



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
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6 10/4/00
In Reply Refer To:
4700 (NV022.41)

October 4, 2000

Dear Interested Party:

The Winnemucca Field Office is planning an emergency removal of wild horses and burros from the Seven Troughs and Lava Beds Herd Management Areas (HMAs). This removal is driven by severe wildfires which occurred on the Winnemucca Field Office lands during the summer of 2000, and the subsequent loss of forage available to the animals. The gather is expected to begin no earlier than October 16, 2000 and conclude by October 23, 2000.

Enclosed are the capture plan and environmental assessment pertaining to these gathers. If you have any questions, please feel free to contact Nadine Edwards or Rodger Bryan at 775-623-1500.

Sincerely,

Colin P. Christensen
AFM Renewable Resources

Enclosures:

Capture Plan -13 pages, 5 maps

Environmental Assessment - 9 pages

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WINNEMUCCA FIELD OFFICE

Seven Troughs HMA

&

Lava Beds HMA

Wild Horse Removal Plan

Burn Rehab/Emergency Removal

2000

Seven Troughs HMA & Lava Beds HMA
Wild Horse Removal Plan
Fire Rehab/Emergency Gather

I. INTRODUCTION

During the 1999 fire season the Fairview Fire, Dead Horse Fire, and the Poker Brown Fire burned a total of 53,979 acres in the Seven Troughs Herd Management Area (HMA) constituting 36.5% of the HMA. This year the Cow Creek Fire burned 9,977 acres in the Lava Beds HMA (immediately adjacent to the Seven Troughs HMA), and the South Willow fire burned an additional 14,892.42 acres in the Seven Troughs HMA. The five fires have consumed a total of 78,849 acres, including 47% of the Seven Troughs HMA (see attached maps). As a result, an emergency gather is needed to allow parts of the HMAs to revegetate, rehabilitated areas to become established, and to reduce pressure on the remaining native resources.

The intent of this removal plan is to outline the methods and procedures to be used in removing approximately 250 horses and 15 burros from the Seven Troughs Herd Management Area and the Lava Beds HMA. The proposed action would temporarily remove the entire horse and reduce the burro population of the Seven Troughs HMA to a number capable of being supported by the reduced resources of the area as a result of the 1999 and 2000 fires. The proposed action would reduce grazing pressure on the burned portions of Lava Beds and Seven Troughs HMAs. This action would be taken under emergency gather procedures due to the Cow Creek and the South Willow Fires. The burns included areas used preferentially by wild horses. The removal operation would be conducted no earlier than October 1, 2000.

II. PURPOSE AND AUTHORITY

The purpose of this action is to remove grazing pressure from the burned portions of the Seven Troughs HMA, and from areas in the Lava Beds HMA where displaced Seven Troughs horses have gone seeking food and water. Portions of the burned area of the allotment will be seeded and closed to livestock grazing for at least two grazing seasons to facilitate recovery of the perennial vegetation and establishment of the proposed seeding.

The authority for reduction of the wild horse population is contained in the Wild Horse and Burro Act of 1971 (Public Law 92-195) Secs. 3(a) and (b), and Title 43 of the Code of Federal Regulations-CFR4720.1(b). The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c).

III. GENERAL AREA DESCRIPTION - BACKGROUND DATA

A. Location

The Seven Troughs HMA is located about twenty miles northwest of Lovelock, entirely in Pershing County. It is bordered on the north by the Kamma Mtns. HMA to the west by the Lava Beds HMA, to the south by the Trinity Mtns. Herd Management Area (HA) and to the east by the Antelope Range HA. It consists of approximately 147,910 acres in area, both public and private. Elevations within the HMA range from a high of 7,782 feet to a low of 4,100 feet on the valley floor.

The Lava Beds HMA is adjacent to the Seven Troughs HMA; it is entirely in Pershing County. It is bordered on the north by Jungo Road, on the east by the Seven Troughs and Kamma Mountains HMAs, on the west by the Selenite HA, and on the south by the Blue Wing Mountain and the Shawave-Nightingale HMAs. Acreage is composed of

231,744 public acres and no private acreage. Elevation ranges from 4,500 feet along the valley floor to 6,832 on the mountains.

Both areas includes habitat for wild horses and burros, domestic livestock, chukar, sage grouse, deer, antelope, coyotes, and various species of birds, rodents and reptiles. Wildlife, wild horses, and burros inhabit the HMAs year-round while domestic livestock use the area year round on alternate years.

B. Vegetation

After the burns in the Seven Troughs HMA it is estimated that not enough forage would be available in the unburned areas to sustain the population of wild horses left in the HMA; there is enough forage left to sustain the wild burros in most of their respective use areas without significant damage to the remaining native vegetative resource. The establishment of seedlings and the successful recovery of the burned areas would not be attained unless grazing pressure from the wild horse population is reduced. Results of previous census indicate the burros do not use the burned area.

Seven Troughs HMA vegetation includes salt desert shrub communities at lower elevations with big sagebrush/grass communities at upper elevations. Species in the salt desert shrub community includes shadscale (Atriplex confertifolia), budsage (Artemisia spinescens), winterfat (Eurotia lanata), black greasewood (Sarcobatus vermiculatus), indian rice grass (Oryzopsis hymenoides), squirrel tail (Sitanion hystrix), bluegrass (Poa spp.) and needlegrass (Stipa spp.). The sagebrush/grass communities include low sage (Artemisia arbuscula), wyoming sagebrush (Artemisia tridentata wyomingensis), desert peach (Prunus fasciculata), green rabbitbrush (Chrysothamnus viscidiflorus), needlegrasses, basin wild rye (Elymus cinereus), squirreltail (Sitanion hystrix), indian paintbrush (Castilleja) and phlox (Phacelia). Cheatgrass (Bromus tectorium) is found at all elevations.

The Lava Beds HMA, being adjacent to Seven Troughs HMA, exhibits the same vegetation.

C. Justification

The June 2, 1999 Management Agreement For The Blue Wing and Seven Troughs Allotment Between C-Punch Corporation, Permittee, and USDI, BLM established the AML for the Seven Troughs HMA at 156 horses and 46 burros and for the Lava Beds HMA at 148 horses and 16 burros.

It is standard practice to close burned areas and particularly seedings to grazing for a minimum of two growing seasons to facilitate recovery. Wild horses present a unique challenge in terms of dealing with the recovery process of these areas. The BLM is charged with maintaining viable, free roaming, wild horse and burro populations and believes unique attributes may be lost if all of the animals are permanently removed. Sufficient information is not available to evaluate or understand this process or its importance. The BLM has elected to temporarily remove the wild horse population of the Seven Troughs HMA for a minimum of two growing seasons and remove enough burros to a level the resources will be capable of supporting, while still maintaining a viable burro population. In order to maintain a viable population of wild horses in the HMA mares between the ages of 10 and 14 years and studs between the ages of 8 and 14 years that are removed from the Seven Troughs HMA will be placed in a temporary holding facility for a minimum of two growing seasons, or until seedings have sufficiently established themselves, and then returned to the HMA.

If feasible, to help establish a relatively normal age structure for reintroduction purposes, some horses between the ages of 2-9 and of a sex ratio favoring the female at a percentage approximating 80-20 may be held at the temporary holding facility for later reintroduction into the Seven Troughs HMA. Population reduction in the Lava Beds HMA will leave the HMA slightly above AML. Fertility control research measures may be implemented in the Lava Beds HMA mares to help maintain the population at its present level.

D. Reference to Environmental Assessment (EA)

An Environmental Assessment (No. NV-020-01-01) has been prepared addressing impacts of this gather.

A Programmatic EA (No. NV-020-7-24) analyzing the environmental consequences and mitigating measures for the use of helicopters during gather operations was prepared and distributed for public comment in May 1987. After the incorporation of public comments, a Record of Decision and Finding of No Significant Impact was approved on August 4, 1987. The environmental impacts, associated with wild horse fertility control research were analyzed in a Programmatic EA (No. NV-020-00-02). A Record of Decision and Finding of No Significant Impact was approved November 11, 1999. These documents are available for review at the Winnemucca Field Office.

E. Population and Removal Data

The following table shows the most current wild horse population estimates for the capture areas. These estimates are based on a helicopter census conducted August 29, 2000.

<u>Capture Area</u>	<u>AML Horses/Burros</u>	<u>Population Estimate Horses/Burros</u>
Seven Troughs HMA	156/46	101/74
Lava Beds HMA	148/16	374/2
	<u>Estimated Number to Remove Horses/Burros</u>	<u>Estimated Post Removal Population Horses/Burros</u>
Seven Troughs HMA	101/15	0/59
Lava Beds HMA	150/0	224/2

The most recent gathers were conducted in August 1998 and October 1999. The October 1999 gather was an emergency fire removal. In August 1998 347 horses, 2 mules, and 31 burros were removed from the Seven Troughs HMA; 114 horses were returned to the HMA. In October 1999 a total of 92 horses and 42 burros were removed from the Seven Troughs HMA; 85 horses (including 8 fertility control mares from the Antelope Range Herd Area) and one jenny and her new born foal were released back into the HMA.

Captured mares nine and younger, and studs seven and younger will be shipped to the Palomino Valley Corrals and placed in the adoption program. Mares ten years old and older, as well as studs eight years old and older will initially be shipped to Palomino Valley Corrals for a veterinary check, vaccination and freeze marking after which mares 10 to 14 years old and studs 8 to 14 years old will be held at a temporary holding facility for approximately 2 years. When seedings are sufficiently established, they will be reintroduced into Seven Troughs HMA. Mares and studs 15 years old and older will be shipped to a long term care and pasturing facility.

To try and mitigate the effects of this gather on the age structure of the population some horses between the ages of 2-9 and of a sex ratio favoring the female at a percentage approximating 80-20 may be held at a temporary holding facility for later reintroduction into the Seven Troughs HMA. This skewed sex ratio in favor of the female is an attempt to offset the fact that the older age classes often favor the male by a ratio approaching 70-30. It is also recognized that it is important to have a few young males maturing in the population. Mares to be released back into the Lava Beds HMA will be treated with a fertility control drug to help control the reproduction level in the Lava Beds HMA until the next scheduled removal in 2003.

The freeze marking program conducted at the capture site will be used to identify mares if treated with the fertility control drug and released.

IV. Methods For Removal And Safety

The methods employed during this capture operation will be herding animals with a helicopter to a trap built with portable panels, or herding animals with a helicopter to ropers. The Bureau of Land Management will contract with a private party for this operation. The following stipulations and procedures will be followed during the contract to ensure the welfare, safety and humane treatment of the wild horses.

A. Trapping and Care of Animals

1. All capture attempts will be accomplished by the utilization of a helicopter. A minimum of one saddle horse shall be immediately available at the trap site to accomplish roping if necessary. Roping will be done only when necessary and only with prior approval by a BLM authorized officer. Under no circumstances shall animals be tied down for more than one hour.
2. The helicopter shall be used in such a manner that bands will remain together. Foals shall not be left behind. 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 utilized to observe the removal operations such as using observers on horseback, in vehicles and/or placing stationary observers in strategic locations.

Capture operations shall be monitored to ensure foals are not orphaned and left on the range. It will be standard practice to check for wet mares without foals or foals coming into the trap without a mare. Field personnel should provide additional on-the-ground monitoring of capture operations where possible. Additional personnel may be requested through the National Program Office (NPO) to assist with capture operations during periods when young foals are expected. If it appears that foals are being separated during the capture operations and ground monitoring will not provide adequate information to develop a solution, a monitoring helicopter may be used to determine the cause of the separations and to assist in reaching a resolution to the situation. The health and well being of the captured animals are paramount and responsibility for meeting this objective lies with the district office and

COR.

3. The rate of movement and distance that animals travel shall not exceed limitations set by a BLM employee who will consider terrain, physical barriers, weather, condition of the animals and other factors.

Temperature limitations are 0°F as a minimum and 95°F as a maximum.

The terrain in the removal areas varies from flat valley bottoms to mountainous, and the animals may be located at all elevations (ranging from 4500 feet to 7700 feet) during the time the gathering is scheduled.

Experience gained from past removals in this area indicates the proposed action may cause some stress to the animals. It will be difficult to remove animals from these areas without some concern for the welfare of the animals due to the following reasons.

- a. Excessively dusty conditions may occur in the capture area. Animals may suffer from dust pneumonia.

Prior to any gathering operation, BLM will provide for a pre-capture evaluation of existing conditions in the gather areas. The evaluation will include animal condition, prevailing temperatures, soil conditions, topography, road conditions, location of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a conclusion as to whether the level of activity is likely to cause undue stress to the animals, and whether such stress would be acceptable or whether a delay in the capture activity is warranted. If it is determined that the capture efforts necessitate the services of a veterinarian, one will be obtained before the capture will proceed.

The Contractor will be provided with a topographic map of the removal area which shows existing fences and/or physical barriers prior to any gathering operations.

The Contractor will also be appraised of the above conditions and will be given direction regarding the capture and handling of animals to ensure their health and welfare is protected.

4. It is estimated that a minimum of one trap site will be required in each capture area to accomplish the work. All trap locations and holding facilities must be approved by a BLM employee prior to construction. The Contractor may also be required to change or move trap locations as determined by the BLM. All traps and holding facilities not located on public land must have prior written approval of the landowner.

Each general site will be selected by a BLM employee after determining the habits of the animals and observing the topography of the area. Site specific locations may be selected by the Contractor with the BLM's approval within this general preselected area. Trap sites will be located to cause as little injury and stress to the animals and as little damage to the natural resources of the area as possible. Sites will be located on or near existing roads and will receive

cultural, and threatened/endangered plant and animal clearances prior to construction. Additional trap sites may be required, as determined by the BLM, to relieve stress caused by certain conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.).

Due to the many variables affecting the distribution of animals such as weather, health and condition, and time of year, it is not possible to identify specific locations at this time. They will be determined at the time of the removal operation.

5. 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, and the bottom rail of which shall not be more than 12 inches from the ground level. All traps and holding facilities shall be oval or round in design.
 - b. All loading chute sides shall be fully covered with plywood without holes or separation of plies, or like material. The loading chute shall also be a minimum of 6 feet high.
 - c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high, and shall be covered with plywood without holes or separation of plies, or like material a minimum of 1 foot to 6 feet above ground.
 - d. Wings shall not be constructed out of barbed wire or other material injurious to animals and must be approved by a BLM employee.
 - e. All crowding pens, including the gates leading to the runways, shall be covered with a material which prevents the animals from seeing out (plywood without holes or separation of plies, burlap, jute, etc.) and shall be covered a minimum of 2 feet to 6 feet above ground level. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window for brand inspection.
 - f. All pens and runways used for the movement and handling of shall be connected with hinged self-locking gates.
6. No fence modifications will be made without authorization from the BLM. The Contractor shall be responsible for restoration of any fence modifications which he has made.

If the route the Contractor proposes to herd animals passes through a fence, the Contractor shall be required to roll up the fence material and pull up the posts to provide at least a 50 yard gap. The standing fence on each side of the gap will be well flagged or covered with jute or like material for a distance of 50 yards from the gap on each side.

7. When excessively muddy conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to scatter wood shavings or straw to alleviate the problem.

When excessively dusty conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to water down the area to alleviate the problem.

8. Alternate pens within the holding facility shall be furnished by the Contractor to separate animals with small foals, sick and injured animals, and stray animals 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.
9. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the BLM 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 BLM. The Contractor shall schedule to arrive at the final destination between 6:00 a.m. and 4:00 p.m.. No shipments shall be scheduled to arrive at final destination on Sundays or Federal holidays. Animals shall not be allowed to remain standing in trucks while not in transport for a combined period of greater than 3 hours.
10. 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.

Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, rubber over metal) so as to avoid injury to animals.

11. It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
12. The Contractor shall restrain sick or injured animals if treatment by the Government is necessary. The BLM will determine if injured animals must be destroyed and provide for destruction of such animals. The Contractor may be required to dispose of the carcasses as directed by the BLM.

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. A BLM employee will have the primary responsibility for determining when an animal will be destroyed and will perform the actual destruction. When a BLM employee is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a diagnosis and final determination. Destruction shall be done in the most humane method available. A veterinarian can be called, if necessary, to care for any injured animal.

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

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

13. Branded or privately owned animals whose owners are 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.
14. Selecting pairs of mares and foals to be released back to the range as opposed to those to be shipped to PVC should consider the selective removal and the gather plan and/or herd management area plan objectives.

The following criteria shall be used to determine which animals will be returned to the range or sent to PVC:

- a. Mares older than the age group to be removed should be paired with their foals and returned to the range.
 - b. When mares older than the age group to be removed will not pair with their foals, the foals should be sent to PVC and the mares returned to the range.
 - c. When mares older than the targeted age group to be removed will accept their foals, but either the mare or the foal or both are in poor physical condition and their survival on the range is questionable, the animals should be held on site until healthy. If at the termination of the gather it still appears that the animal's survival is questionable, they should then be sent to PVC.
 - d. When mares within the targeted age group to be removed are captured and will accept her foal, the pair should be sent to PVC.
 - e. When mares within the age group to be removed are captured and will not accept the foal, both the mare and the foal should be sent to PVC.
15. When holding the animals at the capture site, every attempt will be made to pair animals at the trap site and ensure they remain paired. Although it is standard practice for the contractor to construct separate pens for holding pairs, should the COR determine it is necessary to construct special facilities beyond the contractor's capability additional portable panels are available at several districts and at PVC. It is recommended that the pen used to hold pairs be separated from the stallion pens by as great a distance as possible. It may be prudent to consider a satellite facility for the pairs removed from the main holding facility, yet within convenient access for feeding, watering, security, and observation.
 16. When releasing animals back into the HMA, every effort should be made to avoid releasing all of the pairs at once so as to avoid a herd stampede mentality. The pairs should be released slowly, preferably a pair at a time and the animals allowed to fully clear the area around the gather site before releasing the remaining mares and stallions. The order of animal release

should be adjusted to reflect the specific characteristics of each capture site and previous experience releasing animals from that site. Even with these precautions, there may be instances where foals are separated. Should some of these foals return to the trap site or be observed alone, they should be recaptured and sent to PVC.

17. Following release from the trap site, the area surrounding the trap will be monitored to determine the success of the releases prior to the contractor moving to another trap site or termination of the task order. The method of monitoring is dependent on the terrain in which the gather is being conducted and the trap site location. Monitoring should emphasize ground observation techniques and only be necessary within the immediate trap site area. In situations when ground observation is impractical due to terrain or vegetative cover, a monitoring helicopter may be employed.

B. 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 ensure that captured animals are transported without undue risk or injury.
3. Only stock trailers with a covered top shall be allowed for transporting animals from traps to temporary holding facilities. Only bobtail trucks, stock trailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates providing three compartments within the trailer to separate animals. Trailers less than 40 feet shall have at least one partition gate providing two compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and shall not be allowed.
4. All vehicles used to transport animals to the final destination shall be equipped with at least one door at the rear end of the vehicle, which is capable of sliding either horizontally or vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough, so that the animals cannot push their hooves through the sides.

The Contractor will not be allowed to begin work on the contract until all vehicles and equipment are in compliance with these stipulations.

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

The adequacy of this material will be confirmed prior to every load by a BLM employee.

6. Animals to be loaded and transported in any vehicle shall be as directed by a BLM employee and may include limitations on numbers according to age, size, temperament and animal condition. The following minimum linear feet per animal shall be allowed per standard 8 foot wide stock trailer/truck:

1.40 linear foot per adult horse (11 square feet per adult horse)

.75 linear foot per horse foal (6 square feet per horse foal)

The BLM employee supervising the loading of the animals to be transported from the trap to the temporary holding corral will require separation of small foals and/or weak animals from the rest should he/she feel that they may be injured during the trip. He/she will consider the distance and condition of the road in making this determination. Animals shipped from the temporary holding corral to the BLM facility will be separated by sex and age class (including small yearlings). Further separation may be required should condition of the animals warrant.

The BLM employee supervising the loading will exercise his/her authority to off load horses should he/she feel there are too many animals on the vehicle.

7. The BLM 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 BLM shall provide for any brand and/or inspection services required for the captured animals.

It is currently planned to ship all animals to the Palomino Valley facility. Communication lines have been established with the Palomino Valley personnel involved in off-loading the animals, to receive feedback on how the animals arrive. Should problems arise, gathering methods, shipping methods and/or separation of the animals will be changed in an attempt to alleviate the problems.

8. If a BLM employee determines that road conditions are such that 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 roads is approximately 60 miles per load.

In general, roads in the capture areas are in fair to good condition. If a problem develops, speed restrictions shall be set or alternate routes used.

Periodic checks by BLM employees will be made as the animals are transported along dirt roads. If speed restrictions are in effect, then BLM employees will, at times, follow and/or time trips to ensure compliance.

C. 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 1,000 feet or more from animals, vehicles (other than the fuel truck), and personnel not involved in refueling.

3. The BLM shall have the means to communicate with the Contractor's pilot and be able to direct the use of the gather helicopter at all times. If communications cannot be established, the Government will take steps as necessary to protect the welfare of the animals.
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 BLM violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the Contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the BLM.

V. Responsibility and Lines of Communication

The Contracting Officer's Representative, Rodger Bryan, and Project Inspectors Tom Seley, Bryan Fuell, and Nadine Edwards from the Winnemucca Field Office, have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. However, the Assistant Field Manager for Renewable Resources and the Winnemucca Field Office Manager will take an active role to ensure that appropriate lines of communication are established between the field, District, State, and Palomino Valley Corral offices. All publicity, formal public contact and inquires will be handled through the Assistant Field Manager for Renewable Resources. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals and will be enforced vigorously.

Should the Contractor show negligence and not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.

VI. Full Force and Effect

To prevent undue stress to the wild horse population and to promote the recovery of the perennial vegetative resource, this action is placed in full force and effect (43 CFR 4770.3(c)). Concurrent with this action, portions of the Blue Wing/Seven Troughs Allotment will be closed to livestock grazing for a period of time not less than two growing seasons or until rehabilitation objectives are attained in accordance with 43 CFR 4110.3-3(b) and 4160.3(f).

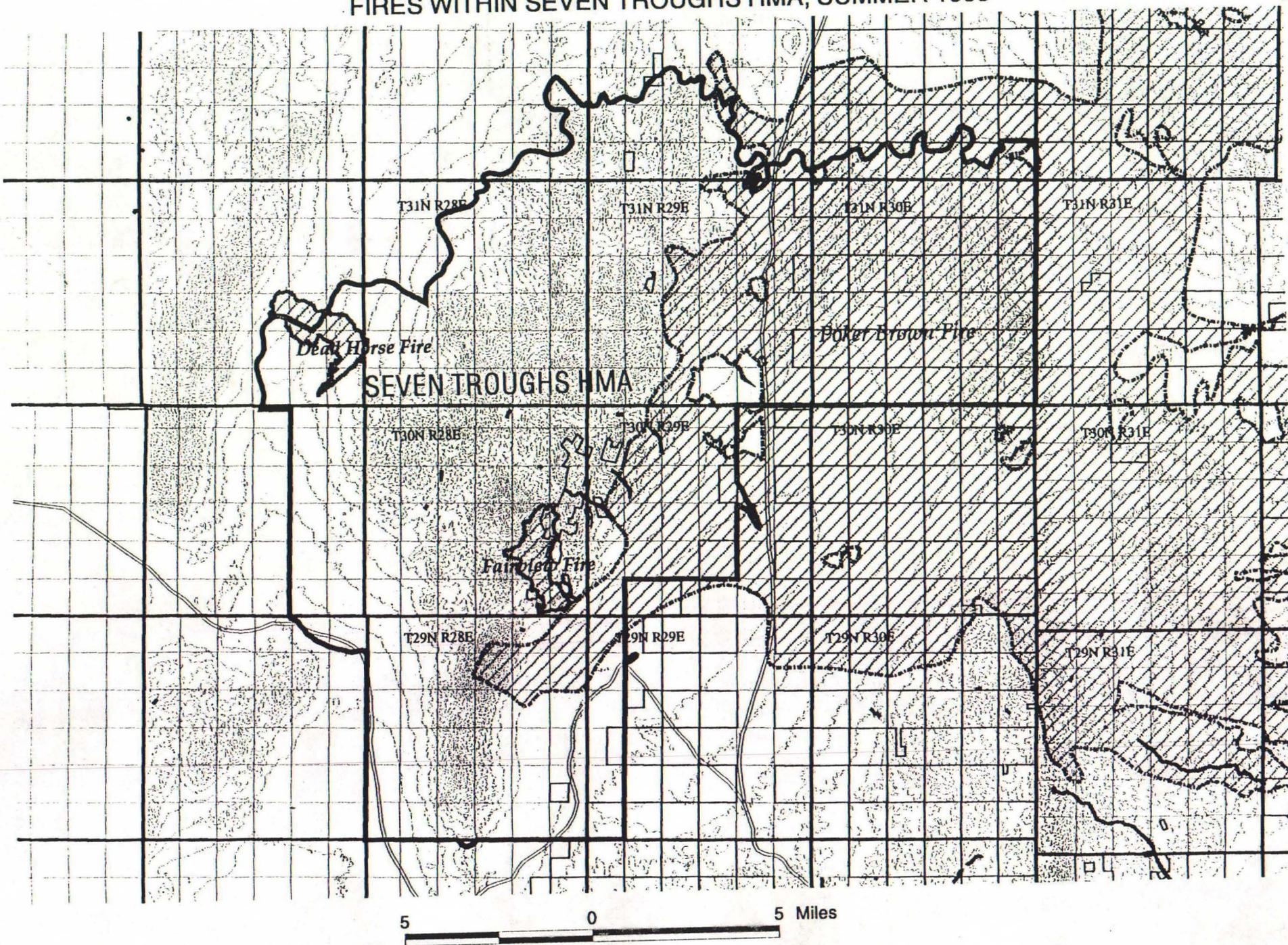
VII. Signatures:

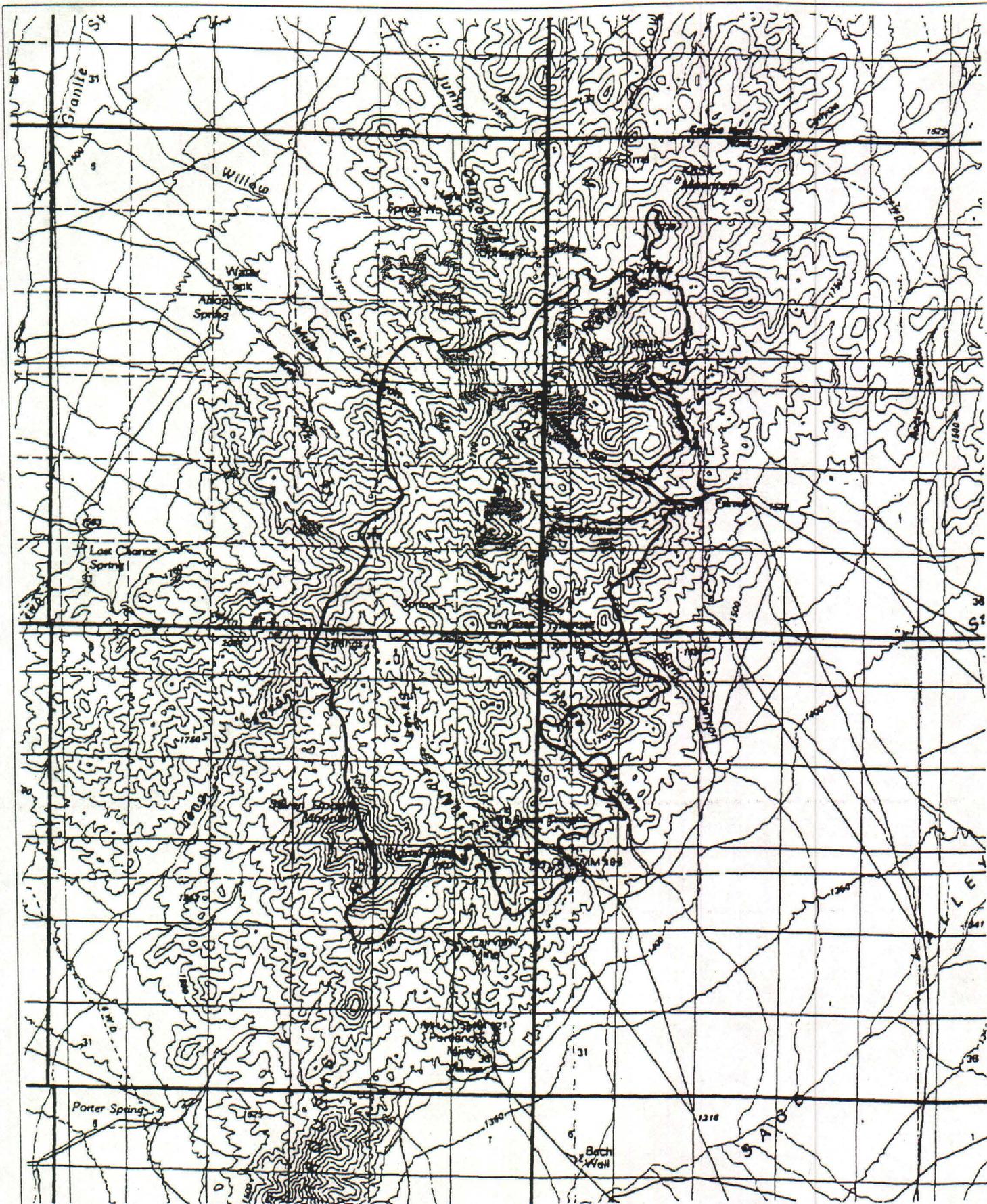
Prepared by: Nadine H. Edwards Date 10/5/00
Wild Horse and Burro Specialist
Winnemucca Field Office

Recommended by: Col. P. Chitt Date 10/5/00
Assistant Field Manager
Renewable Resources

Approved by: Jerry A. Reed Date 10/6/00
Winnemucca Field Manager

FIRES WITHIN SEVEN TROUGHS HMA, SUMMER 1999





Fire Number X-394 8/13/2000

BLM Acres 14065.44
 Private Acres 826.98
 Total Acres 14892.42

South Willow Fire

1 0 1 2 Miles



GPS Flight 8/16/2000 9:30 AM



Date 8/2/2000
Fire Number X381

BLM Acres 9977.62

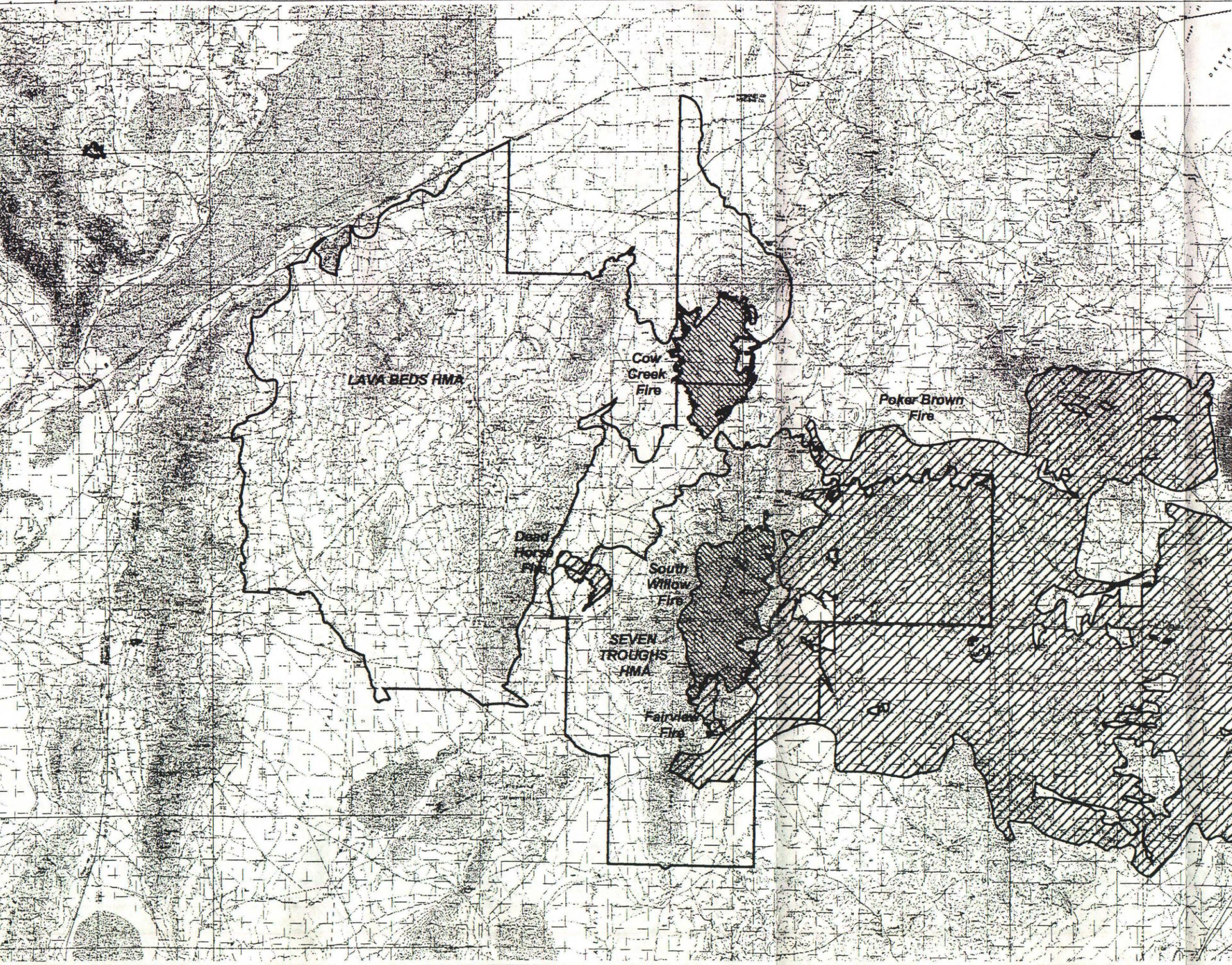
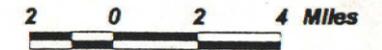


Cow Creek Fire



1999 / 2000 Fires Seven Troughs HMA and Lava Beds HMA

-  Herd Management Areas
-  Year 2000 Fires
-  Year 1999 Fires

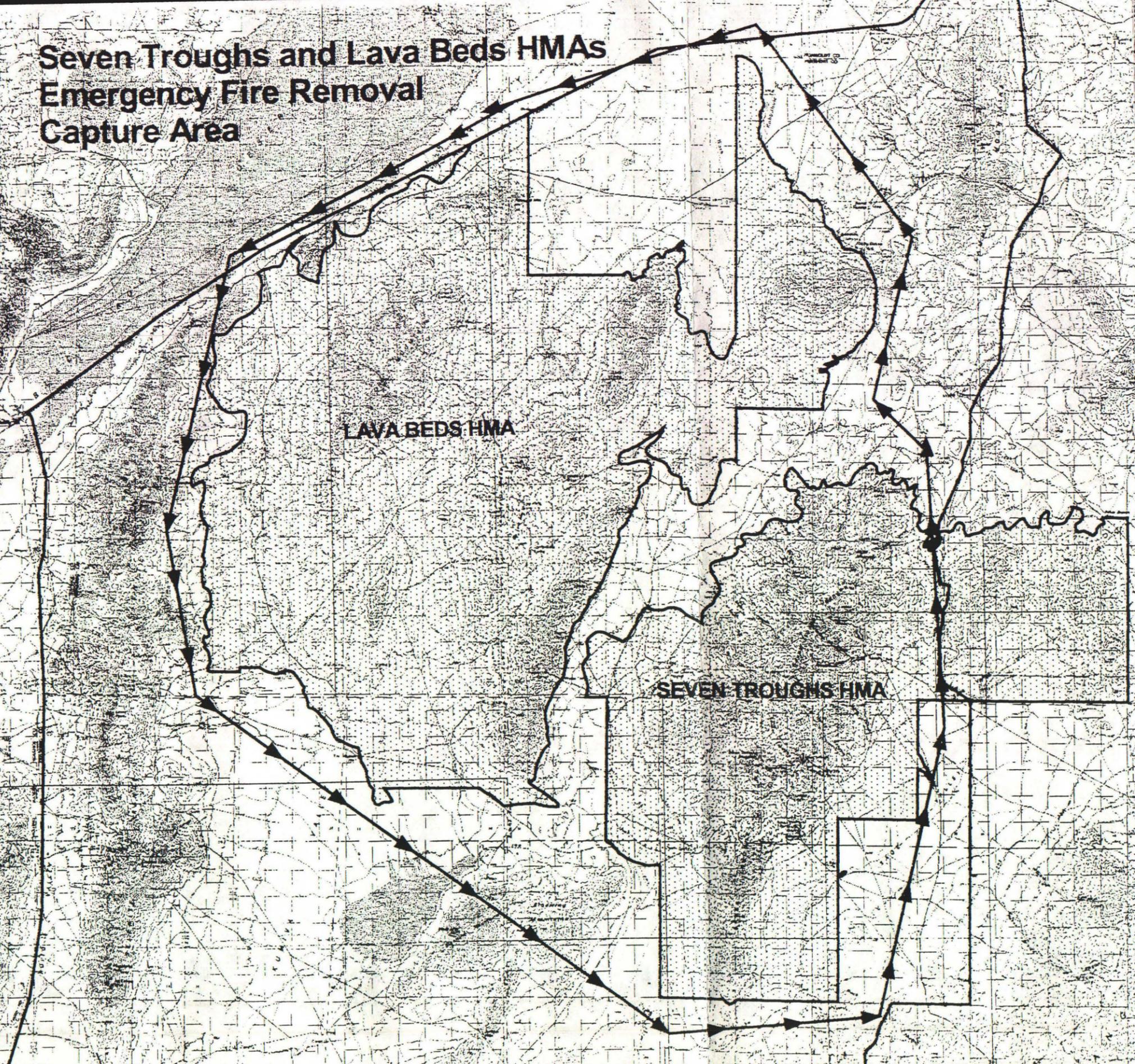


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Seven Troughs and Lava Beds HMAs Emergency Fire Removal Capture Area



LAVA BEDS HMA

SEVEN TROUGHS HMA

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- Capture Area Boundary
- ALLOTMENT FENCE
- FENCE
- PIPELINE
- Blue Wing-Seven Troughs Allotment
- HMAs

ENVIRONMENTAL ASSESSMENT
GATHER OF WILD HORSES
FROM THE SEVEN TROUGHS HERD MANAGEMENT AREA
AND
THE LAVA BEDS HERD MANAGEMENT AREA

I. DESCRIPTION OF ALTERNATIVES

A. Background Data

This Environmental Assessment (EA) has been prepared to assess the environmental impacts of gathering wild horses in the Seven Troughs Herd Management Area (HMA) and the Lava Beds HMA. This action is being implemented immediately following the Cow Creek and South Willow fires which burned approximately 24,870 public and private acres within and adjacent to the HMAs in August 2000. This EA analyzes options available to reduce grazing pressure on the native range and proposed seedings which would be established in the burned areas. This EA does not assess the impacts of different methods of gathering horses. These impacts were analyzed in a programmatic EA (No. NV-020-7-24) prepared in May 1987. After the incorporation of public comments, a Decision Record and Finding of No Significant Impact was approved on August 4, 1987 and the assessment remains valid today. It also does not assess impacts of wild horse fertility control research. These impacts were addressed in a programmatic EA (No. NV-020-00-02). After review by the public, the Record of Decision and Finding of No Significant Impact was approved November 11, 1999. These EAs are on file and available for review in the Winnemucca Field Office.

A helicopter census was conducted on the Seven Troughs HMA and the Lava Beds HMA on August 29, 2000. The results of the census are as follows:

<u>HMA</u>	<u>Horses</u>		<u>Burros</u>	
	<u>Adults</u>	<u>Foals</u>	<u>Adults</u>	<u>Foals</u>
Seven Troughs	86	15	69	5
Lava Beds	316	58	2	0

B. Purpose and Need

The June 2, 1999 Management Agreement For The Blue Wing and Seven Troughs Allotment between C-Punch Corporation, Permittee, and USDI, BLM established the AML within the Seven Troughs HMA at 156 wild horses and 46 wild burros and within the Lava Beds HMA at 148 wild horses and 16 wild burros. It is necessary to remove approximately 101 wild horses and 15 burros from the Seven Troughs HMA and 150 wild horses from the Lava Beds HMA to reduce the grazing pressure on the non-burned portions of the HMAs.

The Cow Creek and South Willow fires burned 24,043 public acres and 827 private acres within and adjacent to the Seven Troughs and Lava Beds HMAs; significant portions of the preferred horse use areas were burned. Areas in the Blue Wing/Seven Troughs Allotment in which the HMAs are located, are being closed to livestock grazing concurrently with the proposed action. In the Winnemucca Field Office, it is standard procedure to reduce or temporarily eliminate grazing in burns for a minimum of two growing seasons to facilitate

recovery of the native vegetation and the reseeded areas. The questions addressed in this EA are:

1) Would the burro population at 13 burros above the appropriate management level (AML) in the Seven Troughs HMA and the horse population at 76 horses above AML of 148 head in the Lava Beds HMA impact the recovery process? If so, how do we reduce or mitigate this impact?

2) Would reducing the horse population in the Lava Beds HMA to 224 horses, the horse population in the Seven Troughs HMA to 0 horses, and the burro population in the Seven Troughs HMA to 59 burros have adverse impacts on future population genetics, size and age structure? If so, how can we reduce or mitigate this impact?

C. Proposed Action and Alternatives

Proposed Action

Seven Troughs HMA

The proposed action is to remove approximately 16 head 0-1 year old and send them to Palomino Valley for adoption; remove 31 head aged 9-14 and place them in a long term holding facility for later reintroduction into the HMA; remove 54 head, or all the animals, in the 15+ age class and put them in a long term care and pasturing facility; and to remove 15 burros and send them to Palomino Valley for adoption. All animals removed from the HMA would first be shipped to the National Wild Horse and Burro Center at Palomino Valley for preparation and/or veterinarian checks and vaccinations.

Lava Beds HMA

Mares 9 years old and younger and studs 7 years old and younger would be removed from Lava Beds HMA and sent to Palomino Valley for adoption, with a limited number of animals being sent to long term holding for reintroduction into the Seven Troughs HMA after two growing seasons. Some mares 10-14 years old and studs 8-14 years old may be sent to a long term holding facility. Animals in the 15 plus age class would be sent to a long term care and pasturing facility.

The number of horses and burros to be removed under the proposed action would be approximately 250 horses and 15 burros. The number of animals to remain in the Seven Troughs HMA would be 0 horses and 59 burros. The number of horses to remain in the Lava Beds HMA would be 224. This would leave burros in the Seven Troughs 13 above AML and horses in the Lava Beds HMA 76 head above AML. In order to remove 150 horses from the Lava Beds HMA more than 150 would be captured. Some of these horses would be returned to the HMA. Mares returned to the HMA may be treated with a fertility control drug, as part of an ongoing research study, and freeze-marked to identify them for later observation.

The proposed removal operation would be expected to begin on or after October 15, 2000. The gather is expected to take less than a week.

Alternative I

Capture 250 horses and 15 burros from the Seven Troughs and Lava Beds HMAs, and release the animals into other areas within these HMAs or to another HMA.

Alternative II

Horses and burros would not be removed. Temporarily fence reseeded areas using electric fence and flagging to keep animals off the burned/reseeded areas.

Alternative III

Horses and burros would not be removed. Permanently fence the reseeded areas, to keep animals off the burned/reseeded areas.

Alternative IV - No Action Alternative

No wild horses or burros would be gathered. Horses and burros would be allowed to use the burn and reseeded areas at present population levels.

The proposed action and alternatives are in conformance with the Sonoma-Gerlach Land Use Plan, Decision WH&B 1.3.

II. AFFECTED ENVIRONMENT

For a description of the Seven Troughs and Lava Beds HMAs affected environment, reference the Blue Wing/Seven Troughs HMA gather plan dated December 6, 1995, part II, A,5 and the Sonoma-Gerlach Grazing EIS.

The Seven Troughs HMA was last gathered as an emergency fire removal in October 1999. A total of 94 horses aged 9 and under and 41 burros were removed from the range. Eighty-four horses and 2 burros were returned to the range.

The last gather in the Lava Beds HMA was in July 1998. A total of 271 horses aged 9 and under were removed from the range and 101 (aged 10 and over) were returned to the HMA.

The Lava Beds HMA and Seven Troughs HMA are adjacent to each other and their horse populations intermingle. It would be expected that their age structures would be very similar. The estimated age structure for the Seven Troughs and Lava Beds HMAs was determined using data collected from the 1999 Seven Troughs HMA Emergency Fire Removal. Estimated current population numbers were determined using August 2000 census data.

Seven Troughs HMA

The August census indicated 86 adults and 15 foals were in the Seven Troughs HMA. One foal and eighty-three adult horses, aged 8-20 years plus, were released back into the Seven Troughs HMA following the October 1999 Emergency Gather. It is estimated that 16 head are 1 year old or less, 31 head are between 9-14 years of age, and 54 head are 15 years of age or older.

Lava Beds HMA

The August census estimated the Lava Beds HMA horse population to be 316 adults and 58 foals. Using data from the 1999 Seven Troughs gather, it is estimated that 187 head are 0-5 years old, 34 head 6-9 years old, 60 head 10-14 years old, and 93 15 years old or older.

III. ENVIRONMENTAL CONSEQUENCES

A. Proposed Action

1. Direct Impacts

Gathering operations would result in temporary soil and vegetation disturbance, at the temporary facilities, from horse, burro and vehicle activity. Impacts to vegetation would include disturbance of native vegetation immediately in and around temporary trap sites and holding and processing facilities. These impacts would remain isolated and site specific. The opportunity for wild horse viewing after the gather would be reduced due to the lesser numbers of horses. The horses would undergo stress related to being captured and handled.

The Seven Troughs HMA wild horse herd would be totally removed with 31 horses 9-14 years old going to a long term holding facility and horses 15 years old and older going to a long term care and pasturing facility. The population of 31 plus horses reintroduced into the HMA after the 2 year recovery time would be supplemented by other horses intermingling with them from the Lava Beds HMA.

Reducing the burro population in Seven Troughs HMA to 59 animals will leave the population 13 animals over the AML of 46 burros. Burros would be removed from recovering areas of the 1999 burn in the HMA to facilitate further recovery. Burros do not use the current burned area of the HMA, therefore the additional 13 burros over AML will not affect the recovery process.

The burro reduction in the Seven Troughs HMA would not adversely impact future population genetics or herd viability. There would be less competition for water and forage resulting in a positive impact. The AML of 46 burros has been deemed a viable population.

All horses would be removed from the northeast area of the Lava Beds HMA around the Cow Creek burn. This would reduce or eliminate impact on the rehabilitation and recovery process. Horses would be removed from around Five Troughs springs area to reduce pressure on the springs. The next gather of the Blue Wing Complex, which includes Lava Beds and Seven Troughs HMAs, is scheduled for FY 2003.

Reducing the horse population to 224 in the Lava Beds HMA would have no negative impact on future population genetics or herd viability. The reduction would reduce competition for forage and water in the HMA which should have a positive impact on both the rangeland resources and on the resident horse herd. The AML of 148 horses in the Lava Beds HMA is believed to be a viable population and will preserve the unique characteristics of the herd.

In order to maintain the population genetics and viability of the Seven Troughs HMA herd to be returned to the HMA after approximately two growing seasons, all mares 10-14 years of age, and studs 8-14 years of age would be sent to a long term holding facility. If possible, some horses between 2-9 years of age and of a sex ratio favoring mares 4:1 may be held at a long term holding facility to help reestablish a normal age structure and sex ratio for horses to be reintroduced to the Seven Troughs HMA. Horses 15 years of age and over from both the Seven Troughs HMA and Lava Beds HMA would be placed at a long term care and pasturing facility.

2. Indirect Impacts

Several indirect impacts may occur.

a. Wild Horses

The reduction in horse numbers would bring the forage demand closer to the forage production capability of the range. This would aid in achieving proper forage utilization levels and resource objectives of the Land Use Plan and allotment specific objectives.

Reproductive rates in mares not treated with the immunocontraceptive drug may increase somewhat and productivity in untreated older age class mares may increase due to increased forage availability and better nutrition; more untreated older mares would cycle and produce foals. It is estimated that nine out of 10 treated mares would not produce a foal next year.

The majority of the herds experience increased reproductive success the year following the removal and all experience reproductive success in subsequent years. Reproductive rates varied from approximately 10 to 31 percent, depending on environmental variables such as winter weather and forage production. Older horses may experience somewhat greater longevity due to decreased competition for forage and water, especially after reseeded areas are rehabilitated and reopened to grazing.

b. Vegetation, soil and watershed

Removal of all horses from the Seven Troughs HMA and 150 head from the Lava Beds HMA would result in a reduction of grazing demand. It is hoped that this reduced level of grazing would increase the chances for successful seedling reestablishment in the rehabilitated areas. Continuing the management policies outlined in the final multiple use decision for the Blue Wing/Seven Troughs allotment would contribute toward an improvement in ecological condition and associated benefits of improved watershed condition and improved water quality through the reduction of the sediment and total dissolved solid loads in the surface runoff. Seeding along with livestock restrictions and horse population reductions would result in establishment of healthy new growth and would reduce erosion due to the fires.

c. Wildlife and Livestock

The proposed action would result in an increase in quantity and quality of forage available to livestock and wildlife once rehabilitation objectives are achieved.

d. Cultural Resources and Threatened and Endangered Species

An inventory for cultural resources and T&E and sensitive species would be conducted prior to any surface disturbance activity. Proposed trap sites would be inventoried for cultural resources in consultation with the Field Office Archeologist. Any resources located would be avoided.

e. Mitigating Measures and Residual Impacts

The following mitigating measures would be a part of the proposed action:

- 1). Cultural resource and T&E inventories would be conducted prior to setting up capture and holding facilities. Any resources identified would be avoided.
- 2). No surface disturbing activities are anticipated. Unanticipated surface disturbing activities would be approved only after cultural and T&E clearance.
- 3). All phases of the gather and processing operation would be carried out according to Bureau policy with the intent of conducting a safe and humane operation.
- 4). Wild horse distribution and behavior would be monitored following the removal. A fixed wing aircraft flight would be scheduled one week after the completion of the gather and at other times as needed for data collection. Horse behavior would also be monitored from the ground at least monthly when possible. From ground and aerial observations, the following data would be collected and analyzed: average band size, distribution, production, and reproductive and survival rates.

3. No Impacts

The following critical elements would not be affected: Visual Resources, Air Quality, ACEC, Farmlands, Flood plains, Native American Religious Concerns, Solid or Hazardous Wastes, Wild and Scenic Rivers, Paleontological Resources, Wilderness, Noxious Weeds and Environmental Justice.

B. Alternatives

Alternative I

Direct Impacts

Even if suitable rangeland were available to which the horses could be relocated, relocation is a considerable risk to the population. Horses will normally try to return to their historical areas of use. This has resulted in horses becoming trapped by fences, ending up on highway rights of way and dying of water deprivation.

Indirect Impacts

All other HMAs within the Winnemucca Field Office are at or above AML, and there is no other HMA which could absorb an additional 250 horses and 15 burros.

Alternative II

Direct Impacts

Temporary fences have not worked well to keep domestic livestock out of burns and reseeded areas. Due to this experience, it is believed that it will not work to keep

horses out either. The rehabilitated areas would therefore not become established, resulting in decreased forage availability for all herbivores.

Indirect Impacts

This alternative would probably result in flagging and electric fence wire being scattered through the area. Electric fences cost about 50% more than regular barbed wire fences, and they have a high maintenance requirement.

Alternative III

Direct Impacts

Wild horse populations would be adversely affected by permanent fencing. Seasonal movement patterns, which are essential to the long term welfare of the horses, would be impaired. Additional fencing would be in direct conflict with the Land Use Plan which directs the BLM to maintain "Free-roaming behavior".

Indirect Impacts

Fencing of the seeded areas and excluding of both domestic livestock and wild horses would result in providing the recovery process the best chance of success.

Alternative IV

Direct Impacts

Not gathering the horses and burros would result in damage to the rehabilitated area and concentrate animals on the unburned portion of the HMA. It may cause animals to go outside the HMA in search of forage. Experience has shown that wild horses may concentrate on seedings and retard or prevent the recovery process. Observations on reclaimed mining areas within the Bottle Creek Allotment showed that the reclaimed/seeded areas were preferred use areas and grazed heavily.

Indirect Impacts

The wild horse population would be concentrated on less available acreage due to the burned areas. Although it is unlikely that their use of these areas would result in damage this winter, it is probable that their use of the seeded areas next spring and summer would result in damage.

Decision Record
Gather and Selective Removal of Wild Horses
from the Snowstorm Mountains Herd Management Area

I. Proposed Action and Alternatives

- A. Proposed Action - The proposed action is to remove approximately 250 wild horses and 15 burros from the Seven Troughs and Lava Beds HMAs within the Blue Wing/Seven Troughs Allotment. All horses, estimated to be 101 adults and foals, would be removed from Seven Troughs HMA with mares aged 9 and under and studs aged 7 and under would go to the National Wild Horse and Burros Center at Palomino Valley for adoption. Mares 10-14 years of age and studs 8-14 years of age would go to a long term holding facility for later return to the HMA. Horses 15 years of age and older would go to a long term care and pasturing facility. All burros gathered would go to Palomino Valley for adoption. Approximately 150 horses would be removed from the Lava Beds HMA. Mares aged 9 and younger and studs aged 7 and younger would go to Palomino Valley for adoption. Some mares 10-14 years old and some studs 8-14 years old may go to a long term holding facility for later return to the Seven Troughs HMA. All horses 15 years of age and older would go to a long term care and pasturing facility. Fertility control may be implemented on some of the horses returned to the Lava Beds HMA.

This removal is driven by the burning of approximately 78,849 acres within the HMAs during the 1999 and 2000 fire seasons, and the reseeded of portions of those acres.

- B. Alternative I - Horses and burros would not be removed - they would be gathered and relocated either within the HMA(s) or into some other HMA.
- C. Alternative II - Horses and burros would not be removed - temporary fencing would be installed in an attempt to keep the horses off the burned/seeded areas.
- D. Alternative III - Horses would not be removed - permanent fencing would be constructed to protect selected burned and seeded areas.
- E. Alternative IV - No Action Alternative. No wild horses or burros would be gathered. No attempt would be made to keep horses and burros off burned or seeded areas. Population control would be left to natural processes.

II. Decision and Rationale

The decision is to adopt the proposed action. Alternative I is rejected because suitable areas are not available for relocation, and the risks of relocation are unacceptable. Alternative II is rejected as this action is too labor intensive and there is a low probability of success. Alternative III is rejected due to the impacts on the wild horse population. Alternative IV is rejected due to the potential impact of the horses on the rehabilitated areas of the burn.

III. Mitigation, Monitoring and Compliance

The following mitigating measures will be a part of the proposed action:

1. Cultural resource and T&E and sensitive species inventories will be conducted prior to setting up gathering and holding facilities. Any resources identified will be avoided.
2. No surface disturbing activities are anticipated. Unanticipated surface disturbing actions will be approved only after cultural and T&E/sensitive species clearance.
3. All phases of the gather, capture and processing operation will be carried out according to Bureau policy with the intent of conducting as safe and humane an operation as possible.
4. Horse and burro distribution and behavior will be monitored from the air and ground following the removal.

IV. Finding of No Significant Impact

The proposed action is in conformance with the Sonoma-Gerlach Land Use Plan. Based on the EA, and in accordance with section 102(2)(c) of the National Environmental Policy Act, no significant environmental impacts will result and an EIS in addition to this EA is not required. This action is placed in Full Force and Effect in accordance with the provisions of 43 CFR 4770.3(c).



Colin P. Christensen
AFM, Renewable Resources
Winnemucca Field Office

10/5/00
Date