985 Amendment to Environmental Assessment No. NV-040-7-17 (incomplete and disjointed).
4. Appendix D - Wells Record of Decision (incomplete); and Elko Resource Management Plan Record of Decision which is not pertinent to the wild horse removals listed in the appeal.

5. Appendix E - Removal Plan for Ely/Elko District Wild Horse Gather and associated environmental assessment No. NV-040-8-15.
6. Appendix F - BLM Ely District response letter to API's contention that numbers quoted as AML's in the Removal Plan for Ely/Elko District Wild Horse Gather are starting points and not AML.

Of the six stated appendices, only Appendices A, B, E, and F were included in their entirety with our copy of the appeal. In addition, Appendix C contains documents for actions which were completed in 1985 and 1986, and these documents are not pertinent to the removals as listed in this appeal. Also, Appendix D includes a document - Elko Resource Management Plan Record of Decision (ROD) - which is not pertinent to the removals as listed in this appeal. Appropriately, our response will deal primarily with Appendices A, B, E, and F, and in part with Appendix D as it relates to the Wells ROD.

Chronological Narrative

The U.S. Forest Service (USFS), Humboldt National Forest, approved the Management Plan for the Cherry Springs Wild Horse Territory on April 18, 1977. This management plan's objective is to manage the Cherry Springs Wild Horse Territory at the carrying capacity of 58 horses through maintenance of a herd of 42 to 68 animals (Attachment No. 2).

The Monte Cristo Wild and Free Roaming Horses Management Plan was approved on July 20, 1977, as a cooperative management program between the USFS, Humboldt National Forest and the BLM, Ely District. The objective of this plan is to manage, protect, and control wild free roaming horses in the Monte Cristo area at an average of 96 head by not allowing the herd to increase above 120 head or be decreased below 72 head (Attachment No. 3).

On October 25, 1978, the Public Rangelands Improvement Act, Public Law (PL) 95-514 was signed into law. Section 14 of PL 95-514 deals specifically with the management of wild horses and burros (WH&B) on public lands (Attachment No. 4). It directed the Secretary to determine appropriate management levels (AML's) of wild free-roaming horses and burros on areas of the public lands and to determine whether AML's should be achieved by the removal or destruction of excess animals or through other options.

In order to comply with Section 202 of the Federal Land Policy and Management Act of 1976 (PL 94-579) and PL 95-514, the land use planning process began in 1979 for the Wells Resource Area of the Elko District and in 1981 for the Egan

Resource Area of the Ely District. The land use planning process began in 1980 for the Humboldt National Forest under authority of the Multiple-Use Sustained Yield Act of 1960 and the Forest and Rangeland Renewable Resource Planning Act of 1974, as amended by the National Forest Management Act.

In planning for the management of WH&B, the BLM Districts received guidance on the determination of AML's from Title 43 CFR Subpart 4730 (Attachment No. 5) and from Nevada State Office Instruction Memorandum No. NV-82-305 (Attachment No. 6). The policy stated that current WH&B numbers would be used to establish a starting point for monitoring and for analysis in the LUP's. ✓

Chronology of Wells Resource Area LUP Process

The Draft Wells Resource Management Plan (RMP) and Environmental Impact Statement (EIS) was distributed for public review and comment in May 1983. Table 2-5 of this document identified WH&B numbers by HMA at 80 to 100 percent of the 1981 census as the level to be analyzed in the planning process, to include the Maverick-Medicine HMA (Attachment No. 7).

After two years of scoping meetings, extensive review, hearings and public comment, the planning process culminated with the issuance of the Record of Decision (ROD) in July 1985. This document constituted the approval of the Proposed Wells RMP and Final EIS and outlined the multiple use management decisions to be implemented. One of the management decisions/objectives in the ROD is to initially manage WH&B populations at 80 to 100 percent of existing numbers based on 1981 aerial census and determine if this level of use can be maintained (Attachment No. 8).

Chronology of Egan Resource Area LUP Process

The Draft Egan RMP and EIS was distributed for public review and comment in September 1983. The preferred alternative on pages 22 and 23 of this document identified WH&B numbers by HMA to be analyzed in the planning process (Attachment No. 9). Of the HMA's identified in API's appeal within the Egan Resource Area, the following WH&B numbers were included for analysis. The Monte Cristo HMA would be managed at 96 animals in accordance with the approved management plan. The Buck and Bald HMA would be managed at approximately 700 animals, which is an interim level established through a gathering plan and environmental assessment written in 1981. The remaining herds, including Butte (60 animals) and Diamond Hills South (36 animals), would be managed at the 1982-83 census levels.

After four years of scoping meetings, extensive review, hearings and public comment, the planning process culminated with the issuance of the Egan Resource Area ROD in February 1987. This document constituted the approval of the Proposed Egan RMP and Final EIS and outlined the multiple use management decisions to be implemented. One of the management decisions/objectives in the ROD is to initially manage WH&B populations at the levels identified in the preferred alternative of the Draft Egan RMP and EIS and determine if this level of use can be maintained (Attachment No. 10).

Chronology of Humboldt National Forest LUP Process

A Proposed Forest Plan and Draft EIS was distributed for public comment in June 1985. This document identified the management numbers for the Cherry Springs and Monte Cristo Wild Horse Territories to be in accordance with the 1977 approved wild horse management plans. The culmination of this planning effort came after scoping meetings, extensive review and public comments which occurred both prior to and following the issuance of this proposed plan and draft EIS.

The Humboldt National Forest issued the ROD, Final EIS, and Land and Resource Management Plan in August 1986 culminating the planning effort. The ROD constituted the approval of the Final EIS and Land and Resource Management Plan. The Land and Resource Management Plan identified the management of WH&B populations for Cherry Springs and Monte Cristo at the levels established in the approved 1977 management plans. Table II-8 on page II-14, Goal #20 (page IV-6), and the Forest-Wide Management Direction, Standards, and Guidelines (page IV-40) in this document identify WH&B management for these territories (Attachment No. 11).

Chronology Following LUP Decisions

The development of the Wells and Egan LUP's was consistent with all Bureau policies, direction and guidance as specified in Title 43 CFR Subpart 1610 regulations. They were developed under implementing regulations of the National Environmental Policy Act, Council on Environmental Quality, Title 40 CFR Parts 1500-1508.

The development of the Humboldt National Forest LUP was in accordance with all USFS policies, direction, and guidance; and under implementing regulations of the National Environmental Policy Act, Council on Environmental Quality, Title 40 CFR Parts 1500- 1508; and the National Forest Management Act, Title 36 CFR Part 219.

Prior to the preparation of a removal plan and environmental assessment (EA), a complete aerial census using a helicopter was conducted on the Monte Cristo HMA in February 1986, to determine whether the HMA contained animals in excess of the AML (Attachment No. 12). A similar aerial census was completed in June 1987 on the Maverick-Medicine, Butte, Buck and Bald, and Diamond Hills South HMA's, as well as on an adjacent horse free area (Attachment No. 13). The Ruby Mountains Ranger District of the Humboldt National Forest completed a ground census by horseback on the Cherry Springs Wild Horse Territory in May 1988 to determine excess above AML (Attachment No. 14). The results of these counts were used to determine the number of wild horses to be captured to attain AML's under the proposed removal operation.

In order to implement the LUP decisions, a draft removal plan and associated EA were prepared and distributed for public review and comment in May 1988 (Attachment No. 15). The removal plan outlined the methods and procedures to be used in removing approximately 1,045 excess wild horses from the Monte Cristo, Diamond Hills South, Buck and Bald, Cherry Springs, Butte and Maverick-Medicine HMA's, as well as from the horse free area. This removal plan was prepared in accordance with the current WH&B capture policy issued by the Nevada State Office, Instruction Memorandum No. NV-88-224 (Attachment No. 16). The draft EA analyzed the various methods of removing excess animals to achieve or maintain AML's identified in the LUP's.

After the incorporation of public comments, a final removal plan and associated EA were completed. A Record of Decision and Finding of No Significant Impact was also prepared for the EA and approved on July 28, 1988. The final removal plan was also approved on August 8, 1988. The approved documents were mailed out to the public on August 11, 1988 (Attachment No. 17).

A notice was also sent to the WH&B interest groups, including API, on August 5, 1988, advising them of the BLM's decision to gather excess wild horses from the Monte Cristo, Diamond Hills South, Buck and Bald, Cherry Springs, Butte and Maverick-Medicine HMA's, and the horse free area no sooner than 28 days from the date of the notice (Attachment No. 18).

During the removal planning process, we received and responded to several letters from API concerning the gathering operation (Attachment No. 19). On July 27, 1988, the removal contract bid opening occurred for this gather. The contract was scheduled to be awarded on August 29, 1988, but a decision was made by BLM to postpone the contract award on August 11, 1988.

On August 25, 1988, the Ely District received a copy of the appeal filed by API with the IBLA (Attachment No. 1). API appealed the proposed action to remove wild horses from the HMA's. Due to the appeal, a decision was made by BLM on September 12, 1988, to cancel the removal contract. The contract was cancelled on September 13, 1988.

Appeal and BLM Responses to Allegations Therein

The appellants list four main reasons for appealing the Nevada State Director's decision to gather approximately 1,045 excess wild horses to implement LUP decisions. Below are listed the allegations, grouped into similar issues in the same order as listed in the appeal, and our responses to each:

1. Allegation - API contends that BLM has failed to environmentally assess the proposed action to remove horses but has instead assessed the secondary consideration of whether to remove by helicopter or water trapping or mounted wrangling.

Response - We agree that EA No. NV-040-8-15 for this action (Attachment No. 17) does assess whether to remove horses by helicopter, water trapping, or mounted wrangling, as stated in this allegation. But, the EA also assesses the action to remove wild horses, contrary to API's allegation that it does not.

What the EA does not assess is the actual number of horses that need to be removed and how many are to remain. This assessment is not needed, since the EIS's developed during the LUP process for the Wells and Egan RMP's and the Humboldt National Forest Land and Resource Management Plan previously evaluated the decisions to attain and maintain the AML's as established in the LUP's and the two approved management plans. The decision to remove excess animals and manage the HMA's in question at the established AML's is justified and adequately addressed in the Wells ROD (Attachment No. 8) and the Egan ROD (Attachment No. 10), as well as in the approved management plans for the Cherry Springs Wild Horse Territory (Attachment No. 2) and the Monte Cristo herd (Attachment No. 3). Therefore, the allegation is without basis and is frivolous.

2. Allegation - API contends that the appropriate management level (AML) has not been established and the numbers quoted are starting points to begin monitoring in order to determine AML.

Response - Again, we agree in part with this allegation. The AML's identified and analyzed in the LUP's were never intended to be absolute numbers. Each LUP provides for a periodic re-evaluation of existing AML's (as identified in the LUP's), and provides for adjustments in grazing use levels of livestock, WH&B, and wildlife.

Existing habitat monitoring studies are evaluated annually and new studies are being established to determine proper grazing use levels. The number of grazing animals on a given area must be maintained at approximately stable levels to yield accurate data for evaluation. After initial AML's have been attained and monitored for several years, studies data will show whether these levels of use are correct. The LUP's provide for an adjustment in AML's to provide for proper use of the range.

The AML's identified in the LUP's were established in accordance with BLM/USFS procedures and policies, and are therefore valid. Although they are starting points for monitoring purposes to determine if adjustments in grazing use are needed, they must first be attained and maintained for a period of time to determine what level of grazing use is proper and what level of adjustment, if any, is needed. This allegation is, therefore, frivolous and without basis.

3. Allegation - API contends that BLM has failed to show that excess horses exist in compliance with the statutory criteria set forth in Section 14 of PL 95-514 (PRIA).

Response - The introduction in the removal plan, as well as the Relationship to Planning section of EA No. NV-040-8-15, both discuss the reference to the land use plans and the justification for removal (Attachment No. 17). The LUP's were developed consistent with all pertinent Bureau/USFS policies, direction, laws, and regulations, including PL 95-514. They state that BLM/USFS will initially manage the WH&B populations at the AML's established in the LUP's and determine if these levels of use can be maintained. Our current gathering efforts are designed to implement the LUP decisions by achieving or maintaining AML's to provide accurate data to analyze our habitat monitoring studies. The analysis of the habitat studies with horses at or near AML's will indicate whether this level of grazing use is appropriate for the area, or if it needs to be adjusted. See

response to Allegation 2 for discussion of AML concept. The censuses conducted in February 1986 (Attachment No. 12), June 1987 (Attachment No. 13), and May 1988 (Attachment No. 14) indicate that the number of wild horses is currently in excess of the AML, rendering the allegation immaterial.

4. Allegation - API contends that the conditions on removals set forth in the Dahl v. Clark ruling have not been met.

Response - It is not within the Ely District's administrative authority to interpret or implement any findings or procedure of law which may have resulted from the Dahl v. Clark decision. The District has not been directed by a higher authority or a court ordered instruction to amend or revise the LUP's because of the judgement in this case. Therefore, the decision to manage the wild horse populations at the LUP established levels is valid and supportable. The allegation is without basis.

Recommendation for Dismissal

The Ely District's actions in this case have been entirely within BLM/USFS policy and regulations and in conformance with existing Public Laws governing the management of WH&B. This is demonstrated clearly by the attachments to this transmittal and the response to the appellant's allegations. The API has failed to show clearly and concisely why the decision of the Nevada State Director to gather wild horses in excess of the AML, as determined in the LUP, is in error.

We, therefore, recommend this case be dismissed.

Kenneth S. Walker

19 Attachments

1. Appeal from API dated August 22, 1988 (109 pp)
2. Management Plan for the Cherry Springs Wild Horse Territory (7 pp)
3. Monte Cristo Wild & Free Roaming Horses Management Plan (28 pp)
4. Section 14 of PL 95-514 (5 pp)
5. 1982 Title 43 CFR Subpart 4730 (1 p)

6. NSO Instruction Memorandum No. NV-82-305 re: Determining WH&B numbers for MFP/RMP Analysis and Decisions (2 pp)
7. Table 2-5 from Draft Wells RMP and EIS identifying WH&B numbers by HMA at 80 to 100 percent of the 1981 census (2 pp)
8. WH&B Management decisions/objectives from the Wells ROD (4 pp)
9. Pages 22 and 23 from the Egan Draft RMP and EIS identifying WH&B numbers by HMA analyzed in the planning process (3 pp)
10. WH&B Management decisions/objectives from the Egan Resource Area ROD (7 pp)
11. Table II-8 (page II-14), Goal #20 (page IV-6), and the Forest-Wide Management Directions, Standards, and Guidelines (page IV-40) from the Humboldt National Forest Land and Resource Management Plan (4 pp)
12. February 1986 Census of Monte Cristo Wild Horse Herd (3 pp)
13. June 1987 Census of Butte, Buck and Bald, and Diamond Hills South Wild Horse Herds (includes Maverick-Medicine HMA and horse free area) (6 pp)
14. May 1988 Census of Cherry Springs Wild Horse Territory (8 pp)
15. Draft Removal Plan for Ely/Elko District Wild Horse Gather and Associated Draft EA No. NV-040-8-15 (50 pp)
16. NSO Instruction Memorandum No. NV-88-224 re: Wild Horse and Burro Capture Policy (42 pp)
17. Removal Plan for Ely/Elko District Wild Horse Gather and associated EA No. NV-040-8-15 with DR/FONSI (52 pp)
18. 28 Day Notice, dated August 5, 1988 (11 pp)
19. Sequence of letters from API with BLM responses (12 pp)