



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

6 6-7-93
TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

~~AMUs~~ have already
been established

4700 (NV-046)

JUN 7 1993

Dear Reader,

Enclosed are copies of the Final Wild Horse Removal Plan for Dry Lake HMA/Wilson Creek HMA and the Patterson Seedings and the associated Environmental Assessment (EA No. NV-040-02-22) for your information. Also, enclosed is the 28-day notice for this removal.

Thank you for your interest in the wild horse program in Ely. For further information contact Sheree Luttrell, Schell Resource Area Wild Horse Specialist at (702) 289-4865.

Sincerely,

Gerald M. Smith
Gerald M. Smith, Manager
Schell Resource Area

3 Enclosures

1. Removal Plan
2. EA No. NV-040-02-22
3. 28-Day Notice

WILD HORSE
REMOVAL PLAN FOR
DRY LAKE HMA/WILSON CREEK HMA AND
THE PATTERSON SEEDINGS

Prepared by Sheree L. Luttrell
Wild Horse Specialist

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

REMOVAL PLAN FOR DRY LAKE HMA, WILSON CREEK HMA
AND PATTERSON SEEDINGS

The Draft Wild Horse Removal Plan for Dry Lake HMA/Wilson Creek HMA and the Patterson Seedings was sent to the public for comment on March 30, 1993. Two comment letters were received: one from The State Of Nevada Depart Of Wildlife (NDOW) and one from Gary Francione, Esq. in behalf of Michael Blake, Tim Wilson, and the Public Lands Resource Council. The letter from NDOW stated the agency's support for the proposed removal. The letter from Gary Francione, Esq. stated opposition to the proposed removal. Comments were carefully considered in preparation of this Final Removal Plan.

I. Purpose and Rationale

The proposed action is to capture and remove excess wild horses from the Wilson Creek and Dry Lake Herd Management Areas (HMAs) and an adjacent horse free area, the Patterson Seedings. The initial removal is scheduled to occur in July or August, 1993. Subsequent removals may occur to maintain AML until monitoring data indicates that a change is AML is required.

The proposed action (s) will: 1.) restore the range to a thriving natural ecological balance, 2.) will prevent further deterioration of the range threatened by an overpopulation of wild horses, and 3.) will bring the populations of wild horses to a level in balance with available forage within the Wilson Creek and Dry Lake HMAs. The population adjustments are based on the analysis of monitoring data.

The Final Multiple Use Decision (FMUD) for the Geyser Ranch Allotment, issued on July 11, 1990, established wild horse appropriate management levels (AMLs) for those portions of Wilson Creek HMA and Dry Lake HMA that lie within the allotment. AMLs, based on monitoring data and the allotment evaluation, were set at 16 wild horses on Grassy Mt. in the Dry Lake HMA and 48 horses in the Fortification Range in the Wilson Creek HMA. The FMUD also made reductions in livestock numbers based on monitoring data.

The FMUD for the Wilson Creek Allotment, issued on November 5, 1992 established AMLs for those portions of the Dry Lake, Wilson Creek and Seaman HMAs that lie within the allotment. AMLs were based on monitoring data and the allotment evaluation. With the completion of the Wilson Creek Allotment evaluation, the majority of the Wilson Creek and Dry Lake HMAs have AML established. The FMUD also made reductions in livestock numbers based on monitoring data.

AMLs as established in the FMUDs are final. This removal plan

addresses the methodology and procedures to be used to capture and remove the animals to attain the established AML.

No horses will be removed from the Seaman HMA, because AML has only been established on a small portion of the HMA.

AMLs set in the FMUDs based on monitoring, are as follows:

<u>Herd Management Area</u>	<u>Appropriate Management Level</u>
Dry Lake HMA	
Geyser Ranch Allotment	16
Wilson Creek Allotment	78
Sunnyside Allotment	existing #s 0*
Fox Mountain Allotment	existing #s 0*
	Total 94
Wilson Creek HMA	
Geyser Ranch Allotment	48
Wilson Creek Allotment	102
Cottonwood Allotment	existing #s 0*
Hamblin Valley Allotment	existing #s 10*
South Spring Valley Allotment	existing #s 0*
	Total 160

* These allotments overlap a small part of the Wilson Creek HMA or Dry Lake HMAs. Monitoring evaluations are not complete and no horses will be removed from those allotments. A total AML for the Dry Lake HMA and the Wilson Creek HMA will be set when the evaluations for all allotments are complete. The latest census of the Wilson Creek HMA (2/93) showed zero horses in the Cottonwood Allotment, zero in the South Spring Valley Allotment and 10 in the Hamblin Valley Allotment. The latest census in the Dry Lake HMA showed zero horses in the Sunnyside Allotment, and zero in the Fox Mountain Allotment. y/s!

The gather area is not covered by a herd management area plan (HMAP); however, the proposed action is in conformance with the Schell Management Framework Plan (MFP) and Record of Decision (ROD). This action is an implementation of the allotment evaluations and FMUDs for the Geyser Ranch Allotment and the Wilson Creek Allotment. IBLA has also ruled "...that it is not necessary that BLM prepare an HMAP as a basis for ordering the removal of wild horses, so long as the record otherwise substantiates compliance with the statute. Indeed, 43 CFR 4710.3-1 does not require preparation of an HMAP as a prerequisite for a removal action. Thus, we are not persuaded that preparation of an HMAP must in all cases precede the removal of wild horses from an HMA/WHT, and decline to order preparation of HMAP's." (IBLA 88-591, 88-638, 88-648, 88 679, at 127).

Geyser Ranch Ltd. appealed the livestock portion of the Geyser Ranch FMUD (NV-04-90-3) and the wild horse portion of the FMUD (NV-04-90-4/IBLA 91-62) and Animal Protection Institute of America (API) appealed the wild horse portion of the FMUD (NV-04-90-7/IBLA 91-60). On March 13, 1991, IBLA issued an order to consolidate and remand IBLA 91-60 and IBLA 91-62 to a factual administrative hearing in combination with the livestock appeal (NV-04-90-3). In addition, IBLA reaffirmed the removal of wild horses from that portion of Grassy Mt. in the Geyser Ranch Allotment and the Patterson Seedings horse free area in the Wilson Creek Allotment Geyser Ranch Ltd. which IBLA had already upheld (IBLA 89-206 and 90-243, dated February 15, 1991). Both the permittee and API appeals to the Geyser Ranch FMUD were withdrawn through out-of-court settlement negotiations. The proceeding were then dismissed by ALJ Sweitzer (March 19, 1991 and July 15, 1991 for the permittee appeals and June 14, 1991 for the API appeal).

The removal also implements the Strategic Plan for Management of Wild Horses and Burros on Public Lands (SP), issued on 6/92; U.S. Department of the Interior, Bureau of Land Management. The SP states that only animals between the ages of 1 and 3 years should be removed. However, current National and Nevada policy is to remove animals up to five years of age from HMAs and up to 9 years of age from horse free areas.

This document outlines the removal of wild horses from those portions of the Wilson Creek and Dry Lake HMAs which have evaluations completed as well as the methodology to be used in future removals if they become necessary. Included are the initial numbers of horses to be captured, 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 pre-capture evaluation held prior to capture operations. Future removals may occur to implement the FMUDs and this document will cover any removals which need to be conducted to maintain current AML.

II. Area of Concern

The proposed capture area is located approximately 60 miles south of Ely in northern Lincoln County, Nevada, and includes portions of the Wilson Creek and Dry Lake HMAs, in the Bureau of Land Management (BLM) Ely District, Schell Resource Area. It also includes a horse free area adjacent to the Wilson Creek HMA known as the Patterson Seedings. Maps of the proposed removal areas are attached.

removals may be necessary to maintain AML until monitoring indicates that a change in AML is warranted. This document will serve as the capture/removal plan for these areas.

A post removal census will be conducted on each HMA to ensure that the identified population numbers remain after a gather is complete. Horses will be released back into the HMA to maintain these numbers, if necessary.

The removal will be selective by age and only animals between the ages of zero to five will be removed from the HMAs in conformance with Nevada State Policy. To remove 302 animals in the proper ages classes, approximately 438 animals will need to be captured, based on an estimate that 40% of the population is over 5 years of age. Older horses will be released back to the area of capture after the operations are complete in that area.

All wild horses will be removed from the horse free area outside the Wilson Creek HMA. The 33 horses in the Patterson Seeding are of all age groups and only animals from 0-9 years old can be shipped for adoption. Therefore it will be necessary to remove all the horses from the seeding and return the older horses to one of the adjacent herd areas. To make room for the older horses, it will be necessary to remove an equal number of young horses from the herd area receiving the older horses. Ideally, horses from the seeding should be released into the Wilson Creek HMA because the latest census indicates that the population is closer to AML and the horses originally came from there. However, the older horses may be released in the Dry Lake HMA if it is not possible to remove enough horses from the Wilson Creek HMA to make room for them. Also, in March 1992, the Ely District identified the Dry lake HMA as a potential herd area for the release of older unadoptable animals.

Release of older animals should be done as far from the seedings as possible to ensure that animals don't return. Released animals will be monitored within 72 hours to ensure that they are not caught behind fences and that they have found water and forage.

Subsequent removals may be needed in the future to maintain AML.

Handling procedures for mares and foals will include the following:

1. Mares older than the target age group (over 5 years old in the HMAs and over 9 years old from the horse-free area) will be paired with their foals and both will be returned to the range.
2. When mares older than the target group will not pair with their foals, the foals will be sent to the National

Wild Horse and Burro Center at Palomino Valley (PVC) for adoption and the mares will be returned to the range.

3. When mares older than the target group will accept their foals, but either the mare or the foal or both are in poor physical condition and their survival on the range is questionable, the animals will be held on site until healthy. If at the termination of the capture operation, it still appears that the animal's survival is questionable, they will be sent to PVC.

4. When mares within the target age group will accept their foals, the pair will be sent to PVC.

5. When mares within the target group will not accept their foals, both the mare and foal will be sent to PVC.

IV. Time and Method of Capture

The initial removal is scheduled for July or August, 1993. Future removals will be conducted when the need arises and when funding becomes available. Timing of the removals is also dependent on the statewide priority schedule. Because the HMAs are adjacent to each other, it would be less expensive and more efficient to combine the removals. However, if funding is not sufficient for both HMAs, the removals may be conducted separately. Horses will not be captured or removed during the foaling season (March 1 to July 1).

The method of capture will be to use a helicopter to herd the animals to trap sites with horseback riders at the wings of portable traps. It is estimated that 4 or 5 trap locations will be required to accomplish the work.

Other methods of capture are not being considered in the Wilson Creek and Dry Lake HMAs. 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 capture 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.

The terrain in the removal area varies from flat valley bottoms to mountainous, and the horses could be located at all elevations depending on the time of year the removal is conducted. There are few physical barriers and fences in the area and the

contractor will be instructed to avoid them.

V. Administration of the Contract

BLM will be responsible for overseeing a contract for the capture, care, aging and temporary holding of approximately 340 wild horses from the gather area for the initial removal. BLM is also responsible to oversee the transportation to the adoption preparation facility as specified in the removal contract.

Within two weeks prior to the start of the contract, BLM will conduct a pre-capture evaluation of existing conditions in the gather area. The evaluation will include animal condition, prevailing temperatures, snow conditions, soil conditions, topography, road conditions, locations of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a conclusion as to whether the level of activity is likely to cause undue stress to the animals and whether a delay in the capture activity is warranted. If it is determined that the capture can proceed with a veterinarian present, the services of a veterinarian will be obtained before the capture will proceed.

The contractor will be briefed on duties and responsibilities before the notice to proceed is issued. There will also be an inspection of the contractor's equipment at this time to ensure that it meets specifications and is adequate for the job. Any equipment that does not meet specifications must be replaced within 36 hours. The contractor will also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations, wilderness study area boundaries and motorized equipment limitations, and the presence of fences and other dangerous barriers.

At least one authorized BLM employee will be present at the site of captures/removals. Either a Contracting Officer's Representative or a Project Inspector (PI) will be on site. The COR/PIs will be directly responsible for the capture/removal. Other BLM personnel may be needed to assist the operation; i.e. an archaeologist or an archaeological technician to conduct cultural inventories, and a BLM law enforcement agent to protect BLM personnel and property from unlawful activities.

The COR/PIs are directly responsible for the conduct of the capture/removal operation and for reporting progress to the Ely District Manager, and the Nevada State Office.

The Schell Resource Area Manager and the Ely District Manager are very involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals is the most important concern and responsibility of the District

Manager, Area Manager, and COR/PIs.

All publicity, public contact, and inquiries will be handled through the Schell Resource Area Manager. The manager will also coordinate the contract with the National Wild Horse and Burro Center at Palomino Valley, the adoption preparation facility, to assure there is space available in the corrals for the captured horses, animals are handled humanely and efficiently, and animals being transported from the capture site are arriving in good condition.

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

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

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

VI. STIPULATIONS AND SPECIFICATIONS

A. TRAPPING AND CARE

All capture attempts shall be accomplished utilizing helicopter drive-trapping and shall incorporate the following:

1. Trap and Holding Facility Locations. All trap locations and holding facilities must be approved by the COR and/or PI prior to construction. The contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

The COR/PI will ensure that the general location of the trap is close to major concentrations of horses. General locations of traps will be selected by the COR/PI after determining the habits of the animals and

observing the topography of the area. Specific locations may be selected by the contractor with the COR/PI's approval within this general preselected area. Trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads.

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

Trap sites or holding corrals will not be placed in areas of any known threatened or endangered species or in areas of candidate species.

A cultural resources investigation by an archaeologist or an archaeological technician will be conducted prior to trap or holding facility construction. If cultural values are found, an alternative site will be selected

Trap sites for capturing horses with a helicopter will not be placed within $\frac{1}{4}$ mile of water sources such as streams, springs, reservoirs or troughs.

Temporary traps and corrals will be removed and sites will be left free of all debris within 30 days following the operation.

Traps or corrals will not be placed within WSAs and motorized equipment will be limited to existing roads and ways. Helicopters may be flown over the WSA but will not land unless an emergency exists. The contractor will be informed of all WSA boundaries and limitations.

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

BLM will not allow horses to be herded more than 10 miles nor faster than 20 miles per hour. The COR/PI may decrease the rate of travel or distance moved should the route to the trap site pose a danger or cause avoidable stress (steep and/or rocky). Animal condition will also be considered in making distance and speed restrictions.

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

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

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

b. All loading chute sides shall be fully covered with plywood (without holes) or like material. The loading chute shall also be a minimum of 6 feet high.

c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 6 feet above ground level.

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

e. All crowding pens including gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 2 feet to 6 feet above ground level. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.

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

4. Fence Modifications. No fence modifications will be made without authorization from the COR/PI. The contractor shall be responsible for restoration of any fence modification which he has made.

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

6. Animal Separation. Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. The contractor will be required to restrain animals for the purpose of determining age. Alternate pens shall be furnished by the contractor to hold older animals which will be returned to the herd areas. Additional holding pens will be needed to segregate animals transported from remote locations so they may be returned to their traditional ranges. Segregation or temporary marking and later sorting will be at the discretion of the COR.

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

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

9. Sick or Injured Animals. The contractor shall restrain sick or injured animals if treatment by the Government is necessary.

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

necessary to care for any injured horses.

The contractor may be required to dispose of the carcasses as directed by the COR/PI.

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

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

10. Transportation. Animals shall be transported to final destination (the National Wild Horse and Burro Center at Palomino Valley) from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals to be released back into the HMA following capture operations may be held up to 21 days or as directed by the COR/PI. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI. The contractor shall schedule shipments of animals to arrive at the final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday or Federal holidays. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the COR/PI.

11. Release of Animals onto Range. Animals which are to be released back to the range will be released in small groups to avoid a herd stampede mentality. Mare/foal pairs will be released together. Stud horses will not be released at the same time as mares or mares with foals to avoid fighting over mares and injury to foals. If a foal becomes separated from a mare, the foal will be recaptured and sent to PVC.

B. CAPTURE METHODS FOR HELICOPTER DRIVE TRAPPING

1. Capture attempts shall be accomplished by the utilization of a helicopter. A minimum of one saddle-horse shall be immediately available at the trap-site to accomplish roping if necessary. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one (1) hour.

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

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

3. Helicopter, Pilot and Communications

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

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

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

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

e. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the

contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

f. At time of delivery order completion, the contractor shall provide the COR with a completed copy of the Service Contract Flight Hour Report.

g. All incidents/accidents occurring during the performance of the delivery order shall be immediately reported to the COR.

C. MOTORIZED EQUIPMENT

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The contractor shall provide the COR/PI with a current safety inspection (less than one year old) of all tractor/stocktrailers used to transport animals to final destination.

2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to ensure captured animals are transported without undue risk or injury.

3. Only stocktrailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities. Only stocktrailers or single deck trucks shall be used to haul animals from temporary holding facilities to final destination(s). Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from the floor. Single deck trucks with trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Trailers less than 40 feet shall have at least one (1) partition gate providing two (2) compartments within the trailer to separate the animals. The compartments shall be of equal size plus or minus 10 percent.

Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall

not be allowed.

4. All vehicles used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the vehicle which is capable of sliding either horizontally or vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of the trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough so that the animals cannot push their hooves through the side. Final approval of vehicles to transport animals shall be held by the COR/PI.

5. Floors of vehicles, trailers, and the loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping.

6. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);

8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);

6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);

4 square feet per burro foal (.5 linear foot in an 8 foot wide trailer);

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

8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed.

D. CONTRACTOR FURNISHED PROPERTY

1. All hay, water, vehicles, saddle horses, helicopters and other equipment shall be provided by the contractor. Other equipment includes, but is not

limited to, a minimum of 2,500 linear feet of 72-inch high (minimum height) panels for traps and holding facilities. Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, galvanized metal with rolled edges, rubber over metal) so as to avoid injury to the animals.

2. The contractor shall furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.

3. The contractor shall furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 MHz.

4. The contractor shall provide a programmable VHF/FM radio transceiver in the contractor's helicopter to accommodate the COR/PI in monitoring the gather operation.

E. GOVERNMENT FURNISHED PROPERTY

The government will provide a portable "Fly" restraining chute at each pre-work conference, to be used by the contractor for the purpose of restraining animals to determine the age of specific individuals or other similar practices. The government may also provide portable 2-way radios, if needed. The contractor shall be responsible for the security of all government furnished property.

VII. 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 Schell Area Manager in accordance with 43 CFR Subpart 4710.6 and provisions in 43 CFR Subpart 4150. In the event settlement is not made, the horses will be sold at public auction by the BLM.

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

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

Prepared by:

Sheree L. Luttrell
Sheree L. Luttrell
Wild Horse and Burro Specialist
Schell Resource Area

5/28/93
Date

Reviewed by:

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

5/28/93
Date

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

5/28/93
Date

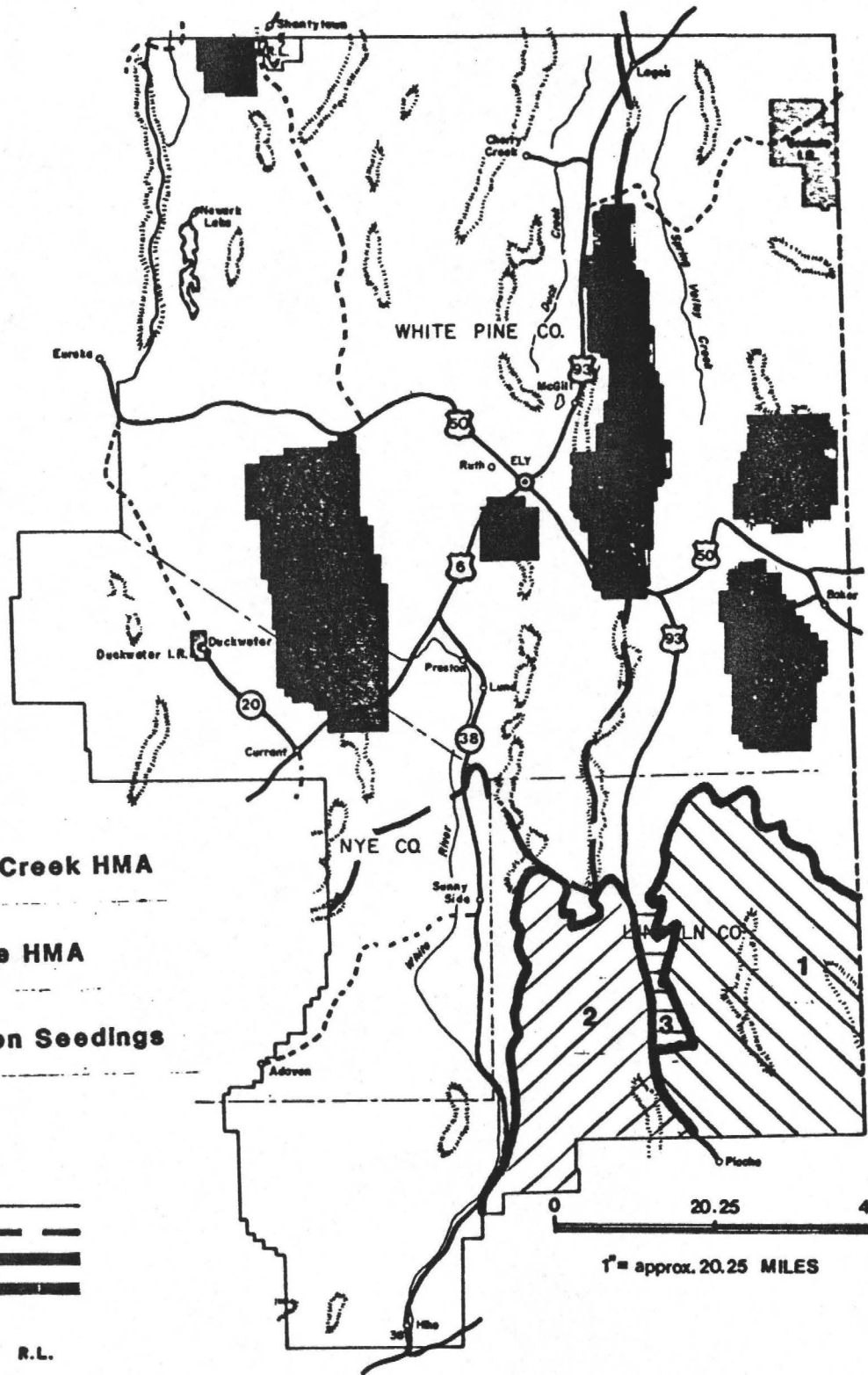
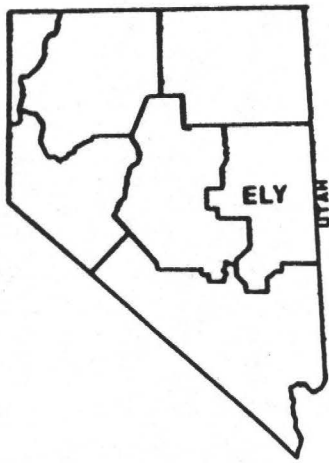
Timothy B. Reuwsaat
Timothy B. Reuwsaat
Associate District Manager
Ely District Office

5/28/93
Date

Approved by:

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

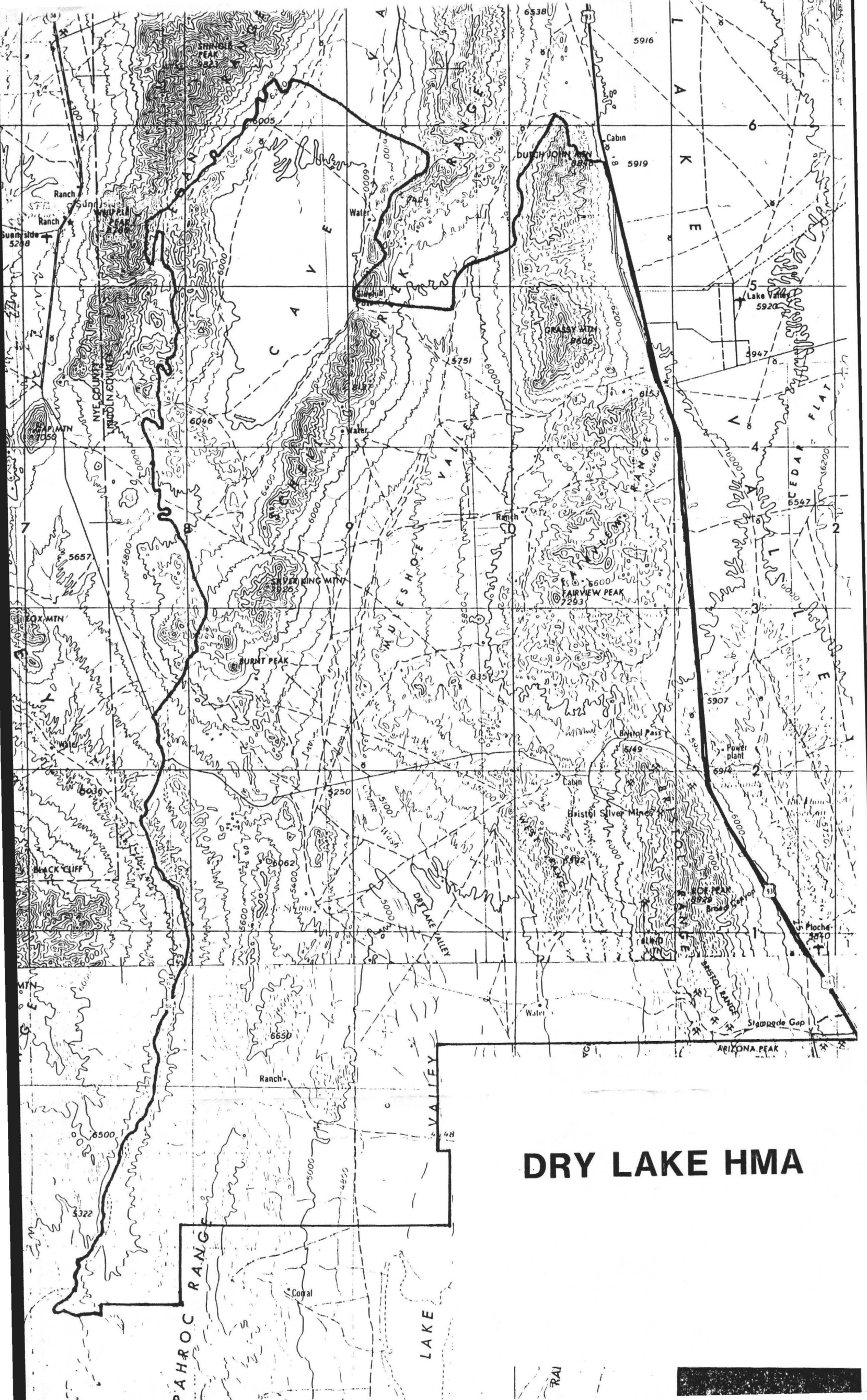
5-28-93
Date



- 1. Wilson Creek HMA
- 2. Dry Lake HMA
- 3. Patterson Seedings

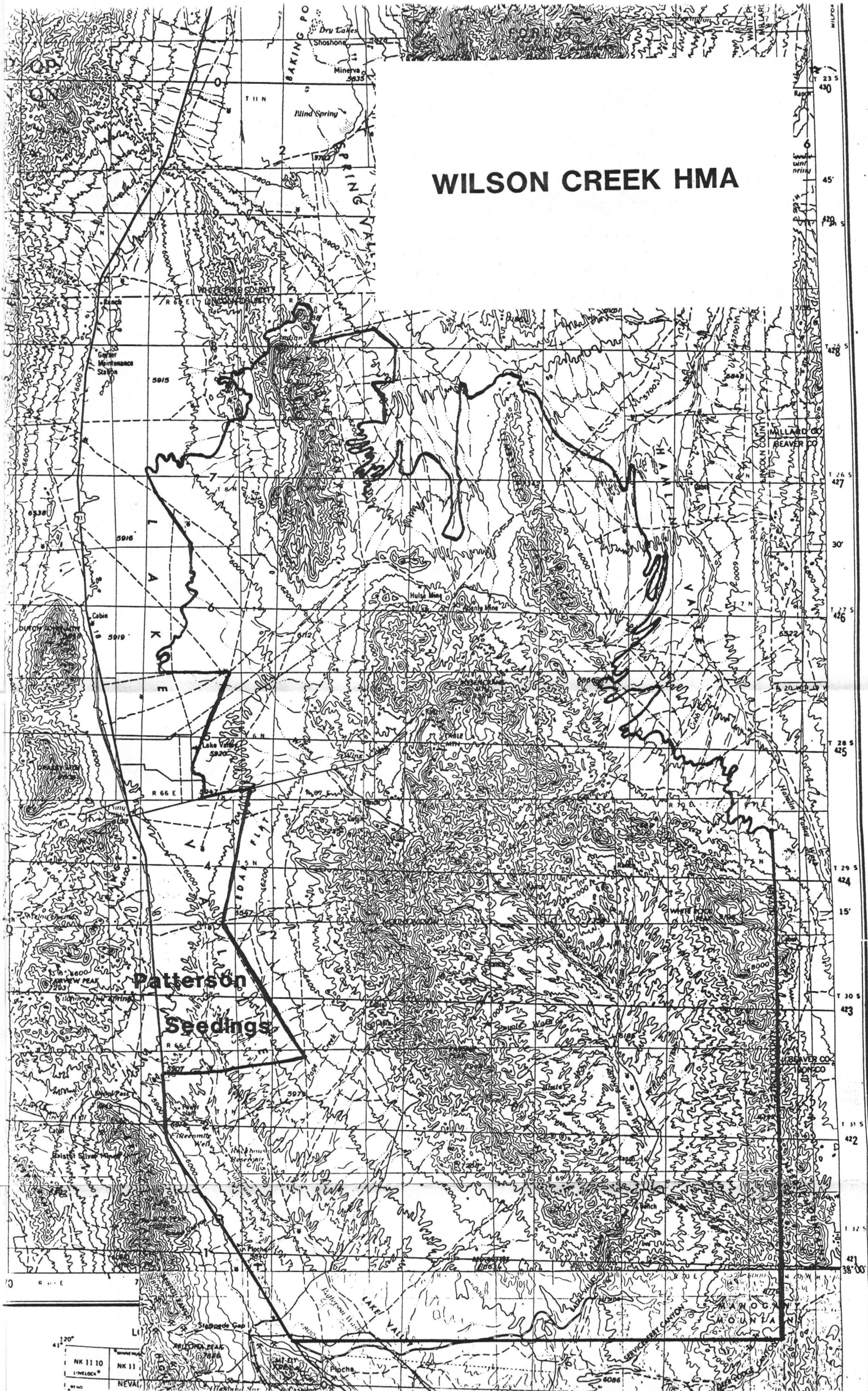
District Boundary —————
 Resource Area Boundary ————
 Humboldt National Forest —————
 Indian Reservation —————
 Ruby Lake National Wildlife Refuge R.L.

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



DRY LAKE HMA

WILSON CREEK HMA



120° 41'
NK 1110 NK 11
L'HELOCK
NEVAL

23 S
430
45'
420 S
425 S
427 S
30'
426 S
425 S
424 S
15'
423 S
422 S
421 S
38'00"

U.S. GEOLOGICAL SURVEY

DECISION RECORD AND
FINDING OF NO SIGNIFICANT IMPACT (DR/FONSI)
for
Wild Horse Removal Plan For
Dry Lake/Wilson Creek HMA and the Patterson Seedings
EA-NV-040-02-22

Decision: I have reviewed the Environmental Assessment for the Wild Horse Removal Plan for Dry Lake/Wilson Creek HMA and Patterson Seedings. I concur with my staff's assessment and approve of the proposed action to remove excess wild horses from these areas. No mitigation is required and monitoring will be conducted as identified in the EA and removal plan.

Rationale: The wild horse removal is necessary to restore the range to a thriving natural ecological balance.

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

Rationale: Analysis of impacts did not identify any unique or unknown risks. The standard operating procedures identified in the removal plan will minimize negative impacts. Direct and indirect environmental benefits are anticipated for wild horses, livestock, and wildlife with the implementation of the plan. Reduced numbers of wild horses and livestock will slow the degradation of the vegetative resources by reducing forage demand.

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

5-28-93
Date

ENVIRONMENTAL ASSESSMENT
for the
DRY LAKE/WILSON CREEK HMA/PATTERSON SEEDING WILD
HORSE REMOVAL

EA No. NV-040-02-22

Prepared by
Sheree L. Luttrell
Schell Resource Area Wild Horse Specialist

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

BACKGROUND INFORMATION

The Bureau of Land Management (BLM) Ely District, Schell Resource Area, is proposing to remove excess wild horses from portions of the Wilson Creek and Dry Lake Herd Management Areas as well as a horse free area. The horse free area, known as the Patterson Seedings, is adjacent to the Wilson Creek HMA and was not designated for management of wild horses or burros because they were not residing there as of the passage of the Wild Free Roaming Horse and Burro Act of 1971.

The proposed gather area is located approximately 60 miles south of Ely in northern Lincoln County, Nevada. (see Appendix I - Location Maps).

Purpose and Need

The purpose of the proposed action is to remove excess wild horses from three areas as follows:

1. The Dry Lake HMA.
2. The Wilson Creek HMA.
3. Patterson Seeding, a horse free area adjacent to the Wilson Creek HMA.

The removal of wild horses is necessary to restore the range to a thriving natural ecological balance and multiple use relationship and prevent further deterioration of the vegetation community threatened by an overpopulation of wild horses in the areas identified above. The proposed action involves removals in order to correct resource degradation identified in the analysis of monitoring data from the Wilson Creek and Geyser Ranch Allotment Evaluations. The allotment evaluation summaries for the Wilson Creek and Geyser Ranch Allotments as well as the Final Multiple Use Decisions (FMUDs) are available from the Ely District Office upon request.

Wild horses will be removed from areas outside of the Wilson Creek HMA to reduce resource damage and as directed by 43 CFR part 4710.4 which states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas."

The FMUD for the Geyser Ranch Allotment, issued on July 11, 1990, established wild horse AMLs for those portions of the Dry Lake HMA and the Wilson Creek HMA that lie within the Geyser Ranch Allotment. The FMUD also made reductions to livestock. The FMUD for the Geyser Ranch Allotment was appealed by both the permittee and The Animal Protection Institute of America (API) but both appeals were subsequently dismissed. Therefore, the number of

wild horses (AML) established in the Geyser Ranch FMUD will be maintained.

The Wilson Creek Allotment FMUD was issued on November 5, 1992. Wild Horse AMLs were established for those portions of the Dry Lake HMA and the Wilson Creek HMA that lie within the Wilson Creek Allotment. The FMUD also made reductions to livestock.

AMLs for wild horses as well as the livestock reductions are based on the analysis of monitoring data.

The numbers set in the FMUDs, the number of animals to remain, the February 1993 census numbers for the Wilson Creek HMA, the August 1992 census numbers for the Dry Lake HMA and the number of horses to be removed are as follows:

<u>Removal Area</u>	<u>AML</u>	<u>Nos. to Remain**</u>	<u>Census Number</u>	<u>Nos. to be Removed</u>
Patterson Seedings	0	0	<u>33</u>	<u>33</u>
Dry Lake HMA				
Geyser Ranch Allotment	16	14	15	0
Wilson Creek Allotment	78	66	315	249
Sunnyside Allotment	NA		0	0
Fox Mt. Allotment	<u>NA</u>		<u>0</u>	<u>0</u>
subtotal	94	<u>80</u>	<u>330</u>	<u>249</u>
Wilson Creek HMA				
Geyser Ranch Allotment	48	41	78	37
Wilson Creek Allotment	102	87	103	16
Cottonwood Allotment	NA		0	0
South Spring Valley Allot.	NA		0	0
Hamblin Valley Allotment	<u>10</u>	<u>10</u>	<u>10</u>	<u>0</u>
subtotal	160	<u>138</u>	<u>191</u>	<u>53</u>
			Total	335

* The number of horses to remain reflects 15% below established AML to conform with current Nevada policy and the Strategic Plan. Removing horses to a level 15% below AML also keeps the population more in balance with available forage throughout the three year rotation schedule for removals. Also, by removing once every three years, the animals are not subjected to the intensity of stress as would occur with annual removals to maintain the median AML every year.

** Numbers by allotment are for information only. Exact numbers to remain and to be removed are on a total HMA basis. The numbers may vary within an allotment and horses will not be considered excess unless the total AML for the HMA is exceeded.

*** These allotments do not have AML established and existing numbers will remain until the analysis of monitoring data identifies an AML. Existing numbers are included in the total AML for the HMA.

Relationship to Planning

This EA is tiered to the Schell Grazing Environmental Impact Statement (EIS) which analyzed the general ecological impacts of managing rangelands in the Schell Resource Area under a program of monitoring and adjustment of wild horses and livestock. This EA is a project specific refinement of the EIS, focused on the removal of excess wild horses in the Wilson Creek and Dry Lake HMAs. The decisions regarding overall rangeland management analyzed in the Schell EIS will be implemented by the Dry Lake/Wilson Creek Removal Plan. Both documents are available for public review at the Ely District Office.

The proposal area is not covered by a herd management area plan (HMAP) but one is currently being developed for the Dry Lake HMA. The proposal is in conformance with the Schell MFP (1983) and ROD (1983), as well as the 1971 Wild Horse and Burro Act (Public Law 92-195), as amended. The proposal is also consistent with the Lincoln County Plan for Public Lands developed in compliance with Nevada Senate Bill 40 in 1985 which states, "Manage wild horses to minimize detrimental impacts on other multiple uses and pursue resource enhancement where needed to correct wild horse caused damage." The removal plan is also in conformance with the Strategic Plan for Management of Wild Horses and Burros on Public Lands, (issued June 1992, U.S. Department of the Interior, Bureau of Land Management).

Major Issues

This proposal is concerned with two major issues. The first issue is to maintain a thriving natural ecological balance and multiple use relationship in the area by managing wild horses within HMA boundaries at a level established in the Geysers Ranch Allotment and the Wilson Creek Allotment Final Multiple Use Decisions. 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 initially remove approximately 335 excess wild horses. Future removals will probably occur once every three years until populations are kept under control through the use of fertility control actions and/or selective removals.

The removal will be selective according to age of the animals. Animals between the ages of zero to five years will be removed from the HMAs, in compliance with current Nevada Policy. All the

horses will be removed from the horse free area, but only animals between zero and nine may be shipped for adoption. Any horses over the age of 9 years will be released back into HMAs in areas where they will not easily return to the horse free area. An equal number of younger animals will need to be removed from the HMAs to accommodate the older, less adoptable horses from the horse free area.

Neither of the HMAs will be reduced below the numbers to remain as identified above. Subsequent removals may be based on this removal plan and EA until monitoring data reveals that a change in AML is needed.

A post removal census will be conducted on each area of the HMAs to ensure that the identified population levels remain after the removal is complete. Horses will be released back into the HMA to maintain these numbers, if necessary.

The horses will be captured using a helicopter to herd animals into portable wing traps. The initial removal is scheduled to occur in July or August, 1993.

It is estimated that 4-5 temporary traps with deflector wings encompassing less than 1 acre each would be constructed on public lands in and adjacent to 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 capture 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 located in advance and avoided. Existing roads and trails would be used whenever possible. Captured excess horses will be hauled in stocktrailers to the National Wild Horse and Burro Center at Palomino Valley, Nevada, for processing, and then will be 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, capture fees, and other associated costs as determined by the Schell Area Manager are paid to the Bureau. Once the fees are paid, 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 (SOPs) 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 capture will be allowed during the foaling season, between March 1 and July 1, because of the potential stress to pregnant and lactating mares and the possibility of induced abortions.

(3) Horses will not be run more than 10 miles nor faster than 20 miles per hour during capture operations and capture 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 capture 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. The COR/PI will be present at the capture site to ensure that all regulations and 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 capture more difficult. However, it will be used as needed to assure that the contractor is complying with the contract specifications.

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

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

(10) A BLM law enforcement agent will be present if needed during the capture operation to provide protection for personnel working on the removal, as well as the captured 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 capture operation.

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

In addition to the standard operating procedures, the stipulations and specifications as listed in the Wild Horse Removal Plan for Dry Lake HMA/Wilson Creek HMA and the Patterson Seeding will be considered a part of the proposed action.

Alternatives

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

Alternative I - Water Trapping Wild Horses

Water trapping wild horses, though easier on the animal, is not feasible due to winter snows and the number of water sources available in or adjacent to the proposed capture area. 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 removals 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 capture operations would be conducted; no wild horses would be removed. Herd numbers would not be held at the levels established through analysis of monitoring studies and wild horses would remain established outside of HMA boundaries. Section 3(b)(2) of the Wild Free

Roaming Horse and Burro Act (PL 92-195) states in pertinent part "...When the Secretary determines... that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels." Since the no action alternative would not be in conformance with the Wild Free-Roaming Horse and Burro Act, the land use plan or the FMUDs, 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), and the Allotment Evaluations. These documents are on file at the BLM Ely District Office. Certain elements of the affected environment, which are necessary to understand the anticipated impacts, will be described in the environmental consequences section for the proposed action.

ENVIRONMENTAL CONSEQUENCES

Proposed Action

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

Threatened and Endangered Plants: One plant which is a category 2 candidate for Federal listing as an endangered species has been located adjacent to the Dry Lake HMA. This plant is the Eastwood milkvetch (Asclepias eastwoodiana), and it could occur in low alkaline clay hills or shallow, gravelly drainages within the HMA. Traps and holding corrals will avoid these areas, and therefore no impacts to this plant are expected.

Threatened and Endangered Animals: Bald eagles and peregrine falcons may be found in the HMAs any time of the year. No special use areas have been identified and the proposed removals are not expected to impact these species. The Patterson Wash (usually dry) drains into Condor Canyon which is critical habitat for the Big Springs spinedace. No impacts to this fish are expected from removing wild horses.

Water and Riparian: Springs located both within the Wilson Creek and Dry Lake HMAs show heavy use by wild horses and cattle. The Wilson Creek and Geyser Ranch Allotment Evaluations document

damage attributable to wild horses and livestock on many springs. Associated riparian vegetation is being seriously impacted by heavy to severe grazing and has almost disappeared at some sources. The spring sources are experiencing heavy trampling which leads to reduced spring flow and fouled water. Erosion and loss of riparian species is taking place on many meadows in the HMAs. Reductions in use by livestock and wild horses are identified as the short term solution to overuse on these riparian areas. Long term solution will be accomplished through fencing and developing 20 different sources. Locations and schedule for development are found in the Wilson Creek and Geyser Ranch Allotment Evaluations.

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

Wilderness Values: Four Wilderness Study Areas (WSAs) (Table Mountain, Parsnip Peak, Fortification Range, and White Rock Range) occur in the removal area. The use of aircraft for removing wild horses from within WSAs is consistent with the Interim Management Policy and Guidelines for Lands Under Wilderness Review (11/10/87), since it is considered a non-impairing activity. Since no traps or holding corrals will be established within the WSAs and motorized vehicles will be confined to existing roads and ways, no impacts to the WSAs 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 removal area would please local sportsmen and livestock operators. Proceeding with the removal 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. The removal of younger age classes of horses will provide more suitable animals to meet the demands of the wild horse adoption program.

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

Wild Horses: The HMA locations are shown in Appendix I (Location Maps). The Patterson Seeding horse free area is also shown in Appendix I. At the present time, the wild horses have virtually unrestricted movement within each HMA, including movement between

allotments. A considerable number of wild horses are using the Patterson Seeding use area of the Wilson Creek Allotment, outside of the Wilson Creek HMA, as all or part of their home range.

From analysis of data it was determined that 160 wild horses in the portion of the Wilson Creek HMA within the Wilson Creek and Geyser Ranch Allotments will maintain an ecological balance among vegetation, wild horses, wildlife, and livestock. Analysis of data also shows that 94 horses in the portion of the Dry Lake HMA within the Wilson Creek and Geyser Ranch Allotments will maintain an ecological balance for the area.

A negative impact on wild horses would be expected during capture and handling. This would result from effects of capturing, trapping, loading, and hauling the animals. The use of helicopters to capture excess wild horses may result in leppy foals and split bands, as well as injured horses. Incidents like these tend to be increased if the animals are pushed too hard. Death loss is not expected to exceed 2% of the horses captured. The standard operating procedures and contract specifications will minimize the negative impacts from capture, 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.

The proposed action will result in an increase in the proportion of wild horses over 10 years in age. This proportion cannot be identified until the proposed removal has been completed. Since these older horses will not be sterilized, reproduction is expected to continue. Studies have shown that feral mares continue to reproduce with only slight reduction beyond the 10 year age (Garrott and Taylor, 1990; Garrott et al., 1991). Studies have also shown that with the reduced post removal density, reproductive success will probably increase (Garrott and Taylor, 1990; Fowler, 1991). Since the genetic material that is responsible for the characteristics of the Dry Lake and Wilson Creek herds remains in the older age classes, the removal of younger animals will have little effect on the physical characteristics or adaptability of future generations. The effect of releasing these older horses back into the herd area and the removal of younger horses will be monitored.

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

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

Demographic and biological information can be obtained from the captured animals (sex and age structure of the population, presence of parasites or diseases, etc.). This information is useful for future wild horse management.

Based on an analysis of the monitoring data within the Wilson Creek and Geyser Ranch Allotment evaluations, 335 excess wild horses need to be removed to maintain a thriving natural ecological balance in the area.

Soils: Areas which presently exhibit soil erosion and compaction would be impacted because the reduction in numbers of animals will cause decreased trampling. 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 removal area, and the duration of the removal is short.

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 impacts to the soil resource. Less soil compaction and improved soil production potential, would be most important in heavy horse use areas.

Vegetation: Utilization studies and use pattern mapping of the vegetation completed since 1982 show that extensive areas within the HMAs are currently receiving heavy and severe use. This use can be attributed to wild horses, which graze yearlong, and to cattle, which graze during their established seasons of use by allotment. Use on the horse free area (Patterson Seedings) can be attributed to both wild horses and livestock. Use in Dry Lake HMA and Wilson Creek HMA can also be attributed to both wild horses and livestock. These areas are shown in Appendix I (Location Maps) as the Patterson Seeding Horse Free Removal Area, the Dry Lake HMA Removal Area, and the Wilson Creek HMA Removal Area.

Percentages of wild horse and cattle use are based on actual use data, aerial census data, field observations, and distribution analysis of where the grazing use by individual species occurred.

At current population levels, the ecological status of the HMA and surrounding area will continue to deteriorate.

Key area frequency transects are established in both HMAs and are read approximately every five years. Determination of key areas and establishment of frequency transects was done and will continue, following established procedures in the Nevada Rangeland Monitoring Handbook and BLM Handbook TR 4400-4. All utilization studies were conducted using the key forage plant method as recommended in the Nevada Rangeland Monitoring Handbook and BLM Handbook TR 4400-3. Refer to the Wilson Creek and Geyser Ranch Allotment Evaluations and Management Action Selection Reports for allowable use levels established for key management species within these allotments.

Monitoring data and analysis of those data are presented in the allotment evaluation summaries for the Wilson Creek and Geyser Ranch Allotments. These documents provide a detailed analysis on which this removal proposal is based. These documents are on file at the BLM Ely District Office. (Studies files - 4400.2; evaluation files - 4400.3).

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

There would be a short-term 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 removal area. Vegetative regeneration would be expected within 2 to 3 years depending on climatic conditions.

The reduction in wild horses would have a long-term impact on the vegetative community of the area. The ecological condition of the different plant communities would improve after the removal. 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 removal. Some animals could be temporarily frightened or displaced by the increased activity during the removal operation. Helicopters have been observed to produce negative impacts on wildlife species - running and panic behavior in big game species, flight response in waterfowl, and frantic escape behavior in eagles and other raptors. Although the precise overall impacts of low-flying aircraft on wildlife are not known at the present time, caution will be exercised in using helicopters in wildlife concentration areas to minimize the impacts.

Any reduction in wild horse numbers should reduce competition for forage and result in a beneficial impact to the elk, mule deer, and antelope herds. Reduced competition for the supply of mountain brush and other forage 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. Reduced trampling would enhance sage grouse habitat since they use riparian areas for brooding. Reduced trampling would benefit mule deer habitat since these areas serve as fawning areas and provide much needed nutrition for lactating does.

Livestock Grazing: The Wilson Creek HMA lies within the Wilson Creek, Geyser Ranch, Cottonwood, Hamblin Valley and South Spring Valley Allotments. This removal will have no impact on the Cottonwood, Hamblin Valley or South Spring Valley Allotments, as there has been no removal proposed on these allotments.

The Dry Lake HMA lies within the Wilson Creek, Geyser Ranch, Fox Mountain and Sunnyside Allotments. The removal will have no impact on the Fox Mountain or Sunnyside Allotments, since no removal is proposed there.

There would be a slight impact to livestock grazing as a result of the proposed action. Livestock would be disturbed by all the activities associated with the removal. 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 removal.

PROPOSED MITIGATING MEASURES

1. Wherever possible, capture 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 removal.
3. Horses will normally not be kept within the traps or corrals for more than 1 day to minimize stress to the animals and trampling effects and soil compaction, unless approved by the Authorized Officer. Number of horses to be held may vary depending on how many are caught in any one area. Horses may be held longer than 1 day, dependent upon shipping schedules, number of horses captured, or other unforeseen circumstances.
4. Contractors and BLM personnel will be informed by the COR/PI of WSA locations and restrictions on motorized vehicle use within the WSAs.

SUGGESTED MONITORING

The COR/PI will continuously monitor the removal operation to ensure compliance with all conditions and stipulations in this EA. The project area will be cleaned (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 HMAs immediately following the removal to determine whether the proper number of horses remains. Additional aerial census will be conducted every 1 to 2 years thereafter (funding permitting) to monitor the growth of the herds. If numbers exceed the proper number for management based on analysis of monitoring studies, a follow-up removal will be conducted to again reduce the herd to its appropriate management level. Follow-up removals may occur every three years to conform to the Strategic Plan.

Horses that are released back into the HMAs will be monitored within 72 hours to ensure that animals have found water and forage and are not trapped behind fences or other barriers. Monitoring will also include looking for foals which may have been abandoned.

CONSULTATION AND COORDINATION

Intensity of Public Interest

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

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

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

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

Since public interest is high and the wild horse program is of a controversial nature, public notification of the project was given and public comments were solicited for a period of 30 days (see Record of Persons, Groups, and Agencies Contacted).

Comments were received from two parties; the Nevada State Department of Wildlife (NDOW) and Gary Francione, Esq. in behalf of Michael Blake, Tim Wilson and the Public Lands Resource Council (PLRC). The letter from NDOW supported the proposed removal from public lands.

The letter from PLRC indicated opposition to the removal.

The PLRC asserts that the removal plan must be rejected because the BLM has not prepared an HMAP for the herd areas. IBLA has already ruled that the BLM need not prepare HMAPs as prerequisites to wild horse removals (IBLA 88-591, 88-638, 88-648, 88-679, at 127).

The PLRC contends that BLM census data collected are inaccurate based on fixed-wing counts made by PLRC. Fixed-wing flights are inadequate for locating wild horses in rugged, tree-covered terrain.

The PLRC contends that the BLM cites no authority for the relocation of older horses from the Patterson Seeding to the HMAs. The Strategic Plan outlines the use of relocations as a population management tool. PLRC is also concerned that the relocation of older animals would result in an excess of horses in the HMA. This concern conflicts with their allegation that there is not an excess.

PLRC also disputes that there is overutilization of the forage resources within the HMAs. Ample data have been presented in the Wilson Creek and Geyser Ranch Allotment Evaluations which support the removal of wild horses from these areas in order to restore a thriving natural ecological balance.

The PLRC contends that an EIS must be prepared for wild horse removals. IBLA ruled that EISs were not required for wild horse removals (IBLA 88-591, 88-638, 88-648, 88-679, at 127.)

The PLRC also contends that the methodology for this removal, helicopter removal, is not humane, and that the water trapping alternative was adequately considered. Water trapping is not feasible in this area because of the number of springs in the area. If a trap is set up around one spring the horses merely avoid that spring and use others. It would be entirely impossible to erect traps around all springs.

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
- The Humane Society of the United States
- Nevada State Department of Agriculture
- Animal Protection Institute of America
- 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
- Commission for the Preservation of Wild Horses and Burros
- Mr. Craig C. Downer
- Ms. Deborah Allard

- Ms. Nan Sherwood
- Ms. Amanda Rush
- Mr. Ron Sparks, 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, Las Vegas District Manager
- Ms. Barbara Eustis-Cross, L.I.F.E. Foundation
- Mr. Donald Molde
- Ms. Tina Nappe
- Ms. Jan Nachlinger, The Nature Conservancy
- Nevada Farm Bureau Federation
- Nevada Outdoor Recreation Association
- Nevada Wildlife Federation
- Sierra Club, c/o Ms. Rose Strickland
- United States Wild Horse and Burro Foundation
- El Tejon Land and Livestock Co.
- Kirkeby Ranch
- Mr. Carlisle Hulet
- Frank and Rose Delmue
- Gordon Lytle
- Pearson Brothers
- Jimmie Rosa
- Kenneth and Donna Lytle
- Mr. Bud Walkington
- Mr. H. Matt Bulloch
- S & H Ranches
- Geysers Ranch Ltd.
- Tom Brown, Lincoln County Game Board
- Paul Lewis
- Lincoln County Commission
- Ms. Susan Alden
- Ms. Jonielle Anderson
- Mr. Paul Clifford Jr.
- Ms. Anne Earle
- Mr. Steven Fulstone
- Ms. Claudia J. Richards
- Ms. Bobbi Royle
- Ms. Gloria Wilkins, Georgia Earth Alliance
- Mr. Sam Etchegaray
- Wayne & Bonnie Stevens

Internal District Review

Robert Brown	Wild Horses and Burros
Mark Henderson	Cultural Resources
Martin Hudson	Visual Resources Management/Recreation/ Wilderness
Loran Robison	Air/Watershed/Water Quality
Jack Norman	Soils

Mark Barber	Riparian/Threatened and Endangered Animals
Paul Podborny	Wildlife
Chris Mayer	Range/Threatened and Endangered Plants
Jake Rajala	Socio-Economics/Environmental Coordination/ Land Use Planning
Alfred Coulloudon	Range
Kirk Laird	Geology
Darrell Winter	Lands
Harry Rhea	Forestry
Hal Bybee	Assistant District Manager, Operations
Timothy B. Reuwsaat	Associate District Manager
Gerald M. Smith	Schell Resource Area Manager

SIGNATURES

Prepared by:

Sheree L. Luttrell

Sheree L. Luttrell
Wild Horse and Burro Specialist
Schell Resource Area

5/28/93

Date

Reviewed by:

Robert E. Brown

Robert E. Brown
Wild Horse and Burro Specialist
Ely District

5/28/93

Date

Jake A. Rajala

Jake A. Rajala
Environmental Coordinator
Ely District

5/28/93

Date

Timothy B. Reuwsaat

Timothy B. Reuwsaat
Associate District Manager
Ely District

5/28/93

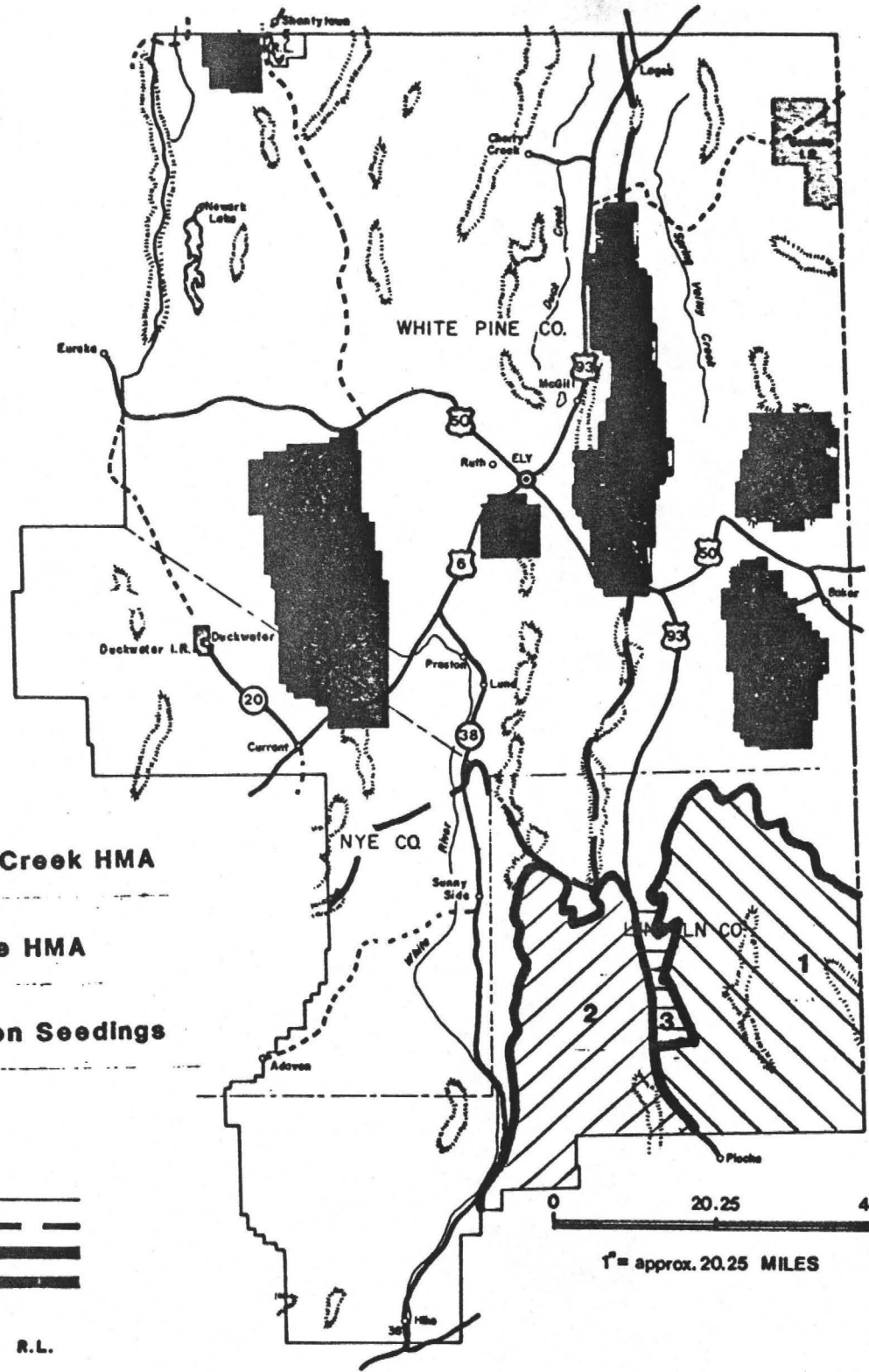
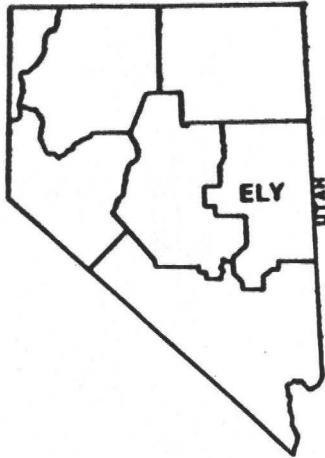
Date

Gerald M. Smith




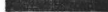


Gerald M. Smith, Manager
Schell Resource Area
Ely District

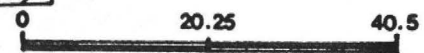
5/28/93

Date



- 1. Wilson Creek HMA
- 2. Dry Lake HMA
- 3. Patterson Seedings

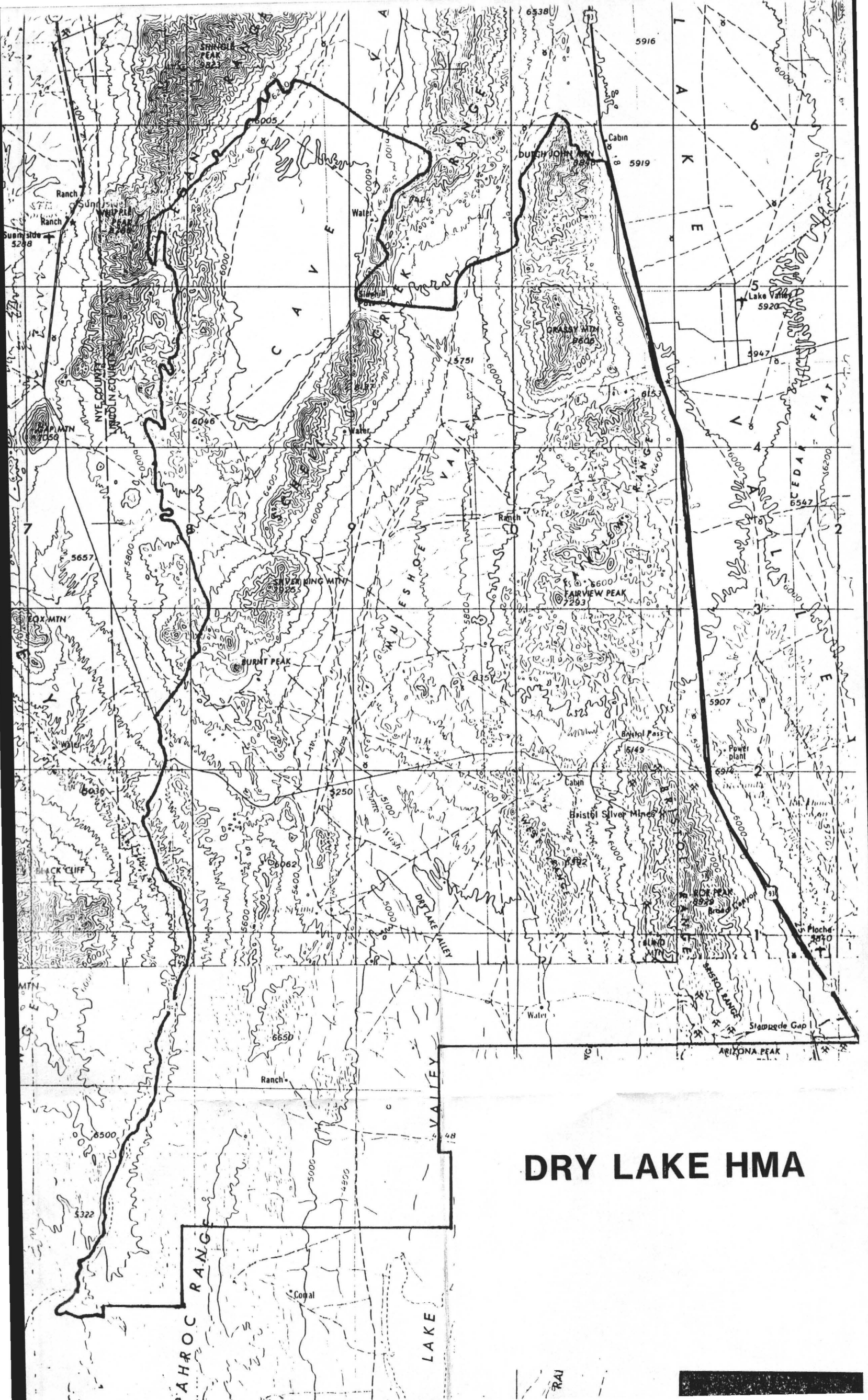
District Boundary 
 Resource Area Boundary 
 Humboldt National Forest 
 Indian Reservation 
 Ruby Lake National Wildlife Refuge 
 R.L. 



1" = approx. 20.25 MILES

ELY DISTRICT

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



DRY LAKE HMA

AHROC RANGE

LAKE VALLEY

RAJ

5-23-93



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



4700 (NV-046)

MAY 23 1993

Dear Reader:

The Bureau of Land Management proposes to remove excess wild horses and burros from public lands in the State of Nevada no sooner than 28 days from the date of this letter.

The proposed removal will be conducted in the Ely District in the areas shown on the enclosed map and as described below.

<u>Herd Management Area/Herd Area Name</u>	<u>Environmental Analysis Record Number</u>	<u>Reason for Removal</u>	<u>Approximate Number to be Removed</u>	<u>Approximate Number to Remain</u>
Wilson Creek HMA	NV-040-02-22	Attain Thriving Ecological Balance	53	138
Dry Lake HMA	NV-040-02-22	Attain Thriving Ecological Balance	249	80
Patterson Seedings	NV-040-02-22	Outside of HMA-Comply with 43CFR4710.4	33	0

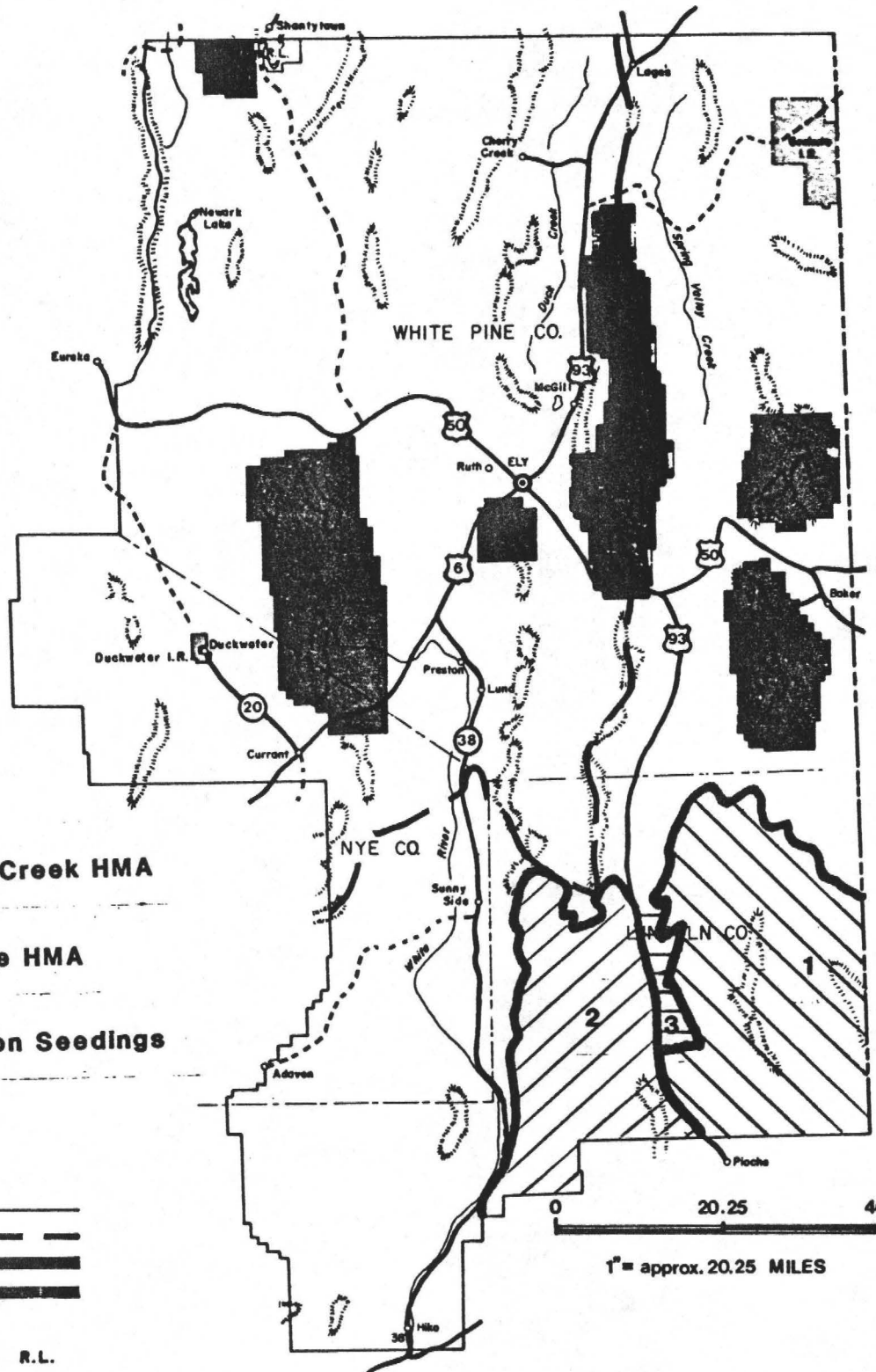
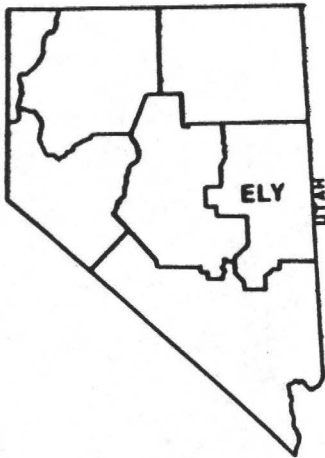
Sincerely,

Kenneth G. Walker
District Manager

2 Enclosures

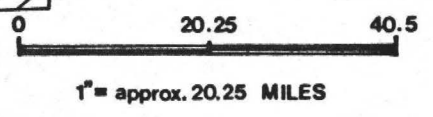
1. Map of Wilson Creek/Patterson Seedings Gathering Areas (1 p)
2. Map of Dry Lake Gathering Area (1 p)

cc: SD (NV-960)
Palomino Valley Corral Manager

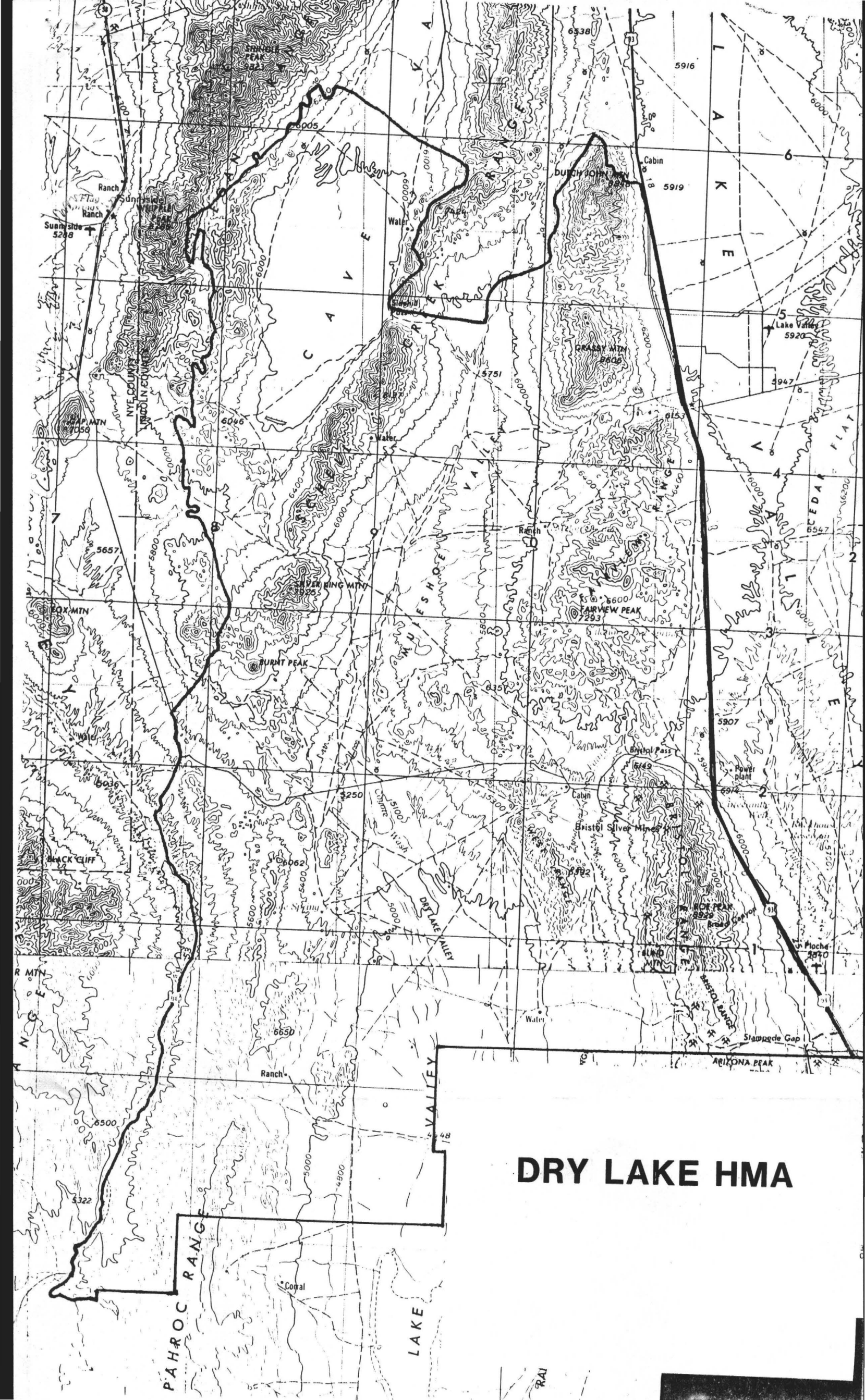


- 1. Wilson Creek HMA
- 2. Dry Lake HMA
- 3. Patterson Seedings

District Boundary
 Resource Area Boundary
 Humboldt National Forest
 Indian Reservation
 Ruby Lake National Wildlife Refuge R.L.

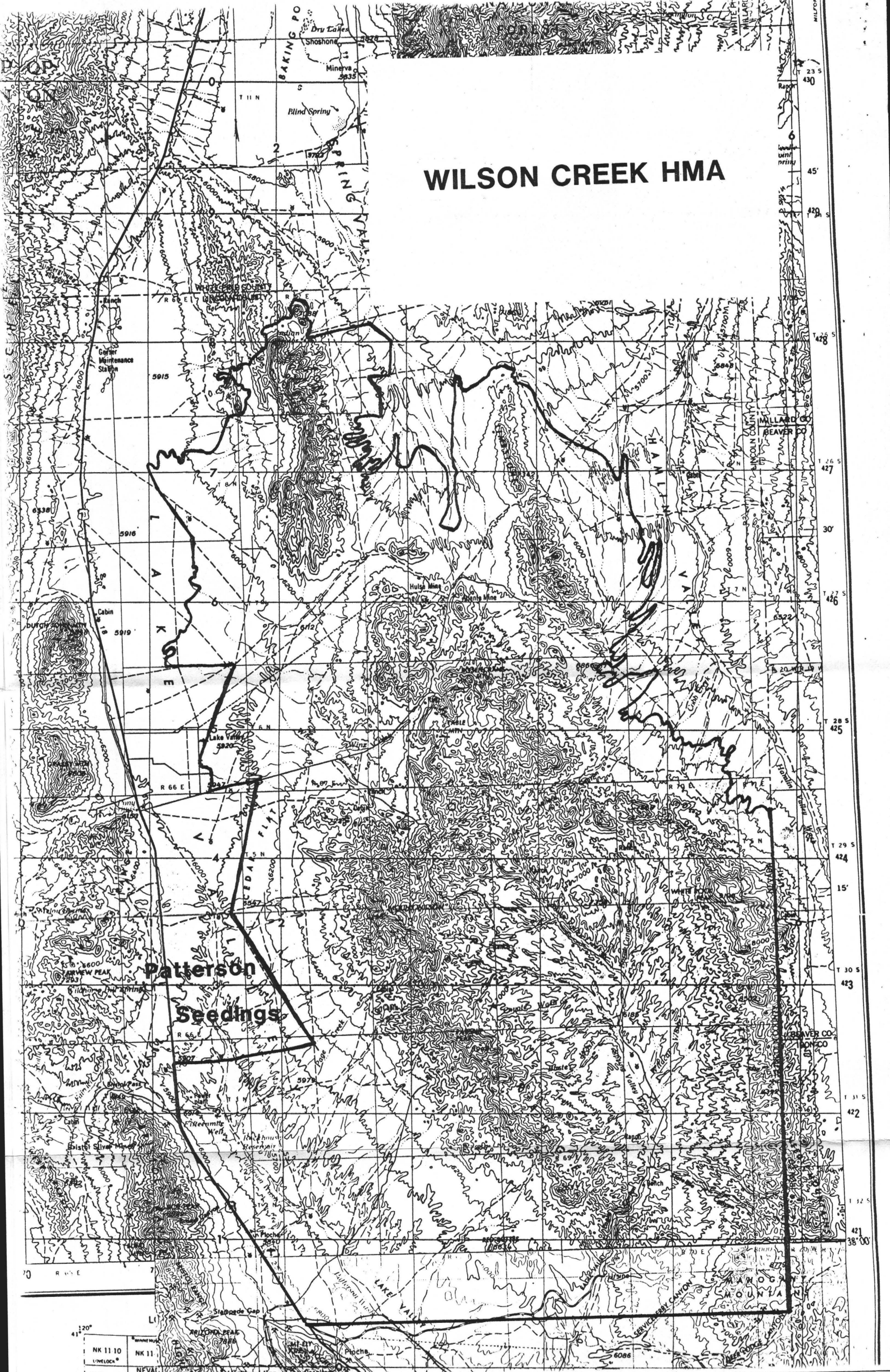


ELY DISTRICT
 BUREAU OF LAND MANAGEMENT
 U. S. DEPARTMENT OF THE INTERIOR



DRY LAKE HMA

WILSON CREEK HMA



**Patterson
Seedings**

120° 41'
NK 11 10
LOWLOCK
NEVA
NK 11
NEVA
Plocha