



# 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)

MAY 17 1985

Wild Horse Organized Assistance  
c/o Mrs. Dawn Lappin  
P.O. Box 555  
Reno, Nevada 89504

Dear Mrs Lappin:

Enclosed is a copy of the Draft Capture Plan and Amendment to the Environmental Assessment No. NV-040-7-17.

We are requesting your review and comments on the proposed action to remove approximately 180 excess wild horses from the Monte Cristo Wild Horse Herd Management Area, leaving 72 to 96 wild horses in accordance with the Management Plan approved in 1977.

A copy of the Management Plan and Environmental Assessment is available to you upon request. If you desire a copy of either or both, please contact this office.

Your comments should be received no later than June 17, 1985, (30 days) for consideration in this proposed action. If you have any questions or require additional information, please contact:

Bureau of Land Management  
Star Route 5, Box 1  
Ely, Nevada 89301

Sincerely yours,

Merrill L. DeSpain  
District Manager

Enclosure

## CAPTURE PLAN FOR 1985 MONTE CRISTO WILD HORSE GATHER

### Introduction

The proposed gathering area, the Monte Cristo herd management area and surrounding "horse-free" area, is located in the southwest portion of White Pine County and the north-eastern portion of Nye County, approximately 30 air miles west of Ely, Nevada. The herd management area lies on the west slopes and foothills of the White Pine Range, administered by the United States Forest Service (USFS) and extends into the east side of the Bull Creek drainage in Railroad Valley and the southern part of Newark Valley, administered by the Bureau of Land Management (BLM). Maps are enclosed to help readers locate the proposed gathering area.

This document outlines the process and the events involved with the Monte Cristo wild horse gather. Included are the number of horses to be captured, the time and method of capture and the handling of captured horses. Also outlined are the BLM and USFS personnel involved with the round-up, the Contracting Officer's Authorized Representative (COAR), Alternate COAR and Project Inspector(s) (PI), the delegation of authority, the briefing of the Contractor(s) and the public meeting to be held prior to gathering operations.

The wild horse herd is managed through a Cooperative Management Plan, approved in 1977, between the USFS-Humboldt National Forest-Ely Ranger District and the BLM-Ely District Office. 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% fluctuation by not allowing the herd to increase above 120 head or be decreased below 72 head.

Ninety-six horses were gathered from the Monte Cristo HMA in 1979 in compliance with the management plan. An aerial inventory was conducted in 1981 and 206 horses were counted. The area was inventoried again in the fall of 1982 by BLM and USFS personnel and a total of 365 horses were counted. There were 43 horses gathered in 1983; a post gather inventory gave a total count of 252 horses, which is the latest census figure. In 1984, fifteen horses were captured, collared with yellow collars, and released to aid in herd studies. One was later found dead; so as many as fourteen collared horses are still in the herd area.

### Numbers of Horses to be Gathered

The proposed number of horses to be gathered is approximately 180 animals. This is the number necessary to bring the herd

to the lower limits of the appropriate management level (AML) of 72 (based on the inventoried 252 horses) as established in the management plan.

This number is tentative because it is not known what the contract cost will be at the present time, how the capturing process will proceed due to climatic conditions, present horse numbers, the horses' behavior and other unforeseen factors. The actual number of horses gathered will probably not exceed 180 head but the wild horse population will not be reduced below 72 head. A precontract inventory flight is needed prior to preparation of the contract to determine the exact number of horses to be gathered in order to achieve the 72 head AML. Any collared horses that are captured will be released from the trap site back into the herd management area. This is necessary for the integrity of ongoing studies. Capture of collared horses will be avoided if possible.

A minimum of two trap sites and as many as five will be needed to gather the horses. Each site will be selected by the contractor and approved by the COAR/PI or USFS representative after determining the habits of the animals and observing the topography of the area where the horses are located at the time. Trap sites will be located to cause as little damage to the natural resources of the area as possible. Traps will be located on or near existing roads and all sites will receive threatened and endangered plant and animal and cultural resources clearance prior to construction.

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 trap locations in advance. Due to the poor results of the 1983 gather, the gather area has been expanded to take in the surrounding "horse-free" area (see enclosed maps). Horses will be gathered first within the Monte Cristo herd management area, gather area priority 1. If sufficient animals cannot be gathered there, the contractor will be allowed to then move into the "horse-free" area (gather area priority 2) to complete the contract. This is not anticipated to be necessary.

#### Time and Method of Capture

The round-up is expected to occur sometime between July 1, 1985, and September 30, 1985, and last approximately two weeks. However, a number of horses may be removed over an 18 month period, and may require more than one round-up to reduce the herd to the management level. No gathering will be done during the foaling season, which is from March 1 to July 1.

The method of capture to be used will be a helicopter and horseback riders at the wings of portable traps.

The temporary traps and corrals will be constructed from portable pipe panels. An adjoining holding corral will be constructed 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.

Other methods of capture are not being considered because of the increased cost per horse. Water trapping, though easier on horses, is not feasible due to the numerous springs, reservoirs and other 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. Also, water traps after being used a few times are not successful in capturing horses. 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.

#### 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 COAR/PI will contact the District Brand Inspector and make arrangements for dates and time when brand inspections will be needed.

When horses are captured, the COAR/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. photo documentation, saddle marks, etc.).

- c. Unbranded animals and offspring without obvious evidence of former private ownership.

The COAR/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. The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges as determined appropriate by the Egan Area Manager in accordance with 43 CFR Subpart 4720.3 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 COAR/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 4740.3-1.

The COAR/PI or the USFS Representative 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 COAR/PI or USFS Representative 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 COAR/PI is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a final determination.

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 of at least three 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 as inconspicuous location as possible to minimize the visual impacts. Carcasses will not be placed in drainages regardless of drainage size or downstream destination.

#### Administration of the Contract

It is recommended that the COAR be Jeff Rawson, with Hal Bybee as alternate. The recommended project inspectors will be Bob Brown and W.A. Burdick Jr. USFS Representative will be Wayne Swenson. The COAR will be directly responsible for conducting the roundup and can appoint other BLM personnel to assist with the roundup and can request additional assistance from the USFS.

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

The COAR is directly responsible for reporting the roundup proceedings to the Ely District Manager, the Nevada State Office and District Public Affairs Officer. The USFS Representative is responsible for reporting to the Ely District Ranger.

#### Contractor's Briefing

The contractor, after award of the contract, will be briefed on his duties and responsibilities before the notice to proceed is issued to him. A tour of the area, if necessary, will also be conducted to help familiarize the contractor with the area.

#### Public Meeting

One public meeting will be held in Ely at a place and time to be determined before the roundup is started to get public input on the gathering process using a helicopter. Wild Horse Protection Groups and the public will be notified in ample time to allow them to attend the meeting. Wild Horse groups will be notified and asked for input into the environmental assessment and will be given the opportunity to review the assessment.

### Restricting Public Access

If the road used is a BLM-USFS road, possibly a daily closure with specific hours could be put into effect, but would require notice in the Federal Register.

### Temporary Holding Facility

The helicopter capture of wild horses will be from the area known as Monte Cristo, Nevada, and transportation of captured horses from the site to a temporary holding facility within the gathering area (as agreed upon by the COAR/PI and the contractor). 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 USFS-BLM and the public access to the facility 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, and 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 will be done according to the following specifications and attached work location map. All labor, vehicles, helicopters, traps, troughs, feed, temporary holding facilities and other equipment including, but not limited to the aforementioned, shall be furnished by the contractor. BLM-USFS will furnish contract supervision.

### Stipulations and Specifications

1. The helicopter and pilot furnished by the contractor shall be certified under provisions of FAR, Part 135, "Air Taxi Operator/Commercial Operators". His operations specifications shall authorize operation of the category and class of aircraft and conditions of flight required under this contract, and both the aircraft and pilot must be carded by the Office of Aircraft Services, Department of the Interior, and shall be under the direct supervision of the authorized officer at all times. Further, under the terms of 43 CFR 4730.7-2, the contract shall be governed by the following reservations and restrictions:
  - a. The Contracting Officer's Authorized Representative (COAR), alternate COAR, and/or project

inspector shall have the means to communicate with the pilot and be able to direct the use of the helicopter at all times. The frequency(s) used for this contract will be 122.9 MHz. The Contractor shall furnish a VHF/AM radio transceiver operating on a frequency of 122.9 MHz (or 122.85 MHz, or other available air-ground FAA frequency) installed in the support truck. The same frequency shall be available in the helicopter VHF/AM airways communication radio. A company owned FM radio system in the support truck and the helicopter may be used in lieu of the VHF/AM system. The Contractor shall obtain the necessary FCC licenses for the radio system. If the contractor is unable to communicate on this frequency(s) through the aircraft VHF/AM transmitter/receiver, or does not have a company owned FM system, the Government shall furnish a "slip-in" portable radio. The Government radio will be:

Manufacturer: GE Model: HN-56 Porta-Mobil II

(Special requirement for "slip-in" VHF/FM portable radio.) The transmitter selector system shall supply microphone excitation voltage (talk-voltage) (from the aircraft 28-volt DC system through a suitable resistor network) to the microphone jack for the "slip-in" portable radio ("Forest Net" or FM-II) transmit positions. A blocking capacitor shall be provided to separate the aircraft microphone excitation voltage from the portable radio interface connector. The interphone shall be an override type that will operate at any time regardless of the position of the transmitter selector switch.

- b. The COAR, alternate COAR and/or Project Inspector(s) shall be able to observe the effects of the use of the helicopter on the well-being of the animals. The contractor may be required to transport, via helicopter, the COAR and/or Project Inspector to a location which allows for such observation.
- c. All pilots and helicopters provided by the contractor shall comply with all Federal air regulations and regulations of the Board of Aeronautics of the state in which the work project is located and shall follow what are recognized as safe flying practices. Both the pilot(s) and helicopter(s) shall have valid federal, state, and local certificates and permits.



- d. The Bureau of Land Management-U.S. Forest Service reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer, COAR or project inspector, violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing and required to furnish replacement pilots or helicopters, as the case may be, within 48 hours. All such replacements must be approved, in advance of operation, by the COAR or his representative.
- e. The proper operation, service and maintenance of all helicopters are responsibilities of the contractor.
- f. Inspection of Helicopters, Pilots and Support Equipment - After award of contract and prior to start of work, inspection of contractor's helicopter, pilot, relief pilot or pilots and service facilities may be made. The inspection will take place at the designated base of operations or such other locations as may be approved by the contracting officer. Each pilot shall, at the discretion of the contracting officer, pass an agency flight evaluation check in make and model of helicopter supplied by the contractor at no expense to the Government.
- g. Substitution of Helicopter and Pilot - During the period of this contract, the contractor may furnish substitute helicopters and pilots. Any helicopter or pilot so furnished shall fully meet the qualifications of this contract. Substitution of either helicopter or pilot will be in writing by the contracting officer. Substitute pilot will be required whenever a regular pilot is unavailable for any reason including, but not limited to, flight hour/duty hour limitations. The contractor shall be required to replace or repair damaged or inoperative equipment within 48 hours after receipts of notification from the contracting officer or COAR.
- h. The contractor shall supply, at no additional expense, a service truck with driver for fueling helicopter(s). The service truck shall be equipped as follows:
  - 1. Fuel filter-water separator unit of a size compatible with pump capacity such as Facet

- P/N 050970 for 20 gallon per minute; 050971 for 10 gallon per minute; or equal. Units will also include a positive fuel filter shut-off to prevent contamination such as Facet Go-No-Go fuse or equal. The filtering components shall be changed annually and the cannister placarded with the date of change.
2. Sump drain positioned at lowest part of fuel tank.
  3. Grounding and bonding wires.
  4. "No Smoking" signs.
  5. Fire extinguisher for service truck (10 pounds or better).
  6. Fuel trucks will be marked for type of fuel carried.
- i. Pilot Qualifications - Pilot(s) shall have: 1. FAA Commerical Pilot Certificate with appropriate rating, and 2. FAA Medical Certificate (valid).
- j. The helicopter to be used for this item shall be certified under Part 135 of FAR and operated in accordance with these regulations. A shoulder harness must be installed for the observer. The helicopter shall meet the equivalent memorandum 85-4.3A and personal protective equipment requirements and flight and crew duty time limitations set forth in OAS. Operational Procedure Memorandum 85-1 will be followed.
- k. Pilots must meet the Department of Interior requirements for carrying passengers in the type of aircraft offered in accordance with OAS OPM 85-2. Pilot in command requirement is 1500 hours to include at least 50 hours in make and model of helicopter being flown and 200 hours over rough terrain.
- l. Pilot Flight Hour and Duty Limitations -
1. Pilot flight hours will be computed from the helicopter hour meter. All pilot hours for each pilot will be reported and used to administer flight limitations regardless of how or where performed.
  2. Pilots may be removed from duty for fatigue or other causes before reaching flight hours or duty limitations.

3. All helicopter pilots flying on this contract will be limited to the following flight hour and duty hour limitations:
  - a. Unless further restricted by the using agency, pilot flight hours will not exceed eight hours during any 14-hour duty period.
  - b. Pilot duty hours will not exceed 14 consecutive hours during any 24-hour period.
  - c. At least 10 consecutive hours of rest will be required prior to each duty period during each 24-hour period.
  - d. Pilots shall have two 24-hour periods of rest (off duty) during any 14 day period during the performance of this contract. Off duty periods shall be designated by the Government unless a relief pilot is required in the Bid Schedule. If a relief pilot is required, the contractor shall submit a schedule of relief pilot duty days to the COAR at the start of the contract period.
  - e. Pilots shall not exceed 36 hours flight time during any consecutive six day period. This flight time limitation may be temporarily exceeded during emergency conditions (life saving) or for unscheduled enroute delay due to weather conditions. When a pilot acquires 36 hours flight time in any consecutive six day period, he will be given at least the following 24 hour period off duty and a new six day cycle will begin.
- m. Risk Damage - Contractor shall assume all risks in connection with performance of contract, and shall be liable for and hold the Government harmless on account of any damages to persons or property in connection with work related activities, including aircraft pilot or other employees of contractor.
- n. Helicopter Equipment Requirements - Dual controls for pilot checkout, double strap shoulder harness for front seats and emergency locator transmitter. Helicopter must also have the necessary BLM radio equipment.

Any of the above referenced OAS Operational Procedures are available from:

Bureau of Land Management  
Division of Fire & Aviation Management (740)  
18th & C Street NW  
Washington, D.C. 20240  
Telephone: (202) 653-8800

2. Under the provisions of 43 CFR 4740.2 (a), the use of the helicopter shall further be regulated to the extent that:
  - a. The helicopter shall be used in such a manner that bands or herds will tend to remain together.
  - b. The rate of movement shall not exceed limitations set by the COAR and/or Project Inspector who shall consider terrain, weather, distance to be traveled and condition of animals. The contractor shall provide the helicopter pilot for the COAR and/or Project Inspector to perform an aerial reconnaissance prior to capture at each trap site to set these limitations (not to exceed 5 hours total flight time during the gathering).
  - c. The COAR/Project Inspector shall have the option at any time to ride in the helicopter to monitor the gathering.
  - d. The contractor shall provide the COAR/PI 8 hours helicopter time for a post gathering inventory.
3. All motorized equipment employed in the transportation of captured horses shall, under the provisions of 43 CFR 4740.2 (b), be subject to the following reservations and/or restrictions:
  - a. All such transportation shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of horses and burros.
  - b. Vehicles shall be in good repair, of adequate rated capacity and carefully operated so as to insure that captured animals are transported without undue risk or injury.
  - c. Vehicles shall be inspected and approved by the COAR/Project Inspector prior to award of the contract or at the prework conference.

- d. Where required by the COAR and/or Project Inspector, animals shall be sorted as to age, size, temperament, sex and condition when transporting them so as to minimize, to the extent possible, injury due to fighting and trampling.
  - e. Trailers, (including gooseneck or bumper pull) or other suitable equipment as approved by the COAR/Project Inspector may be used to transport horses from the traps to the temporary holding facility. Bobtail trucks or tractor pulled single deck trailers will be permitted for transportation of captured horses to the Nevada Distribution Center, Palomino Valley (Reno). Trailers 30 feet in length will be required to have two sections (one partition) and trailers 40 feet or longer will have three sections (2 partitions). Only straight single deck trailers (no pots) will be allowed.
  - f. The COAR and/or Project Inspector shall consider the condition of the animals, weather conditions, type of vehicles and distance to be transported when planning for the shipment of captured animals.
  - g. The COAR shall provide for brand inspection services.
4. All trapping of horses shall be subject to the following reservations/restrictions:
- a. All trapping attempted under this contract shall be accomplished utilizing a helicopter to herd the wild horses into the traps. Wing riders may be used as necessary. Roping will be done only when necessary as determined by the COAR and/or Project Inspector. Under no circumstances will horses be tied down for more than one hour.
  - b. All materials and labor to build, repair and remove the traps and holding corrals will be provided by the contractor.
  - c. All traps and holding corrals will be located on BLM land unless the contractor makes an agreement with the private land owners to use their facilities. The locations will be approved by the COAR and/or PI prior to construction.
  - d. The central holding corral will be located at a location agreed upon by COAR and contractor. Panels and other necessary equipment will be furnished by the contractor.

- e. All trap wings and holding corrals will be constructed to handle wild horses safely and humanely. Trap wings and holding corrals will be constructed with portable panels, unless otherwise approved by COAR/PI; the top rail of the trap will not be less than 72 inches high and the bottom rail will not be more than 12 inches from the ground level. Holding corrals will not be less than 72 inches high and the bottom rail will not be more than 12 inches from the ground level. Traps and holding corrals will be round or oval in design and will not be less than 40 feet in diameter. Holding corrals may be required to be larger as determined by the COAR/PI. Loading chutes will be equipped with plywood sides or similar material to keep the horses' legs from getting caught in the panels.
  - f. All trap and camp sites will be cleaned of all litter and debris when abandoned, to the satisfaction of the COAR.
  - g. Trapping of collared horses will be avoided if possible. Any collared horse that is captured will be released from the trap site back into the herd management area and will not count against the contract numbers for horses gathered or payment. There are as many as fourteen (14) collared horses in the herd area.
5. Captured horses shall generally not be held more than 72 hours prior to transporting to Palomino Valley (Reno), Nevada. Exceptions to the 72 hours maximum may only be granted by the COAR/PI.
  6. Horses held for 10 hours or more in the traps or holding facility will be provided good quality hay at the rate of not less than (2) two pounds of hay per 100 pounds of body weight per day, or as directed by the COAR and/or PI. Horses held for 24 hours or more shall be fed all the hay they will eat, or as directed by the COAR and/or PI.
  7. Horses held for 10 hours or more in the traps and/or the holding facility will be provided, by the contractor, fresh clean water in an amount sufficient to satisfy the demand as directed by the COAR and/or PI.
  8. Where required by the COAR and/or PI, animals will be sorted by age, size, sex, temperament and condition while at the trap and holding corrals so as to minimize, to the extent possible, injury due to fighting and trampling.

9. The COAR and/or PI shall be responsible for determining the need and provide for the treatment of sick or injured animals. The COAR and/or PI shall also determine if an injured animal must be destroyed and provide for destruction of the animals. The contractor shall dispose of carcasses as directed by the COAR and/or PI.
10. The contractor will be required to furnish locks and chains to lock outside gates of the holding corrals if deemed necessary by the COAR.
11. The COAR and/or PI will make available a Nevada State Brand Inspector for the purpose of inspecting the animals for brands.
12. Contractor Furnished Property:

All feed, water, vehicles, helicopters, fuel and maintenance for vehicles, traps, holding facilities, loading chutes (no open sided chutes; open sided chutes must be lined with plywood or other suitable material), troughs and any other necessary equipment.

The contractor will be required to provide the temporary holding corrals, squeeze chutes and manpower to assist the Brand Inspector in his duties.

Contractor shall provide sufficient experienced personnel and saddle horses with appropriate tack to complete the required work. The helicopter used for the gathering will have a radio capable of transmitting on BLM frequencies.

13. Roundup Procedures within Contract Area:

The COAR/PI/USFS Representative will determine specific roundup areas and number of horses within general contract area as animal concentration and weather conditions dictate. The trap will be moved a minimum of two times.

14. Only those bids from contractors with a proven background of capability and experience in handling wild or feral horses will be considered.

Prepared by:

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Robert E. Brown  
Wild Horse Specialist

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Date

Reviewed by:

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Mark J. Barber  
Acting ADM Resources

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Date

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Howard F. Hedrick, Manager  
Egan Resource Area

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Date

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Wayne Swenson  
Supervisory Range Conservationist  
Ely Ranger District, USFS  
Humboldt National Forest

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Date

Approved by:

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Merrill L. DeSpain  
Ely District Manager

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Date

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B. J. Graves  
Forest Supervisor  
Humboldt National Forest

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Date

Concurred by:

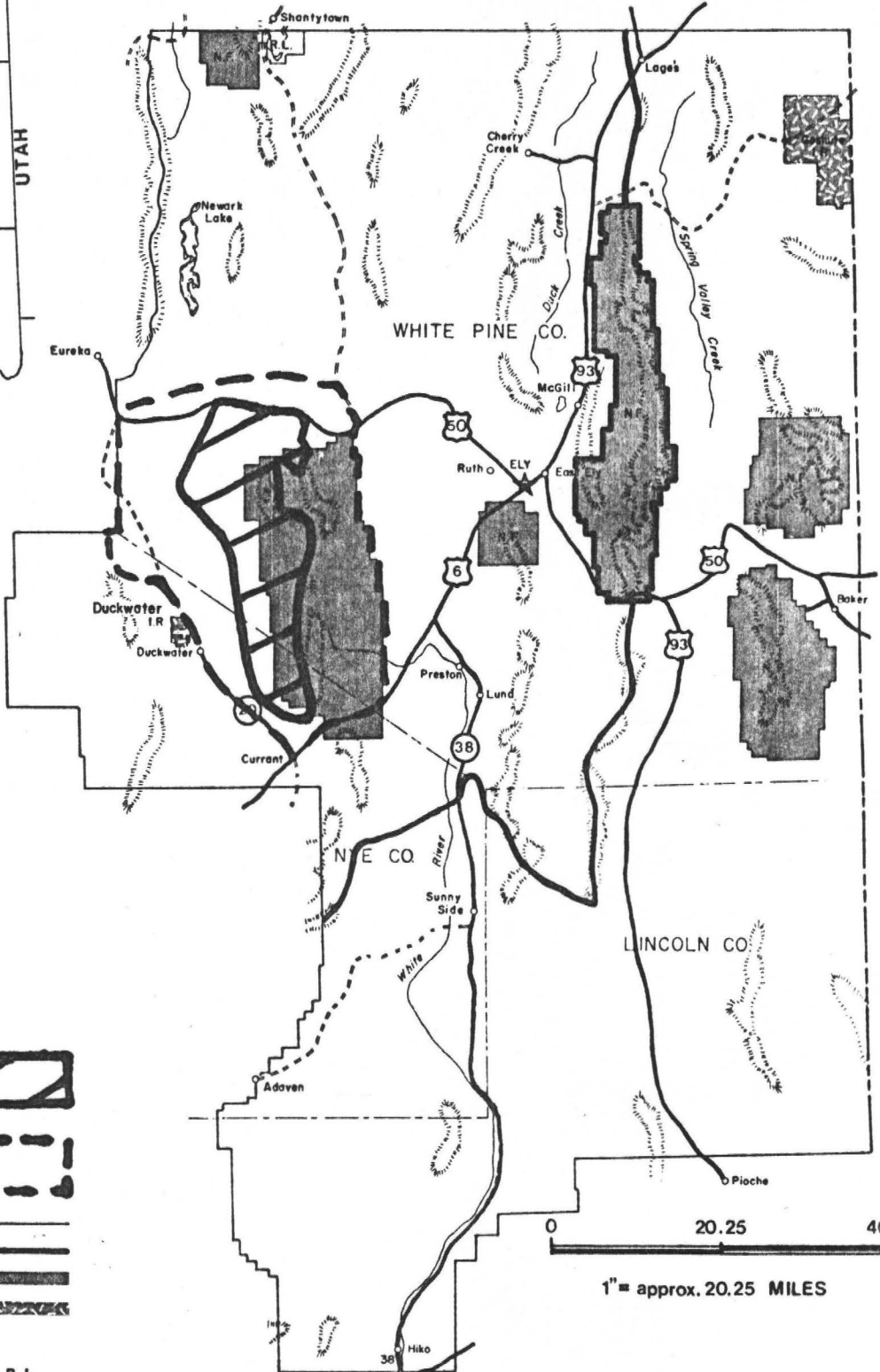
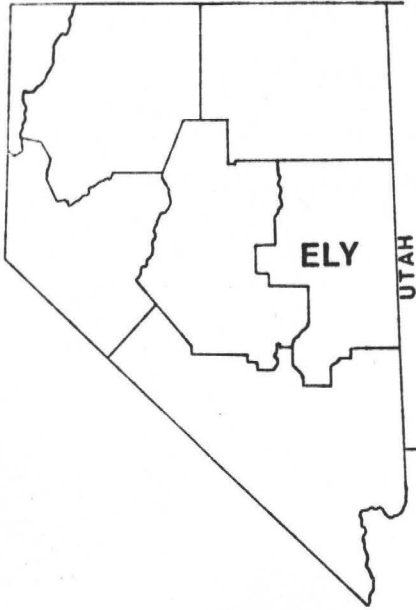
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Edward F. Spang  
Nevada State Director

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Date





**LEGEND**

Monte Cristo Herd Unit  
Gather Area Priority 1



Horse Free Area  
Gather Area Priority 2



District Boundary



Resource Area Boundary



Humboldt National Forest



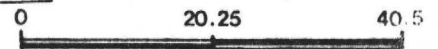
Indian Reservation



Ruby Lake National

Wildlife Refuge

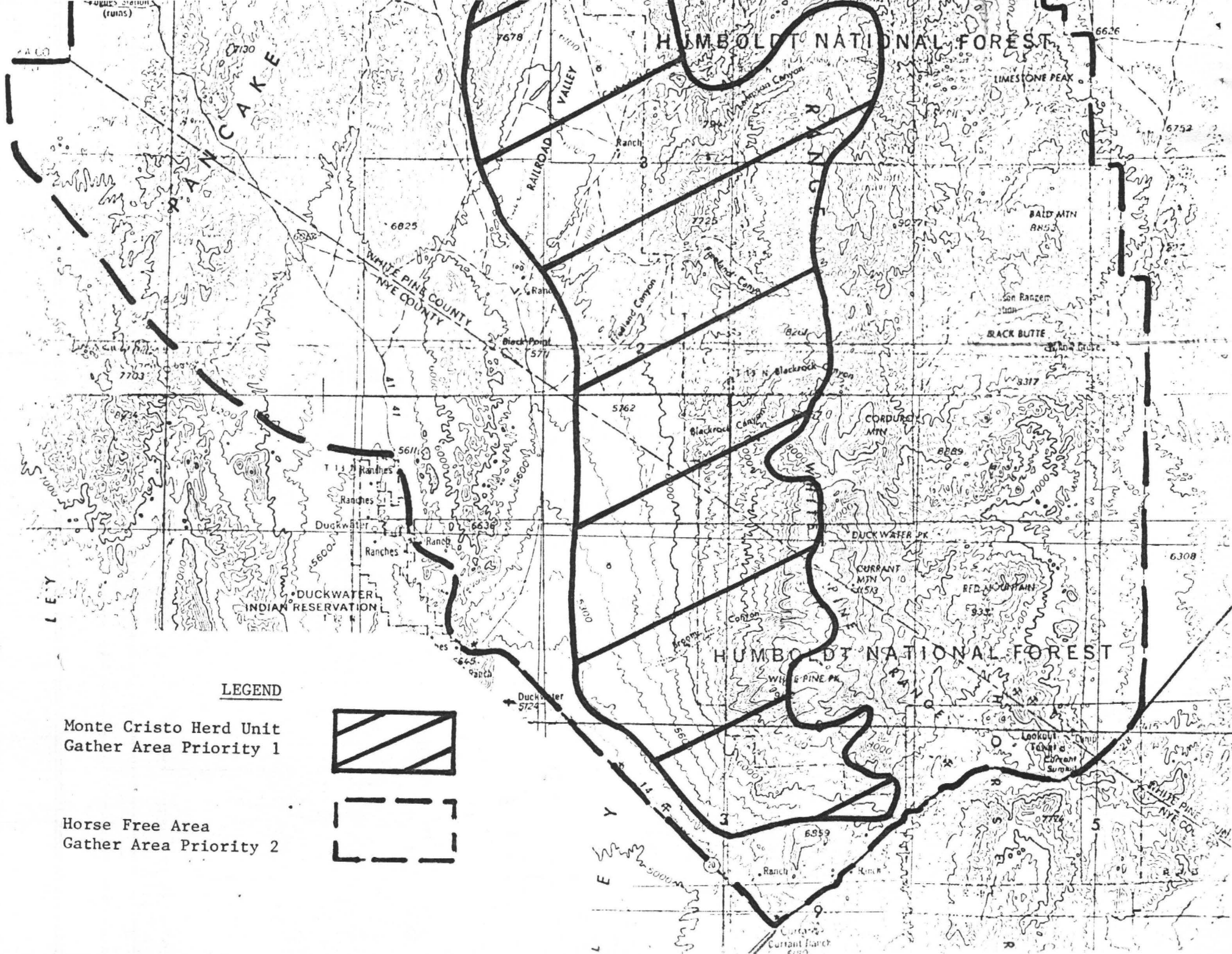
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1" = approx. 20.25 MILES

**ELY DISTRICT**

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

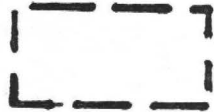


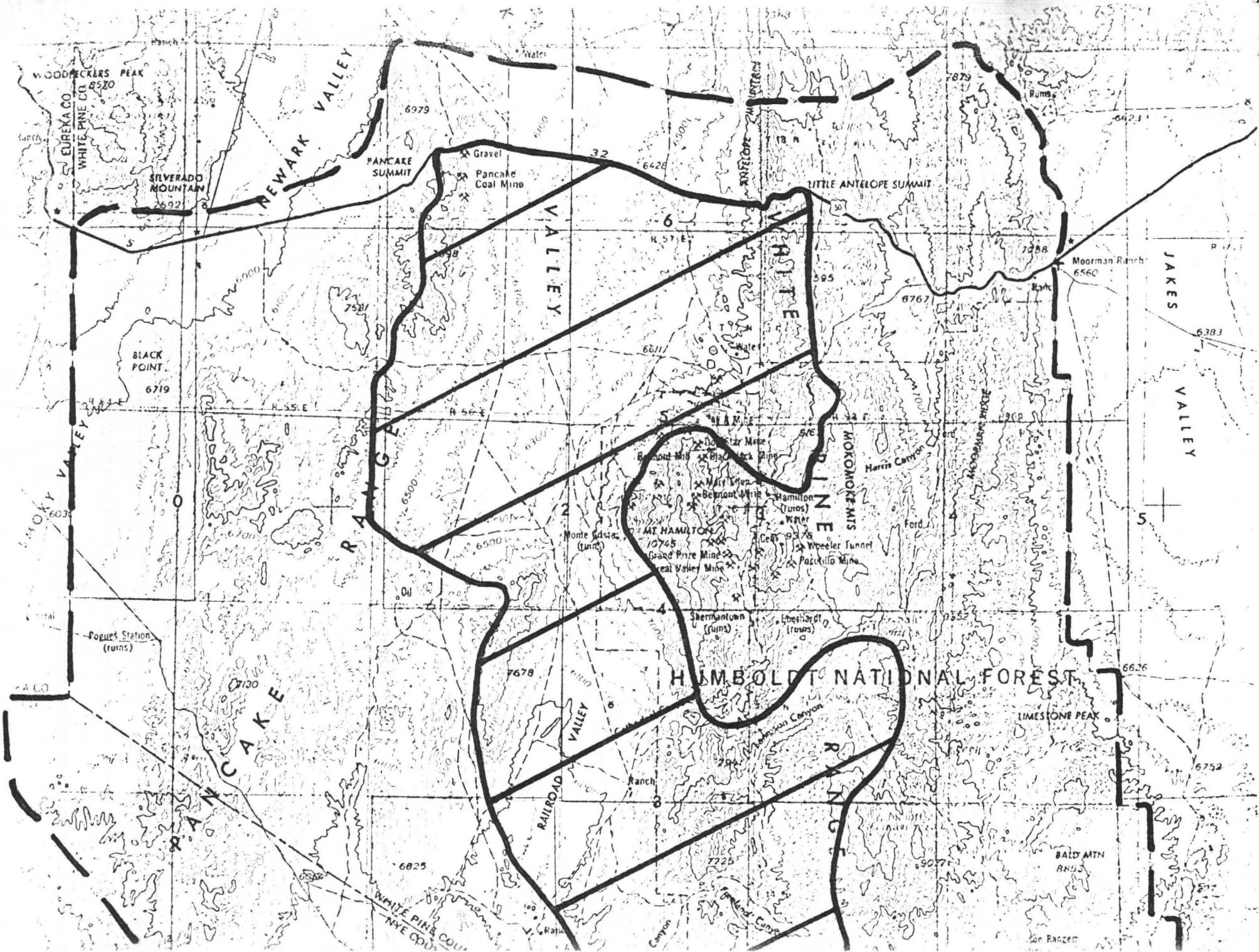
**LEGEND**

Monte Cristo Herd Unit  
Gather Area Priority 1



Horse Free Area  
Gather Area Priority 2





MONTE CRISTO WILD HORSE HERD AREA MANAGEMENT PLAN

Preface

This amendment updates the detailed E.A. which was prepared on the Monte Cristo Wild Horse Herd Area Management Plan (EA NV-040-7-17) and the approved management plan which was prepared jointly by the Bureau of Land Management and the U.S. Forest Service.

I. Description of the Proposed Action and Alternatives

A. Background

The U.S. Forest Service and the Bureau of Land Management conducted a gathering in January 1979, to maintain the horse population at the level arrived at in the Monte Cristo Wild Horse Management Plan. A total of 96 horses were removed at that time, which left a population of approximately 160.

The area was inventoried again in September 1981, and 206 horses were counted. A fall 1982 census revealed a total of 365 horses. There were 43 horses gathered from the area in the summer of 1983. A post gather inventory conducted in the winter of 1983 resulted in the latest census of 252 horses.

B. Description of Proposed Action

The proposed action is to gather a sufficient number of wild horses from throughout the Monte Cristo Herd Use Area to leave between 72 and 96 head in compliance with the Herd Management Plan. The Herd Management Plan states wild horse numbers are to be maintained at an average of 96 head, and total numbers would not be allowed to increase above 120 head or decrease below 72 head.

The proposed number of horses to be gathered is approximately 180 animals, based on the latest census of 252 horses. But a pre-gather inventory will be conducted to determine the exact number to be removed and to determine specific locations for trap sites.

The gather is expected to occur between July 1 and September 30, 1985, and last approximately two weeks. Gathering operations may be conducted over an 18 month period, whenever funding becomes available. Also, it may be necessary to gather during two or three time periods to be more selective in reducing the herd to the management level. No gathering will be done during the foaling season, which is from March 1 to July 1.

The method of capture to be used will be a helicopter, and horseback riders at the wings of portable traps.

Due to the poor results of the 1983 gather, the area has been expanded to take in the surrounding "horse-free" area. The gather will only occur outside of the designated herd area if the horses again move off the area, and if a sufficient number cannot be gathered from Monte Cristo. It is anticipated that the entire gather will occur on the Monte Cristo herd area, with a sufficient number of horses gathered there.

#### C. Alternatives

Other alternative methods are evaluated in the Monte Cristo Wild Horse Herd Area Management Plan EA No. NV-040-7-17. No other alternatives are necessary for analysis in this amendment.

## II. Affected Environment, Impacts, and Mitigation

There are no portions of the proposed gather area still under consideration for designation as wilderness nor any previously designated wilderness areas on BLM lands. There are several recommended wilderness areas within the proposed gather area on USFS land. A detailed discussion of these areas can be found within the Humboldt National Forest Draft EIS and Plan.

The original EA made no reference to threatened or endangered animal species. The following threatened or endangered (T&E) or potential T&E species may occur within the priority 1 and/or 2 gather areas:

- 1.) Bald eagle (roost site) - endangered
- 2.) Lahontan Cutthroat trout - threatened
- 3.) Ferruginous hawk (nests) - category 2
- 4.) Railroad Valley tui chub - category 2

No significant impacts are expected to occur to T&E animal species. Trap site locations would be selected in consideration of these species and be located to minimize impacts on them.

Potential impacts to T&E or sensitive plant species can also be avoided during selection of trap sites and holding facilities. No other impacts associated with the proposed action exist for T&E plants.

The northern portion of the capture area (Tps. 15 to 18 N., Rs. 58, 59 E.) is highly sensitive for historic cultural resources. Traps and holding facilities must not be placed on or within 200 feet of historic ruins or remains.

The southern portion of the capture area (Tps. 10 to 14 N., Rs. 57, 58 E.) is sensitive for prehistoric sites, particularly in the valley bottoms. Traps and holding corrals would avoid these sites.

Clearances will be completed for cultural resources and T&E plants and animals prior to construction of holding facilities and trap sites. For other measures, refer to the enclosed stipulations. All other information discussed in EA NV-040-7-17 and the Monte Cristo Wild Horse Management Plan is considered to be adequate for this action since the affected environment is similar and no changes in impacts are anticipated. For a more detailed description of this gather, refer to the Capture Plan for 1985 Monte Cristo Wild Horse Gather.

#### STIPULATIONS

1. Under the provisions of 43 CFR 4740.2 (a), the use of the helicopter shall be regulated to the extent that:
  - (a) The helicopter shall be used in such a manner that bands or herds will tend to remain together.
  - (b) The rate of movement shall not exceed limitations set by the COAR and/or Project Inspector who shall consider terrain, weather, distance to be traveled, and condition of animals. The contractor shall provide the helicopter/pilot for the COAR and/or Project Inspector to perform an aerial reconnaissance prior to capture at each trap site to set these limitations. (Not to exceed 5 hours flight time).
  - (c) The COAR/Project Inspector shall have the option at any time to ride in the helicopter to monitor the gathering.

- (d) The contractor shall provide the COAR/PI 8 hours helicopter time for a post gathering inventory.
2. All motorized equipment employed in the transportation of captured horses shall, under the provisions of 43 CFR 4740.2 (b), be subject to the following reservations and/or restrictions:
- (a) All such transportation shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of horses.
  - (b) Vehicles shall be in good repair, of adequate rated capacity, and carefully operated so as to insure that captured animals are transported without undue risk or injury.
  - (c) Vehicles shall be inspected and approved by the COAR Project Inspector prior to award of the contract or at the prework conference.
  - (d) Where required by the COAR and/or Project Inspector, animals shall be sorted as to age, size, temperament, sex, and condition when transporting them so as to minimize, to the extent possible, injury due to fighting and trampling.
  - (e) Trailers (including gooseneck or bumper pull) or other suitable equipment as approved by the COAR/Project Inspector may be used to transport horses from the traps to the temporary holding facility. Bob-tail trucks or tractor pulled single deck trailers will be permitted for transportation of captured horses to the Nevada Distribution Center, Palomino Valley (Reno). Trailers 30 feet in length will be required to have two sections (one partition) and trailers 40 feet or longer will have three sections (2 partitions). Only straight single deck trailers (no pots) will be allowed.
  - (f) The COAR and/or Project Inspector shall consider the condition of the animals, weather conditions, type of vehicles, and distance to be transported when planning for the shipment of captured animals.
  - (g) The COAR shall provide for brand inspection services.
3. All trapping of horses shall be subject to the following reservations/restrictions:

- (a) All trapping attempted under this contract shall be accomplished utilizing a helicopter to herd the wild horses into the traps. Wing riders may be used as necessary. Roping will be done only when necessary as determined by the COAR and/or Project Inspector. Under no circumstances will horses be tied down for more than one hour.
- (b) All materials and labor to build, repair, and remove the traps and holding corrals will be provided by the contractor.
- (c) All traps and holding corrals will be located on BLM or National Forest land and the locations will be approved by the COAR and/or Project Inspector prior to construction.
- (d) The central holding corral will be located at a location agreed upon by COAR and contractor. Panels and other necessary equipment will be furnished by the contractor.
- (e) All trap wings and holding corrals will be constructed to handle wild horses safely and humanely. Trap wings and holding corrals will be constructed with portable panels, unless otherwise approved by COAR/PI; the top rail of the trap will not be less than 72 inches high, and the bottom rail of which will not be more than 12 inches from the ground level. Holding corrals will not be less than 72 inches high and the bottom rail of which will not be more than 12 inches from the ground level. Traps and holding corrals will be round or oval in design and will not be less than 40 feet in diameter. Holding corrals may be required to be larger as determined by the COAR/Project Inspector. Loading chutes will be equipped with plywood sides or similar material to keep the horses' legs from getting caught in the panels.
- (f) All trap and camp sites will be cleaned of all litter and debris when abandoned, to the satisfaction of the COAR.
- (g) Trapping of collared horses will be avoided if possible. Any collared horse that is captured will be released from the trap site back into the herd management area and will not count against the contract numbers for horses gathered or payment. There are as many as fourteen (14) collared horses in the herd area.



4. Captured horses shall generally not be held more than 72 hours prior to transporting to Palomino Valley (Reno), Nevada. Exceptions to the 72 hours maximum may only be granted by the COAR/PI.
5. Horses held for 10 hours or more in the traps or holding facility will be provided good quality hay at the rate of not less than (2) two pounds of hay per 100 pounds of body weight per day. Horses held for 24 hours or more shall be fed all the hay they will eat, or as directed by the COAR and/or Project Inspector.
6. Horses held for 10 hours or more in the traps and/or the holding facility will be provided, by the contractor, fresh, clean water in an amount sufficient to satisfy the demand as directed by the COAR and/or Project Inspector.
7. Where required by the COAR and/or Project Inspector, animals will be sorted by age, size, sex, temperament, and condition while at the trap and holding corrals so as to minimize, to the extent possible, injury due to fighting and trampling.
8. The COAR and/or Project Inspector shall be responsible for determining the need and provide for the treatment of sick or injured animals. The COAR and/or Project Inspector shall also determine if an injured animal must be destroyed and provide for destruction of the animals. The contractor shall dispose of carcasses as directed by the COAR and/or Project Inspector.
9. The contractor will be required to furnish locks and chains to lock outside gates of the holding corral if deemed necessary by the COAR.
10. The COAR and/or Project Inspector will make available a Nevada State Brand Inspector for the purpose of inspecting the animals for brands.
11. All feed, water, vehicles, helicopters, fuel and maintenance for vehicles, traps, holding facilities, loading chutes (no open sided chutes; open sided chutes must be lined with plywood or other suitable material), troughs and any other necessary equipment will be provided by the contractor.

The contractor will be required to provide the temporary holding corrals, squeeze chutes and manpower to assist the Brand Inspector.

Contractor shall provide sufficient experienced personnel and saddle horses with appropriate tack to complete the required work.

12. Government Furnished Property:

Radio equipment necessary for air to ground communications will be provided to the contractor, as necessary, for helicopter operations, (except for the adapter in the helicopter).

13. Roundup Procedures Within Contract Area:

The COAR/PI will determine specific roundup areas and number of horses to be removed within general contract areas as animal concentration and weather conditions dictate. The trap will be moved a minimum of two times.

14. Only those bids from contractors with a proven background of capability and experience in handling wild or feral horses will be considered.

15. All off road vehicular traffic should be minimized. Travel should be restricted to existing roads and trails wherever possible.

Persons, Groups and Government Agencies Consulted

American Bashkir Curly Register  
c/o Mrs. Sunny Martin  
P.O. Box 453  
Ely, Nevada 89301

American Horse Protection Association  
1904-A "T" Street, NW  
P.O. Box 53399  
Washington D.C. 20009

American Humane Association  
9725 E. Hampden  
Denver, Colorado 80231

American Mustang and Burro Registry  
P.O. Box 216  
Liberty Hill, Texas 78642

U.S. Humane Society  
2100 L Street, NW  
Washington D.C. 20037

Animal Protection Institute  
P.O. Box 22505  
Sacramento, California 95822

Mr. Alan J. Kania, Executive Director  
The Center for Wild Horse  
and Burro Research  
2715 W. 86th Avenue #21  
Westminster, Colorado 80030

Gardner Ranches, Inc.  
c/o Tonopah Stage  
Ely, Nevada 89301

Mae K. Bradshaw  
Duckwater, Nevada 89314

Halstead-Forsgren Ranches, Inc.  
Duckwater, Nevada 89314

John Dennis,  
Gailen & John Manzonie  
P.O. Box 1236  
Ely, Nevada 89301

Duckwater Stockmen's Association  
c/o Jerry Millett  
Duckwater, Nevada 89314