United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Ely Field Office
HC 33 Box 33500 (702 No. Industrial Way)
Ely, Nevada 89301-9408
http://www.nv.blm.gov

TAKE PRIDE IN AMERICA

In Reply Refer To:
4720(NV-042)

OCT 2 5 2006

Dear Interested Party:

The Bureau of Land Management (BLM) Ely Field Office is proposing wild horse gather as part of a fire rehabilitation effort. Forty-Six (46) fires were ignited by dry lightning storms and burned approximately 106,697 acres from May 6 to September 18, 2006, on lands managed by the Ely BLM Field Office. Portions of the Seaman and Clover Creek/Clover Mountain HMAs burned during the past summer. The Bureau of Land Management (BLM) Ely Field Office is proposing to remove wild horses from these Herd Management Areas (HMAs) that were burned by the Rocky, Narrows, Cloudy, Oreana, Timber White River Clover, and Dusky Fires. The gather would occur approximately December 1, 2006 and last approximately three to four days. This proposed gather is to provide for stabilization of the burned areas. Approximately 20 wild horses would be captured and removed from the Seaman HMA and 25 wild horses would be removed from the Clover Creek/Clover Mountain HMA.

Enclosed is the Ely Fires Rehabilitation Wild Horse Gather Plan and Preliminary Environmental Assessment (E.A.) NV-040-07-001. A copy of the gather plan and preliminary environmental assessment is available for a 30 calendar day public scoping/notification period. **If any member of the interested public would like to provide any information, data, or analysis** please send written comments to William E. Dunn, Assistant Field Manager, Renewable Resources, at Ely Field Office, Bureau of Land Management, HC 33 BOX 33500, Ely, Nevada 89301.

If you have any questions, please contact Jared Bybee, Lead Wild Horse and Burro Specialist, Ely Field Office at (775) 289-1843

RECEIVED
OCT 3 0 2006
DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Sincerely,

William E. Dunn

William E. Dunn
Assistant Field Manager
Renewable Resources

1 Enclosure:
1. Ely Fires Rehabilitation Wild Horse Gather Plan and Preliminary Environmental Assessment (E.A.) NV-040-07-001

CC:

George Andrus
59 S 500 E
St. George, UT 8477 — RETURN RECEIPT NO 70051820000241000651

Nevada Division of Wildlife
Curtis A. Baughman
1218 N. Alpha Street
Ely, NV 89301 — RETURN RECEIPT NO 70051820000241000637

Nevada Division of Wildlife
Steve Foree
60 Youth Center Road
Elko NV 89801 — RETURN RECEIPT NO70051820000241000927

Brad Hardenbrook
NDOW-Southern Region
4747 Vegas Drive
Las Vegas, NV 89108 — RETURN RECEIPT NO 70051820000241000903

Betsy Macfarlan
ENLC
PO Box 150266
Ely NV 89315 — RETURN RECEIPT NO 70051820000241000873

Nevada State Clearinghouse
Dept of Administration
Budget & Planning Div., Grants
209 E Musser St Room 200
Carson City NV 89701 4298 — RETURN RECEIPT NO 70051820000241000866

Nevada Division of Wildlife
Mike Scott
P.O. Box 79
Pioche, NV 89043 — RETURN RECEIPT NO70051820000241000842

U.S. Fish and Wildlife Service
Southern Nevada Field Office
Cynthia T. Martinez
4701 North Torrey Pines Blvd.
Las Vegas, NV 89130 — RETURN RECEIPT NO 70051820000241000835

Lincoln County Commissioners
PO Box 90
Pioche, NV 89043 — RETURN RECEIPT NO 70051820000241001146

Laurel Marshall
HC 62 Box 62114
Eureka, NV 89316 — RETURN RECEIPT NO 70051820000241001139

Joseph L. Sharp
PO Box 253
Alamo, NV 89001 — RETURN RECEIPT NO 70051820000241001108

Jule Wadsworth
PO Box 407
Panaca, NV 89042 — RETURN RECEIPT NO 70051820000241001092

John McLain
Resource Concepts, Inc
340 N. Minnesota St.
Carson City, NV 89703-4152

RETURN RECEIPT NO 70051820000241001085

Western Watersheds Project
Katie Fite
PO Box 2863
Boise ID 83701

RETURN RECEIPT NO 70051820000241001054

Animal Welfare Institute
ATTN: D.J. Schubert, Wildlife Biologist
P.O. Box 3650
Washington, DC 20027-0150

RETURN RECEIPT NO 70051820000241001047

Ken Lytle
HC 74 Box 245
Pioche, NV 89043

RETURN RECEIPT NO 70051820000241001030

Cindy MacDonald
3605 Silver Sand Ct.
N. Las Vegas, NV 89032

RETURN RECEIPT NO 70051820000241001016

Mr. Kris Absher
USDA Forest Service
1200 Franklin Way
Sparks, NV 89431

RETURN RECEIPT NO 70051820000241001009

Animal Protection Institute of America
PO Box 22505
Sacramento, CA 95822

RETURN RECEIPT NO 70051820000241000996

George Berrier
American Mustang & Burro Assoc.
PO Box 1013
Grass Valley, CA 95945-1013

RETURN RECEIPT NO 70051820000241000989

Ms Anna Charlton
Animal Rights Lawe Center
SI Newhouse Ctr for Law Justice
15 Washington St.
Newark, NJ 07102-3192

RETURN RECEIPT NO 70051820000241000972

Roger Dieleman
5454 S Arville
Las Vegas NV 89118

RETURN RECEIPT NO 70051820000241000965

Eureka County Natural Resources Dept.
PO Box 682
Eureka NV 89316

RETURN RECEIPT NO 70051820000241000958

Barbara Flores
Colorado Wild Horse and Burro Coalition
2406 15th Avenue Court
Greenley, CO 80631

RETURN RECEIPT NO 70051820000241000941

Friends of Nevada Wilderness
P.O. Box 9754
Reno, NV 89507

RETURN RECEIPT NO 70051820000241000934

Dave & Jenifer Free
861 South Canyon View Drive
St. George, UT 84770

RETURN RECEIPT NO 70051820000241001153

George Lea, President
Public Lands Foundation
PO Box 7226
Arlington VA 22207

RETURN RECEIPT NO 70051820000241001283

Andrea Lococo
Wildlife Consultant
Animal Welfare Institute
1363 Ouerbacker Court
Louisville, KY 40208

RETURN RECEIPT NO 70051820000241001276

Dr Donald A Molde
3290 Penfield Circle
Reno, NV 89502

RETURN RECEIPT NO 70051820000241001269

Nevada Woolgrowers Association
HC 30 Box 320
Spring Creek, NV 89815-9705

RETURN RECEIPT NO 70051820000241001252

Jon Marvel
Executive Director
Western Watersheds Project
Box 1770
Hailey ID 83333

RETURN RECEIPT NO 70051820000241001245

Ms. Rose Strickland, Chair, Public Lands
Comm., Toiyabe Chapter – Sierra Club
P.O. Box 8096
Reno, NV 89507

RETURN RECEIPT NO 70051820000241001238

US Humane Society
2100 L Street NW
Washington, DC 20037

RETURN RECEIPT NO 70051820000241001221

Robert D. Williams
USFWS, Nevada Fish and Wildlife Office
1340 Financial Boulevard Suite 234
Reno NV 89502 7147

RETURN RECEIPT NO 70051820000241001214

Department of Agriculture
Attn: Gary McCuin
350 Capitol Hill Ave
Reno NV 89502 2923

RETURN RECEIPT NO 70051820000241001207

Ms. Catherine Barcomb
Comm for Preserve of Wild Horses
885 Eastlake Boulevard
Carson City, NV 89704

RETURN RECEIPT NO 70051820000241001191

Chairman James Birchum
Yomba Shoshone Tribe
HC 61 Box 6275
Austin, NV 89310

RETURN RECEIPT NO 70051820000241001184

Ms Sharon Crook
3801 La Pasada
Las Vegas, NV 89102

RETURN RECEIPT NO 70051820000241001177

Dave Free
PO Box 472
Panaca, NV 89042

RETURN RECEIPT NO 70051820000241001160

Steven Fulstone
31 Rivers Road
Smith, NV 89430

RETURN RECEIPT NO 70051820000241001290

Great Basin National park
Mr. Ben Roberts
100 Great Basin National park
Baker, NV 89311-9700

RETURN RECEIPT NO 70051820000241001504

Leroy Jackson
Timbisha Shoshone Tribe
PO Box 206
Death Valley, CA 92328

RETURN RECEIPT NO 70051820000241001498

Betty Kelly
Wild Horse Spirit
25 Lewers Creek Rd
Carson City, NV 89704-9589

RETURN RECEIPT NO 70051820000241001481

Mr Felix Ike
Temoak Bank of Western Shoshone
525 Sunset St
Elko, NV 89801

RETURN RECEIPT NO 70051820000241001474

Diane Nelson
Wild Horse Sanctuary
PO Box 30
Shingletown, CA 96088

RETURN RECEIPT NO 70051820000241001450

National Wild Horse Assn
PO Box 12207
Las Vegas, NV 89112

RETURN RECEIPT NO 70051820000241001443

Nevada Cattlemen's Association
P.O. Box 310
Elko, NV 89803-0310

RETURN RECEIPT NO 70051820000241001436

Ms Karen A Sussman
INT Soc Prot of Mustangs Burros
HCR 52 Box 7C
Interior, SD 55750-9606

RETURN RECEIPT NO 70051820000241001412

Barbara Warner
1955 Tatum Lane
Lebanon, KY 40033

RETURN RECEIPT NO 70051820000241001405

Mr Michael S Wickersham
Nevada Division of Wildlife
4747 W. Vegas Dr
Las Vegas, NV 89108

RETURN RECEIPT NO 70051820000241000477

American Horse Protection Association
1000 29th St. NW Suite T 100
Washington, DC 20007

RETURN RECEIPT NO 70051820000241000460

Ms. Dana R. Bennett
NV Legis. Comm on Public Lands
401 S. Carson St
Carson City, NV 89701

RETURN RECEIPT NO 70051820000241000453

Mr. Doug Busselman
Nevada Farm Bureau Federation
2165 Green Vista Drive Suite 205
Sparks, NV 89431

RETURN RECEIPT NO 70051820000241000446

Mr Bill Davison
PO Box 1077
McGill, NV 89318

RETURN RECEIPT NO 70051820000241000439

Susan Asher
Nevada Humane Society
P.O. Box KIND
Sparks, NV 89432-8610

RETURN RECEIPT NO 70051820000241000811

Brad Hardenbrook
NDOW
4747 W. Vegas Drive
Las Vegas, NV 89108

RETURN RECEIPT NO 70051820000241000804

Mr Larry Kibby
Western Shoshone Histric Pres.
1581 Pinenut Circle
Elko, NV 89801

RETURN RECEIPT NO 70051820000241001399

Bonnie and Chuck Matton
Wild Horse Preservation League
191 Territory Rd
Dayton, NV 89403

RETURN RECEIPT NO 70051820000241001382

Ms Tina Nappe
Sierra Club
515 Robison Court
Reno, NV 89503

RETURN RECEIPT NO 70051820000241001375

Nevada dept of Agriculture
350 Capitol Hill Ave
Reno, NV 89502

RETURN RECEIPT NO 70051820000241001368

Mr David Pete
Goshute Tribal Council
PO Box 6104
Ibapah, UT 84034-6104

RETURN RECEIPT NO 70051820000241001351

Public Lands Foundation
PO Box 7226
Arlington, VA 22207

RETURN RECEIPT NO 70051820000241001344

U.S. Department of the Interior
Bureau of Land Management
Ely Field Office

Ely Fires Rehabilitation
Wild Horse Gather Plan
and Preliminary Environmental Assessment

NV-040-07-001
Jared Bybee
October 2006

I. Background Information

The Bureau of Land Management (BLM) Ely Field Office is proposing to remove wild horses from Herd Management Areas (HMAs) that were burned by the Rocky, Narrows, Cloudy, Oreana, Timber White River Clover, and Dusky Fires. These fires burned the following Wild Horse Herd Management Areas (HMAs): Seaman, Clover Creek, and Clover Mountains. The gather would occur approximately December 1, 2006 and last approximately three to four days. This proposed gather is to provide for stabilization of the burned areas.

Forty-Six (46) fires were ignited by dry lightning storms and burned approximately 106,697 acres from May 6 to September 18, 2006, on lands managed by the Ely BLM Field Office.

The Clover Creek/Clover Mountains wild horse population is located directly east of Caliente Nevada. The Clover and Dusky Fires burned close to the Clover Creek/Clover Mountain HMAs boundary. The Fires encompasses 3634 acres of HMA Refer to Figure 1 for a map of the Affected Area.

The Seaman HMA is located approximately 60 miles south of Ely. The fires burned approximately 7345 acres of HMA. Refer to Figure 1 for a map of the Affected Area.

A. Need for the Proposed Action

BLM has determined that the presence of wild horses on burned areas jeopardizes the rehabilitation. Wild horse use within burned areas doesn't allow for the regeneration of burned vegetation with constant grazing pressure as plants would not establish while growing from seed. The presence of wild horses would jeopardize the stabilization efforts of the burned areas, resulting in un-healthy rangeland.

The proposed action is needed at this time to achieve a thriving natural ecological balance between wild horse populations, livestock, wildlife, and vegetation; to make significant progress towards attainment of Mojave-Southern Great Basin Resource Advisory Council rangeland health standards; and to protect the range from the deterioration associated with an overpopulation of wild horses as authorized under Section 3(b) (2) of the 1971 Free-Roaming Wild Horses and Burros Act and Section 302(b) of the Federal Land Policy and Management Act of 1976. Additionally, Promulgated Federal Regulations at Title 43 CFR 4700.0-6 (a) state "*Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat* (emphasis added)."

B. Relationship to Planning

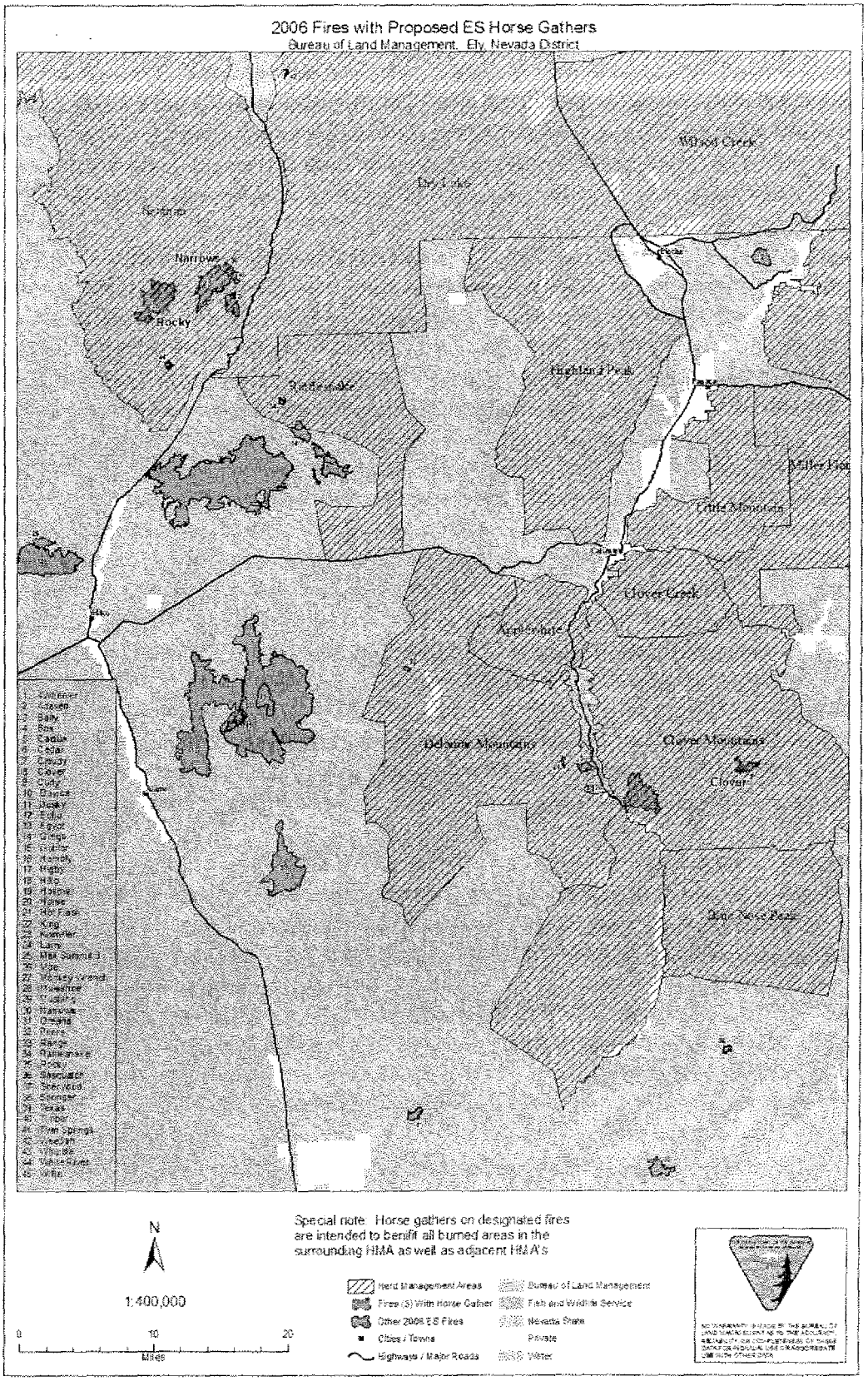
The proposed action is in conformance with the Caliente Management Framework Plan (MFP), Caliente Grazing Environmental Statement (ES), and subsequent Record of Decision (ROD) dated 1982 For the Clover Creek HMA. The proposed action is in conformance with the Schell Management Framework Plan (MFP), Schell Grazing Environmental Impact Statement (EIS), and subsequent Record of Decision (ROD) dated 1983 for the Seaman HMA. The proposed wild horse gather is in conformance with the Schell and Caliente MFPs as required by regulation (43

CFR 1610.5-3(a)). The proposed action is in conformance because it is clearly consistent with the goals and objectives of the approved land use plans. Additionally, the proposed action is consistent with the Lincoln County Public Land and Natural Resource Management Plan as adopted by the Board of County Commissioners of Lincoln County, December 5, 1997 and the "Lincoln County Elk Management Plan" dated July 1999. The proposed action is also in conformance with all applicable regulations at 43 CFR (Code of Federal Regulations) 4700 and policies and with the Wild Free Roaming Horses and Burros Act of 1971. It is consistent with federal, state, and local laws, regulations, and plans.

The Clover Creek/Clover Mountains Herd Management Areas were designated as Herd Management Areas in the Caliente MFP. In November of 2003, AML was set through a "Notice of Wild Horse Management Decision and Finding of No Significant Impact (FONSI) for the Establishment of Appropriate Management Levels for Twelve Wild Horse Herd Management Areas with the Ely District." This document, together the environmental assessment (EA NV-040-03-036) accompanying the Wild Horse Decision, is incorporated by reference into this EA. Five alternatives were analyzed in that EA, including the No Action Alternative. The other alternatives included setting AML based on monitoring data and the essential habitat components of forage, water, cover, and space; managing HMAs as complexes; reducing livestock numbers to provide forage for a minimum viable population of wild horses; and setting AML based solely on forage availability and emergency gather history. The Seaman Herd Management Area was designated as an Herd management Area in the Schell MFP. AML was set through the multiple use decision process from 1990 through 1996. The 2006 Emergency stabilization and Rehabilitation Projects for Forty-Six (46) Wildfires in Lincoln, Nye and White Pine Counties (EA # NV-040-06-59) October 20, 2006 is incorporated by reference into this EA.

Figure 1. Map of the Affected Area and Adjacent HMAs

Next Page:


2006 Fires with Proposed ES Horse Gathers
Bureau of Land Management, Ely, Nevada District
Narrows
Rocky
Highland Peak
Little Mountains
Clover Creek
Antelope
Delamar Mountains
Clover Mountains
Clover
Special note: Horse gathers on designated fires are intended to benefit all burned areas in the surrounding HMA as well as adjacent HMA's
N
1:400,000
0
10
20
Miles
Herd Management Areas
Fires (3) With Horse Gather
Other 2006 ES Fires
Cities / Towns
Highways / Major Roads
Bureau of Land Management
Fish and Wildlife Service
Nevada State
Private
Water

Existing AML and estimated populations for the affected herd management areas are summarized in Table 1 below.

Table 1.
Appropriate Management Levels and Current Estimated Populations for Burned portions of HMAs

Herd Management Area	Appropriate Management Level	Current Estimated Population
Seaman	159	145
Clover Creek	1-14	12
Clover Mountains	1-16	50

C. Issue

Proper protection of burned areas with successful stabilization.

II. Description of the Proposed Action and Alternatives

A. Proposed Action – Remove 20 wild horses from Seaman HMA and 25 horse from Clover HMAs

The Proposed Action is to capture and remove 20 wild horses from Seaman HMA and 25 horses from Clover HMAs. Approximately 60 wild horses are currently living in the Clover HMAs and 145 wild horses living in the Seaman HMA. BLM would attempt to capture and remove wild horses living within or adjacent to the burned areas. The area would continue to be monitored for the detection of wild horses living in the burned areas. The health and condition of remaining animals would be assessed and removal of additional animals through an appropriate method would be implemented as needed

Multiple capture sites (traps) would be used to capture wild horses from the HMAs. Whenever possible, capture sites would be located in previously disturbed areas. All capture and handling activities (including capture site selections) would be conducted in accordance with Standard Operating Procedures (SOPs) described in Appendix 1. Capture techniques would be the helicopter-drive trapping method and/or helicopter-assisted roping from horseback.

B. No Action Alternative – Continuation of Existing Management

The No Action Alternative is required by National Environmental Policy Act (NEPA) analysis to provide a baseline for impact analysis.

Under this alternative a wild horse gather would not take place in December 2006. There would be no active management to control wild horse use within burned areas at this time. Stabilization

efforts would be at risk of failure due to lack of rest during plant re-establishment periods. Existing management, including monitoring, would continue.

The No Action Alternative would violate the Wild Free-Roaming Horses and Burros Act, federal regulations and Bureau policy. The Wild Horses and Burros Act of 1971 mandates the Bureau to prevent the range from deterioration associated with overpopulation, and preserve and maintain a thriving natural ecological balance and multiple use relationships in that area. In addition, the No Action Alternative would not comply with the Mojave-Southern Great Basin RAC Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations.

C. Alternatives Considered but Dismissed from Detailed Analysis

One alternative which was considered but dismissed from detailed analysis is temporarily fencing burned areas to promote vegetation recovery. Due to the scope and extent of the burned areas, it was determined that temporary fencing was not feasible. Fencing within HMAs can place wild horses at risk from entanglements in fences which often leads to death.

Another alternative would be to capture wild horses from the burned areas and move them to another portion of the HMA. Due to limited natural and man-made barriors there would be little to deter wild horses from returning to the burned areas.

Another possible alternative would be to allow natural predators to control wild horse populations allowing post-fire vegetation recovery without the need to gather/remove wild horses. However, wild horses are introduced species within North America and have few natural predators. Even if natural predators were present, allowing wild horses to slowly starve before becoming prey is cruel and inhumane when viable options exist such as gather/removal before individual animal and herd health is jeopardized.

Another option considered was relying primarily on water and/or bait trapping as the primary gather/removal method as compared to helicopter drive-trapping or helicopter-roping from horseback methods. However, this method is extremely time and labor intensive, requiring daily monitoring, often over several weeks to effectively capture/remove the animals. Helicopter drive-trapping or helicopter-roping from horseback have proven to be safe and effective methods for capture/removal and are expected to be more cost-effective given the number of animals proposed for removal and the size and complexity of the affected area

III. Affected Environment

Table 2 summarizes which of the critical elements of the human environment and other resources of concern within the project area are present, not present or not affected by the proposed action.

Table 2.
Summary of Critical and Other Elements of the Human Environment

Element	Present	Not Present or Not Affected	Element	Present	Not Present or Not Affected
Air Quality		X	Threatened or Endangered Species	X	
Areas of Critical Environmental Concern		X	Vegetation	X	
Cultural Resources/Paleontological	X		Visual Resource Management		X
Environmental Justice		X	Wastes, Hazardous and Solid		X
Floodplains		X	Water Quality (surface or ground)		X
Invasive, Non-native Species	X		Wetlands	X	
Native American Religious Concerns		X	Wild Horses	X	
Prime or Unique Farmlands		X	Wildlife (including migratory birds)	X	
Riparian Areas	X		Wilderness	X	
Soils	X		Wild and Scenic Rivers		X

IV. Environmental Consequences

The following critical or other elements of the human environment are present and may be affected by the Proposed Action or the alternative. The affected environment is described for the reader to be able to understand the impact analysis.

A. Wild Horses

Affected Environment

Wild horses are introduced species within North America and have few natural predators. Few natural controls act upon wild horse herds making them very competitive with native wildlife and other living resources managed by the BLM.

Census flights have been conducted in the area every three to four years. These census flights

have provided information pertaining to population numbers, foaling rates, distribution, and herd health. Wild horse population growth rates average approximately10% to 20% in the area. This fluctuation is due to many natural drought occurrences. The estimated herd population for the affected HMAs was determined from past census data.

Environmental Impacts

Proposed Action – Based on past gather experience within the Ely District and the topography of the area, it is expected that the BLM would be able to capture 25 wild horses from Clover and 20 wild horses from the Seaman HMA in 3-4 days total. It is expected that 125 wild horses within Seaman HMA and 35 wild horses from Clover would not be captured. Monitoring would be conducted through helicopter census and vegetation measurements to determine if stabilization objectives are being met.

Removing wild horses from the burned areas is expected to minimize the potential impacts to vegetation recovery.

Gathering wild horses causes impacts to individual animals. These impacts may occur as a result of handling stress associated with the gather, capture, processing, and transportation of animals. The intensity of these impacts varies by individual and is indicated by behaviors ranging from nervous agitation to physical distress. Mortality to individuals from this impact is infrequent but does occur in one half to one percent of wild horses captured in a given gather. Other impacts to individual wild horses include separation of members of individual bands of wild horses and removal of animals from the population.

Indirect impacts can occur to horses after the initial stress event, and may include increased social displacement, or increased conflict between studs. These impacts are known to occur intermittently during wild horse gather operations. Traumatic injuries may occur, and typically involve biting and/or kicking bruises, which don't break the skin. The occurrence of spontaneous abortion events among mares following capture is very rare.

Population-wide impacts to individual bands of wild horses would be minimized with this action because all horses caught would be removed. The remaining wild horses not captured would maintain their social structure and herd demographics (age and sex ratios). No observable effects to the remaining population associated with the gather impacts would be expected except a heightened shyness toward human contact.

No Action Alternative –Under this alternative, wild horses would not be removed at this time. The horses would not be subject to any individual direct or indirect impacts described in the Proposed Action as a result of a gather operation. The current estimated population of wild horses could not be sustained within the burned areas with the forage that is currently available. Consequences of wild horses on the range after these fires would be increased risk to the health of the rangelands, and horse herd health

B. Vegetation, Soils and Riparian

Affected Environment

1. Vegetation

Upland Vegetation
A variety of vegetation types burned in the 2006 fire season Fires, including communities dominated by riparian vegetation, sagebrush shrublands, pinyon-juniper woodlands, and interior chaparral. These communities respond differently to the effects of fire.

Sagebrush shrublands
This vegetation type is primarily found in the Seaman Range, Clover Mountains, and Clover Creek, in close association with Pinyon/Juniper communities. Communities dominated by sagebrush were burned. Other shrubs present include rubber rabbitbrush , antelope bitterbrush , and black greasewood. Depending upon adequate precipitation and rest from grazing, a number of native perennial grass species and are not likely to re-sprout including Indian ricegrass , blue grama , needle-and-thread, Great Basin wild rye, galleta grass, western wheatgrass and bluegrass.

Pinyon-juniper woodlands
This vegetation type occurs in all HMAs. At higher elevations, woodlands dominated by pinyon pine and Utah juniper were burned. Neither pinyon nor juniper trees are fire-tolerant and readily die after moderate to severe fires. Some of the pinyon-juniper (PJ) woodlands were on steeper slopes in closed-canopy conditions with little or no understory. The fire burned intensely through the woodland canopy, killing the trees, and left little chance for native species to reestablish. These areas are likely prone to soil erosion and invasive annual grass establishment and dominance. Over time, burned PJ woodlands are likely to transition to fire-adapted interior chaparral vegetation, creating a mosaic of vegetation types where fire occurs frequently and where fire does not occur frequently.

Interior chaparral
This vegetation type is a found on the south slope of the Clover Mountains HMAs. At higher elevations, above and intermingled with the PJ woodlands, fire-adapted shrub communities exist. These communities are similar to those found in Mediterranean climates, such as the California coast. Where communities similar to chaparral are found in the Intermountain West, they are oftened referred to as "Interior" chaparral. Common species of this vegetation type include manzanita , which is known to readily reestablish from seed in burned areas, turbinella oak, Gambel's oak , desert bitterbrush, cliffrose and yerba santa In portions of the Clover Mountains, this community type also contained populations of ponderosa pine.

2. Riparian

Riparian vegetation dominates near springs and where water flows permanently. These communities are typically dominated by, rush, sedge and willows. It is likely that a majority of these vegetation communities surrounding water sources remain unburned.

3. Soils

Numerous soil mapping units are found in the areas burned by the Fires. Most of burned areas, mainly at higher elevations were occupied by mesic soils. Mesic soils can freeze and tend to have higher soil moistures.

Erosion due to wind and water is common in arid landscapes. Fire may exacerbate erosive potential due to removal of vegetation and changes to soil properties. Evidence of flash floods was present in washes and roads, as was charcoal sediment. Burned "spots" on slopes where shrubs were located were not elongated or mixed in to the surrounding, lesser burned landscape. Shrub skeletons and the roots that hold soil in place are still present in much of the burned areas. Since vegetative cover is generally low in many of the ecosystems that burned, it is unlikely that the removal of this cover drastically alters the erosion potential of a slope. The fire primarily removed foliage from shrubs, which generally consists of very small leaves. Removal of this foliage is not likely to greatly alter the erosive potential of these slopes.

Fire may also change erosive potential by altering soil profile properties. Soils can become hydrophobic if a fire burns hot and has a long residence time. Hydrophobic soils have lower infiltration rates and increased runoff. However, in most of the lower elevation areas that burned, the fire burned very quickly. The exception to this is in pinyon-juniper woodlands where a denser canopy was likely to retard water impact to slopes. These areas also burned with higher intensity, increasing the potential of soil hydrophobicity.

Environmental Impacts

Proposed Action – Implementation of the proposed action would reduce the wild horse population within the area to within AML for Clover and below AML for Seaman.

Impacts to vegetation with implementation of the Proposed Action could include disturbance of native vegetation immediately in and around temporary trap sites, and holding and processing facilities. Impacts could be by vehicle traffic and the hoof action of penned horses, and could be locally severe in the immediate vicinity of the corrals or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Since most trap sites and holding facilities would be re-used during recurring wild horse gather operations, any impacts would remain site-specific and isolated in nature. In addition, most trap sites or holding facilities are selected to enable easy access by transportation vehicles and logistical support equipment and would generally be adjacent to or on roads, pullouts, water haul sites, or other flat spots that were previously disturbed. By adhering to the SOPs, adverse impacts to soils would be minimized.

By removing wild horses, hoof action on the soil around unimproved springs and stream banks should be reduced, leading to increased stream bank stability and improved riparian habitat conditions. There would also be a reduction in hoof action on upland habitats and reduced competition for available water sources. Also the removal of wild horses from the burned areas would allow the herbaceous component or understory that wild horses rely on for a feed source to recover. Without the herbaceous understory present, the long term maintenance of wild horses would prove to be impossible. The aerial seeding would be given a greater chance of success without a large herbivore present during the critical establishment period (which can last several

years) of the young plants, which are known not to tolerate grazing.

No Action Alternative - The severe localized trampling associated with trap sites would not occur. However, as wild horse populations continue to grow, soil erosion would increase throughout the HMAs and in areas outside the HMAs where wild horses are living. Increased horse use throughout the HMAs would adversely impact soils and vegetation health, especially around the water locations. As native plant health deteriorates and plants are lost, soil erosion would increase. The shallow soils typical of this region cannot tolerate much loss without losing productivity and thus the ability to be re-vegetated with native plants. Invasive, non-native plant species would increase and invade new areas following increased soil disturbance and reduced native plant vigor and abundance. This would lead to both a shift in plant composition towards weedy species and an irreplaceable loss of topsoil and productivity from erosion. These impacts would also be seen outside the HMAs, and could reach even larger geographic areas as wild horses forage further from the HMAs.

C. Wildlife (including Migratory Birds) and Special Status Species

Affected Environment

Wildlife potentially affected by the Fires includes large and small mammals, birds, fish, reptiles, and amphibians. Mammals in the burned area include desert bighorn sheep, mule deer, elk, bobcat, coyote, kit fox, black-tailed jackrabbit, cottontail rabbit, antelope ground squirrel, kangaroo rat, and several bat species. Bird species include loggerhead shrike, greater roadrunner, house sparrow, black-throated sparrow, Gambel's quail, mourning dove, chukar, red-tailed hawk, turkey vulture, common raven, and other western species. Migratory bird species are found in the area especially during the spring and summer. Native fishes that are not considered special status species found in the Meadow Valley Wash, and Beaver Dam Wash include speckled dace, desert sucker, and flannelmouth sucker. Non-native fish species in watersheds downstream or within receiving drainages from the fires include red shiner, carp, small-mouth bass, channel catfish, and bluegill. Non-listed reptile species in the burned area and within close proximity include but are not limited to: western whiptail lizard, leopard lizard, side-blotched lizard, zebra-tailed lizard, horned lizard, western diamondback rattlesnake, Mojave green rattlesnake, gopher snake, chuckwalla, and kingsnake. Amphibian species occurring downstream from the burned area include Woodhouse's toad and bullfrog.

Numerous BLM-sensitive species occur adjacent to the Clover HMAs or within the receiving waterbodies and associated riparian areas downstream from the burned areas; most notable are the desert bighorn sheep, Sonora mountain kingsnake, Meadow Valley speckled dace, Meadow Valley desert sucker, and Virgin River spinedace.

Environmental Impacts

Proposed Action – Wildlife adjacent to trap sites would be temporarily displaced during capture operations by increased activity of trap setup, helicopters and vehicle traffic. Since the gather would occur in February, there would be no impacts to migratory birds during the breeding and nesting period as a result of trapping operations.

Reduction of wild horse numbers would result in reduced competition between wild horses and wildlife as soon as the gather is completed. This would result in improved habitat conditions by increasing forage availability, herbaceous cover, and quality. In addition, it would reduce competition between wild horses and wildlife for available forage and water resources. Disturbance associated with wild horses along stream bank riparian habitat and adjacent upland habitat would be reduced.

No Action Alternative – Wildlife would not be temporarily displaced or disturbed under the no action alternative. There would be continued competition with wild horses for water and forage resources. This competition would increase as wild horse numbers increased annually. Wild horses are aggressive around water sources, and some wildlife species may not be able to compete. The competition for resources may lead to increased stress or dislocation of native wildlife species, or possible death of individual animals.

D. Livestock

Affected Environment

Livestock grazing closures are in place, no authorized livestock grazing would occur in the burned areas until stabilization objectives are met.

Environmental Impacts

Proposed Action –There would be no impacts to livestock grazing since there would be no authorized livestock use within burned areas during the gather or fire stabilization period.

No Action Alternative –Same as the proposed action

E. Noxious Weed and Invasive Non-Native Species

Affected Environment

An abnormally wet winter and spring in 2004/2005 promoted abundant growth of shrubs, grasses, and forbs including noxious weeds and invasive plants. High densities of invasive annual bromes (cheatgrass and red brome) that greened up during the late winter and early spring became highly flammable fine fuels by late spring of 2005. These fine fuels, present in the interspaces between shrubs, allow fire to spread through Great Basin shrub/woodlands (cheatgrass) These fuels were still present in 2006.. These grasses are fire-adapted and generally return at higher abundance following fire, fueling a positive-feedback loop known as the grass-fire cycle (Brooks et al. 2004, D'antonio and Vitousek 1992). In this cycle, grasses increase in abundance, which increases fire frequency, which increases abundance of grasses. This cycle hinders competition from native perennial grasses, forbs, and shrubs, which are not adapted to the increased fire frequency.

Other noxious weeds or invasive plants that are likely to become established and/or increase in abundance within the burned area include, filaree, Russian thistle and tamarisk.

Environmental Impacts

Proposed Action – The proposed gather may spread existing noxious weed species. This could occur if vehicles drive through infestations and spread seed into previously weed-free areas. The contractor together with the contracting officer's representative or project inspector (COR/PI) would examine proposed trap sites and holding corrals prior to construction. If noxious weeds were found, the location of the facilities would be moved. Any off-road equipment that has been exposed to weed infestations would be cleaned before moving into relatively weed free areas. All trap sites, holding facilities, and camping areas on public lands would be monitored during the next several years.

Despite short-term risks, with the reduction in wild horse numbers, and the subsequent recovery of the native vegetation, fewer disturbed sites would be available for non-native plant species to invade.

No Action Alternative – Under this alternative, the wild horse gather would not take place at this time. The likelihood of noxious weeds being spread by gather operations would not exist.

F. Cultural Resources/Paleontological Resources

Affected Environment

Cultural resources are known to exist within the area. A Class III cultural resources inventory has not occurred for the entire affected area.

Environmental Impacts

Proposed Action – No impacts to cultural resources/paleontological resources are anticipated to occur since all trap sites and holding facilities would be inventoried for cultural resources prior to set-up. An archaeologist would review all proposed trap sites and facility locations (new and previously used locations) to determine if these locations have had a cultural resources inventory, and/or if a new inventory is required (Cultural Resources Needs Assessment NV-8100-9). This review by the archaeologist, which does not normally include fieldwork, would be documented in the Needs Assessment. A District Archaeological Technician (DAT) would be on-site during the gather to perform any needed cultural resources inventories. If cultural resources are encountered at proposed trap site(s) or holding facility location(s), those location(s) would not be utilized unless it could be modified to avoid impacts to cultural resources. With reduced horse numbers, there would be less hoof action around riparian spring areas where cultural resources can often be high. This could lead to decreased damage to cultural resources by wild horses.

No Action Alternative - Under this alternative, the wild horse gather would not take place and therefore, no trap sites or holding facilities would be constructed. There would be no possibility that cultural resources would be damaged as a result of horse gather operations, however, high numbers of wild horses could cause damage to cultural resources due to trampling, especially around water sources, where the occurrence of cultural resources can often be high.

G. Wilderness

Affected Environment

The fires burned into four newly designated wilderness areas in the Ely District. These wilderness areas include the Clover Mountains, and Weepah Springs. Invasive *Bromus* grasses were already present in wilderness areas prior to the fire. Establishment of noxious weeds and increases in abundance of non-native annual *Bromus* grasses may threaten the naturalness of wilderness. The Clover Mountains and Weepah Springs Wilderness Areas are within the wild horse gather area.

Environmental Impacts

Proposed Action – Impacts to opportunities for solitude could occur during gather operations due to the possible noise of the helicopter and increased vehicle traffic around wilderness areas. Those impacts would cease when the gather was completed. No surface impacts within the wilderness are anticipated to occur during the gather since all trap sites and holding facilities would be placed outside wilderness areas. Wilderness values of naturalness after the gather would be enhanced by a reduction in wild horse numbers result improved ecological condition of the plant communities and other natural resources as plant communities are allowed to stabilize wild horse herbivory.

No Action Alternative – No impacts to wilderness due to gather operations would occur. Impacts to wilderness values of naturalness could be threatened through the continued population growth of wild horses. Degradation of vegetative and soil resources by would be expected if wild horses are present.

V. Cumulative Impacts

Cumulative impacts are impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. The area of cumulative impact analysis is the area immediately adjacent to it.

According to the 1994 BLM *Guidelines For Assessing and Documenting Cumulative Impacts*, the cumulative analysis should be focused on those issues and resource values identified during scoping that are of major importance. Accordingly, the issues of major importance that are analyzed are maintaining rangeland health and proper management of wild horses within the established boundaries of an HMA.

Past Actions

Fires were relatively infrequent in the Great Basin ecosystems. In those systems where fire did occur with some frequency (e.g. pinyon-juniper woodlands, Interior chaparral), suppression activities prevented fire from spreading to natural extents. This could have created increased fuel loads in some areas. Livestock grazing and wild horse use occurred in portions of the affected area, which may have altered vegetation community composition. Large-scale invasion and

increases in abundance of invasive annual *Bromus* grasses occurred.

Herd Areas were identified in 1971 as areas occupied by wild horses. The HMAs or Territories were established in the 1980s through the land use planning process as areas where wild horse management was a designated multiple uses. The BLM also moved to long range planning with the development of Resource Management Plans and Grazing Environmental Impact Statements. These EISs analyzed impacts of the Land Use Plan's management direction for grazing and wild horses, as updated through Bureau policies, Rangeland Program direction, and Wild Horse Program direction. Forage was allocated within the allotments for livestock use and range monitoring studies were initiated to determine if allotment objectives were being achieved, or that progress toward the allotment objectives was being made.

Gathering these HMAs on a regular basis has never happened, due to the preponderance of drought related emergencies that have occurred throughout this area. Emergency gathers have occurred in 1993, 1996, 1999, 2000, and 2002.

Present Actions

A wet winter and spring during season promoted increased density of annual *Bromus* grasses that persists still. This fine fuel permitted fires in the summer of 2006 from dry lightening. Non-fire adapted shrubs, were consumed over large portions of these fires.

Today the burned area has an estimated population of 45 wild horses. Current BLM policy is to protect rehabilitation efforts until such a time as wild horse use is appropriate. Program goals have expanded beyond establishing a "*thriving natural ecological balance*" by setting appropriate management level (AML) for individual herds, to include achieving and maintaining healthy, viable, vigorous, and stable populations. Appropriate management levels for all HMAs within the Ely District are set.

Current mandates prohibit the destruction of healthy animals that are removed or deemed to be excess. Only sick, lame, or dangerous animals can be euthanized, and destruction is no longer used as a population control method. A recent amendment to the Wild Free-Roaming Horses and Burro Act allows the sale of excess wild horses that are over 10 years in age or have been offered unsuccessfully for adoption three times. Some of the animals removed as a result of the proposed action could be over age 10 and eligible for sale under the new authority.

Today public interest in the welfare and management of wild horses is currently higher than it has ever been. Many different values pertaining to wild horse management form current wild horse perceptions. Wild horses are viewed as nuisances, as well as living symbols of the pioneer spirit.

The focus of wild horse management has also expanded to place more emphasis on achieving rangeland health as measured through the RAC Standards. Mojave-Southern Great Basin Resource Advisory Councils (RAC) developed standards and guidelines for rangeland health the current basis for managing wild horse and livestock grazing within the Ely Districts. Adjustments in numbers, season of use, grazing season, and allowable use are based on evaluating progress toward reaching the standards. Attainment of these standards cannot be met

with the current burned area situation

Reasonably Foreseeable Future Actions

An increase in dominance of invasive annual grasses is likely, especially in areas formerly dominated by sagebrush. Corresponding changes to fire regimes are also likely. With this scenario, it is probable that fire would spread to adjacent areas that are presently dominated by sagebrush, causing further reductions in sagebrush dominated communities.

In the future, the BLM would manage wild horses within HMAs that have suitable habitat for a population range, while maintaining genetic diversity, age structure, and sex ratios. Current policy is to express all future wild horse AMLs as a range, to allow for regular population growth, as well as better management of populations rather than individual HMAs. The Ely BLM District is in the process of writing a new Resource Management Plan which would analyze AMLs expressed as a range and addressing wild horse management on a programmatic basis. Future wild horse management would focus on an integrated ecosystem approach with the basic unit of analysis being the watershed. The BLM would continue to conduct monitoring to assess progress toward meeting rangeland health standards. Wild horses would continue to be a component of the public lands, managed within a multiple use concept.

While there is no anticipation for amendments to the Wild and Free-Roaming Horse and Burro Act that would change the way wild horses could be managed on the public lands, the Act has been amended three times since 1971. Therefore, there is potential for amendment as a reasonably foreseeable future action.

Impacts

Past actions regarding the management of wild horses have resulted in the current wild horse population within the Fire Area. Wild horse management has contributed to the present resource condition and wild horse herd structure within the gather area.

The combination of the past, present, and reasonably foreseeable future actions, along with the proposed action, should result in stabilization efforts being realized. Accordingly, the issues of major importance that are analyzed are maintaining rangeland health and proper management of wild horses within the established boundaries of an HMA.

VI. Proposed Mitigation and Suggested Monitoring

The area would continue to be monitored for the detection of wild horses living in the HMAs affected by the fires. The health and condition of remaining animals would be assessed and removal of additional animals through an appropriate method would be implemented as needed. Vegetation monitoring would continue to determine if stabilization objectives are being met.

Proven mitigation and monitoring are incorporated into the proposed action through standard operating procedures, which have been developed over time. These SOPs (Appendix I) represent the "best methods" for reducing impacts associated with gathering, handling, transporting and collecting herd data. Additional mitigation regarding wild horse gathers within

desert Tortoise habitat will be adhered to as well.

VII. Consultation and Coordination

Public hearings are held annually on a state-wide basis regarding the use of helicopters and motorized vehicles to capture wild horses (or burros). During these meetings, the public is given the opportunity to present new information and to voice any concerns regarding the use of these methods to capture wild horses (or burros). The Nevada State BLM Office held a meeting on May 17th, 2005, and received input from various members of the public. A tribal coordination meeting was held on October 18, 2006. The Preliminary EA was mailed to the following list of people on October 26, 2006:

George Andrus	RETURN RECEIPT NO 70051820000241000651
Nevada Division of Wildlife	RETURN RECEIPT NO 70051820000241000637
Nevada Division of Wildlife	RETURN RECEIPT NO70051820000241000927
NDOW-Southern Region	RETURN RECEIPT NO 70051820000241000903
Betsy Macfarlan ENLC	RETURN RECEIPT NO 70051820000241000873
Nevada State Clearinghouse	RETURN RECEIPT NO 70051820000241000866
Nevada Division of Wildlife	RETURN RECEIPT NO70051820000241000842
U.S. Fish and Wildlife Service Southern Nevada Field Office	RETURN RECEIPT NO 70051820000241000835
Lincoln County Commissioners	RETURN RECEIPT NO 70051820000241001146
Laurel Marshall	RETURN RECEIPT NO 70051820000241001139
Joseph L. Sharp	RETURN RECEIPT NO 70051820000241001108
Jule Wadsworth	RETURN RECEIPT NO 70051820000241001092
Resource Concepts, Inc	RETURN RECEIPT NO 70051820000241001085
Western Watersheds Project	RETURN RECEIPT NO 70051820000241001054
Animal Welfare Institute	RETURN RECEIPT NO 70051820000241001047
Cindy MacDonald	RETURN RECEIPT NO 70051820000241001016
Animal Protection Institute of America	RETURN RECEIPT NO 70051820000241000996
American Mustang & Burro Assoc.	RETURN RECEIPT NO 70051820000241000989

Animal Rights Lawe Center SI Newhouse Ctr for Law Justice	RETURN RECEIPT NO 70051820000241000972
Roger Dieleman	RETURN RECEIPT NO 70051820000241000965
Eureka County Natural Resources Dept.	RETURN RECEIPT NO 70051820000241000958
Colorado Wild Horse and Burro Coalition	RETURN RECEIPT NO 70051820000241000941
Friends of Nevada Wilderness	RETURN RECEIPT NO 70051820000241000934
Dave & Jenifer Free	RETURN RECEIPT NO 70051820000241001153
Public Lands Foundation	RETURN RECEIPT NO 70051820000241001283
Wildlife Consultant Animal Welfare Institute	RETURN RECEIPT NO 70051820000241001276
Dr Donald A Molde	RETURN RECEIPT NO 70051820000241001269
Nevada Woolgrowers Association	RETURN RECEIPT NO 70051820000241001252
Western Watersheds Project	RETURN RECEIPT NO 70051820000241001245
Comm., Toiyabe Chapter -- Sierra Club	RETURN RECEIPT NO 7005182000241001238
US Humane Society	RETURN RECEIPT NO 70051820000241001221
USFWS, Nevada Fish and Wildlife Office	RETURN RECEIPT NO 70051820000241001214
Department of Agriculture	RETURN RECEIPT NO 70051820000241001207
Comm for Preserve of Wild Horses	RETURN RECEIPT NO 70051820000241001191
Yomba Shoshone Tribe	RETURN RECEIPT NO 70051820000241001184
Ms Sharon Crook	RETURN RECEIPT NO 70051820000241001177
Dave Free	RETURN RECEIPT NO 70051820000241001160
Steven Fulstone	RETURN RECEIPT NO 70051820000241001290
Great Basin National Park	RETURN RECEIPT NO 70051820000241001504
Timbisha Shoshone Tribe	RETURN RECEIPT NO 70051820000241001498
Wild Horse Spirit	RETURN RECEIPT NO 70051820000241001481
Temoak Bank of Western Shoshone	RETURN RECEIPT NO 70051820000241001474

Wild Horse Sanctuary	RETURN RECEIPT NO 70051820000241001450
National Wild Horse Assn	RETURN RECEIPT NO 70051820000241001443
Nevada Cattlemen's Association	RETURN RECEIPT NO 70051820000241001436
INT Soc Prot of Mustangs Burros	RETURN RECEIPT NO 70051820000241001412
Barbara Warner	RETURN RECEIPT NO 70051820000241001405
Nevada Division of Wildlife	RETUEN RECEIPT NO 70051820000241000477
American Horse Protection Association	RETURN RECEIPT NO 70051820000241000460
NV Legis. Comm on Public Lands	RETURN RECEIPT NO 70051820000241000453
Nevada Farm Bureau Federation	RETURN RECEIPT NO 70051820000241000446
Mr Bill Davison	RETURN RECEIPT NO 70051820000241000439
Nevada Humane Society	RETURN RECEIPT NO 70051820000241000811
NDOW	RETURN RECEIPT NO 70051820000241000804
Western Shoshone Histric Pres.	RETURN RECEIPT NO 70051820000241001399
Wild Horse Preservation League	RETURN RECEIPT NO 70051820000241001382
Sierra Club	RETURN RECEIPT NO 70051820000241001375
Nevada dept of Agriculture	RETURN RECEIPT NO 70051820000241001368
Goshute Tribal Council	RETURN RECEIPT NO 70051820000241001351
Public Lands Foundation	RETURN RECEIPT NO 70051820000241001344
National Mustang Association, Inc.	RETURN RECEIPT NO70051820000241001337
Ely Shoshone Tribe	RETURN RECEIPT NO 70051820000241001320
USFWS, Southern Nevada Field Office	RETURN RECEIPT NO 70051820000241001313

Internal District Review

Ann Perkins, Realty Specialist
Benjamin Noyes, Wild Horse and Burro Specialist
Brad Pendley, Wildlife Biologist
Bruce Winslow, Recreation and VRM
Carolyn Sherve-Bybee, Planning and Environmental Coordinator
Colin Grant, Biological Technician
David Jacobson, Wilderness
Domenic Bolognani, Rangeland Management Specialist
Elvis Wall, Native American Consultation
Harry Rhea, Operations
Karen Prentice, ESR Coordinator and Noxious and Invasive Species Specialist
Kyle Teel, Fire Management Specialist
Lynn Bjorklund, Minerals
Mark Henderson, Archeologist
Melanie Peterson, Hazardous Materials and Solid Waste
Shirley Johnson, Range Management Specialist,
Tony Cardullias, Noxious Weed Specialist – Eastern Nevada Landscape Coalition
Jared Bybee/AuthorWild Horses

Nevada State Office
Susie Stokke

APPENDIX I
STANDARD OPERATING PROCEDURES

Gathers would be conducted by contractors or agency personnel. The same procedures for gathering and handling wild horses and burros apply whether a contractor or BLM personnel are used. The following stipulations and procedures will be followed to ensure the welfare, safety and humane treatment of the wild horses and burros (WH&B) in accordance with the provisions of 43 CFR 4700.

Gathers are normally conducted for one of the following reasons:

1. Regularly scheduled gathers to obtain or maintain the Appropriate Management Level (AML).

2. Drought conditions that could cause mortality to WH&B due to the absence of water or forage, and where continued grazing may result in a downward trend to the vegetative communities due to plant mortality and reduced vigor and productiveness.

3. Fires that remove forage to the extent that there is inadequate forage to sustain the population or to allow recovery of native vegetation.

4. Utilization levels that reach a point where a continued increase in utilization would cause a downward trend in the plant communities and impede meeting standards for rangeland health.

5. Monitoring indicates that WH&B use would begin to cause a downward trend in riparian function or not permit the recovery of riparian vegetation determined to be in undesirable condition.

A. Capture Methods used in the Performance of Gather Contract Operations

1. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:

   All trap and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (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.

2. 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.

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

following:

a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, 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 a minimum of 6 feet high and shall be fully covered, plywood, metal without holes.

c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.

d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, plastic snow fence, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses

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

4. No modification of existing fences 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. 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. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies 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. Under normal conditions, the government will require that animals be restrained for the purpose of determining an animal's age, sex, or other necessary procedures. In these instances, a portable restraining chute may be necessary and will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the capture area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the COR.

7. 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. An animal that is held at a temporary holding facility after 5:00 p.m. and on through the night, is defined as a horse/burro feed day. An animal that is held for only a portion of a day and is shipped or released does not constitute a feed day.

8. 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. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI will determine if injured animals must be destroyed and provide for destruction of such animals. The Contractor may be required to humanely euthanize animals in the field and to dispose of the carcasses as directed by the COR/PI.

10. Animals shall be transported to final destination 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 gather 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 final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the COR. 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.

B. CAPTURE METHODS THAT MAY BE USED IN THE PERFORMANCE OF A GATHER

1. Capture attempts may be accomplished by utilizing bait (feed or water) to lure animals into a temporary trap. If the contractor selects this method the following applies:

    a. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.

    b. All trigger and/or trip gate devices must be approved by the COR/PI prior to capture of animals.

    c. Traps shall be checked a minimum of once every 10 hours.

2. Capture attempts may be accomplished by utilizing a helicopter to drive animals into a

temporary trap. If the contractor selects this method the following applies:

a. A minimum of two saddle-horses 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 hour.

b. The contractor shall assure that foals shall not be left behind, and orphaned.

3. Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If the contractor with the approval of the COR/PI selects this method the following applies:

a. Under no circumstances shall animals be tied down for more than one hour.

b. The contractor shall assure that foals shall not be left behind, or orphaned.

c. 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.

C. USE OF 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) for all motorized equipment and tractor-trailers used to transport animals to final destination.

2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.

3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers 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 tractor-trailers is unacceptable and shall not be allowed.

4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either

horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.

5. Floors of tractor-trailers, stock trailers and 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 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 (.50 linear feet in an 8 foot wide trailer).

7. The COR/PI shall consider the condition and size of the animals, weather conditions, 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. SAFETY AND COMMUNICATIONS

1. The Contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the capture of wild horses and burros utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government will take steps necessary to protect the welfare of the animals.

   a. The proper operation, service and maintenance of all contractor furnished property is the responsibility of the Contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment 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 personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative.

   b. The Contractor shall obtain the necessary FCC licenses for the radio system

   c. All accidents occurring during the performance of any task order shall be

immediately reported to the COR/PI.

2. Should the contractor choose to utilize a helicopter the following will apply:

   a. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State in which the gather is located.

   b. Fueling operations shall not take place within 1,000 feet of animals.

E. SITE CLEARANCES

Prior to setting up a trap or temporary holding facility, BLM will conduct all necessary clearances (archaeological, T&E, etc). All proposed site(s) must be inspected by a government archaeologist. Once archaeological clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.

F. ANIMAL CHARACTERISTICS AND BEHAVIOR

Releases of wild horses would be near available water. If the area is new to them, a short-term adjustment period may be required while the wild horses become familiar with the new area.

G. PUBLIC PARTICIPATION

It is BLM policy that the public will not be allowed to come into direct contact with wild horses or burros being held in BLM facilities. Only authorized BLM personnel, or contractors may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at anytime or for any reason during BLM operations.

H. RESPONSIBILITY AND LINES OF COMMUNICATION

Ely District - Contracting Officer's Representatives
Jared Bybee

Ely District - Project Inspectors
Paul Podborny

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Ely Assistant Field Manager for Renewable Resources or the Caliente Field Station Manager and the Ely Field Manager will take an active role to ensure the appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, and PVC Corral offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.