



*Ash Meadows* ✓ 12-2-92

**UNITED STATES DEPARTMENT of the INTERIOR  
BUREAU OF LAND MANAGEMENT**

Stateline Resource Area  
4765 Vegas Drive  
P.O. Box 26569  
Las Vegas, Nevada 89126



In Reply Refer To:  
4700  
(NV-054)

December 2, 1992

Dear Reader:

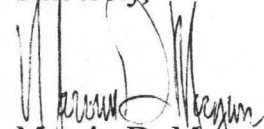
Enclosed for your review and comment is a Draft Wild Horse Removal Plan and a Draft Wild Burro Removal Plan along with a Draft Environmental Assessment for each. These documents address the removal of wild horses from the Ash Meadows Wildlife Refuge and the removal of wild burros from the Gold Butte Herd Management Area.

Your review and comments on these draft documents are important components of the National Environmental Policy Act (NEPA) process and ensures that your concerns are considered. Your written comments must be postmarked no later than January 2, 1993. Please direct written comments to:

Marvin D. Morgan, Stateline Area Manager  
Bureau of Land Management  
P.O. Box 26569  
Las Vegas, NV 89126

If you have any questions, please feel free to contact Terry Driver at (702) 647-5000.

Sincerely,

  
Marvin D. Morgan  
Area Manager

Enclosures:

1. Draft Wild Horse Removal Plan for Ash Meadows
2. Draft Environmental Assessment for the Ash Meadows Wild Horse Removal
3. Draft Wild Burro Removal Plan for Gold Butte HMA
4. Draft Environmental Assessment for the Gold Butte Wild Burro Gather

WILD HORSE REMOVAL PLAN  
FOR  
ASH MEADOWS

Prepared by  
Terry Driver  
Range Conservationist

Bureau of Land Management  
Las Vegas District  
Stateline Resource Area  
Caliente, Nevada

## ASH MEADOWS WILD HORSE REMOVAL PLAN

### PURPOSE OF REMOVAL

The purpose of the proposed action is to restore and maintain the range to a thriving natural ecological balance, to prevent further deterioration of the rangeland resources currently threatened by wild horses and to protect threatened and endangered plants and animals and their habitat in the removal area. This will be accomplished by total removal of the wild horses and burros from Ash Meadows.

The appropriate management level (AML) for the area has already been established by the Esmeralda/Southern Nye Resource Management Plan at zero animals. Wild horses were removed from the area in 1985, at the request of the U.S. Fish and Wildlife Service.

This document outlines the process and the events involved with the wild horse gather operation for Ash Meadows. Included are the numbers of horses to be removed, the time and method of capture, the handling and disposition of captured horses and the BLM personnel involved with the proposed gather.

### BACKGROUND

#### 1. Situation and Supporting Data

The wild horse census conducted in 1988 counted 63 horses throughout the removal area. The horses are widely scattered throughout Ash Meadows. Although the horses are roaming on lands managed by BLM and lands controlled by USFWS, the intermixed lands are considered part of the Ash Meadows Wildlife Refuge, and contain seven threatened and endangered plants and several endangered fish in the many warm springs in the area. None of the springs or riparian areas are fenced to keep the horses out, since the area is being managed in a "natural state" and fences constructed by former private owners are being removed by USFWS personnel as time and funding permit.

#### 2. Objectives

- a. To protect the threatened and endangered plants and animals and their habitat in the Ash Meadows Wildlife Refuge.
- b. To prevent deterioration of the rangeland resources in accordance with various statutes.

### AREA OF CONCERN

The proposed removal area is in Ash Meadows, located in Nye county of southern Nevada, approximately 70 miles west of Las Vegas, NV, in the Las Vegas District, Stateline Resource Area. The Ash Meadows HMA was designated in 1972, but wild horse or burro numbers were not established until the Esmeralda - Southern Nye RMP/EIS was completed. This action is considered a part of long term management. The attached maps identify the proposed removal area.

Topographically, the gather area will be primarily in a gently rolling valley bottom with low, rough hills on the east side of the valley. Wild horses are anticipated to be found primarily in the valley bottom where an abundance of forage and water is found. Some physical barriers in the form of fences are found in the area and moving the horses through these areas will be avoided.

#### Number of horses to be gathered

All the horses, 63 animals plus increase, based on the most recent inventory, are to be removed from Ash Meadows.

#### Time and Method of Capture

The gather operation is expected to begin with the issuance of a notice to proceed in F Y 1993 and last approximately two weeks. Approximate start time is mid-January, 1993. Capture activity is not expected to be restricted to any specific hours because of the weather to reduce heat stress on the animals. Foaling in horses occurs generally in the spring months, and no new foals are expected accompany the mares, although some mares may be within two to three months of foaling.

The removal will commence during January, 1993, when weather and wild horse conditions permit. Once the removal operation begins, it is anticipated it will last not more than two weeks.

Driving with a helicopter into a winged trap will be the method used to capture the horses. The removal operation will begin in mid-January, 1993, and continue until all the horses are removed.

The temporary traps and holding corrals will be constructed from portable pipe panels. A loading chute at the holding corral will be equipped with plywood sides or similar material so horses' legs will not 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. 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/PI.

Other methods of capture will not be considered for obvious reasons. Water trapping, while easier on the animals, is not feasible due to the numerous existing water sources available to the horses. Running horses on horseback is not feasible because of the potential of injury to the wild horses, riders and saddle horses used to chase the wild horses.

#### ADMINISTRATION OF THE CONTRACT

This removal will be conducted through the FY 93 Nevada Wild Horse/Burro Removal Requirements Contract. The removal will be supervised by a Contracting Officer's Representative (COR) and a Project Inspector (PI). Sorting operations will be conducted by the Contractor and supervised by COR/PI. All stipulations contained in this removal plan and the contract will apply. Through either its own personnel or the contractor the BLM will be responsible for the capture, care,

sorting, temporary holding and transportation from the removal area of all wild horses .

Two weeks prior to the start of removals, BLM will provide a written pre-capture evaluation of existing conditions in the removal area. The evaluation will include animal condition, prevailing temperatures, soil conditions, topography, road conditions, locations of fences and other physical barriers, water availability, and animal distribution in relation to potential trap locations.

The evaluation will also conclude whether the level of activity associated with the removal operation is likely to cause undue stress to the animals. A determination will be made as to whether such stress could be tolerated by the horses if a veterinarian is utilized or whether a delay in the capture activity is warranted. If it is determined the removal can proceed with a veterinarian present, the services of a veterinarian will be obtained before the removal proceeds.

It is estimated that no more than three trap locations will be required to accomplish the work. Potential trap sites include, but are not limited to, the area immediately south of Point of Rocks Spring, south of Fairbanks Spring and near the former Preferred Equities Farms headquarters. All potential trap sites occur on or near existing roads.

Prior to setting up traps and support facilities, cultural resource and biological assessment of these sites will be conducted by qualified BLM specialists. Only one potential site, that south of Fairbanks Spring, may contain historic, biologic or cultural values which have not been disturbed or destroyed by actions of the former owner of the land now controlled by USFWS.

#### SORTING

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

1. ANIMALS TO BE REMOVED FROM THE RANGE generally will meet the following criteria:
  - a. all animals regardless of age. Animals over the age of eight years will be placed in an HMA where:
    - (a) the AML has not been reached, or
    - (b) a removal is planned in the near future, to bring the numbers of horses/burros to AML.
  - b. in sufficient health to be shipped from processing center within a reasonable period of time following arrival.
2. Any LAME, OLD, OR SICK ANIMALS will meet the following criteria:
  - a. Lame means an animal with one or more malfunctioning limbs that permanently impair freedom of movement.

*Capture twice*

b. Old means an animal characterized because of age by its physical deterioration and inability to fend for itself, suffering or closeness to death.

c. Sick means an animal with failing health, infirmity or disease from which there is little chance of recovery.

3. BRANDED AND CLAIMED ANIMALS will be identified using the following criteria:

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.).

4. Process

a. Removal. Animals meeting the removal criteria will be returned to the Contractor for transport to a processing center.

b. Destruction. The COR/PI will have the primary responsibility for determining when an animal will be destroyed in accordance with 43 CFR Subpart 4730.1. The COR/PI will insure that destruction methodology is known to personnel involved in this aspect. When the need for destruction questionable, a veterinarian will be called to assist in making a final determination.

The carcasses of wild horses that die or must be destroyed, as a result of any infectious, contagious or parasitic disease, will be disposed of by burial to a depth of at least 3 feet. The carcasses of other wild horses which must be destroyed will be disposed of by removing them from the capture site or holding corral and placing them in a inconspicuous location to minimize the visual impacts. Carcasses will not be placed in drainage regardless of drainage size or downstream destination.

d. Branded and Claimed. A Notice of Intent to Impound and 28-day Notice to Gather Wild Horses will be issued concurrently by the BLM, prior to any removal operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices. The COR/PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the capture site holding facility. 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 identify 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 in a separate holding corral. Release of these animals to the owner or claimant will be upon settlement of impoundment and or trespass charges. Appropriate charges will be determined by the Stateline Area Manager in accordance with 43 CFR Subpart 4710.6 and 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 unclaimed, 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 estray.

The District Brand Inspector will provide the COR/PI with a brand inspection certificate for the immediate shipment of wild horses to the selected processing facility. A similar certificate will be issued for the branded or claimed horses for whom impoundment and trespass charges have not been offered or received in order to ship them to public auction or another holding facility.

#### HOLDING

The contractor will provide all feed, water, labor, and equipment to care for captured horses at the holding facility. The contractor will also provide transportation of captured horses from the temporary holding facility to the selected processing center. BLM will provide transportation of unclaimed and claimed branded horses to an approved facility for release to the claimant or for handling under Nevada State estray laws. All work will be accomplished in a safe and humane manner and be in accordance with the provisions of 43 CFR Part 4700 and the following specifications, provisions, and attached work location maps. 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. BLM will furnish contract supervision.

#### TRANSPORTATION

##### 1. Wild Horses

After sorting, wild horses will be transported to the selected processing center. Transportation will be in accordance with standards in the stipulations and specifications section in this plan.

##### 2. Branded and Claimed Horses

Branded and claimed horses will be transported by the BLM or the Brand Inspector depending on the final disposition of the individual animals.

## RESPONSIBILITIES

### 1. District Manager

The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. The District Manager, directly and through his subordinates, has ultimate responsibility and line authority for supervision of assigned personnel in all aspects of the removal. All publicity and initial contacts with the media will be coordinated by and through the District Public Affairs Officer.

### 2. Area Manager

Formal public contact, access, and general inquiries will be handled through the Stateline Resource Area Manager. The Area Manager is responsible for dissemination of information to the District Manager, the State Director's representative, and interested publics. As a minimum the Area Manager will provide removal statistics (number removed, number released, number destroyed) on a weekly basis. Accidents and incidents will be reported immediately. The Area Manager, directly and through his subordinates, has responsibility and line authority for supervision of assigned personnel to insure safe and humane practices relative to the health and welfare of the wild horses.

### 3. Other BLM Personnel

Prior to performance of duties, attached/detailed BLM personnel will tour the removal area and look at potential trap sites. In addition they will be briefed on results of the pre-capture evaluation, the objectives and standards of their tasks and the removal plan stipulations and specifications.

### 4. Contracting Officer's Representative and Project Inspector

The COR/PI will be directly responsible for conducting the removal including supervision other attached/detailed BLM personnel and the Contractor. The COR supervises the PI. The COR/PI, through on-site observation, will evaluate the contractor's ability to perform the required work in accordance with the contract stipulations and specifications. COR/PI will be on site during the capture activities to ensure Contractor compliance with the contract stipulations and to protect the health and welfare of the animals. Compliance with the contract stipulations will be facilitated through issuance of written instruction to the contractor, stop work orders, and default procedures should the contractor not perform work according to stipulations.

The COR/PI will coordinate contacts with the selected handling facilities, to assure space is available, horses are handled humanely and efficiently, and are arriving from the capture site in good condition.

The project helicopter actions may be observed by a Government-controlled helicopter. All actions of the Government helicopter will be coordinated



with the Contractor to prevent interference with the project helicopter and Contractor operations. The COR/PI will direct the use of this observation helicopter to monitor the operation of the Contractor.

The COR/PI will maintain a daily log and furnish the Area Manager with copies of all written instructions to the Contractor and any stop work order on a weekly basis. Removal/release statistics will be furnished to the Area Manager on a weekly basis. Accidents and incidents will be reported to the Area Manager immediately. The COR/PI is also responsible for reporting proceedings to the Contracting Officer. The COR/PI is responsible for on-site coordination as needed and for providing capture information and statistics on a weekly basis.

It is anticipated that the COR for the Ash Meadows Wild Horse Removal will be the Las Vegas District Wild Horse and Burro Specialist. PIs may include, but are not limited to, wild horse and burro specialists with BLM in Nevada.

#### 5. Contractor

The contractor shall be required to present for inspection by the COR all equipment that will be used in performance of the contract. The time and place of inspection shall be determined by the COR. Except for helicopters, any equipment that the COR determines to be inadequate shall be replaced or repaired by the contractor within 36 hours.

Work hours under this contract shall be limited to the time between one half hour before sunrise to one half hour after sunset each day. No work shall be done on Sunday or Federal holidays unless mutually agreeable between the COR and the contractor and authorized by the CO.

The Contractor will be briefed on his duties and responsibilities before the Notice to Proceed is issued. The contractor will be informed of the terrain involved, animal condition, road conditions, potential trap locations, water availability and the presence of fences and other dangerous barriers.

### STIPULATIONS AND SPECIFICATIONS

WITH THE EXCEPTION OF EXPLANATORY NOTES (SHOWN IN [BRACKETS]) THE FOLLOWING TEXT IS TAKEN DIRECTLY FROM THE REQUIREMENTS CONTRACT (N651-C1-3018).

#### A. TRAPPING AND CARE

All capture attempts shall be accomplished utilizing helicopter-drive trapping techniques and shall incorporate the following:

1. All trap locations and holding facilities must be approved by the COR/PI prior to construction. The Contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

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

[NOTE: BLM will not allow horses to be herded more than 10 miles nor faster than 20 miles per hour. The COR/PI 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. Special attention will be given to avoiding physical hazards such as fences.]

Temperature limitations on helicopter operations are 10 degrees F. as a minimum and 95 degrees F. as a maximum.]

3. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:

a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, 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 (without holes) or like material. The loading chute shall also be a minimum of 6 feet high.

c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood (without holes) or like material a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses.

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

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 for burros and 2 feet to 6 feet for horses. 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.

4. No fence modification will be made without authorization from the COR/PI. The Contractor shall be responsible for restoration of any fence modification which he has made.

[NOTE: If the route by which the contractor wishes to herd horses 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.]

5. 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.

6. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted 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.

[NOTE: Animals held in excess of ten hours will be provided sufficient space to allow for movement and reduce the possibility of crowding.]

7. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum 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 [grass] hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

8. It is the responsibility of the Contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.

9. 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 destruction of such animals. The Contractor may be required to dispose of the carcasses as directed by the COR/PI.

10. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI 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/PI. 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 and Federal holidays. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours.

## B. CAPTURE METHODS

### 1. Helicopter-Drive Trapping

a. 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/PI. Under no circumstances shall animals be tied down for more than one hour.

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

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

(3) The COR/PI 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(ies) used for this contract will be assigned by the COR/PI 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 representative.

(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 contractor's home base, spent in performance of the contract.

### C. 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 stock trailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stock trailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination. Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates 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 at least one door at the rear end of the vehicle which is capable of sliding either horizontally or vertically.

5. Floors of vehicles, trailers, 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.

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

- 1.4 linear foot per adult horse
- 1.0 linear foot per adult burro
- .75 linear foot per horse foal
- .5 linear foot per burro foal

[NOTE: The COR/PI will supervise the loading of the wild horses to be transported from the trap to the temporary holding corral. The COR/PI will require separation of small foals and/or weak horses from the rest should there be a potential for injury during the trip. The COR/PI will consider the distance and condition of the road and animals in making this determination. Horses shipped from the temporary holding corral to the designated processing facility, will normally be separated by studs, mares and foals (including small yearlings).

of these classes 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 the mares or a weak mare or yearling with the foals. Further separation may be required should condition of the animals warrant.

The COR/PI supervising the loading will exercise authority to off-load animals should there be too many horses 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.

[NOTE: It is currently planned to ship all horses to the Palomino Valley Center. Palomino Valley Center personnel involved in off-loading the horses will provide feedback to the COR/PI on the condition of shipped horses. Should problems arise, shipping methods, and/or separation of the horses 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.

[NOTE: The maximum distance over which animals may have to be transported on dirt roads is approximately 10 miles per load. The COR/PI may increase this distance if necessary. Periodic checks by BLM employees will be made as the horses are transported along dirt roads. If speed restrictions are placed in effect, then BLM employees will, at times, follow and/or time trips to ensure compliance.]

#### D. CONTRACTOR-FURNISHED PROPERTY

1. All hay, water, vehicles, saddle horses, helicopters and other applicable equipment shall be provided by the Contractor. Other equipment includes but is not limited to, a minimum 2,000 linear feet of 72-inch high (minimum height) panels for horses or 60-inch high (minimum height) for burros for traps and holding facilities. Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g., rubber, rubber over metal) so as to avoid injury to the animals.

2. The Contractor shall furnish an avionics system that will allow communications between the Contractor's helicopter and his fuel truck. All radio frequencies used under this capture must be approved in writing by the Tonopah Test Range Frequency Management. This will reduce the possibility of any radio interference.

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.

4. The Contractor shall provide programmable VHF/FM radio transceiver in accordance with the following and Illustration 1.

a. VHF/FM Transceiver. One VHF/FM (AUX-FM) Transceiver shall be installed, operating in the 150.000 to 174.000 MHz band on five kHz channel increments, with 32 channel CTCSS sub-audible tone encoder capabilities, and no less than five watts and no more than 10 watts carrier power output.

b. In lieu of the VHF/FM Transceiver, the Contractor may furnish the following portable radio, provisions for an auxiliary VHF/FM portable radio and adaptor.

(1) VHF/FM Portable Radio. One VHF/FM Two-Way Portable Radio, operating in the 150 MHz to 174 MHz frequency band, frequency synthesized, CTCSS 32 sub-audible tone capable, operator programmable, 5kHz channel spacing, minimum 5 watts carrier power (Example: King Model No. LPH Series).

(2) Provision for Auxiliary VHF/FM Portable Radio.

(a) The Contractor shall provide the necessary interface for installing and properly operating an Auxiliary VHF/FM Portable Radio through the aircraft's Audio Control Systems. The interface shall consist of the appropriate wiring from the Audio Control Systems which is terminated in a MS 3112E-12-10S type connector, mounted in a location convenient to the observer, and utilizing the following contact assignments:

<u>Contact Designation</u>	<u>Interface Functions</u>
A	Airframe Ground
B	Push-to-Talk (isolated contact closure)
C	Push-to-Talk (isolated contact closure)
D	Receiver audio low
E	Receiver audio high (Variable typically from 10mW to 500mW, 8 ohms to 75 ohms)
F	Transmitter Microphone Low
G	Transmitter Microphone High
H	+14 VDC from aircraft avionics bus, 5 amp Type A circuit breaker. For 14V aircraft only!
J	+24 VDC from aircraft avionics bus, 5 amp Type A circuit breaker. For 28V aircraft only!
K	Spare contact

(b) One weatherproof external broadband antenna covering the 150-174 MHz band, with associated RG-58A/U coaxial cable and connector, terminated in a bulkhead mounted BNC connector convenient to the observer (Comant type CI-177 or equal).

(c) Radio mounting facilities that comply with AC 43.13- 2A, Chapters 1 and 2, shall be provided for the auxiliary radio for installation in the cockpit, with controls convenient to the pilot and observer. The auxiliary radio connector and antenna connector shall be so located that an 18 inch interconnecting cable may be utilized by the radio.

(d) The selector panel shall supply positive polarity microphone excitation voltage, from the aircraft DC power system through a suitable resistor network, to the aircraft microphone. A blocking capacitor shall be provided in the selector panel to prevent the portable microphone excitation voltage from entering the system.

(e) An auxiliary FM adapter shall be provided to interface the connector and circuits necessary to operate the radio, through the MS3112E-12-10S connector in the aircraft (FS/OAS Drawing A-15-1 is provided as a possible interface).

#### IV. FOLLOW UP MONITORING

Upon completion of the removal, the only followup monitoring will be periodic inventory to determine if other horses and/or burros move into the area. US Fish and Wildlife Service personnel will notify BLM of movement of horses or burros into the area.



Prepared by:

\_\_\_\_\_  
Terry Driver  
Range Conservationist  
Stateline Resource Area

\_\_\_\_\_  
Date

Reviewed by:

\_\_\_\_\_  
Marvin Morgan  
Area Manager  
Stateline Resource Area

\_\_\_\_\_  
Date

\_\_\_\_\_  
Colin P. Christensen  
Assistant District Manager, Resources  
Las Vegas District

\_\_\_\_\_  
Date

Approved By:

\_\_\_\_\_  
Ben F. Collins  
District Manager  
Las Vegas District

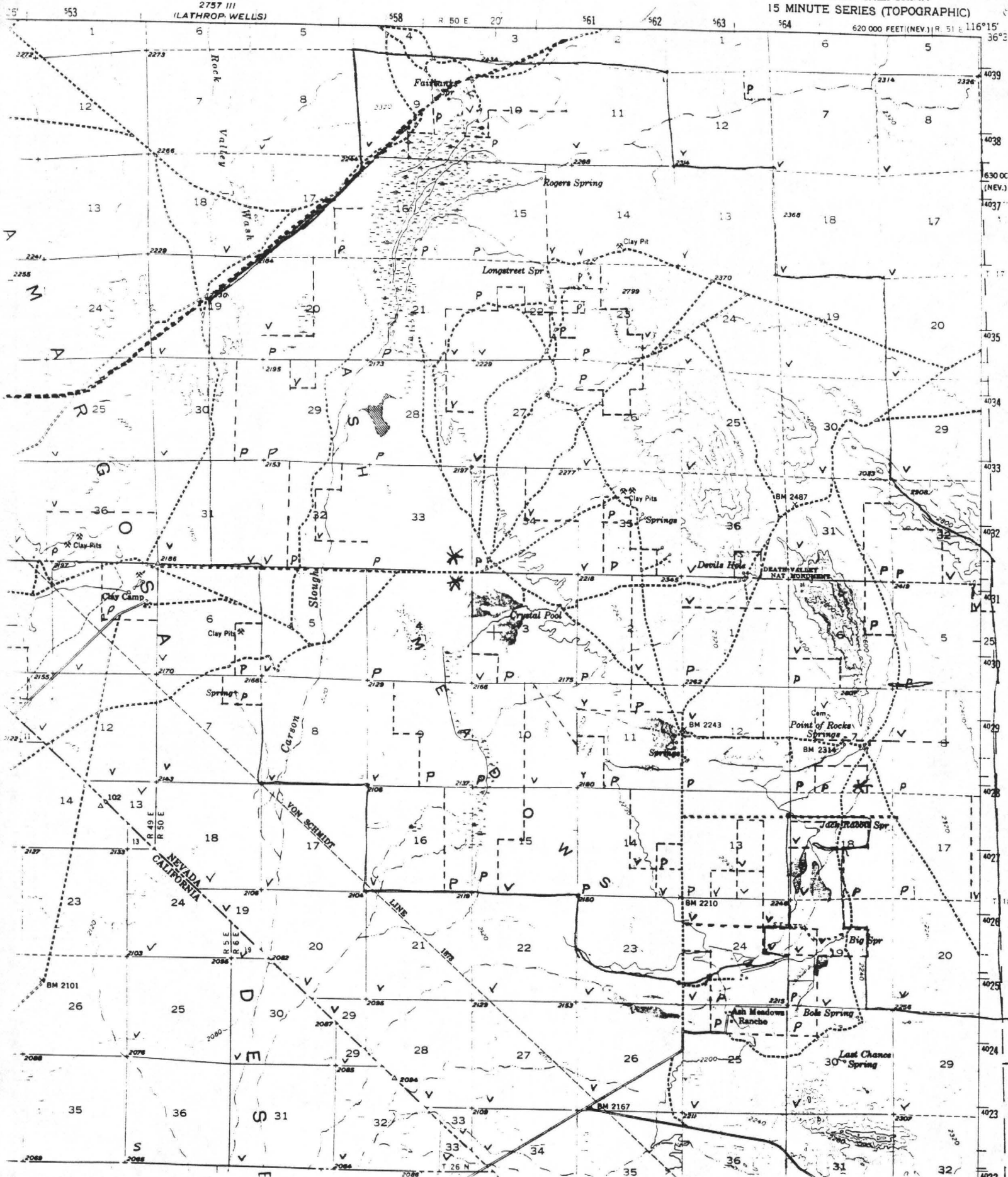
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Date

\_\_\_\_\_  
K. Lynn Bennett  
Associate State Director  
Nevada

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*potential trap sites*

ASH MEADOWS QUADRANGLE  
NEVADA-CALIFORNIA  
15 MINUTE SERIES (TOPOGRAPHIC)



WILD BURRO  
REMOVAL PLAN FOR  
GOLD BUTTE HMA

Prepared by  
Terry Driver  
Range Conservationist

Bureau of Land Management  
Las Vegas District  
Stateline Resource Area  
Las Vegas, Nevada

## WILD BURRO REMOVAL PLAN FOR GOLD BUTTE HMA

### 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 burros in and around the Gold Butte Herd Management Area (HMA).

The burros were determined to be in excess from the analysis of vegetation utilization data and herd census/distribution data in the Gold Butte Allotment Evaluation. The analysis of data collected from key areas and use pattern mapping from 1981 to 1989 determined that a range of 22 to 98 wild burros are the estimated numbers that the Gold Butte HMA can support while maintaining an ecological balance among vegetation, wild burros, and wildlife. Based on this monitoring data, the maximum carrying capacity or optimum numbers/AML for wild burros which results in a thriving natural ecological balance and avoids a deterioration of the range is 98. The 1990 post-removal census identified 168 wild burros and the 1992 census identified 127 wild burros. The area still contains 27 to 70 excess wild burros, plus increase, based on the monitoring data.

Significant portions of the range are in deteriorated condition within the primary and/or critical wild burro use area. The Gold Butte Allotment Evaluation addresses the resource conditions in detail and was sent out for public review and comment in 1989. This document is on file at the BLM Las Vegas District Office.

The proposed action will bring the population of wild burros to a level approaching a balance with available forage within the Gold Butte HMA. The population adjustment is based solely on analysis of monitoring data. Helicopters will be used to capture the wild burros from heavy and severe utilization zones within the primary use area of the HMA (see attached map and environmental assessment).

This document outlines the process and the events involved with the wild burro roundup for the Gold Butte Wild Burro Gather. Included are the numbers of burros to be gathered, the time and method of capture, and the handling and disposition of captured burros. 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 located approximately 35 to 50 miles south of Mesquite, Nevada in Eastern Clark County, 150 "road" miles east of Las Vegas, Nevada and includes the Gold Butte Herd Management Area (HMA), in the Bureau of Land Management's Las Vegas District, Stateline Resource Area. Maps are enclosed to help locate the proposed removal area. The gather area is covered by the Tassi-Gold Butte Herd Management Area Plan (HMAP). The proposed action is consistent with the Stateline Management Framework Plan (MFP) and Record of Decision (ROD). This action is considered a part of long term management.

### Number of Burros to be Gathered

The number of animals to be gathered, based on analysis of monitoring data and the most recent complete aerial census, is 29 wild burros. However, a post-removal census conducted in 1990 showed 168 burros within the capture area. Approximately 75 burros are to be gathered.

Gather Area	Nos. to be Gathered	Nos. to Remain	Census Population(Year)
Gold Butte HMA	75	100	168 (1990)

This capture will leave a minimum of 100 wild burros in the Gold Butte HMA. A post gather census will be conducted in the HMA to ensure that the identified population numbers remain after the gather is complete. Burros will be released back into the HMA to maintain these numbers, if necessary.

### Time and Method of Capture

The gather is expected to take place through issuance of a removal contract during FY 93, and last approximately 4 weeks. The approximate start date for the removal contract is January 30, 1993. Capture activity will not be restricted to any specific hours because of the weather to reduce heat stress on the burros. Based on data collected in the Arizona Tassi part of the herd, foaling occurs year round. As a result, foals are present most of the year. The method of capture to be used will be a helicopter to bring the burros to trap sites and horseback riders at the wings of portable traps. The temporary traps and corrals will be constructed from portable pipe panels. A temporary holding corral will be constructed in the area to hold burros after capture. A loading chute at the holding corral will be equipped with plywood sides or similar material so burros' legs will not get caught in the panels. Trap wings will be constructed of portable panels, jute netting, or other materials not harmful to the 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.

Other methods of capture will not be considered for various reasons. Water trapping wild burros, though easier on the animal, is not feasible due to the numerous existing water and spring sources available to burros and the ready access to Lake Mead. Trapping burros by running them on horseback is not feasible because it is too easy to lose the burros after starting them towards the trap; injuries to riders, saddle horses and burros are more likely and the cost factor shown from previous roundups using this method indicates that the costs are prohibitive.

It is estimated that 6 trap locations will be required to accomplish the work. Each site will be selected by the COR after determining the animals habits 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 be located to cause as little injury to burros and as little damage to the area as possible. Sites will be located on or near existing roads or adjacent to Lake

Mead and will receive cultural and threatened/endangered plant and animal clearances prior to construction. Additional trap sites may be required, as determined by the COR, to relieve stress to pregnant jennies, foals, and other burros caused by certain conditions at the time of the gather (i.e., dust, rocky terrain, etc.).

Due to many variables such as weather, time of year, location of 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 gather.

The burros will be gathered or trailed from the heavy to severe use areas located on the south, southeast and southwest area in the Lake Mead National Recreation Area. The terrain in the removal area varies from gently sloping alluvial fans to mountainous, and the burros could be located at all elevations during the scheduled gather period. It is expected that the animals will be located on the alluvial fans in close proximity to Lake Mead. There are few physical barriers and fences in the area, which the contractor will be instructed to avoid.

#### Administration of the Contract

BLM will be responsible for capture, care, temporary holding of approximately 150 to 170 wild burros, and their transportation to the adoption preparation facility through the issuance of a removal contract.

Within two weeks prior to the start of the contract, BLM will provide for a pre-capture evaluation of existing conditions. The evaluation will include animal condition, prevailing temperatures, soil conditions, topography, road conditions, locations of fences and other physical barriers, and animal distribution in relation to potential trap locations. The evaluation will also arrive at a conclusion as to whether the level of activity is likely to cause undue stress, and whether such stress would be acceptable to the animals if veterinarian expertise were present, or whether a delay in the capture activity is warranted. If it is determined that the capture requires a veterinarian present, the services of a veterinarian will be obtained before the capture will proceed.

It is recommended that the COR be the Las Vegas District Wild Horse and Burro/Range Specialist. Terry Driver, Stateline Resource Area Wild Horse and Burro Specialist will assist the COR. The COR will be directly responsible for conducting the roundup and can appoint other BLM personnel to assist with the roundup as necessary.

Other BLM personnel may be needed to help and include an archaeologist or a district archaeological technician to survey sites for cultural resources, Stateline Resource Area personnel as the need arises, and a BLM law enforcement agent to protect BLM personnel and property from unlawful activities.

The COR is directly responsible for the conduct of the gathering operation and for reporting the roundup proceedings to the Las Vegas District Manager, and the Nevada State Office.

The District Manager and Stateline Resource Area Manager are responsible for

maintaining and protecting the health and welfare of the wild burros. The COR will be on site during the capture activities to ensure the contractor's compliance with the contract stipulations. However, the Stateline Resource Area Manager and the Las Vegas District Manager are 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, BLM will have a helicopter available at the roundup site. This helicopter will be used with discretion to minimize disturbance of burros 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 Stateline Resource Area Manager and the Las Vegas District Manager.

The COR will also coordinate the contract with the adoption preparation facility to assure space is available in the corrals for the captured burros, that they can be handled humanely and efficiently, and that transported animals 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. 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.

#### Branded and Claimed Animals

A notice of intent to impound and a 28-day notice to gather wild burros will be issued concurrently by the 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 Sale if issued. The COR will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

When burros are captured, the COR 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, 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, etc.).
- c. Unbranded animals and offspring without obvious evidence of former private ownership.

The COR, after consultation with the District Brand Inspector, will determine if unbranded animals are wild and free-roaming 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 burros.

Branded burros with offspring and claimed unbranded burros 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 burros until the owner/claimant or BLM can pick them up.

The animals will remain in BLM's custody until settlement in full is made for impoundment and trespass charges, as determined appropriate by the Stateline Area Manager in accordance with 43 CFR Subpart 4710.6 and provisions in 43 CFR Subpart 4150. In the event settlement is not made, the burros will be sold at public auction by the BLM.

Branded burros with offspring whose owners cannot be determined, and unclaimed, unbranded 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 a brand inspection certificate for the immediate shipment of wild burros to the selected processing facility, and for the branded or claimed burros where impoundment and trespass charges have not been offered or received, for shipment to 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 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 is 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 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 Burro and Burro Program Guidance dated January 1983. A veterinarian can be called from Las Vegas if necessary to care for any injured burros.

The carcasses of wild burros which die or must be destroyed as a result of any infectious, contagious, or parasitic disease will be disposed of by burial to a depth of at least 3 feet outside all wilderness study areas.

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

#### Temporary Holding Facility

The holding facility shall be on public land outside wilderness study areas 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 facilities and accept all liability for use of such facilities.

The contractor shall provide all feed, water, labor, and equipment to care for captured burros at the holding facility. The contractor shall also provide transportation of captured burros from the temporary holding facility to the selected processing center. BLM will provide transportation of unclaimed and claimed branded burros to an 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 43 CFR Part 4700 and the following specifications, provisions, and attached work location maps. 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. BLM will furnish contract supervision.

#### Stipulations and Specifications

##### A. Motorized Equipment

1. All motorized equipment employed in transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to 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 stock trailers shall be allowed for transporting animals from traps to temporary holding facilities. Only Bobtail trucks, stock trailers, or single deck truck trailers shall be used to haul animals from

temporary holding facilities to final destination. Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates 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 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 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 limitations on numbers according to age, size, sex, temperament, and animal condition. A minimum of 1 linear foot per adult animal and .5 linear foot per foal shall be allowed per standard 8 foot wide stock trailer/truck.

The BLM employee supervising the loading of the wild burros to be transported from the trap to the temporary holding corral will require separation of small foals and/or weak burros from the rest should he/she feel that they may be injured during the trip. He/She will consider the distance and condition of the road and animals in making this determination. Burros shipped from the temporary holding corral to the BLM facility will normally be separated by jacks, jennies and foals (including small yearlings). However, if the numbers of these classes 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 jack with the jennies or a weak jenny or yearling with the foals. Further separation may be required should condition of the animals warrant.

The BLM employee supervising the loading will exercise his/her authority to off-load animals should he/she feel there are too many burros 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 burros to the Kingman, Arizona, facility. Communication lines have been established with the Kingman personnel involved in off-loading the burros, to receive feedback on the condition of shipped burros. Should problems arise, shipping methods

and/or separation of the burros 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 animals may have to be transported on dirt roads is approximately 40 miles per load.

Periodic checks by BLM employees will be made as the burros are transported along dirt roads. If speed restrictions are placed in effect, then BLM 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 1 hour.

Roping will be allowed to capture an orphaned foal or a suspected wet jenny.

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

The Las Vegas District will use an observation helicopter as the primary means in which to supervise the use of the project helicopter. In the absence of an observation helicopter, the project helicopter or saddle horses may be used to place a BLM observer on a point overlooking the area of the helicopter herding operations.

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.

BLM will not allow burros to be herded more than 5 miles nor faster than 10 miles per hour. The COR may modify the rate of travel or distance moved should the route to the trap site pose a danger, cause avoidable stress (steep and/or rocky) or other conditions warrant it. Animal condition will also be considered in making distance and speed restrictions.

Special attention will be made to avoid physical hazards such as fences.

4. It is estimated that 6 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.

If tentative trap sites are not located near enough to the concentrations of burros, then the trap site will not be approved. The COR will move the general location of the trap closer to the burros. Trap sites will not be approved where barbed-wire fences are used as wings, wing extensions, or to turn the burros, 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 60 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 5 feet high.

c. All runways shall be a minimum of 20 feet long and a minimum of 5 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 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 burros 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 temporary holding facility shall be furnished by the contractor to separate jennies with small foals, sick and injured animals, and stray animals from the other burros. 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.

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

9. 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 burros are standing on the trucks prior to off loading is minimized. 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 2 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 if treatment by the Government is necessary. 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.

#### C. Helicopter, Pilot, and Communications

1. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor shall comply with the Contractors Federal Aviation Certificates, applicable regulations of the State of Nevada and shall follow what are recognized as safe flying practices.

2. When refueling, the helicopter shall remain a distance of at least a 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 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. 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.

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

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

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ENVIRONMENTAL ASSESSMENT  
for the  
GOLD BUTTE WILD  
BURRO GATHER

EA No. NV-054-0-006

Prepared by Terry Driver  
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Bureau of Land Management  
Las Vegas District  
Stateline Resource Area  
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## BACKGROUND INFORMATION

### Introduction

The Bureau of Land Management (BLM) Las Vegas District, Stateline Resource Area, is proposing to remove excess wild burros from the Gold Butte Herd Management Area (HMA). The HMA encompasses approximately 65 percent Public Lands and 35 percent Lake Mead National Recreation Area (LMNRA) administered by the National Park Service (NPS).

The proposed gather area is located approximately 35 to 50 miles south of Mesquite, Nevada in Eastern Clark County, 150 "road" miles east of Las Vegas, Nevada, and includes the Gold Butte Herd Management Area (HMA), in the Bureau of Land Management (BLM) Las Vegas District, Stateline Resource Area. The gather area is covered by the Tassi-Gold Butte Herd Management Area Plan (HMAP). The proposed action is consistent with the Stateline Management Framework Plan (MFP) and Record of Decision (ROD). It is also consistent with the management goals of the NPS in the LMNRA. This action is considered a part of long term management. (see Appendix I - Location Maps).

### Purpose and Need

The purpose of the proposed action is to remove excess wild burros from the Gold Butte HMA. 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 burros in and around the Gold Butte Herd Management Area (HMA).

The burros were determined to be in excess from the analysis of vegetation utilization data and herd census and distribution data in the Draft Gold Butte Allotment Evaluation. The analysis of data collected from key areas and use pattern mapping from 1981 to 1989 determined that a range of 22 to 98 wild burros are the estimated numbers that the Gold Butte HMA can support while maintaining an ecological balance among vegetation, wild burros, and wildlife. Based on this monitoring data, the maximum carrying capacity or optimum numbers/AML for wild burros which results in a thriving natural ecological balance and avoids a deterioration of the range is 98. The 1990 census identified 268 wild burros. There are 260 burros in excess based on the monitoring data.

Significant portions of the range are in deteriorated condition within the primary and/or critical wild burro use area. The Draft Gold Butte Allotment Evaluation was sent out for public review and comment in 1989 and is on file at the BLM Las Vegas District Office.

The removal of wild burros is necessary to restore the range to a thriving natural ecological balance and multiple use relationship and prevent further deterioration of the vegetative community threatened by an overpopulation of wild burros within the Gold Butte HMA and the Gold Butte Allotment. The proposed action involves removals in order to correct and reverse degradation identified from analysis of rangeland monitoring data from the Draft Gold Butte Allotment Evaluation. The HMA includes approximately 96,890 acres of land administered by the National Park Service in the Lake Mead National Recreation Area and 176,878

acres of Public Lands administered by the Bureau of Land Management for a total of 273,768 acres.

The BLM has conducted one removal of 250 animals in the past from the HMA, but did not reduce the population to the proposed AML and numbers have increased during the two years since the removal. Refer to Appendix II for allotment evaluation summaries.

### Relationship to Planning

This EA is tiered to the Stateline Grazing Environmental Impact Statement (EIS) which analyzed the general ecological impacts of managing rangelands in the Stateline Resource Area under a program of habitat monitoring and adjustment of wild burros and livestock. This EA is a project specific refinement of the EIS focused on the removal of excess wild burros in the Gold Butte HMA. The decisions regarding overall rangeland management analyzed in the Stateline EIS will not be changed by the Gold Butte Removal Plan. Both documents are available for public review at the Las Vegas District Office. The gather area is covered by the Tassi-Gold Butte Herd Management Area Plan (HMAP) dated May 28, 1982. The proposal is in conformance with the Stateline MFP (1983) and ROD (1984), as well as the 1971 Wild Horse and Burro Act (Public Law 92-195), as amended.

### Major Issues

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 HMA boundaries at a level established through the analysis of monitoring data. 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.

## DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

### Proposed Action

The proposed action consists of using a helicopter to gather excess wild burros. The number of burros needed to be gathered based on analysis of utilization monitoring data, an assessment of range conditions, climatic data, and the most recent complete aerial census is 300 wild burros. Due to budgetary, scheduling, and planning constraints, only 250 are proposed to be gathered with this plan.

Gather Area	Nos. to be Gathered	Minimum Nos. To Remain	Census Population(Year)
Gold Butte HMA	27 - 75	100	168 (1990)

This capture will leave a minimum of 100 wild burros in the Gold Butte HMA. A post gather census will be conducted in the HMA to ensure that the identified minimum population numbers remain after the gather is complete. Burros will be released back into the HMA to maintain these numbers, if necessary.

The burros will be gathered using a helicopter and portable wing traps. The gather is expected to take place through issuance of a removal contract during FY 93, and last approximately 4 weeks. The approximate start date for the removal contract is January 30, 1993.

The burros will be gathered or trailed from the heavy to severe use areas located in the south, southeast and southwest areas in the Lake Mead National Recreation Area (LMNRA) (reference attached use pattern map). This is in the primary burro use area. The terrain in the removal area varies from gently sloping alluvial fans to mountainous, and the burros could be located at all elevations during the scheduled gather period.

It is estimated that 6 temporary traps with deflector wings encompassing approximately 1 acre each would be constructed on public lands and LMNRA lands in the primary use and critical habitat of the herd area. Temporary trap and corral sites would be selected by the contractor and approved by BLM. Each facility would be constructed from portable pipe panels. These traps would be moved as needed during the gathering operation and completely removed from the area after the contract is completed. A contracted helicopter and experienced wranglers would be used to drive and direct burros to each trap site in an efficient and careful manner. Hazards such as cliffs, fences, and old mine shafts would be scouted in advance and avoided. Existing roads and trails would be used whenever possible. Burros would be hauled by truck to a selected processing facility, then shipped to distribution centers for adoption. Burros that might be held at the trap site in excess of 10 hours would have food and water provided.

Branded trespass burros or other claimed burros and their current year's foals would be impounded and held until trespass fees, gathering fees, and other associated costs as determined by the Stateline Area Manager are paid to the Bureau, and then these animals would be turned over to the owner. Branded burros not claimed would be treated under the Nevada State estray laws.

#### Applicable Standard Operating Procedures

These standard operating procedures (SOP's) are also part of the proposed action:

- (1) Burro handling will be kept to a minimum. Capture and transporting operations can be traumatic to the animals. Minimizing the handling would increase the safety of the animals, as well as the handlers.
- (2) The foaling season occurs year around in the wild burro herd along Lake Mead based on monitoring and capture data collected by the BLM.
- (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.

BLM will not allow burros to be herded more than 5 miles nor faster than 10 miles per hour. The COR may modify the rate of travel or distance moved should the route to the trap site pose a danger, cause avoidable

stress (steep and/or rocky terrain) or other conditions warrant it. Animal condition will also be considered in making distance and speed restrictions.

(4) A veterinarian will be on call during gathering operations.

(5) Trap sites or holding corrals will not be placed in a specific site where a known listed or proposed threatened or endangered plant or animal species is located. A no affect determination has been made for trap or holding corral locations in relation to the Desert Tortoise. The capture area is a low density tortoise area. Specific trap site inspections will be made by the COR to place the trap in an area with no desert tortoise.

(6) A review of the capture plan by the District BLM archaeologist indicates that a cultural resources investigation is not needed prior to any trap or holding corral construction. If cultural values are discovered, an alternate site will be selected and a class 3 cultural resources investigation will be conducted. Native Americans have identified several sensitive areas within the Gold Butte HMA. The Moapa band of Southern Piutes will be notified in writing concerning this capture.

(7) Helicopters will be used with caution. A qualified district BLM representative (COR) will be present during gathering attempts to ensure strict compliance with the above mileage limitations and 43 CFR Part 4700 regulations. He will make a careful determination of a boundary line to serve as an outer limit within which attempts will be made to herd burros to a given trap. Topography, distance, weather, and current conditions of the burros will be considered in setting the mileage limits so as to avoid undue stress on the burros while they are being herded. The COR will be present at the gathering site to ensure minimum injury or other traumatic effects to the burros and that contract stipulations are adhered to. The Authorized Officer will also have a helicopter on site to use in monitoring and supervising the contract. This helicopter will be used with discretion to minimize disturbance of burros that would make gathering more difficult. However, it will be used as needed to assure that the contractor is complying with the contract specifications.

(8) Captured burros that are obviously lame, deformed, or sick will be humanely disposed of at the trap site.

(9) Every effort will be made to keep jennies and their young foals together.

(10) A BLM law enforcement agent will be present, if needed, during the gathering operation to provide protection for personnel working on the roundup, as well as the gathered burros.

(11) Temporary traps and corrals will be removed and sites will be left clean of all debris within 30 days following the gathering operation.

(12) Traps may be established within the Lime Canyon and/or Garrett Butte WSA's. They will be temporary structures approximately one acre in size with minimum site disturbance. No holding corrals will be established within WSA's. Motorized vehicles will be confined to existing roads and ways.

In addition to the standard operating procedures, the stipulations and specifications as listed in the Removal Plan for the Gold Butte Gather will also be considered a part of the proposed action.

All trap locations and herding operations within the LMNRA will be done in coordination and cooperation with Kent Turner of the NPS in the LMNRA to ensure that applicable NPS policy, regulation and law are adhered to.

### Alternatives

Different methods of capturing wild burros are discussed in the removal plan and will be briefly discussed in the alternative section of this environmental assessment. Current economic and political constraints limit "technically feasible and reasonably available" alternatives which could be expected to attain the objectives of the proposed action.

#### Alternative I - Water Trapping Wild Burros

Water trapping wild burros, though easier on the animal, is not feasible due to the numerous livestock maintained spring water sources available to burros and the ready access to Lake Mead in the proposed gathering area. Therefore, this alternative will not be considered further.

#### Alternative II - Trapping Wild Burros by Running Them on Horseback

Trapping burros by running them on horseback is not feasible because it is too easy to lose the burros after starting them towards the trap. Injuries to riders, domestic horses and burros are more likely. The cost factor shown from previous roundups using this method indicates that the costs are prohibitive. This alternative will, therefore, not be considered further.

#### Alternative III - No Action

Under the No Action alternative no gathering operations would be conducted; no wild burros would be gathered. Herd numbers would not be held at the levels established through analysis of monitoring studies, use levels would remain at heavy to severe over large areas, vegetative communities would continue to lose species diversity, and environmental degradation would continue. Since this would be out of conformance with the land use plan (Clark County Record of Decision, 1984, Decision 9 (6)), this alternative will not be considered further.

## Alternative IV - Other Management Options

The development of additional waters would not resolve the heavy to severe utilization levels within the primary use area. Numerous existing springs are available for use and many are currently being used by wild burros. Water availability is not a management issue or constraint for wild burros. With the easy access to Lake Mead and the abundant water present, the wild burros by free choice elect to concentrate and use the primary use area even though springs are available throughout the HMA. Mockingbird, Maynard, Summit, Catclaw, Willow, Dead Horse, Cottonwood, New, Gann, and Cataract springs are just a few of the springs maintained by the livestock permittee available to and receiving some use by wild burros on Public Lands away from Lake Mead.

Herding or fencing the burros in areas where they would not naturally choose to go within an HMA may be in violation of the 1971 Wild Free-Roaming Horse and Burro Act. Therefore, these options will not be considered further.

### DESCRIPTION OF THE AFFECTED ENVIRONMENT

A complete description of the affected environment can be found in the Draft Clark Grazing EIS (1982). This document is on file at the BLM Las Vegas District Office. Certain elements of the affected environment, which are necessary for the understanding of the anticipated impacts, will be described in the environmental impacts section for the proposed action.

The distribution and densities of the wild burros within the critical and/or primary use area is dependent upon the following factors in order of priority during the hot summer and fall months:

1. Shade
2. Water
3. Forage

The historic principal water source is Lake Mead and was the Colorado River channel prior to the construction of the Hoover Dam within the primary use area. The primary burro use area is within 2 1/2 to 9 aerial miles from the approximately 55 miles of Lake Mead waterfront available to the Gold Butte wild burro herd. Both BLM and LMNRA administered lands are utilized by the burros in this area with trailing between the two lands documented with monitoring data.

Mockingbird, Maynard, Summit, Catclaw, Willow, Dead Horse, Cottonwood, New, Gann, and Cataract Springs are just a few of the springs maintained by the livestock permittee available to and receiving use by wild burros on Public Lands away from Lake Mead. The burros by choice elect to make primary use of Lake Mead water due to ease in access and abundance.

With water readily available and not limiting, shade plays the most important role during the hot months in determining the distribution and densities of wild burros in the primary use area. Census data indicates that most of the burro activity is located in the deeply dissected alluvial fans where shade is provided by the steep slopes of the drainages. The temperature in the shade cast by a canyon wall can be as much as 20 degrees cooler than in the direct sun. Shade

in the Mojave Desert Vegetative Community is essential for the wild burros to adequately regulate their body temperatures during summer temperatures of 100+ degrees. Most of the use on Public Lands occurs during the cooler months. Use on LMNRA occurs all year with most of the burros concentrating near the southern and south eastern and western areas near the lake during the hotter months.

Monitoring data analyzed in the Draft Gold Butte Allotment Evaluation in 1988, sent out for public review in 1989, and supplemented with additional data collected in 1990, show that the areas within the Gold Butte Herd Management Area with heavy to severe use levels are localized within the southwestern, southeastern and southern parts of the HMA. This is within the primary use area identified in the Draft Clark EIS. For this reason, all animals removed will only be from the primary use area. Field inspections show that the southern most part of the primary use area is only accessible by boat or barge. Any future capture activities must be completed using a barge in these areas.

Field inspections and monitoring data indicates that overlap in use between livestock and wild burros is very low within most of the primary use area and specifically within the heavy to severe use areas. There is little to no cattle sign and the livestock operator avoids using the area due to the lack of forage. Any cattle use has been by drift only.

The range is classified as ephemeral range with grazing preference being the use area and not animal unit months or numbers of livestock. Livestock use is authorized in the allotment only after a field inspection determines that adequate forage is present. Livestock drift in small numbers to the lake does occur in the Northwest part of the HMA. This area has use levels of 1 to 20 percent of the current years vegetative growth based on the 1989 use pattern map attached.

## ENVIRONMENTAL IMPACTS

### Impacts of the Water Trapping, Horseback, and other Management Options Actions

Because these alternatives are not technically feasible, would not address the resource management concerns, or would be in violation of existing laws, discussion of their impacts will not be completed.

### Impacts of the Proposed Action and the No Action Alternative

There would be no adverse impacts from the proposed action to threatened or endangered species (plants or animals); floodplains; wetlands; areas of critical environmental concern; wild and scenic rivers; visual resource management; prime or unique farmlands; or cultural, paleontological, and historical resource values. There would be positive impacts from the proposed action to threatened or endangered species, riparian areas, wilderness values, resource conditions, and wild burro herd health and survival.

The No Action Alternative would have adverse impacts on threatened and endangered plants and their habitat, riparian habitat along the lake, wilderness values,



other wildlife species, the wild burro herd health itself, and range conditions.

Threatened and Endangered Plants:

The species Ferocactus acanthodes var. lecontei has been recommended by the Northern Nevada Native Plant Society as a watch species. It is located in the Devils Cove area within the burro critical and/or primary use area. The COR will inspect each trap site within Devils Cove and insure that traps and holding corrals avoid these plant species under the proposed action.

The use levels in the Devils Cove area are in the severe or 81 to 100 percent levels. This would continue under the no action alternative and would adversely impact the species Ferocactus acanthodes var. lecontei.

Threatened and Endangered Animals:

Much of the primary wild burro use area has a naturally low density population of the federally listed threatened desert tortoise (Gopherus agassizii). The approximately one acre temporary corrals will be inspected by the COR and located in areas without desert tortoise.

There are approximately 53,665 acres within the primary use area experiencing heavy to severe wild burro utilization levels with existing herd numbers. The removal of 125 - 150 burros would reduce disturbance to the desert tortoise and its' habitat. Management of the wild burro population in a thriving ecological balance would have beneficial impacts on the desert tortoise by reducing utilization levels.

If the no action alternative is taken environmental degradation would continue and expand beyond the approximately 53,665 acres experiencing heavy to severe use levels and downward observed apparent trend.

Since the area is in a low density desert tortoise habitat, this would affect the desert tortoise and its habitat in potential violation of the 1973 Endangered Species Act. Section 2 (c) of the Act states, "Policy.- (1) It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act."

There are no identified mitigation measures for the desert tortoise and its habitat under the no action alternative.

Water and Riparian:

Most of the shore and adjacent washes to Lake Mead within the Gold Butte HMA show heavy to severe use by wild burros. The Gold Butte Allotment Evaluation documents damage attributable to wild burros along the lakes border. Heavy trailing due to overpopulation has resulted in large numbers of frequently used dusting areas near and trampling along the lake within the southeastern, southwestern and southern parts of the primary

burro use area.

Reduced wild burro numbers under the proposed action would lessen grazing and trampling on the lake shore and washes contributing to a more favorable riparian habitat.

The no action alternative would allow heavy to severe grazing and trampling of riparian habitat to continue and expand along the lake and may cause irreparable environmental departure from the native plant community.

#### Wilderness Values

The Lime Canyon and Garrett Butte WSA's occur in the gather area. The use of aircraft for removing wild burros from within WSA's is consistent with the Interim Management Policy and Guidelines for Lands Under Wilderness Review (11/10/87), since it is considered as a non-impairing activity. The traps will be temporary structures approximately one acre in size with minimum site disturbance, no holding corrals will be established within the WSA's and motorized vehicles will be confined to existing roads and ways.

The no action alternative would expand the heavy to severe use areas and subsequent environmental degradation into the WSA's.

#### Social and Economic Values:

Positive management and maintenance of wild burro numbers at a viable herd level could meet the objectives of wild burro advocates under the proposed action. The removal of excess wild burros from the gather area would please Lake Mead recreational users. Proceeding with the gather would help public relations for the Las Vegas BLM District. There would be an economic benefit to the private contractor who is hired to remove the excess wild burros.

#### Air Quality:

Short-term increases in transient dust levels caused by operation of ground vehicles and running burros would occur. Short-term impacts to air quality would also occur during gathering operations and handling of burros, resulting from helicopter and vehicle exhaust emissions.

#### Wild Burros:

The gather area under the proposed action is located approximately 35 to 50 miles south of Mesquite, Nevada in Eastern Clark County, 150 "road" miles east of Las Vegas, Nevada and includes the Gold Butte Herd Management Area (HMA), in the Bureau of Land Management (BLM) Las Vegas District, Stateline Resource Area. The most recent complete aerial census conducted in the Gold Butte HMA was in 1990 and showed an actual count of 268 wild burros in the HMA. The young to adult ratio in 1990 was 20 percent with 17 percent of the herd being young wild burros. Of the 398

burros counted in the HMA, all were located in the critical and/or primary use area with most located in the areas of heavy to severe use. Refer to the HMA maps in appendix I.

Use pattern and burro movement data collected in March 1990 shows approximately 53,665 acres of the 120,495 acres of the critical and/or primary use area having heavy to severe utilization levels for the 1989 growing season. This equates to 46 percent of the area. The burro trails and dusting areas showed clear trailing back and forth between the BLM and LMNRA administered lands. The burros natural preference due to the close proximity and ready access to drinking water from Lake Mead is the reason for the size and shape of the critical and/or primary use area. The trap sites will be located within the primary use area and burros removed from the heavy to severe use areas.

Analysis of data collected from key areas and use pattern mapping from 1981 to 1989 shows that a range of 22 to 98 wild burros are the estimated numbers that the Gold Butte HMA can support. The maximum carrying capacity or optimum numbers/AML that result in thriving ecological balance among vegetation, wild burros, and wildlife and avoids a deterioration of the range is 98. (see Appendix II).

A negative impact on wild burros would be expected during gathering and handling under the proposed action. This would result from traumatic effects of capturing, trapping, loading, and hauling the animals. The use of helicopters to capture excess wild burros may result in leppy foals and split bands, as well as injured burros. Incidents like these tend to be increased if the animals are pushed too hard. Death loss is not expected to exceed 2% of the burros captured at the trap site. The standard operating procedures and contract specifications will minimize the negative impacts from gathering, and help ensure humane treatment and safe handling of the wild burros during capture, care, temporary holding, and transportation to the BLM adoption preparation facility.

Removal operations may disrupt band structure either temporarily or permanently and cause some stress to individuals. A certain degree of heterozygosity will be lost from a small population as a result of removals. However, removals may disrupt the band structure of remaining wild burros which would facilitate recombination of adult burros which may lead to an increase in average heterozygosity. If removals are selective in any way, this loss of heterozygosity will be greatly increased.

Enough burros would remain to maintain viable herds and provide for interaction between bands under the proposed action. Reduced competition among wildlife and burros for forage, water, cover, and living space would result in better condition animals, as well as higher survival and reproduction rates in each. Managing the wild burros within HMA boundaries at the optimum levels based on an analysis of monitoring studies will help maintain the ecological balance and multiple use relationship of the area also.

Much biological information can be obtained from the gathered animals (sex and age ratios, parasites, diseases, etc.). By conducting the capture, completing a post capture census and collecting annual utilization and use pattern mapping data, it will help in establishing a long term herd population that is in balance with the ecosystem. All of this information would be useful in future wild burro management.

Under the no action alternative, the heavy to severe use levels would reduce the quality and quantity of forage for the burros. The results would be reduced animal vigor and lower young survival due to starvation, and burro habitat deterioration. Animal die offs may occur during the hotter less productive times of the year. There are no practical ways to mitigate these impacts under the no action alternative.

#### Soils:

Areas which presently exhibit soil erosion and compaction would be positively impacted because of the reduction of animals and decreased trampling effects. New trampling areas and resultant soil compaction would be created at the trap and holding corral sites by the large number of burros concentrated there under the proposed action. The impact would be minor since the impacted area would be small in relation to the gather area, and the time for gathering is short lived.

Vegetative cover has a direct influence on the wind and water erosion potential of soils. The reduction in burro numbers under the proposed action and the resultant reduction in vegetative utilization (especially in heavy and severe use areas) would increase plant cover and have both short and long-term beneficial impacts to the soils resource. These beneficial responses - less soil compaction and improved soil production potential- would be most important in heavy burro use areas.

The no action alternative would continue the heavy to severe use levels in the primary use area. Soil erosion would be expected to increase due to the reduced vegetative cover and trailing in these areas. There are no ways to mitigate these impacts under this alternative.

#### Vegetation:

The number of burros in the Gold Butte HMA based on the most recent complete aerial census is 398. Most of these animals are located within the primary use area. From analysis of utilization data collected from key areas and use pattern mapping from 1981 to 1989 it was determined that a range of 22 to 98 wild burros are the estimated numbers that the Gold Butte HMA can support while maintaining an ecological balance among vegetation, wild burros, and wildlife. Utilization studies and use pattern mapping of the vegetation completed since 1981 show that extensive areas within the HMA are currently receiving heavy and severe use. This use can be attributed to wild burros, which graze yearlong. Based on monitoring data and field inspections since 1981, cattle use in the primary use area receiving heavy to severe use is very limited with no use over most of the area. This area is shown in Appendix I (Location Maps)

## Gold Butte Gather Area.

Based on this monitoring data, the maximum carrying capacity or optimum numbers/AML for wild burros which results in a thriving natural ecological balance and avoids a deterioration of the range is 98.

Based on an analysis of the monitoring data in the Draft Gold Butte Allotment evaluation, 68 excess wild burros, plus increase, need to be removed to help maintain an ecological balance in the area. Due to budgetary, scheduling, and planning constraints, 75 are to be gathered under the proposed action.

Studies data, as well as the allotment evaluation summaries for the Gold Butte Allotment, provide a detailed analysis on which this removal proposal is based. These documents are on file at the BLM Las Vegas District Office. (Studies files - 4400.2; evaluation files - 4400.3).

Under the proposed action, removal of wild burros will help prevent further deterioration of the range due to the wild burro overpopulation. By removing the excess wild burros, the remaining population will facilitate achieving a thriving ecological balance among wild burros, wildlife, livestock and vegetation. The allotment specific objectives for vegetation, as stated in the Draft Gold Butte Allotment Evaluation, will be closer to attainment through this removal of 75 excess wild burros.

There would be a short-term negative impact to the vegetation at the trap sites and holding corrals, which would be approximately 1 acre each. The vegetation would be severely trampled by all the burros that would be concentrated at those locations. This would be a minor impact, however, since the impacted areas would be small in relation to the gather area and would usually be located in active washes. Vegetative regeneration would be expected within 2 to 3 years depending on climatic conditions.

The management of wild burros in a thriving ecological balance would have a positive long-term impact on the vegetative community of the area. The ecological condition of the different plant communities would begin to improve after the gather. The shrub population would not be utilized in excess of 100 percent as is currently the case. The bark stripping on cat claw and the roots of cactus would be less likely targets for hungry wild burros. Production of these species would increase and more desirable herbaceous species would be able to re-vegetate to increase their percentage of composition within the community.

Decreased grazing pressure, especially during the spring, would slow downward trends in overall range condition and would improve the ecological balance and multiple use relationship of the area.

Wild burro key area photo trend are established in the HMA and were read in 1981 and 1989 for 1981 and 1988 use levels. Determination of key areas and establishment of trend and utilization studies will continue, following established procedures in the Nevada Range Monitoring Procedures and BLM Handbook TR 4400-4. All utilization studies were conducted using

the key forage plant method as recommended in the Nevada Rangeland Monitoring Handbook. Refer to the Gold Butte Allotment Evaluation and Gold Butte HMAP for allowable use levels established for key management species.

Wild burro use is based on actual use data, aerial census data, field observations, and analysis of where the grazing use occurred. The observed apparent trend of the area is downward with most the heavy to severely grazed primary use area in mid seral (fair condition) based on professional judgement.

At current population levels and under the no action alternative, the ecological status of the HMA within the critical and/or primary use area will continue to deteriorate. Utilization levels increased significantly from 1981 to 1989. Use levels in 1981 for burro key areas 1, 2, and 4 averaged 70 percent with 79, 78, and 56 percent, respectively. In 1989, use was severe at 90+ percent use on white bursage a key species. Use on white bursage was so severe that large stems were eaten and catclaw had branches removed and bark stripped. Cactus were noted dug up with the roots being eaten by hungry wild burros. The absence of palatable grass species accounted for the heavy to severe use on the selected key species. The amount of grasses naturally present in these vegetative communities is low and are the first plants to be selected by the wild burros. Big galletta, desert needlegrass and indian rice grass have been removed from even the highly productive sandy vegetative communities by excessive wild burro use and would not be allowed to re-vegetate under the no action alternative.

Use pattern maps were completed for the HMA for the 1986, 1988, and 1989 growing seasons. These showed large areas with heavy and severe utilization levels in the wild burro critical and/or primary use area. Refer to appendix I for results.

Vegetative exclosures two acres in size with long term trend studies were established in May 1990 to help monitor use and trends on the LMNRA part of the HMA. They will be used to help in analyzing and evaluating monitoring data in relation to the management of wild burros and other animals in the Gold Butte HMA in the future. Utilization and vegetative cover data were collected in and outside the exclosures. Analyzing the differences in vegetative changes in and outside the exclosures over time will help us better understand the long term interaction between wild burro grazing on their habitat and whether the habitat is declining or improving in condition.

#### Wildlife:

A minor impact to wildlife is expected during the gather. Some animals could be temporarily frightened or displaced by the increased activity during the removal operation. The mule deer herd in the HMA is very small and is not likely to be affected. Helicopters have been observed to produce negative impacts on wildlife species - running and panic behavior in big game species, flight response in waterfowl, and frantic escape

behavior in eagles and other raptors. Although the precise overall impacts of low-flying aircraft on wildlife are not known at the present time caution will be exercised in using helicopters in wildlife concentration areas to minimize the impacts.

Under the proposed action, management of wild burro numbers should reduce competition for forage and result in a beneficial impact to the mule deer, big horn sheep, and other mammal, reptile, and avian populations. Reduced use on the shores of Lake Mead should benefit a large number of wildlife species but the actual benefits and to which species are not known for this EA.

Under the no action alternative, heavy to severe use levels would continue to occur resulting in possible direct competition with other animals using the habitat. The reduced cover due to excessive grazing may reduce potential shade available to small mammal, reptile and avian species dependent on shade during the hot times of the year. There are no practical ways to mitigate these impacts under the no action alternative.

#### Livestock Grazing:

The Gold Butte HMA lies within the Gold Butte and Azure Ridge Allotments. The proposed action will have no impact on the Azure Ridge Allotment, as the actual capture sites will not be in this allotment based on pre-capture site identification by the COR in March 1990.

Both allotments are classified as ephemeral allotments. Grazing preference for ephemeral forage is expressed in terms of the allotment or area used and not in terms of AUM's (BLM Manual 4110-1.22). Under the ephemeral range rule, livestock use is adjusted to the annual capacity available from year to year. The ten year permits only specify the area of use since grazing use is authorized only upon the periodic availability of forage. There are no AUM's grazing preference for the Gold Butte or Azure Ridge Allotments. Over 90 percent of the HMA is within the Gold Butte allotment.

Grazing on the LMNRA is permitted as per Interagency Agreement (CA-8360-72-01) grazing agreement.

The Gold Butte allotment has been grazed at a range of 2562 AUMs to 3915 AUMs between 1980 and 1986. Cattle will not be authorized in the LMNRA until trend studies show upward trend and use levels consistent with management objectives. The LMNRA has most of the heavy to severe use areas due to excess wild burro use within the critical and/or primary use area.

Livestock should not be disturbed by the activities associated with the proposed action due to the lack of measurable overlap within the burro's heavy to severe use zones in the critical and/or primary use area. Any affect would be a short-term impact and only at the time of the removal.

Under the no action alternative, livestock use would not be authorized

within the heavy to severe use zones due to the lack of forage and degraded conditions.

#### PROPOSED MITIGATING MEASURES

1. Wherever possible, gathering will avoid areas of high concentrations of mule deer and big horn sheep to avoid stressing these animals.
2. Any livestock concentrations will be avoided whenever possible to reduce the disturbance to them during the gather.
3. Burros will normally not be kept within the traps or corrals for more than 1 day to minimize stress to the animals and trampling effects and soil compaction, unless approved by the COR. Number of burros to be held may vary depending on how many are caught in any one area. Burros may be held longer than 1 day, dependent upon shipping schedules, number of burros captured, or other unforeseen circumstances.

#### RESIDUAL IMPACTS

1. The remaining wild burros may continue to impact the heavy to severe use zones after the capture. Some localized degradation of vegetative resources would be expected to occur.
2. In spite of the mitigating measures and careful and professional handling of the wild burros during the capture, there may be up to 2 percent of the burros injured or killed. This is significantly less than what would be expected under the no action alternative and its impacts on herd health.

#### SUGGESTED MONITORING

The COR will continuously monitor the gather operation to ensure that all conditions and stipulations in this EA are complied with. The project area will be cleaned up (trash and debris) prior to release of the Contractor. All the temporary traps and holding corrals will be removed by the Contractor within 30 days following contract completion.

The COR will conduct an aerial census, by helicopter, of the HMA immediately following the gather to determine whether the proper number of burros remains. Additional aerial census will be conducted every year thereafter (funding permitting) to monitor the growth of the herds. When census numbers exceed the proper number for management based on analysis of monitoring studies, a follow-up gather will be proposed to again reduce the herd to its proper management level.

Key area utilization and use pattern maps will be completed every year until the herd is determined to be in ecological balance with its habitat.



## CONSULTATION AND COORDINATION

### Intensity of Public Interest

Nationally, the issue of wild burros on western public rangelands has been an intense controversy spanning many years and beginning prior to the passage of the Wild Burro and Burro Act in 1971. Wild burro preservationists are generally concerned with maintaining adequate habitat on public lands for optimum population levels of wild burros and viable herds.

Some ranchers who graze livestock on public lands view excess wild burros as competitive with livestock for forage and water. However, most ranchers and others support a maintenance of viable herd numbers of wild burros.

Sportsmen and other wildlife interests also see excess burros as a competitive threat to wildlife populations and site competition for food, water, cover, and space as being detrimental.

Nevada is the home state of the wild horse protection movement fostered by the late Velma Johnston ("Wild Horse Annie"). In Nevada, ranching is a mainstay business in rural counties. The levels of public interest in wild burros are high in Nevada, both from the protection and removal viewpoints. The Bureau of Land Management in Nevada has been and is involved in wild horse and burro related court litigation.

Litigations have been brought by protectionist groups seeking to stop what they view as unwarranted wild horse and burro gathering. Recent litigations have been brought by private landowners, including livestock permittee's, many of whom have requested removal of wild horses from their private lands.

Since public interest is high and the wild burro program is of a controversial nature, public notification of the project has been given and public comments solicited for a period of 30 days through a draft EA and Draft Gold Butte Capture Plan. Comments were received and considered for the final environmental assessment.

The livestock permittee, G and F Ranches, The International Society for the Protection of Mustangs and Burros, Animal Protection Institute, National Wild Horse Association, Nevada Department of Wildlife, Lake Mead National Recreation Area- NPS, Arizona BLM, Las Vegas District BLM, and the Nevada State Office BLM made verbal or written comments to the draft EA and Capture Plan.

Only the Animal Protection Institute has indicated it is opposed to this capture. They will receive a response letter addressing their concerns.

To meet the Stateline Resource Area Land Use Plan (LUP) objectives on the Gold Butte Wild Burro Herd Management Area (HMA), adjustments in the numbers of wild burros are required. The Gold Butte HMA encompasses portions of the Gold Butte and the Geyser Ranch Allotments.

The Gold Butte Monitoring Evaluation Summary indicates that heavy to severe use is occurring on approximately 53,665 acres within the primary wild burro use area. This use has been determined to be primarily from wild burros as indicated by monitoring data and field inspections.

The livestock permittee (G & F Ranches) has agreed to adjust livestock use in order to meet LUP objectives. This allotment is on range classified as ephemeral. Grazing preference is the use area not animal unit months or numbers of livestock.

The Tassi-Gold Butte Herd Management Area is located in both Nevada and Arizona. The Nevada portion is administered by the Las Vegas District and is called the Gold Butte HMA. The Arizona portion is administered by the Arizona Strip District.

Wild burro use is yearlong on the allotment. Most of the burro use occurs within the critical and/or primary use area. Monitoring data shows significant wild burro trailing between LMNRA and the adjacent Public Lands.

Mockingbird, Maynard, Summit, Catclaw, Willow, Dead Horse, Cottonwood, New, Gann, and Cataract springs are just a few of the springs maintained by the livestock permittee available to and receiving use by wild burros on Public Lands away from Lake Mead. The burros by choice elect to make primary use of Lake Mead water due to ease in access and abundance.

With water readily available and not limiting, shade plays the most important role during the hot months in determining the distribution and densities of wild burros in the primary use area. Census data indicates that most of the burro activity is located in the deeply dissected alluvial fans where shade is provided by the steep slopes of the drainages. The temperature in the shade cast by a canyon wall can be as much as 20 degrees cooler than in the direct sun. Shade in the Mojave Desert Vegetative Community is essential for the wild burros to adequately regulate their body temperatures during summer temperatures of 100+ degrees.

Based on census and field data, most of the use on Public Lands occurs during the cooler months when the burros are in smaller bands and widely dispersed. Use on LMNRA occurs all year with most of the burros concentrating near the southern and southeastern and southwestern areas near the lake during the hotter months. Any livestock use in the primary use area occurs in the north and north western areas. Most livestock use except drift occurs within the internal part of the allotment where burro use is not documented.

Monitoring data analyzed in the Draft Gold Butte Allotment Evaluation in 1988, sent out for public review in 1989 and supplemented with additional data

collected in 1990, show that the areas within the Gold Butte Herd Management Area with heavy to severe use levels are localized within the southern, southwestern, and southeastern parts of the HMA. This is within the primary use area identified in the Draft Clark EIS and where monitoring data shows the burros concentration area to be. This is where most the burros are located and where the burros will be captured from. The northwestern area is a flatter alluvial fan with less shade. The use levels are slight to light in this area where some documented livestock and burro use overlap to a small extent. Burro use in this area is mostly in the cooler months due to shade being less available. Any removal of burros from this area is not recommended.

The use is as follows:

**APPROXIMATE ACRES BY USE CATEGORY  
WITHIN THE PRIMARY USE AREA**

	<u>NO USE</u>	<u>10 % USE</u>	<u>30 % USE</u>	<u>50 % USE</u>	<u>70 % USE</u>	<u>90++ % USE 1/</u>
1986	42,180	48,795	1,390	2,650	25,480	---
1988	28,030	23,930	27,805	15,550	25,180	---
1989	41,020	23,240	1,385	1,185	25,270	28,395

1/ Use on many plants was in excess of 100 percent of the current years growth with bark, branches, and woody stems being eaten on most plants.

Utilization categories identify the percent removed of the current years growth:

Use categories:

Slight	1 to 20 percent	Mean is 10 %
Light	21 to 40 percent	Mean is 30 %
Moderate	41 to 60 percent	Mean is 50 %
Heavy	61 to 80 percent	Mean is 70 %
Severe	81 to 100 percent	Mean is 90 %

**WILD BURRO KEY AREA USE LEVELS**

	<u>KEY AREA</u>	<u>AVERAGE UTILIZATION CATEGORY FOR KEY SPECIES SELECTED BY BURROS</u>
1981	BKA 1, 2, & 4	70 %
	BKA 3	30 %
1988	BKA 1, 2, & 4	90 %
	BKA 3	30 %

Key areas BKA 1, 2, and 4 were averaged because of their close proximity and similar use levels. The measured use levels were 79, 78, and 56 percent on the

key species white bursage, respectively. The measured use on BKA 3 was 33 percent.

In accordance with the Tassi-Gold Butte HMAP (reference page 22 of the HMAP), after utilization studies are completed, carrying capacity will be determined with the following formula for Nevada:

$$\frac{\text{Actual No. Burros}}{\text{Actual Utilization (\%)}} = \frac{\text{Desired No. Burros}}{\text{Desired Utilization (\%)}}$$

An example of the mathematics using 1988 key area data.

$$\frac{398 \text{ Burros}^*}{90\%} = \frac{22 \text{ Burros}}{.05\%^{**}}$$

\*Based on 1988 wild burro census data

\*\*Allowable use level on key shrub species from page 22 of the Tassi-Gold Butte HMAP. Shrub species are key species because of the absence of any palatable grass or forbs due to degraded range. The overall preferred shrub species by wild burros is white bursage.

ESTIMATED CARRYING CAPACITY FOR WILD BURROS  
BASED ON KEY AREA AND USE PATTERN MAP DATA  
APPLIED WITHIN PRIMARY USE AREA

<u>YEAR</u>	<u>DATA SOURCE</u>	<u>ESTIMATED NUMBER OF BURROS</u>
1981	KEY AREAS 1, 2, & 4	28
1981	KEY AREA 3	66
1988	KEY AREAS 1, 2, & 4	22
1988	KEY AREA 3	66
1986	USE PATTERN MAP	98
1988	USE PATTERN MAP	66
1989	USE PATTERN MAP	52
AVERAGE FOR ALL KEY AREAS		46
AVERAGE FOR ALL USE PATTERN MAPS		72

Conclusions of the Draft Gold Butte Allotment Evaluation were based upon data

collected from the following sources:

1. Range, wildlife, and wild burro monitoring files compiled by the Stateline Resource Area office since 1981 including some needed mathematical corrections made.
2. Input from G and F Ranches, permittee; John Frei, ranch manager; at meetings in 1988, 1989 and 1990.
3. Input from Nevada Department of Wildlife in 1989 and 1990.
4. Input from the Lake Mead National Recreation Area, National Park Service in numerous field trips and meetings from 1988 through 1990.
5. Input from the Animal Protection Institute of America, in a letter dated November 7, 1989.
6. Input from the U. S. Fish and Wildlife Service in correspondence dated November 16, 1989.

A more detailed analysis is available in the Draft Gold Butte Allotment Evaluation Summary on file at the Las Vegas District Office. Use pattern mapping for the Gold Butte Allotment and Gold Butte HMA is displayed on an overlay registered to a base map and is available at the Las Vegas District Office. Copies are included in this EA. Comments received upon review of the draft EA were carefully reviewed and many of them were incorporated into the enclosed final documents. Comments were received from:

1. Range, wildlife, wild horse and burro, recreation, and environmental staff from the Las Vegas District, and range and wild horse and burro staff from the Nevada State Office, Kingman Resource Area in Arizona, Arizona Strip District, and the Ely District.
2. Input from G and F Ranches, permittee; John Frei, ranch manager in a letter dated June 13, 1990 and from a subsequent field trip on June 28, 1990 to the proposed capture area.
3. Input from Nevada Department of Wildlife in correspondence dated February 20 and June 6, 1990 and meetings in June of 1990.
4. Input from the Lake Mead National Recreation Area, National Park Service in correspondence dated June 21, 1990 and a meeting on June 22, 1990.
5. Input from the International Society for the Protection of Mustangs and Burros in a letter dated June 15, 1990 and telephone communication on June 15, 1990.
6. Input from the Animal Protection Institute of America, in a letter dated June 18, 1990, a telephone conversation on June 15, 1990 and numerous conversations from January 1990 to June 1990.

ENVIRONMENTAL ASSESSMENT  
for the  
ASH MEADOWS WILD  
HORSE REMOVAL

EA No. NV-054-93-005

Prepared by  
Wild Horse and Burro Specialist

Bureau of Land Management  
Las Vegas District  
Stateline Resource Area  
Las Vegas, Nevada

ENVIRONMENTAL ASSESSMENT  
for the  
ASH MEADOWS WILD  
HORSE REMOVAL

I. INTRODUCTION

A. BACKGROUND INFORMATION

The Bureau of Land Management's (BLM) Las Vegas District, Stateline Resource Area, proposes to remove wild horses from the Ash Meadows Wildlife Refuge. The proposed removal area is within the Ash Meadows Wildlife Refuge, located in Nye county, southern Nevada (see attached location map).

B. PURPOSE AND NEED

The purpose of the proposed action is to restore and maintain the range to a thriving natural ecological balance, protect the habitat of threatened and endangered plants and animals, protect threatened and endangered plants and animals and to prevent further deterioration of the rangeland resources currently threatened by wild horses in the removal area.

An appropriate management level (AML) for the area has been established as zero horses. The wild horses and burros (if any) will be removed to meet the established AML.

This document outlines the process and the events involved with the wild horse gather operation for the Ash Meadows Wildlife Refuge. Included are the time and method of capture, the handling and disposition of captured horses and the BLM personnel involved with the proposed gather.

C. RELATIONSHIP TO PLANNING

This EA is tiered to the Esmeralda/Southern Nye Resource Management Plan/Final EIS (U.S. DOI, BLM 1990) which analyzed the general ecological impacts of managing public lands under a program of habitat monitoring and adjustment of wild horses. This EA is a project specific refinement of the EIS focused on the removal of excess wild horses from the Ash Meadows Wildlife Refuge. The EIS is available for public review at the Las Vegas District Office. The proposal is in conformance with the Wild and Free Roaming Horse and Burro Act of 1971 (Public Law 92-195), as amended.

D. MAJOR ISSUES

This proposal addresses two issues:

1. What is the impact of reducing the wild horse population on the vegetative resources and the threatened/endangered species?
2. What is the impact on wild horses during removal?

## II. DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

### ALTERNATIVE 1 - THE PROPOSED ACTION

#### GATHER TO THE FULL LEVEL NECESSARY TO ACHIEVE SELECTED AML

The proposed action is to remove all wild horses from the Ash Meadows Wildlife Range. Implementation of the proposed action would remove approximately 100 wild horses that have migrated into the area from California and Mount Stirling Herd Use Areas.

The number of horses to be gathered is based on the latest census.

#### A. ADMINISTRATION OF THE GATHER

The proposed action will be to bring the population of wild horses to a the selected AML.

The removal will be accomplished through the use of a helicopter to herd the horses into a corral. The corral will be equipped with wings to guide the animals into the corral.

Two weeks prior to the start of the removal, BLM will provide a written pre-capture evaluation of existing conditions in the removal area. The evaluation would include animal condition, prevailing temperatures, soil conditions, topography, road conditions, locations of fences and other physical barriers, water availability, and animal distribution in relation to potential trap locations.

The evaluation will also conclude whether the level of activity associated with the removal operation is likely to cause undue stress to the animals. A determination will be made as to whether such stress could be tolerated by the horses if a veterinarian is utilized or whether a delay in the capture activity is warranted. If it is determined the removal can proceed with a veterinarian present, the services of a veterinarian will be obtained before the removal proceeds.

It is estimated that no more than three trap locations will be required to accomplish the work. Potential trap sites include but are not limited to the area south of Point of Rocks Spring, the former Preferred Equities headquarters site and the area south of Fairbanks Spring. Other potential trap sites occur on or near existing roads.

Cultural resource and biological assessment of only one of these sites need be conducted by qualified BLM specialists, since two areas are already disturbed. Only the potential site south of Fairbanks Spring needs clearance. Should this trap location exhibit significant cultural resources or sensitive biological values an alternate location will be selected where mitigation is possible.



## B. CAPTURE

### 1. Time and Method

The removal will commence after January 1, 1993. Once the removal operation begins, it is anticipated it will last approximately two weeks. Winter weather should not shorten or impact capture activities.

A helicopter will be used to move wild horses to trap sites, where they will be encouraged into traps.

The temporary traps and corrals will be constructed from portable pipe panels. A loading chute at the holding corral will be equipped with plywood sides or similar material so horses legs will not 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. No barbed wire will be used in construction of the traps or wings. All trap, corral, and wing construction will be approved by the COR/PI. All trap locations must be approved by Fish and Wildlife Service and BLM.

### 2. Number of Animals to be Removed

All the animals found on the Ash Meadows WR (approximately 100 animals) will be removed during this operation.

### 3. Number of Animals Remaining

No horses and burros will remain in the area after the removal operation.

## C. SORTING

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

1. ANIMALS TO BE REMOVED FROM THE RANGE generally will meet the following criteria:

a. All horses which are determined in sufficient health to be shipped from processing center within a reasonable period of time following arrival.

2. Any LAME, OLD, OR SICK ANIMALS will meet the following criteria:

a. Lamé means an animal with one or more malfunctioning limbs that permanently impair freedom of movement.

b. Old means an animal characterized because of age by its physical deterioration and inability to fend for itself, suffering or closeness to death.

c. Sick means an animal with failing health, infirmity or disease from which there is little chance of recovery.

3. ANIMALS TO BE RELEASED BACK TO THE RANGE

Some horses may be selected to be relocated into other herd use areas, based on color and/or conformation. These horses will not be reintroduced into either the Mount Stirling use area or back into the Chicago Valley Herd Management Area in California.

4. BRANDED AND CLAIMED ANIMALS will be identified using the following criteria:

- 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.).

5. Process

a. Removal. Animals meeting the removal criteria will be transported to a processing center. BLM may hold selected animals and transport them separately.

b. Destruction. The COR/PI will have the primary responsibility for determining when an animal will be destroyed in accordance with 43 CFR Subpart 4730.1. The COR/PI will insure that destruction methodology is known to personnel involved in this aspect. When the need for destruction is questionable, a veterinarian may be called to assist in making a final determination.

The carcasses of wild horses that die or must be destroyed, as a result of any infectious, contagious or parasitic disease, will be disposed of by burial to a depth of at least 3 feet. The carcasses of other wild horses which must be destroyed will be disposed of by removing them from the capture site or holding corral and placing them in a inconspicuous location to minimize the visual impacts. Carcasses will not be placed in drainage regardless of drainage size or downstream destination.

c. Release. Animals selected for release back on the range will be released at the alternate site as soon as possible after capture.

d. Branded and Claimed. A Notice of Intent to Impound and 28-day Notice to Gather Wild Horses will be issued concurrently by the BLM, prior to any removal operations in this area. The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices. The COR/PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

When horses are captured, the COR/PI and the District Brand Inspector will jointly inspect all animals at the holding facility in the removal area.

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 identify 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 in a separate holding corral. Release of these animals to the owner or claimant will be upon settlement of impoundment and or trespass charges. Appropriate charges will be determined by the Stateline Area Manager in accordance with 43 CFR Subpart 4710.6 and 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 unclaimed, 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 estray.

The District Brand Inspector will provide the COR/PI with a brand inspection certificate for the immediate shipment of wild horses to the selected Wild Horse and Burro Processing Center. A similar certificate will be issued for the branded or claimed horses for whom impoundment and trespass charges have not been offered or received in order to ship them to public auction or another holding facility.

#### D. HOLDING

All requests for public access to the capture facility will be made to the Stateline Area Manager, who will evaluate the request and grant or deny access.

The contractor will provide all feed, water, labor, and equipment to care for captured horses at the holding facility. The contractor will also provide transportation of captured horses from the temporary holding facility to the selected processing center. BLM will provide transportation of unclaimed and claimed branded horses to an approved facility for release to the claimant or for handling under Nevada State estray laws. All work will be accomplished in a safe and humane manner and be in accordance with the provisions of 43 CFR Part 4700 and the following specifications, provisions, and attached work location maps. 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. BLM will furnish contract supervision.

#### E. TRANSPORTATION

##### 1. Wild Horses

After sorting, wild horses will be transported to the selected processing center. Transportation will be in accordance with standards in the stipulations and specifications section in the capture plan.

## 2. Branded and Claimed Horses

Branded and claimed horses will be transported by the BLM or the Brand Inspector depending on the final disposition of the individual animals.

## F. RESPONSIBILITIES

### 1. District Manager

The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. The District Manager, directly and through his subordinates, has ultimate responsibility and line authority for supervision of assigned personnel in all aspects of the removal. All publicity and initial contacts with the media will be coordinated by and through the District Public Affairs Officer.

### 2. Area Manager

Formal public contacts, access and general inquiries will be handled through the Stateline Resource Area Manager. The Area Manager is responsible for dissemination of information to the District Manager, the State Director's representative, and interested publics. As a minimum the Area Manager will provide removal statistics (number removed, number released, number destroyed) on a weekly basis. Accidents and incidents will be reported immediately. The Area Manager, directly and through his subordinates, has responsibility and line authority for supervision of assigned personnel to insure safe and humane practices relative to the health and welfare of the wild horses.

### 3. Other BLM Personnel

Prior to performance of duties, attached/detailed BLM personnel will tour the removal area and look at potential trap sites. In addition they will be briefed on results of the pre-capture evaluation, the objectives and standards of their tasks and the removal plan stipulations and specifications.

### 4. Contracting Officer's Representative and Project Inspector

The COR/PI will be directly responsible for conducting the removal including supervision other attached/detailed BLM personnel and the Contractor. The COR supervises the PI. The COR/PI, through on-site observation, will evaluate the contractor's ability to perform the required work in accordance with the contract stipulations and specifications. COR/PI will be on site during the capture activities to ensure Contractor compliance with the contract stipulations and to protect the health and welfare of the animals. Compliance with the contract stipulations will be facilitated through issuance of written instruction to the contractor, stop work orders, and default procedures should the contractor not perform work according to stipulations.

The COR/PI will coordinate contacts with the selected processing center,

to assure space is available, horses are handled humanely and efficiently, and are arriving from the capture site in good condition.

All use of helicopters will be conducted in accordance with the BLM Wild Horse and Burro Aviation Operations Guide.

The COR/PI will maintain a daily log and furnish the Area Manager with copies of all written instructions to the Contractor and any stop work order on a weekly basis. Removal/release statistics will be furnished to the Area Manager on a weekly basis. Accidents and incidents will be reported to the Area Manager immediately. The COR/PI is also responsible for reporting proceedings to the Contracting Officer. The COR/PI is responsible for on-site coordination as needed and for providing capture information and statistics to Nellis Range Personnel on a weekly basis.

It is anticipated that the COR will be the Las Vegas District Wild Horse and Burro Specialist. PIs may include, but are not limited to, wild horse and burro specialists with BLM in Nevada.

#### 5. Contractor

The contractor shall be required to present for inspection by the COR all equipment that will be used in performance of the contract. The time and place of inspection shall be determined by the COR. Except for helicopters, any equipment that the COR determines to be inadequate shall be replaced or repaired by the contractor within 36 hours.

Work hours under this contract shall be limited to the time between one half hour before sunrise to one half hour after sunset each day with the exception of bait trapping which may be conducted 24 hours per day. No work shall be done on Sunday or Federal holidays unless mutually agreeable between the COR and the contractor and authorized by the CO.

The Contractor will be briefed on his duties and responsibilities before the Notice to Proceed is issued. The contractor will be informed of the terrain involved, animal condition, road conditions, potential trap locations, water availability and the presence of fences and other dangerous barriers.

#### G. STIPULATIONS AND SPECIFICATIONS

See Section III., Removal Plan for Ash Meadows, BLM December, 1992.

#### ALTERNATIVE 1 - PROPOSED ACTION FOLLOW UP MONITORING

Monitoring will consist of periodic inventories to determine if wild horses and/or burros have moved back into the Ash Meadows Wildlife Refuge after the removal has been completed.

## ALTERNATIVE 2 - NO ACTION

Under the No Action alternative, no removal operations would be conducted and no wild horses would be removed. Damage to listed or proposed threatened or endangered species and their habitat would continue.

### OTHER ALTERNATIVES CONSIDERED BUT NOT ANALYZED

#### A. TRAPPING WILD HORSES BY RUNNING THEM ON HORSEBACK

Trapping wild horses by running them on horseback is not feasible as wild horses are easily lost after starting them towards the trap. Injuries to both people and wild horses are more common when this method is employed. The cost factor, as demonstrated by previous removals, would also be prohibitive. This alternative will, therefore, not be considered further.

#### B. WATER TRAPPING

Water trapping is much less expensive and easier on the animals than a helicopter capture, but due to the abundance of springs in the Ash Meadows area, trap corrals would be required at eleven springs, around a thirty acre manmade lake and along approximately 2 miles of streams and/or irrigation ditches. This alternative will not, therefore, be considered further.

### III. DESCRIPTION OF AFFECTED ENVIRONMENT

#### A. LOCATION AND STATUS

The proposed removal area is in the Ash Meadows Wildlife Refuge, located in Nye county of southern Nevada.

Topographically, the gather area ranges from flat valley bottoms to a few steep, rocky hillsides. Wild horses are anticipated to be found only in the valley bottoms during the gather period. There are several physical barriers in the form of livestock fences in the area. These areas will be avoided as trap sites.

A more detailed description of the affected environment can be found in the Final Environmental Impact Statement for the Esmeralda and Southern Nye County. This document is on file at the BLM Las Vegas District Office. Certain elements of the affected environment, necessary for the understanding of the anticipated impacts, will be described in the Environmental Consequences analysis of this document.

No livestock grazing is authorized within the wildlife refuge. Small game and upland game birds are the major game species located within the proposed removal area. Several species of threatened and endangered plants and animals are found within the wildlife refuge.

## B. WILD HORSE POPULATIONS

### 1. Relative wild horse concentrations

The wild horses are found primarily in the open areas near groves of small trees found along drainages and around many of the springs in the Ash Meadows area. The open areas furnish grazing and the trees furnish shelter in both summer and winter.

### 3. Overall horse condition

Condition of the horses in the Ash Meadows is generally very good. Some of the older animals and lactating mares are thin, but not emaciated.

## C. WATER

Water is very abundant in the area, which contains 11 springs, one lake and at least two miles of stream and abandoned irrigation ditches, which still carry water from developed springs.

## D. VEGETATION

### 1. Vegetation Status and Conditions

Use pattern maps have not been prepared for the Ash Meadows Wildlife Refuge, since the area has been designated as horse free and no livestock are authorized to graze the refuge. Evidence of past heavy grazing use is still present, as is past farming activity.

Seven threatened and endangered species of plants are found in Ash Meadows, two of which grow nowhere else in the world. The habitat requirements of all these listed species is extremely narrow and exist only in a few locations in the southwestern United States.

## E. WILDLIFE POPULATIONS

Wildlife consists of small animals, birds and several species of endangered fish in several of the springs in Ash Meadows. Big game species, desert mule deer and desert bighorn, are found in the mountains to the south and to the east of the area.

## F. AIR QUALITY/VISIBILITY

Air quality and visibility is very good in the area, with almost no smog and very little blowing dust.

## IV. ENVIRONMENTAL CONSEQUENCES

### A. MANDATORY ELEMENTS

There would be no impacts from the Proposed Action to threatened or endangered species (plants and animals); floodplains; wetlands; areas of critical

environmental concern; wild and scenic rivers; visual resource management; prime or unique farmlands; wilderness; water quality; or cultural, paleontological and historical resource values.

The following programs would not be impacted by the Alternative 1-Proposed Action or Alternative 2-No Action: minerals, land uses, recreation, range (livestock), and forestry.

#### ALTERNATIVE 1-PROPOSED ACTION

##### A. WILD HORSE POPULATION

The removal of wild horses will improve the habitat for threatened and endangered plants and animals.

##### B. WILD HORSES REMOVED FROM THE RANGE

The use of helicopters to capture excess wild horses might result in orphaned (abandoned) foals and split bands, as well as injured horses. However, prior capture experience using helicopters resulted in death loss of 0.9% (1987), 0.7% (1989), and 0.8% (1991). Timing of the removal operation (during January) should not result in orphan foals, since foals from last year would be weaned and new foals would not yet be born.

The standards applied in the proposed actions will insure humane treatment and safe handling of the wild horses during capture, care, temporary holding, and transportation to the BLM adoption preparation facility. Regardless of the capture method used, wild horses would experience some stress due to capture operations and some loss will occur.

##### C. VEGETATION

Monitoring data shows an apparent downward trend in areas around the springs and other water sources. Removal of the horses will allow vegetation to improve and prevent damage to the habitat of threatened and endangered plants.

Vegetation at the trap sites and holding corrals would sustain a negative impact from trampling by wild horses concentrated at those locations. This would be a minor impact for a short period of time, totaling approximately 1-2 acres at each site, in relation to the large acreage in the removal area. Vegetative regeneration would be expected to occur very quickly.

##### D. WATER AVAILABILITY

Water is abundant in the Ash Meadows area. This is not a concern, since all the horses are to be removed.

##### E. AIR QUALITY/VISIBILITY

Based on the analysis of vegetation and the removal of horses from the range, dust in the air should be reduced. In addition, the removal of horses from the area should reduce trampling and trailing.



## F. CUMULATIVE IMPACTS

Notwithstanding resolution of the protests to the Esmeralda/Southern Nye Resource Plan/Final EIS, no other actions are planned that would increase or add to the impacts described above. There are no other associated like actions or actions having similar impacts that are projected to occur in the removal area.

### ALTERNATIVE 2-NO ACTION

#### A. WILD HORSE POPULATION

The trend in vegetative condition would continue to decline and the degradation of habitat would continue. This would result in greater competition for available water and forage. Because of this decline, wild horse condition would be expected to deteriorate and death losses could increase until the population came into balance with available water and forage.

#### B. WILD HORSES REMOVED FROM THE RANGE

No wild horses would be removed from the range under this alternative; no adverse impacts would occur from removal or adoption processes.

#### C. VEGETATION

The acreage in the heavy utilization category would increase. Heavy utilization would continue on the desirable grasses and shrubs. These plants would eventually disappear from the community and be replaced by undesirable plants (noxious weeds, poisonous plants). Such succession would reduce the amount of available forage for wild horses and most wildlife species. Threatened and endangered plants and their habitat would be damaged

#### D. WATER AVAILABILITY

There would be no change in total available water. Water availability per head could decrease as wild horse populations increased. As the horse numbers increase, water may not be sufficient to sustain the horses during the summer and dry times of the year and still furnish habitat for the endangered fish species inhabiting the springs in the area. Horses would be expected to foul water supplies and impact riparian areas as they competed for the limited water and died near water sources.

#### E. AIR QUALITY

As stated above, reduced plant density would occur and wild horse populations would increase in the short term. There would be an increase in the dust levels from the present .

#### F. CUMULATIVE IMPACTS

See Alternative 1 - Proposed Actions.

## V. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Under Alternative 1-Proposed Action, water and forage resources would be improved.

No irreversible or irretrievable commitment of resources is anticipated to occur under the Alternative 1-Proposed Action. This is based on the premise that horses may move or be moved into the area at any time, should circumstances change. The horses presently inhabiting Ash Meadows are not unique, in that horses of similar genetics, color, size and conformation are found in the surrounding area.

Ash Meadows

12-29-92

BOB MILLER  
Governor

STATE OF NEVADA

CATHERINE BARCOMB  
Executive Director



**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

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Reno, Nevada

December 29, 1992

Marvin D. Morgan, Stateline Area Manager  
BLM-Stateline Resource Area  
Box 26569  
Las Vegas, Nevada 89126

Dear Mr. Morgan,

Thank you for the opportunity to review and comment on the draft Wild Horse Removal Plan and draft EA for Ash Meadows.

You have suggested that excess animals removed that do not fit the criteria in the strategic plan for adoptable animals will be placed in nearby HMA's that can support those animals. As has been done in other Districts, EA's, and in some cases EIS's have been prepared for those areas where horses would be added. We do not see where the areas have been identified and where appropriate studies have been done to determine if the new areas can handle the excess animals without adversely affecting the existing herds.

We do not disagree with the removal from a zero AML area, however, we must protest this draft on two points that can easily be corrected by your District.

1) We must protest the placement of animals in areas that have not been predetermined and studies done to predetermine if those areas can handle the excess animals, either with an EA or EIS if needed.

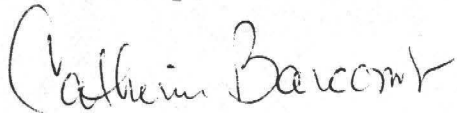
2) Also, this document is a draft document with a 30 day comment period which ends on January 2, 1993. You have mentioned in more than one place that you anticipate the gather to start by mid-January. How do you plan to start a removal without sending a final out for the required 30 day comment period? According to BLM policy and law after a draft document is issued a final is to issued after that with a 30 day public comment period. The BLM too often causes their own unnecessary problems by not following NEPA and their own policy and law.

Marvin D. Morgan, Stateline Area Manager  
December 29, 1992  
Page 2

In summary to try to rush through a gather, for reasons unknown, without proper documentation and forethought must force us to protest this document and appeal the final if not corrected. Before any gather is conducted, we would expect a final plan to be issued with a 30 day comment period and also areas identified for placement of excess animals with accompanying documentation showing that those areas can support the animals being placed there.

If you have any questions or would care to discuss this further we would welcome the opportunity.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb". The signature is written in dark ink and is positioned to the right of the typed name.

CATHERINE BARCOMB  
Executive Director

~~Nettis~~ Ash Meadows 12/29/92

# W H O A

WILD HORSE ORGANIZED ASSISTANCE  
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(702) 851-4817

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### In Memoriam

LOUISE C. HARRISON  
VELMA B. JOHNSTON, "Wild Horse Annie"  
GERTRUDE BRONN

December 29, 1992

Marvin D. Morgan, Stateline Area Manager  
BLM-Stateline Resource Area  
Box 26569  
Las Vegas, Nevada 89126

Dear Mr. Morgan,

Thank you for the opportunity to review and comment on the draft Wild Horse Removal Plan and draft EA for Ash Meadows.

You have suggested that excess animals removed that do not fit the criteria in the strategic plan for adoptable animals will be placed in nearby HMA's that can support those animals. As has been done in other Districts, EA's, and in some cases EIS's have been prepared for those areas where horses would be added. We do not see where the areas have been identified and where appropriate studies have been done to determine if the new areas can handle the excess animals without adversely affecting the existing herds.

We do not disagree with the removal from a zero AML area, however, we must protest this draft on two points that can easily be corrected by your District.

1) We must protest the placement of animals in areas that have not been predetermined and studies done to predetermine if those areas can handle the excess animals, either with an EA or EIS if needed.

2) Also, this document is a draft document with a 30 day comment period which ends on January 2, 1993. You have mentioned in more than one place that you anticipate the gather to start by mid-January. How do you plan to start a removal without sending a final out for the required 30 day comment period? According to BLM policy and law after a draft document is issued a final is to issued after that with a 30 day public comment period. The BLM too often causes their own unnecessary problems by not following NEPA and their own policy and law.

Marvin D. Morgan, Stateline Area Manager  
December 29, 1992  
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In summary to try to rush through a gather, for reasons unknown, without proper documentation and forethought must force us to protest this document and appeal the final if not corrected. Before any gather is conducted, we would expect a final plan to be issued with a 30 day comment period and also areas identified for placement of excess animals with accompanying documentation showing that those areas can support the animals being placed there.

If you have any questions or would care to discuss this further we would welcome the opportunity.

Sincerely,

*Alawa Y. Lippin*