G 7/14/95

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

In Reply Refer To:
4700 (NV-020)

July 14, 1995

Ms. Dawn Lappin
Wild Horse Organized Assistance
P.O.Box 555
Reno, NV 89504

Dear Ms. Lappin:

Enclosed you will find a copy of a report I had prepared that reviewed our recent Blue Wing / Seven Troughs wild horse and burro gather. If you want to discuss the report please give me a call.

Sincerely yours,

Ron Wenker

Ron Wenker
District Manager

Enclosure

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Carson City District Office
1535 Hot Springs Road
Carson City, Nevada 89706-0638
PH: (702) 885-6100

IN REPLY REFER TO:

4700
(NV-03480)

7/7/95

Memorandum

To: District Manager, Winnemucca

From: Area Manager, Lahontan Resource Area, Carson City District

Subject: Blue Wing/Seven Troughs Wild Horse and Burro Gather Review

Pursuant to your request, the following individuals conducted a review of the recently completed wild horse and burro gather in the Blue Wing/Seven Troughs area and have enclosed the final report for your information:

Mike Phillips - Carson City District, Team Leader
Bob Brown - Ely District
Jim Gianola - Carson City District
Tom Pogacnik - National Program Office

As you requested, the team investigated all aspects of the capture operation, however, we did focus on the roping issue which was identified by the Commission For The Preservation Of Wild Horses as one of their major concerns.

Although this was a very difficult gather due to the large numbers of both wild horses and burros that had to be captured and removed, coupled with the harsh weather conditions, the type of terrain, and the time frame in which the task had to be completed; the investigation concluded that the gather was conducted in a very professional manner and in accordance with established policy and guidelines.

The decision was made to rope a large number of wild horses due primarily to the site conditions during the gather. However, the death loss, injuries, leppy foals and aborted fetuses were below that normally experienced for a winter gather of this size. It is unfortunate (but true) that someone could reach an altogether different conclusion by reviewing only the contract diaries, however, the investigation did not find that the roping was conducted in an inhumane manner, nor did the roping or handling of the animals cause any unnecessary injuries or deaths.

Enclosure: 1
as stated

REVIEW OF WILD HORSE AND BURRO REMOVAL

BLUE WING/SEVEN TROUGHS

Winter of 1995

Winnemucca District

I. Background

Following the completion of the Blue Wing/Seven Troughs removal operation, concerns surfaced regarding the methods used to capture the animals, weather conditions during the gather, abortions, foal death and the overall treatment of the wild horses during removal. As the result of these concerns, the Winnemucca District Manager requested an outside review team conduct a complete investigation of the gather operation.

II. Purpose

The purpose of this investigation was to review the entire gather operation to determine whether or not it was conducted in accordance with (a) statutory and regulatory requirements, (b) statewide BLM policy, (c) contract specifications, (d) removal plan/environmental assessment, and to determine if the capture methods used caused or resulted in the inhumane treatment of the wild horses causing excessive injuries and/or deaths.

III. Approach

To accomplish this task, the following team members were assembled:

Bob Brown - Ely District
Jim Gianola - Carson City District
Tom Pogacnik - National Program Office, Reno
Mike Phillips - Carson City District (Team Lead)

On Monday, June 19, 1995 the team met with Catherine Barcomb (Executive Director of the Commission for the Preservation of Wild Horses) and Dawn Lappin (Director, Wild Horse Organized Assistance) to determine the nature of the concerns expressed regarding the gather operation. Their concerns originated primarily from the contract diary kept by the Project Inspectors during the course of the contract. Neither Cathy nor Dawn were present during the actual gather operations. Their concerns generally focused on (a) overall contract supervision/compliance, (b) possible excessive roping of the animals, and (c) capturing animals during the peak foaling season. Specific concerns are contained in a letter from the Commission for the Preservation of Wild Horses to Ron Wenker, Winnemucca District Manager, dated May 17, 1995 (See attachment 1).

Karen Sussman and Wayne Butler of the International Society for the Protection of Mustangs and Burros (ISPMB), as well as Dr. Bob Syvrud (DVM), were present on site during the early stages of the capture operation. Although they were not interviewed by the team, none of them have expressed any concerns during subsequent conversations with Tom Pogacnik over the administration of the contract from their on site observations.

On Tuesday, June 20, 1995 the team traveled to the Winnemucca District to interview all personnel that were involved with the gather operation. Those included:

Ron Wenker - District Manager
Bud Cribley - Resource Area Manager
Nadine Jackson - Wild Horse and Burro Specialist (Project Inspector)
Ron Hall - Wild Horse and Burro Specialist (Project Inspector)
Tom Seley - Wild Horse and Burro Specialist (Lead Project Inspector)

On Wednesday, June 21, 1995 the team interviewed the contractor and individuals from two of the three holding facilities that received the animals following removal. Managers at the Burns and Elm Creek facilities were interviewed by Tom Pogacnik on June 26, 1995. Dr. Kirk was interviewed by Tom Pogacnik on June 27, 1995. The following individuals were interviewed by telephone:

Sharon Kipping - Manager of National Wild Horse and Burro Center (PVC)
Dave Cattoor - Contractor, Blue Wing/Seven Troughs Capture/Removal
Rob Jeffers - Wild Horse and Burro Specialist, Susanville, California
Jerry Bonham - Manager, Wild Horse and Burro Center, Litchfield, California
Ron Harding - Manager, Wild Horse and Burro Center, Burns, Oregon
B.T. Frost - Manager, Wild Horse and Burro Center, Elm Creek, Nebraska
Dr. David Lowell - DVM, National Wild Horse and Burro Center (PVC)
Dr. Michael Kirk, DVM, private equine practice

IV. Evaluation of the Gather Operations

A. Project Planning

1. Purpose and Need

The need to conduct the Blue Wing/Seven Troughs removal operation was identified through a formal evaluation process of the rangeland monitoring data for the six herd management areas which make up this area. This evaluation concluded that the existing population of wild horses and burros exceeded the carrying capacity of these areas by 159%. Pursuant to Section 3(b)(1) & (2) of The Wild Free-Roaming Horse and Burro Act of 1971 as amended, a Multiple Use Decision was issued which set (among other things) the appropriate management level (AML) of wild horses and burros for these areas. The capture plan was then written with the intent to capture approximately 2,693 wild horses and burros and remove approximately 1,953 animals between January 9, 1995 and February 28, 1995. Removal numbers were determined from a pre-capture census. Based on current policy (selective management criteria), wild horses removed from the area could not exceed 9 years of age. All captured animals nine years of age and younger were shipped to either PVC; Burns, Oregon; or Litchfield, California. Wild horses 10 years of age or older were released back into their respective herd management area. Due to the severity of the over population

and condition of the vegetation resource, the gather plan was placed in Full Force and Effect (FF&E). In addition to the capture plan being placed in FF&E, the C-Punch Corporation filed a motion in Federal Court to obtain an order adjudging respondents (BLM) in civil contempt. In settlement, the parties stipulated to and the court ordered the BLM to reduce the population to 764 wild horses and burros on the Blue Wings and Seven Troughs Allotments beginning January 9, 1995 and to be completed by March 6, 1995. The period could be extended as a result of circumstances beyond the reasonable control of the Bureau such as mechanical difficulties, foaling season and weather (see attachment 2).

2. Delegation of Authority

The District Manager is the Line Officer responsible for the district Wild Horse and Burro Program including maintaining and protecting the health and welfare of the wild horses and burros. The actual gather operations are accomplished through a statewide contract administered by the Contracting Officer located in the Denver Service Center. This authority was further delegated to the Contracting Officer's Representative located in the National Program Office which was then delegated to the Project Inspectors (PI) located in the district. This delegation was well understood and accepted by the individuals in the Winnemucca District.

3. Pre-contract Procedures

Both Line Management and PI's were concerned over the weather conditions, the large number of animals slated for capture and the limited time available before the beginning of the foaling period which was expected to begin around March 1st. These environmental conditions were aggravated by the selective management criteria that had to be used during the gather. Since all wild horses over the age of 9 would have to be released, it would be necessary to capture all the wild horses to reduce the population of older animals to the court ordered level. To avoid having to re-capture all these animals (should the capture operation be interrupted) and expose the animals to additional stress, the decision was made to divide the capture area into two parts, the North Area and the South Area. This approach provided a logical breaking point in the capture operation should the conditions become unfavorable and the operation had to be stopped. These concerns and the overall strategy were discussed with the contractor during the Pre-work Conference held on January 8, 1995.

The planning, capture, and policy guidance for wild horse and burro removals is contained in the Blue Wing/Seven Troughs gather plan, the statewide removal contract and in Instruction Memorandum No. NV-88-224, dated March 22, 1988. In reviewing the planning effort that led up to the Blue Wing/ Seven Troughs capture, the only provision that was not completed was documentation of a pre-capture evaluation. Although the capture plan provided for such an evaluation and many of the conditions were discussed at the Pre-work Conference, a written report concluding that the capture activity would not cause undue stress to the animals was not prepared.

B. Capture Procedures

1. General

The Blue Wing /Seven Troughs removal area, encompassing six herd management areas (HMAs), has been gathered at least twice prior to the 1995 removal, in 1985 and 1987. Roping was not used as a major component of the operation in the 1985 gather but was relied upon heavily during the gather of 1987, wherein roping was used to capture approximately 400 head out of an approximate 1,800 head removed. The 1994 capture plan was issued in November of 1994 and identified the need to remove of 1,953 wild horses and burros or the number necessary to reduce the population to 764. This removal was to take place during the months of January and February, and be completed by March 6, 1995. Scheduling of the actual removal was done in June 1994, 8 months prior to the operation. Scheduling this far in advance is necessary to accommodate funding requests, prioritize statewide gathers, schedule adoptions nationwide and allow ample time for the contractor to schedule the work.

2. Weather and Site Conditions

Weather played a major role in the decision making process throughout the entire gather. An unusual amount of rain fell in the Blue Wing/Seven Troughs area during and prior to the removal, making many of the secondary roads impassable which limited the type and number of trap sites that could be constructed. Access for the large trucks and trailers was limited to only the major roads. The wet weather created extremely muddy conditions during performance of the contract which also prohibited the animals from being herded long distances without causing adverse effects or stress to the animals.

Throughout the gather the effect of the weather on the welfare of the horses and the contractor's ability to handle them humanely was discussed at length on a daily basis. The extreme wet conditions caused the animals to be dispersed more than normal, making their capture more difficult. Although conditions made the capture more difficult, there was no need to suspend the gather operations since the welfare of the animals was not being threatened.

3. Foaling Season

Reference in the daily logs (contract diary) to colts being roped were actually describing the last years (1994) colt crop which were now yearlings, not 1995 spring foals. Start of foaling season in this area varies from mid February to mid March depending on the year. All District personnel were aware of this fact and felt that if foaling did begin, the removal would have to be suspended. Of the 2833 animals captured, only a total of 5 new foals were captured or seen during the capture operation, with the first not observed until February 4 and the last on February 19. The lack of foals, considering the large number of mares captured, definitely indicated that the foaling season had not yet started even by the conclusion of the gather. The removal did not occur during peak foaling season as alleged. During the course of the removal, 2 leppy colts were observed and both were captured either at the time of sighting or the following day. Five abortions were documented over the entire gather. As with the early foals, this is considered to be very low for a gather of this size.

PVC received 2 foals and Susanville (Litchfield) received 3, which also indicates that the foaling season had only just begun by the time the gather was completed. Both facilities stated that the foals did not start dropping in any number, at their respective facilities, until mid March.

Conversations and documentation from PVC, the Litchfield, California and Burns, Oregon holding facilities related that the number of aborted fetuses was not abnormal nor excessive and was related more to the age and physical condition of the mares (2 years) and adverse weather conditions at the facilities during birth (see Attachment 3). Dr. David Lowell, (DVM) at PVC who observed most of these animals, verified this fact and did not believe the capture operations caused any unusual stress to the animals. Also, attachment 3 shows 51 total foal deaths, compiled by PVC, reflecting all foal losses during 1995; this included horses other than those from Winnemucca. Most if not all of these were full term or within a week of being so.

Daily communications occurred between the PI and the receiving holding facilities (PVC, Susanville or Burns) during the entire gather operation and in no case was there any concern expressed to the PI over the condition of the animals received. Overall, the physical condition of the horses received was fair to good.

4. Capture Methods

A total capture necessitated by the requirement to use the Selective Management Criteria often requires that a large number of horses be roped to enable the removal of the number of animals less than 9 years of age necessary to reach the levels identified in the MUD, capture plan, and in this case the court order. As with most removals a large percentage of animals were captured by driving them into traps (74%); however, weather conditions, the wide dispersal of horses, type of terrain, and lack of access to construct suitable traps resulted in a large number of horses being roped. In addition, poor flying conditions precluded a mid-gather census resulting in an under estimation of the animals remaining in the area. Since the number could not be verified, information derived from the pre-gather census was considered to be accurate and was the best available information. Based on the small number of horses thought to be present, a decision was made to rope what was left. As the capture progressed it was discovered that more horses were present than originally projected which resulted in approximately 200 horses being roped near the end of the operation. Site conditions also weighed heavily in the decision to rope the remaining horses as presence of mud made it difficult, if not impossible, to move the horses any distance or to locate a workable trap site. In addition to site conditions, a late modification to the task order also contributed to the decision to rope more horses at the end of the operation. Although the contract task order was to be completed by March 6, 1995, the completion date was changed to February 24, 1995, toward the end of the removal. This was agreed to by the contractor and PIs in order to have all horses shipped to accommodate PVC's inoculation schedule.

The fact that over 58% of the burros were captured utilizing drive trapping emphasizes the fact that trapping was the preferred and primary method used during this capture. Since burros don't react favorably to helicopter trapping they normally have to be roped and very few are trapped successfully. However, recently improved trapping techniques implemented by the contractor resulted in 330 burros being trapped.

All animals were driven by helicopter to the nearest road accessible to the ropers. The roping that was accomplished was done in a very humane fashion with the older horses aged

and released immediately and the younger horses loaded into trailers after being tied down normally less than 30 minutes. Under no circumstances were horses or burros tied down for more than 1 hour. The contractor hired additional people to aid in this effort. Two crews ran simultaneously, one roping and the other aging and either releasing or loading the animals.

Several times horses were captured at or after dark. It was felt, by the people present, that capture at this time was safe and considerably less stressful than release and recapture the following day. Capturing the following day would have resulted in moving the horses (including those that had already been captured and released) over the same distance and area already covered. This would have resulted in not only more stress but a general weakening of the animals. No injuries or deaths occurred as a result of these roping actions.

The contract diaries indicated that animals were captured by the contractor outside of the capture area. In most instances, this refers to starting in the North Blue Wing capture area prior to completing the South Blue Wing capture area. On only one occasion were animals actually captured outside the contract capture area. The PI felt that this was justified since the captured animals had originally been observed in the contract area but had crossed through an open gate to elude capture. This amounted to only four horses and a few burros that were captured from across the fence from the Trinity area.

5. Number of Animals

This information is summarized in the document titled, Certificate for Contract Payment/Invoice (see attachment 4). In summary, there were 2,833 animals captured (2,272 horses, 561 burros), of which 2,282 were removed and transported for processing to enter the adoption program. Of the animals captured, 749 were roped (518 horses, 231 burros) and 2,084 (1,754 horses, 330 burros) were trapped.

6. Injuries/Deaths

Death loss for the removal was approximately 1.1% (32 head) which is considered normal and was in accordance with the capture plan. Of the 32 deaths, 26 occurred as a result of the capture operation which is below the level identified in the capture plan. Only one injury to the personnel handling the animals occurred and was minor in nature. Conversations with PVC , the Susanville facility and Dr. Lowell, the contract veterinarian at PVC, confirmed that none of them felt that there was any abnormal number of deaths or injuries to animals associated with this gather.

7. Project Inspector and Facility Communications

Communication among all of the parties involved in the removal occurred on a daily basis and was very detailed in nature. All of the horses were evaluated at the central holding facility prior to shipment, with feedback occurring daily . The same held true for communication between the field personnel and the facilities receiving the animals. In fact, a cellular telephone was used daily by the PI on site throughout the contract to ensure that there would be continuous communications with all parties involved.

8. Contract Administration

Both the District Manager and Area Manager were very closely involved in providing direction to the wild horse and burro staff during the planning and decision process and

during contract execution. The Area manager communicated with the lead PI on a daily basis and was kept informed of daily progress and problems. The District Manager was also kept informed and the Associate District Manager visited the gather site. All actions affecting the welfare of the animals were made with the full knowledge of both management and project inspectors after considering the circumstances known at the time.

Overall contract administration was smooth, with only a few minor problems which were handled on site as they occurred requiring no written instructions to the contractor. Several references in the daily log indicate that horses were loaded without BLM supervision. These were horses loaded into a gooseneck trailer for shipping to the on site holding facility. These problems were corrected immediately and again were minor in nature. No horses were loaded onto large trucks for shipment to the final destination without BLM supervision.

Horses were held overnight at the trap site, which is within the scope of the contract; however, on one occasion the animals were not provided feed or water. In discussions with the various participants, it was determined that the animals were not fed on that occasion because weather and muddy road conditions precluded returning to the trap with the necessary hay for feeding. These horses were moved to the central holding facility early the following morning when the ground was frozen and showed no signs of stress or other problems.

All of the additional crew members used during the course of the gather were employed by the contractor with one exception. A rancher's daughter helped one day at the trap, although she was not employed by the contractor. She was not involved in any roping activities. Some concern was expressed over the involvement of Jim Vinson as a crew member. He was not involved in any roping and was used primarily as a driver to haul horses and burros. A small group of horses were shipped to Wyoming for additional study. At the time the capture plan was issued, the Winnemucca personnel were not aware of this fact. Activities of this sort which are not directly related to the capture procedures are not usually addressed in the capture plan.

A few on site adoptions occurred during the course of the contract (4 horses and 16 burros). The PI is currently following up on these adoptions completing the freeze branding and associated paperwork.

C. Adoption Preparation Facilities

1. General

The large number of animals requiring removal from the Blue Wing/Seven Troughs gather necessitated shipment of animals to several adoption preparation facilities. Initial coordination through the National Wild Horse and Burro Team provided for animals to be shipped to Bureau facilities in Burns, Oregon, Litchfield, California , and (PVC). Prior to initiating the gather it was decided that the first animals removed would be sent to the Burns facility, the second group of animals would be sent to Litchfield and the remaining animals would be sent to PVC. The gather task order identified that approximately 1,900 animals were to be sent to the facilities as follows:

500 animals - Burns
600 animals - Litchfield
800 animals - PVC

More animals were removed during the gather than had originally been planned and as such, each of the facilities received the following:

522 animals - Burns
709 animals - Litchfield
948 animals - PVC

In addition, 75 animals were sent to the Riverton Honor Farm in Wyoming, 8 burros were sent to the Battle Mountain District for relocation, and 4 horses and 16 burros were adopted on site.

The three principle facilities are located within the Great Basin which experienced unusually wet, cold weather during the months of January through March. Temperatures were generally at or above freezing resulting in precipitation in the form of cold rain and snow. During the periods of wet weather, the facilities experienced extremely muddy conditions and, at times, had areas of standing water resulting in cases of intermittently poor sanitation. The Burns facility recorded their wettest winter on record, but because of sloping ground helped to mitigate the severe muddy conditions. Although all three facilities experienced poor site conditions at some time during adoption preparation of the Blue Wing/Seven Troughs animals, the most persistent occurrences were at PVC.

2. Animal Condition

It is typical of gathers conducted during the winter months for animals to be in fair to poor condition. Harsh weather conditions coupled with little forage of poor nutritional value often result in animals being below weight and in poor health. This is especially true of wild horse mares which are in the last trimester of pregnancy and especially when populations greatly exceed the environmental carrying capacity of the area.

The focus of this review is on mares which were removed from the Blue Wing/Seven Troughs gather area and the impact of that gather on their health and foaling success. The majority of animals arriving at the adoption preparation facilities were from the Blue Wing/ Seven Troughs gather and were in good to fair condition. The fair condition animals were generally found in the north half of the gather area while the animals from the southern half were generally in good condition. As previously mentioned, the southern half of the area was gathered first and the north half gathered last. As a result, the majority of animals sent to the Burns and Litchfield facilities were generally in good condition while the predominance of animals sent to PVC were in fair condition. All three facilities identified that the apparent stress to the animals was comparable to other winter gather operations.

Discussions with managers at the three facilities in addition to the contract veterinarian at PVC indicated that those animals which were younger, 2 to 3 years old, were in the poorest condition while the older animals were in generally good condition. The veterinarian at PVC also indicated that, of these younger animals, a large number were pregnant. It is unusual for 2 year old mares to be pregnant and many of the mares were 200 to 300 pounds under weight. A total of 905 mares were removed during the gather with 283 being sent to Burns, 196 to Litchfield, and 426 to PVC. Very few 1995 foals were shipped to the 3 facilities. The Burns facility did not report receiving any 1995 foals, the Litchfield facility received 3 and PVC

received 2. Foaling at the 3 facilities peaked approximately mid to late March. Foals continued to be born at PVC throughout the spring.

Many of the younger animals sent to the Burns facility were diagnosed as having liver damage and were unable to put on weight even after being fed a diet of alfalfa hay. The veterinarian servicing the facility states that the animals appear to have ingested some type of noxious weed which caused the liver damage. None of the animals died due to the condition. They are currently running tests to determine if the toxins can be identified and tracked to a particular species of plant. A similar occurrence with young animals not putting on weight was observed at PVC but no symptoms of liver damage were identified. Dr. Kirk, equine veterinarian, communicated that toxic plants could have adverse impacts on liver functions which, in turn could also reduce animal health and induce other physiological problems.

3. Foal Mortality:

a). Burns, Oregon

There was no unusual death loss of foals at the Burns facility nor were there any identified spontaneous abortions. Those foals which were lost were attributed to cold, wet weather conditions. Mortality was about average for a typical winter gather.

b). Litchfield, California

Personnel at the facility identified that there were 3 spontaneous abortions from young mares. Two foals died following birth. The foals were identified as full term and died during a period of wet weather. Again, the mares which lost the foals were young. Mortality was identified as being average to below average for a winter gather.

c). PVC

Animals at PVC are kept in pens based on vaccination inoculation schedules and as such animals from several gathers may be mixed. The animals held at PVC came from the Nevada Wild Horse Range, Pine Nuts herd management area, and the Blue Wing/Seven Troughs gather. Procedures for recording foal mortality and spontaneous abortions did not always allow for identifying from which gather area the mares had arrived. At times it was difficult to identify the particular mare which lost the foal.

A total of 51 foals died during foaling or within several weeks after foaling at PVC. The number of deaths attributable to the Blue Wing/Seven Troughs mares was not identified. However, when a mare could be identified and the herd management area discerned, the majority of problem births came from the Blue Wing/Seven Troughs gather and in particular, animals gathered from the Lava Beds herd management area. This appears to be related to the age and physical condition of the animals (also refer to section C.2. Animal Condition, pg. 8).

Discussions with the PVC contract veterinarian indicate that none of the foals which were born and subsequently died appeared to be premature. Of those mares which could be identified as having lost a foal, the majority were young. There were a number of mares 2 years of age that were pregnant and had difficulty foaling. Personnel at PVC identified having to "pull" more foals than previously experienced. All of the "pulled" foals were from young mares from the Blue Wing/Seven Troughs gather and were primarily from the Lava Beds herd management area.

Approximately 10 to 12 postmortems were conducted on the foals which had died. One of the postmortem identified rhinopneumonitis as the cause of death. None of the other postmortem identified a specific cause of death other than pneumonia.

The majority of foal deaths occurred during cold, wet weather in mid March. During this period, a number of animals were born during the night and were unable to get up due to water, mud, cold or the combination of the three. PVC personnel recalled assisting in numerous births during times when personnel were on site. Many of these cases involved foals being born in muddy conditions and not being able to get up without aid.

4. Coordination

Managers from all 3 facilities stated that coordination with the project inspectors was on a daily basis. Communication about shipping times, the number of animals, and the physical condition of the animals was excellent. There were no communications or feedback concerning unusually poor animal health or condition which indicated that no problems were occurring in the field operations.

5. Wyoming

Concern was raised regarding the movement of approximately 75 wild horses to the Riverton Honor Farm in Wyoming. The animals were part of an evaluation of an equine encephalomyelitis - rhinopneumonitis - influenza vaccine, killed virus, tetanus toxoid. The vaccine fractions are all established and none are new. The purpose of the study was to demonstrate the lack of interference of the individual vaccine fractions. The animals were shipped directly from the trap site to the Riverton Honor Farm. There they were vaccinated and held for 12 weeks for observation and sampling of antibody titer levels. The study has been completed and the animals have all been adopted.

Planning for the Bureau's cooperation in the study was completed in coordination among the National Wild Horse and Burro Team, the Rock Springs, Wyoming wild horse and burro specialists and Summit Research. The National Wild Horse and Burro Team was in contact with several national humane organizations whose representatives were briefed on the research.

The Winnemucca gather crew simply provided the animals as per direction from the National Wild Horse and Burro Team.

V. Conclusions

A. There was no evidence of added stress or injuries caused by roping. A larger than normal number of horses were roped, but implementation of innovative capture procedures resulted in fewer burros being roped.

B. The fact that more burros were trapped using the helicopter than normally occurs indicates that helicopter-drive trapping was the preferred capture method considered.

C. During all aspects of the project planning and contract administration, line management established effective communications and provided clear direction to the project inspectors that

personal safety and the safe, humane treatment of the wild horses and burros were the highest priorities in administering the contract.

D. Captured animals were handled and treated safely and humanely.

E. The removal was not conducted during or after the peak foaling season. Peak foaling season did not occur until well after the removal was completed. Confusion about the number of foals arose due to the contract diary referring to colts when discussing 1994 foals.

F. Communications among all personnel involved was excellent and occurred daily.

G. Contract diary entries did not always accurately describe contractual issues. Many entries needed further clarification to eliminate misconceptions or misinterpretations of what actually occurred. Noncontractual items should not be included in the diaries since they are not pertinent to the contract.

H. The pre-capture evaluation was conducted, but was not documented as required.

I. On site adoptions appeared to create no additional burden on the PI's. However, follow up actions appear to be time consuming and burdensome and have yet to be completed.

J. Death loss, injuries, leppy foals, and aborted fetuses were not excessive for a gather of this size conducted during the winter, especially considering the extreme weather conditions, rough terrain, poor access, and wet, muddy ground conditions. In addition, no problems with animal condition was reported by the adoption preparation facilities to the capture crew, nor were there any concerns expressed by any on site visitors, which included a veterinarian and an ISPMB representative. Factors such as weather during and after the capture of the animals, physical condition of the animals and possible ingestion of toxic plants may have contributed to the spontaneous abortions and foal deaths recorded at the adoption preparation facilities.

VI. Recommendations

A. Consolidate contract diary from all PIs into only one daily report for the contract. Ensure diary entries complete and detailed enough to prevent misinterpretations. The primary purpose of the contract diaries is to document the performance of the contractor and track payment items, not to discuss all aspects of the gather.

B. Ensure diary entries make clear the difference between new foals of the year versus older weaned foals from the previous year.

C. Continue the practice of daily communications between the contract site (PIs), management and the preparation facilities. Use of cellular telephone by the PI should be continued.

D. Conduct and document the pre and post capture evaluation as required.

E. Conduct a pre-capture meeting with PIs, management and representatives from the adoption preparation facilities to clarify roles/responsibilities and to establish clear lines of communication.

F. Review District policy for on-site adoptions.

G. For on site visitors, document employees on the contractor's payroll versus those publics interested in observing the gather, and define their roles in the diary. Eliminate viewer participation in the gather operations.

H. The team recommends that the National Wild Horse and Burro Team continue their investigation into possible liver damage caused by toxic vegetative materials.

James M Granola

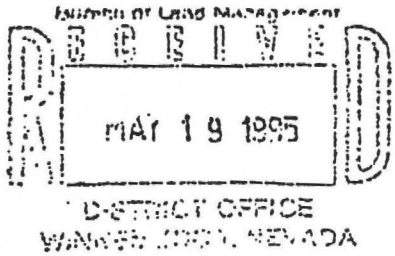
7/7/95

ATTACHMENT 1

BOB MILLER
Governor

STATE OF NEVADA

CATHERINE BARCOMB
Executive Director



COMMISSION FOR THE PRESERVATION OF WILD HORSES
255 W. Moana Lane
Suite 207A
Reno, Nevada 89509
(702) 688-2626

May 17, 1995

Mr. Ron Wenker, District Manager
Bureau of Land Management
Winnemucca District
705 East Fourth Street
Winnemucca, Nevada 89445

Dear Ron,

I appreciated your immediate attention to the concerns of the Commission regarding the information we requested for the Blue Wing/Seven Troughs gather. We discussed the gather, the roping, weather conditions, foal deaths, and foaling season at the Commission meeting in Las Vegas on May 12. There are still some very serious outstanding concerns we have regarding this capture from our standpoint that need to be clarified or resolved.

I received the copies of the daily logs from the gather and have received documentation from the Palomino Valley Corrals (PVC), regarding the condition of the animals and the foal death numbers. There was a high level of abortions and premature births that did not survive. We have the foal death numbers from the capture but neither PVC nor your capture documentation kept track of the aborted fetus count. Never, in the history of captures in any District has there been this high percentage of roping of animals and we would like to determine how this winter compared with any other winter, and whether the roping was indeed necessary, at least to this extreme extent. I have read the court order and it does not indicate that the animals had to be captured no matter, life or death. In fact the court order states "...to be completed by March 6, 1995. This period may be extended as a result of circumstances beyond the reasonable control of the Bureau such as mechanical difficulties, foaling season and weather." This allowed the Bureau much latitude for stopping the gather and continuing during safer times such as in the summer months.

There are some unanswered questions that need to be resolved;

1) What was different about this winter, as compared to other winters, that a large percentage of animals had to be roped?

2) If the ground was too wet or too icy to move the traps or vehicles, how were the roped animals removed from the area where they were roped?

3) If the ground was too wet or too icy to safely round up the horses using a helicopter, what made chasing those horses on horseback, running them down, roping and tying them, safer?

4) Why was the contractor allowed to capture animals outside the capture boundaries and what happened to those animals?

5) Was the foaling period determined in advance of the court ordered "agreement?" We would like to request a copy of that documentation.

6) An explanation of the reason for the roping is the "ground conditions;" please explain to us how you reached each of the roped horses for removal within the hour time limit?

6) Please explain why animals were left at trap sites overnight without food and water.

7) Why was the contractor allowed to be loading and unloading animals without BLM personnel present? In addition, why was the contractor performing any operations (flying and capturing outside the trap site, processing animals, disposition of injured animals, etc.), without the direct supervision and approval of BLM personnel?

8) In the daily logs the gather was more portrayed as a mass frenzy than an experienced capture crew and experienced BLM personnel. Every day there were instances of broken legs, horses climbing the corrals and becoming injured, broken necks, horses breaking through the wings, aborted foals, mares foaling and dying, etc. Such events portray a capture that was ill planned, rushed, and resultingly inhumane. Why was there such a push to complete this gather at all costs to the animals when the court allowed you the latitude to cancel the gather and continue at a later date?

Ron, it has taken years to get the weekend "cowboy routine" out of the BLM's mentality on captures; and it appears that if outside "observers" are not there; the BLM still provides no protection from this type of event. I feel particularly disturbed as from all indications I can no longer count on this Resource Area to provide the firm hand with contractors. I believe your own daily logs support my contention. I would prefer for the BLM to

instigate its' own review of the Blue Wing capture. Since it appears that no inquiry has been initiated, the Commission, as a State entity entrusted with the protection of wild horses in Nevada, must ferret out some explanation ourselves.

In the very near future I would like to request a meeting with yourself, Bud, and Tom, as I believe I need to lay on the table my growing distrust of this resource area. Accumulation from Buffalo Hills, Fox/Lake, Black Rock, and now Blue Wing is just too coincidental to be ignored any longer. I can no longer be a buffer for explanations on this resource areas activities with outside groups and am reporting, upon their inquiry, my own questions. Partnership in cooperation is one thing but the BLM cannot take the Commission for granted. In the Wild Horse and Burro Act in addition to Nevada Revised Statutes (Nevada State law), it is prohibited to harass and/or kill wild horses. We believe that the unnecessary excess roping of horses on this gather constitutes harassment with the resulting death to foals and adults in many cases.

Please let us know as soon as possible when it would be convenient to discuss these questions and concerns with you.

Sincerely,

Catherine Barcomb

CATHERINE BARCOMB
Executive Director

Attachment 2

RECEIVED
JAN 03 1995
DISTRICT OFFICE
WINNEMUCCA, NEVADA

Cook

FILED
DEC 16 1994
CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

C-PUNCH CORPORATION,

Plaintiff(s),

vs.

JAMES G. WATT, Secretary of the Interior, et al.,

Defendant(s).

CV-N-80-266-HDM

MINUTES OF THE COURT

December 16, 1994

PRESENT: HONORABLE HOWARD D. McKIBBEN, U.S. DISTRICT JUDGE

Deputy Clerk: Bette Stewart Reporter: Kathryn M. French

Counsel for Plaintiff(s): Harvey Whittemore & Elaine S. Guenaga

Counsel for Defendant(s): Susan Y. Cook and Ellen J. Kohler

PROCEEDINGS: Hearing on Plaintiff's Motion for an Order Adjudging Respondents in Civil Contempt (#31)

8:30 a.m. Court convenes. Upon stipulation, Ellen Kohler is present telephonically.

Argument is presented on behalf of plaintiff by Harvey Whittemore and on behalf of defendant by Susan Cook and Ellen J. Kohler.

Recess: 9:20 a.m. - 9:45 a.m. All present. 90-8-2-132C

Court and counsel confer out of the presence of the jury.

Recess: 9:50 a.m. - 10:00 a.m.

Upon stipulation of the parties,

Tab 10

IT IS ORDERED that the Bureau of Land Management will, as part of its ongoing management efforts and in response the action filed hereunder, remove 1900 horses and or burrows from the allotment or the number necessary to reduce the population to seven hundred and sixty-four (764) on the Blue Wings and Seven Troughs Allotments beginning January 9, 1995, to be completed by March 6, 1995. This period may be extended as a result of circumstances beyond the reasonable control of the Bureau such as mechanical difficulties, foaling season and weather.

In consideration, the plaintiff withdraws the Motion for an Order Adjudging Respondents in Civil Contempt (#31).

The parties agree this has resolved the outstanding issues.

IT IS FURTHER ORDERED that upon certification of compliance with the above order, this action shall be dismissed with prejudice.

Plaintiff agrees to withdraw the motion for attorneys' fees when certification of compliance is complete.

10:05 a.m. Court adjourns.

CAROL C. FITZGERALD, CLERK

By: Bill Stewart
Deputy Clerk

ATTACHMENT 3

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Nevada State Office
850 Harvard Way, P.O. Box 12000
Reno, Nevada 89520-0006

In Reply Refer To:
1060 (NV-961)

Nevada Commission
for the Preservation of Wild Horses
225 West Moana
Suite 207A
Reno, Nevada 89509

Dear Cathy Barcomb:

This is in response to your request concerning the death of foals at the National Wild Horse and Burro Center at Palomino Valley (PVC).

Enclosed you will find the information that you requested on the number of mares brought to PVC during the Winnemucca District Office's gather. and their ages as well as the number of foals that have died at PVC.

The number of mares (426) that were brought to PVC from the Winnemucca District made up the largest concentration of mares at the facility. Due to that fact, the largest number of foals that have died were from those mares. However, the total of recorded foal deaths are from the entire inventory of mares at the facility, not just those from the Winnemucca District gather.

From the necropsies that were performed on the foals that died, only one showed signs of Rhinopneumonitis, and the majority of the foals died of Pneumonia. The largest concentration of foal deaths correspond to when the facility was experiencing wet, cold weather.

PVC at this time has approximately 120 healthy mares with foals. These are mares and foals from all of the recent gathers as well as the Winnemucca District gathers. The death rate of foals has decreased due to the improvement of the weather, but foals that may die in the future will be monitored and reviewed.

If you have any questions please feel free to call me at (702) 475-2222.

Thomas J. Kipping

MARES RECEIVED AT PALOMINO VALLEY FACILITY FROM WINNEMUCCA

AGE	NUMBER OF MARES
foal	1
1 yr.	109
2 yr.	66
3 yr.	56
4 yr.	45
5 yr.	33
6 yr.	57
7 yr.	49
8 yr.	6
9 yr.	4
TOTAL MARES	426

FOAL DEATHS FROM ALL MARES AT THE PALOMINO VALLEY FACILITY

DATE	NUMBER
1/23/91	1
2/13/95	1
2/28/95	1
3/13/95	7
3/14/95	3
3/17/95	1
3/21/95	8
3/22/95	1
3/23/95	9
3/24/95	4
3/28/95	4
3/31/95	1
4/3/95	3
4/5/95	2
4/11/95	2
4/26/95	2
5/1/95	1
TOTAL	51

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

IN REPLY REFER TO:
4720
(NV-026.8)
April 6, 1995

Nevada Commission for the
Preservation of Wild Horses
255 West Moana, Suite 207A
Reno, NV 89509

Dear Ms. Barcomb:

The following table lists the age specific information for mares that you requested. The table outlines the number of mares by age class that were processed at each facility.

Age Class	Burns	Litchfield	Palomino Valley	Total by Age Class
< 1	0	0	1	1
1	46	40	109	195
2	32	33	66	131
3	56	37	56	149
4	38	26	45	109
5	15	10	33	58
6	27	15	57	99
7	39	20	49	108
8	22	13	6	41
9	5	2	4	11
11	2	0	0	2
15	1	0	0	1
Totals	283	196	426	905

If you have any additional questions concerning the removal, please contact Tom Seley at (702) 623-1500.

Sincerely yours,

District Manager

JUL 06 '95 14:20 BLM NEVADA STATE OFFICE

ATTACHMENT 4

NV960

Form 1510-10
(September 1992)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CERTIFICATE FOR CONTRACT PAYMENT/INVOICE

Date: February 25, 1995
Contract Number: 1422-N651-C4-3066
Delivery/Task Order: #-0008 clk Mod. 0001

TO: Contracting Officer,	Contractor Name	Contractor Address (include zip code)
LaVonna L. Hughes	Cattoor Livestock Roundup	P.O. Box 209
Contract Title: Wild Horse and Burro Gather, NV and CA	Contractor Phone (include area code): 801-623-2415	Nephi, Utah 84648

I CERTIFY That the total work listed below constitutes the accomplishments completed by the contractor to (date) 2/25/95; that the contractor performed the work in accordance with the specifications and drawings; and that the contractor has complied with the labor and other provisions of the contract. Accordingly, payment is due the contractor for the amounts as shown below.

"Notice of Proceed" effective date: Jan 9, 1995

Received Date: Jan 8, 1995 Acceptance Date: Jan 8, 1995

The quantities and total value shown below are cumulative to date. This payment represents:
☐ partial payment no. ___ ☐ progress payment no. ___ ☒ final payment clk

ITEM NO.	ITEM DESCRIPTION	CONTRACT ESTIMATED QUANTITY*	UNIT	COMPLETED PER-CENT	COMPLETED QUANTITY	UNIT PRICE	AMOUNT
2a	North Blue Wing - capture, aging, and transportation to and from temporary holding facility	1305	hd	110	1434	~~140.00~~ 144.00	206,496.00
2b	South Blue Wing - capture, aging, and transportation to and from temporary holding facility	1100	hd	127	1399	148.00	207,052.00
4	Feeding and care of animals at temporary holding facility	5000	horse/day	137	6835	6.00	41,010.00
5a	Transportation from temporary holding facility to Palomino Valley	800	hd	118	948	2.00	1,896.00
5b	Transportation from temporary holding facility to Litchfield, CA	600	hd	118	709	2.00	1418.00
5c	Transportation from temporary holding facility to Burns, OR.	500	hd	109	522	15.00	7830.00

Remarks: Fully signed copy of attached Mod. #0001 is on its way to & from Nephi, Utah clk

Cumulative Total	465,702.00
Previous Invoice(s)	241,584.00
This Invoice	$ 224,118.00 OR clk

Contractor Certification (Final Payment) I CERTIFY That the quantities and amounts shown hereon are true and correct, except as may be specifically excepted on the attached claim which is herewith submitted; or the Release of Claims form.

Contractor: Sue Cattoor	Date: 3-25-95	Damages: 5%
Contracting Officer's Representative: [illegible]	Date: 2-25-95	Other Deductions:
Contracting Officer: LaVonna L. Hughes 0605	Date: 3/6/95	Retainage: ___ % or $ ___ CO Initials: ___

FOR CERTIFYING OFFICERS ONLY

Less prior partial/progress payment estimate	$ 241,584.00
Other deductions	
Net payment due	
Date transmitted to Treasury for payment	Jul 3-27

*As of date each payment certificate is prepared

(B) FIELD OFFICE (Certification on reverse)