

United States Department of the Interior
Bureau of Land Management

Draft Environmental Assessment

Southern Nevada District Emergency, Public Safety, and Nuisance Gathers
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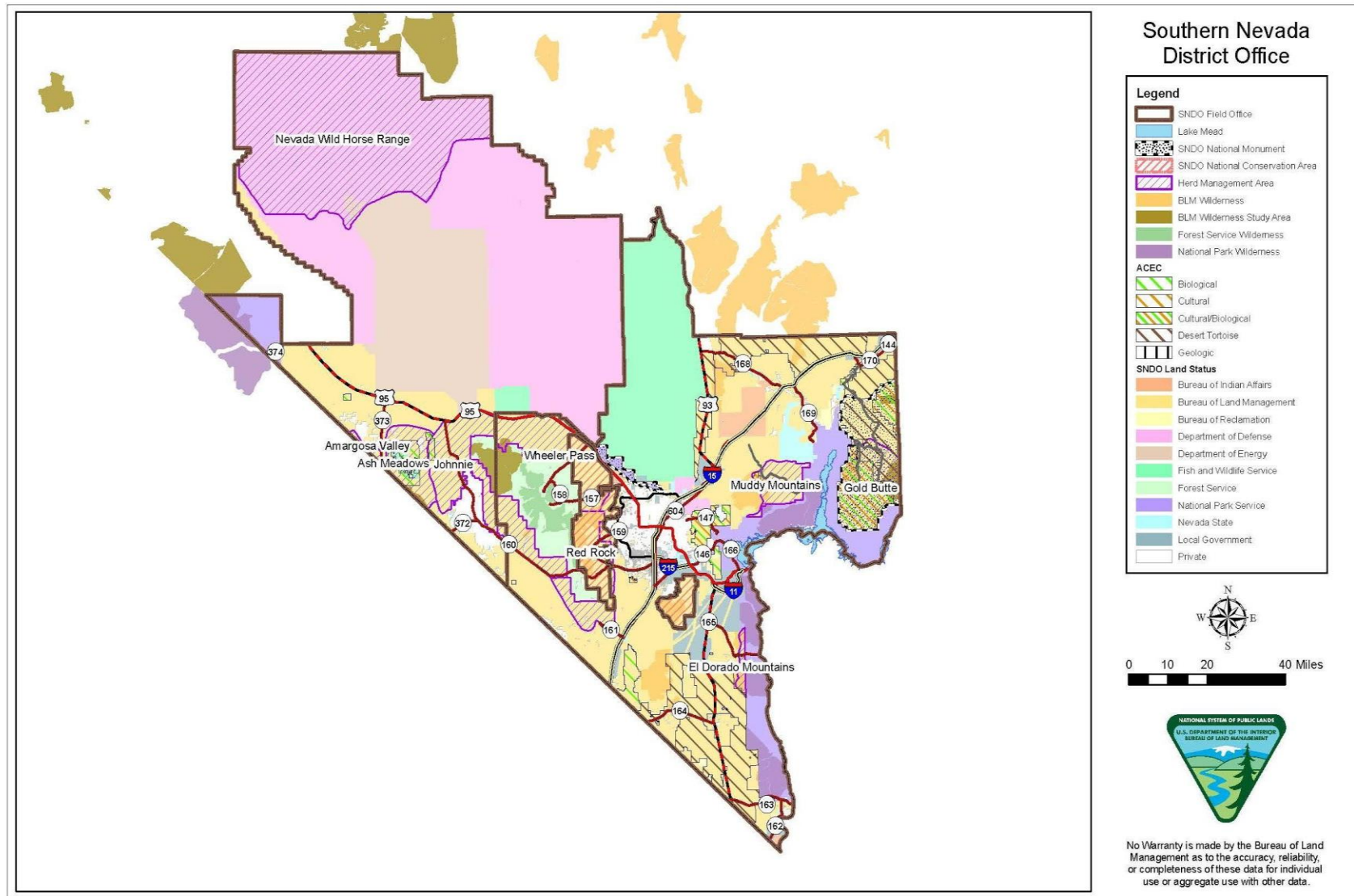
Chapter 1: Introduction

The Bureau of Land Management (BLM) Southern Nevada District Office (SNDO) has prepared this Environmental Assessment (EA) to address potential environmental consequences associated with wild horse and burro management in order to reduce and mitigate public safety concerns along major roadways within and outside herd management area (HMA)/herd area (HA) boundaries, decrease nuisance animal complaints on private lands, remove wild horses and burros that reside outside HMA/HA boundaries, and to remove wild horses and burros in the event of an emergency situation in accordance with the Wild Free-Roaming Horses and Burros Act of 1971, as amended (Public Law 92-195). The SNDO manages approximately 2.1 million acres comprised of HMAs and 120,000 acres comprised of HAs out of approximately 3.6 million acres of public land within Clark and Nye Counties in Nevada. The BLM administers the SNDO through three field offices; the Las Vegas Field Office (LVFO), the Pahrump Field Office (PFO), and Red Rock/Sloan Field Office (RFO). (See Map 1).

This EA is a site-specific analysis of the potential impacts that could result from implementation of the Proposed Action. The EA assists the SNDO in project planning, ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any significant impacts could result from the analyzed actions. An EA provides analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of “Finding of No Significant Impact” (FONSI).

This document is tiered to the Las Vegas Resource Management Plan (1998) (Las Vegas RMP) and the Red Rock Canyon National Conservation Area Resource Management Plan, Final Environmental Impact Statement (EIS) and Record of Decision (ROD) (2005) (Red Rock RMP), and the Nevada Test and Training Range Resource Management Plan (2004) (NTTR RMP).

This Environmental Assessment would be used to gather, relocate, and/or remove excess wild horses and burros due to emergency’s, public safety concerns and impacts to private lands as well as wild horses and burros moving and residing outside HMA/HA boundaries. This Environmental Assessment would not be used as a tool for gathering excess wild horses and burros for the achievement of Appropriate Management Levels (AML). However, some horses and burros may be gathered and relocated and/or removed from within HMA/HA boundaries in order to resolve the above mentioned management issues.



Map 1: Herd Management Areas in the Southern Nevada District Office

1.1 Background

Since the passage of the Wild Free-Roaming Horses and Burros Act (WFRHBA) of 1971, BLM has refined its understanding of how to manage wild horse and burro population levels. By law, BLM is required to control any overpopulation, by removing excess animals, once a determination has been made that excess animals are present and removal is necessary. Program goals have always been to establish and maintain a “thriving natural ecological balance” (TNEB), which requires identifying the Appropriate Management Level (AML) for Herd Management Areas. The AML is defined as the number wild horses and/or burros that can be sustained within a designated Herd Management Area (HMA) which achieves and maintains a thriving natural ecological balance in keeping with multiple-use management concept for the area. In the past two decades, goals have also explicitly included the application of contraceptive treatments and adjusting sex ratios to achieve and maintain wild horse and burro populations within the established AML. Both of these management actions can reduce total population growth rates in the short-term and increase gather intervals necessary to remove excess animals. Other management efforts include improving the accuracy of population inventories and collecting genetic baseline data to support genetic health assessments. Decreasing the numbers of excess wild horses and burros removed while also reducing population growth rates and ensuring the welfare of wild horses and burros on the range are all consistent with findings and recommendations from the National Academy of Sciences (NAS), American Horse protection Association (AHPA), the American Association of Equine Practitioners (AAEP), Humane Society of the United States (HSUS), Government Accountability Office (GAO), Office of Inspector General (OIG) and current BLM policy. BLM’s management of wild horses and burros must also be consistent with Standards and Guidelines for Rangeland Health for Healthy Wild Horse and Burro Populations developed by the Mojave-Southern Great Basin Resource Advisory Council (RAC).

However, as wild horse and burro populations continue to increase within the Southern Nevada District Office’s HMAs, there is a growing population of wild horses and burros that are becoming accustomed to highways and being around members of the public, as well as an increased potential for emergency removals due to lack of forage and water resources. Wild horses and burros are continually coming on to and crossing the highways in many areas during the evenings or early mornings looking for forage along the pavement and in new areas making them a hazard to travelers. Wild horses and burros presumably in search of forage and water resources have moved on to private lands causing damage to sprinkler systems, gardens, lawns, and décor in rural residential areas as well as to agricultural fields. Occasionally in the SNDO there have been wild horses and burros, generally young stud horses and jack burros, that leave an HMA/HA and continue to wander in search of resources or other horses and burros. These types of wild horses and burros have been many miles from other wild horses and burros or HMA/HA boundaries. Many times when they are found, the wild horses or burros are in a poor body condition from lack of resources (e.g., forage and water). These horses and burros have usually crossed many fences and geographical barriers in search of resources needed to survive.

The 1998 Las Vegas RMP, 2004 NTTR RMP, and 2005 Red Rock RMP set boundaries and reaffirmed AMLs for the SNDO HMAs and HAs. Through the analysis of these RMPs and Record of Decisions (RODs), the boundaries for the HMAs/HAs were established to ensure sufficient habitat for wild horses and burros, and the AMLs were reviewed and set that would

achieve thriving natural ecological balance and rangeland health. Under the 1998 Las Vegas RMP and the 2005 Red Rock RMP, no wild horses or burros are to be managed within any HA based on analysis of habitat suitability and monitoring data, which indicates insufficient forage, water, space, cover, and reproductive viability to maintain healthy wild horses and burros and rangelands over the long-term.

In the 2013 National Academy of Sciences' (NAS) report "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward", it is the committee's judgment that the reported annual population statistics are probably substantial underestimates of the actual number of wild horses and burros occupying public lands inasmuch as most of the individual HMA population estimates are based on the assumption that all animals are detected and counted in population surveys—that is, perfect detection. A large body of scientific literature focused on inventory techniques for wild horses and burros and many other large mammals clearly refutes that assumption and shows estimates of the proportion of animals missed on surveys ranging from 10 to 50 percent depending on terrain ruggedness and tree cover (Caughley, 1974a; Siniff et al., 1982; Pollock and Kendall, 1987; Garrott et al. 1991a; Walter and Hone, 2003; Lubow and Ransom, 2009). The NAS committee has little knowledge of the distribution of HMAs with respect to terrain roughness and tree cover, but state that a reasonable approximation of the average proportion of wild horses and burros undetected in surveys throughout western rangelands may be 20% to 30%. An earlier National Research Council committee and a Government Accountability Office report also concluded that reported statistics were underestimates. (National Academy of Sciences, 2013)

Table 1 displays the total BLM acreage, current population estimates, and established Appropriate Management Levels (AML) for each of the HMAs.

Table 1 Herd Management Area, Acres, AML, Estimated Population

Herd Management Area (HMA)	HMA Size* (Acres)	Appropriate Management Level (AML)		FY2019 Population Estimates	
		Wild Horses	Burros	Wild Horses	Burros
Gold Butte	178,564	0	22-98	0	450
Johnnie	179,368	0	65-108	220	232
Muddy Mountains	78,705	0	0	22	0
Nevada Wild Horse Range	1,301,637	300-500	0	750	75
Red Rock	161,969	16-27	29-49	50	52
Wheeler Pass	275,575	47-66	20-35	194	77
Total	2,155,000	363-593	136-290	1,236	886

As reported in March 2019 End of Year Stats

*Acreage includes BLM managed lands only

The AML range was established through prior decision making processes and re-affirmed through the Record of Decision (ROD) and Approved Las Vegas Resource Management Plan (RMP) (1998), the ROD and Approved NTTR RMP (2004), and the ROD and Approved Red Rock Conservation Area RMP (2005).

1.2 Proposed Project Summary

The Proposed Action is to reduce and mitigate public safety concerns along the major roadways in herd areas (HAs) and herd management areas (HMAs) within the Southern Nevada District, decrease nuisance animal complaints on private lands by removing excess wild horses and burros, and to address emergency removals as well as removal of wild horses and burros residing outside HMA/HA boundaries, where BLM does not manage for wild horses or burros.

1.3 Purpose and Need

The purpose of the Proposed Action is to address potential wild horse and burro management actions in order to reduce and mitigate emergency conditions, public safety concerns along major roadways within and outside HMA/HA boundaries, decrease complaints about nuisance animals on private lands, and address management issues of wild horses and burros that reside outside HMA/HA boundaries. The need for the Proposed Action is BLMs responsibility to manage horses and burros in accordance with the Wild Free-Roaming Horses and Burros Act of 1971, as amended (Public Law 92-195).

1.4 Conformance Summary

The Proposed Action is in conformance with the:

- ❖ Las Vegas Approved Resource Management Plan (RMP) and Record of Decision (ROD), signed October 2008 as follows on page 14, as required by regulation (43 CFR 1610.5-3(a)):
 - **Objective:** “Maintain the wild, free-roaming character of wild horses and burros on public lands.”
 - **Management Action WHB-2-d:** “Wild horses and burros that become problem animals or traffic hazards on Nevada State Routes 159 + 160 or in urban areas will be removed as soon as possible.”
 - **Management Action WHB-2-e:** “Wild horses and burros will be scheduled for removal as expeditiously as possible from fenced private lands within the planning area, after a request is made by the private landowner and reasonable efforts to restrict the animals from private property have failed.”
 - **Management Action WHB-2-f:** “Wild horses and burros will be removed when animals residing on lands outside the Herd Management Area or when the Appropriate Management Level is exceeded.”
- ❖ Nevada Test and Training Range Approved RMP and ROD (July 2004) as follows:
 - **2.6.7 Fish and Wildlife Management**
 - Management Direction: Cooperate with state and federal wildlife agencies in implementing introductions, re introductions, and augmentation releases of native and/or naturalized species (such as desert bighorn sheep, and chukar), and as appropriate, capture of these species for relocation and stocking purposes. Design water developments for wild horses and livestock to reduce potential conflicts with bighorn sheep and/or other wildlife. Animal damage control activities may be allowed to meet management directives for wildlife species.
 - **2.6.11 Wild Horses and Burro Management**
 - Objective: Manage for healthy, genetically viable herds of wild horses in a natural, thriving ecological balance with other rangeland resources.

The Proposed Action is in conformance with the Mojave/Southern Great Basin Resource Advisory Council (RAC) Rangeland Health Standards and Guidelines which require BLM to manage wild horses and burros within AML and in balance with other uses.

The Proposed Action is consistent with all applicable regulations at Title 43 Code of Federal Regulations (43 CFR) 4700 and policies. The Proposed Action is also consistent with the *Wild Free-Roaming Horses and Burros Act of 1971* (WFRHBA), which mandates the Bureau to “prevent the range from deterioration associated with overpopulation”, and “remove excess horses in order to preserve and maintain a thriving natural ecological balance and multiple use relationships in that area”. Additionally, federal regulations at 43 CFR 4700.0-6 (a) state “Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat (emphasis added).”

43 CFR 4710.4 Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas.

According to 43 CFR 4720.2, upon written request from a private landowner, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable.

The Interior Board of Land Appeals (IBLA) in *Animal Protection Institute et al.*, (118 IBLA 75(1991)) found that under the Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195) “excess animals” must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.

Regulations at 43 CFR 4700.0-6(a) also direct that wild horses and burros be managed in balance with other uses and the productive capacity of their habitat. The Proposed Action is in conformance with federal statute, regulations and case law.

Chapter 2: Proposed Action and Alternatives

2.1 No Action Alternative

Under the No Action Alternative, a gather to remove wild horses and burros that pose a public safety hazard as well as those that create a nuisance on private lands, are imperiled in an emergency situation, and wild horses and burros outside HMA/HA boundaries would not occur. There would be no active management to mitigate/control wild horses and burros causing safety concerns and vehicular accidents on the highway, causing private property damage, and declining in health due to lack of food and water resources inside and outside HMA/HA boundaries. Wild horses and burros residing outside the HMAs would remain in areas not designated for management of wild horses and burros and their numbers would continue to increase, and in many cases their health could be at risk.

Under the No Action Alternative, management responses to issues related to private land, declining health conditions, and horses and burros residing outside HMA/HA boundaries would require the preparation of individual, situation specific EAs for areas or circumstances across the SNDO.

2.2 Proposed Action Alternative

The Proposed Action is to reduce and mitigate emergency conditions, public safety concerns along the major roadways in herd areas (HAs) and herd management areas (HMAs) within the Southern Nevada District. The Proposed Action also includes measures to remove excess wild horses and burros outside of HMA/HA boundaries, where there are nuisance animal complaints on private lands and where there are safety concerns caused by the nuisance animals.

Bands of wild horses and burros have strayed into the vicinity of the major roadways within and outside HMAs/HAs creating an increased risk of vehicular accidents that threaten the safety of motorists, burros, and wild horses. Areas targeted for these potential removals would include but would not be limited to wild horses and burros along U.S. Highway 95, State Route (SR) 156, SR 157, SR 159, SR 160, SR 161, and Cold Creek Road where horses and burros have been in the roadway causing vehicle collisions in Clark and Nye Counties. Historically there have been issues with wild burros getting on the highway between Indian Springs and Las Vegas, Nevada. Burros frequent SR 159 between the Red Rock Visitor's Center and Cactus Joe's Nursery, SR 160 from Hualapai Way to the SR 159/SR 160 Junction, and from E Simkins Rd north to W Carrol St in Pahrump, Nevada on SR 160. They also frequent the Goodsprings, Nevada area along SR 161. Wild horses and burros have been on or near SR 160 near Johnnie, Nevada, and along Wheeler Pass Rd where it enters into Pahrump, Nevada. They have also traveled down to the town of Goodsprings, Nevada near SR 161.

In addition to the removal of wild horses and burros in the vicinity of major roadways outside the HMAs, the Proposed Action includes removal of nuisance wild horses and burros that repeatedly get on private land and cause private land damage. Historically wild horses and burros have travelled into private property within the town of Pahrump, trampling and eating vegetation and damaging private fencing. Wild horses also travel into the town of Indian Springs, Nevada creating public nuisance issues. Wild burros are also moving onto Department of Defense and Department of Energy lands within the Nevada Test and Training Range at multiple locations. Wild burros roam within Blue Diamond, Nevada, Spring Mountains State Park, and Bonnie

Springs Ranch causing private property damage and lingering on roadways leading to and from these locations in order to receive handouts of food from the visiting public.

The Proposed Action would also include, in accordance with the Wild Free-Roaming Horses and Burros Act of 1971, as amended (Public Law 92-195), removal of wild horses and burros that leave an HMA/HA and continue to reside for periods of time outside the HMA/HA. These wild horses and burros would include but not be limited to wild horses and burros crossing natural barriers outside of an area designated for their management or historical use. Many times these types of wild horses and burros are found when their body condition has declined and the health of these types of wild horses and burros has deteriorated because they are unfamiliar with the area, or the area does not have resources for year around habitat (water, forage).

The purpose of these gathers would be to remove wild horses and burros that continue to pose safety or private property damage problems within the Southern Nevada District. These gathers would not be for the specific purpose of achieving the appropriate management level (AML) for the associated HMA, but rather to address emergency, nuisance and safety concerns.

Gathering of wild horses and burros that fit the Proposed Action will occur as necessary for the next 10 years following the date of the decision or until the safety hazard is reduced or the private property impacts are eliminated. Removal operations would occur at all times of the year to resolve any identified safety or private property concerns.

Due to the varying need for the Proposed Action, the primary gather technique, either helicopter-drive trapping or water/bait trapping, would be determined on a case-by-case basis following field inspections by the District Wild Horse and Burro (WH&B) Specialist to identify the accessibility of the animals, local terrain, and vegetative cover. The use of roping from horseback could also be used when necessary. Multiple temporary trap sites (gather sites), including helicopter drive and water/bait trapping sites, as well as temporary holding sites, would be used to accomplish the goals of the Proposed Action. In addition to public lands, private property may be utilized for gather sites and temporary holding facilities (with the landowner's permission) if needed to ensure accessibility and/or based on prior disturbance. Use of private land would be subject to Standard Operating Procedures (SOPs) (Appendix C) and to the written approval/authorization of the landowner.

Temporary gather and holding sites would be no larger than 0.5 acres. Helicopter drive and temporary holding sites could be in place up to 30 days. Bait or water trapping sites could remain in place up to one year. The exact location of the gather sites and holding sites would not be determined until immediately prior to the gather because the location of the animals on the landscape is variable and unpredictable. The BLM would make every effort to place temporary gather and holding sites in previously disturbed areas and in areas that have been inventoried and have no cultural resources, sacred sites or paleontological sites. If a new gather or holding site is needed, a cultural inventory would be completed prior to using the new sites. If cultural resources are encountered, the location of the gather/holding site would be adjusted to avoid all cultural resources.

All gather (helicopter drive or water/bait trapping) and handling activities (including gather site selections) will be conducted in accordance with SOPs in Appendix C. When the local conditions require a helicopter drive-trap operation, the BLM would utilize a contractor to perform the gather activities in cooperation with BLM and other appropriate staff. The contractor

would be required to conduct all helicopter operations in a safe manner and in compliance with Federal Aviation Administration (FAA) regulations 14 CFR § 91.119 and BLM IM No. 2010-164.

Some of the currently identified wild horse and burro nuisance problem areas may be able to be bait and water trapped depending on resources, weather conditions, and geography, however some may need to use a helicopter to ensure a successful gather. The most humane and efficient gather approach would be chosen when analyzing the gather area. Bait or water trapping by BLM staff or personnel authorized by the BLM would be the primary method when trying to remove wild horses and burros from a small distinct geographic area, such as private land pastures or when weather or environmental conditions are not conducive to helicopter gather techniques. Any trapping activities would be scheduled in locations and during time periods that would be most effective to gather sufficient numbers of animals to achieve management goals for the areas being gathered.

Chapter 3: Affected Environment and Environmental Effects

The following table is a list of all resources considered in the evaluation of the Proposed Action and alternative(s). The resources found that may be affected by this proposal have been carried forward for analysis and are discussed further in this chapter. The resources that are not present or found to not be impacted by the Proposed Action because they would be completely mitigated with the implementation of standard stipulations will not be discussed further.

Table 3-1. Resources Considered in the Evaluation of the Proposed Action and Alternatives

Resource	May be Impacted (carry forward for analysis)	Not Present or Not Impacted	Rationale for Not Impacted	Digital Signature & Date
ACECs		X	No gather activities would be conducted in ACECs.	Nicollee Gaddis 5/9/2018
Air Quality		X	See standard stipulations and mitigation measures.	Deborah Downs 5/23/2018
Conservation Lands		X	Stipulations are already in place for RRCNCA permittees that such closures and gathers may effect tour operations during the time gathers are occurring.	Kathy August 5/8/2018
Cultural Resources		X	According to Appendix A.2 in the Nevada State Protocol Agreement, Revised December 22, 2014, this action is an Exemption from Inventory Requirement due to the use of previously disturbed areas.	Justin DeMaio 2/12/2018
Environmental Justice and Socioeconomics		X	The Proposed Action will not adversely or disproportionately impact minority populations, low-income communities, or Tribes (see Section 3.19 and EO 12898, Environmental Justice). The Proposed Action	Nicollee Gaddis 5/9/2018

			would not have a disproportionately high or adverse effect that would place socioeconomic burdens on the citizens of Clark County and nearby cities due to the limited context and intensity of the proposal. No group of people, including racial, ethnic, or socioeconomic group would bear a disproportionate share of the negative environmental consequences resulting from the Proposed Action.	
Fish and Wildlife Excluding Federally Listed Species		X	Wildlife resources are common and widely distributed throughout the Proposed Action area. The Proposed Action is not anticipated to cause adverse impacts to wildlife populations or cause extraordinary circumstances/noncompliance with the RMP. A detailed analysis not required.	Janyne Pringle 4/10/2018
Floodplains		X	Minimal disturbance. No impacts to downstream flooding effects.	Boris Poff 12/13/2017
Forestry		X	No disturbance will occur to cacti or yucca as a result of the Proposed Action. Water trap or corral locations will be on previously disturbed areas and will not contain large cacti or yucca that could be impacted by gathers.	Lara Kobelt 12/28/2017
Fuels and Fire Management		X	Follow standard stipulation measures and mitigation measures.	Sean McEldery 5/16/2018
Geology/Mineral Resources		X	The Proposed Action will not involve major ground disturbing activities and, therefore will not affect mineral resources.	Lorri Dee Dukes 12/18/2017
Green House Gas/Climate Change		X	See standard stipulations and mitigation measures.	Deborah Downs 5/23/2018

Hydrologic Conditions		X	As there will be no new surface disturbance associated with the Proposed Action, there will be no impact to hydrologic conditions.	Boris Poff 12/13/2017
Invasive Species/Noxious Weeds		X	The removal of animals will have a positive benefit to ecosystem resilience to weed establishment. Adherence to stipulations will minimize the risk of weed introduction and spread as a result of project activities.	Aleta Nafus 3/1/2018
Lands and Realty		X	Follow stipulations and mitigation measures found in Appendix A.	Michelle Leiber 3/27/2018
Livestock Grazing		X	HMAs addressed in this project are not within or near active grazing allotments. Therefore, there are no impacts to this resource.	Lara Kobelt 12/28/2017
Migratory Birds		X	No issues that would cause extraordinary circumstances or noncompliance with the RMP. Migratory birds, including the BLM sensitive species and their nests, may be present on or near the project site. Depending on what time in the bird breeding season, migratory birds may be displaced by noise disturbance gathering activities. Impacts to migratory birds are not anticipated to lead to further decline of species range wide. A detailed analysis is not required.	Janyne Pringle 4/10/2018
Native American Concerns		X	There have not been any areas of religious cultural concerns identified based on previous relevant consultations and coordination. Also, there is no new ground disturbance or adverse effects to any historic properties.	Justin DeMaio 2/12/2018

Paleontological Resources		X	Resource not affected due to ground disturbance being restricted to previously disturbed areas.	Justin DeMaio 2/12/2018
Recreation/Travel/Wild and Scenic Rivers		X	The presence of vehicles, corrals, traps, and other equipment and personnel would be temporary and would not result in long term impacts to recreation resources and opportunities. There are no wild and scenic river segments in the Proposed Action area.	Steve Leslie 2/8/2018
Soils		X	The Proposed Action will not involve major ground disturbing activities and, therefore will not affect local soil resources.	Boris Poff 12/13/2017
Threatened Endangered or Candidate Animal Species		X	The above Proposed Action has a no effect determination on the threatened desert tortoise (<i>Gopherus agassizii</i>). This project will have no effect on any other federally listed species or designated critical habitat. The participants will be briefed by officials on desert tortoise concerns and monitored to ensure that new surface disturbance does not occur. This notice will serve as the Section 7 Determination and no additional paperwork will be provided (Sec 7 Log # NV-052-18-050).	Mark Slaughter 4/10/2018
Threatened Endangered or Candidate Plant Species		X	None of the HMAs addressed in this action are in or near threatened or endangered plant habitat, so there will be no impacts to this resource.	Lara Kobelt 12/28/2017
Transmission Corridors		X	Follow stipulations and mitigation measures found in Appendix A. There are several designated energy corridors (i.e., Sec. 368 West-wide Energy Corridors) and	Michelle Leiber 3/27/2018

			utility corridors within and outside herd management area or herd area boundaries. Corridors are preferred locations for energy-related linear facilities. For a general depiction of the current corridors refer to the attached GIS maps of BLM designated energy and utility corridors (Appendix B). Map 1 – Nye County/Northwest Clark County, Map 2 – South Clark County, and Map 3 – Northeast Clark County.	
Vegetation		X	Prior to placement of water traps or temporary corrals, the pre disturbed locations shall be selected with the concurrence of the BLM botanist. With these mitigating conditions, the project will have a net positive impact on vegetation (by relieving grazing pressure by non-native ungulates).	Lara Kobelt 12/28/2017
Visual Resources		X	Because the Proposed Action makes use of existing disturbed areas for trap and corral sites, there will be no new surface disturbances contributing changes to the characteristic landscape. In addition, the presence of vehicles, corrals, traps, and other equipment and personnel would be temporary in nature and would not contribute to changes to the characteristic landscape.	Steve Leslie 2/8/2018
Wastes (hazardous or solid)		X	See Standard Stipulations.	Nicollee Gaddis 5/9/2018
Water Resources		X	The Proposed Action will not cause any major changes in the runoff characteristics, nor be conducted around natural water resources and will not use local water resources.	Boris Poff 12/13/2017
Wetlands and Riparian Areas		X	Proposed Action does not occur in a wetland/riparian zone.	Boris Poff 12/13/2017

Wild Horse and Burros	X		Carried forward for analysis.	Tabitha Romero 5/9/2018
Wilderness		X	Wilderness and Wilderness Study Areas would be avoided during future gather activities.	Steve Leslie 2/8/2018

3.1 Wild Horse and Burros

3.1.1 Affected Environment

The affected environment would encompass the Southern Nevada District, however most of the current wild horse and burro issues with respect to public safety are around, but not limited to, SR 156, 157, 159, and 160. The area would also include private lands within the Southern Nevada District.

The wild horse population in the Southern Nevada District is currently over 3 times over the low end of AML as shown in Table 1. The wild burro population in the Southern Nevada District is nearly 7 times over the low end of AML as shown in Table 1. Due to the overpopulation of wild horses and burros many horses and burros move out of HMAs and HAs in search of space or resources. These wild horses or burros are sometimes found on private lands or highways. This can create a safety problem or nuisance. Many of these horses and burros become habituated to people honking, yelling, and trying to spook them off the roadways or off their lawns and gardens. People within privately owned areas also feed and water the horses and burros, encouraging them to linger on or near their properties and causing property damage and safety concerns for the surrounding area.

The Southern Nevada District Office has done everything it feels is possible to move wild horses and burros away from highways. Resources, time, and money have been spent to keep these horses and burros off the highways. BLM is working with Nevada Department of Transportation (NDOT) on the construction and completion of a right of way fence on the northwest shoulder of US 95 between SR 157 and Indian Springs, NV to address the wild burro access to the highway. SR 159 and 160's right of way fences are maintained and repaired as needed. However; due to private property access and ownership SR 156, 157, and 160 cannot be fully fenced allowing for wild horses and burros to access the highways. Wild horses and burros have been hazed and herded back into the HMA's but the wild horses and burros often return to the highways within a couple of days.

Private land issues and safety concerns have been continuing to grow with the over-population of wild horses and burros. Land owners in the area have fenced their private land and tried to deter the horses or burros away. The horses and burros continue to search for food and water resources and get habituated to the fences. Single horses and burros or bands of wild horses and burros often find their way onto private lands where they destroy irrigation, gardens, lawns, trees, and haystacks. To access these private lands they are often having to cross roads and dodge high speed traffic resulting in multiple collisions over the years. This has become a financial burden to those who have struck the animals and a strain on the resources of NDOT and BLM to move and properly dispose of the carcasses.

Wild horses and burros leaving HMAs and HAs is not extremely common when their population sizes are within the established AML for the HMA. However, wild horses and burros leaving the HMA/HA is becoming more common due to the increasing populations, limited space, and increased competition for forage and water resources. Wild horses and burros have been seen as far as 5 miles outside of HMA/HA boundaries. In many cases the public or private lands outside of the HMA's do not have active water. Wild horses and burros will continue to search out water

and forage resources until their body condition declines to the point where they lose their senses, leaving the wild horse and burros to suffer a prolonged and painful death.

Due to the overpopulation of wild horses and burros within the district there have been several emergency gathers conducted to ensure that minimal loss of life occurs within the HMAs. Since 2015, there have been two emergency gathers within the Wheeler Pass/Spring Mountains Joint Management Area, one emergency gather in Red Rock HMA, and one emergency gather within the Nevada Wild Horse Range. Key forage has been impacted by the overgrazing of wild horses and burros within the herd management areas which has allowed and encouraged the growth of less palatable invasive species. Water resources have also been strained with the continued use by wild horses and burros, native wildlife, and ongoing drought conditions within the Southern Nevada District. Without emergency water hauling efforts made by Southern Nevada District staff large losses of life would have been sustained within the herd management areas.

3.1.2 Environmental Effects of the No Action Alternative

Under the No Action Alternative, a gather to remove nuisance and public safety horses and burros, imperiled wild horses and burros as well as horses and burros outside HMA/HA boundaries would not occur. There would be no active management to mitigate/control horses and burros causing safety concerns and vehicular crashes on the highway, and private property damage, and body condition deterioration due to lack of resources outside HMA/HA boundaries. Wild horses and burros residing outside the HMAs could remain in areas not designated for management of wild horses and burros and their numbers would continue to increase and their health would suffer due to the lack of adequate resources for survival and/or excessive competition for limited resources.

3.1.3 Environmental Effects of the Proposed Action

Helicopter Drive Trapping

The BLM has been conducting wild horse and burro gathers since the mid-1970s. During this time, methods and procedures have been identified and refined to minimize stress and impacts to wild horses and burros during gather implementation. A Comprehensive Animal Welfare Program (CAWP) would be implemented to ensure a safe and humane gather occurs and would minimize potential stress and injury to wild horses and burros.

In any given gather, gather-related mortality averages only about one half of one percent (0.5%), which is very low when handling wild animals. Approximately another six-tenths of one percent (0.6%) of the captured animals, on average, are humanely euthanized due to pre-existing conditions and in accordance with BLM policy (GAO-09-77). These data affirm that the use of helicopters and motorized vehicles has proven to be a safe, humane, effective, and practical means for the gather and removal of excess wild horses and burros from the public lands. The BLM also avoids gathering wild horses by helicopter during the 6 weeks prior to and following the expected peak of the foaling season (i.e., from March 1 through June 30).

Individual, direct impacts to wild horses and burros include the handling stress associated with the roundup, capture, sorting, handling, and transportation of the animals. The intensity of these impacts varies by individual animal, and is indicated by behaviors ranging from nervous agitation to physical distress. When being herded to trap site corrals by the helicopter, injuries sustained by wild horses and burros may include bruises, scrapes, or cuts to feet, legs, face, or

body from rocks, brush or tree limbs. Rarely, wild horses and burros will encounter barbed wire fences and will receive wire cuts. These injuries are very rarely fatal and are treated on-site until a veterinarian can examine the animal and determine if additional treatment is needed.

Other injuries may occur after a wild horse or burro has been captured and is either within the trap site corral, the temporary holding corral, during transport between facilities, or during sorting and handling. Occasionally, horses and burros may sustain a spinal injury or a fractured limb but based on prior gather statistics, serious injuries requiring humane euthanasia occur in less than 1 horse per every 100 captured. Similar injuries could be sustained if wild horses and burros were captured through bait and/or water trapping, as the animals still need to be sorted, aged, transported, and otherwise handled following their capture. These injuries can result from kicks and bites, or from collisions with corral panels or gates.

To minimize the potential for injuries from fighting, the animals are transported from the trap site to the temporary (or short-term) holding facility where they are sorted as quickly and safely as possible, then moved into large holding pens where they are provided with hay and water. Fatalities and injuries due to gathers are few and far between with direct gather related mortality averaging less than 1%. Most injuries are a result of the horse's and burro's temperament, meaning they do not remain calm and lash out more frequently.

Indirect individual impacts are those which occur to individual wild horses and burros after the initial event.

These may include miscarriages in mares, increased social displacement, and conflicts between studs. These impacts, like direct individual impacts, are known to occur intermittently during wild horse and burro gather operations. An example of an indirect individual impact would be the brief 1-2 minute skirmish between older studs which ends when one stud retreats. Injuries typically involve a bite or kick with bruises which do not break the skin. Like direct individual impacts, the frequency of these impacts varies with the population and the individual. Observations following capture indicate the rate of miscarriage varies, but can occur in about 1% to 5% of the captured mares, particularly if the mares are in very thin body condition or in poor health. A few foals may be orphaned during a gather. This can occur if the mare rejects the foal, the foal becomes separated from its mother and cannot be matched up following sorting, the mare dies or must be humanely euthanized during the gather, the foal is ill or weak and needs immediate care that requires removal from the mother, or the mother does not produce enough milk to support the foal. On occasion, foals are gathered that were previously orphaned on the range (prior to the gather) because the mother rejected it or died. These foals are usually in poor condition. Every effort is made to provide appropriate care to orphan foals.

Veterinarians may administer electrolyte solutions or orphan foals may be fed milk replacer as needed to support their nutritional needs. Orphan foals may be placed in a foster home in order to receive additional care. Despite these efforts, some orphan foals may die or be humanely euthanized as an act of mercy if the prognosis for survival is very poor.

Through the capture and sorting process, wild horses and burros are examined for health, injury and other defects. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy. BLM Euthanasia Policy IM-2015-070 is used as a guide to determine if animals meet the criteria and should be euthanized (refer to CAWP). Animals that are euthanized for non-gather related reasons include those with old injuries (broken or deformed

limbs) that cause lameness or prevent the animal from being able to maintain an acceptable body condition (greater than or equal to BCS 3); old animals that have serious dental abnormalities or severely worn teeth and are not expected to maintain an acceptable body condition, and wild horses and burros that have serious physical defects such as club feet, severe limb deformities, or sway back. Some of these conditions have a causal genetic component such that the animals should not be returned to the range; this prevents suffering and avoids amplifying the incidence of the deleterious gene in the wild population.

Wild horses or burros not captured may be temporarily disturbed and moved into another area during the gather operation. With the exception of changes to herd demographics from removals, direct population impacts have proven to be temporary in nature with most, if not all, impacts disappearing within hours to several days of release. No observable effects associated with these impacts would be expected within one month, except for a heightened awareness of human presence.

Impacts to individual animals could occur as a result of stress associated with the gather, capture, processing, and transportation of animals. The intensity of these impacts would vary by individual and would be indicated by behaviors ranging from nervous agitation to physical distress. Mortality to individual animals from these impacts is infrequent but does occur in 0.5% to 1% of wild horses gathered in a given gather. Other impacts to individual wild horses and burros include separation of members of individual bands and removal of animals from the population.

Indirect impacts can occur to horses and burros after the initial stress event and could include increased social displacement or increased conflict between studs and jacks. These impacts are known to occur intermittently during wild horse and burro gather operations. Traumatic injuries could occur and typically involve biting and/or kicking bruises. Lowered competition for forage and water resources would reduce stress and fighting for limited resources (water and forage) and promote healthier animals.

Indirect individual impacts are those impacts which occur to individual wild horses and burros after the initial stress event, and may include spontaneous abortions in mares or jennies, increased social displacement and conflict in studs or jacks. These impacts, like direct individual impacts, are known to occur intermittently during wild horse and burro gather operations and can cause injuries that are usually not traumatic.

Adherence to the SOPs as well as techniques used by the gather contractor or BLM Staff would help minimize the risks of heat stress if any trapping occurred in the summer.

Through the capture and sorting process, wild horses and burros are examined for health, injury and other defects. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy. BLM Euthanasia Policy IM 2015-070 is used as a guide to determine if animals meet the criteria and should be euthanized. Animals that are euthanized for non-gather related reasons include those with old injuries (broken hip, leg) that have caused the animal to suffer from pain or which prevent them from being able to travel or maintain body condition, old animals that have lived a successful life on the range, but now have few teeth remaining, are in poor body condition, or are weak from old age; and wild horses or burros that have congenital (genetic) or serious physical defects such as club foot, or sway back and should not be returned to the range.

Water/Bait Trapping

Bait and/or water trapping generally requires a long window of time for success. Although the trap would be set in a high probability area for capturing excess wild horses and burros residing within the area and at the most effective time periods, time is required for the horses and burros to acclimate to the trap and/or decide to access the water/bait.

Trapping involves setting up portable panels around an existing water source or in an active wild horse or burro area, or around a pre-set water or bait source. The portable panels would be set up to allow wild horses and burros to go freely in and out of the corral until they have adjusted to it. When the wild horses and burros fully adapt to the corral, it is fitted with a gate system. The acclimatization of the wild horses and burros creates a low stress trap. During this acclimation period the horses and burros would experience some stress due to the panels being setup and perceived access restriction to the water/bait source.

When actively trapping wild horses and burros, the trap would be checked on a daily basis. Wild horses and burros would be either removed immediately or fed and watered for up to several days prior to transport to a holding facility. Existing roads would be used to access the trap sites.

Gathering of the excess wild horses and burros utilizing bait/water trapping could occur at any time of the year and would extend until the target number of animals are removed to relieve concentrated use by horses and burros in the area, reach AML, to implement population control measures, and to remove animals residing outside HMA boundaries. 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 horses or 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 wild horses and burros at a given location, which can also relieve the resource pressure caused by too many horses and burros. As the proposed bait and/or water trapping in this area is a low stress approach to gathering of wild horses and burros, such trapping can continue into the foaling season without harming the mares or foals.

The wild horses and burros that are gathered using water/bait trapping would be subject to one or more of several outcomes listed below.

Impacts to individual animals could occur as a result of stress associated with the gather, capture, processing, and transportation of animals. The intensity of these impacts would vary by individual and would be indicated by behaviors ranging from nervous agitation to physical distress. Mortality of individual horses and burros from these activities is rare but can occur. Other impacts to individual wild horses and burros include separation of members of individual bands and removal of animals from the population.

Indirect impacts can occur to horses and burros after the initial stress event and could include increased social displacement or increased conflict between studs. These impacts are known to occur intermittently during wild horse and burro gather operations. Traumatic injuries could occur and typically involve biting and /or kicking bruises. Horses and burros may potentially strike or kick gates, panels or the working chute while in corrals or trap which may cause injuries. Lowered competition for forage and water resources would reduce stress and fighting for limited resources (water and forage) and promote healthier animals. Indirect individual

impacts are those impacts which occur to individual wild horses and burros after the initial stress event, and may include spontaneous abortions in mares. These impacts, like direct individual impacts, are known to occur intermittently during wild horse and burro gather operations. An example of an indirect individual impact would be the brief skirmish which occurs among studs following sorting and release into the stud pen, which lasts less than a few minutes and ends when one stud retreats. Traumatic injuries usually do not result from these conflicts. These injuries typically involve a bite and/or kicking with bruises which don't break the skin. Like direct individual impacts, the frequency of occurrence of these impacts among a population varies with the individual animal.

Spontaneous abortion events among pregnant mares following capture is also rare, though poor body condition at time of gather can increase the incidence of spontaneous abortions. Given the two different capture methods proposed, spontaneous abortion is not considered to be an issue for either of the two proposed plans. Since helicopter/drive trap method would not be utilized during peak foaling season (March 1 thru June 30), unless an emergency exists, and the water/bait trapping method is anticipated to be low stress.

Foals are often gathered that were orphaned on the range (prior to the gather) because the mother rejected it or died. These foals are usually in poor, unthrifty condition. Orphans encountered during gathers are cared for promptly and rarely die or have to be euthanized. It is unlikely that orphan foals would be encountered since majority of the foals would be old enough to travel with the group of wild horses and burros. Also depending on the time of year the current foal crop would be six to nine months of age and may have already been weaned by their mothers.

Gathering wild horses and burros during the summer months can potentially cause heat stress. Gathering wild horses and burros during the fall/winter months reduces risk of heat stress, although this can occur during any gather, especially in older or weaker animals. Adherence to the SOPs and techniques used by the gather contractor or BLM staff will help minimize the risks of heat stress. Heat stress does not occur often, but if it does, death can result. Most temperature related issues during a gather can be mitigated by adjusting daily gather times to avoid the extreme hot or cold periods of the day. The BLM and the contractor would be pro-active in controlling dust in and around the holding facility and the gather corrals to limit the horses' and burros' exposure to dust.

The BLM has been gathering excess wild horses and burros from public lands since 1975, and has been using helicopters for such gathers since the late 1970's. Refer to Appendix C for information on the methods that are utilized to reduce injury or stress to wild horses and burros during gathers.

Since 2006, BLM Nevada has gathered over 34,829 excess animals. Of these, gather related mortality has averaged only 0.5%, which is very low when handling wild animals. Another 0.6% of the animals captured were humanely euthanized due to pre-existing conditions and in accordance with BLM policy. This data affirms that the use of helicopters and motorized vehicles are a safe, humane, effective and practical means for gathering and removing excess wild horses and burros from the range. BLM policy prohibits gathering wild horses with a helicopter (unless under emergency conditions) during the period of March 1 to June 30 which includes and covers the six weeks that precede and follow the peak of foaling period (mid-April to mid-May).

Through the capture and sorting process, wild horses and burros are examined for health, injury and other defects. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy. BLM Euthanasia Policy IM 2015-070 is used as a guide to determine if animals meet the criteria and should be euthanized. Animals that are euthanized for non-gather related reasons include those with old injuries (broken hip, leg) that have caused the animal to suffer from pain or which prevent them from being able to travel or maintain body condition: old animals that have lived a successful life on the range, but now have few teeth remaining, are in poor body condition, or are weak from old age; and wild horses and burros that have congenital (genetic) or serious physical defects such as club foot, or sway back and should not be returned to the range.

Transport, Off-range Corrals, and Adoption Preparation

During transport, potential impacts to individual horses and burros can include stress, as well as slipping, falling, kicking, biting, or being stepped on by another animal. Unless wild horses and burros are in extremely poor condition, it is rare for an animal to die during transport.

Recently captured wild horses and burros, generally mares and jennies, in very thin condition may have difficulty transitioning to feed. A small percentage of animals can die during this transition; however, some of these animals are in such poor condition that it is unlikely they would have survived if left on the range.

During the preparation process, potential impacts to wild horses and burros are similar to those that can occur during transport. Injury or mortality during the preparation process is low, but can occur.

Mortality at short-term holding facilities averages approximately 5% (GAO-09-77, Page 51), which includes animals euthanized due to a pre-existing condition, animals in extremely poor condition, animals that are injured and would not recover, animals that are unable to transition to feed; and animals that die accidentally during sorting, handling, or preparation.

Off-Range Pastures

Off-range pastures (ORPs), known formerly as long-term holding pastures, are designed to provide excess wild horses and burros with humane, and in some cases life-long care in a natural setting off the public rangelands. There, wild horses and burros are maintained in grassland pastures large enough to allow free-roaming behavior and with the forage, water, and shelter necessary to sustain them in good condition. Mares and sterilized stallions (geldings) are segregated into separate pastures except at one facility where geldings and mares coexist. About 31,250 wild horses that are in excess of the current adoption or sale demand (because of age or other factors such as economic recession) are currently located on private land pastures in Oklahoma, Kansas, and South Dakota. The establishment of ORPs was subject to a separate NEPA and decision-making process.

Located in mid or tall grass prairie regions of the United States, these ORPs are highly productive grasslands compared to more arid western rangelands. These pastures comprise about 256,000 acres (an average of about 10-11 acres per animal). Of the animals currently located in ORP, less than one percent is age 0-4 years, 49 percent are age 5-10 years, and about 51 percent are age 11+ years.

Potential impacts to wild horses and burros from transport to adoption, sale or ORP are similar to those previously described. One difference is when shipping wild horses and burros for adoption, sale or ORPs, animals may be transported for up to a maximum of 24 hours. Immediately prior to transportation, and after every 24 hours of transportation, animals are offloaded and provided a minimum of 8 hours on-the-ground rest. During the rest period, each animal is provided access to unlimited amounts of water and two pounds of good quality hay per 100 pounds of body weight with adequate space to allow all animals to eat at one time.

A small percentage of the animals may be humanely euthanized if they are in very poor condition due to age or other factors. Horses residing on ORP facilities live longer, on the average, than wild horses residing on public rangelands, and the natural mortality of wild horses in ORP averages approximately 8% per year, but can be higher or lower depending on the average age of the horses pastured there (GAO-09-77, Page 52).

Wild Horses and Burros Remaining or Released Back into the HMA following Gather

Under the Proposed Action, the wild horses and burros that are not captured may be temporarily disturbed and may move into another area during the gather operations. With the exception of changes to herd demographics and their direct population- wide impacts from a gather have proven, over the last 20 years, to be temporary in nature with most if not all impacts disappearing within hours to several days of when wild horses and burros are released back into the HMAs.

No observable effects associated with these impacts would be expected within one month, except for a heightened awareness of human presence. The wild horses and burros that remain in following the gather would maintain their social structure and herd demographics (age and sex ratios) as the proposed gathers would mainly be targeting specific individual or bands of horses and burros. No observable effects to the remaining population from the gather would be expected.

3.1.4 Cumulative Impacts of the Proposed Action

The cumulative impacts from the Proposed Action would ultimately benefit wild horses and burros and rangeland resources. Removal of excess wild horses and burros would ensure that individual animals do not perish due to starvation, dehydrations, or other health concerns related to insufficient feed and crossing highways in search of forage. As well as removing excess wild horses and burros damage to private property would be reduced and there would be a reduction of the number of safety concerns over the No Action Alternative. The Proposed Action would be a reduction of the number of horses and burros from the No Action Alternative. The reduction of horses and burros would occur outside of the HMAs and HAs, or their fringes, and would not impact management levels determined in the associated management plan.

3.1.5 Mitigation Measures

Mitigation measures to ensure the lowest level of impact to wild horses and burros due to gather operations can be found within the SOPs in Appendix C.

3.1.6 Residual Impacts

Residual impacts of wild horse and burro gathers will be improved range and animal condition. Removing imperiled or nuisance animals will result in less competition for remaining wild

horses and burros for forage and water resources. The removal of nuisance animals will also reduce the likelihood that private land owners will receive additional damage to their properties due to wild horse and burro encroachment. Motorists on highways will also be safer since nuisance animals will be removed from highway areas, resulting in fewer collisions and damage to vehicles, the vehicles occupants, and the animals themselves.

Chapter 4 List of Preparers

Table 5.1 List of Preparers

Name	Title
Tabby Romero	Wild Horse and Burro Specialist, Project Lead
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Nicollee Gaddis-Wyatt	Planning and Environmental Coordinator
Sean McEldery	Fuels Program Manager and Fire Planner
Stephen Leslie	Natural Resource Supervisor

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5.2 Acronyms

BLM-Bureau of Land Management

CFR-Code of Federal Regulations

DR-Decision Record

EA-Environmental Assessment

EIS-Environmental Impact Statement

FLPMA-Federal Land Policy and Management Act

FONSI-Finding of No Significant Impact

HA – Herd Area

HMA – Herd Management Area

ID-Interdisciplinary

IM-Instructional Memorandum

NEPA-National Environmental Policy Act

RFS-Reasonably Foreseeable Future Action

RMP-Resource Management Plan

Appendix A: Stipulations and Mitigation Measures

The following stipulations and mitigation measures must be implemented unless the stipulation/measure is not applicable to your Proposed Action. Those stipulations/measures that include “if applicable, if used, or if constructed” are to be implemented if the Proposed Action includes that activity or design.

1. Lands and Realty

- 1.1. Proposed gatherers will avoid placing water/bait trapping facilities on or near authorized rights-of-ways (ROW) including withdrawn lands such as to the Department of Defense (DOD) and Department of Energy (DOE). Prior to each gather, obtain an updated list (e.g., MTR LR2000 report) of valid existing rights (i.e., authorized ROW holders) from the BLM lands and realty section. If avoidance of a ROW is not an option, proposed gathers by helicopter-trapping or water/bait trapping of wild horses and burros that are on or near authorized ROWs and/or withdrawn lands will be required to notify Holders 15-days prior to the gather. A copy of the notification letter shall be placed in the respective BLM ROW and/or withdrawal casefile.
- 1.2. Avoid locating gathering and holding sites within designated energy/utility corridors. If avoidance is not an option, proposed gatherers will follow aforementioned measures in 1.1.
- 1.3. Proper electrical grounding of metallic catch pens, holding corrals, fencing, etc., is required to ensure public and wildlife safety, and to avoid disruption or corrosion effects of transmission facilities such as power lines and pipelines.
- 1.4. Ensure continued access to/from energy/utility corridors, and valid existing rights.

2. General Resource Stipulations

- 2.1. The Holder shall comply with all applicable local, state, and federal laws and regulations for the protection of resources and the environment, to include but not limited to air, cultural, hazmat, soil, vegetation, water, wildlife.
- 2.2. As part of project reclamation, the Holder will be responsible for ensuring that any boreholes, wells, or other openings in the ground are backfilled and properly covered, according to the Nevada Regulatory Statutes.
- 2.3. The Holder shall remove from public land and properly dispose of any and all trash, litter, debris, waste, excess materials, including flagging and signs, or other substances and materials resulting from the use under this authorization. All trash and food items shall be promptly contained within closed, raven-proof containers.

3. Threatened, Endangered or Candidate Animal Species

- 3.1. Compliance with the special stipulations below will help to ensure desert tortoises are not impacted:
 - 3.1.1. A speed limit of 25 miles per hour shall be required for all vehicles travelling on existing roads.

- 3.1.2. Should a desert tortoise enter the area of activity, all activity shall cease until such time the animal leaves the area of its own accord.
- 3.1.3. All drivers must check underneath vehicles and equipment before moving to ensure no tortoise has taken cover underneath parked vehicles.
- 3.1.4. All participants in the gather shall be briefed by officials on desert tortoise concerns and be monitored to ensure that new surface disturbance does not occur.

4. Cultural and Paleontological Resources

- 4.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or federal lands shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Holder. Holder shall be responsible for the resultant mitigation costs.

5. Hazardous Materials

- 5.1. If hazardous materials/substances are used or present within the authorized area, the Holder shall immediately notify the Authorized Officer of any release (leaks, spills, etc.) of hazardous substances, toxic substances, or hazardous waste. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to respond to and fully remediate releases (leaks, spills, etc.) within the authorized area. A copy of any report required or requested by any federal, state, or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state, or local government agency.

6. Recreation

- 6.1. BLM shall notify all Special Recreation Permittees of date of gathers and associated closures so permittees may make alternative plans for guests which have been scheduled or may be scheduled during the gather periods. The closure period should be done as reasonably prudent to allow permittees to make other plans.
- 6.2. A BLM staff or designate shall be available to provide information/interpretation about the gather should it take place near any frequented recreational facility or trail.

7. Survey Monuments

- 7.1. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the Holder shall secure the services

of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other federal surveyors are used to restore the disturbed survey monuments, the Holder shall be responsible for the survey cost.

8. Fire and Fuels

- 8.1. Fire restrictions are generally enacted May through October. Compliance with fire restrictions is mandatory while fire restrictions are in effect and use of standard fire prevention measures should be practiced at all times.
- 8.2. The ROW Holder shall immediately report fires to the BLM (702) 515-5000.
- 8.3. In the event of a human-caused wildfire, the Holder shall be liable for damage or injury to the United States to the extent provided by 43 CFR 2807.12 and will be held responsible for all costs of suppression and damaged resources pending a wildfire Origin and Cause Investigation. Fire restriction orders are available for review at BLM District offices and on the BLM website.
- 8.4. The holder, applicant, or proponent shall be liable for damage or injury to the United States to the extent provided by 43 CFR 2807.12. The holder, applicant, or proponent shall be held to a standard of strict liability for damage or injury to the United States caused or substantially aggravated by any of the following within the right of way or permit area:
 - 8.4.1. Activities of the holder, applicant or proponent, including but not limited to construction, operation, maintenance, and termination of the facility.
 - 8.4.2. Activities of other parties including but not limited to:
 - 8.4.2.1. Land clearing and vegetation removal.
 - 8.4.2.2. Earth-disturbing and earth-moving work.
 - 8.4.2.3. Blasting.
 - 8.4.2.4. Vandalism and sabotage.
- 8.5. The maximum limitation for such strict liability damages shall not exceed two million dollars (\$2,000,000.00) for any one event, and any liability in excess of such amount shall be determined by the ordinary rules of negligence of the jurisdiction in which damage or injury occurred. This section shall not impose strict liability for damage or injury resulting primarily from negligent acts or omissions of the United States.

9. Invasive Species and Noxious Weeds

- 9.1. All mulch, hay or straw utilized in the course of bait, gather and holding activities will be certified weed free.

- 9.2. To the extent that it is safe and practicable the Holder and any contractors shall avoid or minimize all types of travel through a state listed noxious weed-infested areas that can be carried to the project area.
- 9.3. The Holder shall limit the size of any vegetation and/or ground disturbance to the absolute minimum necessary to perform the activity safely and as designed. The Holder will avoid creating soil conditions that promote weed germination and establishment.
- 9.4. The Holder shall begin project operations in weed free areas whenever feasible before operating in weed-infested areas.
- 9.5. The Holder shall locate staging areas for the use of equipment storage, machine and vehicle parking or any other area needed for the temporary placement of people, machinery and supplies in areas that are relatively weed-free. The Holder shall avoid or minimize all types of travel through weed-infested areas or restrict major activities to periods of time when the spread of seed or plant parts are least likely.
- 9.6. Project-related equipment (i.e. undercarriages and wheel wells) should be cleaned of all mud, dirt, and plant parts before moving into relatively weed-free areas or out of relatively weed-infested areas.
- 9.7. Project workers shall inspect, remove, and dispose of weed seed and plant parts found on their clothing and personal equipment, bag the product, and dispose of it in a dumpster. If you have questions, consult with the BLM SNDO noxious weed coordinator.

10. Migratory Birds

- 10.1. Projects that require ground disturbance or actions that could affect nesting birds, should try to be scheduled outside of the bird breeding season. Breeding season in the SNDO generally occurs from February 15 to August 31. If a project cannot be schedule outside of those dates, a qualified biologist may be required to conduct a survey for nesting birds. If nesting birds are found, methods to reduce project impacts to nesting birds will be developed in coordination with the BLM.
- 10.2. Any infrastructure for projects will be designed and constructed in a manner that does not allow open pipes that birds or other wildlife could be trapped in. This includes fencing, gates, or other materials with open holes. All open pipes will be capped or secured so that wildlife cannot access.
- 10.3. If lighting is installed on buildings or required by the FAA, lighting on buildings should be down-shielded and those structures/towers required by FAA to have lighting installed, should have flashing lights with the minimum intensity required by the FAA to prevent migratory bird collisions.
- 10.4. If project involves power lines and/or power line posts, the Holder shall follow Avian Power Line Interaction Committee (APLIC) guidelines (Suggested Practices for Avian Protection on Power Lines (2006) and Reducing Avian Collisions with Power Lines (2012)) to reduce this risk through facility design and comply with MBTA and other

federal wildlife laws, due to potential for electrocution, collision, and nesting/perching by migratory birds on overhead power lines.

- 10.5. If guy wires are used on structures (including power line posts and communication towers) they must be marked with bird diverters so they are visible to prevent injury/mortality to birds through collision.

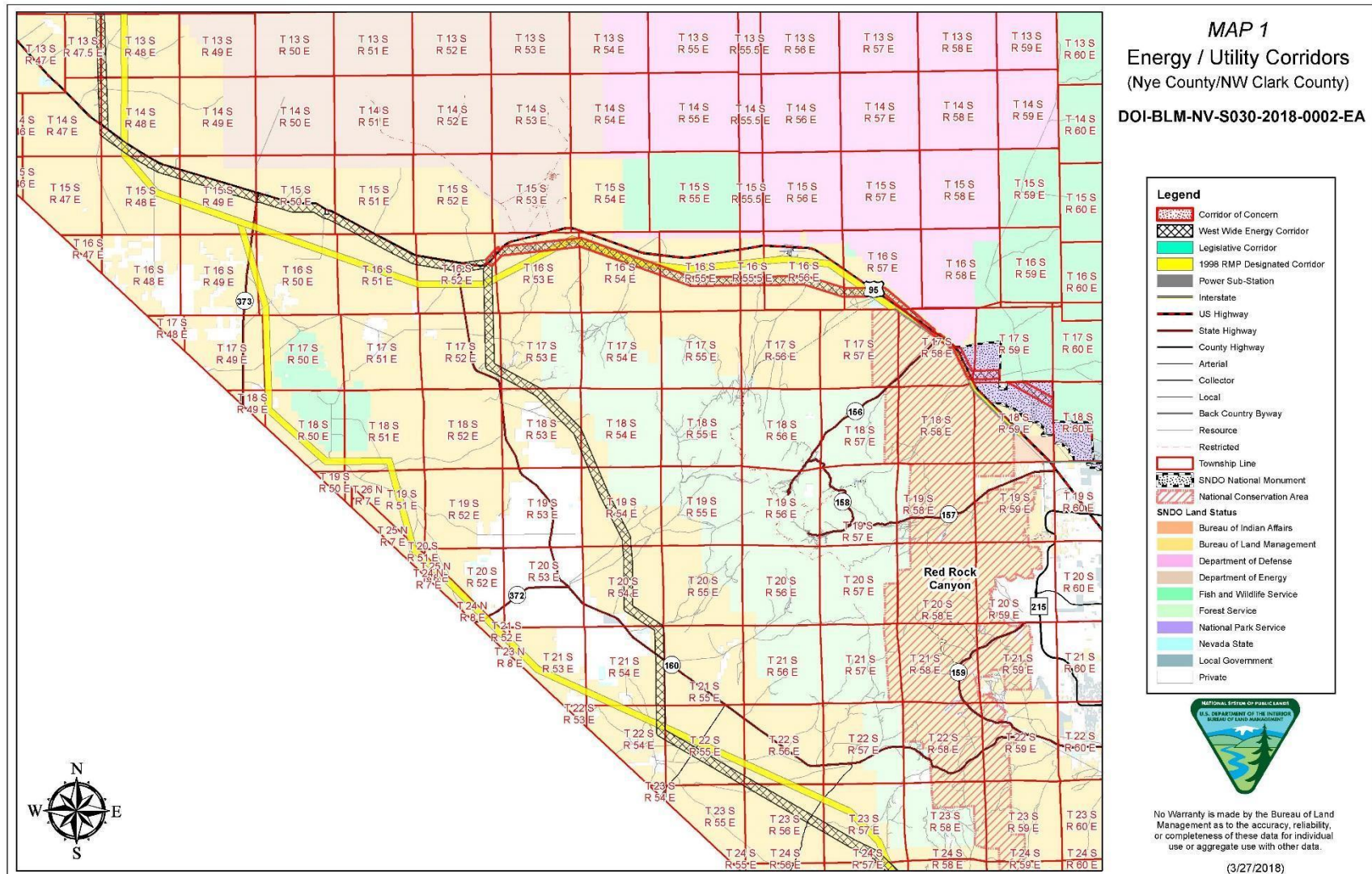
11. Fish and Wildlife, Excluding Federally Listed Species

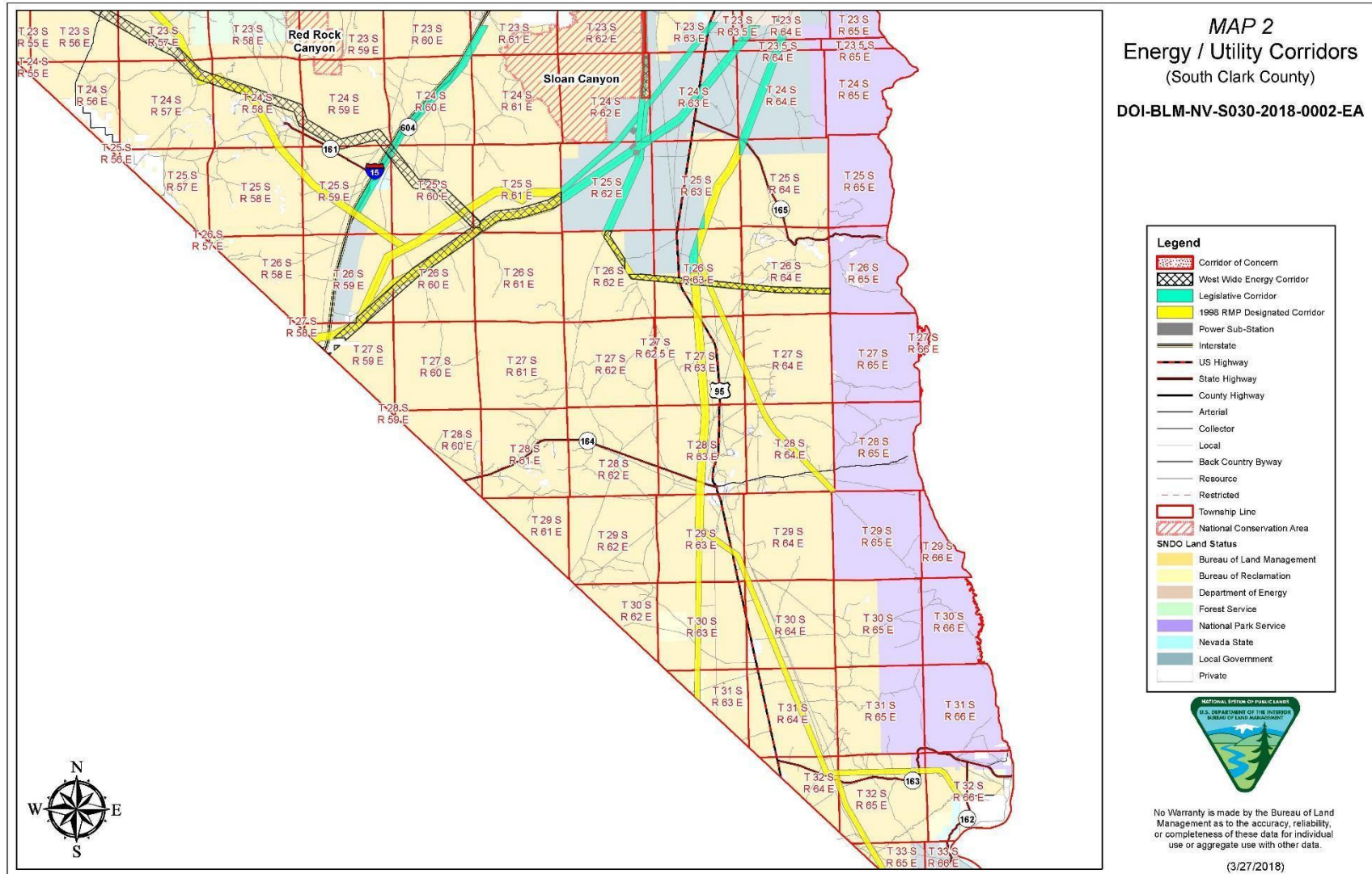
- 11.1. If artificial water sources are used, ensure that they have a properly installed and designed escape ramp to allow for wildlife to flee in the event of accidental entrapping.
- 11.2. Project supplies or equipment where wildlife could temporarily hide will be inspected prior to moving them to reduce the potential for injury to wildlife. Supplies and equipment that cannot be inspected, or from which wildlife cannot escape or be removed, will be covered or otherwise made secure from wildlife intrusion or entrapment at the end of each work day.
- 11.3. If any Gila monster are encountered during project construction they must be reported immediately to the Nevada Division of Wildlife at (702) 486-5127.

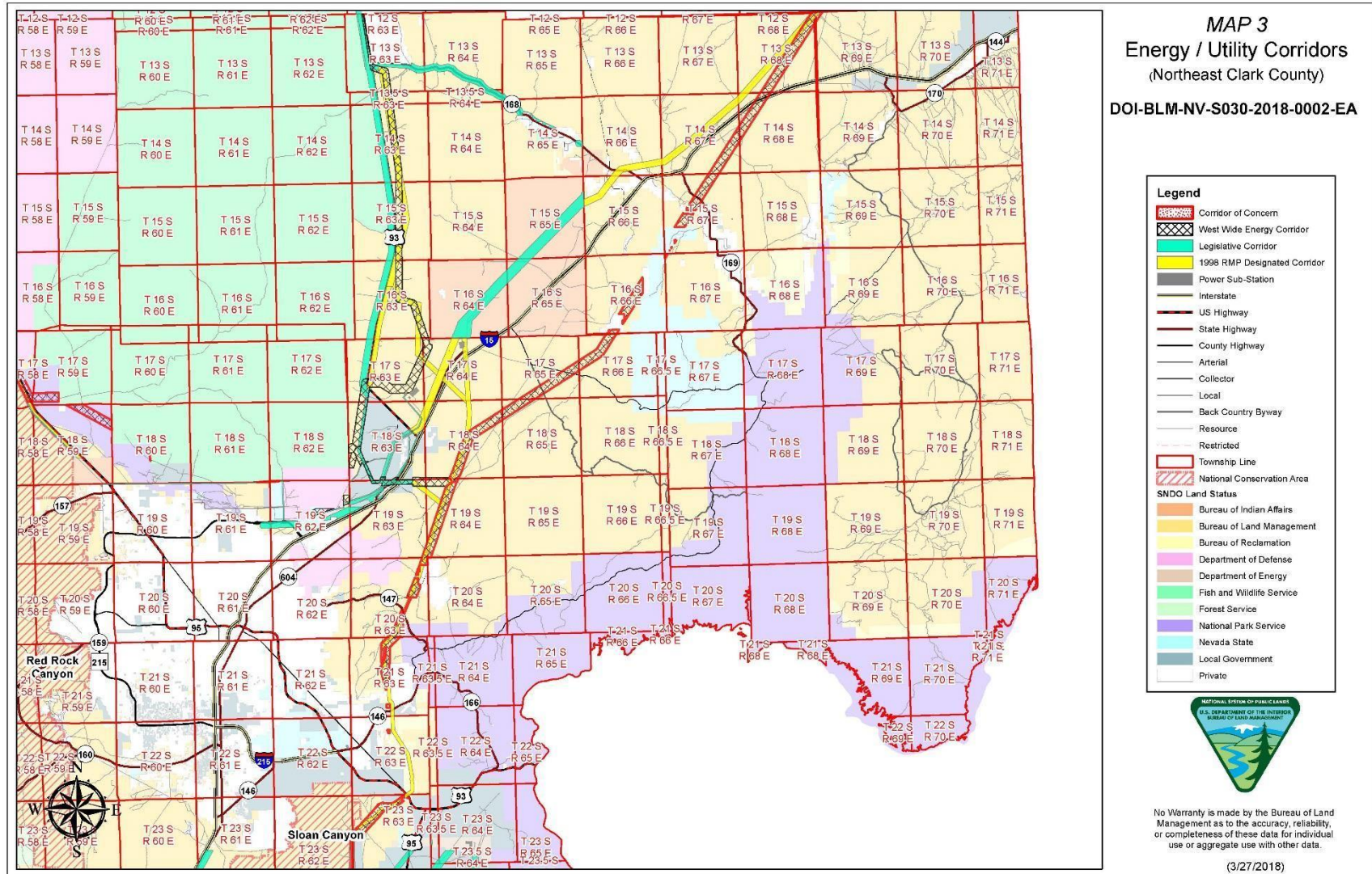
12. Vegetation

- 12.1. Prior to placement of water traps or temporary corrals, the pre disturbed locations shall be selected with the concurrence of the BLM botanist.

Appendix B: Maps of Current Corridors within Clark and Nye Counties







Appendix C: Gather Operations Standard Operating Procedures

Gathers would be conducted by utilizing contractors from the Wild Horse and Burros Gathers-Western States Contract, or BLM personnel. The following procedures for gathering and handling wild horses and burros 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 a pre-gather 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 gather operations could be facilitated by a veterinarian, these services would be arranged before the gather would proceed. The contractor will be apprised of all conditions and will be given instructions regarding the gather and handling of animals to ensure their health and welfare is protected.

Trap sites 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 whenever possible.

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

1. Helicopter Drive Trapping. This gather method involves utilizing a helicopter to herd wild horses and burros into a temporary trap.
2. Helicopter Assisted Roping. This gather method involves utilizing a helicopter to herd wild horses or 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 trap.

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

Helicopter 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 trap and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (PI) prior to construction. All trap and holding facilities locations must be approved by the LCOR/COR/PI prior to construction. The Contractor may also be required to change or move trap locations as determined by the LCOR/COR/PI. LCOR/COR/PI will determine when capture objectives are met. All traps and holding facilities not located on public land must have prior written approval of the landowner that will be provided to the LCOR prior to use. Selection of all traps and holding sites will include consideration for public and media observation.

2. The rate of movement and distance the animals travel must not exceed limitations set by the LCOR/COR/PI who will consider terrain, physical barriers, access limitations, weather, condition of the animals, urgency of the operation (animals facing drought, starvation, fire, etc.) and other factors. The trap site shall be moved close to WH&B locations whenever possible to minimize the distance the animals need to travel.
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) When moving the animals from one pasture/allotment to another pasture/allotment, the fencing wire needs to be let down for a distance that is approved by the LCOR on either side of the gate or crossing..
 - b) If jute is hung on the fence posts of an existing wire fence in the trap wing, the wire should either be rolled up or let down for the entire length of the jute in such a way that minimizes the possibility of entanglement by WH&Bs unless otherwise approved by the LCOR/COR/PI. No modification of existing fences will be made without authorization from the LCOR/COR/PI. The Contractor shall be responsible for restoration of any fence modification which they have made.
 - c) Building a trail using domestic horses through the fence line, crossing or gate may be necessary to avoid animals hitting the fence.
 - d) The trap site and temporary holding facility must be constructed of stout materials and must be maintained in proper working condition. 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 with rounded corners.
 - e) All portable loading chute sides shall be a minimum of 6 feet high and shall be fully covered on the sides with plywood, or metal without holes.

All alleyways that lead to the fly chute or sorting area shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros and the bottom rail must not be more than 12 inches from ground level. All gates and panels in the animal holding and handling pens and alleys of the trap site must be covered with plywood, burlap, plastic snow fence or like material approximately 48" in height to provide a visual barrier for the animals. All materials shall be secured in place. These guidelines apply:

- i For exterior fences, material covering panels and gates must extend from the top of the panel or gate toward the ground.
 - ii For alleys and small internal handling pens, material covering panels and gates shall extend from no more than 12 inches below the top of the panel or gate toward the ground to facilitate visibility of animals and the use of flags and paddles during sorting.
 - iii The initial capture pen may be left uncovered as necessary to encourage animals to enter the first pen of the trap.
- f) Padding must be installed on the overhead bars of all gates used in single file ally.

- g) An appropriate chute designed for restraining WH&B's must be available for necessary procedures at the temporary holding facility. The government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the alleyway in a manner as instructed by or in concurrence with the LCOR/COR/PI.
- h) There must be no holes, gaps or openings, protruding surfaces, or sharp edges present in fence panels, latches, or other structures that may cause escape or possible injury.
- i) Hinged, self-latching gates must be used in all pens and alleys except for entry gates into the trap, which may be secured with tie ropes or chains.
- j) 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.

All animals gathered shall be sorted into holding pens as to age, size, temperament, sex, condition, and whether animals are identified for removal as excess or retained in the HMA. These holding pens shall be of sufficient size to minimize, to the extent possible, injury due to fighting and trampling as well as to allow animals to move easily and have adequate access to water and feed. All pens will be capable of expansion on request of the LCOR/COR/PI. 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 private animals from the other animals. Under normal conditions, the BLM will require that animals be restrained to determine an animal's age, sex, and ownership. In other situations restraint may be required to conduct other procedures such as veterinary treatments, restraint for fertility control vaccinations, castration, spaying, branding, blood draw, collection of hair samples for genetic testing, testing for equine diseases, application of GPS collars and radio tags. 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) following selective removal and/or population suppression treatments. In areas requiring one or more satellite traps, 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 LCOR/COR/PI. The LCOR will determine if the corral size needs to be expanded due to horses staying longer, large.

FEEDING AND WATERING

1. Adult WH&Bs held in traps or temporary holding pens for longer than 12 hours must be fed every morning and evening and provided with drinking water at all times other than when animals are being sorted or worked.
2. Dependent foals must be reunited with their mares/jennies at the temporary holding facility within four hours of capture unless the LCOR/COR/PI authorizes a longer time or foals are old enough to be weaned. If a nursing foal is held in temporary holding pens for longer than 4 hours without their dams, it must be provided with water and good quality weed seed free hay.
3. Water must be provided at a minimum rate of 10 gallons per 1,000 pound animal per day, adjusted accordingly for larger or smaller horses, burros and foals, and environmental

conditions, with each trough placed in a separate location of the pen (i.e. troughs at opposite ends of the pen) with a minimum of one trough per 30 horses. Water must be refilled at least every morning and evening when necessary.

4. Good quality weed seed free hay must be fed at a minimum rate of 20 pounds per 1,000 pound adult animal per day, adjusted accordingly for larger or smaller horses, burros and foals.

a. Hay must not contain poisonous weeds or toxic substances.

b. Hay placement must allow all WH&B's to eat simultaneously.

5. When water or feed deprivation conditions exist on the range prior to the gather, the LCOR/COR/PI shall adjust the watering and feeding arrangements in consultation with the onsite veterinarian as necessary to provide for the needs of the animals to avoid any toxicity concerns.

TRAP SITE

A dependent foal or weak/debilitated animal must be separated from other WH&Bs at the trap site to avoid injuries during transportation to the temporary holding facility. Separation of dependent foals from mares must not exceed four hours unless the LCOR/COR/PI authorizes a longer time or the decision is made to wean the foals.

TEMPORARY HOLDING FACILITY

1. All WH&B's in confinement must be observed at least twice daily during feeding time to identify sick or injured WH&Bs and ensure adequate food and water.

2. Non-ambulatory WH&B's must be located in a pen separate from the general population and must be examined by the LCOR/COR/PI and/or on-call or on-site veterinarian no more than 4 hours after recumbency (lying down) is observed. Unless otherwise directed by a veterinarian, hay and water must be accessible to an animal within six hours after recumbence.

3. Alternate pens must be made available for the following:

a. WH&Bs that are weak or debilitated

b. Mares/jennies with dependent foals

c. Aggressive WH&B's that could cause serious injury to other animals.

4. WH&B's in pens at the temporary holding facility shall be maintained at a proper stocking density such that when at rest all WH&B's occupy no more than half the pen area.

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

6. It is the responsibility of the Contractor to provide for the safety of the animals and personnel working at the trap locations and temporary holding corrals in consultation with the LCOR/COR/PI. This responsibility will not be used to exclude or limit public and media observation as long as current BLM policies are followed.

7. The contractor will ensure that non-essential personnel and equipment are located as to minimize disturbance of WH&Bs. Trash, debris, and reflective or noisy objects shall be eliminated from the trap site and temporary holding facility.
8. The Contractor shall restrain sick or injured animals if treatment is necessary in consultation with the LCOR/COR/PI and/or onsite veterinarian. The LCOR/COR/PI and/or onsite veterinarian will determine if injured animals must be euthanized and provide for the euthanasia 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 LCOR/COR/PI, at no additional cost to the Government.
9. Once the animal has been determined by the LCOR/COR/PI to be removed from the HMA/HA, animals shall be transported to final destination from temporary holding facilities within 48 hours after capture unless prior approval is granted by the LCOR/COR/PI. Animals to be released back into the HMA following gather operations will be held for a specified length of time as stated in the Task Order/SOW. The Contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. unless prior approval has been obtained by the LCOR. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the LCOR. Animals shall not be allowed to remain standing on gooseneck or semi-trailers while not in transport for a combined period of greater than three (3) hours. Total planned transportation time from the temporary holding to the BLM facility will not exceed 10 hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site per direction of the LCOR.

CAPTURE METHODS THAT MAY BE USED IN THE PERFORMANCE OF A GATHER

Helicopter Drive Trapping

1. The helicopter must be operated using pressure and release methods to herd the animals in a desired direction and shall not repeatedly evoke erratic behavior in the WH&B's causing injury or exhaustion. Animals must not be pursued to a point of exhaustion; the on-site veterinarian must examine WH&B's for signs of exhaustion.
2. The rate of movement and distance the animals travel must not exceed limitations set by the LCOR/COR/PI who will consider terrain, physical barriers, access limitations, weather, condition of the animals, urgency of the operation (animals facing drought, starvation, fire, etc.) and other factors.
 - a. WH&B's that are weak or debilitated must be identified by BLM staff or the contractors. Appropriate gather and handling methods shall be used according to the direction of the LCOR/COR/PI as defined in this contract.
 - b. The appropriate herding distance and rate of movement must be determined the LCOR/COR/PI on a case-by-case basis considering the weakest or smallest animal in the group (e.g., foals, pregnant mares and jennies, or horses and burros that are weakened by body condition, age, or poor health) and the range and environmental conditions present.

- c. Rate of movement and distance travelled must not result in exhaustion at the trap site, unless the exhausted animals were already in a severely compromised condition prior to the gather. Where compromised animals cannot be left on the range or where doing so would only serve to prolong their suffering, the LCOR/COR/PI will determine if euthanasia will be performed in accordance with BLM policy.
3. WH&B's must not be pursued repeatedly by the helicopter such that the rate of movement and distance travelled exceeds the limitation set by the LCOR/COR/PI. Abandoning the pursuit or alternative capture methods may be considered by the LCOR/COR/PI in these cases.
4. The helicopter is prohibited from coming into physical contact with any WH&B regardless of whether the contact is accidental or deliberate.
5. WH&B's may escape or evade the gather site while being moved by the helicopter. If there are mare/dependent foal pairs in a group being brought to a trap and half of an identified pair is thought to have evaded capture, multiple attempts by helicopter may be used to bring the missing half of the pair to the trap or to facilitate capture by roping. In these instances, animal condition and fatigue will be evaluated by the LCOR/COR/PI or on-site veterinarian on a case-by-case basis to determine the number of attempts that can be made to capture an animal.
6. Horse and burro captures must not be conducted when ambient temperature at the trap site is below 10°F or above 95°F without approval of the LCOR/COR/PI. Burro captures must not be conducted when ambient temperature is below 10°F or above 100°F without approval of the
7. LCOR/COR/PI. The LCOR/COR/PI will not approve captures when the ambient temperature exceeds 105 °F.
8. The contractor shall assure that dependent foals shall not be left behind. Any animals identified as such will be recovered as a priority in completing the gather
9. Any adult horse or burro that cannot make it to the trap due to physical limitations shall be identified to the LCOR/COR/PI by the pilot or contractor immediately. An inspection of the animal will be made to determine the problem and the LCOR/COR/PI and/or veterinarian will decide if that animal needs to be humanely euthanized.

Roping

1. The roping of any WH&B must be approved by the LCOR/COR/PI prior to the action.
2. The roping of any WH&B will be documented by the LCOR/COR/PI along with the circumstances. WH&Bs may be roped under circumstances which include but are not limited to the following: reunite a mare or jenny and her dependent foal; capture nuisance, injured or sick WH&Bs or those that require euthanasia; environmental reasons such as deep snow or traps that cannot be set up due to location or environmental sensitivity; and public and animal safety or legal mandates for removal.
3. Ropers should dally the rope to their saddle horn such that animals can gradually be brought to a stop and must not tie the rope hard and fast to the saddle, which can cause the animals to be jerked off their feet.

4. WH&Bs that are roped and tied down in recumbency must be continuously observed and monitored by an attendant at a maximum of 100 feet from the animal.
5. WH&Bs that are roped and tied down in recumbency must be untied within 30 minutes.
6. If the animal is tied down within the wings of the trap, helicopter drive trapping within the wings will cease until the tied-down animal is removed.
7. Sleds, slide boards, or slip sheets must be placed underneath the animal's body to move and/or load recumbent WH&Bs.
8. Halters and ropes tied to a WH&B may be used to roll, turn, and position or load a recumbent animal, but a WH&B must not be dragged across the ground by a halter or rope attached to its body while in a recumbent position.
9. All animals captured by roping must be marked at the trap site by the contractor for evaluation by the on-site/on-call veterinarian within four hours after capture, and re-evaluation periodically as deemed necessary by the on-site/on-call veterinarian.

Handling

Willful Acts of Abuse

The following are prohibited:

1. Hitting, kicking, striking, or beating any WH&B in an abusive manner.
2. Dragging a recumbent WH&B across the ground without a sled, slide board or slip sheet. Ropes used for moving the recumbent animal must be attached to the sled, slide board or slip sheet unless being loaded as specified in Section C 9.2.h
3. Deliberate driving of WH&Bs into other animals, closed gates, panels, or other equipment.
4. Deliberate slamming of gates and doors on WH&Bs.
5. Excessive noise (e.g., constant yelling) or sudden activity causing WH&Bs to become unnecessarily flighty, disturbed or agitated.

General Handling

1. All sorting, loading or unloading of WH&Bs during gathers must be performed during daylight hours except when unforeseen circumstances develop and the LCOR/COR/PI approves the use of supplemental light.
2. WH&Bs should be handled to enter runways or chutes in a forward direction.
3. WH&Bs should not remain in single-file alleyways, runways, or chutes longer than 30 minutes.
4. With the exception of helicopters, equipment should be operated in a manner to minimize flighty behavior and injury to WH&Bs.

Handling Aids

1. Handling aids such as flags and shaker paddles are the primary tools for driving and moving WH&Bs during handling and transport procedures. Contact of the flag or paddle

end with a WH&B is allowed. Ropes looped around the hindquarters may be used from horseback or on foot to assist in moving an animal forward or during loading.

2. Routine use of electric prods as a driving aid or handling tool is prohibited. Electric prods may be used in limited circumstances only if the following guidelines are followed:
 - a. Electric prods must only be a commercially available make and model that uses DC battery power and batteries should be fully charged at all times.
 - b. The electric prod device must never be disguised or concealed.
 - c. Electric prods must only be used after three attempts using other handling aids (flag, shaker paddle, voice or body position) have been tried unsuccessfully to move the WH&Bs.
 - d. Electric prods must only be picked up when intended to deliver a stimulus; these devices must not be constantly carried by the handlers.
 - e. Space in front of an animal must be available to move the WH&B forward prior to application of the electric prod.
 - f. Electric prods must never be applied to the face, genitals, anus, or underside of the tail of a WH&B.
 - g. Electric prods must not be applied to any one WH&B more than three times during a procedure (e.g., sorting, loading) except in extreme cases with approval of the LCOR/COR/PI. Each exception must be approved at the time by the LCOR/COR/PI.
 - h. Any electric prod use that may be necessary must be documented daily by the LCOR/COR/PI including time of day, circumstances, handler, location (trap site or temporary holding facility), and any injuries (to WH&B or human)

MOTORIZED EQUIPMENT - Loading and Unloading Areas

1. Facilities in areas for loading and unloading WH&B's at the trap site or temporary holding facility must be maintained in a safe and proper working condition, including gates that swing freely and latch or tie easily.
2. The side panels of the loading chute must be a minimum of 6 feet high and fully covered with materials such as plywood or metal without holes that may cause injury.
3. There must be no holes, gaps or openings, protruding surfaces, or sharp edges present in fence panels or other structures that may cause escape or possible injury.
4. All gates and doors must open and close properly and latch securely.
5. Loading and unloading ramps must have a non-slip surface and be maintained in a safe and proper working condition to prevent slips and falls. Examples of non-slip flooring would include, but not be limited to, rubber mats, sand, shavings, and steel reinforcement rods built into ramp. There must be no holes in the flooring or items that can cause an animal to trip.

6. Trailers must be properly aligned with loading and unloading chutes and panels such that no gaps exist between the chute/panel and floor or sides of the trailer creating a situation where a WH&B could injure itself.
7. Stock trailers shall be positioned for loading or unloading such that there is no more than 12" clearance between the ground and floor of the trailer for burros and 18" for horses. If animals refuse to load, it may be necessary to dig a tire track hole where the trailer level is closer to ground level.

TRANSPORTATION

General

1. All sorting, loading, or unloading of WH&Bs during gathers must be performed during daylight hours except when unforeseen circumstances develop and the LCOR/COR/PI approves the use of supplemental light.
2. WH&Bs identified for removal should be shipped from the temporary holding facility to a BLM facility within 48 hours.
3. Shipping delays for animals that are being held for release to range or potential on-site adoption must be approved by the LCOR/COR/PI.
4. Shipping should occur in the following order of priority: a) debilitated animals, b) pairs, c) weanlings, d) dry mares and e) studs.
5. Total planned transport time to the BLM preparation facility from the trap site or temporary holding facility must not exceed 10 hours.
6. WH&Bs should not wait in stock trailers and/or semi-trailers at a standstill for more than a combined period of three hours during the entire journey.

Vehicles

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 CO annually, 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. Only tractor-trailers or stock trailers with a covered top or overhead bars 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 prohibited. Only straight deck trailers and stock trailers are to be used for transporting WH&B's.

3. WH&B's must have adequate headroom during loading and unloading and must be able to maintain a normal posture with all four feet on the floor during transport without contacting the roof or overhead bars.
4. The width and height of all gates and doors must allow WH&B's to move through freely.
5. All gates and doors must open and close easily and be able to be secured in a closed position.
6. The rear door(s) of stock trailers must be capable of opening the full width of the trailer.
7. Loading and unloading ramps must have a non-slip surface and be maintained in proper working condition to prevent slips and falls.
8. All partitions and panels inside of trailers must be free of sharp edges or holes that could cause injury to WH&B's.
9. The inner lining of all trailers must be strong enough to withstand failure by kicking that would lead to injuries.
10. Partition gates in transport vehicles shall be used to distribute the load into compartments during travel.
11. Surfaces and floors of trailers must be cleaned of dirt, manure and other organic matter prior to the beginning of a gather.
12. Surfaces and floors of trailers shall have non-slip surface, use of shavings, dirt, and floor mates.

Care of WH&B's during Transport Procedures

1. WH&B's that are loaded and transported from the temporary holding facility to the BLM preparation facility must be fit to endure travel per direction of LCOR/COR/PI following consultation with on-site/on-call veterinarian.
2. WH&B's that are non-ambulatory, blind in both eyes, or severely injured must not be loaded and shipped unless it is to receive immediate veterinary care or euthanasia.
3. WH&B's that are weak or debilitated must not be transported without approval of the LCOR/COR/PI in consultation with the on-site veterinarian. Appropriate actions for their care during transport must be taken according to direction of the LCOR/COR/PI.
4. WH&B's shall be sorted prior to transport to ensure compatibility and minimize aggressive behavior that may cause injury.
5. Trailers must be loaded using the minimum space allowance in all compartments as follows:
 - a. For a 6.8 foot wide; 24 foot long stock trailer 12 to 14 adult horses;
 - b. For a 6.8 foot wide; 24 foot long stock trailer 18 to 21 adult burros
 - c. For a 6.8 foot wide; 20 foot long stock trailer 10 to 12 adult horses can be loaded
 - d. For a 6.8 foot wide; 20 foot long stock trailer 15 to 18 adult burros
 - e. For a semi-trailer:

- i. 12 square feet per adult horse.
- ii. 6.0 square feet per dependent horse foal.
- iii. 8.0 square feet per adult burro.
- iv. 8.0 square feet per adult burro.

Considering the condition of the animals, prevailing weather, travel distance and other factors or if animals are going down on trailers or arriving at their destination down or with injuries or a condition suggesting they may have been down, additional space or footing provisions may be necessary and will be required if directed by the LCOR/COR.

6. The LCOR/COR/PI, in consultation with the receiving Facility Manager, must document any WH&B that is recumbent or dead upon arrival at the destination. Non-ambulatory or recumbent WH&B's must be evaluated on the trailer and either euthanized or removed from the trailers using a sled, slide board or slip sheet.

7. Saddle horses must not be transported in the same compartment with WH&B's.

EUTHANASIA or DEATH

Euthanasia Procedure during Gather Operations

1. An authorized, properly trained, and experienced person as well as a firearm appropriate for the circumstances must be available at all times during gather operations. When the travel time between the trap site and temporary holding facility exceeds one hour or if radio or cellular communication is not reliable, provisions for euthanasia must be in place at both the trap site and temporary holding facility during the gather operation.
2. Euthanasia must be performed according to American Veterinary Medical Association euthanasia guidelines (2013) using methods of gunshot or injection of an approved euthanasia agent.
3. The decision to euthanize and method of euthanasia must be directed by the LCOR/COR/PI who must be on site and may consult with the on-site/on-call veterinarian. In event and rare circumstance that the LCOR/COR/PI is not available, the contractor if properly trained may euthanize an animal as an act of mercy.
4. All carcasses will be disposed of in accordance with state and local laws and as directed by the LCOR/COR/PI.
5. Carcasses left on the range should not be placed in washes or riparian areas where future runoff may carry debris into ponds or waterways. Trenches or holes for buried animals should be dug so the bottom of the hole is at least 6 feet above the water table and 4-6 feet of level earth covers the top of the carcass with additional dirt mounded on top where possible.

COMMUNICATIONS

1. The Contractor shall have the means to communicate with the LCOR/COR/PI and all contractor personnel engaged in the capture of wild horses and burros utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio.
2. The Contractor shall obtain the necessary FCC licenses for the radio system.

SAFETY AND SECURITY

1. All accidents involving animals or people that occur during the performance of any task order shall be immediately reported to the LCOR/COR/PI.
2. It is the responsibility of the Contractor to provide security to prevent unauthorized release, injury or death of captured animals until delivery to final destination.
3. The contractor must comply with all applicable federal, state and local regulations.
4. Fueling operations shall not take place within 1,000 feet of animals or personnel and equipment other than the refueling truck and equipment.
5. Children under the age of 12 shall not be allowed within the gather's working areas which include near the chute when working animals at the temporary holding facility, or near the pens at the trap site when working and loading of animals. Children under the age of 12 in the nonworking area must be accompanied by an adult at either location at all times.

BIOSECURITY

Health records for all saddle and pilot horses used on WH&B gathers must be provided to the LCOR during the BLM/Contractor pre-work meeting, including:

1. Certificate of Veterinary Inspection (Health Certificate, within 30 days).
2. Proof of:
 - a. A negative test for equine infectious anemia (Coggins or EIA ELISA test) within 12 months.
 - b. Vaccination for tetanus, eastern and western equine encephalomyelitis, West Nile virus, equine herpes virus, influenza, Streptococcus equi, and rabies within 12 months.
 - c. Saddle horses and pilot horses must not be removed from the gather operation (such as for an equestrian event) and allowed to return unless they have been observed to be free from signs of infectious disease for a period of at least three weeks and a new Certificate of Veterinary Inspection is obtained after three weeks and prior to returning to the gather.
 - d. WH&B's, saddle horses, and pilot horses showing signs of infectious disease must be examined by the on-site/on-call veterinarian.
3. Any saddle or pilot horses showing signs of infectious disease (fever, nasal discharge or illness) must be removed from service and isolated from other animals on the gather until such time as the horse is free from signs of infectious disease and approved by the on-site/on-call veterinarian to return to the gather.
4. WH&B's showing signs of infectious disease will normally not be mixed with groups of healthy WH&B's at the temporary holding facility, or during transport.

PUBLIC AND MEDIA INTERACTION

1. Due to heightened public interest in wild horse and burro gathers, the BLM expects an increasing number of requests from the public and media to view the operation. All requests received by the Contractor to view gather operation shall be forwarded to the BLM, who will

provide a person with the expertise necessary to escort the public and media. The safety of the WHB's, BLM employees, Contractor crew, Contractor's private animals, and the media and public will be the first priority in determining whether a viewing opportunity will be provided, and if so, the time, location, and conditions associated with the viewing opportunity.

2. Assuming the BLM determines that providing a viewing opportunity for the media and the public is appropriate, the Contractor will establish the viewing area in accordance with instructions from the LCOR/COR/PI and current wild horse and burro program policy and guidance. BLM's observation policy will be discussed with the contractor during the pre-work meeting.
3. Member(s) of the viewing public or media whose conduct interferes with the gather operation in a way that threatens the safety of the WH&B's, BLM employees, contractor crew (including animals), the media, or the public will be warned once to terminate the conduct. If the conduct persists, the offending individual(s) will be asked to leave the viewing area and the gather operation. The LCOR/COR/PI may direct the Contractor to temporarily shut down the gather operation until the situation is resolved.
4. Under no circumstances will the public or any media or media equipment be allowed in or on the gather helicopter or on the trap or holding equipment. The public, media, and media equipment must be at least 500 feet away from the trap during the trapping operation.
5. The public and media may be escorted closer than 500 feet to the trap site if approved by the LCOR/COR and in consultation with the Contractor during the time between gather runs or before or after the gather operation.
6. The Contractor shall not release any information to the news media or the public regarding the activities being conducted under this contract. All communications regarding BLM WH&B management, including but not limited to media, public and local stakeholders, are to come from the BLM unless it expressly authorizes the Contractor to give interviews, etc.

CONTRACTOR-FURNISHED PROPERTY

1. As specified herein, it is the contractor's responsibility to provide all necessary support equipment and vehicles including weed seed free hay and water for the captured animals and any other items, personnel, vehicles (which shall include good condition trucks and stock trailers to haul horses and burros from the trap site to the holding facility and two tractor trailers in good condition to haul horses and burros from the holding facility to the preparation facility), saddle horses, etc. to support the humane and compassionate capture, care, feeding, transportation, treatment, and as appropriate, release of WHB's. Other equipment includes but is not limited to, a minimum 2,500 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 meeting the standards in section C.6. Water troughs shall be constructed of such material (e.g., rubber, galvanized metal with rolled edges, rubber over metal) so as to avoid injury to the animals.

2. The Contractor shall provide a radio transceiver to insure communications are maintained with the BLM project PI when driving or transporting the wild horses/burros. The contractor needs to insure communications can be made with the BLM and be capable of operating in the 150 MHz to 174 MHz frequency band, frequency synthesized, CTCSS 32 sub-audible tone capable, operator programmable, 5kHz channel increment, minimum 5 watts carrier power.
3. The Contractor shall provide water and weed seed free hay.
4. The proper operation, service and maintenance of all contractor furnished property is the responsibility of the Contractor.

BLM ROLES AND RESPONSIBILITIES

Veterinarian

1. On-site veterinary support must be provided for all helicopter gathers.
2. Veterinary support will be under the direction of the LCOR/COR/PI. Upon request, the onsite/on-call veterinarian will consult with the LCOR/COR/PI on matters related to WH&B health, handling, welfare and euthanasia. All final decisions regarding medical treatment or euthanasia will be made by the on-site LCOR/COR/PI based on recommendations from the onsite veterinarian.

Transportation

3. The LCOR/COR/PI shall consider the condition and size of the animals, weather conditions, distance to be transported to the final destination or release, recommendations from the contractor and on-site veterinarian and other factors when planning for the movement of captured animals. The LCOR/COR/PI shall provide for any brand inspection services required for the movement of captured animals to BLM prep facilities. If animals are to be transported over state lines the LCOR will be responsible for obtaining a waiver from the receiving State Veterinarian.
4. If the LCOR/COR/PI determines that conditions are such that the animals could be endangered during transportation, the Contractor will be instructed to adjust speed or delay transportation until conditions improve.

GOVERNMENT FURNISHED EQUIPMENT/SUPPLIES/MATERIALS

The government will provide:

1. A portable restraining chute for each contractor to be used for the purpose of restraining animals to determine the age of specific individuals or other similar procedures. The contractor will be responsible for the maintenance of the portable restraining chute during the gather season.
2. All inoculate syringes, freezemarking equipment, and all related equipment for fertility control treatments.
3. A boat to transport burros as appropriate.
4. Sleds, slide boards, or slip sheets for loading of recumbent animals.

The Contractor shall be responsible for the security of all Government Furnished Property.

SITE CLEARANCES

Prior to setting up a trap or temporary holding facility, BLM will conduct all necessary legal reviews and clearances (NEPA, ARPA, NHPA, etc.). All proposed site(s) must be inspected by a government archaeologist. Once archaeological clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be coordinated and arranged for by the COR/ PI, or other BLM employees.

8.1.1. Water and Bait Trapping Standard Operating Procedures

The work consists of the capture, handling, care, feeding, daily care and transportation of wild horses and/or burros from the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah and Wyoming. The method of capture will be with the use of bait and/or water traps in accordance with the standards identified in the Comprehensive Animal Welfare Program (CAWP) for Wild horse and Burro Gathers, Bureau of Land Management (BLM) Instruction Memorandum 2015-151. Items listed in the sections of the Statement of Work (SOW) either are not covered or deviate from the CAWP, the SOW takes precedence over the CAWP when there is conflicting information. Extended care, handling and animal restraint for purposes of population growth suppression treatments may be required for some trapping operations. The contractor shall furnish all labor, supplies, transportation and equipment necessary to accomplish the individual task order requirements with the exception of a Government provided restraint fly chute, as needed for population growth suppression. The work shall be accomplished in a safe and humane manner and be in accordance with the provisions of 43 CFR Part 4700, the CAWP, the specifications and provisions included in this SOW, and any subsequent SOW documents issued with individual task orders.

The primary concern of the contractor shall be the safety of all personnel involved and the humane capture and handling of all wild horses and burros. It is the responsibility of the contractor to provide appropriate safety and security measures to prevent loss, injury or death of captured wild horses and burros.

Any reference to hay in this SOW or subsequent SOW documents issued with individual task orders will be implied as certified weed-free hay (grass or alfalfa). The contractor will be responsible for providing certifications upon request from the Government.

The COR/PI's will observe a minimum of at least 25% of the trapping activity.

BLM reserves the right to place game cameras or other cameras in the capture area to document animal activity and response, capture techniques and procedures, and humane care during trapping. No private/non-BLM camera will be placed within the capture areas.

Trapping activities would be on the HA/HMA/WHBT or outside areas specified in the task order. However, trapping could be required on adjacent land, federal, state, tribal, military, or private property. If trapping operations include work on military and/or other restricted areas, the BLM will coordinate all necessary clearances, such as background checks, to conduct operations for equipment and personnel.

The permissions to use private/state/tribal lands during task order performance will be coordinated by the BLM, contractor, and landowner. The need for these permissions will be identified in the Task Order SOW and will be obtained in writing.

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 preparation of a topographic map with wilderness boundaries, the location of fences, other physical barriers, and acceptable gather site 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 capture operations necessitate the services of a veterinarian, one would be obtained 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 sites and temporary holding sites will be located to reduce the likelihood of undue injury and stress to the animals, and to minimize potential damage to the natural and cultural resources of the area. Temporary holding sites would be located on or near existing roads.

Bait Trapping - Facility Design (Temporary Holding Facility Area and Traps)

All trap and temporary holding facility areas locations must be approved by the COR and/or the Project Inspector (PI) prior to construction and/or operation. The contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and temporary holding facilities not located on public land must have prior written approval of the landowner or other management agency.

Facility design to include traps, wings, alleys, handling pens, finger gates, and temporary holding facilities, etc. shall be constructed, maintained and operated to handle the wild horses and burros in a safe and humane manner in accordance with the standards identified in the Comprehensive Animal Welfare Program (CAWP) for Wild Horse and Burro Gathers, Bureau of Land Management (BLM) Instruction Memorandum 2015-151 (Attachment 1).

Some gather operations will require the construction of an off-site temporary holding facility as identified in specific individual task orders for extended care and handling for purposes of slow trapping conditions or management activities such as research, population growth suppression treatments, etc.

No modification of existing fences will be made without authorization from the COR/PI. The contractor shall be responsible for restoring any fences that are modified back to the original condition.

Temporary holding and sorting pens shall be of sufficient size to prevent injury due to fighting and trampling. These pens shall also allow for captured horses and burros to move freely and have adequate access to water and feed.

All pens will be capable of expansion when requested by the COR/PI.

Separate water troughs shall be provided for each pen where wild horses and burros are being held. Water troughs shall be constructed of such material (e.g., rubber, plastic, fiberglass,

galvanized metal with rolled edges, and rubber over metal) so as to avoid injury to the wild horses and burros.

Any changes or substitutions to trigger and/or trip devices previously approved for use by the Government must be approved by the COR prior to use.

Bait Trapping, Animal Care, and Handling

If water is to be used as the bait agent and the Government determines that cutting off other water sources is the best action to take under the individual task order, elimination of other water sources shall not last longer than a period of time approved by the COR/PI.

Hazing/Driving of wild horses and burros for the purpose of trapping the animals will not be allowed for the purposes of fulfilling individual task orders. Roping will be utilized only as directed by the COR.

Darting of wild horses and burros for trapping purposes will not be allowed. No barbed wire material shall be used in the construction of any traps or used in new construction to exclude horses or burros from water sources.

Captured wild horses and burros shall be sorted into separate pens (i.e. by age, gender, animal health/condition, population growth suppression, etc.).

A temporary holding facility area will be required away from the trap site for any wild horses and burros that are being held for more than 24 hours.

The contractor shall assure that captured mares/jennies and their dependent foals shall not be separated for more than 4 hours, unless the COR/PI determines it necessary.

The contractor shall provide a saddle horse on site that is available to assist with the pairing up of mares/jennies with their dependent foals and other tasks as needed.

Contractor will report any injuries/deaths that resulted from trapping operations as well as preexisting conditions to the COR/PI within 12 hours of capture and will be included in daily gather activity report to the COR.

The COR/PI may utilize contractor constructed facilities when necessary in the performance of individual task orders for such management actions as population growth suppression, and/or selecting animals to return to the range.

In performance of individual task orders, the contractor may be directed by the COR to transport and release wild horses or burros back to the range.

At the discretion of the COR/PI the contractor may be required to delay shipment of horses and burros until the COR/PI inspects the wild horses and burros at the trap site and/or the temporary holding facility prior to transporting them to the designated facility.

Wild Horse and Burro Care and Biosecurity

The contractor shall restrain sick or injured wild horses and burros if treatment is necessary in consultation with the COR/PI and/or veterinarian.

Any saddle or pilot horses used by the contractor will be vaccinated within 12 months of use (EWT, West Nile, Flu/rhino, strangles).

Transportation and Animal Care

The contractor, following coordination with the COR, shall schedule shipments of wild horses and burros to arrive during the normal operating hours of the designated facility unless prior approval has been obtained from the designated facility manager by the COR. Shipments scheduled to arrive at designated facilities on a Sunday or a Federal holiday requires prior facility personnel approval.

All motorized equipment employed in the transportation of captured wild horses and burros shall be in compliance with appropriate State and Federal laws and regulations.

Sides or dividers of all trailers used for transporting wild horses and burros shall be a minimum height of 6 feet 6 inches from the floor. A minimum of one full height partition is required in each stock trailer. All trailers shall be covered with solid material or bars to prevent horses and burros from jumping out.

The contractor shall consider the condition and size of the wild horses and burros, weather conditions, distance to be transported, or other factors when planning for the movement of captured wild horses and burros.

The Government shall provide for any brand and/or veterinary inspection services required for captured wild horses and burros. Prior to shipping across state lines the Government will be responsible for coordinating with the receiving state veterinarian to transport the animals without a health certificate or coggins test. If the receiving state does not agree to grant entry to animals without a current health certificate or coggins test, the Government will obtain them prior to shipment.

When transporting wild horses and burros, drivers shall inspect for downed animals a minimum of every two hours when travelling on gravel roads or when leaving gravel roads onto paved roads and a minimum of every four hours when travelling on paved roads.

Euthanasia or Death

The COR/PI will determine if a wild horse or burro must be euthanized and will/may direct the contractor to destroy the animal in accordance with the BLM Animal Health, Maintenance, Evaluation, and Response Instruction Memorandum, 2015-070 (Attachment 2). Any contractor personnel performing this task shall be trained as described in this Memorandum.

Pursuant to the IM 2015-070 the contractor may be directed by the Authorized Officer and/or COR to humanely euthanize wild horses and burros in the field and to dispose of the carcasses in accordance with state and local laws.

Safety and Communication

The nature of work performed under this contract may involve inherently hazardous situations. The primary concern of the contractor shall be the safety of all personnel involved and the humane handling of all wild horses and burros. It is the responsibility of the contractor to provide appropriate safety and security measures to prevent loss, injury or death of captured wild horses and burros until delivery to the final destination.

The BLM reserves the right to remove from service immediately any contractor personnel or contractor furnished equipment which, in the opinion of the COR and/or CO violate contract

rules, are unsafe or otherwise unsatisfactory. In this event, BLM will notify the contractor to furnish replacement personnel or equipment within 24 hours of notification. All such replacements must be approved in advance by the COR and/or CO.

Contractor personnel who utilize firearms for purposes of euthanasia will be required to possess proof of completing a State or National Rifle Association firearm safety certification or equivalent (conceal carry, hunter safety, etc.).

All accidents involving wild horses and burros or people that occur during the performance of any task order shall be immediately reported to the COR/PI.

The contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the capture of wild horses and burros utilizing a cell/satellite phone or radio at all times during the trapping operations. The Contractor will be responsible for furnishing all communication equipment for contractor use. BLM will provide the frequency for radio communications.

The contractor will provide daily gather activity reports to the COR/PI if they are not present.

Public and Media

Due to increased public interest in the Wild Horse and Burro Gathers, any media or visitation requests received by the contractor shall be forwarded to the COR immediately. Only the COR or CO can approve these requests.

The Contractor shall not post any information or images to social media networks or release any information to the news media or the public regarding the activities conducted under this contract.

If the public or media interfere in any way with the trapping operation, such that the health and well-being of the crew, or horses and burros are threatened, the contractor will immediately report the incident to the COR and trapping operations will be suspended until the situation is resolved as directed by the COR.

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 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 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:

- a. 11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);
- b. 8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
- c. 6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
- d. 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.

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 and burros 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 are 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.

Public and Media

Due to heightened public interest in wild horse and burro gathers, the BLM/Contractor may expect an increasing number of requests from the public and media to view the operation.

1. Due to this type of operation (luring wild horses and burros to bait) spectators and viewers will be prohibited as it will have impacts on the ability to capture wild horses and burros. Only essential personnel (COR/PI, veterinarian, contractor, contractor employees, etc.) will be allowed at the trap site during operations.
2. Public viewing of the wild horses and burros trapped may be provided at the staging area and/or the BLM preparation facility by appointment.
3. The Contractor agrees that there shall be no release of information to the news media regarding the removal or remedial activities conducted under this contract.
4. All information will be released to the news media by the assigned government public affairs officer.
5. If the public or media interfere in any way with the trapping operation, such that the health and wellbeing of the crew, horses and burros is threatened, the trapping operation will be suspended until the situation is resolved.

COR/PI Responsibilities

1. In emergency situations, the COR/PI will implement procedures to protect animals as rehab is initiated, i.e. rationed feeding and watering at trap and or staging area.
2. The COR/PI will authorize the contractor to euthanize any wild horse or burros as an act of mercy.
3. The COR/PI will ensure wild horses or burros with pre-existing conditions are euthanized in the field according to BLM policy.
4. Prior to setting up a trap or staging area on public land, the BLM and/or Forest Service will conduct all necessary clearances (archaeological, T&E, etc.). All proposed sites must be inspected by a government archaeologist or equivalent. Once archaeological clearance has been obtained, the trap or staging area may be set up. Said clearances shall be arranged for by the COR/PI.
5. The COR/PI will provide the contractor with all pertinent information on the areas and wild horses and burros to be trapped.
6. The COR/PI will be responsible to establish the frequency of communicating with the contractor.
7. The COR/PI shall inspect trap operation prior to Contractor initiating trapping.
8. The Contractor shall make all efforts to allow the COR/PI to observe a minimum of at least 25% of the trapping activity.

9. The COR/PI is responsible to arrange for a brand inspector and/or veterinarian to inspect all wild horses and burros prior to transporting to a BLM preparation facility when legally required.

10. The COR/PI will be responsible for the establishing a holding area for administering PZP, gelding of stallions, holding animals in poor condition until they are ready of shipment, holding for EIA testing, etc.

11. The COR/PI will ensure the trailers are cleaned and disinfected before WH&B's are transported. This will help prevent transmission of disease into our populations at a BLM Preparation Facility.

Responsibility and Lines of Communication

The Wild Horse Specialist (COTR) or delegate has direct responsibility to ensure human and animal safety. The Wells or Bristlecone Field Managers will take an active role to ensure that 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 gathering operations will keep the best interests of the animals at the forefront at all times.

All publicity and public contact and inquiries will be handled through the Southern Nevada District Office and Nevada State Office of Communications. These individuals will be the primary contact and will coordinate with the COR on any inquiries.

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

The BLM 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.

Resource Protection

Gather sites and holding facilities would be located in previously disturbed areas whenever possible to minimize potential damage to the natural and cultural resources.

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

Prior to implementation of gather operations, gather sites and temporary holding facilities would be evaluated to determine their potential for containing cultural resources. All gather facilities (including gather sites, gather run- ways, blinds, holding facilities, camp locations, parking areas, staging areas, etc.) that would be located partially or totally in new locations (i.e. not at previously used gather locations) or in previously undisturbed areas would be inventoried by a BLM archaeologist or district archaeological technician before initiation of the gather. A buffer of at least 50 meters would be maintained between gather facilities and any identified cultural resources.

Gather sites and holding facilities would not be placed in known areas of Native American concern.

The contractor would not disturb, alter, injure or destroy any scientifically important paleontological remains; any historical or archaeological site, structure, building, grave, object or artifact; or any location having Native American traditional or spiritual significance within the project area or surrounding lands. The contractor would be responsible for ensuring that its employees, subcontractors or any others associated with the project do not collect artifacts and fossils, or damage or vandalize archaeological, historical or paleontological sites or the artifacts within them.

Should damage to cultural or paleontological resources occur during the period of gather due to the unauthorized, inadvertent or negligent actions of the contractor or any other project personnel, the contractor would be responsible for costs of rehabilitation or mitigation.

Individuals involved in illegal activities may be subject to penalties under the Archaeological Resources Protection Act (16 U.S.C 470ii), the Federal Land Management Policy Act (43 U.S.C 1701), the Native American Graves and Repatriation Act (16 U.S.C. 1170) and other applicable.

WILD HORSE AND BURRO GATHER OBSERVATION PROTOCOL

BLM recognizes and respects the right of interested members of the public and the press to observe wild horse and burro gather operations. At the same time, BLM must ensure the health and safety of the public, BLM's employees and contractors, and America's wild horses and burros. Accordingly, the BLM developed these rules to maximize the opportunity for reasonable public access to the gather while ensuring that BLM's health and safety responsibilities are fulfilled. Failure to maintain safe distances from operations at the gather and temporary holding sites could result in members of the public inadvertently getting in the path of the wild horses and burros or gather personnel, thereby placing themselves and others at risk, or causing stress and potential injury to the wild horses and burros. The BLM and the contractor's helicopter pilot must comply with 14 CFR Part 91 of the Federal Aviation Regulations, which determines the minimum safe altitudes and distance people must be from the aircraft. To be in compliance with these regulations, the viewing location at the gather site and holding corrals must be approximately 500 feet from the operating location of the helicopter at all times. The viewing locations may vary depending on topography, terrain and other factors.

Daily Visitor Protocol

A Wild Horse or Burro Gather Information Phone Line would be set up prior to the gather so the public can call for daily updates on gather information and statistics. Visitors are strongly encouraged to check the phone line the evening before they plan to attend the gather to confirm the gather and their tour if it is indeed taking place the next day as scheduled (weather, mechanical issues or other things may affect this) and to confirm the meeting location.

Visitors must direct their questions/comments to either their designated BLM representative or the BLM spokesperson on site, and not engage other BLM/contractor staff and disrupt their gather duties/responsibilities - professional and respectful behavior is expected of all. BLM may make the BLM staff available during down times for a Q&A session on public outreach and education days. However, the contractor and its staff would not be available to answer questions or interact with visitors.

Observers must provide their own 4-wheel drive high clearance vehicle, appropriate shoes, winter clothing, food and water. Observers are prohibited from riding in government and contractor vehicles and equipment.

Gather operations may be suspended if bad weather conditions create unsafe flying conditions.

BLM would establish one or more observation areas, in the immediate area of the gather and holding sites, to which individuals would be directed. These areas would be placed so as to maximize the opportunity for public observation while providing for a safe and effective wild horse and burro gather. The utilization of such observation areas is necessary due to the use and presence of heavy equipment and aircraft in the gather operation and the critical need to allow BLM personnel and contractors to fully focus on attending to the needs of the wild horses and burros while maintaining a safe environment for all involved. In addition, observation areas would be sited so as to protect the wild horses and burros from being spooked, startled or impacted in a manner that results in increased stress.

BLM would delineate observation areas with yellow caution tape (or a similar type of tape or ribbon).

Visitors would be assigned to a specific BLM representative on public outreach and education days and must stay with that person at all times.

Visitors are NOT permitted to walk around the gather site or temporary holding facility unaccompanied by their BLM representative.

Observers are prohibited from climbing/trespassing onto or in the trucks, equipment or corrals, which is the private property of the contractor.

When BLM is using a helicopter or other heavy equipment in close proximity to a designated observation area, members of the public may be asked to stay by their vehicle for some time before being directed to an observation area once the use of the helicopter or the heavy machinery is complete.

When given the signal that the helicopter is close to the gather site bringing wild horses or burros in, visitors must sit down in areas specified by BLM representatives and must not move or talk as the wild horses or burros are guided into the corral.

Individuals attempting to move outside a designated observation area would be requested to move back to the designated area or to leave the site. Failure to do so may result in citation or arrest. It is important to stay within the designated observation area to safely observe the wild horse or burro gather.

Observers would be polite, professional and respectful to BLM managers and staff and the contractor/employees. Visitors who do not cooperate and follow the rules would be escorted off the gather site by BLM law enforcement personnel, and would be prohibited from participating in any subsequent observation days.

BLM reserves the right to alter these rules based on changes in circumstances that may pose a risk to health, public safety or the safety of wild horses and burros (such as weather, lightening, wildfire, etc.).

Public Outreach and Education Day

The media and public are welcome to attend the gather any day, and are encouraged to attend on public outreach and education days. On this day, BLM would have additional interpretive opportunities and staff available to answer questions

The number of public outreach and education days per week, and which days they are, would be determined prior to the gather and would be announced through a press release and on the website. Interested observers should RSVP ahead through the BLM-Ely District Office number (TBD). A meeting place would be set for each public outreach and education day and the RSVP list notified. BLM representatives would escort observers on public outreach and education days to and from the gather site and temporary holding facility.