



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ELKO DISTRICT OFFICE
3900 E. IDAHO STREET
P.O. BOX 831
ELKO, NEVADA 89801



IN REPLY REFER TO:

4710 (NV-014)

SEP 26 1994

Dear Reader:

The Elko District is in the process of preparing a Gather Plan for the removal of wild horses from the Rock Creek Herd Area as part of the Mahogany Springs Emergency Fire Rehabilitation Plan. Enclosed is a copy of the draft Gather Plan and Preliminary Environmental Assessment for the gather for your review and comment. You have thirty (30) days from the date of this letter to provide comments to this office at the address listed above. Your comments will be reviewed and considered for inclusion in the final Gather Plan.

The 30-day comment period on the proposed action also serves as notification of the Bureau of Land Management's intent to gather wild horses from public land. No sooner than 28 days from the date of this letter, the BLM proposes to gather wild horses from public and private lands in the State of Nevada.

The proposed gather would be conducted in the Elko District as shown in the enclosed draft Gather Plan/Preliminary EA maps and as described below:

<u>AREA</u>	<u>EA#</u>	<u>Reason for Gather</u>	<u>Approx.# to be removed</u>	<u>#to Remain</u>
Rock Creek	BLM\EK\PL-94\000	Implement Emergency Fire Rehabilitation	145	580

If you have any questions, concerns or comments on the formulation of this plan, please contact Kathy McKinstry, Wild Horse Specialist or Donna Nyrehn, Range Conservationist at (702) 753-0200 or write to the address listed above.

Sincerely yours,

RUSSELL T. DAILEY, Manager
Elko Resource Area

Enclosures: (3)

1. Draft Gather Plan
2. Preliminary FONSI
3. Preliminary EA

PRELIMINARY

FINDING OF NO SIGNIFICANT IMPACT

Rock Creek Herd Area Wild Horse Gather
BLM\EK\PL-94\000

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in Environmental Assessment BLM\EK\PL-94\000, I have determined that the action will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared.

RUSSELL T. DAILEY, Area Manager
Elko Resource Area

Date

Does not state
Fine Rehab
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65
Jenkins no
reference

Area Manager

Private horses

*NOT
Address*

PRELIMINARY

I. INTRODUCTION/PURPOSE AND NEED

Introduction

The Mahogany Springs fire was started by lighting on July 17, 1994 and burned 8,741 acres before control was declared on July 21, 1994. The fire was within the Rock Creek Herd Area (HA) which encompasses approximately 182,000 acres of public and private lands. The HA is in northwestern Elko County and borders the Snowstorm Herd Management Area (HMA) managed by Winnemucca BLM District to the west, the Little Humboldt HA to the southwest, the Owyhee HA to the north and lands not designated as herd areas, past or present, to the south and east. The entire HA is fenced which somewhat effectively impedes movement by horses from the HA.

As of the August 1994 census flight, the Rock Creek HA contained approximately 725 horses, 145 of which were found inhabiting the burn and area to be fenced. In order to put the Mahogany Springs Emergency Fire Rehabilitation (EFR) Plan into effect, those horses inhabiting the burn and area to be fenced would have to be removed.

Map 1 shows the location of the Elko Resource Area, and the general location of the Rock Creek HA. Map 2 shows the Rock Creek Allotment, Rock Creek HA, area burned in the Mahogany Springs fire, and the location of the proposed Mahogany Springs EFR Fence.

In June 1992, the BLM completed the Strategic Plan for Management of Wild Horses and Burros on Public Lands. The Strategic Plan and current Nevada State policy directs the regional BLM offices to remove only adoptable animals from the range. Therefore, a selective removal policy must be used when removing wild horses from public lands. The Rock Creek HA Gather Plan and this environmental assessment (BLM\EK\PL-94\000) address this new policy.

Purpose and Need

The proposed action is to gather wild horses in the area of the Mahogany Springs EFR project within the Rock Creek HA to reduce the impacts of wild horses on the recovering natural resources, such as soils and vegetation. This calls for a removal of those horses residing in the burn and area to be fenced, approximately 145 horses, leaving 580 in the HA. The need for this action is to implement the Mahogany Springs EFR Plan.

The vegetation rehabilitation objective given in the Mahogany Springs EFR Plan is for the perennial grasses which survived the fire to resprout, produce seed, and establish new seedlings during the second year. The burned area should be in high early seral condition after two growing seasons. Where Thurber's needle grass and bluebunch wheatgrass dominate the site, condition should be high mid-seral to late seral. Shrub species, especially mountain big sagebrush at the higher elevations, should reproduce from seed in the soil or from invasion at the edges of the burn. Areas previously supporting Wyoming big sagebrush will require several years for shrub reestablishment. As sagebrush reestablishes, the condition should improve to at least mid-seral.

The range was in mid-seral condition prior to the wildfire. Vegetation was dominated by native perennials, with only small

amounts of cheatgrass present. Some increase in cheatgrass is expected, but not to the degree that monocultures would be created.

Aspen stands readily resprout after fire if the heat did not penetrate deeply into the soil surface layer. Willows will also resprout and are likely to increase in abundance after the fire. Rest from grazing will enhance the recovery of these woody species.

Without limiting livestock and wild horse use of the area, the recovery of the vegetation would be severely diminished. Grazing animals would be extremely attracted to the highly palatable regrowth. This concentrated use would diminish root reserves for plants that resprout, inhibit establishment of new seedlings and create an opportunity for annual vegetation to establish.

Land Use Plan Conformance Statement

The proposed action and alternatives described below are in conformance with the Elko Resource Management Plan; Issue Wildlife and Wild Horses.

The proposed action and alternatives are also consistent with Federal, State and local laws, regulations, and plans to the maximum extent possible.

II. PROPOSED ACTION AND ALTERNATIVES

Proposed Actions

The proposed action is to remove horses in the area of the Mahogany EFR project within the Rock Creek HA in order to meet the objectives set forth in the Mahogany Springs EFR plan. The proposed action is a Bureau initiated action which would be carried out by a contractor, probably during the late fall or winter.

The action would be accomplished through helicopter trapping and by utilizing an age selective removal strategy. Map 2 is a detailed depiction of the proposed gather area.

1. Helicopter Trapping

A helicopter would be used to locate bands of wild horses and herd them into traps. The gather would continue until there are no horses remaining in the EFR project area; a reduction of approximately 145 horses. Hazards such as cliffs and fences would be located in advance and avoided. Existing roads and trails would be used to facilitate the herding process.

One or two temporary traps/corrals with deflector wings would be erected. Each trap would measure less than one acre in size. Traps are constructed of portable "Powder River" type metal panels with wings constructed of jute and steel fence posts. Temporary trap and corral sites would be selected by the contractor in coordination with the BLM. Corrals would also be constructed from portable "Powder River" type metal panels. These traps and corrals would be moved from place to place during the gathering operation and completely removed from the area after the contract is completed. It is estimated that one or two trap sites would be needed. Thus, less than two acres of land would potentially be disturbed. Every effort would be made to set the traps in previously disturbed areas such as gravel pits or roads or salt grounds.

Horses would be held in corrals adjoining the traps until they are either transported to Palomino Valley Center (PVC) or the central holding facility (if a central holding facility is needed) or

released back to the HA. If the horses are to be held at the trap for 10 hours or more, provisions for water and feed would be made by the contractor.

2. Age Selective Removal

As per current Nevada State policy only adoptable animals are to be removed from the range and placed into the adoption program. It is estimated that a small number of horses will not meet the adoptable age criteria and would need to be released back to a location outside the project area. The construction of a temporary facility consisting of pens, corrals, and loading and squeeze chutes would be necessary to sort and age the horses. This facility would be constructed with the same materials as discussed above and would most likely be associated with one of the temporary trap sites. Horses that are gathered within the target age group (0-5) would be transported to PVC. Horses over the age of 5 would be released back into the Rock Creek HA but outside of the Mahogany Springs EFR project area.

Horses that are gathered from the project area and released outside the project area would be monitored by the following standards:

- a. Check horses' condition by ground and/or air within 24 hours of their release.
- b. A flight would be scheduled within 72 hours of their release, if ground monitoring indicated this was necessary, to assure no animals were trapped behind a fence or other obstacle which would keep them from food or water.
- c. Additional flights and subsequent ground checks would be conducted as needed.
- d. After a period of three weeks, monitoring would return to the normal schedule with added emphasis on the release area.
- e. All monitoring would be conducted by qualified BLM personnel.

All gather methods would be subject to the following Special Project Requirements:

- a. Horse handling would be kept to a minimum. Capture and transporting operations are sometimes traumatic to the animals. Minimizing the handling would increase the safety of the animals, as well as of the handlers.
- b. No helicopter trapping would be allowed between March 1 and June 1 because of the potential stress to pregnant and lactating mares and the possibility of induced abortions. In addition, helicopter trapping would be delayed until after the foaling period for the area, and after foals are old enough to withstand the stress of gathering operations.
- c. Horses would not be moved by helicopter more than 10 miles during the gathering operations.
- d. A veterinarian would be on call during gathering operations.

- e. Helicopters would be used with caution. A qualified district BLM representative would be present during the gathering attempts to ensure strict compliance with the above mileage limitations and 43 CFR 4700 regulations.
- f. Captured horses that are determined by qualified personnel to be obviously lame, deformed, or sick would be humanely destroyed at the trap site.

In order to protect other resources, the proposed action would be subject to these additional Special Project Requirements:

- a. A cultural resources inventory by an archaeologist or district archaeological technician would be made prior to any trap or holding facility construction. If significant cultural resources are discovered, the Elko Resource Area archaeologist would be notified and the trap/holding facility would be moved to an area void of cultural resources.
- b. Trap sites or holding facilities would not be placed on sites where threatened, endangered, or candidate plant or animal species are present. Known roosting sites of both the Peregrine Falcon and Bald Eagle would be avoided when conducting low-level flights with the helicopter. If the gather is to occur during the nesting season of the Ferruginous Hawk, all potential trap and holding facility sites will be checked for nests. If an active nest is found, the trap/holding facility site will be relocated.
- c. Horses may be kept within temporary traps for no longer than three days unless approved by the authorized officer.
- d. The portable traps may be placed in the burn area. There will probably be snow cover on the burn area, thus dust would not be a problem. However, if dust becomes excessive the contractor would be required to implement dust control, either in the form of water or spreading pea sized gravel.
- e. Every effort would be made to place temporary traps and holding corrals on non-erosive soils.
- f. Every effort would be made to reduce visual impacts by locating traps and holding facilities well off commonly traveled roads. The nature of capturing wild horses, itself, requires that the traps be well hidden.
- g. Trap sites which may overlap authorized land uses such as right-of-ways would require consultation with grant holders, and may result in trap relocation.

Alternatives

No Action

Under this alternative, the horse gather would not be implemented.

Alternatives Considered but Eliminated from Detailed Analysis

Herding Horses Out of the Project Area With No Removal

Under this alternative, the horses inhabiting the EFR project area would be herded out of the area with no removal of animals taking place. This alternative is not acceptable as the 145 horses currently residing in the project area would be moved into an area already occupied by an overabundance of wild horses. Preliminary monitoring data is showing an over utilization by horses of existing vegetative and water resources. Moving an additional 145 horses into the area would add additional strain to already overtaxed resources.

Gathering Using Wranglers on Horseback

The gathering of wild horses by wranglers on horseback as an alternative has been considered. This alternative involves wranglers on horseback locating the horses and attempting to drive them into portable traps. Wild horses are usually able to outrun the wranglers and scatter prior to reaching the trap. There is an increased risk of injury to the wild horses as well as to the wranglers and their saddle horses since hazards cannot be seen in advance. This method takes longer and is not cost effective. For these reasons, this alternative is not feasible and will not be considered further.

III. AFFECTED ENVIRONMENT

Proposed Action

The proposed project area is composed of topography typical of the Great Basin. The proposed gather area consists of moderately steep rolling hills which are covered with big sagebrush-bunchgrass communities. There are also some mountain brush communities and aspen stands, primarily as minor inclusions. There are also some low sagebrush-bunchgrass communities present. The terrain varies in elevation and is interspersed with creeks and drainages.

The following critical elements of the human environment are not present or are not affected by the proposed action or alternatives in this EA:

- Air Quality
- Areas of Critical Environmental Concerns
- Farm Lands (prime or unique)
- Floodplains
- Paleontological Resources
- Threatened, Endangered or Candidate Species
- Wastes (hazardous or solid)
- Water Quality (drinking/ground)
- Wetlands/Riparian Zones
- Wild and Scenic Rivers
- Wilderness

Bureau specialists have further determined that the following resources, although present in the project area, would only be minimally affected, if at all, by the proposed action: Range (livestock operations), Lands (realty actions), Recreation, Geologic Resources, Forestry, and Soils/Watershed.

The following resources are present in the project area and are subject to analysis:

Native American Religious Concerns: Consultation is in progress to determine if the project area is involved and what impacts or mitigation, if any, would occur or be needed

Vegetation: The Elko Resource Area supports vegetation typical of the Great Basin region. The extremes of climate, elevation, exposure, and soil type all combine to produce a diverse environment for a variety of vegetation types. The major vegetation type found in the project area is Wyoming big sagebrush with various understories including forbs, rabbitbrush and native perennial bunchgrasses. Other prevalent vegetation types include low sagebrush, riparian vegetation and aspen stands.

Wildlife: There are numerous species of wildlife occurring in the project area. Mule deer, pronghorn antelope, mountain lions, coyotes, bobcats and kit foxes are the main game and furbearer species present. Sage grouse, chukar, mourning doves, and cottontail rabbits constitute the major upland game species. In addition, a variety of non-game mammals, birds, and reptiles occur in the project area.

Cultural: Archaeological sites have been recorded throughout the proposed project area. Because the BLM does not know exact location of trap sites at this time, site specific cultural inventories have not been completed. However, an archeological inventory would be completed prior to trap construction and any impacts would be eliminated by relocating the trap site if cultural resources were identified.

Wild Horses: The last census of the Rock Creek HA occurred in August 1994. This census found 560 adults and 165 foals for a total of 725 horses within the HA boundary. Within the project area, 112 adults and 33 foals were found. This number is higher than the number of horses found inhabiting the project area before the burn. This is probably due to the horses attraction to the palatable regrowth of vegetation and to the minerals released into the soils after the burn.

Visual Resources: The proposed project would be occurring on lands designated as Visual Resource Management (VRM) Class III. All traps and holding facilities would be placed in appropriate areas using methods which would be in accordance with the proper VRM Class designation.

The management of Class III areas is as follows:

Class III

Contrasts caused by management activity may be evident and begin to attract attention but should not dominate the view of the casual observer. However, changes should remain subordinate to the existing landscape.

Alternatives

The description of the affected environment for the No Action Alternative would be the same as that for the proposed action.

IV. ENVIRONMENTAL CONSEQUENCES

Proposed Action

Vegetation: The portable trap sites will likely be placed in the burn area, therefore the trap area will be void of vegetation. If,

however, the trap sites are not placed in the burn, some vegetation may be disturbed as a result. Vegetation trampling may occur due to the concentration of horses within the one acre trap areas. Maximum disturbance for the proposed action would be less than two acres.

Wildlife: Some mammals, reptiles, and birds would be temporarily displaced from the trap sites and holding facilities. Animals may also be disturbed by the low-flying helicopter; this disturbance would be of very short duration. A slight possibility exists that non-mobile or site specific animals could be trampled.

Cultural: The surface disturbance resulting from holding large numbers of horses in a relatively small area and moving large numbers of horses through the same area could have negative impacts on cultural resources. This impact would be mitigated by adhering to the additional Special Project Requirement (a.). Because trap sites will be selected that are void of cultural resources, no historic properties will be effected by the trampling of horses.

Wild Horses: Approximately 145 horses could be affected by the proposed project (the exact number is dependent on how many horses are found in the project area at the start of the gather). There would be increased stress and a disruption of their daily lives. Because the Bureau is directed to conduct an age selective removal, some of the horses in the project area could be gathered, sorted and aged even if they are not to be removed from the range.

Helicopter Trapping

The use of helicopters to capture excess wild horses may result in leppy foals and split bands, as well as injured horses. Incidents like these tend to be increased if the animals are pushed too hard. By adhering to the Special Project Requirements these impacts would be minimized.

Age Selective Removal

It is difficult to determine how many horses will be found inhabiting the project area until just prior to the beginning of the gather. Past census flights have routinely found a low of 70 horses to a high of 145 horses found during the August 1994 census flight. If approximately 145 horses are to be gathered from the project area, roughly 69.8% should be in the 5 and under age category using age structure data from previous removals throughout Nevada. Thus 101 horses would be removed from the project area. The 44 horses not meeting the age selective criteria would be released back into the HA, but not in the project area. 44 horses aged 5 and under from outside the project area would have to be gathered and removed to make room for the incoming older horses.

If no gather occurred, the population of 725 horses would contain 508 horses or 70% in the 5 and under age group. If the gather occurs, 363 horses (508 5 and under horses - 145 5 and under horses) or 62%, would remain in a population of 580 horses (725 - 145 = 580). This would be an 8% decrease in the number of horses falling into the five and under age classes within the HA.

Females in wild horse populations reach maximum foaling rates between the ages of 6 to 20 when the rates are between 78 to 80% (Stephen H. Jenkins, Department of Biology, University of Nevada, Reno), therefore having a slightly older population in the HA would not harm the foaling rates or viability of the

herd. A number in every age class would remain within the HA to provide for each age class being represented within the population and will not put the population in danger of not maintaining itself.

An age selective removal has the added impact to horses in that of gathering an animal then releasing it back to the range if it does not fall into the target age group. After spending a few days in a holding facility, separated by sex, bands may break up and there will be increased fighting among studs to reestablish their bands upon release. Past age selective removals in other HAs have shown that post-removal populations are in a state of relative upheaval for a week or two after release. The bands then begin to reestablish and social behavior returns to normal.

Because there will be no relocation of animals from one HA to another, there should be few problems with horses becoming trapped on a fence line or unable to find water. Adherence to the monitoring as described in the Proposed Action section would lessen these possible impacts.

The environmental consequences to other resources of an age selective removal are very much the same as those of a non-selective removal.

Visual Resources: The proposed project activities would result in minimal, temporary impacts. While traps and corrals are present they would introduce weak horizontal lines to the foreground. If traps are located within the burned area there would be a short-term (approximately one year or less) color change due to the mixing of lighter subsurface soils with black ash. No obvious changes in texture due to vegetation disturbance should be produced since traps and corrals would be located in previously disturbed areas. By adhering to Special Project Requirements f and g, the proposed activity would meet all VRM requirements.

Alternatives

No Action

Under this alternative the BLM would not meet the goals and objectives set forth in the Mahogany Springs EFR Plan. Under this alternative, horse numbers would continue to occupy the burn area and the potential for recovery of identified resources would be severely diminished.

Without a gather wild horses would continue to occupy the burned area until the fence is constructed. Riparian vegetation would be especially heavily used during the late fall and winter, after cattle are removed from the allotment.

If the wild horses proposed for gather were moved to outside of the project area, increased utilization of upland and riparian vegetation would be expected. Utilization levels would be in excess of Rangeland Program Summary objectives. This increased utilization would not help maintain desirable, perennial native plant communities. There would be increased competition for water sources, particularly in late summer. The latest census and distribution flights show that horses are moving east out of the HA. The number of horses outside of the HA has increased from May 1994 to August 1994, following the Mahogany Springs wildfire. This displacement would increase due to competition for space and forage and water resources.

Cumulative Impact Analysis: All resource values have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible as a result of the proposed action or the No Action alternative.

Monitoring Needs: Monitoring studies will be established using standard BLM techniques of weight-estimate and frequency to provide composition of different life forms and species. Photo plots will be established to document changes over time. Grazing would be resumed when production of perennial, native grasses in the burned area equals the production of perennial, native grasses in the unburned area. Once grazing has resumed, utilization will also be monitored.

The monitoring described under the proposed action will also be implemented.

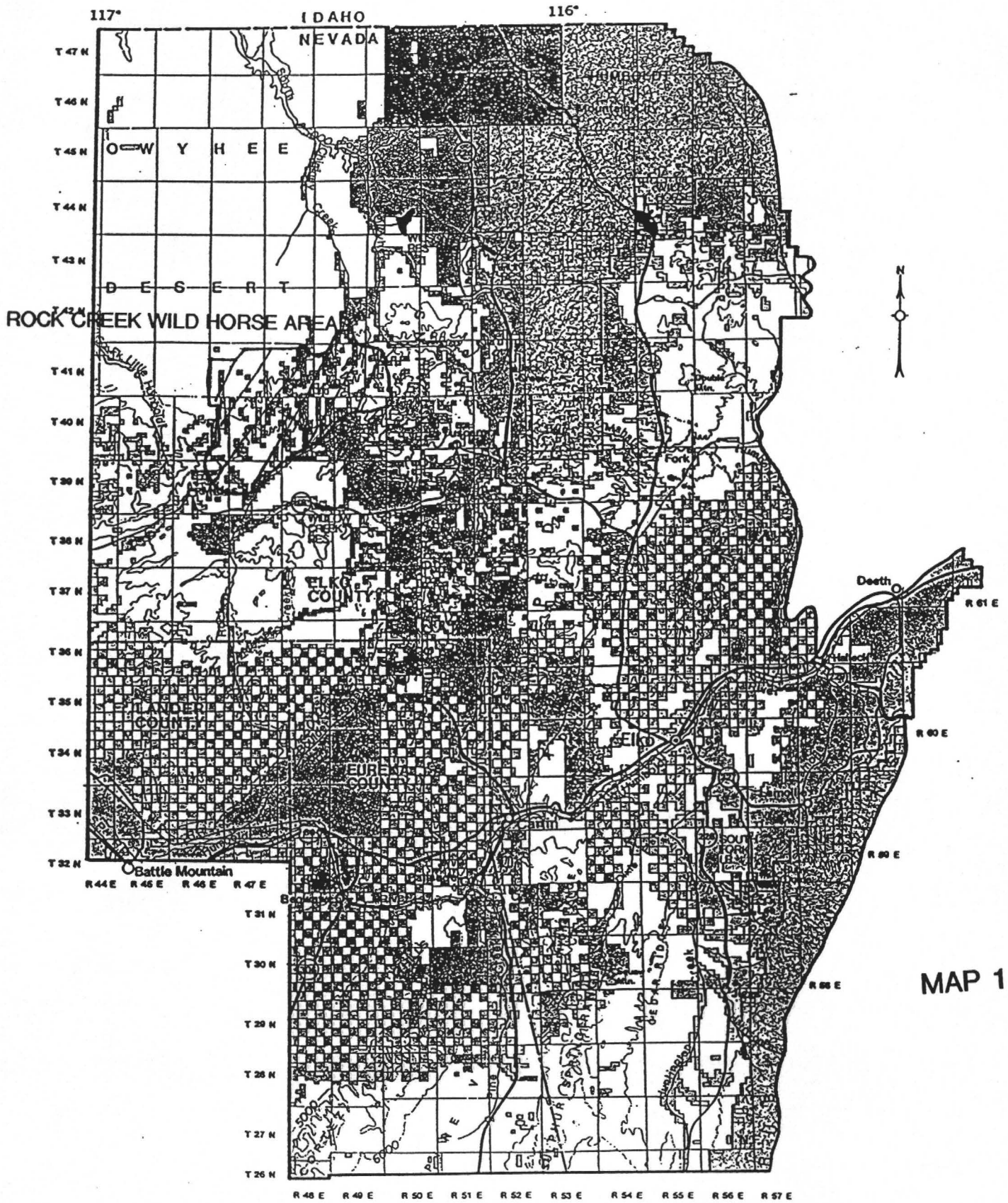
V. CONSULTATION AND COORDINATION

List of Preparers

Kathy McKinstry - Wild Horses; Lead Preparer
David Vandenberg - Environmental Coordinator
Gary Back - Wildlife, T&E Animals
Carol Evans - Fisheries, Riparian Vegetation
Roy Price - Wildlife, T&E Plants
Evelyn Treiman - Wilderness, Visual Resources
Beth Clarke - Cultural Resources, Native American Religious Concerns
Donna Nyrehn - Range, Vegetation
Tom Schmidt - Geology/Minerals
Carol Marchio - Soils/Watershed
Ken Nelson - Realty, Lands
Doug Whisenhunt - Forestry

Copies of this document are being sent to the following person, groups or agencies for comments:

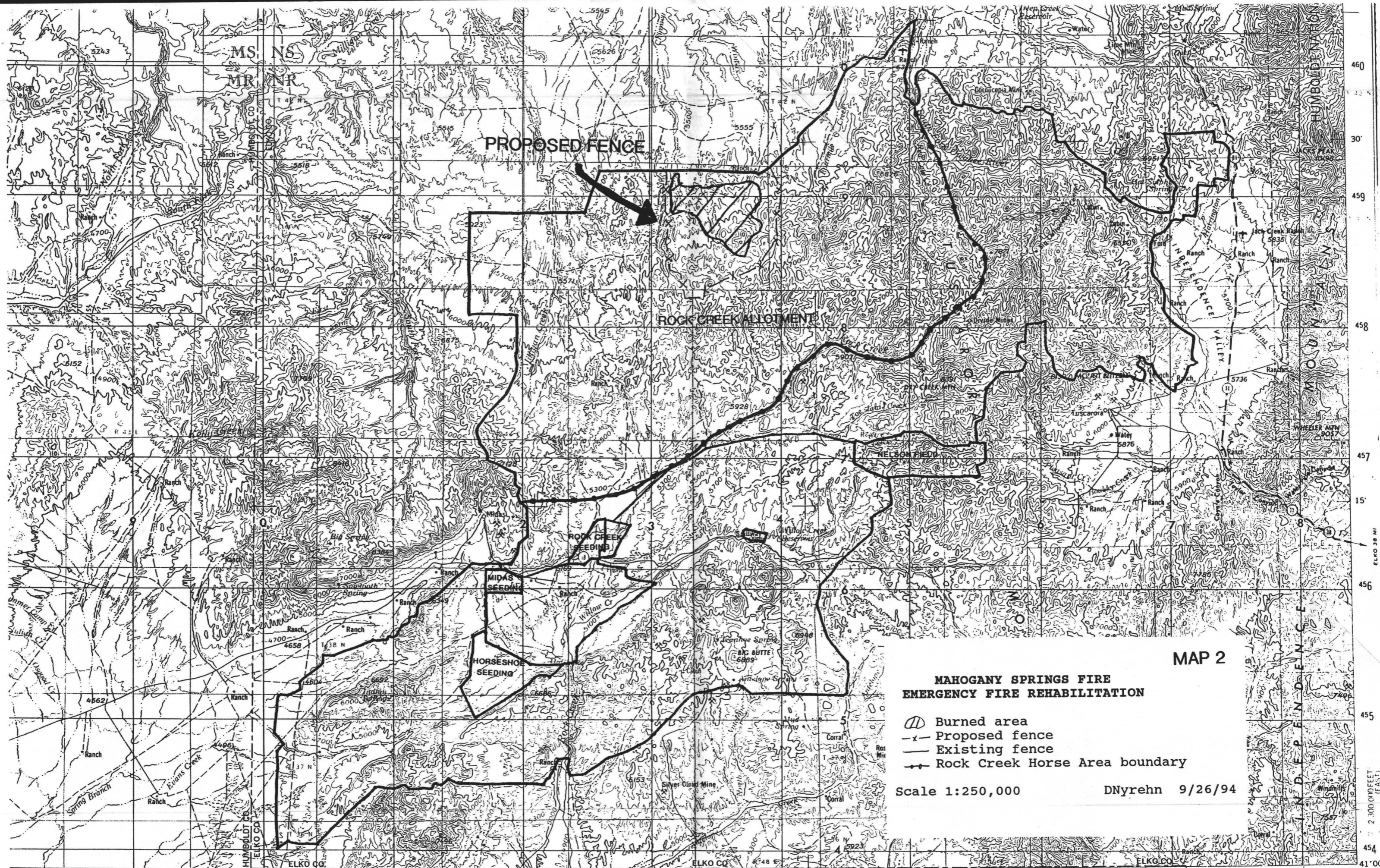
American Horse Protection Association
American Mustang and Burro Association
Animal Protection Institute of America
Commission for the Preservation of Wild Horses and Burros
Craig C Downer
Ellison Ranching Company
Fund for Animals
Humane Society of Southern Nevada
Humane Society of the United States
International Society for Protection of Mustangs and Burros
National Mustang Association, Inc.
National Wild Horse Association
Nevada Outdoor Recreation Association
Nevada Farm Bureau Federation
Nevada Humane Society
Nevada State Department of Agriculture
Nevada Division of Wildlife Region II
Nelo Mori
Resource Concepts, Inc.
E.B. Robinson, Jr.
Rutgers Law School
Save the Mustangs
Sierra Club
United States Wild Horse and Burro Foundation
Wild Horse Organized Assistance



MAP 1

GENERAL VICINITY

ELKO RESOURCE AREA



PROPOSED FENCE

ROCK CREEK ALLOTMENT

MAP 2

**MAHOGANY SPRINGS FIRE
EMERGENCY FIRE REHABILITATION**

- Burned area
- Proposed fence
- Existing fence
- Rock Creek Horse Area boundary

Scale 1:250,000

DNyrehn 9/26/94

PRELIMINARY

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

*Rock Creek Herd Area
Wild Horse Gather Plan*

Elko District Office
Elko Resource Area
1994

I. INTRODUCTION

The intent of this removal plan is to outline the methods and procedures to be used in removing approximately 145 wild horses from the Rock Creek Herd Area. The herd area (HA) encompasses approximately 182,000 acres of public and private lands in northwest Elko county. The public lands are administered by the Elko Resource Area. The proposed action would reduce the horse population to approximately 580, which is not the appropriate management level (AML) for the herd area. The AML has yet to be determined for the herd area but will be determined in the near future through the allotment evaluation process. Preliminary data collected in effort to determine AML is showing an overutilization of resources with the HA especially water and riparian resources. Because of the overutilization that is already occurring, the horses inhabiting the project area must be removed rather than simply moved to another area within the HA. Once the carrying capacities for the Spanish Ranch and Squaw Valley allotments are determined, an AML for the herd area will be established.

A. Purpose

The proposed action is to implement the Addendum to Normal Fire Rehabilitation Plan, Emergency Fire Rehabilitation Plan for Mahogany Springs Fire, EFR (J034). The Normal Fire Rehabilitation Plan meets NEPA compliance with environmental assessment (EA) number EA-NV-010-92-060 which is available for review at the Elko District Office. The Addendum to the normal plan is covered by an Administrative Determination of NEPA compliance.

The proposed action summary of the Normal Fire Rehabilitation Plan (NFRP) is as follows:

Treatment #1 of the Normal Fire Rehabilitation Plan (NFRP), Natural Revegetation with Closure has been proposed for this fire rehabilitation. Approximately 20,801 acres would be closed to livestock and wild horse grazing for two growing seasons. Follow up management would include construction of 16.3 miles of fence to facilitate closure, an emergency wild horse gather/removal, and suspension of 2,555 AUMs within the proposed pasture. Approximately 40 acres will be seeded with sagebrush to replace cover around a sage grouse strutting ground. Monitoring as proposed in the Addendum to NFRP, Emergency Fire Rehabilitation Plan for Mahogany Springs Fire, would also be established.

This document outlines the reasons for the gather and the process that will be involved in the gather. Included are approximate numbers of horses to be gathered, the number of horses which will remain in the Rock Creek Herd Area (HA), the time and method of the gather and the handling and disposition of gathered horses. Neither this document nor the associated environmental assessment (EA) will determine the number of horses to be managed for in the Rock Creek HA. This determination will be made in the Squaw Valley and Spanish Ranch allotment evaluations and associated multiple use decisions.

B. Area of Concern

The Mahogany Springs fire burned 8,741 acres in the north west portion of the Rock Creek HA. The fence construction will enclose 20,801 acres and will exclude wild horses and livestock. The proposed gather area is the 20,801 acres which will fall within the fenced area and areas just adjacent to the burn. The area is located in the Elko Resource Area of the Elko District, and is in western Elko County (refer to Map 1).

C. Reasons for Gather

1.) Implementation of the Mahogany Springs Emergency Fire Rehabilitation Plan

The removal is necessitated by the implementation of the Mahogany Springs Emergency Fire Rehabilitation (EFR) Plan which states in part:

- a. Soils: Without treatment, livestock and wild horses would be attracted to the burn area because of the highly palatable vegetation that would

be available during the first few growing seasons. This would reduce the amount of vegetative recovery, especially in the riparian zones associated with the perennial streams and springs. The result would be increased soil losses and soil compaction in the heavily use areas. The management of wild horses begins at initial herd size and will be maintained in designated HMAs.

- b. **Water and Air Resources:** Without treatment, sedimentation would continue to be a problem due to the anticipated degradation of the riparian areas due to livestock and wild horse impacts. The result would be long term impacts to Winters Creek, which provides habitat for the redband trout (category 2, candidate species).
- c. **Vegetation:** Without treatment the vegetation should begin to recover, but heavy use by livestock and wild horses, attracted to the highly palatable regrowth, would inhibit the recovery of perennial grasses and forbs. This concentrated use would diminish root reserves for plants that resprout, inhibit establishment of new seedlings, and create an opportunity for annual vegetation to establish.

D. Reference to Environmental Planning

The proposed action is in conformance with the Proposed Elko Resource Management Plan/Final Environmental Impact Statement (RMP/EIS) and the Elko Resource Area Record of Decision (ROD). The removal will incorporate policies of the Strategic Plan for Management of Wild Horses and Burros on Public Lands.

II. OBJECTIVES

A. Approximate Number of Horses to be Gathered

The latest census information (August 1994) determined that approximately 112 adults and 33 foals, for a total of 145 horses, inhabit the area to be enclosed by the EFR fence. A total of 725 horses reside in the Rock Creek HA. The approximate number of horses to be gathered and removed is 145 and the number to remain is 580. 580 is not the appropriate management level (AML) in the Rock Creek HA; rather it is merely the existing number as of the August 1994 census flight minus those animals to be removed from the project area. As stated previously, AML for the herd area will be set through the allotment evaluation process.

The census information prior to the Mahogany Springs fire indicated that there were approximately 70 horses within the area burned. However, based on the later flight and an accurate location of the proposed fence location, it has been determined that 145 horses currently inhabit the area to be enclosed by the fence.

In accordance with Nevada policy, horses in the 0-5 age category will be gathered and placed in the adoption program. Those animals older than 5 years of age will be released outside the project area. It is anticipated that a few older horses may be gathered and released; if a significant number of horses are over the age of 5 and are gathered from within the project area, it will be necessary to gather and remove the same number of horses under the age of 5 from outside the project area to make room for the incoming older horses. It is difficult to determine an exact number of horses to be gathered as higher or lower numbers may be occupying the project area at the time of the gather. All horses will be removed from the project area so that none will become trapped within the EFR pasture.

B. Time of Gather Operations

The gather is expected to take place through issuance of a removal contract during early fiscal year 1995 (FY95), late fall/early winter, and should last approximately two to

three days. The start date for the removal contract will be dependent on funding available and Nevada removal priorities. Under no circumstances will helicopter gathering be allowed during the foaling season (March 1 to June 30).

III. METHODS

A. Animal Management Methods to Achieve EFR Goals

1. Selective Removals

The removal age class for the Rock Creek HA will be horses 0-5 years of age. This criteria was selected as per current BLM policy.

2. Selecting Animals for Removal

The following criteria shall be used to determine which animals will be returned to the range or sent to Palomino Valley Center (PVC):

1. Mares older than the age group to be removed (5+) shall be paired with their foals and returned to the HA.
2. When mares older than the age group to be removed (5+) will not pair with their foals, the foals shall be sent to PVC and the mares shall be returned to the HA.
3. When mares older than the targeted age group to be removed (5+) will accept their foals, but either the mare or the foal or both are in poor physical condition and their survival on the range is questionable, the animals shall be held on site until either sufficiently healthy to survive on the range or the completion of the gather. If at the termination of the gather it still appears that the animal's survival is questionable, they shall then be sent to PVC.
4. When mares within the targeted age group to be removed (0-5) are captured and will accept their foals, pairs shall be sent to PVC.
5. When mares within the age group to be removed (0-5) are captured and will not accept the foals, both the mare and the foal shall be sent to PVC.

Priority shall be placed on removing males in the target age group, mares without foals in the target age group and mares with weanable foals in the target age group.

B. Gather Methods

The gather will be conducted through the FY95 Nevada Wild Horse/Burro Removal Requirements Contract and supervised by a Contracting Officer's Representative (COR) and a Project Inspector (PI). Sorting and aging operations will be conducted by the contractor and supervised by the COR/PI.

1. Helicopter Trapping

The main method of capture to be used will be a helicopter to bring the horses to trap sites. A parada horse (a specially trained domestic horse) will be released as the wild horses enter the trap wings to lead them into the trap. Roping will be allowed at the discretion of the COR. Under no circumstances shall animals be tied down for more than one hour. The temporary traps and corrals will be constructed from portable pipe panels. A loading chute at the holding corral should be equipped with plywood sides or similar material to prevent injury to the horses' legs. Trap wings will be constructed of portable panels, jute netting, or

other non-harmful material. All trap locations will be approved by the COR/PI prior to construction. Barbed wire or other harmful materials will not be allowed for wing construction. Common to both water and helicopter trapping is the need for a temporary holding facility where animals can be sorted by sex and age. Animals that are to be released back into the Rock Creek HA will need to be held separately from those animals being shipped to PVC. A separate pen for mares and foals will be necessary to allow pairing. The central holding facility may be adjacent to one of the trap sites or at a completely separate site.

Trap sites will be selected by the COR after determining the habits of the animals and the topography of the area. Specific sites may be selected by the contractor with the COR's approval within this general preselected area. Trap sites will receive cultural, and threatened and endangered plant and animal clearance prior to use.

At least one and possibly two trap sites will be required to complete the gather. The trap sites will be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Additional trap sites may be required, as determined by the COR, to relieve stress to horses caused by conditions at the time of the gather (i.e., dust, rocky terrain, temperatures, numbers of horses being gathered, distance to main concentrations of horses, and the need to water trap, etc.).

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

The terrain in the removal area varies from flat valley bottoms to rolling mountains, and the horses could be located at all elevations during the time of year that the gather is proposed. There are few physical barriers and fences in the area, and the contractor will be instructed to avoid them.

Animals determined to be in the target age group should be shipped as soon as possible to avoid stress and the possibility of contracting diseases associated with confinement.

2. Water Trapping

Water trapping is an alternate method sometimes considered to remove horses in limited areas where resource damage is occurring. In the project area, however, there are over 45 water sources thus water trapping would not be feasible.

C. Monitoring of Released Animals

The horses to be released back into the HA would require some additional monitoring to ensure that they have not become trapped on a fenceline or unable to locate water. Minimum standards will be to monitor the horses' condition by ground and/or air within 24 hours of their release. Subsequent flights and/or ground checks will be conducted if needed.

D. Branded and Claimed Animals

A notice of intent to impound will be issued by the BLM prior to any gathering operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive a copy of this notice, as well as the Notice of Public Sale if issued.

The COR/PI will coordinate closely with the District Brand Inspector to make arrangements for dates and times when brand inspections will be needed. A reasonable effort will be made to allow for a brand inspection of older horses which do not meet the age selective removal criteria before they are to be released

back to the range.

When horses 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 will be sorted into three categories.

1. Branded animals with offspring, including yearlings.
2. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g. photo documentation, saddle marks, etc.).
3. 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. 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.

Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector will be retained in the custody of the BLM pending notification of the owner or claimant.

A separate holding corral will be set up near the temporary holding corral to house these horses until the owner or claimant can pick them up.

The animals will remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges as determined appropriate by the Elko Area Manager in accordance with provisions in 43 CFR Subpart 4150. In the event settlement is not made, the horses will be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined and unbranded horses 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 the immediate shipment of wild horses to PVC and for the branded or claimed horses where impoundment and trespass charges have not been offered or received, for shipment to public auction or another holding facility.

E. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR will make this determination, with advice from a veterinarian, when unsure of the severity of the illness or injury. Destruction will be done in the most humane method available. A veterinarian can be called from Elko if necessary to care for any injured horses.

Disposal of the carcass will be in accordance with Instruction Memorandum No. NV-83-84.

F. Administration of the Contract

The BLM will be responsible, through a contract, for all capture, care and temporary holding until release. The COR will be the lead Elko District Wild Horse Specialist. The COR will be directly responsible for conducting the gather and will be assisted by Elko resource area personnel as PIs.

The COR and/or PI 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.

To assist the COR in administering the contract, BLM may have a second helicopter available at the gather site. This helicopter will be used to assure compliance and to assure that horses are not run too far, too fast or in a manner that will cause bands to split up. It will be used as needed to assure that the contractor is complying with the specifications of the contract. If the contractor fails to perform in an appropriate manner at any time, the contract will not be allowed to continue until problems encountered are corrected to the satisfaction of the COR.

The COR is directly responsible for the conduct of the gathering operation, and is responsible for keeping the Elko District Manager and the Nevada State Office informed on the progress of the gathering operation. At least one authorized BLM employee (COR or PI) will be present at the site of capture at all times.

The District Manager is responsible for maintaining and protecting the health and welfare of the horses. To ensure the contractor's compliance to the contract stipulations, the COR and/or PI will be on site. However, the Elko Resource Area Manager and the Elko District Manager are very involved with guidance and input in to this gather plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the District Manager, Area Manager, COR and PI.

1. Contractors Briefing

The contractor, after award of the contract, will be briefed on his duties and responsibilities before the notice to proceed is issued. 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 specifications 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.

2. Temporary Holding Facility

The holding facility shall be on public land unless an agreement is made between the contractor and a private landowner for use of private facilities. When private land is used, the contractor must guarantee BLM, and the public, access to the facility and accept all liability for use of such facilities. Use of private facilities is subject to approval by the COR.

The contractor shall provide all feed, water, labor and equipment to care for captured horses at the holding facility, and transportation of captured horses from the temporary holding facility to the Nevada Distribution Center, Palomino Valley (Reno), Nevada. All work will be done according to the following specifications. All labor, vehicles, helicopters, traps, troughs, feed, temporary holding facilities and other equipment, including but not limited to the aforementioned, shall be furnished by the contractor. BLM will furnish contract supervision.

IV. DETAILED SPECIFICATIONS

A. Further Helicopter Restrictions

1. The helicopter shall be used in such a manner that bands or herds will tend

to remain together.

2. The rate of horse movement shall not exceed limitations set by the COR who shall consider terrain, weather, distance to be traveled, and condition of the animals.
3. When refueling, the helicopter must remain a distance of at least 1,000 feet or more from the temporary holding facility, vehicles (other than fuel truck), and personnel not involved in refueling.

B. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals.
2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to 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 from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate the animals. 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 doors at the rear end of the vehicle. At least one of these rear doors shall be capable of sliding either horizontally or vertically.
5. Floors of vehicles shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings, to prevent the animals from slipping.
6. The number of animals to be loaded and transported in any vehicle shall be as directed by the COR and may include limitations on numbers according to age, size, sex, temperament and animal condition. A minimum of 1.4 linear feet per adult animal and .75 linear feet per foal shall be allowed per standard 8 foot wide stocktrailer/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.
8. If the COR determines that dust conditions are such that the animals could be endangered during transportation, the contractor will be instructed to adjust speed. The maximum distance over which animals may have to be transported on dirt road is approximately twenty miles per load.

C. Trapping and Care

1. All capture attempts shall be accomplished by the utilization of water traps or a helicopter to herd the animals to the traps. A minimum of one saddle

horse shall be available to accomplish roping if necessary. Roping will be done only when necessary, with prior approval by the COR. Under no circumstances shall animals be tied down for more than one hour.

2. The helicopter, when used, shall be used in such a manner that bands or herds will tend to 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.
4. It is estimated that at least one or two trap locations will be required to accomplish the work. All trap locations and holding facilities must be approved by the COR prior to construction. The contractor may also be required to change or move trap locations as determined by the COR. All traps and holding facilities not located on public land must have prior written approval of the landowner.
5. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:
 - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high, and the bottom rail of which shall not be more than 12 inches from 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 6 feet high.
 - c. All runways shall be a minimum of 20 feet long and a minimum of 6 feet high and shall be covered with plywood or like material a minimum of 1 foot to 5 feet above ground level.
 - d. Wings shall not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR.
 - e. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level. Eight linear feet of this material shall be capable of being removed or letdown 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 or damage which he has made.
7. When excessive dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water at such location as directed by the COR.
8. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and stray animals from the other horses. Where required by the COR, animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling.

9. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR for unusual circumstances. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR. The contractor shall schedule shipments of animals to arrive at final destination between 6:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at 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 rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.
11. It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
12. The contractor shall restrain sick or injured animals so that they may be provided treatment by the COR. The COR will determine if injured animals must be destroyed and provide for destruction of such animals. The contractor may be required to dispose of the carcasses as directed by the COR.

D. Helicopter, Pilot and Communications

1. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractors Federal Aviation Certificates, applicable regulations of the State of Nevada and shall follow what are recognized as safe flying practices.
2. When refueling, the helicopter shall remain a distance of at least 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.
3. The COR shall have the means to communicate with the pilot and be able to direct the use of the gather helicopter at all times. The frequency(s) used for this contract will be assigned by the COR when the radio is used. When a VHF/AM radio is used, the frequency will be 122.925 Mhz.
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 BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR violate contract rules, are unsafe or otherwise unsatisfactory. 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 representatives.
6. At time of contract completion the contractor shall provide the COR the total flight time (in hours/tenths), including ferry time to and from the contractors home base spent in performance of the contract.

E. 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 and enough water troughs for each pen

where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, rubber over metal) as to avoid injury to the animals.

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 furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 Mhz.

Prepared by:

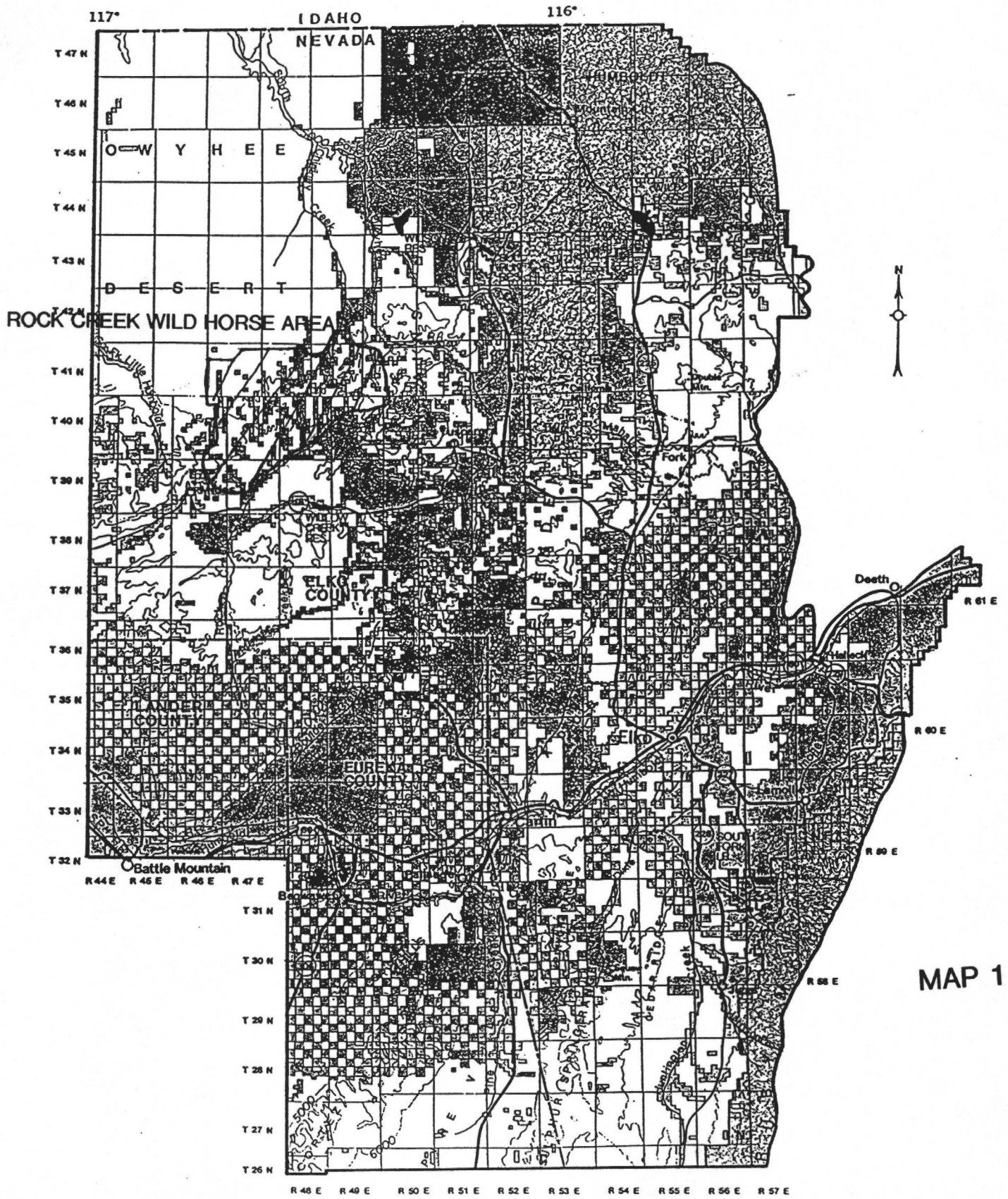
Kathy McKinstry
Elko District Wild Horse Specialist
Elko District Office

Date

Approved by:

Terry Dailey, Manager
Elko Resource Area
Elko District Office

Date



GENERAL VICINITY

ELKO RESOURCE AREA



~~OCT 1 1994~~

COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane

October 20, 1994

Reno, Nevada 89509

(702) 688-2626

Mr. Russell T. Dailey
Elko Resource Area
Bureau of Land Management
3900 East Idaho Street
Elko, Nevada 89801

Subject: Rock Creek Wild Horse Gather Plan

Dear Mr. Dailey,

The Nevada Commission of the Preservation of Wild Horses appreciates your consultation for the Mahogany Springs Wild Fire Rehabilitation Plan and Rock Creek Wild Horse Gather Plan. We recognize the emergency nature and need to exclude livestock and wild horse use from this wild fire. We appreciate the decision to not establish an appropriate management level for this herd prior to multiple use decisions for Squaw Valley and Spanish Ranch allotments.

Realizing that the removal of 145 horses from a population of 725 horses does not propose a great threat to the herd structure and viability, we are concerned with future removals under the broad policies of the Strategic Plan. The author recognizes studies of Jenkins to support the decision to remove mares five years and younger from the population. We would like the literature references that determined that six to 20 year old mares reach maximum foaling rates between 78 and 80 percent.

On page 4 and 5 addressing branded and claimed animals, category 2, discusses the inclusion of yearlings following a mare that is contrary to the MOU between the Nevada Department of Agriculture as well as in violation of Agricultural laws under the Nevada Revised Statutes.

It is also important to provide us the wild fire rehabilitation objectives and monitoring plan. Full rehabilitation

Mr. Russell Bailey
October 6, 1994
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of the sites potential should be achieved prior to livestock and wild horse use of the area. We hope that the vegetation objectives will be met, rather than the broad policy of two years rest. The emergency fence that excludes wild horses should be removed when wild fire objectives have been met.

Thank you for consulting the Commission. We look forward to receiving the requested information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Catherine Barcomb".

Catherine Barcomb
Executive Director