



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
<http://www.nv.blm.gov/winnemucca>

In Reply Refer To:
4700 (NV-022-41)

November 5, 2001

Dear Interested Party:

The Winnemucca Field Office is planning an emergency removal of wild Horses from the East Range Herd Area (HA). This removal is driven by the burning of more than 75,000 acres in the HA during the 2001 fire season, the proposed construction of a rehabilitation fence around the burn, and the fact that the HA, as decided in the Sonoma-Gerlach Land Use Plan decision, is managed for zero horses. The gather is expected to begin no earlier than November 5, 2001 and conclude by November 8, 2001.

Enclosed are the Capture Plan/Environmental Assessment, the Finding of No Significant Impact/Decision of Record, and the Notice of Full Force and Effect Decision pertaining to this gather. If you have any question, please feel free to contact Rodger Bryan or Nadine Edwards of this office at (775) 623-1500.

Sincerely,

Colin P. Christensen
Assistant Field Mgr, Renewable Resources
Winnemucca Field Office

EAST RANGE HA

(NV-225)

EMERGENCY BURN/REHABILITATION

WILD HORSE REMOVAL PLAN/ENVIRONMENTAL ASSESSMENT

NV-020-02-01

November 2001

WINNEMUCCA FIELD OFFICE

I. Introduction /Purpose and Need

Introduction

The East Range Herd Area (HA) is managed by the Winnemucca Field Office (WFO) of the Bureau of Land Management. The HA consists of approximately 451,864 acres of which approximately 73% is public land. The East Range HA is bordered on the west by the Buena Vista Valley, on the north by Interstate 80, on the east by Grass Valley/Pleasant Valley, and on the south by the Stillwater Range and the North Stillwater Herd Management Area (HMA). Parts of Rawhide, Klondike, Star Peak, Dolly Hayden, Goldbanks, and Pleasant Valley Allotment are included in the East Range HA (Map 1). The HA is in a checkerboard land pattern area.

Purpose and Need

During the 2001 fire season, the Spaulding Fire consumed a total of 75,137 acres entirely in the East Range HA (Map 1). As a result, a fence is proposed to be constructed around the burned area. An emergency gather would be needed to keep the horses out of the newly fenced area, allowing parts of the HA to revegetate, rehabilitated areas to become established, and pressure on the remaining native resources to be reduced.

The WFO proposes to remove the entire wild horse population from the East Range HA to comply with the decision of the Sonoma-Gerlach Resource Area Land Use Plan (LUP) to manage for zero horses. All activities will be conducted according to a specified set of standardized operating procedures (SOPs) (Appendix I).

Land Use Plan Conformance Statement

The Sonoma-Gerlach Resource Area LUP, which directs the management in the project area, was approved July 9, 1982. It includes the Sonoma-Gerlach Resource Area Management Framework Plan and the Final Grazing Environmental Impact Statement (EIS). The Proposed Action is in conformance with this Plan and is consistent with federal, state, and local laws, regulations, and plans to the maximum extent possible.

Relationship to Statutes, Regulations, Policies, Plans, Or Other Environmental Analyses

An environmental analysis (EA) (Winnemucca District Wild Horse/Burro Removal Programmatic EA, No. NV-020-7-24) was completed in August 1987. This analysis covered the impacts of various removal methods on wild horses, and other critical elements of the human environment. Due to the age of the Programmatic EA, this environmental assessment is being prepared.

II. Alternatives Including the Proposed Action

The Proposed Action and alternatives represent a reasonable range of alternatives based on the issues and objectives identified in the Emergency Stabilization and Rehabilitation Plan EA (NV-020-01-54) and the Sonoma-Gerlach LUP which can be reviewed in the WFO.

Proposed Action

The Proposed Action would be to gather and remove all horses within the East Range HA, approximately 50 horses, sort them as to age, sex, temperament and/or physical condition, and transport them to a BLM adoption preparation/holding facility.

Multiple capture sites (traps) may be used to capture wild horses from the HA. Actual trap site locations would be determined after the contract is ordered. All capture and handling activities (including capture site selections) would be conducted in accordance with the SOPs described in Appendix I. Selection of capture sites and techniques would be based on several factors such as the season of removal, condition of animals, herd health, and environmental considerations.

The Proposed Action would be implemented no sooner than November 5th 2001.

Alternative 1 (Moving Horses)

Alternative 1 is to push the horses north or south of the burned area and the proposed rehabilitation fence. A helicopter would be used to push the horses to the appropriate area. No removal of horses would be accomplished and they would remain in the HA in violation of the LUP.

Alternative 2 (No Action)

This alternative would consist of no removal of horses from the East Range HA. Wild horses would be allowed to remain in the HA in violation of the LUP.

This alternative was eliminated from further consideration due to the inability to achieve the objectives stated in the Emergency Stabilization and Rehabilitation Plan EA. Horses trapped inside the proposed rehabilitation fence could run out of feed before the spring green-up, resulting in death by starvation.

III. Affected Environment

The East Range HA is located in the eastern part of Pershing County. It can be easily accessed from Grass Valley/Pleasant Valley Road on the east side of the range and the

Mill City/Unionville Road on the west side. The HA consists of approximately 451,864 acres of which approximately 73% is public land and 27% is private land (Map1). It consists of a north-south trending mountain range with valleys to the east and west of it. Annual precipitation is less than 10 inches and temperatures reach over 100 degrees in the summer and fall below zero degrees in the winter. Elevation ranges from approximately 8,419 feet on Cinnabar Ridge to about 4,100 feet in Buena Vista Valley. The area is utilized by domestic livestock and numerous wildlife species.

The last time the East Range HA was gathered was in 1986 when 588 horses were removed. Since that time only one horse has been removed in 1989. Some horses were missed during the gather resulting in the current population. The estimated current population numbers were determined by a partial helicopter census on September 6, 2001 and a ground count conducted on October 5, 2001.

Vegetation, Soil, and Water

After the burns in the East Range HA it is estimated that the remaining forage, and the revegetation and establishment of new seedlings would be unfavorably impacted if horses were to remain in the HA. Successful recovery of the area would be jeopardized.

The East Range HA 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*), squirreltail bottlebrush (*Sitanion hystrix*), bluegrass (*Poa spp.*), and Thurber's needlegrass (*Stipa thurberana*). The sagebrush/grass community includes Wyoming big sagebrush (*Artemisia tridentata wyomingensis*), mountain big sagebrush (*Artemisia vaseyana*), green rabbitbrush (*Chrysothamnus arbuscula*), needlegrass (*Stipa spp.*), bluebunch wheatgrass (*Agropyron spicatum*), and Idaho fescue (*Festuca idahoensis*). Juniper (*Juniperus spp.*) is also found in the upper elevations.

The majority of the soils in the East Range HA are desert soils developed under low precipitation with minimal topsoil development--Aridisols, Mollisols, and Entisols. The soils are mostly fine textured with severe erosion potential when disturbed. The major ecological sites for the fire are 024XY030 shallow calcareous loam, 024XY031 shallow calcareous loam, and 024XY021 loamy slope.

There are numerous perennial waters in the HA. They consist of springs and streams.

Migratory Birds

Executive Order titled "Responsibilities of Federal Agencies to Protect Migratory Birds," signed January 10, 2001, requires that the BLM evaluate the effects of Federal actions on migratory birds. No migratory bird inventory has been completed for the HA area.

Common migratory birds which may use the area as habitat include various song birds, owls, blackbirds, crows ravens, hawks, various species of ducks, finches, doves, juncos, killdeer, robins and meadowlarks.

Wildlife

Numerous species of wildlife can be found in the HA. They include mule deer, desert bighorn sheep, pronghorn antelope, mountain lions, bobcats, coyotes, chukar, California quail, sage grouse and many smaller, non-game mammals, birds, and reptiles.

Wilderness

There is no Wilderness or Wilderness Study Area in the East Range HA.

Noxious Weeds and Invasive Non-Native Species

Noxious weeds and invasive non-native species introduction and proliferation is a growing concern among local and regional interests. A noxious weed survey, including invasive and non-native species on the East Range has been partially completed. This survey indicated that the following state listed noxious weeds occur:

Noxious Weeds

<u>Common Name</u>	<u>Scientific Name</u>
chickweed	<i>Cerastium spp.</i>
hoary Cress	<i>Cardaria draba</i>
tamarisk	<i>Tamarix ramosissima Ledeb</i>
Scotch thistle	<i>Onopordum ananthium L.</i>
tall white top	<i>Lepidium latifolium L.</i>

Threatened/Endangered and Sensitive Species

There are no Threatened and Endangered Species in the proposed capture area. U.S. Fish and Wildlife Service Species of Concern and/or BLM Sensitive Species that may occur in the project area are as follows:

Species of Concern

	<u>Common Name</u>	<u>Scientific Name</u>
Mammals	pygmy rabbit	<i>Brachysagus idahoensis</i>
	spotted bat	<i>Euderma maculatum</i>

	Small-footed myotis	<i>Myotis ciliolabrum</i>
	long-eared myotis	<i>Myotis evotis</i>
	fringed myotis	<i>Myotis thysanodes</i>
	long-legged myotis	<i>Myotis volans</i>
	pale Townsend's big-eared bat	<i>Plecotus townsendii pallescens</i>
	Pacific Townsend's big-eared bat	<i>Plecotus townsendii townsendii</i>
Birds	northern goshawk	<i>Accipiter gentilis</i>
	western burrowing owl	<i>Athene cunicularia hypugea</i>
	black tern	<i>Chlidonias niger</i>
	white-faced ibis	<i>Plegadis chihi</i>
	ferruginous hawk	<i>Buteo regalis</i>
	least bittern	<i>Ixobrychus exilis herperis</i>
	sage grouse	<i>Centrocercus urophasianus</i>
Plants	windloving buckwheat	<i>Eriogonum anemophilum</i>
	Nevada oryctes	<i>Oryctes nevadensis</i>
	Eastwood's milkweed*	<i>Asclepias eastwoodiana</i>

* BLM sensitive species

No on-the-ground field investigations have been conducted for sensitive plant and animal species. However, according to the Nevada Threatened and Endangered Plant Map Book and Nevada Natural Heritage's data base (March 2000), no endangered, threatened, candidate, or sensitive species, other than sage grouse, have been observed in the HA.

Cultural Resources

A cultural resources investigation by an archaeologist or archaeologist technician would be conducted prior to any trap or holding facility construction.

Wild Horses

Wild horses are an introduced species within North America and have few natural predators. Few natural controls act upon the wild horse herds making them very competitive with native wildlife and other living resources, such as livestock, managed by the BLM. The estimated wild horse population for the allotments that are addressed in this analysis within the East Range HA shown below are from a helicopter census conducted in September 2001 and an on-the-ground observation conducted in October 2001.

East Range HA

<u>Allotment</u>	<u>Estimated 2001 Population</u>
Gold Banks	5
Pleasant Valley	35
<u>Rawhide</u>	<u>8</u>
TOTAL	48

The following critical elements of the human environment are not present and/or affected by the proposed action: air quality, areas of critical environmental concern, environmental justice, prime or unique farm land, flood plains, migratory birds, native American religious concerns, and water quality, or wild and scenic rivers.

IV. Environmental Consequences

Vegetation, Soil, and Water

The proposed action or alternative 1, coupled with livestock restrictions, would result in a reduction of grazing demand on the rehabilitated area, allow for revegetation and the establishment of new seedlings, and reduce erosion due to the fires. It would also result in an increase of water availability due to reduced competition for available water sources.

Impacts to vegetation with implementation of the proposed action or alternative 1 could include disturbance of native vegetation immediately in and around temporary trap sites, and holding and processing facilities. Impacts are created by vehicle traffic and hoof action of penned horses, and can be locally severe in the immediate vicinity of the corrals or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Any impacts would remain site specific and isolated in nature. Most trap sites or holding facilities are selected to enable easy access by transportation vehicles and logistical support equipment, and would therefore generally be adjacent to or on roads, pullouts, water haul sites, or other flat spots which were previously disturbed.

Wildlife

The proposed action or alternative 1 would result in reduced competition with wildlife in the burned area, which would increase the quantity and quality of available forage. Impacts to wildlife would be potential disturbance from the helicopter and increased traffic. These disturbances would be during the capture period only.

Wilderness

There is no Wilderness or Wilderness Study Area associated with the East Range HA.

Noxious Weeds and Invasive Non-Native Species

Noxious weed impacts associated with the proposed action or alternative 1 include potential importation or transportation of new species of weeds to the East Range HA, spread of existing noxious weed seeds and plant part to new areas in the HA, and increases in the size of existing weed infestation sites. These impacts would potentially be accomplished by contractor vehicles and livestock entering the capture area.

Migratory Birds

The proposed action should not impact migratory bird populations.

Cultural Resources

No impacts to cultural resources are anticipated as a result of the proposed action or the alternatives. All trap sites and holding facilities would be inventoried for cultural resources prior to construction. The WFO archeologist will review all proposed trap site(s) and holding facility locations to determine if these sites have had a cultural resources inventory, and/or if a new inventory is required. If cultural resources are encountered at proposed trap site(s) or at the holding facility location, that location would not be utilized unless it could be mitigated to avoid impacts to cultural resources.

Wild Horses

Impacts to wild horses under the proposed action or alternative 1 may occur. They include: handling stress associated with the movement, capture, processing, and transportation of animals, and potential injuries from colliding with unfamiliar fences if alternative 1 would be selected. The intensity of these impacts vary by individual, and are indicated by behaviors ranging from nervous agitation to physical distress. Mortality of individuals from this impact is infrequent but does occur in one half to one percent of horses gathered in a given round-up.

One impact which can occur to horses after the initial stress event may include spontaneous abortions in mares. This impact is known to occur intermittently during wild horse gather operations. Traumatic injuries do not occur in most cases, however, they do occur. Injuries typically involve bite and/or kicking bruises which do not break the skin. The frequency of occurrence of these impacts among a population varies with the individual. Spontaneous abortion events among mares following capture is very rare.

V. Cumulative Impacts (Proposed Action & Alternatives)

Cumulative impacts are impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future

actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Implementation of the Proposed Action would eliminate the wild horse population in the East Range HA in compliance with the LUP, and ultimately help to return the area to a thriving natural ecological balance. Keeping animals out of the fenced burned area would allow for the revegetation and establishment of seedlings.

Adverse impacts to vegetation with implementation of the proposed action or alternative 1 would include disturbance of native vegetation immediately in and around temporary trap sites, and holding and processing facilities. Impacts created by vehicle traffic, and hoof action of penned horses, can be locally severe in the immediate vicinity of the corrals or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Any impacts would remain site specific and isolated in nature. Most trap sites or holding facilities are selected to enable easy access by transportation vehicles and logistical support equipment, and would therefore generally be adjacent to or on roads, pullouts, water haul sites, or other flat spots which were previously disturbed. These common practices would minimize the cumulative effects of the impacts. The impacts associated with this gather should be relatively minor due to the low number of horses to be gathered and the short duration of the gather.

Past, present, and reasonably foreseeable activities which would be expected to contribute to the cumulative impacts of implementing the proposed action include: continued livestock grazing in the allotments and increased recreational uses. These past, present, and reasonably foreseeable activities would be expected to generate cumulative impacts to the proposed action by influencing the habitat quality, abundance and continuity for the East Range HA area.

Cumulative impacts would be expected to be marked by changes occurring slowly over time. The WFO would continue to identify these impacts as they occur, and mitigate them as needed on a project specific basis to maintain habitat quality. The proposed action would contribute to the cumulative impacts of future actions by establishing a process whereby biological issues associated with habitat fragmentation would become apparent sooner and mitigating measures implemented more quickly.

VI. Consultation and Coordination

List of Preparers

Nadine Edwards	Wildlife Biologist (Wild Horse & Burro Specialist)
Rodger Bryan	Supervisory Fish and Wildlife Biologist
Tom Seley	Wild Horse & Burro Specialist

Bryan Fuell	Wild Horse & Burro Specialist
Jeff Johnson	Environmental Coordinator
Peggy McGuckian	Archeologist
Barbara Keleher	Recreation Specialist
Ron Pearson	Range Management Specialist
Everett Bartz	Range Management Specialist
Chuck Neill	Weeds

List of Public Consulted

Michael Burke	Rancher
Diana Vesco	Rancher
Robert Vesco	Rancher
Fillis Takacs	Rancher
Marty Landa	Ranch Manager

VII. Mitigation Measures

The proposed action incorporates proven standard operating procedures as mitigating measures which have been developed over time. These SOPs (Appendix I) represent the "best methods" for and reducing impacts associated with gathering, handling, and transporting horses. Additional mitigation measures are not warranted.

APPENDIX I. STANDARD OPERATING PROCEDURES

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

Gathers are normally conducted for one of the following reasons:

1. Regularly scheduled gathers to obtain or maintain the Appropriate Management Level (AML).
2. Drought conditions that could cause mortality to WH&B due to the absence of water or forage, and where continued grazing may result in a downward trend to the vegetative communities due to plant mortality and reduced vigor and productiveness.
3. Fires that remove forage to the extent that there is inadequate forage to sustain the population or to allow recovery of native vegetation.
4. Utilization levels that reach a point where a continued increase in utilization would cause a downward trend in the plant communities and impede meeting standards for rangeland health.
5. Monitoring indicates the WH&B use would begin to cause a downward trend in riparian function or not permit the recovery of riparian vegetation determined to be in undesirable condition.

A. Capture Methods Used In The Performance Of A Gather - Contract Operations

1. Helicopter - Drive Trapping

Capture attempts may be accomplished by utilizing a helicopter to drive animals into a temporary trap. If this method is selected the following applies:

- a. A minimum of two saddle-horses shall be immediately available at the trap site to accomplish roping if necessary. Roping shall be done as determined by the BLM. Under no circumstances shall animals be tied down for more than one hour.
- b. The contractor shall assure that bands remain together, and that foals shall not be left behind.

- c. A domestic saddle horse(s) may be used as a pilot (or "Judas") horse to lead the wild horses into the trap. Individual ground hazers may also be used to assist in the gather.

2. Helicopter - Roping

Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If this method is selected the following applies:

- a. Under no circumstances shall animals be tied down for more than one hour.
- b. The contractor shall assure that bands remain together, and that foals shall not be left behind.

3. Bait Trapping

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

- a. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc. that may be injurious to animals.
- b. All trigger and/or trip gate devices must be approved by the BLM prior to capture of animals.
- c. Traps shall be checked a minimum of once every 10 hours.

B. BLM conducted Helicopter - Non-Contract Operations

1. Gather operations will be conducted in conformance with the Wild Horse and Burro Aviation Management Handbook (March 2000).
2. Two-way radio communication between the helicopter and the ground crew will be maintained at all times during the operation.

C. Safely and Communications

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

- a. The proper operations, service, and maintenance of all contractor furnished property is the responsibility of the contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment which, in the opinion of the BLM violates contract rules, is unsafe or otherwise unsatisfactory. In this event the contractor will be notified in writing to furnish replacement personnel or equipment within 48 hours of notification. The BLM must approve all such replacements in advance of operation.
 - b. The contractor shall obtain the necessary FCC licenses for the radio system.
 - c. All accidents occurring during the performance of any delivery order shall be immediately reported to the BLM.
2. Should the helicopter be employed, the following will apply:
 - a. The contractor must operate in compliance with all applicable federal, state, and local laws and regulations.
 - b. Fueling operations shall not take place within 1,000 feet of the animals.

D. Trapping and Care

1. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:
 - a. All trap and holding facility locations must be approved by the BLM 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.
2. The rate of movement and distance the animals travel shall not exceed limitations set by the BLM, who will consider terrain, physical barriers, weather, condition of the animals and other factors.
3. All traps, wings, and holding facilities shall be constructed, maintained, and operated to handle the animals in a safe and humane manner and be in accordance with the following:
 - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall be not less than 72 inches high for horses and 60

inches high for burros, and the bottom rail of which shall be not more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.

- b. All loading chute sides shall be a minimum of 6 feet high and shall be fully covered with plywood (without holes) or like material.
 - c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses and 5 feet high for burros and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 6 feet above ground level for horses and 1 foot to 5 feet for burros. The location of the government furnished portable restraining chute to restrain, age, or provide additional care for animals shall be placed in the runway in a manner as instructed by or in concurrence with the BLM.
 - d. All crowding pens, including the gates leading to the runways, shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 2 feet to 6 feet above ground level for horses and 1 foot to 5 feet for burros. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.
 - e. All pens and runways used for the movement and handling of animals shall be connected with hinged, self-locking gates.
- 4. No fence modifications will be made without authorization from the COR/PI. The contractor/BLM shall be responsible for restoration of any fence modification which he has made.
 - 5. When dust conditions occur within or adjacent to the trap or holding facility, the contractor/BLM shall be required to wet down the ground with water.
 - 6. Alternate pens within the holding facility shall be furnished by the contractor to separate mares or jennies with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted by age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government will require that animals be restrained for the purpose of determining an animal's age or other similar practices. In these instances, a portable restraining chute will be provided by the government. Alternate pens shall be furnished by the contractor to hold animals if the specific gathering requires the animals be released back into the capture area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the

contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the BLM.

7. The contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum 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.
8. It is the responsibility of the contractor/BLM to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
9. The contractor/BLM shall restrain sick or injured animals if treatment is necessary. A veterinarian may be called to make a diagnosis and final determination. Destruction shall be done by the most humane method available. Authority for humane destruction of wild horses (or burros) is provided by the Wild Free-Roaming Horse and Burro Act of 1971, Section 3(b)(2)(A), 43 CFR 4730.1, BLM Manual 4730 - Destruction of Wild Horses and Burros and Disposal of Remains, and is in accordance with BLM policy as expressed in Instructional Memorandum No. 98-141.

Any captured horses that are found to have the following conditions may be humanely destroyed:

- a. The animal shows a hopeless prognosis for life.
 - b. Suffers from a chronic disease.
 - c. Requires continuous care for acute pain and suffering.
 - d. Not capable of maintaining a body condition rating of one.
 - e. The animal is a danger to itself or others.
10. 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 to be released back into the HMA following gather operations may be held up to 21 days or as directed by the BLM. 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 shipment of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sundays or Federal holidays, unless prior approval has been obtained by the BLM. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be

released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the BLM.

11. The BLM will issue a Notice of Intent to Impound Unauthorized Livestock prior to all gathers. Branded or privately owned animals whose owners are known will be impounded by the 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.

E. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The contractor shall provide the BLM with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.
3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.
4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the BLM.

5. Floors of tractor-trailers, stock trailers, and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.
6. Loading and transporting of animals in any trailer shall be directed by the BLM and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The following minimum square feet per animal shall be allowed in all trailers:
 - 11 sq. ft. per adult horse (1.4 linear ft. in an 8ft. wide trailer);
 - 8 sq. ft. per adult burro (1.0 linear ft. in an 8ft. wide trailer);
 - 6 sq. ft. per horse foal (.75 linear ft. in an 8ft. wide trailer);
 - 4 sq. ft. per burro foal (.50 linear ft. in an 8ft. wide trailer);
7. Prior to any gathering operations, the BLM will provide for a pre-capture evaluation of existing conditions in the gather areas. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine the level of activity likely to cause undue stress to the animals, and whether such stress would necessitate a veterinarian be present. If it is determined that capture efforts necessitate the services of a veterinarian, one would be obtained before capture operations would proceed. The contractor will be appraised of all the conditions and will be given directions regarding the capture and handling of animals to ensure their health and welfare is protected.
8. If the BLM determines that dust conditions are such that animals could be endangered during transportation, the contractor will be instructed to adjust speed.
9. 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. Additional trap sites may be required, as determined by the BLM, to relieve stress caused by specific conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.).

F. Animal Characteristics and Behavior

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

G. Public Participation

It is BLM policy that the public will not be allowed to come into direct contact with WH&B being held in BLM facilities. Only the BLM or contractor personnel may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at any time or for any reason during BLM operations.

H. Responsibility and Lines of Communication

The Contracting Officers's Representative, Rodger Bryan, and the Project Inspectors, Nadine Edwards, Tom Seley, and Bryan Fuell from the Winnemucca Field Office have the direct responsibility to ensure the contractor's compliance with the contract stipulations. The Assistant Field Manager for Renewable Resources and the Winnemucca Field Manager will take an active role to ensure that appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, and the Palomino Valley Wild Horse and Burro Center. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.











All publicity, formal public contact and inquiries will be handled through the Assistant Field Manager for Renewable Resources. This individual will be the primary contact and will coordinate the gather with the Palomino Valley Wild Horse and Burro Center to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

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. The specifications will be vigorously enforced.

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

East Range HA (NV-225)

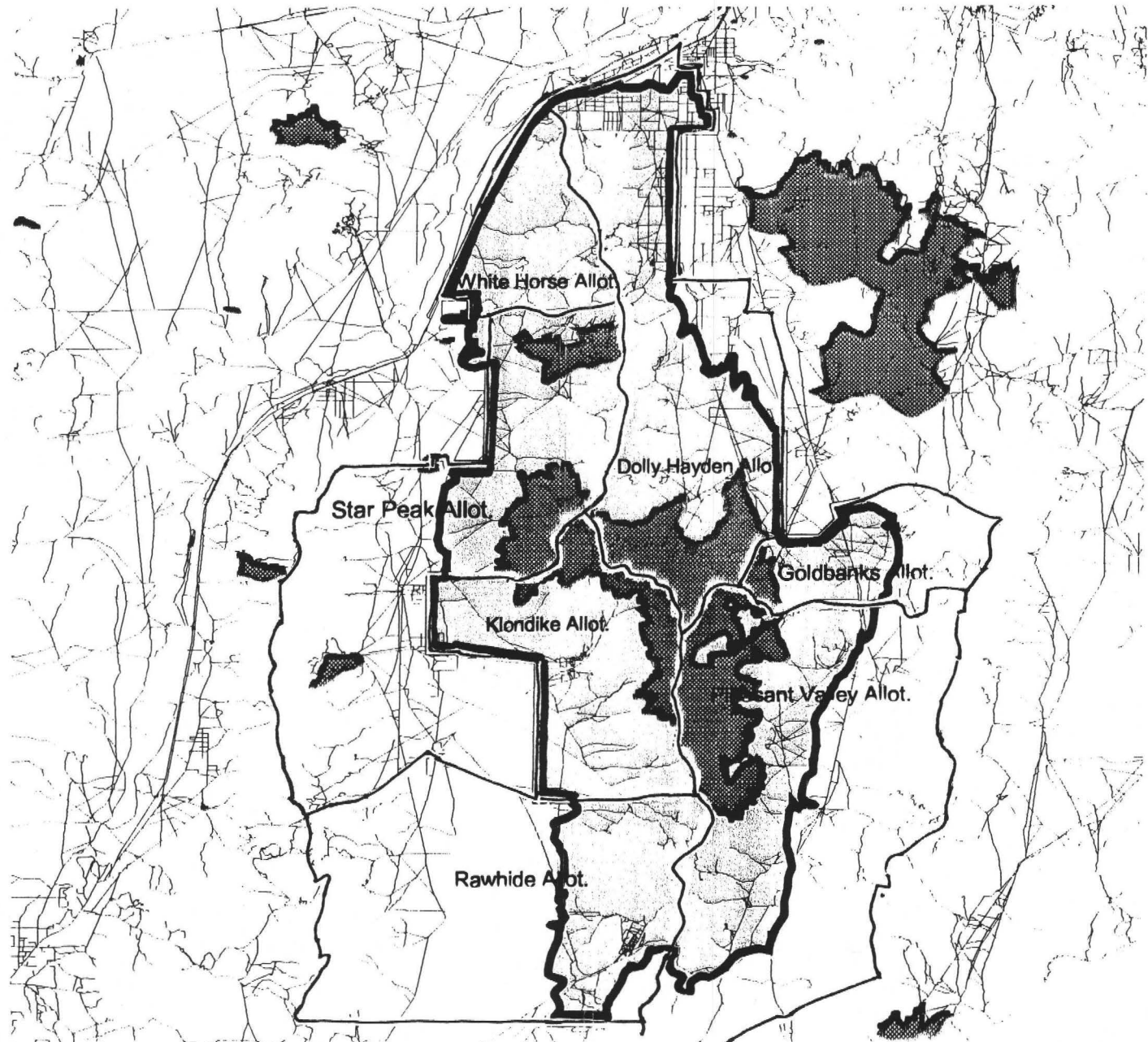


-  White Horse Allotment
-  Star Peak Allotment
-  Rawhide Allotment
-  Pleasant Valley Allotment
-  Klondike Allotment
-  Goldbanks Allotment
-  Dolly Hayden Allotment
-  Fires 2001
-  Roads
-  East Range HA



United States Department of the Interior
Bureau of Land Management
Winnemucca Field Office
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data.





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
<http://www.nv.blm.gov/winnemucca>

In Reply Refer To:
4720.1 (NV-022.41)

NOTICE OF FULL FORCE AND EFFECT DECISION EAST RANGE HERD AREA EMERGENCY BURN/REHABILITATION WILD HORSE REMOVAL

Dear Interested Public:

MANAGEMENT ACTION:

The action is to gather approximately 50 wild horses from the East Range Herd Area (HA). The action will implement the Proposed Action of Environmental Assessment NV-020-02-01, East Range HA Emergency Burn/Rehabilitation Wild Horse Removal, dated November 2001.

BACKGROUND INFORMATION:

More than 75,000 acres were burned in the Spaulding Fire in the East Range HA during the 2001 fire season. As a result a rehabilitation fence has been proposed to protect the revegetation in the area and a new seeding. In addition it was decided in the Sonoma-Gerlach Land Use Plan (LUP) that since a large part of the East Range HA was in a checkerboard area, it would be managed for zero wild horses. The decision was dated July 9, 1982.

The Proposed Action will prevent the death by starvation of numerous horses that may be trapped inside by the construction of the proposed rehabilitation fence. It will also bring the HA into compliance with the wild horse objectives in the LUP.

DECISION:

Enclosed is the Decision of Record, the Finding of No Significant Impact and the Environmental Assessment (EA No. NV-020-02-01) which analyzes the impacts of removing wild horses within the East Range HA. Given the information contained in these documents, it is my decision to gather and remove all the horses from the East Range HA.

METHODS:

The methods of capture will be to use a helicopter to herd the animals to portable wing traps. The BLM will conduct the removal through a private contractor under the current requirements contract, and will be supervised by a Contracting Officer's Representative. It is estimated that 1 or 2 trap sites will be required.

DATES:

The action is scheduled to begin no sooner than November 5, 2001, and will likely be 2-3 days in duration.

LOCATION:

The action will occur mostly in the southern portion of the HA below the Yellowstone Canyon Area. A reconnaissance flight will be flown to make sure all horses are located and gathered.

AUTHORITY:

The authority for this decision is contained in Sec.3(a) and (b) and Sec.4 of the Wild Free Roaming Horse and Burro Act (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations (CFR). The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

The authorized officer may place in full force and effect decisions to remove wild horses or burros from public lands if removal is required by applicable law or to preserve or maintain a thriving ecological balance and multiple use relationship. The full force and effect decision shall take effect on the date specified, regardless of an appeal. Appeals and petitions for stay of decision shall be filed with the Interior Board of Land Appeals, as specified in the part.

APPEALS:

Within 30 days of receipt of this decision, you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4470.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Western Region, U.S. Department of the Interior, Federal Building, Suite 6201, 125 S. State Street, Salt Lake City, UT 84138-1180 and Winnemucca Field Office, 5100 E. Winnemucca Blvd., Winnemucca, NV 89445. The original documents should be filed with this office.

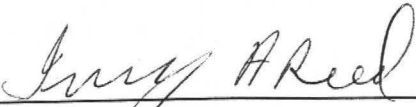
If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of a decision pending appeals shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and

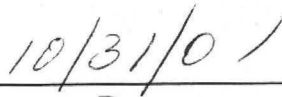
4. Whether the public interest favors granting the stay.

ADDITIONAL INFORMATION:

Contact Rodger Bryan or Nadine Edwards of my staff at (775) 623-1500 or write to the above address.



Terry A. Reed
Field Manager
Winnemucca Field Office



Date

Enclosures:

- 1) EA No. NV-020-02-01 (17 pages)
- 2) FONSI/DR for EA No. NV-020-02-01 (2 pages)

INTERESTED PUBLIC

Certified copies:

Certified Numbers

American Horse Protection Asso.	701 0360 0002 6663 8556
American Humane Asso.	701 0360 0002 6663 8655
American Mustang & Burro Asso.	701 0360 0002 6663 6361
American Mustang Asso.	701 0360 0002 6663 8662
Animal Protection Institute	701 0360 0002 6663 8686
HERDS	701 0360 0002 6663 8259
Humane Society of the US	701 0360 0002 6663 8679
International Society for the Protection of Mustangs and Burros	701 0360 0002 6663 8709
National Wild Horse Asso.	701 0360 0002 6663 8235
National Mustang Asso.	701 0360 0002 6663 8624
Nevada Commission for the Preservation of Wild Horses	701 0360 0002 6663 8563
Whole Horse Institute	701 0360 0002 6663 8648
Wild Horse Organized Assistance	701 0360 0002 6663 8501
Wild Horse Spirit	701 0360 0002 6663 8587
Craig Downer	701 0360 0002 6663 8549
American Horse Council	701 0360 0002 6663 8631
The Fund for Animals, Inc.	701 0360 0002 6663 8570
US Fish and Wildlife Service	701 0360 0002 6663 8594
CO Wild Horse and Burro Coalition	701 0360 0002 6663 8525
Humboldt County Commissioners	701 0360 0002 6663 6330
Pershing County Commissioners	701 0360 0002 6663 8600
Nevada State Clearing House	701 0360 0002 6663 6378
Humboldt Ranches	701 0360 0002 6663 8242
Cecil D. Martin	701 0360 0002 6663 8761
Coyote Creek Ranch	701 0360 0002 6663 8716
Worthington Trust	701 0360 0002 6663 6354
Agri-Beef Co.	701 0360 0002 6663 8778
Michael J. Burke	701 0360 0002 6663 8518
Michael Maestri	701 0360 0002 6663 8747
Frank Maestri	701 0360 0002 6663 8228
Thacker Properties	701 0360 0002 6663 8693
Paul Knoop	701 0360 0002 6663 6347
Salvador Olagaray	701 0360 0002 6663 8617
Robert Vesco	701 0360 0002 6663 8532
Pleasant Valley Ranches	701 0360 0002 6663 8723
Jim Safford	701 0360 0002 6663 8211
Gary Takacs	701 0360 0002 6663 8754
Marty Landa	701 0360 0002 6663 8730

**FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION OF RECORD
EAST RANGE HERD AREA
EMERGENCY BURN/REHABILITATION WILD HORSE REMOVAL**

NV-020-02-01

PROPOSED ACTION AND ALTERNATIVES

1. Proposed Action - the proposed action is to remove approximately 50 wild horses from the East Range Herd Area (HA). All horses will be removed from the HA and transported to the National Wild Horse and Burro Center at Palomino Valley for adoption preparation.

This removal is driven by the burning of more than 75,000 acres in the HA during the 2001 fire season, the proposed construction of a rehabilitation fence around the burn, and the fact that the HA, as decided in the Land Use Plan (LUP) decision, is managed for zero horses.

2. Alternative I - Horses would not be removed; they would be pushed to the north or south of the burned area and proposed rehabilitation fence.
3. Alternative II - No action alternative. No wild horses would be gathered. No attempt would be made to move the horses or keep them off the burned area or outside the proposed fence.

DECISION

It is my decision to select the Proposed Action as described in the East Range HA Emergency Burn/Rehabilitation Wild Horse Removal Plan EA No. NV-020-02-01.

This decision incorporates the Standard Operating Procedures identified in Appendix I of this EA as stipulations. All trap sites and holding facilities will be inventoried for cultural resources prior to construction.

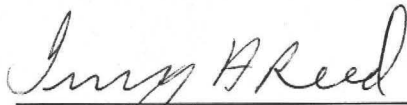
RATIONALE

This document has been prepared to assess the environmental impacts of removing all the wild horses from the East Range HA. The proposed action will prevent the death by starvation of numerous horses by their being trapped inside the proposed rehabilitation fence.

Alternative I is rejected because horses would return to the burned area, probably before the proposed fence is constructed and could be trapped inside, severely impact the new seeding, and possibly starve. They would also remain on the HA in violation of the LUP. Alternative II is rejected because horses would probably be trapped inside the proposed fence with the same consequences as with Alternative I and they would remain on the HA in violation of the LUP.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in EA No. NV-020-02-01, I have determined that this action will not have a significant effect on the human environment. Therefore, in accordance with Section 102 (2) (c) of the National Environmental Policy Act, the preparation of an environmental impact statement is not required.



Terry A. Reed
Field Manager
Winnemucca Field Office

10/31/01
Date