United States Department of the Interior

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In Reply Refer To:
4700 (NVB02000)

DECISION
Reveille Herd Management Area Wild Horse Gather

INTRODUCTION

The Bureau of Land Management (BLM) Tonopah Field Office (TFO) has determined that excess wild horses are present within and outside of the boundaries of the Reveille Herd Management Area (HMA). The TFO is proposing to conduct a wild horse gather to remove excess wild horses located within and outside of the Reveille HMA, beginning on or after September 15, 2014. In 2010 the Final Reveille Herd Management Gather Environmental Assessment (DOI-BLM-NV-B020-2010-0089-EA) analyzed the effects of a Wild horse gather in the Reveille Allotment. Based on the analysis of potential environmental impacts, BLM determined that the impacts associated with the Proposed Action or Alternatives 1 were not significant. A Determination of NEPA Adequacy (DNA) has been completed for this Decision (DOI-BLM-NV-B020-2014-0039-DNA) based on the Final Reveille HMA Gather EA. The DNA and EA can be viewed on the BLM NEPA Register, which can be accessed through the BLM Battle Mountain District website at:

http://www.blm.gov/nv/st/en/fo/battle_mountain_field.html

Under the Links of Interest, click on the link that reads "National NEPA Register Page." To navigate to the project, scroll down and select "Nevada" from the "State(s)" list, which will populate the "Office(s)" list. Then select "NV -Tonopah FO." Under the "Fiscal Year(s)" select 2014 and then click the "Search" button on the right side of the screen. This will take you to a list of projects; find and select this project (DOI-BLM-NV-B020-2014-00039-DNA) to display the project webpage using the link on the left.

The Reveille HMA is located approximately 70 miles east of Tonopah in Nye County, Nevada, and includes portions of the Kawich and Reveille Ranges and Reveille Valley. The proposed gather area includes areas within and outside of the Reveille HMA boundaries throughout the Reveille Allotment. The Reveille HMA is 106,062 acres in size. The gather area encompasses the Reveille HMA as well as non-HMA area within the Reveille Allotment where wild horses are currently residing.

The most recent helicopter inventory flight of the Reveille Allotment and HMA was conducted November 16-17, 2013 which resulted in a direct count of 138 wild horses. The direct count was then statistically adjusted by U.S. Geological Survey (USGS), which resulted in an estimated population of 140 wild horses. The annual rate of increase for the Reveille HMA based on aerial inventory since 2006 is 19-25%. Using a population growth rate of 20%, the anticipated post-foaling wild horse population in 2014 is 168 wild horses, which is 30 wild horses over the established AML. Table 1 displays the AML and population estimates for the HMA.

Reveille HMA Established AML and Population Estimates

HMA	Maximum AML	2014 Population Estimate		Est. Number to be Removed	Est. Post-gather Population
		Nov 2013 (Inventory flight)	Spring 2014 Post-Foaling Pop (20% recruitment rate)		
Reveille	138	140	168	70	98

As detailed in the Final 2010 Reveille HMA Gather EA, the AML for the Reveille HMA was established through the Final Multiple Use Decision (FMUD) for the Reveille Allotment issued June 13, 2001, which adjusted the AML to 138 wild horses. The FMUD was issued following the assessment of monitoring data including precipitation data, use pattern mapping, ecological site description data, utilization of livestock and wild horses, wildlife habitat condition data, riparian functionality assessments, and carrying capacity analysis to allocate use to livestock and wild horses. The interested public was involved throughout the completion of the Reveille Allotment Evaluation and Addendums, Proposed Multiple Use Decision (PMUD), and FMUD.

BLM's management of wild horses in the Reveille Allotment portion of the Reveille HMA is subject to a 1987 District Court Order and to two orders issued by the Interior Board of Land Appeals (IBLA) in 2001 and 2002. These orders require BLM to conduct an annual inventory of the wild horses in the Reveille Allotment, and to initiate a gather within 120 days to remove excess wild horses from the Allotment when the inventory shows that population exceeds the AML.[1] The orders also provide that the population is to be reduced to a level which may allow up to three years of population growth before again reaching the AML. Additionally BLM must first remove wild horses from outside of the HMA boundaries when conducting gathers. All of these requirements were brought forward into the Amended Wild Horse Management Decision issued in October 2001. Refer to the Reveille EA for more detail.

In many cases, the BLM has established the AML as a range; however, the Reveille AML was established as a single number with provisions to allow for removal to a lower number in order to provide for up to three years of population growth without exceeding the AML between gathers.

[1] Consistent with the 1987 Stipulated Settlement and 2001/2001 orders from IBLA, should an inventory show that the AML of 138 wild horses has been exceeded before three years, then a gather would take place within 120 days to remove the excess wild horses.

Proposed Action: Gather with fertility control and adjustment of sex ratios to favor males, removing excess wild horses to a post gather population of approximately 120 wild horses. Pursuant to Title 43 of the Code of Federal Regulations at 43 CFR 4770.3(c), this decision is effective immediately and the Reveille HMA gather is approved to begin on or about September 15, 2014.

The proposed gather includes the capture of approximately 120 wild horses and removal of 60-70 excess wild horses. Approximately 60 wild horses would be returned to the HMA to achieve a post-gather population of approximately 100 wild horses. Consistent with the established AML, with a 20% annual population growth, a post-gather population of approximately 98 wild horses in the HMA would be necessary to provide a 3-year interval until AML is exceeded and another gather is necessary.

Fertility control would be applied to all mares released back into the HMA to decrease the future annual population growth. Approximately 70-80% of the population would be captured to allow for population controls to be applied, and 100% of the mares released back to the range would be inoculated with a single dose of the two-year contraceptive vaccine Porcine Zona Pellucidae (PZP-22). The objective for adjustments to the sex ratio of the post gather population would be to achieve 60% studs (males) and 40% mares (females). In order to achieve a post gather population of 100 animals at the desired sex ratio, approximately 41 studs and 19 mares would need to be released. This assumes a total of 48 uncaptured animals with an estimated 50:50 sex ratio.

Through application of fertility control and adjustment of sex ratios to favor studs, population growth rates could be reduced, extending the time before another gather would be required, and reducing the number of excess wild horses that would have to be removed during future gathers. The proposed gather would be conducted in accordance with the Gather Plan and Standard Operating Procedures (SOPs). (Appendix A)

PUBLIC INVOLVEMENT

On May 27, 2010, the Tonopah Field Office issued the preliminary Reveille HMA Gather EA along with a notification of its availability for a 30 day review and comment period to the interested public mailing list for the Reveille HMA. The preliminary EA was posted on BLM's website at: www.blm.gov/nv/st/en/fo/battle_mountain_field.html . The Nevada State Office also issued a news release notifying the general public of the availability of the document for review as well as posting the news release on BLM's external website. All comments were reviewed and considered in completion of the Final Reveille HMA Gather EA.

Interested parties, including local Native American Tribes and interest groups have been notified of this decision.

DECISION

It is my decision to implement the Reveille HMA Gather and Removal as described in the attached Reveille Gather Plan and consistent with the Reveille Herd Management Area Wild Horse Gather EA (DOI-BLM-NV-B020-2010-0089-EA).

A Determination of Land Use Plan Conformance and NEPA Adequacy to the Reveille Herd Management Area Wild Horse Gather EA (**DOI-BLM-NV-B020-2014-0039-DNA**) has been completed and it has been determined that no additional NEPA analysis is required.

This Decision constitutes my final decision to gather and remove excess wild horses from within and outside of the boundaries of the Reveille HMA.

Pursuant to Title 43 of the Code of Federal Regulations (CFR) §4770.3(c), this decision is effective upon issuance.

RATIONALE

Based upon review of monitoring, inventory, and all other information available at this time, the TFO has determined that excess wild horses are present within the Reveille Allotment and HMA and need to be removed in order to comply with the Wild Free-Roaming Horses and Burros Act, to achieve a population of wild horses to a level consistent with the established AML, to restore a thriving natural ecological balance and prevent degradation of rangeland resources resulting from an overpopulation of wild horses. This assessment is based on factors including, but not limited to the following rationale:

- The past aerial inventories (2006-2013) have documented 34-88% of wild horses residing outside of HMA boundaries.
- The existing and estimated post foaling 2014 population exceeds the AML of 138 wild horses established through the 2001 FMUD.
- Current use by wild horses is exceeding the forage allocated to their use.
- The Reveille Allotment Evaluation (1999) determined that the Standards for Rangeland Health were not being met in accordance with the Mojave/Southern Great Basin (MSGB) Resource Advisory Council (RAC). The Allotment Evaluation identified wild horse populations as contributing to Rangeland Health Standards not being met within the Reveille Allotment, in addition to Allotment Specific Objectives and Land Use Plan Objectives.
- Wild horse populations are making concentrated use within and outside of the boundaries of the Reveille HMA.
- The AML of 138 must be maintained for continued progress towards achieving the Standards for Rangeland Health.

Based on the above factors, the TFO has determined that an estimated 60 excess wild horses are present both within and outside of HMA boundaries. The TFO must remove excess wild horses from within and outside the Reveille HMA in order to ensure a thriving natural ecological balance, and must also remove any excess wild horses within the Reveille Allotment within 120

days of confirming that excess horses are present, in order to comply with the 1987 District Court and 2001 and 2002 IBLA Orders and the Amended Wild Horse Management Decision issued in 2001.

Current National Wild Horse and Burro Program direction suggests that the BLM implement population controls during gathers in an effort to reduce population growth rates, and consequently gather frequency and the number of excess wild horses that ultimately must be removed from the range in order to maintain populations at AML. For these reasons, population control methods would be implemented to bring the population and population growth to a level that would allow 3-5 years before another gather is necessary.

Portions of the Reveille HMA are in diminished ecological condition and have limited forage availability. Some contributing factors are climate, soils, precipitation levels, historic overpopulations of wild horses, and historic use by livestock. Progress towards improved rangeland health is a lengthy process in arid western rangelands under the best conditions. Removal of excess wild horses is needed to achieve a thriving natural ecological balance between wild horse populations, wildlife, livestock, vegetation, and the available water as authorized under Section 3(b)(2) of the 1971 Wild Free Roaming Horses and Burros Act and section 302(b) of the Federal Land Policy and Management Act of 1976. Completion of the proposed gather would not only prevent further decline of important wild horse habitat, but would also allow for improvement of wildlife habitat and ensure long-term health and fitness of the wild horses through variable environmental conditions. Maintaining wild horse populations consistent with the established AML would also promote progress towards attainment of RAC Standards and for Rangeland Health, Resource Management Plan and Allotment Specific Objectives.

The proposed gather would:

- Maintain healthy wild horses within the HMA boundaries which have been designated for their use.
- Comply with the 2001/2002 IBLA orders which require the BLM to remove excess wild horses to a level which would allow for up to three years of population growth before another gather is required,
- Decrease forage competition among wild horses, wildlife, and livestock,
- Contribute to increased plant vigor, seed production, seedling establishment, and forage production over current conditions,
- Promote continued long term improvement of the vegetation resources throughout the HMA, resulting in upward trend and increased frequency of key species, and
- Slow population growth through implementation of fertility control and sex ratio modification.

According to population modeling the application of fertility control and sex ratio modification could extend the need for a gather to the year 2018 through reduced population growth rates and could reduce the number of animals that must be captured and removed in future gathers. Reduced growth rates and lower population sizes would also allow for improvements to range

condition, which would have long-term benefits to wild horse habitat quality and contribute to the achievement and maintenance of a thriving natural ecological balance.

Having confirmed that there are wild horses in excess of the established AML and that removal of the excess wild horses is necessary to ensure a thriving natural ecological balance, if BLM is unable to proceed with the proposed action, this would constitute a violation of the District Court and IBLA orders requiring BLM to remove those excess wild horses that are located in the Reveille Allotment within 120 days of determining wild horses in excess of AML are present. In addition to being in potential violation of a Court order, if the gather is delayed until 2015, approximately 100 excess animals would need to be removed and placed in short or long-term holding, or in the adoption or sale program, as compared with up an estimated 70 excess animals that would be removed under the Proposed Action, and delays in applying population control measures would mean a higher wild horse population growth rate relative to the proposed action.

The following constitutes the rationale for issuing this decision effective upon issuance:

a). Conformance with District Court and IBLA Orders
The TFO is bound by a 1987 District Court and 2001/2002 IBLA Orders which require BLM to initiate a gather within 120 days of an inventory which determines that the wild horse population exceeds the AML of 138 wild horses; and to reduce the wild horses to a level that allows up to three years of population growth before again reaching the AML. The initial inventory which determined that the population exceeded 138 wild horses was conducted in November 2013, which resulted in a direct count of 138 wild horses and a USGS statistically corrected estimate of 140 wild horses received in May. The 2014 post foaling population estimate is 168 horses based on a 20 percent increase from foaling indicating that there are approximately 60 excess horses.

b). Necessity of Prompt Removal of Excess Wild Horses
Delay of a gather to remove excess wild horses until after the 2015 foaling season would result in a further increase in the population to an estimated 202 wild horses, requiring the removal of an additional 40 wild horses (over the number that would need to be removed in 2014) in order to be in conformance with the AML. This would result in additional costs and increased numbers of wild horses which must be transported to short term holding facilities, long term holding pastures, sold or adopted.

c). Potential Impacts to Animal Health
The 2014 estimated post foaling population of wild horses will be 168 animals which exceeds the established AML (138) by 30 wild horses. Inventory flights completed between 2006 and 2013 documented 34-88% of the wild horses moving outside of HMA boundaries to access forage, water and habitat. Through the analysis of monitoring data, the TFO determined that the AML of 138 with regular removals of excess wild horses to allow for up to three years between gathers was necessary to maintain a healthy wild horse population based on the availability and quality of habitat attributes within the HMA.

Failure to issue this decision effective upon issuance and a continued wild horse population above AML risks over-utilization and degradation of the range within the HMA, continued movement of wild horses to areas outside of the HMA boundaries and potential deterioration of

wild horse body condition as increasing numbers of wild horses compete for limited habitat within the drought affected region. The average precipitation received at the Reveille Rain gauge since 1985 is 5.2 inches annually, and forage and water are not abundant. Though emergency conditions are not anticipated at this time, individual animals (particularly young mares and foals) could suffer reduced body condition and degraded health, especially during periods of drought or hard winters.

d). Potential Damage to Rangeland and Riparian Resources

The Reveille HMA is dominated by plant communities that are inherently less productive due to the climate and soils that support them. Additionally, much of the rangeland within the area is characterized by a lack or absence of the key perennial grass species in the understory, with many areas dominated by shrubs and bare ground. Because of the inherently low precipitation levels received in the Great Basin and the frequency of drought occurrence, improvements in vegetative health and composition can be very slow. Improvement can be further impeded and even reversed if these areas continue to receive over use by excess wild horses. Proper management of wild horses is paramount to ensure that further decline of the Reveille HMA wild horse habitat does not occur. Failure to issue this decision effective upon issuance and a continued over population of wild horses will result in further degradation and loss of habitat utilized by wild horses, wildlife and livestock.

In accordance with 43 CFR § 4720.1, upon examination of current information, I have determined that an excess of wild horses or burros exists, and that the excess animals should be immediately removed. I have also determined that immediate action is necessary to protect wild horse health, cease rangeland degradation by an overpopulation of wild horses and to promote a thriving natural ecological balance.

AUTHORITY

The authority for this decision is contained in Section 3(b)(2) of the 1971 Free-Roaming Wild Horses and Burros Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700.

43 CFR § 4700.0-6 Policy.

> (a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
> (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
> (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;
> (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

43 CFR § 4710.4 Constraints on Management

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

43 CFR § 4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animal immediately in the following order.

(a) Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title;
(b) Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title; and
(c) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this part[2]

43 CFR § 4740.1 Use of motor vehicles or aircraft

(a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses for capture or destruction. All such use shall be conducted in a humane manner.
(b) Before using helicopters or motor vehicles in the management of wild horses, the authorized officer shall conduct a public hearing in the area where such use is to be made.

43 CFR § 4770.3 Administrative Remedies

(a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR, part 4.
(c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

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[2] The Bureau of Land Management is currently not implementing this portion of the CFRs. Future decisions regarding this option would not occur before public involvement and comment. Healthy wild horses that are not adopted are transported to long term holding pastures or are sold to private individuals, but are not sold to slaughter or euthanized.

APPEAL PROVISIONS

Within 30 days of receipt of this wild horse decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed, "Information on Taking Appeals to the Board of Land Appeals." Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days of receipt of this decision you have a right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the enclosed form titled "Information on Taking Appeals to the Board of Land Appeals." The appellant has the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeal shall show sufficient justification based on the following standards:

1) The relative harm to the parties if the stay is granted or denied;
2) The likelihood of the appellant's success of the merits;
3) The likelihood of immediate and irreparable harm if the stay is not granted; and
4) Whether the public interest favors granting the stay.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.401 (c) (2)).

APPROVAL

The Reveille HMA Gather is approved for immediate implementation and is approved to begin on or around September 15, 2014. This decision is effective upon issuance in accordance with 43 CFR § 4720.2-1 because it is necessary to protect animal health and prevent further damage to public lands. This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4 (see attachment).

/s/ Timothy J. Coward 08/20/2014

Timothy J. Coward Date
Tonopah Field Office Manager

Appendix A.

Reveille Gather Plan and Standard Operating Procedures

I. Gather Plan

The purpose of the gather plan is to outline the methods and procedures for conducting a gather to remove excess wild horses from public lands administered by the TFO. Implementation of the Proposed Action would require the capture of approximately 120 horses and removal of approximately 70 wild horses to achieve a post-gather population of approximately 98 wild horses.

A. Gather Area

The Proposed Gather area includes the Reveille HMA and areas outside of HMA boundaries within the Reveille Allotment. The area is approximately 657,520 acres in size, which includes 106,062 acres within and approximately 551,458 acres outside of HMA boundaries. Refer to Figure 1, which display the HMA, grazing allotment and the gather area.

B. Administration of the Contract /Gather Operations

The National Wild Horse and Burro Gather Contract would be used to conduct the wild horse gather tentatively scheduled for the summer and fall 2014. BLM personnel would be responsible for overseeing the contract for the capture, care, aging, and temporary holding of wild horses from the capture area. BLM Wild Horse and Burro Specialists would be present during all aspects of the gather activities.

Standard Operating Procedures (SOPs) described within this document would be utilized for the capture and handling of wild horses and burros. SOPs have been developed over time to ensure minimal impacts associated with gathering, handling, and transporting wild horses and burros and collecting herd data.

It is estimated that between 2 to 4 gather corrals and 1 set of central holding corrals would be necessary to complete the gather. Ideally, gather corrals would be established in areas of previous soil or vegetation disturbance (such as gravel pits, roads etc.), to avoid impacts to unaltered vegetation and soils. A cultural resources investigation would be conducted prior to the construction of gather corrals and temporary holding facilities. Refer to the Special stipulations, Section I for more detailed information.

A notice of intent to impound would be published prior to the gather. Branded and/or claimed horses would be transported to a temporary holding facility. Ownership would be determined under the estray laws of the State of Nevada by a Nevada Brand Inspector. Collection of gather fees and any appropriate trespass charges would be collected per BLM policy and regulation.

A veterinarian would be on-call or on-site for the duration of the gather to provide recommendations to Wild Horse and Burro Specialists for care and treatment of sick or injured wild horses. Consultation with the veterinarian may take place prior to the euthanasia of wild horses in accordance with Washington Office Instruction Memorandum (IM 2009-041). Refer to Part F for more information about the euthanasia policy.

Precautions would be taken to ensure that young or weak horse foals are safely gathered and cared for appropriately. If a foal were determined to be an orphan, qualified adopters would be contacted immediately to provide proper care for the foal. Milk replacer formula and electrolytes would be available to care for orphan foals if necessary.

C. General Overview of Wild Horse and Horse Gather Methods

The gather contractor supplies and transports all equipment needed to conduct a gather to a central location where Holding Corrals are constructed. These corrals consist of six or more pens constructed of sturdy panels, with a central alleyway and working/squeeze chute in the center. Corral panels are covered with snow fencing to keep animals calm, and water tanks located within the pens. The central alley and pen arrangement allows the BLM staff and the contractor to sort recently captured animals, separating animals to ship to the adoption facilities, and separating mares and foals from studs to prevent fighting and injury. The pen arrangement allows the contractor to off-load wild horses from stock trailers into the pens, and facilitates the loading of the horses to be transported to facilities onto large straight deck trucks.

At various locations throughout the HMA, smaller sets of gather corrals are constructed called "traps". The trap or gather corrals consists of a series of pens made out of panels, and "wings" made out of jute netting that funnel wild horses into the corrals as they are captured. Once captured, the horses are loaded into stock trailers and transported to the central Holding Corrals for sorting. Horses may remain in the gather site or on the stock trailer for no time at all, or up to an hour or more while other groups of horses are brought to the gather corrals.

The contractor utilizes a helicopter and pilot to conduct gathers. Use of a helicopter is humane, safe and effective. Methods for use of helicopter are well established, and the contract pilots are very skilled. Wild horses settle down once gathered and do not appear to be more than slightly annoyed by the helicopter.

The pilot locates groups of wild horses within the HMA and guides them towards the gather corrals. In most cases, horses are allowed to travel at their own pace, and are not "pushed". Distances average 4-7 miles over mixed terrain which may consist of rolling foothills, or steeper terrain, drainages, ridges and valley bottoms. The horses often follow their own trails. The pilot and the BLM staff monitor the condition of the horses to ensure their safety and well-being, checking for signs of exhaustion, injuries etc. The contractor and pilots are very skilled at designing and building gather corrals, and safely herding the horses to them. Generally, wild horses are very fit, and recover quickly from being captured. Distances that the horses travel are modified to account for summer temperatures, snow depth, animals in weakened condition, young foals, or older/lame animals. Under ideal conditions, some horses could be herded 10 miles or more at the discretion of the COR/Wild Horse and Burro Specialist.

Once near the gather site, the contractor holds a "Prada" horse at the mouth of the wings. As the pilot pushes the wild horses closer, the Prada horse is released and runs into the gather corrals, leading all of the wild horses with him. Crew members rush in to secure gates once the horses are within the corrals. During gathers, the crew often separates foals from adults at the gather site so that they may be transported to the Holding Corrals separately and avoid the potential for being injured by adult horses. Foals may be loaded into a separate stock trailer where they can have shade, water, and electrolyte if necessary. Once unloaded at the Holding Corrals, foals may

be rejoined with the mothers if not old enough to wean, and monitored to ensure that all of the foals "join-up". Often paint marks are applied to the foals and mothers to assist the contractor and BLM staff in identifying pairs.

Occasionally (and more frequently for difficult to gather areas) helicopter-assisted roping is implemented, in which the pilot moves a small group of horses to the gather area, and the crewmembers rope the animals by horseback. This method often prevents overstressing the horses from repeated attempts to move them into the gather corrals. The roped horses are then led to the corrals, to awaiting stock trailers, or immobilized on the ground until they can be loaded into stock trailers.

Once horses are loaded and transported to the Holding Corrals, they are sorted by the contractor's staff and BLM employees. The contractor looks at the horse's teeth to estimate age while held in the chute, and the BLM staff documents age, color, body condition and lactation status of the horse. Aging wild horses is a process of estimation due to the type of wear that can occur to the teeth of a wild horse on the range.

Injuries are noted and treated if needed. Once sorted, the horses are given hay and unlimited water. During this time, the BLM may consult with a veterinarian to treat sick or injured animals, or make recommendations for euthanasia.

When the pens hold enough horses to transport to the BLM adoption facility, they are loaded into the straight deck trailers that hold 35-45 wild horses depending upon their size and age. The trailers have three compartments so that mares, studs and foals can be transported separately. It may require 3-6+ hours for the wild horses to arrive at the adoption preparation facility. The TFO typically ships horses to the National Wild Horse and Burro Center at Palomino Valley near Sparks, Nevada; or may ship horses to the facility at Ridgecrest, California if needed.

During sorting, the BLM staff identify the wild horses to be re-released back to the HMA according to the objectives for the herd. Mares may be held until the end of the gather so that fertility control can be given to them to slow future population growth rates. When it is time for the release, the mares and studs are each loaded into separate stock trailers and transported back inside the HMA near water sources. The rear of the trailer is opened up, and the horses are allowed to step off and travel back into the HMA. Sometimes the horses are released directly from the holding corrals if they are centrally located within the HMA.

Before the wild horses are transported to adoption facilities or released, hair samples are taken for genetic testing. Data collected during the gather in conjunction with genetic analysis report will be incorporated into a Herd Management Area Plan (HMAP) in the future.

E. Data Collection

Wild Horse and Burro Specialists (WHB Specialists) would be responsible for collecting population data. The extent to which data is collected may vary among the field offices to meet specific needs pertaining to each HMA.

1) Hair Samples/Genetics Analysis

Hair samples would be collected and analyzed to compare with the genetic baseline data of wild horses of the Reveille HMA gathered in 2010 (genetic diversity, historical origins, unique markers, and norms for the population).

WHB Specialists would collect a minimum sample size of 25 hair samples from captured horses. Hair would be collected from both mares and studs in a ratio similar to the sex ratio released. Age would not be a defining factor in determining which animals to sample. Samples would be sent to Dr. Gus Cothran of the Texas A&M University for analysis.

2) Herd Health and Viability Data Collection

WHB Specialists would document information related to age, sex, color, overall health, pregnancy, or nursing status from each animal captured. An estimate of the number of horses evading capture would also be recorded.

Information on reproduction and survival would be collected to the extent possible, through documentation of the wild horses captured during the gather, and the age of those released following the gather.

3) Characteristics

WHB Specialists would record color and size of the animals, and any characteristics as to type would be noted, if determined. Any incidence of negative genetic traits (parrot mouth, club foot etc.) or other abnormalities would be noted as well.

4) Condition Class

A body condition class score would be recorded based on the Henneke System. This would be recorded for the population in general and/or for specific animals if necessary.

F. Euthanasia

The Authorized Office (or designee) will make decisions regarding euthanasia, in accordance with BLM policy as expressed in Washington Office Instructional Memorandum No. 2009-041. A veterinarian may be called to make a diagnosis and final determination. Euthanasia would be done by the most humane method available. Authority for humane euthanasia of wild horses or burros is provided by the Wild Free-Roaming Horses and Burros Act of 1971, Section 3(b)(2)(A), 43 CFR 4730.1, BLM Manual 4730 - Euthanasia of Wild horses and Burros and Disposal of Remains. The following are excerpted from IM 2009-41:

> *A Bureau of Land Management (BLM) authorized officer may authorize the euthanasia of a wild horse or Burro in field situations (includes free-roaming horses and burros encountered during gather operations) as well as short- and long-term wild horse and Burro holding facilities with any of the following conditions:*
>
> *(1) Displays a hopeless prognosis for life;*
> *(2) suffers from a chronic or incurable disease, injury or serious physical defect; (includes severe tooth loss or wear, severe club feet, and other severe acquired or congenital abnormalities)*

(3) would require continuous treatment for the relief of pain and suffering in a domestic setting;
(4) is incapable of maintaining a Henneke body condition score greater than two, in its present environment;
(5) has an acute or chronic injury, physical defect or lameness that would not allow the animal to live and interact with other horses or burros , keep up with its peers or exhibit behaviors which may be considered essential for an acceptable quality of life constantly or for the foreseeable future;
(6) suffers an acute or chronic infectious disease where State or Federal animal health officials order the humane destruction of the animal as a disease control measure.

There are three circumstances where the authority for euthanasia would be applied in a field situation:

(A) If an animal suffers from a condition as described in 1-6 above that causes acute pain or suffering and immediate euthanasia would be an act of mercy, the authorized officer has the authority and the obligation to promptly euthanize the animal. If the animal is euthanized during a gather operation, the authorized officer will describe the animal's condition and report the action using the gather report in the comment section that summarizes gather operations (See attachment 1). If the euthanasia is performed during routine monitoring, the Field Manager will be notified of the incident as soon as practical after returning from the field.

(B) Older wild horses and burros encountered during gather operations should be released if, in the opinion of the authorized officer, the criteria described in 1-6 above for euthanasia do not apply, but the animals would not tolerate the stress of transportation, adoption preparation, or holding and may survive if returned to the range. This may include older animals with significant tooth wear or tooth loss that have a Henneke body condition score greater than two. However, if the authorized officer has inspected the animal's teeth and feels the animal's quality of life will suffer and include health problems due to dental abnormalities, significant tooth wear or tooth loss; the animal should be euthanized as an act of mercy.

(C) If an animal suffers from any of the conditions listed in 1-6 above, but is not in acute pain, the authorized officer has the authority to euthanize the animal in a humane manner. The authorized officer will prepare a written statement documenting the action taken, and notify the Field Manager and State Office Wild Horse and Burro (WH&B) Program Lead. If available, consultation and advice from a veterinarian is recommended, especially where significant numbers of wild horses or burros are involved.

G. Special Stipulations

1) Private landowners or the proper administering agency(s) would be contacted and authorization obtained prior to setting up gather corrals on any lands which are not

administered by BLM. Wherever possible, gather corrals would be constructed in such a manner as to not block vehicular access on existing roads.

2) Gather corrals would be constructed so that no riparian vegetation is contained within them. No vehicles would be operated on riparian vegetation or on saturated soils associated with riparian/wetland areas.

3) The helicopter would avoid eagles and other raptors, and would not be flown repeatedly over any identified active raptor nests. No unnecessary flying would occur over big game on their winter ranges or active fawning/calving grounds during the period of use.

4) Standard operating procedures in the site establishment and construction of gather corrals will avoid adverse impacts from gather corrals, construction, or operation to wildlife species, including threatened, endangered, or sensitive species.

5) Archeological clearance by a BLM archaeologist or District Archeology Technician of gather corrals, holding corrals, and areas of potential effects would occur prior to construction of gather corrals and holding corrals. If cultural resources were encountered, those locations would not be utilized unless they could be modified to avoid impacts. Due to the inherent nature of wild horse gathers, gather corrals and holding corrals would be identified just prior to use in the field. As a result, Cultural Resource staff would coordinate with Wild Horse and Burro personnel to inventory proposed locations as they are identified, and complete required documentation.

6) Wilderness Study Areas: When gathering wild horses from within Wilderness Study Areas (WSAs), applicable policy will be strictly adhered to. Only approved roads will be traveled on. A Wilderness Specialist or designee would be present to ensure that only inventoried ways or cherry stemmed roads are traveled on by vehicles within the WSA.

7) Wildlife stipulations
The following stipulations would be applied as appropriate.

a. Sage Grouse
    i. Maintain a distance of at least 2 miles from active leks March 1- May 15
    ii. Avoid nesting and brood rearing areas (especially riparian areas where broods concentrate beginning usually in June) by 2 miles. April 1 – August 15
    iii. Avoid sage grouse wintering areas by 2 miles while occupied. Most known wintering grounds in the Shoshone-Eureka Resource Area occur at high elevations and are not likely to be affected. Dates vary with severity of winter
    iv. Minimize and mitigate disturbance to the vegetation in all known sage grouse habitat.

b. Ferruginous Hawk: Avoid active nests by 2 miles. March 15- July 1.

II. Standard Operating Procedures and Comprehensive Animal Welfare Program for Wild Horse and Horse Gathers

Gathers would be conducted by utilizing contractors from the Wild Horse Gathers-Western States Contract, or BLM personnel. The following procedures for gathering and handling wild horses would apply whether a contractor or BLM personnel conduct a gather. For helicopter gathers conducted by BLM personnel, gather operations will be conducted in conformance with the *Wild Horse Aviation Management Handbook* (January 2009).

Prior to any gathering operation, the BLM will provide for a pre-capture evaluation of existing conditions in the gather area(s). The evaluation will include animal conditions, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with wilderness boundaries, the location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine whether the proposed activities will necessitate the presence of a veterinarian during operations. If it is determined that a large number of animals may need to be euthanized or capture operations could be facilitated by a veterinarian, these services would be arranged before the capture would proceed. The contractor will be apprised of all conditions and will be given instructions regarding the capture and handling of animals to ensure their health and welfare is protected.

Gather corrals and temporary holding sites will be located to reduce the likelihood of injury and stress to the animals, and to minimize potential damage to the natural resources of the area. These sites would be located on or near existing roads.

The primary capture methods used in the performance of gather operations include:

1. Helicopter Assisted Trapping. This capture method involves utilizing a helicopter to direct wild horses or burros into a temporary corral.
2. Helicopter Assisted Roping. This capture method involves utilizing a helicopter to herd wild horses or burros to ropers.
3. Bait Trapping. This capture method involves utilizing bait (e.g., water or feed) to lure wild horses or burros into a temporary corral.

The following procedures and stipulations will be followed to ensure the welfare, safety, and humane treatment of wild horses in accordance with the provisions of 43 CFR 4700.

A. Capture Methods used in the Performance of Gather Contract Operations

1. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:

   All gather corral and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (PI) prior to construction. The Contractor may also be required to change or move corral locations as determined by the COR/PI. All gather corrals 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 who will consider terrain, physical barriers, access limitations, weather, extreme temperature (high and low), condition of the animals, urgency of the operation (animals facing drought, starvation, fire rehabilitation, etc.) and other factors. In consultation with the contractor the distance the animals travel will account for the different factors listed above and concerns with each HMA.

3. All gather corrals, 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. Gather corrals 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 gather corrals and holding facilities shall be oval or round in design.

    b. All loading chute sides shall be a minimum of 6 feet high and shall be fully covered, plywood, metal without holes larger than 2”x 4”.

    c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for horses and 1 foot to 6 feet for burros. The location of the government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.

    d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, plastic snow fence, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for horses and 2 feet to 6 feet for burros.

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

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

5. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor 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 mares with small foals, sick and injured animals, strays, or other animals the COR determines need to be housed in a separate pen 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. Under normal conditions, the government will require that animals be

restrained for the purpose of determining an animal's age, sex, or other necessary procedures. In these instances, a portable restraining chute may be necessary and will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the capture area(s). In areas requiring one or more satellite gather corrals, and where a centralized holding facility is utilized, the contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the COR.

7. The Contractor shall provide animals held in the gather corrals 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 gather corrals or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day. An animal that is held at a temporary holding facility through the night is defined as a horse/burro feed day. An animal that is held for only a portion of a day and is shipped or released does not constitute a feed 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 is necessary. The COR/PI will determine if animals must be euthanized and provide for the destruction of such animals. The Contractor may be required to humanely euthanize animals in the field and to dispose of the carcasses as directed by the COR/PI.

10. Animals shall be transported to final their destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals to be released back into the HMA following gather operations may be held up to 21 days or as directed by the COR/PI. Animals shall not be held in gather corrals 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 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the COR. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours in any 24 hour period. Animals that are to be released back into the capture area may need to be transported back to the original gather site. This determination will be at the discretion of the COR.

B. Capture Methods That May Be Used in the Performance of a Gather

1. Capture attempts may be accomplished by utilizing bait (feed, water, mineral licks) to lure animals into a temporary gather corral. If the contractor selects this method the following applies:

a. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.

b. All trigger and/or trip gate devices must be approved by the COR/PI prior to capture of animals.

c. Gather corrals shall be checked a minimum of once every 10 hours.

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

   a. A minimum of two saddle-horses shall be immediately available at the trap site to accomplish roping if necessary. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one half hour.

   b. The contractor shall assure that foals shall not be left behind, and orphaned.

3. Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If the contractor with the approval of the COR/PI selects this method the following applies:

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

   b. The contractor shall assure that foals shall not be left behind, or orphaned.

   c. 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.

C. Use of Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the COR/PI with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.

2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.

3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet

shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.

4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer, which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.

5. Floors of tractor-trailers, stock trailers and loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping.

6. Animals to be loaded and transported in any trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

   12.6 square feet per adult horse (1.6 linear foot in an 8 foot wide trailer);
   8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
   6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
   4 square feet per burro foal (.50 linear feet in an 8 foot wide trailer).

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

8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor will be instructed to adjust speed.

D. Safety and Communications

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

   a. The proper operation, service and maintenance of all contractor furnished property is the responsibility of the Contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or

otherwise unsatisfactory. In this event, the Contractor will be notified in writing to furnish replacement personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative.

b. The Contractor shall obtain the necessary FCC licenses for the radio system

c. All accidents occurring during the performance of any task order shall be immediately reported to the COR/PI.

2. Should the contractor choose to utilize a helicopter the following will apply:

a. 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 in which the gather is located.

b. Fueling operations shall not take place within 1,000 feet of animals.

E. Site Clearances

Personnel working at gather sites will be advised of the illegality of collecting artifacts. Prior to setting up a trap or temporary holding facility, BLM will conduct all necessary clearances (archaeological, T&E, etc). All proposed site(s) must be inspected by a government archaeologist (or designee). Once archaeological clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.

Gather sites and temporary holding facilities would not be constructed on wetlands, riparian zones or weed infested areas.

F. Public Participation

BLM will maximize and seek to provide meaningful opportunities for public and media viewing of gather operations while taking into consideration BLM's primary mandate to conduct a successful and efficient gather that minimizes the risk of injury and stresses to gathered horses and takes into consideration human safety. The public must adhere to guidance from the on-site BLM representatives. It is BLM policy that the public will not be allowed to come into direct contact with wild horses being held in BLM facilities. Only authorized BLM personnel or contractors may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at anytime or for any reason during BLM operations.

G. Responsibility and Lines of Communication

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. David Price, Wildlife Biologist would serve as the primary COR. Alternate COR and PI(s) would be selected prior to the start of the gather. Deborah Brown, Assistant Field Manager and Timothy

Coward, Field Manager, TFO will take an active role to ensure the appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, and BLM Holding Facility offices. All employees involved in the gather operations will keep the best interests of the animals at the forefront at all times.

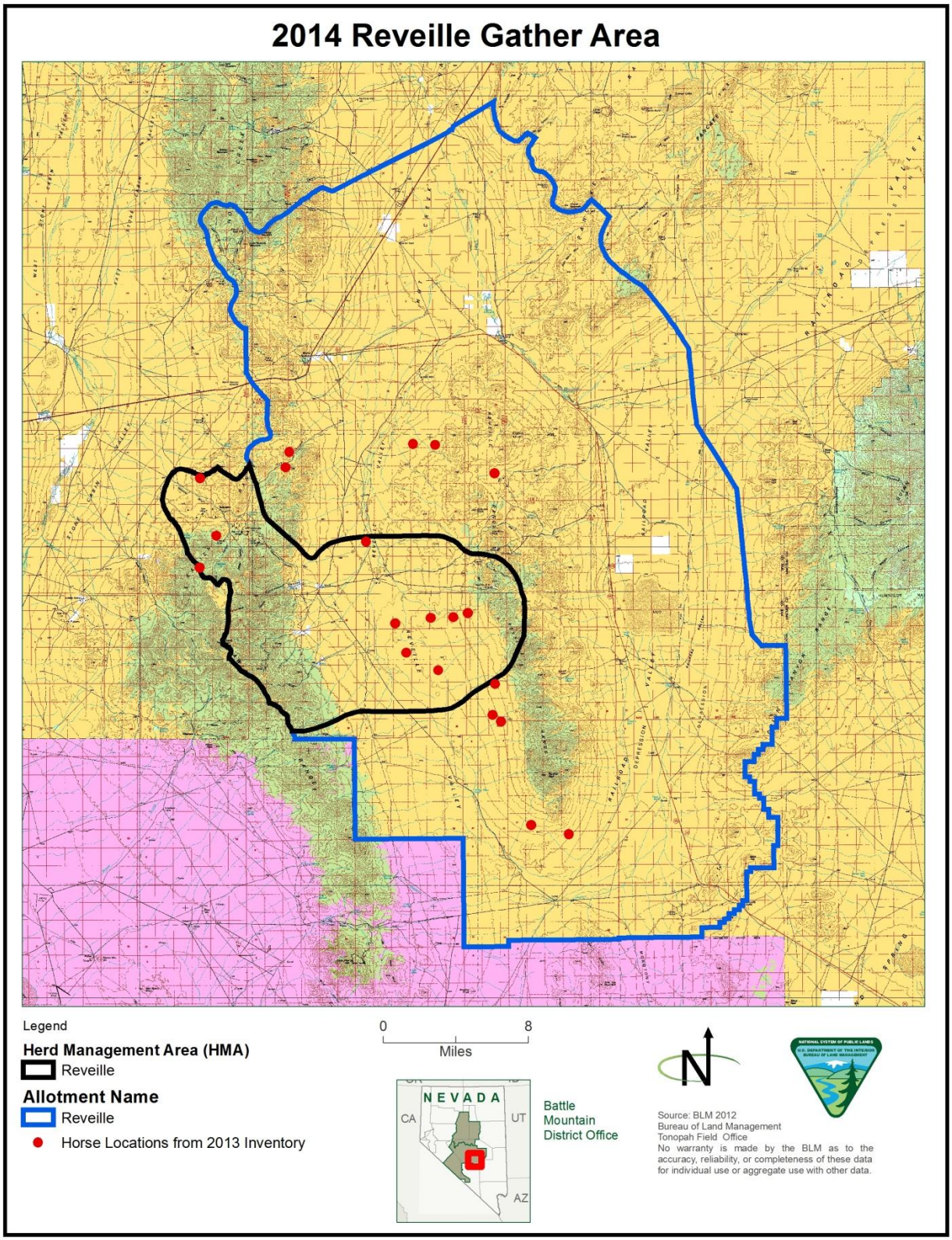
All publicity, formal public contact and inquiries will be handled through the Nevada State Office and Battle Mountain District Office Public Affairs Officer. These individuals will be the primary contact and will coordinate with the COR on any inquiries.

The COR will coordinate with the contractor and the BLM Corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications will be vigorously enforced.

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

Figure 1.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