



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WINNEMUCCA DISTRICT OFFICE
705 East 4th Street
Winnemucca, Nevada 89445



BLUE WING
SEVEN TROCKS

5-5-87

May 5, 1987

IN REPLY REFER TO:
1791/4700
(NV-023.5)

Do June 8th & 9th

Commission for the Preservation
of Wild Horses
c/o Terri Jay, Executive Director
625 Fairview, Suite 111
Carson City, NV 89701

Dear Mr. Jay:

Enclosed is a copy of a draft Removal (Gathering) Plan for your review.

If you wish to comment on the draft proposal, please submit your comments to our office no later than June 11, 1987.

Sincerely yours,

For Robert J. Meany
Frank C. Shields
District Manager

Enclosure

*Completed
6/5/87
mailed
6/8/87*

- ① Monitoring studies
- ② AUMS for h & c in HMA
- ③

What was CRMP agreement
if monitoring data
3 to 5 yrs shows
of monitoring

1078
653

1731

Capture data?
Sex ratios

How many
roundups?
min. feasibility level

Data showing
reduction necessary
minimum

to show AML
right or wrong

13-16% rates of
increase

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Winnemucca District Office

Sonoma-Gerlach Resource Area

WILD HORSE/BURRO MANAGEMENT

BLUE WING-SEVEN TROUGHS CRMP AREA

LAVA BEDS-SEVEN TROUGHS SUBUNIT

REMOVAL PLAN

Environmental Assessment

I. Introduction

The intent of this removal (gathering) plan is to outline the methods and procedures to be used in removing approximately 653 wild horses from the Blue Wing-Seven Troughs Coordinated Resource Management and Planning (CRMP) area. Specifically these animals would come from the Lava Beds-Seven Troughs Subunit of the Blue Wing Seven-Troughs, Herd Management Area (HMA). The removal operation is scheduled to begin about September 15, 1987, and be completed by October 14, 1987.

II. General Area Description-Background Data

A. The Subunit is situated in the northwest portion of the Blue Wing-Seven Troughs CRMP area. Refer to the map for the specific location. It is located about 77 miles north of Fernley and 78 miles west of Winnemucca, Nevada. The HMA is approximately 30 miles long by 30 miles wide. The elevation varies from 4,000 to over 7,000 feet. The HMA is administered by the Sonoma-Gerlach Resource Area.

B. Reference to Land Use Plan (LUP) and CRMP Decisions

The LUP for the Sonoma-Gerlach Resource Area was approved on July 9, 1982. The Blue Wing-Seven Troughs CRMP document was approved on July 24, 1984.

The LUP (Management Framework Plan-Step III) decision was to manage for wild horses and burros in those Herd Areas (HAs) where they existed prior to 1971, and to remove all wild horses and burros from the checkerboard HA's.

The Lava Beds-Seven Troughs Subunit is located within noncheckerboard areas.

C. Population Data

<u>Name of HMA</u>	<u>Appropriate Management Level (AML) Horse/Burros</u>	<u>Estimated July 1987 Population ^{1/} Horses/Burros</u>	<u>Number To Be Removed Horses/Burros</u>	<u>Number To Remain Horses/Burros</u>
Lava Beds-Seven Troughs	640/104	1,731/122	653/0	1,078/122

^{1/} Based upon an aerial census conducted by a B-1 helicopter in 1985.

III. Justification

Section 14 of Public Law 95-514, the "Public Rangelands Improvement Act of 1978," states that the Secretaries of Interior and Agriculture shall "determine appropriate management levels of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)."

A land use plan has recently been developed for the Sonoma-Gerlach Resource Area. A major portion of this plan was the preparation and publication of a Grazing Environmental Impact Statement which analyzed five different alternatives to manage public lands: (1) distribute available vegetation to livestock, wildlife, and wild horses/burros; (2) no action; (3) no livestock grazing, (4) maximize livestock; and (5) maximize wild horses/burros. The final analysis culminated with the issuance of the Winnemucca District Manager's Management Framework Plan (MFP) Step III Decisions on June 30, 1982. The decisions received the State Director's concurrence on July 9, 1982. The MFP III wild horse and burro (WH/B) decision number 1.3 addresses HAS that are in a checkerboard land pattern. It states:

"Remove wild horses and burros from the checkerboard Herd Areas (HA's) unless a cooperative agreement providing for the retention and protection of wild horses and burros is consummated with the affected private landowners."

The Bureau has not received any cooperative agreements to maintain wild horses or burros on private lands in the planning area.

The MFP III WH/B decision number 1.1 provides for the retention and management of wild horses/burros on noncheckerboard lands in the resource area. The decision stated that existing/current numbers (as of July 1, 1982) would be used as a starting point for monitoring purposes except where one of the following conditions exist:

1. Numbers are established by adequate and supportable resource data.
2. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District Manager.
3. Numbers are established by formal signed agreement between affected interests.
4. Numbers are established through previously developed interim capture/management plans. Plans are still supportable by parties consulted in the original plan. EAs (EARs) were prepared and are still valid.
5. Numbers are established by court order.

A CRMP plan was approved and signed for the Blue Wing-Seven Troughs area on July 24, 1984. The group recommended the appropriate management level of 877 horses and 143 burros for the CRMP area. This level was approved by the District Manager, and will be used as a starting point for monitoring purposes. The Lava Beds-Seven Troughs HMA Subunit is part of the CRMP area.

IV. Removal Plan and Methods

Prior to the pre-work conference, BLM personnel will inspect the condition of the animals, locate and record the major concentration of animals, note the condition of roads, presence of fences and other hazardous barriers and location of water sources being used by the animals.

During the pre-work conference, BLM personnel will give the contractor a topographic map of the removal area that shows desirable temporary trap sites and existing fences. The contractor will be apprised of the condition of the animals, where they are concentrated, the condition of the roads, and the type of terrain at the removal area.

Before the Notice-to-Proceed is issued to the contractor, an assessment of the contractor's ability to perform will be made, and all of the equipment will be inspected.

A. Trapping and Care of Animals

1. Wild horses will be rounded up through the use of a helicopter. The horses will be directed toward temporary capture corrals by means of a helicopter. Wings (from 1/8 to 1/4 mile) will be constructed leading into the corral. When the horses have been driven to within 1/4 to 1/2 mile of the trap, riders on horseback may then flank the animals and guide them into the trap. Once the horses are in the trap the gate will be closed by hand. Should a horse break back at the trap, it will be roped, if possible, by the riders. Roping will be done only when necessary, with prior approval by the Contracting Officers Representative (COR). Under no circumstances shall animals be tied down more than one hour.

It is expected that the number of animals that are driven into the traps will vary from one to 35 horses at a time.

2. It is estimated that a minimum of five temporary trap and corral sites (see map) will be required to remove the 653 wild horses. Additional temporary trap sites may be necessary if the animals disperse once removal operations start. Since the largest concentration of wild horses is in the west one-half of the Subunit, removal operations will start at trap location f1, then move to location f2, etc.
3. All trap locations and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have prior written approval of the landowner.
4. All traps, wings, and holding facilities shall be constructed, maintained, and operated to handle the animals in a safe and humane manner. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of six feet high. All runways shall be a minimum of 20 feet long and a minimum of six feet high and shall be covered with plywood or like material a minimum of one foot to five feet above ground level. Wings shall not be

flooring

constructed out of barbed wire or other materials injurious to animals and must be approved by the COR. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of one foot to five feet above ground level.

5. The contract helicopter shall be used in such a manner that bands or herds will remain together as much as possible.
6. The project helicopter actions may occasionally be observed by a Government-controlled helicopter. All actions of the Government helicopter will be coordinated with the contractor to prevent interference with the project helicopter and contract operations.

In the event an additional helicopter is not available to observe the project helicopter, other methods will be used to observe the removal operations such as using observers on horseback, in vehicles and placing stationary observers in strategic locations.
7. The rate of movement and distance the animals travel shall not exceed limitations set by the COR who will consider terrain, physical barriers, weather, condition of the animals, and other factors.
8. When excessive dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water at such location as directed by the COR.
9. Alternate pens, within the holding facility, shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estray animals from the other horses. Where required by the COR, 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.
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 for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR.
11. Animals held for 10 hours or more in the traps and/or holding facilities shall be provided fresh clean water by the contractor, in an amount of a minimum 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.
12. It is the responsibility of the contractor to provide security to prevent loss, injury, or death of captured animals until delivery to final destination. *

13. The contractor shall restrain sick or injured animals so that they may be provided treatment by the COR. The COR will determine if injured or sick animals must be destroyed and provide for destruction of such animals. If the COR cannot determine the severity of the injury or illness, a veterinarian will be consulted before the animal is destroyed. The contractor shall dispose of the carcasses as directed by the COR.
14. Branded or privately-owned animals whose owners are ^{fine} known will be impounded by BLM, and if not redeemed by payment of trespass and capture fees, will be sold at public auction. If owners are not known, the private animals will be turned over to the State for processing under Nevada estray laws.

B. Helicopter, Pilot, and Communications

1. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractors Federal Aviation Certificates, applicable regulations of the State of Nevada, and shall follow what are recognized as safe flying practices.
2. When refueling, the helicopter shall remain a distance of at least a 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.
3. The COR shall have the means to communicate with the pilot and be able to direct the use of the gather helicopter at all times.
4. The proper operation, service, and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR, violate contract rules, are unsafe, or otherwise unsatisfactory. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

C. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals.
2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to insure that captured animals are transported without undue risk or injury. *or delay*
3. Only stocktrailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stocktrailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination.

Sides or stockracks of transporting vehicles shall be a minimum height of six feet six inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate the animals. The use of double deck trailers is unacceptable and shall not be allowed.

4. All vehicles used to transport animals to final destination shall be equipped with doors at the rear end of the vehicle. At least one of these rear doors shall be capable of sliding either horizontally or vertically.
5. Floors of vehicles shall be covered and maintained with a nonskid surface such as sand, mineral soil, or wood shavings, to prevent the animals from slipping.
6. The number of animals to be loaded and transported in any vehicle shall be as directed by the COR and may include limitations on numbers according to age, size, sex, temperament, and animal condition.
7. The COR shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, or other factors when planning for the movement of captured animals. The COR shall provide for any brand and/or inspection services required for the captured animals.
8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which animals may have to be transported on dirt road is approximately 40 miles per load.

VI. Signatures

Lead responsibility:

Richard D. Wheeler, Wild Horse and Burro
Specialist

Date

Gerald L. Moritz, Environmental Coordinator

Date

Gerald P. Brandvold, Area Manager
Sonoma-Gerlach Resource Area

Date

Submitted to State Director by:

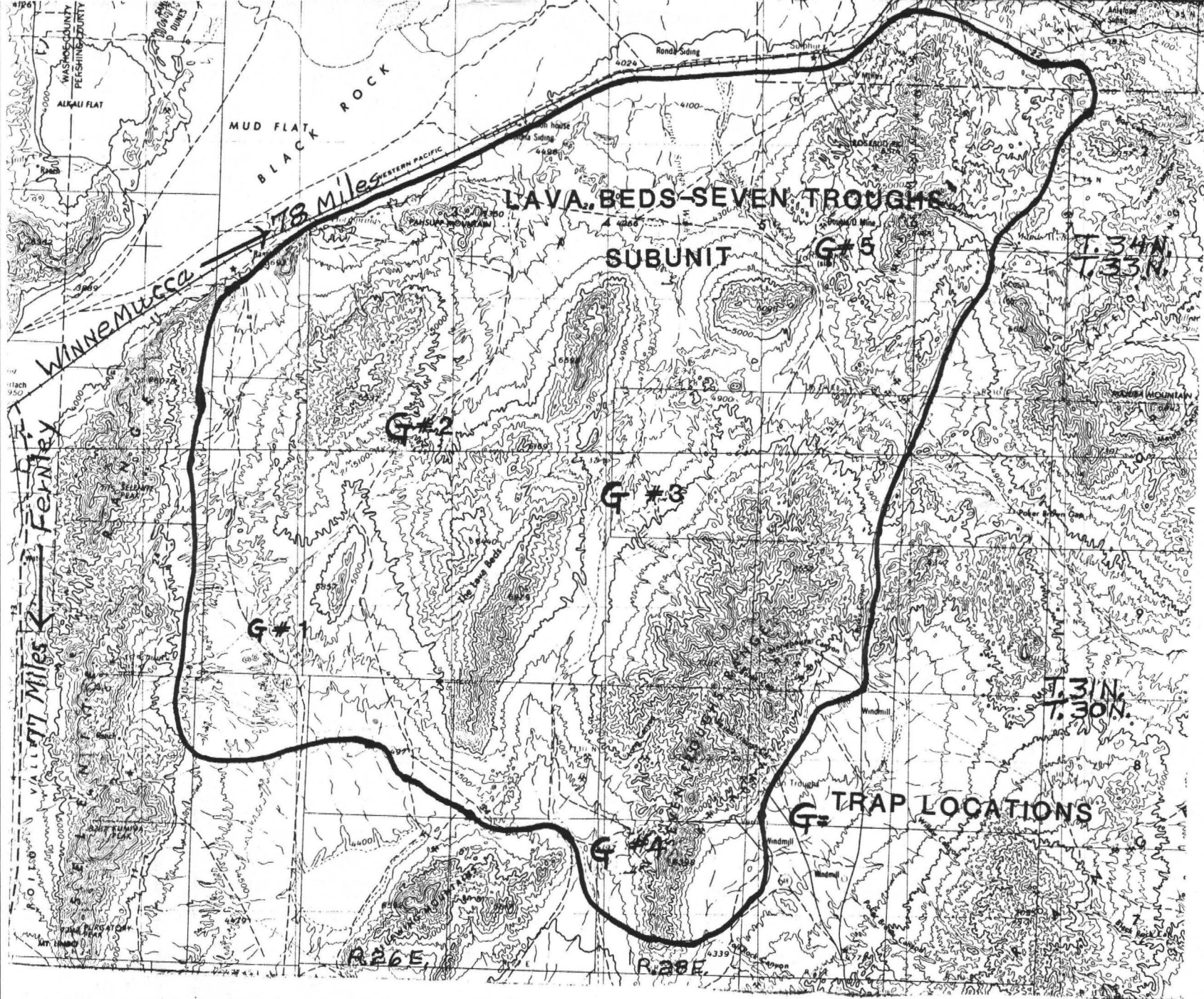
Frank C. Shields
District Manager, Winnemucca

Date

Approved by:

Edward F. Spang
State Director, Nevada

Date



LAVA BEDS-SEVEN TROUGHS

SUBUNIT

G#5

7.34 N
7.33 N

G#2

G#3

G#1

7.31 N
7.30 N

G# TRAP LOCATIONS

G#4

R. 26 E

R. 28 E

Winnemucca 78 Miles

7.17 Miles ← Fernley

6-8-87

June 8, 1987

Frank C. Shields, District Manager
Bureau of Land Management
Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

Dear Mr. Shields,

I have reviewed the draft of the Blue Wing-Seven Troughs Removal Plan and Environmental Assessment. My questions and comments are as follows:

II. C. Population Data

What rate of increase was used to compute the estimated July 1987 population?

What was the ACTUAL data gathered at the 1985 census?

What method was used to compute the percentage of error?

Will there be a post-gather census to determine if the AML has been reached without going under the AML? If not, how will you determine WHEN you have reached the AML?

III. Justification

In your justification, you state that the AML for horses is 877. This would be the starting point for monitoring. What monitoring studies have been completed to date since the AML was set?

What has the monitoring data shown? Have there been any increases, proposed increases or decreases in livestock grazing? If so, will there be proportionate increases in the AML for horses? If monitoring has shown an increase in forage available, why are you proposing to gather horses? If a decrease in forage is indicated, will the decrease in AUMs for livestock be proportional to that of the horses? Has forage been allocated to the horses in the HMA as mandated in CFR 4110-2.2?

The AML was set for the purpose of monitoring, with the number reviewed in 3 to 5 years with data obtained during that time frame. If there has been an increase in the availability of forage, then perhaps it is time to review the data and increase the AML. Then there would be no need for a removal at this time.

Your document does not demonstrate the removal history of the HMA. When was the last removal, numbers gathered, and total of horses removed since the implementation of the AML?

If a removal is indicated by data, why are you proposing to leave 438 animals over the AML? Will you be changing the AML

Frank Shields
June 8, 1987
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accordingly? It is far less stressing to the horses to have as few captures as possible.

You indicate that the AML for the entire CRMP area is 877 horses. You also state that the number to remain in the subunit is 1078. Are all of the horses now in the subunit, or are there more horses outside of the subunit but in the HMA?

You also discuss five alternatives which were analyzed in the Grazing EIS. Which alternative was chosen to be used in the LUP?

A. Trapping and Care of Animals

4. Please address the footing required to avoid accidents in the loading chutes due to slippage.
12. Will the contractor be held financially responsible for accidents and injuries to the horses due to negligence? Will the contractor be prosecuted under state humane laws for violations of such laws?
14. Known owners of branded and/or trespass horses must be fined for trespass and/or failure to brand REGARDLESS of whether or not they pick up their animals.

C. Motorized Equipment

2. "Vehicles shall be in ...without undue risk, (ADD DELAY), or injury."

I would appreciate a reply to my questions as soon as possible. Due to the fact that the documents appear to be incomplete at this time, I cannot approve of either the Environmental Assessment or the Draft Removal Plan. If you can provide sufficient data to prove that a removal is warranted, I may be able to reconsider my position at some future time.

Thank you for the opportunity to comment.

Respectfully submitted,

TERRI JAY (MS.)
Executive Director

cc: Edward Spang, State Director