

Nellis

G 4-12-91
4/2/91

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Las Vegas District Office
4765 Vegas Drive,
P.O. Box 26569
Las Vegas, Nevada 89126

In reply refer to:
4700
(NV-053)

April 2, 1991

MEMORANDUM

To: State Director, Nevada

From: District Manager, Las Vegas

Subject: Comments and Recommendation for the Nellis Capture Plan, Environmental Assessment, and Capture Contract

My staff have reviewed the Draft Nellis Capture Plan and Environment Assessment (EA) and have the following comments and recommendations. In the interest of moving forward with the capture, any additional data we may have is not suggested for this document. This information would be included in future capture plans and EA's. Your assistance in completing these documents is appreciated.

Our recommendations are as follows:

Capture Plan

1. The person that is to be identified as the COR and the person to be PI should be specifically identified in the capture plan.
2. One person needs to be identified as the person supervising and directing the capture. The COR is the person usually given this authority. The COR is closest to and actively involved in the capture. It is suggested that the COR be given this authority and responsibility and the section on responsibilities be modified as follows:

The COR is directly responsible for the conduct of the gathering operation and for reporting the removal proceedings to the Contracting Officer, Caliente Resource Area Manager, Las Vegas District Manager, and the Nevada State Office.

The District Manager and Caliente Resource Area Manager are responsible for maintaining and protecting the health and welfare of the wild horses. The COR will be on site during the capture activities to ensure the contractor's compliance with the contract stipulations. However, the Caliente Resource Area Manager and the Las Vegas District Manager are 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 District Manager, Area Manager, and COR.

The COR 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, if done using a helicopter, BLM will have a helicopter available at the roundup site. This helicopter will be used with discretion to minimize disturbance of horses that would make gathering more difficult. It will be used as needed to monitor from the air and assure that the contractor is complying with the specifications of the contract and to ensure the humane capture of animals. 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.

All publicity, formal public contact, and inquiries will be handled by the COR through the Caliente Resource Area Manager and the Las Vegas District Manager.

The COR will also coordinate the contract with Palomino Valley Corrals, the adoption preparation facility, to assure space is available in the corrals for the captured horses, that they can be handled humanely and efficiently, and that transported animals are arriving in good condition.

3. One person other than the CO should be identified as the individual the COR contacts with updates on the capture. This should be the Caliente Area Manager. Then this person can notify or entertain questions anyone else who is interested may have.

4. The Las Vegas District and the Caliente Resource Area should be involved in the wording and direction included in the individual delivery order to the contractor. The COR should be consulted on the specific capture needs and requirements to insure that these needs are met. Since the delivery order must be done by April 30 for the existing contract, it should be done soon. Also, is the BLM required to pay for the contractor for the animals turned loose? Since this may be a sizable number of animals, I am not sure it is in the governments best interest to do so.

5. Steps should be taken to order some grass hay for feed.

6. It is important for the smooth operation of the capture etc. that it be decided how, when, and who will do the capture. As it is now, there is significant confusion and uncertainty on the direction. We need to know when to issue or re-issue the 28 day notice, and the ~~impound notice~~.

7. It is suggested that the number of horses to be removed be addressed in the following manner:

Number of Horses to be Gathered

The number of horses needed to be gathered based on analysis of monitoring data and the most recent complete aerial census is 4,303 wild horses. Due to budgetary, scheduling, and planning constraints, only up to 2,000 are proposed to be gathered with this plan.

Gather Area	Nos. to be Gathered	Minimum Nos. To Remain	Census Population (Year)
-------------	---------------------	------------------------	--------------------------

Nellis AFR up to 2,000 2,303 4,303 (1990)

This capture will leave a minimum of 2,303 wild horses in the Nellis Air Force Range. A subsequent gather for the remaining _____ horses current monitoring data identifies as being in excess will require a new capture plan and EA. A post gather census will be conducted in the existing expanded use area to determine the population numbers that remain after the gather is complete.

8. The proposed action is recommended re-worded as follows:

Purpose

The proposed action is to restore the range to a thriving natural ecological balance and prevent further deterioration of the range threatened by an overpopulation of wild horses in the existing expanded areas of use in the Nellis Air Force Range (NAFR). The boundary of the Nevada Wild Horse Range and the area used by wild horses in 1971 and appropriate management level are not addressed in this plan. These issues will be decided through the protests to the Nellis Resource Plan (January 1990).

The wild horses were determined to be in excess from the analysis of vegetation utilization, water, and herd census and distribution data in the Nellis Air Force Range evaluation. Based on this monitoring data, the maximum carrying capacity for wild horses in the existing expanded areas of use that will result in a thriving natural ecological balance and avoids a deterioration of the range is _____. The 1990 census identified 4,302 wild horses. There are _____ horses in excess based on the monitoring data.

Significant portions of the range are in deteriorated condition with approximately 442,755 acres or 691.6 square miles of severe utilization levels within the existing expanded area of use in the Nellis Air Force Range. The Nellis Evaluation addresses the resource conditions in detail and was sent out for public review and comment in 1989. It is on file at the BLM Las Vegas District Office. The appendix to the environmental assessment displays more recent data and shows how horse numbers were calculated.

★ The proposed action will be the first step to bring the population of wild horses to a level approaching a balance with available water and forage within the expanded area of use in the NAFR. The population adjustment is based solely on analysis of monitoring data. Water trapping and/or helicopters will be used to capture the wild horses from heavy and severe utilization zones within the expanded use area of the Nellis Air Force Range (see attached map and environmental assessment). Subsequent population adjustments will be needed to reach a thriving natural ecological balance based on monitoring data.

This document outlines the process and the events involved with the wild horse gather for the Nellis Air Force Range Wild Horse Gather. Included are the numbers of horses to be gathered, the time and method of capture, and the handling and disposition of captured horses. Also outlined are the BLM personnel involved with the roundup, the Contracting Officer's Representative (COR) and Project Inspector (PI), the delegation of authority, the briefing of the contractor(s), and the pre-capture evaluation held prior to gathering operations.

Area of Concern

The proposed gather area is the existing expanded area of use in the NAFR located in Clark, Lincoln and Nye counties of southern Nevada. The capture area is covered under the 1986 Nellis Air Force Range Withdrawal Act P.L. 99-606 dated November 6, 1986. The cooperative agreement between BLM and Nellis AFB for the management of the wild horses dated February 12, 1974 details the specific roles and responsibilities. The proposed gather area is within the areas of heavy to severe utilization levels. Maps are enclosed to help locate the proposed removal area. This action is considered a part of long term management.

9. It is suggested that the following statement be included in the document.

The horses will be gathered or trailed from the heavy to severe use areas identified from the use pattern map(s) in the EA.

10. Recommended re-wording for the Sorting section page 5 of the draft.

At each holding site, animals will be sorted by the contractor into the following four categories using the criteria listed:

- A. Animals to be removed from the range would meet the following criteria:

1. estimated six years of age
2. are determined not to have recognizable defects.

- B. Lamé, old, or sick animals will be identified by the COR using the following criteria:

1. Lamé means an animal with one or more malfunctioning limbs that permanently impair freedom of movement.
2. Old means an animal characterized because of age by its physical deterioration and inability to fend for itself, suffering or closeness to death.
3. Sick means an animal with failing health, infirmity or disease from which there appears to be little chance of recovery.

- C. Animals that may be released back on to the range would be selected using the following criteria:

1. Pregnant mares.
2. Mares with foals.
3. Animals exceeding six years of age.
4. Animals without identifiable hereditary defects not meeting other criteria for destruction.

- D. Branded and claimed animals would be removed from the range using the following criteria:

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., geldings, bobbed tails, photo documentation, saddle marks, etc.).
3. Unbranded animals and offspring without obvious evidence of former private ownership.

E. Process Animals at the Capture Site

1. Removal. Animals meeting the removal criteria will be returned to the contractor for transport to a processing center.
2. Release or held for BLM to transport to another location. Animals selected for release back on the range will be retained until the trap site in which they were captured is relocated and their recapture is unlikely. BLM may hold selected animals and transport them themselves.

11. Recommended re-wording for item 9 on page 10 of draft.

Animals shall be transported to final destination from temporary holding facilities within 48 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. Every effort will be made to ensure that the time horses are standing on the trucks prior to off loading is minimized. No shipments shall be scheduled to arrive at final destination on Sunday.

12. On page 11 it is indicated that the BLM is responsible for security. This should be changed to make the contractor responsible.

13. The contractor should be required to provide grass hay on page 12 under Contractor furnished property section.

Environmental Assessment

1. Suggested re-wording of the purpose and need section.

As identified for the capture plan in item 8 first four paragraphs.

2. The issues should be re-worded as follows:

This proposal is concerned with two major issues. The first issue is to maintain an ecological balance and multiple use relationship of the area by managing wild burros within the existing expanded area of use boundaries at a level established through the analysis of monitoring data. The boundary of the Nevada Wild Horse Range and the area used by wild horses in 1971 and appropriate management level are not addressed in this EA. These issues will be decided through the protests to the Nellis Resource Plan (January 1990). The second issue is the humane treatment and safe handling of the wild burros during capture, care, temporary holding, and transportation to the BLM adoption

preparation facility.

3. Pg. 3. The discussion on cultural resources etc. would be more appropriate in the SOP section.
4. The proposed action is recommended to be worded similar to the capture plan items 7 and 8 above.
5. Pg. 3. The contract allows for the aging to be conducted by the contractor. This is more efficient and is recommended.
6. Pg. 4 It is suggested that you use the wording identified in comment number 10 for the capture plan above for sorting.
7. Pg. 7 Responsibilities. Suggest same wording as identified for the capture plan comment number 2.
8. Pg. 7 F. 3. The COR is responsible for determining potential trap sites. This has been done. Final selection is done with the contractor based on up to date conditions. It is suggested that this section be deleted.
9. Pg. 8 F. 5. This discussion on the contractor could be deleted as it is in the capture plan and the contract already.
10. Pg. 8 to 12 Stipulations and Specifications. This is somewhat redundant as it is already in the capture plan and contract. It is suggested that it not be included to reduce the size of the document.
11. Pg. 13 B. Since all known spring sources on the NWHR have not been developed and are not currently scheduled for development, it is suggested that this be deleted. Future management will be using recent inventories of the springs working with NAFR to identify which ones that are feasible to develop and maintain. This has not been done to date.

Historically, all the spring sources were developed by the livestock industry. Most of the springs fell into a state of disrepair after grazing was discontinued 1960's. The following springs have been developed by the BLM with help from the National Wild Horse Association: Cedar Well (upper and lower header boxes) 1986 and 1987, Rose Springs 1985, Corral Springs 1985, Tunnel Springs 1985. By Reeco: Cliff Spring 1990 and Silver Bow 1990. Maintenance or reconstruction is needed on most of the springs within the expanded use area of the wild horses. However, water is available to the horses at all these sites depending on the water table.

12. Pg. 14 B. Suggest you include the table from the NAFR evaluation on census results by year.
13. Pg. 19 D. First paragraph. This is data for 1989 is incorrect and should be deleted.
14. Pg. 22 D. The water gallons should be corrected to reflect the data shown on pg. 18 of the EA.
15. Pg. 23 V. The results under the proposed action would not necessarily improve the vegetative resource or have a viable horse population remaining on the range. You may want to re-word this.