

## **APPENDIX F - Standard Operating Procedures for Wild Horse and Burro Gathers**

Gathers are conducted by utilizing contractors from the Wild Horse Gathers-Western States Contract or BLM personnel. The following standard operating procedures (SOPs) for gathering and handling wild horses and burros in addition to BLM WO IM No. 2015-151 Comprehensive Animal Welfare Program for wild Horse and Burro Gathers apply whether a contractor or BLM personnel conduct a gather. For helicopter gathers conducted by BLM personnel, gather operations would be conducted in conformance with the Wild Horse Aviation Management Handbook (January 2009). Contractors would be required to conduct all helicopter operations in a safe manner and in compliance with Federal Aviation Administration regulations 14 CFR §91.119 and BLM WO IM No. 2010-183 “Helicopter Capture of Wild Horses and Burros”.

Prior to any gathering operation, the BLM would provide for a pre-gather evaluation of existing conditions in the gather area(s). The evaluation would 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 gather locations in relation to animal distribution. The evaluation would determine whether the proposed activities would necessitate the presence of a veterinarian during operations. If it is determined that a large number of animals may need to be euthanized or gather operations could be facilitated by a veterinarian, these services would be arranged before the gather would proceed. The contractor would be apprised of all conditions and would be given instructions regarding the gather and handling of animals to ensure their health and welfare is protected. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy (BLM WO IM 2015-070 “Animal Health, Maintenance, Evaluation and Response” or most current edition).

Gather sites and temporary holding sites would 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 whenever possible.

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

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

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

### **A. Gather Methods used in the Performance of Gather Contract Operations**

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

1. All gather sites 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 gather locations as determined by the COR/PI. All gather sites 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 would 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 would account for the different factors listed above and concerns with each HMA.
3. All gather sites, 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 sites 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 high for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All gather sites 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"x4".
  - 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 burros and 1 foot to 6 feet for horses. 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 burros and 2 feet to 6 feet for horses.
  - 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 would 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 gather site or holding facility, the Contractor shall be required to wet down the ground with water.

6. Alternate pens, within the temporary holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, estrays 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 would 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 would be provided by the government.

7. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the gather area(s) due to fertility control treatments. In areas requiring one or more satellite gather site, 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. BLM may also chose to have the animals shipped to one of their preparation facilities for fertility control treatments. Either segregation or temporary marking and later segregation would be at the discretion of the COR.

8. The Contractor shall provide animals held in the gather sites 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 site 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. The contractor would supply certified weed free hay if required by State, County, and Federal regulation.

9. 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.

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

11. A BLM contract veterinarian, Animal and Plant Health Inspection Service (APHIS) Veterinarian or other licensed Veterinarian would be on call or on site in accordance with the CAWP as the gather is started and then as needed during the gather to examine animals and make recommendations to the BLM for the care and treatment of wild burros, and ensure humane treatment. Additionally, animals transported to a BLM wild horse and burro facility for adoption preparation are inspected by facility staff and a veterinarian, to observe health and ensure the animals have been cared for humanely. Any burro injured during capture or treatment would be addressed in accordance with BLM WO IM 2015-070 "Animal Health, Maintenance, Evaluation and Response". The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI would 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.

12. All wild burros selected for removal would be transported to BLM holding facilities where they would be inspected and, as appropriate, prepared for adoption in accordance with BLM policy. Animals shall be transported to their final destination from temporary holding facilities as quickly as possible after gather unless prior approval is granted by the COR 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. Animals shall not be held in gather sites 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 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 gather area may need to be transported back to the original gather site. This determination would be at the discretion of the COR/PI or Field Office Wild Horse & Burro Specialist.

12. BLM would record data for captured animals, including sex and age distribution. Genetic baseline information for the HMA will be collected in accordance with BLM WO IM 2009-062 "Wild Horse and Burro Genetic Baseline Sampling".

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

1. Gather attempts may be accomplished by utilizing bait (feed, water, mineral licks) to lure animals into a temporary gather site. Bait trapping involves setting up portable panels around an existing water sources or in an active wild burro area, or around a pre-set water or bait source. Bait trap sites would typically consist of an area approximately 0.25 acre in size. Existing roads would be used to access the trap sites. The portable panels would be set up to allow wild burros to go freely in and out of the corral until they have adjusted to it. When the wild burros fully adapt to the corral, it is fitted with a gate system. This acclimation period varies among individual burros and burro groups. The acclimation of the burros creates a low stress trapping method. During this acclimation period the burros may experience some stress due to the panels being setup and perceived access restriction to the water/bait source. Some burros become acclimated very quickly due to being habituated from the public feeding or watering them.

Bait traps would be set in high probability areas for capturing excess wild burros residing within the area, and at the most effective time periods, time is required for the burros to acclimate to the trap and/or decide to access the water/bait. Generally, bait/water trapping is most effective when a specific resource is limited, such as water during the summer months. For example, in some areas, a group of wild burros may congregate at a given watering site during the summer because few perennial water resources are available nearby. Under those circumstances, water trapping could be a useful means of reducing the number of burros at a given location, which can also relieve the resource pressure

caused by too many burros. Bait trapping generally requires a longer window of time for success than helicopter drive trapping. Gathering excess burros using bait trapping could occur at any time of the year and traps would remain in place until the target number of animals are removed.

If this gather method is selected, the following applies:

- a. Finger gates shall not be constructed of materials such as "T" posts, sharpened wood dowels, etc. that may be injurious to animals.
- b. All trigger and/or trip gate devices must be approved by the COR/PI prior to gather of animals.
- c. Gather sites shall be checked a minimum of once every 10 hours.

2. Gather attempts may be accomplished by utilizing a helicopter to drive animals into a temporary gather site. Multiple gather sites (traps) would be used to gather wild burros both from within and outside the HMA. Helicopter trap sites would typically consist of an area approximately 0.5 acre in size.

If the local conditions require a helicopter drive-trap operation, the BLM would use a contractor and/or BLM staff to perform the gather activities. All helicopter activities occurring within a designated wilderness area would be in compliance with BLM Manual 6340 Management of Wilderness and the protocols outlined in the BMEMP (1996). Helicopter operations would not occur during bighorn sheep hunting season (December 1-31).

Traps would be set in an area with high probability of success and ease of access by wild burros using the topography, if possible, to assist with capturing excess wild burros residing within the area. Traps consist of a large catch pen with connected holding corrals, jute-covered wings and a loading chute. The jute-covered wings are made of material, not wire, to avoid injury to the burros. The wings form an alleyway used to guide the wild burros into the trap. Trap locations are changed during the gather to reduce the distance that the animals must travel. A helicopter is used to locate and herd wild burros to the trap location.

The use of roping from horseback may be used upon approval by the BLM when necessary to augment the helicopter drive operations.

If the contractor selects this method the following applies:

- a) A minimum of two saddle-horses shall be immediately available at the gather 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. Gather 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 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 would 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 gathered 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, if requested, 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 gathered animals are transported without undue risk or injury.
3. Wild burros that are gathered would be transported from the gather sites to pre-approved, temporary holding corrals (which would be up to one acre in size). Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from gather 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 at least two (2) partition gates providing at least three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing at least 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 wild burros selected for removal would be transported to BLM holding facilities where they would be inspected and, as appropriate, prepared for adoption in accordance with BLM policy (BLM WO IM 2015-070). 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 as much as possible during transport.

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:

- 11 square feet per adult horse (1.4 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 (0.75 linear feet in an 8 foot wide trailer);
- 4 square feet per burro foal (0.5 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 gathered animals. The COR/PI shall provide for any brand and/or inspection services required for the gathered animals.

8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor would 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 gather of wild horses and burros utilizing a Very High Frequency (VHF) Frequency Modulation (FM) Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government would take steps necessary to protect the welfare of the animals.

2. 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 would 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.

3. The Contractor shall obtain the necessary Federal Communications Commission licenses for the radio system.

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

5. Should the contractor choose to utilize a helicopter the following would 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**

1. No personnel working at gather sites may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage or otherwise alter or deface any archaeological resources located on public lands or Indian lands.
2. Prior to setting up a gather site or temporary holding facility, BLM would conduct all necessary clearances (archaeological, special status plant/animal species, etc.). All proposed site(s) must be inspected by a government archaeologist. Once archaeological clearance has been obtained, the gather site or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.
3. Trap sites and temporary holding facilities would be located in previously used sites or other disturbed areas whenever possible. Undisturbed areas identified as potential trap sites or holding facilities would be inventoried for sensitive species and cultural resources. No gather sites would be set up on known populations of sensitive species such as the desert tortoise, western burrowing owl, and Cerbat beardtongue, or cultural resource sites, unless the trap could be modified to avoid impacts.
4. To prevent unintentional take of migratory birds, any activities that occur during the nesting season, between February 1 and August 31, would require a nesting bird survey to be conducted within the project area and within a 150-foot buffer of the project area by a qualified biologist. Buffers placed around active nests to avoid disturbance would be used, including the following per-bird group type: 100-foot buffer for ground/burrow nesters; 1,200-foot buffer for raptors; and 50-foot buffer for all others species. Inactive nests(i.e., those with no eggs or nestlings) may be dismantled so they cannot be re-used while project activities are occurring at the project site.
5. Gather sites and temporary holding facilities would not be constructed on wetlands or riparian zones, unless the trap could be modified to avoid impacts.
6. To prevent the spread of invasive, non-native species, all contractors would be required to power-wash their vehicles and equipment, including body and undercarriage, personal protective equipment, as well as inspect, remove, and dispose of weed seed and plant parts found their clothing, prior to entering BLM-administered lands.

#### **F. Animal Characteristics and Behavior**

Releases of wild horses and burros would be near available water when possible. If the area is new to them, a short-term adjustment period may be required while the wild horses and burros become familiar with the new area.

#### **G. Public Participation**

Opportunities for public observation of the gather activities on public lands would be provided, when and where feasible, and would be consistent with WO IM 2013-058 “Wild Horse and Burro Gathers: Public and Media Management” and the Visitation Protocol and Ground Rules for Helicopter Wild Horse and Burro Gathers. This protocol is intended to establish observation locations that reduce safety risks to the public during helicopter gathers (see Appendix G). Due to the nature of bait and water trapping operations, public viewing opportunities may only be provided at holding corrals. However, the primary considerations would be to protect the health,



safety and welfare of the animals being gathered and the personnel involved. The public must adhere to guidance from the on-site BLM representative. It is BLM policy that the public would not be allowed to come into direct contact with wild horses and burros 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 any time or for any reason during BLM operations.

#### **H. Responsibility and Lines of Communication**

The COR's and the PI's have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Field Managers for the Kingman and Lake Havasu Field Offices would take an active role to ensure the appropriate lines of communication are established between the field, Field Office, District Office, State Office, National Program Office, and BLM Holding Facility offices. All employees involved in the gathering operations would keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquiries would be handled through the Field Manager and District Public Affairs Officer. These individuals would be the primary contact and would coordinate with the COR/PI on any inquiries.

The COR would coordinate with the contractor and the BLM corrals to ensure animals are being transported from the gather 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 gather of the animals. The specifications would be vigorously enforced. Should the Contractor show negligence and/or not perform according to contract stipulations, he would be issued written instructions, stop work orders, or defaulted.