G 12/3/92

United States Department of Agriculture | Forest Service | Region 4 | Toiyabe National Forest
Las Vegas Ranger District
2881 So. Valley View - Suite 16
Las Vegas, NV 89102

Reply To: 2260/1950

Date: December 3, 1992

State of Nevada
Commission for the Preservation
of Wild Horses
ATTN: Cathy Barcomb
Stewart Facility
Capital Complex
Carson City, NV 89710

Dear Ms. Barcomb:

Enclosed is the final draft of the Environmental Assessment for the Spring Mountain Territory wild horse and burro gather. Please review this with Dawn Lappin. Sara Mayben hopes to attend the Commission meeting next week. If she is unable to attend, please forward any comments on the EA directly to her.

Thank you for your cooperation and help.

Sincerely,

Mary J. Tate

FOR JUAN M. PALMA
Acting District Ranger

Enclosures

ENVIRONMENTAL ASSESSMENT
for the proposed
WILD HORSE AND BURRO GATHER
SPRING MOUNTAIN WILD HORSE AND BURRO
TERRITORY/HERD MANAGEMENT AREA

Lucky Strike
and
Mt. Stirling-Wallace Canyon
Herd Units

NATIONAL FOREST SERVICE
LAS VEGAS RANGER DISTRICT
TOIYABE NATIONAL FOREST

AND

BUREAU OF LAND MANAGEMENT
STATELINE RESOURCE AREA
LAS VEGAS DISTRICT

I. PURPOSE AND NEED FOR ACTION

The Toiyabe National Forest, Las Vegas Ranger District (hereinafter referred to as the Forest Service) and the Las Vegas District, Stateline Resource Area (hereinafter referred to as the BLM) have proposed a gather of wild horses and burros in the Spring Mountain Wild Horse and Burro Territory/Herd Management Area (hereinafter referred to as the T/HMA). The proposed gather is scheduled to take place in January of 1993.

The gather will be located in the Lucky Strike and Mt. Stirling-Wallace Canyon Herd Units of the Spring Mountain T/HMA. The area is located approximately 45 miles northwest of Las Vegas, in the northwestern corner of Clark County, Nevada (Appendix 1, Maps. A. General Vicinity Map; B. Map of Spring Mountain T/HMA).

Wild horses and burros within the above mentioned Herd Units will be gathered with the use of helicopters and ground riders according to Nevada State capture and removal policies.

The purpose of the proposed wild horse and burro gather is to remove excess animals from the Spring Mountain T/HMA and to remove wild horses that have been documented using areas outside the T/HMA, specifically, the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area.

The action to remove excess wild horses and burros is proposed to balance the available water with wild horse and burro populations and to restore the range into a thriving ecological balance and prevent further deterioration of the range threatened by an overpopulation of wild horses and burros. Livestock grazing occurs only within the Mt. Stirling-Wallace Canyon Herd Unit. Reductions in permitted livestock will occur if the grazing permit is reissued in 1993.

any water developments identified?

The action to remove wild horses using areas outside the T/HMA is proposed to protect the fragile ecosystem within the Mt. Charleston Wilderness Area and increase public and wild horse safety in Lee Canyon and Deer Creek areas where there are high concentrations of vehicles and recreationalists.

The wild horses and burro were determined to be in excess from analysis of water sources and range vegetation and soil. Table 1 through 3 show water availability by use area. Table 4 shows Appropriate Management Levels, present population and excess numbers by use area.

Table 1. Water Sources, Flow and Percent Available for Wild Horses and Burros, Lower Deer Creek Use Area

Water Source Name	Location	Flow	Percent Available for each use
Grassy Spring	Lucky Strike Lower Deer Creek	.3 gpm	25% WH&B 25% WLF 50% Riparian Maint.
Lower Deer Creek Seep	Lucky Strike Lower Deer Creek	.1 gpm	25% WH&B 25% WLF 50% Riparian Maint.
Grapevine	Lucky Strike Lower Deer Creek	.25 gpm	25% WH&B 25% WLF 50% Riparian Maint.

gpm - Gallons per Minute
WH&B - Wild Horses and Burros
WLF - Wildlife
Riparian Maint. - Amount of water required to maintain a healthy riparian ecosystem.

Table 2. Water Sources, Flow and Percent Available for Wild Horses and Burros, Wheeler Pass Use Area

Water Source Name	Location	Flow	Percent Available for each use
Wheeler Well	Lucky Strike Lower Deer Creek	1.46 gpm	15% WH&B 25% WLF 10% Livestock 50% Riparian Maint.
Buck Spring	Lucky Strike Lower Deer Creek	.75 gpm	15% WH&B 25% WLF 10% Livestock 50% Riparian Maint.
Rosebud Spring	Lucky Strike Lower Deer Creek	.34 gpm	15% WH&B 25% WLF 10 % Livestock 50% Riparian Maint.

gpm - Gallons per Minute
WH&B - Wild Horses and Burros
WLF - Wildlife
Livestock - Water needs for permitted Livestock
Riparian Maint. - Amount of water required to maintain a healthy riparian ecosystem.

Table 3. Water Sources, Flow and Percent Available for Wild Horses and Burros, Wheeler Wash/Wallace Canyon Use Area

Water Source Name	Location	Flow	Percent Available for each use
Kiup Spring	Lucky Strike Lower Deer Creek	2.5 gpm	15% WH&B 25% WLF 10% Livestock 50% Riparian Maint.
Ford Spring	Lucky Strike Lower Deer Creek	2.21 gpm	15% WH&B 25% WLF 10% Livestock 50% Riparian Maint.

gpm - Gallons per Minute
WH&B - Wild Horses and Burros
WLF - Wildlife
Livestock - Water needs for permitted Livestock
Riparian Maint. - Amount of water required to maintain a healthy riparian ecosystem

Table 4. AML, Present Population and Excess Animals by Use Area

Use Area		AML	Present Population	Excess Animals
Lower Deer Creek	Horses	16	25	9
	Burros	16	30	14
Wheeler Pass	Horses	26	50	24
	Burros	0	0	0
Wheeler Wash/ Wallace Canyon	Horses	22	90	68
	Burros	24	75	51
Cold Creek	Horses	20	52	32
	Burros	0	0	0

Range analysis conducted in 1992 showed a downward trend in both vegetative community composition and soil characteristics and also showed utilization in excess of 40% on willows in the Cold Creek area. This does not meet the standards and guidelines developed to achieve the objectives in the Toiyabe National Forest Land and Resource Management Plan. Census data collected in 1992 estimates 40 wild horses in an area that can tolerate 20 while maintaining a ecological balance with vegetative and wildlife needs and maintain undeveloped recreational needs. There are 20 horses in excess based upon professional judgement.

LINKAGE TO MANAGEMENT PLANS

The proposal is designed to manage the wild horse and burro populations inhabiting the Spring Mountain Wild Horse and Burro Territory/Herd Management Area in accordance with the Title 36 Code of Federal Regulations (Part 222.20) and Title 43 Code of Federal Regulations (Part 4700), the Toiyabe National Forest Land and Resource Management Plan, the Las Vegas District Management Framework Plan, the associated USFS and BLM manuals and handbooks, and the BLM Washington Office Instruction Memorandum No. 83-289.

The wild horse and burro populations will be managed as a component of the National Forest System Lands and the public lands in a manner that maintains or improves the rangeland ecosystem and promotes a thriving natural ecological balance with all other users and resources. This proposal adheres to the

multiple use policy specified in the Wild Free Roaming Horse and Burro Act of 1971 (P.L. 92-195) and the Federal Land Policy and Management Act of 1976 (P.L. 94-579), while maintaining the free-roaming behavior of the wild horses and burros within the Territory/Herd Management Area.

Goals and objectives have been developed from land use planning documents, including Toiyabe National Forest Land and Resource Management Plan, Clark County Management Framework Plan, Clark County Grazing Environmental Impact Statement and Record of Decision.

Toiyabe National Forest LMP Goals:

1. Manage wild free-roaming horses and burros to maintain a thriving ecological balance

2. 95% of rangelands will be brought into satisfactory condition.

Objectives:

1. Involve livestock permittees, other federal and state agencies and interested parties in the development of territory management plans (TOFLRMP IV-28).

2. Manage wild free-roaming horses and burros to population levels compatible with resource capabilities and requirements (TOFLRMP IV-31).

3. Maintain or restore rangelands to satisfactory condition which is defined as:

   a. having a resource value rating (RVR) of 50 or above for vegetation or other features;

   b. being in mid-successional or higher class of ecological status;

   c. and having a stable or upward trend in soil and vegetation (TORLRMP IV-27).

   In order to achieve this, forage utilization standards for all uses have been developed:

   40% in grass seedings in unsatisfactory condition
   45% in grass seedings in satisfactory condition

   30% in shrublands in unsatisfactory condition
   40% in shrublands in satisfactory condition

   These standards will be used as maximum total allowable utilization for all grazing animals. More restrictive utilization standards may be designed for each unit (TOFLRMP IV-28).

To insure these standards are met and rangelands are maintained or progressing towards satisfactory condition, monitoring and evaluation will be conducted in accordance with FSH 2209.21, Range Environmental Analysis Handbook, and the Nevada Rangeland Monitoring Handbook (TOFLRMP VI-26).

BLM Clark County Management Framework Plan and Grazing Impact Statement Record of Decisions:

1. Manage wild horses and burros in the Spring Mountain Range for desired population size which is a viable population of wild horses and burros. Initial stocking levels will be the population that occurred in 1983. Populations can be adjusted based on data generated through the monitoring process. (Clark County Record of Decision 8, page 5).

2. Insure that wild horse and burro habitat as well as the animals are managed in a manner designed to realize multiple land use objectives. (Clark County Record of Decision 14, page 11).

DECISION TO BE MADE

A. No Action to remove wild free-roaming horses and burros from the Lucky Strike and Mt. Stirling-Wallace Canyon Herd Units of the Spring Mountain T/HMA.

B. To approve of the gather of wild free-roaming horses and burros to remove selectively based on age and sex animals in excess of the Appropriate Management Levels and remove problem animals that have been documented using the Mt. Charleston Wilderness Area.

pop mod.

C. To approve gather of wild free-roaming horses and burros to remove selectively based only on age the animals in excess of the Appropriate Management Levels and remove problem animals that have been documented using the Mt. Charleston Wilderness Area.

D. Remove only the problem wild free-roaming horses and burros that have been documented using the Mt. Charleston Wilderness Area.

SUMMARY OF SCOPING

Scoping was conducted by the Forest Service to determine issues and concerns related to the proposed action. On June 16, 1992, 241 scoping documents regarding this action were mailed to interested and affected parties representing 40 agencies, 113 organizations and 88 individuals. (Appendix 2, Scoping Mailing list, scoping documents and responses to scoping.)

Significant Issues Determined from Scoping

A. Impacts of Removing Wild Horses from Mt. Charleston Wilderness Area

Removing wild free-roaming horses from the Mt. Charleston Wilderness, Lee Canyon and Deer Creek area and returning them to the Spring Mountain Territory will over-populate the T/HMA with wild free-roaming horses.

Wild horses will enter the Mt. Charleston Wilderness, Lee Canyon and Deer Creek area because of an over-population of wild horses and burros within the Territory.

Public and wild horse safety within the Lee Canyon, Deer Creek Highways and within the Mt. Charleston Wilderness Area. There has been at least one wild horse/vehicle involved accident each year for the last three years.

There are 48 endemic species to the Spring Mountains, 24 of which are listed as sensitive species by the Forest Service. Wild horse use of the wilderness may impact the occurrence of these species and cause the population to decline to the point of being listed as Threatened or Endangered (Appendix ?, List of Threatened, Endangered and Sensitive Species occurring in the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area.).

Wild horse use of the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area are outside the Spring Mountain Territory. This is not in accordance with the Code of Federal Regulations 43 CFR 4710.4 which states "management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas." nor in accordance with the Code of Federal Regulations 36 CFR 222.20, Subpart 15 which states "Wild horse and burro territories means lands of the National Forest System which are identified by the Chief, Forest Service as lands which were territorial habitat if wild free-roaming horses and/or burros at the time of the passage of the Act.

Indicator - Expected number of days wild horses use Mt. Charleston, Lee Canyon and Deer Creek Area.

B. Economic and Social Impacts

The economic and social impacts of the removal of wild horses from the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek area will be the decreased occurrence of wild horse involved vehicle accidents causing loss of life for both the public and wild horses and the loss of property.

Indicator - Expected number of accidents per year involving wild horses in the Mt. Charleston Wilderness, Lee Canyon and Deer Creek Area.

C. Humane Treatment and Safe Handling of Wild Horses and Burros

Wild horses and burros may be stressed, injured and/or killed during during the capture, care, temporary holding and transportation to the Adoption Preparation Facility.

Indicator - Number of injuries and fatalities during the capture handling and shipping process.

D. Impacts of Selective Removals on Wild Horse and Burro Population Dynamics, Short Term vs Long Term

Removal of specific ages and sexes may alter the population dynamics of wild horses and burros. This may affect long term reproductive rates, age and class structure of the populations.

Indicator - Years to return to a normal population structure.

Nonsignificant Issues

Visual/Aesthetic Value

Visual impacts and aesthetic value is considered a nonsignificant issue because wild horses and burros will continue to be a part of the ecosystem, as guided by multiple use of the Spring Mountain Wild Horse and Burro Territory/Herd Management Area.

Threatened, Endangered and Sensitive Species

Threatened, Endangered and Sensitive species are considered a non-significant issue because the Desert Tortoise will be in hibernation, the goshawk and Palmer's chipmunk are at higher elevations than the gather operations and the sensitive plants will be dormant. A TES clearance, however would be conducted for all trap sites and holding facilities.

Cultural Resources

A cultural resources clearance would be conducted at all trap sites and holding facilities. There is only a slight chance that the proposed action would cause unacceptable damage.

Soil

Soil compaction at the trap sites and holding facilities is unavoidable but is considered nonsignificant because the areas involved are small and compaction would be light.

Vegetation

Loss of individual plants at the trap sites and holding facilities is unavoidable but is considered nonsignificant because the areas involved are small and plants would naturally re-establish themselves.

Wildlife

This is considered a nonsignificant issue because wildlife populations do not closely associate with wild horses and burros. This is also not a critical time for wildlife (calving, hunting, etc...) and there is not a significant chance of calves or adults being injured, killed or left behind.

Air Quality

This is considered a nonsignificant issue because the capture/removal plan has strict stipulations regarding the level of fugitive dust allowed around the wild horses and burros. (Appendix 3, Spring Mountain Territory/Herd Management Area Capture/Removal Plan).

II. ALTERNATIVES INCLUDING PROPOSED ACTION

This section describes the proposed action and alternatives to the proposed action, and defines the differences among the alternatives and their environmental consequences. These descriptions will include how each alternative relates to the issues raised during the scoping process. A comparison of alternatives and environmental consequences will be provided.

Four alternatives were developed in response to the above listed issues. All alternatives were developed.

Alternative 1 "No Action"

Alternative 1 "No Action" would not gather and remove any excess wild horses and burros from the Spring Mountain Wild Horse and Burro Territory/Herd Management Area.

No wild horses using the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area would be removed. There would be no protection from wild horse use in this fragile environment.

Wild horses would continue to be involved in vehicle accidents in Lee Canyon and Deer Creek area therefore impacting economic and social issues.

Wild horses and burros would not be gathered so there would be no stress, injuries or fatalities associated with a capture/ removal.

Water would continue to be insufficient for current wild horse, wildlife and riparian needs in Lower Deer Creek, Wheeler Pass and Wheeler Wash/Wallace Canyon use areas. Range vegetative community, a crested wheatgrass, intermediate wheatgrass and smooth brome seeding, and soil condition would continue its downward trend in the Cold Creek use area.

No selective removal would occur, so there would be no impact on the population dynamics of the populations. The population would continue to grow increasing the impacts of overpopulation on the resources.

Management Requirements

Highway signing would need to be increased to warn the public of wild horse and burro populations along roads and in the canyons.

Protect water sources from being contaminated and irrepairably damaged.

Fence off riparian area associated with Cold Creek, Cold Creek diversion ditch and ponds.

Monitoring Requirements

Monitor loss of life and property from wild horse involved vehicle accidents.

Monitor riparian communities to determine vegetative and soil trend.

Monitor population dynamics (deaths, births and recruitment) of wild horse and burro populations.

Alternative 2 Proposed Action

Alternative 2 would capture/remove all excess wild horses and burros from the Spring Mountain Wild Horse and Burro Territory, Lucky Strike and Mt. Stirling-Wallace Canyon Herd Units using a selective removal of all five year olds and younger with the sex composition of animals removed being 90% mares and 10% stallions. The second part of this alternative is to remove all wild horses nine years old and younger documented using areas outside the territory, specifically, the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area. Wild horses 10 years and older documented using areas outside the territory would be placed in the Wheeler Wash/Wallace Canyon use area of the Mt. Stirling-Wallace Canyon Herd Unit.

Wild horses using the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area would be removed. The fragile environment of the wilderness would be protected from wild horse use.

The number of wild horse associated vehicle accidents in Lee Canyon and Deer Creek Area would be reduced, therefore there would be a reduction in the economic and social consequences of such interactions.

Wild horses and burros would be gathered so there would be the possibility of stress, injury and death to the animals, but experience shows this has been insignificant.

Wild horse and burro populations would be reduced to a level where water would be in a sufficient supply to provide for their needs in the Lower Deer Creek, Wheeler Pass, and Wheeler Wash/Wallace Canyon use areas. Range vegetative and soil trend would be stabilized or turn upward in the Cold Creek use area.

The selective removal would occur for age five years old and younger with 90% females and 10% males being removed.

Management Requirements

Prepare capture/removal plan and conduct capture/removal in accordance with Nevada's current capture policies and procedures for helicopter capture (Appendix 3, Capture/Removal Plan) .

Require contractor strictly adhere to policies and procedures in capture plan regarding wild horse and burro safety, safe operations of helicopter and dust reduction requirements.

Require contractor use feed receptacles (troughs, traps) should the contractor have to feed the wild horses and burros. This would help reduce non-native seeds from being introduced into the environment.

Monitoring Requirements

Population dynamics information would be gathered while horses are within the holding facilities. Horses and burros being released back into the territory would have their tails bobbed for population studies. Wild horses and burros would be marked by bands and release locations so they may be released as a band and in the same area they were captured.

Freeze Brand study?

Post census would be conducted, either aerial or ground, within one week of release to check animal condition and to insure they are not trapped by fences or natural barriers.

Evaluate selective removal success by recording the number of births and recruitment in 1993 and compare to data collected throughout the State of Nevada.

Monitor contractor activities to assure compliance with capture policies and procedures.

Monitor water source during the summers of 1993, 94 and 95.

Alternative 3 Selective Removal for Age

Alternative 3 would be selective removal for age only. All wild horses and burro five years and under would be removed until Appropriate Management Levels have been reached for remaining animals. The second part of this alternative is to remove all wild horses nine years old and younger documented using areas outside the territory, specifically, the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area. Wild horses 10 years and older documented using areas outside the territory would be placed in the Wheeler Wash/Wallace Canyon use area of the Mt. Stirling-Wallace Canyon Herd Unit.

Wild horses using the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area would be removed. The fragile environment of the wilderness would be protected from wild horse use.

The number of wild horse associated vehicle accidents in Lee Canyon and Deer Creek Area would be reduced, therefore there would be a reduction in the economic and social consequences of such interactions.

Wild horses and burros would be gathered so there would be the possibility of stress, injury and death to the animals, but experience shows this has been insignificant.

Wild horse and burro populations would be reduced to a level where water would be in a sufficient supply to provide for their needs in the Lower Deer Creek, Wheeler Pass, and Wheeler Wash/Wallace Canyon use areas. Range vegetative and soil trend would be stabilized or turn upward in the Cold Creek use area.

The selective removal would occur for age only five years old and younger with 50% females and 50% males being removed.

Management Requirements

Prepare capture/removal plan and conduct capture/removal in accordance with Nevada's current capture policies and procedures for helicopter capture (Appendix 3, Capture/Removal Plan).

Require contractor strictly adhere to policies and procedures in capture plan regarding wild horse and burro safety, safe operations of helicopter and dust reduction requirements.

Require contractor use feed receptacles (troughs, traps) should the contractor have to feed the wild horses and burros. This would help reduce non-native seeds from being introduced into the environment.

Monitoring Requirements

Population dynamics information would be gathered while horses are within the holding facilities. Horses and burros being released back into the territory would have their tails bobbed for population studies. Wild horses and burros would be marked by bands and release locations so they may be released as a band and in the same area they were captured.

Post census would be conducted, either aerial or ground, within one week of release to check animal condition and to insure they are not trapped by fences or natural barriers.

Monitor contractor activities to assure compliance with capture policies and procedures.

Monitor water source during the summers of 1993, 94 and 95.

Alternative 4 Removal of Problem Animals Only

Alternative 4 would remove all wild horses nine years old and younger documented using areas outside the territory, specifically, the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area. Wild horses 10

years and older documented using areas outside the territory would be placed in the Wheeler Wash/Wallace Canyon use area of the Mt. Stirling-Wallace Canyon Herd Unit. Animals in excess of Appropriate Management Levels would remain.

Wild horses using the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area would be removed. The fragile environment of the wilderness would be protected from wild horse use.

The number of wild horse associated vehicle accidents in Lee Canyon and Deer Creek Area would be reduced, therefore there would be a reduction in the economic and social consequences of such interactions.

Wild horses and burros would be gathered so there would be the possibility of stress, injury and death to the animals.

Water would continue to be insufficient for current wild horse, wildlife and riparian needs in Lower Deer Creek, Wheeler Pass and Wheeler Wash/Wallace Canyon use areas. Range vegetative and soil condition would continue its downward trend in the Cold Creek use area.

No selective removal would occur, so there would be no impact on the population dynamics of the populations within the territory except the overpopulation would increase, resulting in greater impacts on resources.

Management Requirements

Prepare capture/removal plan and conduct capture/removal in accordance with Nevada's current capture policies and procedures for helicopter capture (Appendix 3, Capture/Removal Plan).

Require contractor strictly adhere to policies and procedures in capture plan regarding wild horse and burro safety, safe operations of helicopter and dust reduction requirements.

Require contractor use feed receptacles (troughs, traps) should the contractor have to feed the wild horses and burros. This would help reduce non-native seeds from being introduced into the environment.

Protect water sources from being contaminated and irrepairably damaged.

Fence off riparian area associated with Cold Creek, Cold Creek diversion ditch and ponds.

Monitoring Requirements

Population dynamics information would be gathered while horses are within the holding facilities. Horses and burros being released back into the territory would have their tails bobbed for population studies. Wild horses and burros would be marked by bands and release locations so they may be released as a band and in the same area they were captured.

Post census would be conducted, either aerial or ground, within one week of release to check animal condition and to insure they are not trapped by fences or natural barriers.

Monitor contractor activities to assure compliance with capture policies and procedures.

Monitor water source during the summers of 1993, 94 and 95.

Monitor riparian communities to determine vegetative and soil trend.

Monitor population dynamics (deaths, births and recruitment) of wild horse and burro populations in areas where water is insufficient.

Table 2-1. Summary of Consequences

Issues	Alt 1 No Action	Alt 2 Proposed Action	Alt 3 Age Selective Removal	Alt 4 Problem Animal Removal
Use Outside the T/HMA (Issue 1) Expected Days of Use	5 Horses for 5 mos 10 Horses for 2 mos Total 1350 Days	0	0	0
Economic and Social (Issue 2) Expected Number of Accidents per Year in Mt. Charleston Wilderns Lee Canyon and Deer Creek Area	1	0	0	0
Proper Treatment (Issue 3) Expected % Injuries or fatalities of gathered population	0%	<2%	<2%	<2%
Selective Removal (Issue 4) Years to Return to Normal Population Structure	0	9	3	1

III. Environmental Consequences

This section is the analytic and scientific basis for the comparison of the alternatives. It describes the expected environmental consequences of each alternative on the relevant issues. This section will be organized by resources and the effect each alternative has on the individual resource.

Issue 1. Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area

The Mt. Charleston area was designated wilderness in 1988 because of the significant number of endemic species, its beauty and it location. Lee Canyon and Deer Creek have wilderness surrounding their southern, western and northern parts. These areas are highly used by recreationalists throughout the year. The area is part of the original Las Vegas Ranger District, pre-Enhancement Act. The area was never part of a wild horse or burro territory or herd management area. Because of this, wild horses were not considered in any land management planning for this area. Though the area is surrounded by the Spring Mountain Wild Horse and Burro Territory, it is not included and wild horses or burros using this area are outside their territory.

Alternative 1, "No Action"

Direct and Indirect Effects

There would be no removal of wild horses using the area outside their territory, specifically, the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area. The direct impacts (short term) on the fragile ecosystem may be trampling or grazing of sensitive plant species found within the area. The indirect cumulative impacts (Long term) of continued grazing and trampling of sensitive plants would reduce the number of individual plant species. Over time, there would be fewer plants. Fewer sensitive plants would cause the species to move from the Forest Service informal Sensitive species list to the formal threatened or endangered species list.

Mitigation

Fence the territory boundary to keep wild horses inside the territory. This, however is impractical because of expanse of the area, the few natural barriers and exorbitant expense and maintenance.

Monitoring

Monitor wild horse use and movements in the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area. Determine access points for these areas and possible ways of closing off access.

Alterantive 2. Proposed Action

Direct and Indirect Impacts

Wild horses using the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek area would be gathered. The nine year olds and younger would be removed from the territory and placed up for adoption. The ten year olds and older would be placed in the Mt. Stirling-Wallace Canyon Herd Unit on the other side of the Spring Mountain Range to prevent them from entering the area above.

Wild horse grazing would no longer have a direct or indirect cumulative impact on the fragile environment. There would not be a decrease in threatened, endangered or sensitive species of the area.

Mitigation

Conduct problem animal removals to remove any additional wild horses that access these areas.

Monitoring

Monitor Mt. Charleston Wilderness area, Lee Canyon and Deer Creek area for wild horse use.

Alternative 3. Selective Removal, Age Only.

Direct and Indirect Impacts

Wild horses using the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek area would be gathered. The nine year olds and younger would be removed from the territory and placed up for adoption. The ten year olds and older would be placed in the Mt. Stirling-Wallace Canyon Herd Unit on the other side of the Spring Mountain Range to prevent them from entering the area above.

Wild horse grazing would no longer have a direct or indirect cumulative impact on the fragile environment. There would not be a decrease in threatened, endangered or sensitive species of the area.

Mitigation

Conduct problem animal removals to remove any additional wild horses that access these areas.

Monitoring

Monitor Mt. Charleston Wilderness area, Lee Canyon and Deer Creek area for wild horse use.

Alternative 4. Problem Animal Removal Only

Direct and Indirect Impacts

Wild horses using the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek area would be gathered. The nine year olds and younger would be removed from the territory and placed up for adoption. The ten year olds and older would be placed in the Mt. Stirling-Wallace Canyon Herd Unit on the other side of the Spring Mountain Range to prevent them from entering the area above.

Wild horse grazing would no longer have a direct or indirect cumulative impact on the fragile environment. There would not be a decrease in threatened, endangered or sensitive species of the area.

Mitigation

Conduct problem animal removals to remove any additional wild horses that access these areas.

Monitoring

Monitor Mt. Charleston Wilderness area, Lee Canyon and Deer Creek area for wild horse use.

Issue 2, Economic and Social

The economic and social impacts of wild horses in the Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek area are an increased occurrence of wild horse and public interactions. These interactions have been vehicle accidents causing loss of life for both the public and wild horses and the loss of property. There has been at least one accident per year involving wild horses and vehicles in these areas. The public have also approached the wild horses. No accidents have been recorded for this type of interaction, but it is only a matter of time.

Alternative 1, "No Action"

Direct and Indirect Impacts

The direct impact is public and wild horse safety would not improve. Wild horses, because of the terrain, would be drawn to the highways and roads for travel routes. Wild horses have been involved in traffic accidents at the rate of at least one accident per year. All wild horses involved in vehicle accidents have been killed or have had to be destroyed. The public has also been injured and their personal property damaged.

Mitigation

Sign the roads and highways to warn motorists of the possibilities of wild horses on the road. Sign recreational areas to inform the public on wild horses, their behaviors and the dangers of approaching them.

Identify and fence areas where wild horses are accessing the road if no other feasible alternatives can be identified.

Monitoring

Continue to monitor wild horse movements in Mt. Charleston Wilderness, Lee Canyon and Deer Creek Area.

Monitor loss of life and property from wild horse involved vehicle accidents.

Alternative 2, Proposed Action

Direct and Indirect Impacts

Wild horses would be eliminated from Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area. The direct impact would be an increase in wild horse and public safety by eliminating wild horse accidents involving the public or vehicles.

Mitigation

Conduct problem animal removals to remove any additional wild horses that access these areas.

Monitoring

Monitor Mt. Charleston Wilderness area, Lee Canyon and Deer Creek area for wild horse use.

Alternative 3, Selective Removal Age Only

Direct and Indirect Impacts

Wild horses would be eliminated from Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area. The direct impact would be an increase in wild horse and public safety by eliminating wild horse accidents involving the public or vehicles.

Mitigation

Conduct problem animal removals to remove any additional wild horses that access these areas.

Monitoring

Monitor Mt. Charleston Wilderness area, Lee Canyon and Deer Creek area for wild horse use.

Alternative 4, Problem Animal Removal Only

Direct and Indirect Impacts

Wild horses would be eliminated from Mt. Charleston Wilderness Area, Lee Canyon and Deer Creek Area. The direct impact would be an increase in wild horse and public safety by eliminating wild horse accidents involving the public or vehicles.

Mitigation

Conduct problem animal removals to remove any additional wild horses that access these areas.

Monitoring

Monitor Mt. Charleston Wilderness area, Lee Canyon and Deer Creek area for wild horse use.

Issue 3, Proper Treatment of Wild Horses and Burros During Gather

Wild horses and burros may be stressed, injured and/or killed during during the capture, care, temporary holding and transportation to the Adoption Preparation Facility. We expect less than a two percent occurrence of injury or fatality among the entire gathered population.

Alternative 1, "No Action"

Direct and Indirect Impacts

Wild horses and burros would not be gathered with "No Action" therefore no direct or indirect impacts would occur from proper treatment of the animals

Mitigation

none

Monitoring

none

Alternative 2, Proposed Action

Direct and Indirect Impacts

Wild horses and burros would be gathered so there would be the possibility of stress, injury and death to the animals. We estimate less than two percent of the population gathered will be either injured, killed or destroyed because of the gather operation. The direct impact will be less wild horses and burros sent to the adoption preparation facility. There may be a reduction in the number of older horses remaining if the injured, destroyed or killed animals were over five years old.

Mitigation

Prepare capture/removal plan and conduct capture/removal in accordance with Nevada's current capture policies and procedures for helicopter capture (Appendix 3, Capture/Removal Plan).

Require contractor strictly adhere to policies and procedures in capture plan regarding wild horse and burro safety, safe operations of helicopter and dust reduction requirements.

Monitoring

Monitor contractor compliance of approved capture/removal plan.

Alternative 3, Selective Removal Age Only

Direct and Indirect Impacts

Wild horses and burros would be gathered so there would be the possibility of stress, injury and death to the animals. We estimate less than two percent of the population gathered will be either injured, killed or destroyed because of the gather operation. The direct impact will be less wild horses and burros sent the adoption preparation facility. There may be a reduction in the number of older horses remaining if the injured, destroyed or killed animals were over five years old.

Mitigation

Prepare capture/removal plan and conduct capture/removal in accordance with Nevada's current capture policies and procedures for helicopter capture (Appendix 3, Capture/Removal Plan).

Require contractor strictly adhere to policies and procedures in capture plan regarding wild horse and burro safety, safe operations of helicopter and dust reduction requirements.

Monitoring

Monitor contractor compliance of approved capture/removal plan.

Alternative 4, Problem Animal Removal Only

Direct and Indirect Impacts

Wild horses and burros would be gathered so there would be the possibility of stress, injury and death to the animals. We estimate less than two percent of the population gathered will be either injured, killed or destroyed because of the gather operation. The direct impact will be less wild horses and burros sent to the adoption preparation facility. There may be a reduction in the number of older horses remaining if the injured, destroyed or killed animals were over five years old.

Mitigation

Prepare capture/removal plan and conduct capture/removal in accordance with Nevada's current capture policies and procedures for helicopter capture (Appendix 3, Capture/Removal Plan).

Require contractor strictly adhere to policies and procedures in capture plan regarding wild horse and burro safety, safe operations of helicopter and dust reduction requirements.

Monitoring

Monitor contractor compliance of approved capture/removal plan.

Issue 4, Selective Removals

Wild horses have exceeded the population the water sources can support. Removal of the excess animals would bring population size into the level that can be supported by the current water supply. A selective removal for both age and sex would alter the populations ability to increase. This would help maintain the populations at the Appropriate Management Levels without frequent agency assistance. Removal of specific ages and sexes may alter the population dynamics of wild horses and burros. This may affect long term reproductive rates, age and class structure of the populations.

Alternative 1, "No Action"

Direct and Indirect Impacts

No removals would occur therefore, no direct or indirect impacts would occur because of selective removals on the wild horse or burro population structure or size.

The indirect cumulative impacts of not reducing the wild horse and burro populations to Appropriate Management Levels would be continued stress on the animals where water is in short supply. There would be a reduction in the birth of foals and survival rate for foals during their first years. If this occurred over an extended period, populations would grow old and there would be no new animals to replace the old animals. Populations may completely disappear.

The range condition is in a downward trend and utilization is excessive in areas where water is not in short supply. The direct impacts of this is less vegetation to protect the soil from high intensity thunder storms. The indirect cumulative impacts would be soil lost from the ground would end up in local water supplies, decreasing water quality. Less soil on the ground would decrease vegetative production therefore less forage would be available for the animals and there would be against continued soil loss.

Mitigation

Provide enough water to maintain riparian community health (50% of available water). Insure wildlife water (25% of available water) needs are met through pipelines and troughs that does not allow access by wild horses and burros.

Pipe water (15-25% of available water) from source to troughs for wild horse use.

Fence off riparian area associated with Cold Creek, Cold Creek diversion ditch and ponds.

Monitoring

Monitor wild horse and burro population dynamics. Determine the direction the population is moving towards (young population with mostly young animals vs old population with mostly old animals). If population is in danger of becoming extinct, trap and transplant wild horses and burros into the area.

Monitor the riparian community's condition and trend associated in areas where water supply is short.

The Toiyabe National Forest Land and Resource Management Plan states trend will be stable or upwards and in areas where range condition is not good, utilization of shrubs will not exceed 30% of current year's growth. Monitor range condition and trend in areas where water is not in short supply.

Monitor use of new troughs by wild horses and burros.

Alternative 2, Proposed Action

Direct and Indirect Impacts

The selective removal would occur targeting age and sex classes. This would have a direct impact on the population dynamics, birth rate, age class and sex ratio. A reduction in birth rate would help in wild horse and burro management. Fewer gathers would have to occur to maintain the population at Appropriate Management Levels. With this type of selective removal, the assumptions are a birth rate of 18%, a mortality rate for males of 10% and a mortality rate for females of 5%. We expect the age, class and sex structure to return to the original composition and the population to its original size within nine years. The next gather would need to occur in nine years following this selective treatment.

Wild horse and burro populations would be reduced to a level where water would be in a sufficient supply to provide for their needs in the Lower Deer Creek, Wheeler Pass, and Wheeler Wash/Wallace Canyon use areas. There would be no indirect cumulative impacts on the populations survival.

Range vegetative and soil trend would be stabilized or turn upward in the Cold Creek use area. There would be no direct or indirect cumulative impacts of a reduced range condition or trend due to over grazing by wild horses.

Mitigation

Monitoring

Population dynamics information would be gathered while horses are within the holding facilities. Horses and burros being released back into the territory would have their tails bobbed for population studies. Wild horses and burros would be marked by bands and release locations so they may be released as a band and in the same area they were captured.

Post census would be conducted, either aerial or ground, within one week of release to check animal condition and to insure they are not trapped by fences or natural barriers.

Evaluate selective removal success by recording the number of births and recruitment in 1993, 94 and 95 and compare to data collected throughout the State of Nevada.

Alternative 3, Selective Removal Age Only

Direct and Indirect Impacts

The selective removal would occur targeting age and sex classes. This would have a direct impact on the population dynamics, birth rate, age class and sex ratio. A reduction in birth rate would help in wild horse and burro management. Fewer gathers would have to occur to maintain the population at Appropriate Management Levels. With this type of selective removal, the

assumptions are a birth rate of 21%, a mortality rate for males of 10% and a mortality rate for females of 5%. We expect the age, class and sex structure to return to the original composition and the population to its original size within three years. The next gather would need to occur in three years following this selective treatment.

Wild horse and burro populations would be reduced to a level where water would be in a sufficient supply to provide for their needs in the Lower Deer Creek, Wheeler Pass, and Wheeler Wash/Wallace Canyon use areas. There would be no indirect cumulative impacts on the populations survival.

Range vegetative and soil trend would be stabilized or turn upward in the Cold Creek use area. There would be no direct or indirect cumulative impacts of a reduced range condition or trend due to over grazing by wild horses.

Mitigation

Monitoring

Population dynamics information would be gathered while horses are within the holding facilities. Horses and burros being released back into the territory would have their tails bobbed for population studies. Wild horses and burros would be marked by bands and release locations so they may be released as a band and in the same area they were captured.

Post census would be conducted, either aerial or ground, within one week of release to check animal condition and to insure they are not trapped by fences or natural barriers.

Evaluate selective removal success by recording the number of births and recruitment in 1993, 94 and 95 and compare to data collected throughout the State of Nevada.

Alternative 4, Problem Animal Removal

Direct and Indirect Impacts

Only problem animals using areas outside the territory would occur. Only animals 10 years old and under would be removed. There would be no significant adjustment in the population structure (or size). Selective removals would not occur therefore there would be no direct or indirect impact on the populations' structure or size.

The indirect cumulative impacts of not reducing the wild horse and burro populations to Appropriate Management Levels would be continued stress on the animals where water is in short supply. There would be a reduction in the birth of foals and survival rates for foals during their first years. If this occurred over an extended period, populations would grow old and there would be no new animals to replace the old animals. Populations may completely disappear.

The range condition is in a downward trend and utilization is excessive in areas where water is not in short supply. The direct impacts of this is less

vegetation to protect the soil from high intensity thunder storms. The indirect cumulative impacts would be soil lost from the ground would end up in local water supplies, decreasing water quality. Less soil on the ground would decrease vegetative production therefore less forage would be available for the animals and there would be against continued soil loss.

Mitigation

Provide enough water to maintain riparian community health (50% of available water) through the use of fences. Insure wildlife water (25% of available water) needs are met through pipelines and troughs that does not allow access by wild horses and burros.

Pipe water (15-25% of available water) from source to troughs for wild horse use.

Monitoring

Monitor wild horse and burro population dynamics in areas where water is in short supply. Determine the direction the population is moving towards (young population with mostly young animals vs old population with mostly old animals). If population is in danger of becoming extinct, trap and transplant wild horses and burros into the area.

Monitor the riparian community's condition and trend associated in areas where water supply is short.

The Toiyabe National Forest Land and Resource Management Plan states trend will be stable or upwards and in areas where range condition is not good, utilization of shrubs will not exceed 30% of current year's growth. Monitor range condition and trend in areas where water is not in short supply.

Monitor use of new troughs by wild horses and burros.

R. Unavoidable Adverse Effects

There would be an unavoidable adverse effect to the soil and vegetation in the trap sites and the holding facilities.

S. Relationships of Short-term Uses and Long-term Productivity

The wild horses do not use the Mt. Charleston Wilderness Area, Lee Canyon or Deer Creek Areas during the winter. Therefore, we do not expect any short-term impacts to these areas because of the gather.

The short-term use of the areas associated with the trap sites and holding facilities would allow for an increase long-term productivity in the territory if the wild horse and burros are adjusted to Appropriate Management Levels. There would be an increase in the amount of water available to maintain the health of the riparian area. These riparian areas may improve with more water being held in their system. Long term productivity may increase with increased water flow and supply.

T. Irreversible and Irretrievable Commitments of Resources

Selective removals are not irreversible nor irretrievable. The selective removal with five year olds and younger and a sex ratio of 90% females to 10% males removed would reverse (or return to the original structure) within nine years. The selective removal with five year olds and younger with a sex ration reflecting that of the population being removed would reverse in three years. Animals injured during the gather operation is an irreversible commitment of resources.

The wild horses and burros removed from the territory are an irreversible commitment of resources. Any animals killed because of the gather operation are an irretrievable commitment of resources.

IV. List of Preparers

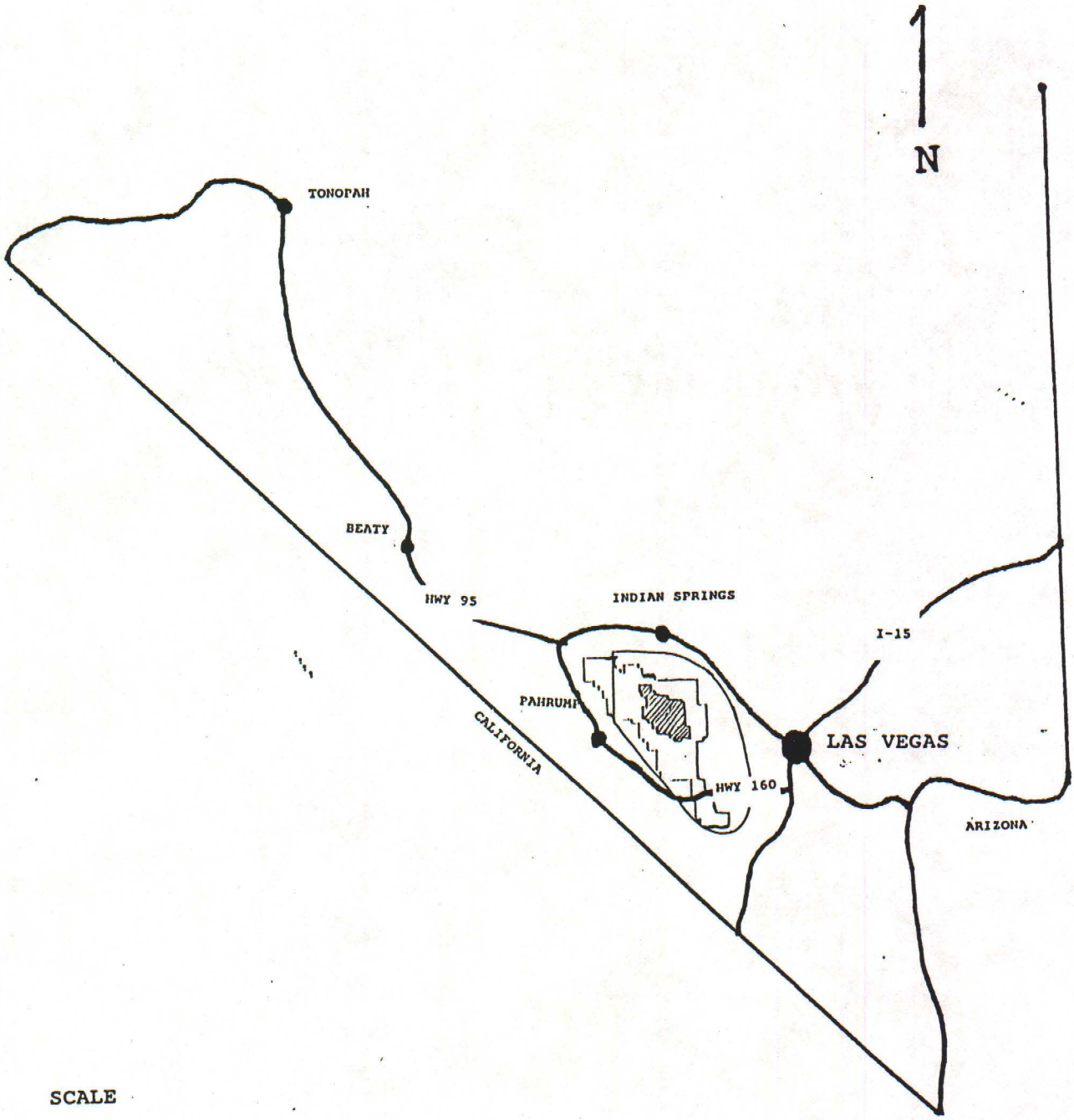
Name	Contribution	Degrees	Agency	Experience
George Perkins	Range/NEPA	BS Range	USFS	17
Ken Genz	Range/Soils	BS Range	USFS	
Sara Mayben	Range/Wildlife	BS Ecology MS Range Ecology	USFS	3
Terry Driver	Range/ Wild Horses	BS	BLM	
Butch Padilla	Wildlife	BS	NDOW	23
Kathy Barcomb	Wild Horses/ Burros		NV Commission Preservation Wild Horses	3

Appendix 1

Map A. General Vicinity Map

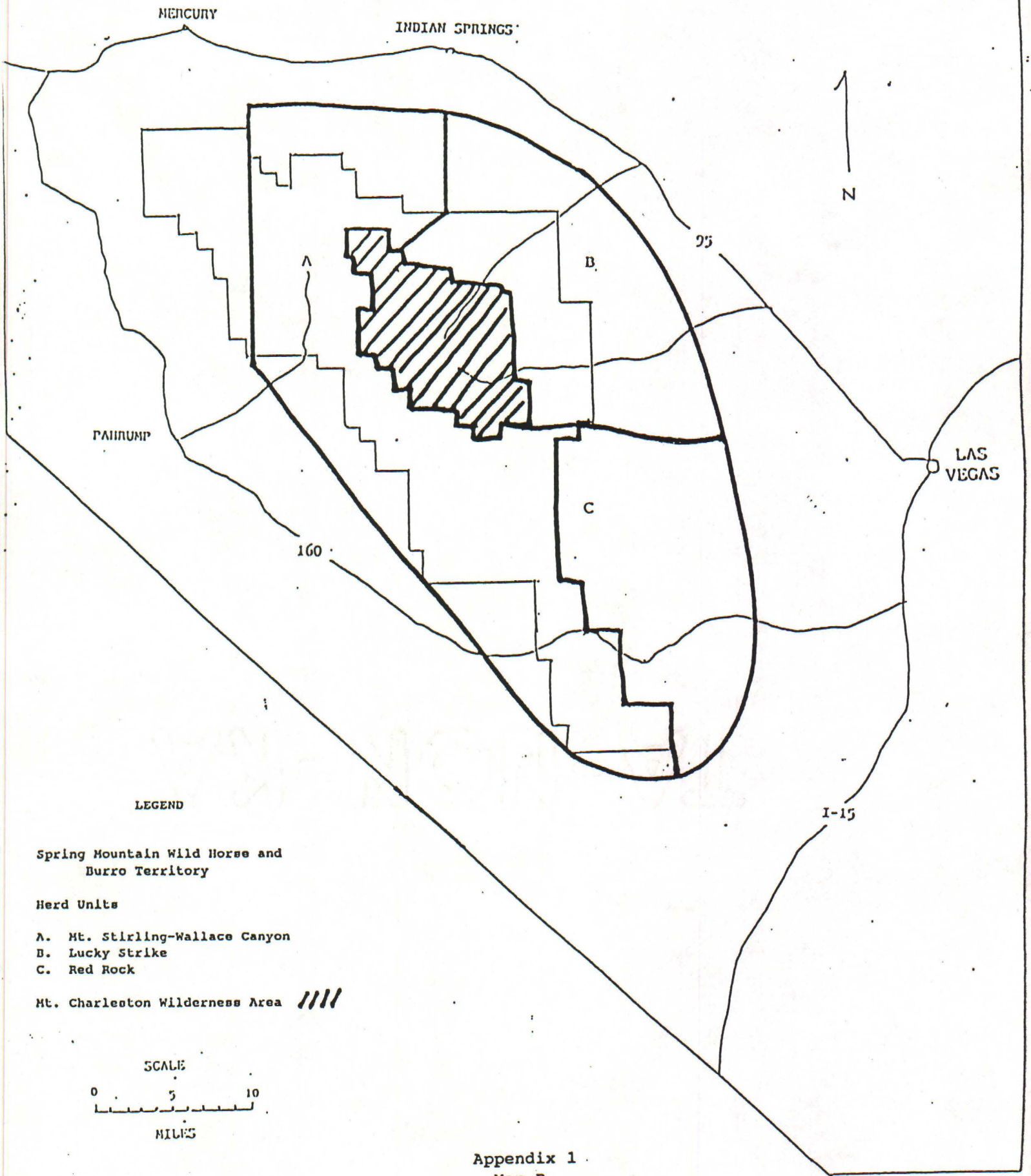
Map B. Spring Mountain Wild Horse and Burro Territory
And Management Units

GENERAL VICINITY MAP



Appendix 1
Map A

WILD HORSE AND BURRO TERRITORIES AND MANAGEMENT UNITS



Appendix 1
Map B

Appendix 3

Spring Mountain Wild Horse and Burro Capture/Removal Plan

CAPTURE/REMOVAL PLAN
FOR
SPRING MOUNTAIN WILD
HORSE AND BURRO TERRITORY

LUCKY STRIKE AND
MT. STIRLING-WALLACE CANYON
HERD UNITS

Las Vegas Ranger District

Toiyabe National Forest

Purpose

The proposed action is to capture and/or remove wild horses and burros from the Spring Mountain Wild Horse and Burro Territory/Herd Management Area (T/HMA) for the purposes of maintaining the appropriate management level (AML) and to remove problem animals that use areas outside the territory, specifically, the Mt. Charleston Wilderness Area. Maintenance of AML will restore the range to a thriving natural balance and prevent further deterioration of the range threatened by an overpopulation of wild horses and burros in and around the Spring Mountain T/HMA. Wild horses and burros will be captured and/or removed using helicopters. Some roping from horseback will be allowed.

This document outlines the procedures and methodology for capturing and/or removing wild horses and burros from the Spring Mountain T/HMA. Also outlined are the US Forest Service and Bureau of Land Management personnel involved with the gather, the Contracting Officer's Representative (COR) and Project Inspectors (PI's), the delegation of authority, the briefing of the contractor(s) and the precapture evaluation held prior to gathering operations.

Area of Concern

The Spring Mountain Wild Horse and Burro T/HMA is located approximately 45 miles northwest of Las Vegas, in northern Clark County, Nevada. The area is administered by both the US Forest Service, Toiyabe National Forest, Las Vegas Ranger District (hereinafter referred to as the Forest Service) and the Bureau of Land Management, Las Vegas District, Stateline Resource Area (hereinafter referred to as the BLM). Maps of the Territory/Herd Management Area are located in the Appendix 1.

The proposed action is in conformance with the Toiyabe National Forest Land And Resource Management Plan (LRMP) and the Clark County Management Framework Plan (MFP), the Clark County Grazing Environmental Impact Statement (EIS) and Record of Decision (ROD). This action is considered a part of long term management.

Any removals will be followed by a post-removal census to determine if the proper number of horses remain in the T/HMA.

Method of Capture

Captures and/or removals will take place through issuance of removal contract. The BLM will issue the contract.

Under no circumstances will gathering be allowed during the foaling season (March 1 to July 1).

The method of capture to be used will be a helicopter to bring the horses and burros to trap site and horseback riders at the wings of portable traps. The horse free area may require a combination of helicopter trapping and roping from horseback, as determined by the COR, to eliminate all horses from the area. Roping will be allowed to complete the total removal as horses and burros become widely scattered. The temporary traps and corrals will be constructed from portable pipe panels. A temporary holding corral will be constructed in the area to hold horses and burros after capture. A loading chute at the holding corral will be equipped with plywood sides or similar

material so horses' and burros' legs won't get caught in the panels. Trap wings will be constructed of portable panels, jute netting, or other materials determined to be non-harmful to the horses and burros. Barbed wire or other harmful materials will not be allowed for wing construction. All trap, corral, and wing construction will be approved by the COR.

Water trapping wild horses and burros may be used as a capture method at the discretion of the Contractor and COR. Water traps take time to construct and require time for the horses and burros to accept as part of their environment; the time allotted to each removal is limited.

Other methods of capture were not considered feasible. Trapping horses and burros by running them on horseback is not feasible because it is too easy to lose animals after starting them towards the trap; injuries to both people and animals are more likely and the cost factor shown from previous gathers using this method indicates that the costs are prohibitive.

Each trap site will be selected by the COR after determining the habits of the animals and observing the topography of the area. Specific locations may be selected by the contractor with the COR's approval within the general pre-selected area. Trap sites will be located to cause as little injury 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/sensitive plant and animal clearances prior to construction.

Because of variables such as weather, time of year, location of horses and burros and suitable trap sites, it is not possible to identify specific locations at this time. They will be determined at the time of the operation.

The terrain in the removal area varies from flat alluvial fans to mountainous, and horses and burros could be located at all elevations during the time the gather is scheduled. There are few physical barriers and fences in the area and the contractor will be instructed to avoid them.

Administration of the Contract

The Forest Service and the BLM will be responsible, through contract, for all capture, care, temporary holding until release, and transportation of excess animals to the adoption preparation facility.

Within two weeks prior to the start of each operation, the Forest Service and the BLM will provide for a precapture evaluation of existing conditions in the gather area. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, topography, road condition, locations of fences and other physical barriers and animal distribution. 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 to the animals if veterinarian expertise were present, or whether a delay in capture activity is warranted. If it is determined that the capture can proceed with a veterinarian present, the services of a veterinarian will be obtained before capture will proceed.

At least one authorized Forest Service or BLM employee will be present at the site of captures/removals. Either a Contracting Officer's Representative (COR), a BLM employee or Project Inspector (PI). a Forest Service Employee, preferably both, will be on site. The COR will be directly responsible for conducting the capture/removal and can appoint other Forest Service personnel to assist with the operation as necessary.

Other Forest Service and BLM personnel may be needed to help and include an archeologist to survey site for cultural resources, law enforcement to protect Forest Service and BLM personnel and property from unlawful activities, and other personnel as the need arises.

The COR is directly responsible for the conduct of the gathering operation and for reporting progress to the District Ranger of the Las Vegas Ranger District, the Forest Supervisor of the Toiyabe National Forest, the Las Vegas District Manager, and the Nevada State Office, Bureau of Land Management.

The Forest Supervisor is responsible for maintaining and protecting the health and welfare of the wild horses and burros. To ensure the contractor's compliance with the contract stipulations, the COR and/or PI will be on site. However, the Las Vegas District Ranger (or his Acting) is very involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the Forest Supervisor, District Ranger, COR and PIs.

The COR and/or PIs will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be through issuance of written instructions to the contractor, stop work orders and default procedures should the contractor not perform work according to the stipulations.

If the contractor fails to perform in an appropriate manner at any time, the contract will not be allowed to continue until the problems encountered are corrected to the satisfaction of the COR. All publicity, formal public contact and inquiries will be handled through the Public Affairs Officer on the Las Vegas Ranger District and Public Affairs Officer for the Stateline Resource Area. They will also coordinate the contract with the adoption preparation facility. They will assure corral space is available for the captured horses and burros, that the animals are handled humanely and efficiently and that animals being transported from the capture site are arriving in good condition.

Contractor's Briefing

The contractor, after award of the contract, will be briefed on his duties and responsibilities before the notice to proceed is issued to him. There will also be an inspection of the contractor's equipment at this time to assure that it meets specifications and is adequate for the job. Any equipment that does not meet specification must be replaced within 36 hours. The contractor will also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations, and the presence of fences and other dangerous barriers.

Branded and Claimed Animals

A notice of intent to impound and a 28-day notice to gather wild horses and burros will be issued concurrently by the Forest Service and BLM prior to any gathering operations in this area.

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Safety if issued.

The COR will contract the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

When horses and burros are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the gathering area. If determined necessary at that time by all parties involved, horses and burros will be sorted into three categories:

a. Branded animals with offspring, including yearlings.

b. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g. geldings, bobbed tails, photo documentation, saddle marks, etc...).

c. Unbranded animals and offspring without obvious evidence of former private ownership.

The COR/PI, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming horses or burros. The District Brand Inspector will determine ownership of branded animals and their offspring and, if possible, the ownership of unbranded animals determined not to be wild and free-roaming horses or burros.

Branded horses and burros with offspring and claimed unbranded horses and burros with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the Forest Service, if capture site is on National Forest System lands, and the BLM, if the capture site is on Public Lands, pending notification of the owner or claimant.

A separate holding corral will be set up near the temporary holding corral to house these animals until the owner/claimant, BLM or Forest Service can pick them up.

The animals will remain in the custody of the BLM or Forest Service until settlement in full is made for impoundment and trespass charges, as determined appropriate by the Stateline Resource Area Manager in accordance with 43 CFR Subpart 4710.6 and provisions in 43 CFR Subpart 4150 or the Las Vegas District Ranger in accordance with 36 CFR Subpart 222.22. In the event settlement is not made, the horses and burros will be sold at public auction by the BLM or Forest Service.

Branded horses and burros with offspring whose owners cannot be determined, and unclaimed, unbranded horses and burros with offspring having evidence of existing or former private ownership will be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.

The District Brand Inspector will provide the COR/PI a brand inspection certificate for immediate shipment of excess wild horses and burros to adoption preparation facility, and for the branded or claimed horses and burros where impoundment and trespass charges have not been offered or received, for shipment to a public auction or another holding facility.

Destruction of Injured or Sick Animals

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. The COR/PI will have the primary responsibility for determining when an animal will be destroyed and will perform the actual destruction. The contractor will be permitted to destroy an animal only in the event the COR/PI are not at the capture site or holding corrals, and there is an immediate need to alleviate pain and suffering of a severely injured animal. When the COR/PI is unsure as to the severity of an injury or sickness, a veterinarian will be called to make a final determination. Destruction shall be done in the most humane method available as per Washington Office Wild Free-Roaming Horse and Burro Program Guidance dated January 1983. A veterinarian can be called from Las Vegas if necessary to care for any injured animals.

The carcasses of wild horses and burro 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 three feet.

The carcass of wild horses and burros which must be destroyed as a result of age, injury, lameness or noncontagiuos 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.

Temporary Holding Facility

The holding facility shall be on National Forest System Lands or Public Lands unless an agreement is made between the contractor and a private land owner for use of private facilities. When private land is used, the contractor must guarantee the Forest Service, the BLM and the public access to the facilities and accept all liability for the use of such facilities.

The contractor shall provide all feed, water, labor and equipment to care for captured horses and burros at the holding facility. The contractor shall also provide transportation of captured excess animals from the temporary holding facility to the Distribution Centers, Ridgecrest and Kingman Adoption Preparation Facilities. The Forest Service will provide transportation of unclaimed and claimed branded animals to approved facility for release to the claimant or for handling under Nevada State estray laws. All work shall be accomplished in a safe and humane manner and be in accordance with the provisions of 36 CFR Part 2200 and 43 CFR Part 4700 and the following specification and provisions.

All labor, vehicles, helicopters, traps, troughs, feed, temporary holding facilities, and other supplies and equipment including but not limited to the

aforementioned, shall be furnished by the contractor. The Forest Service and BLM shall provide contract supervision.

Stipulations and Specifications

A. 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 rate capacity, and operated so as to insure that captured animals are transported without undue risk or injury.

3. Only stocktrailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stocktrailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stockracks of transporting vehicles shall be a minimum height of 6 feet 6 inches form vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate animals. 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 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.

5. Floors of vehicles and the loading chute shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings to prevent the animals from slipping. This will be confirmed by the COR/PI prior to loading (every load).

6. Animals to be loaded and transported in any vehicle shall be as directed by the COR and may include limitation on numbers according to species, age, size, sex, temperament, and animal condition. A minimum of 1.4 linear foot per adult animal and .75 linear foot per foal shall be allowed per standard 8 foot wide stocktrailer/truck.

   The Forest Service and BLM employee supervising the loading of the wild horses and burros 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 transport. He/She will consider the distance and condition of the road and animals in making this determination. Animals shipped from the temporary holding corral to the BLM facility will normally be separated by species, studs, mares and foals (including yearlings). However, if the numbers of these classed of animals are too few in one compartment and too many in another, animals may be shifted between compartments to properly distribute the animals in the trailer. This may include placing a younger, lighter stud with mares or a weak mare

with the foals. Further separation may be required should the condition of the animals warrant.

The Forest Service and BLM employees supervising the loading will exercise his/her authority to off-load animals should he/she feel there are too many animals on the trailer/truck.

7. The COR shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, or other factors when planning for the movement of captured animals. The COR shall provide for any brand and/or inspection services required for the captured animals.

It is currently planned to ship all excess horses to the Ridgecrest Adoption Preparation facility, excess burros will shipped to the Kingman Adoption Preparation facility. Communication lines have been established with both facilities' personnel involved in off-loading the animals, to receive feedback on the condition of shipped animals. Should problems arise, shipping methods and/or separation of the animals will be changed in an attempt to alleviate the problems.

8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which the animals may have to be transported on dirt roads is approximately 25 miles per load.

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

B. Trapping and Care

1. All capture attempts shall 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 shall be done as determined by the COR. Under no circumstances shall animals be tied down for more than one hour.

Roping will be allowed only to capture an orphaned foal or a suspect wet mare. However, since all wild horses and burros have to be removed from the area outside of the T/HMA, roping will be allowed if certain individuals continue to elude helicopter herding operation.

2. The helicopter shall be used in such a manner that bands or herds will remain together. Foals shall not be left behind.

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

Forest Service and BLM will not allow horses and burros to be herded more than 10 miles and not faster than 20 miles per hour. The COR may

decrease the rate of travel or distance moved should the route to the trap site pose a danger or cause avoidable stress (steep and/or rocky). Animal condition will also be considered in making distance and speed restrictions.

Temperature limitations are 10 degrees F as a minimum and 95 degrees F as a maximum. Special attention will be given to avoiding physical hazards such as fences.

4. All trap locations and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on National Forest System Lands or Public Lands must have prior written approval of the landowner.

   If tentative trap sites are not located near enough to the concentrations of animals, then the trap site will not be approved. The COR will move the general location of the trap closer to the animals. Trap sites will not be approved where barbed wire fences are used as wings, wing extensions, or to turn animals during herding toward the trap.

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 inched high, the bottom rail of which shall not be more than 12 inched from 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 or like material. The loading chute shall also be a minimum of 72 inched high.

   c. All runways shall be a minimum of 20 feet long and a minimum of 72 inched high and shall be covered with plywood or like material a minimum from the one foot to five foot level above ground.

   d. Wings shall not be constructed out of barbed wire or other material injurious to animals and must be approved by the COR.

   e. All crowding pens including gates leading to the runways shall be cover with a material that prevents the animals from seeing out (plywood, burlap, etc...) and shall be covered a minimum from the one foot to five feet level above ground. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.

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

6. No fence modification will be made without authorization from the COR. The contractor shall be responsible for restoration of any fence modification which he has made.

   If the route the contractor wishes to herd animals passes through a fence, the contractor will be required to roll up the fencing material and pull up the posts to provide at least one-eighth mile of gap. The standing fence on each side of the gap will be well flagged for a distance of 300 yards from the gap on each side.

7. When dust conditions occur within or adjacent to the trap or holding facility the contractor shall be required to wet down the ground with water.

8. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estray animals from the other horses. Animals shall be sorted as to species, 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.

   As a minimum, studs will be separated from the mares and foals when the animals are held overnight.

9. Animals shall be transported to final destination from the temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is not work being conducted except as specified by the COR. The contractor shall schedule shipments of animals to arrive at the final destination between 6:00 am and 4:00 pm. Every effort will be made to ensure that the time horses are standing on the trucks prior to off-loading is minimized.

   No shipment shall be scheduled to arrive at the final destination on Sunday.

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 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 grass hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

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 or until released back to the range.

12. The contractor shall restrain sick or injured animals if treatment by the Government is necessary. The COR will determine if injured animals must be destroyed and provide for the destruction of such animals. The contractor may be required to dispose of the carcasses as directed by the COR.

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 contractor's 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 fueling truck) and personnel not involved in refueling.

3. The COR 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. The frequency(s) used for this contract will be assigned by the COR when the government furnished "slip-in" VHF/FM portable radio is used. The PL Tone for the Repeaters:

Potosi	123.0
Angel	146.2
Charleston	107.2

The transmit frequency is 170.475, the receive frequeny is 169.875.

The simplex frequency is 169.875/169.875

4. The contractor shall obtain the necessary FCC licenses for the radio system.

5. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The Forest Service and the BLM reserve the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR violate contract rules, are unsafe or otherwise unsatisfactory. 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 contracting officer or his/her representative.

D. Contractor-Furnished Property

1. All hay, water, vehicles, saddle horses, helicopters and other equipment shall be provided by the contractor. Other equipment includes but is not limited to, a minimum of 1,500 linear feet of 72 inch high (minimum height) panels for traps and holding facilities. Separate water troughs shall be provided at each pen where animals are being held.

2. The contractor shall furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.

3. The contractor shall provide a programmable VHF/FM radio transceiver in the contractor's helicopter to accommodate the COR/PI in monitoring the gather operation.

12/29/92

BOB MILLER
Governor

STATE OF NEVADA

CATHERINE BARCOMB
Executive Director

COMMISSIONERS

Dan Keiserman,
Las Vegas, Nevada

Michael Kirk, D.V.M., *Chairman*
Reno, Nevada

Paula S. Askew
Carson City, Nevada

Steven Fulstone
Smith Valley, Nevada

Dawn Lappin
Reno, Nevada

COMMISSION FOR THE PRESERVATION OF WILD HORSES
Stewart Facility
Capitol Complex
Carson City, Nevada 89710
(702) 687-5589

December 29, 1992

George Perkins
Las Vegas Ranger District
2881 S. Valley View, Ste. 16
Las Vegas, Nevada 89102

Dear Mr. Perkins,

Thank you for the opportunity to review and comment on the proposed gather of wild horses and burros from the Spring Mountain Wild Horse and Burro Territory.

I spoke with Sara Mayben yesterday. These comments will just repeat what she and I discussed. First, I must comment that the draft that had been sent to us earlier in the month was excellent. It was extremely complete and well documented, be assured we will be using that as a model for other areas to follow.

We agree that the preferred alternative is Alternative 2. We do have a few suggestions that we would like for you to consider.

You have identified that you will be following the remaining 20 horses to determine movement and herd dynamics. Instead of bobbing their tails we would recommend freeze branding those remaining animals on their hip (as has been recommended by the task force for studying the fertility control animals in Ely), with individual numbers to better identify each individual animal and gain better knowledge of their movement and interaction.

Also, you have mentioned a 90% female and 10% male removal and have projected through population modeling what you expect the outcome to be for your herd. Until you have gathered the 40 animals and determined their age and sex it would be impossible to predetermine what animals you will eventually remove or the percentage of the sexes that will be removed according to the strategic plan for Nevada that you will be basing your removal on. After you have determined which animals will be removed according to age and sex you will better be able to establish your herd dynamics and project the expected future. It may not be a 90/10 removal, we don't feel that the percentage projection is even necessary.

Again, this was an excellent example of the documentation you based your decision on. If you have any questions on our comments or would care to discuss them, please feel free to call.

Sincerely,

CATHERINE BARCOMB
Executive Director