



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Carson City District Office
1535 Hot Springs Rd., Ste. 300
Carson City, NV 89706-0638

TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

4700
(NV-03480)

AUG 09 1993

Wild Horse Organized Assistance
P.O. Box 555
Reno, NV 89504

Dear Ms. Lappin:

Thank you for your comments concerning the Draft Flanigan Removal Plan and Environmental Assessment (EA). After careful consideration of the comments and a review of our land use planning objectives, our decision is to implement the proposed action contained in the final document with only a few minor changes.

The enclosed Finding of No Significant Impact/Decision Record is my final decision implementing the Flanigan Removal Plan. This decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Flanigan Herd Management Area (HMA) to reach the established Appropriate Management level (AML). Immediate removal of wild horses in excess of the AML is necessary to restore the range to a thriving natural ecological balance and to avert the imminent overgrazing caused by excess wild horses within the HMA. The Full Force and Effect determination is in accordance with the regulations at 43 CFR 4770.3(c).

Each of your comments will be addressed as they appear in your letter dated July 13, 1993.

Paragraph 2: Based on our latest census we anticipate removing 92 horses from within the HMA and 38 from areas outside of the HMA.

Paragraph 3: The Clan Alpine HMAP and EA address the impacts of releasing horses from other areas into the Clan Alpine HMA. Areas of the Cow Canyon and Dixie Valley Allotments within the Clan Alpine HMA offer good relocation sites. The exact location of release sites will depend on current conditions. However, it is likely that we may release excess horses along Bench Creek, because of the abundant water.

Paragraph 4: This plan is intended to stay in effect until conditions change substantially. Several States have their own capture crews, and there appears to be an emphasis for the Districts to conduct their own removals when only a small number of animals are involved.

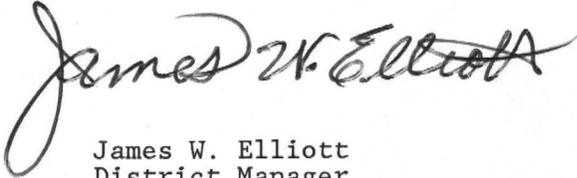
Paragraph 5: It is our understanding that tubal ligation is not commonly practiced on horses, however, spaying is a procedure accepted by the Nevada Veterinary Board. John Axtell of my staff discussed these procedures with Dr. Kirk. Dr. Kirk, stated that tubal ligation is less intrusive and more efficient than spaying, however, unlike spaying tubal ligation is not approved by the Nevada Veterinary Board. Dr. Kirk, also stated that spaying horses is considered a standard procedure.

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4, Subpart E. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information of Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on Form 1842-1. Please

provide this office with a copy of your Statement of Reasons. Copies of your Appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision. The Appellant has the burden of showing that the decision appealed from is in error.

Thank you for your interest in the management of public lands. If you have any additional questions, please call John Axtell at (702) 885-6000.

Sincerely yours,

A handwritten signature in cursive script that reads "James W. Elliott". The signature is written in dark ink and is positioned above the typed name.

James W. Elliott
District Manager

2 Enclosures:

1. Final Flanigan Removal Plan, EA and Finding of No Significant Impact/Decision Record
2. Form 1842-1



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Carson City District Office
1535 Hot Springs Rd., Ste. 300
Carson City, NV 89706-0638

2 of 2

IN REPLY REFER TO:

4700
(NV-03480)

Commission for the Preservation of Wild Horses
50 Freeport Blvd. # 2
Sparks, NV 89431

AUG 09 1993

Dear Ms. Barcomb:

Thank you for your comments concerning the Draft Flanigan Removal Plan and Environmental Assessment (EA). After careful consideration of the comments and a review of our land use planning objectives, our decision is to implement the proposed action contained in the final document with only a few minor changes.

The enclosed Finding of No Significant Impact/Decision Record is my final decision implementing the Flanigan Removal Plan. This decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Flanigan Herd Management Area (HMA) to reach the established Appropriate Management level (AML). Immediate removal of wild horses in excess of the AML is necessary to restore the range to a thriving natural ecological balance and to avert the imminent overgrazing caused by excess wild horses within the HMA. The Full Force and Effect determination is in accordance with the regulations at 43 CFR 4770.3(c).

Each of your comments will be addressed as they appear in your letter dated July 13, 1993.

Paragraph 2: Based on our latest census we anticipate removing 92 horses from within the HMA and 38 from areas outside of the HMA.

Paragraph 3: The Clan Alpine HMAP and EA address the impacts of releasing horses from other areas into the Clan Alpine HMA. Areas of the Cow Canyon and Dixie Valley Allotments within the Clan Alpine HMA offer good relocation sites. The exact location of release sites will depend on current conditions. However, it is likely that we may release excess horses along Bench Creek, because of the abundant water.

Paragraph 4: This plan is intended to stay in effect until conditions change substantially. Several States have their own capture crews, and there appears to be an emphasis for the Districts to conduct their own removals when only a small number of animals are involved.

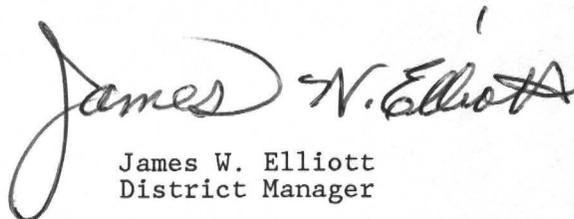
Paragraph 5: It is our understanding that tubal ligation is not commonly practiced on horses, however, spaying is a procedure accepted by the Nevada Veterinary Board. John Axtell of my staff discussed these procedures with Dr. Kirk. Dr. Kirk, stated that tubal ligation is less intrusive and more efficient than spaying, however, unlike spaying tubal ligation is not approved by the Nevada Veterinary Board. Dr. Kirk, also stated that spaying horses is considered a standard procedure.

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4, Subpart E. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information of Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on Form 1842-1. Please

provide this office with a copy of your Statement of Reasons. Copies of your Appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision. The Appellant has the burden of showing that the decision appealed from is in error.

Thank you for your interest in the management of public lands. If you have any additional questions, please call John Axtell at (702) 885-6000.

Sincerely yours,

A handwritten signature in cursive script that reads "James W. Elliott". The signature is written in dark ink and is positioned above the typed name and title.

James W. Elliott
District Manager

2 Enclosures:

1. Final Flanigan Removal Plan, EA and Finding of No Significant Impact/Decision Record
2. Form 1842-1

Temperature limitations are 10 degrees F. as a minimum and 95 degrees F. as a maximum. Special attention will be given to avoiding physical hazards such as fences. Map 1 shows locations of fences and any other potential hazards.

4. It is estimated that two trap locations will be required to accomplish the work. All trap locations and holding facilities must be approved by the COR/PI prior to construction. The contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

If tentative trap sites (Map 1) are not located near enough to the concentrations of horses, then the trap site will not be approved. The COR/PI will move the general location of the trap closer to the horses. Trap sites will not be approved where barbed-wire fences are used as wings, wing extensions, or to turn the horses, during herding, toward the trap.

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

a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high, the bottom rail of which shall not be more than 12 inches from the ground level. All traps and holding facilities shall be oval or round in design.

b. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of 6 feet high.

c. All runways shall be a minimum of 20 feet long and a minimum of 6 feet high and shall be covered with plywood, sheet metal or like material a minimum of 1 foot to 5 feet above ground level.

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

6. If the route the contractor wishes to herd horses along passes through a fence, the contractor will be required to roll up the fencing material and pull up the posts to provide a gap. The standing fence on each side of the gap will be well-flagged.

7. When dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water.

8. Alternate pens within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and stray animals from the other horses. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize injury due to fighting and trampling.

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

9. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals shall not be held in traps or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI.

10. The contractor shall provide animals held for 5 hours or more in the traps or holding facilities with a continuous supply of fresh clean water. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

11. Proposed trap sites and holding facilities will be inventoried prior to construction in order to avoid those areas where cultural resources exist.

12. Mares and foals will be paired up soon after capture and separated from other adult horses. Mares that are within the target age group for removal will be shipped to PVC with their foal. Foals of older mares (mares older than the ones selected for removal) that are old enough to wean, will be weaned and shipped to PVC. While holding animals at temporary corrals every effort will be made to pair up mares with foals. Any foals that do not pair up with an mare will be shipped to PVC.

13. Foals of older mares which are too young to wean will be released back into the HMA with their mare. In order to minimize stress to the foals, older mares and their foals will be released separately from other mares and stallions. Depending upon the situation they may be released prior to the other animals or after the other animals have been released. Also, we may transport the mares with very young foals in a stock trailer to areas close to their core areas when feasible. The objective will be to maximize the period of time between releasing small foals and other animals. Also, mares with foals will be released in small groups to minimize the likelihood of the adult horses running off too quickly for the foals to keep up.

14. Following the release of animals from corrals or trailers, the area surrounding the release site will be monitored to determine the success of the release prior to the contractor moving to another area or the termination of the task order.

V. Disposition of Removed Animals

All of the adoptable wild horses will be sent to Palomino Valley Wild Horse and Burro Placement Center (PVC) to be processed for adoption. Some of the older unadoptable animals may be sent to the Placement Center or they may be taken directly to release sites and released. Unadoptable mares may be spayed or treated with immunocontraceptives. Any mares spayed will be held at PVC until fully recovered.

Impounded, privately-owned animals will be processed as outlined in the Bureau of Land Management, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

VI. Responsibility

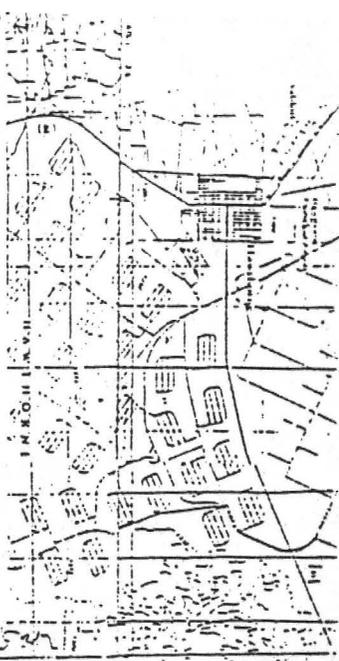
The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. To ensure the contractor's compliance with the contract stipulations, the COR and PIs, all from the Carson City District, will be on site. Also, the Lahontan Area Manager and the Carson City District Manager are very involved with guidance and input into this removal plan and with contract. The health and welfare of the animals is the overriding concern of the District Manager, Area Manager, COR, PIs and BLM.

The COR and/or PI will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be through issuance of written instructions to the contractor, stop work orders and default procedures should the contractor not perform work according to the stipulations.

Prior to issuance of the "Notice to Proceed" to the contractor, the COR and PIs will inspect the equipment to be used during the contract, to insure the equipment meets or exceeds the standards contained in the contract stipulations. Prior (less than 20 days) to the start of the contract and constantly during the course of the contract the COR and/or PIs will evaluate the conditions which may cause undue stress to the animals. The factors considered will include animal condition, prevailing temperatures, drought conditions, soil conditions, topography, animal distribution, distance animals travel to water, quantity of available water and condition of roads that animals are to be transported over. These factors will be evaluated to determine if additional constraints other than those already discussed need be initiated in order to safely capture and transport the animals (i.e. veterinarian present, or delay of capture operations). This is of special concern during this year of possible drought which may intensify the impact of removal operations on the animals and the roads.

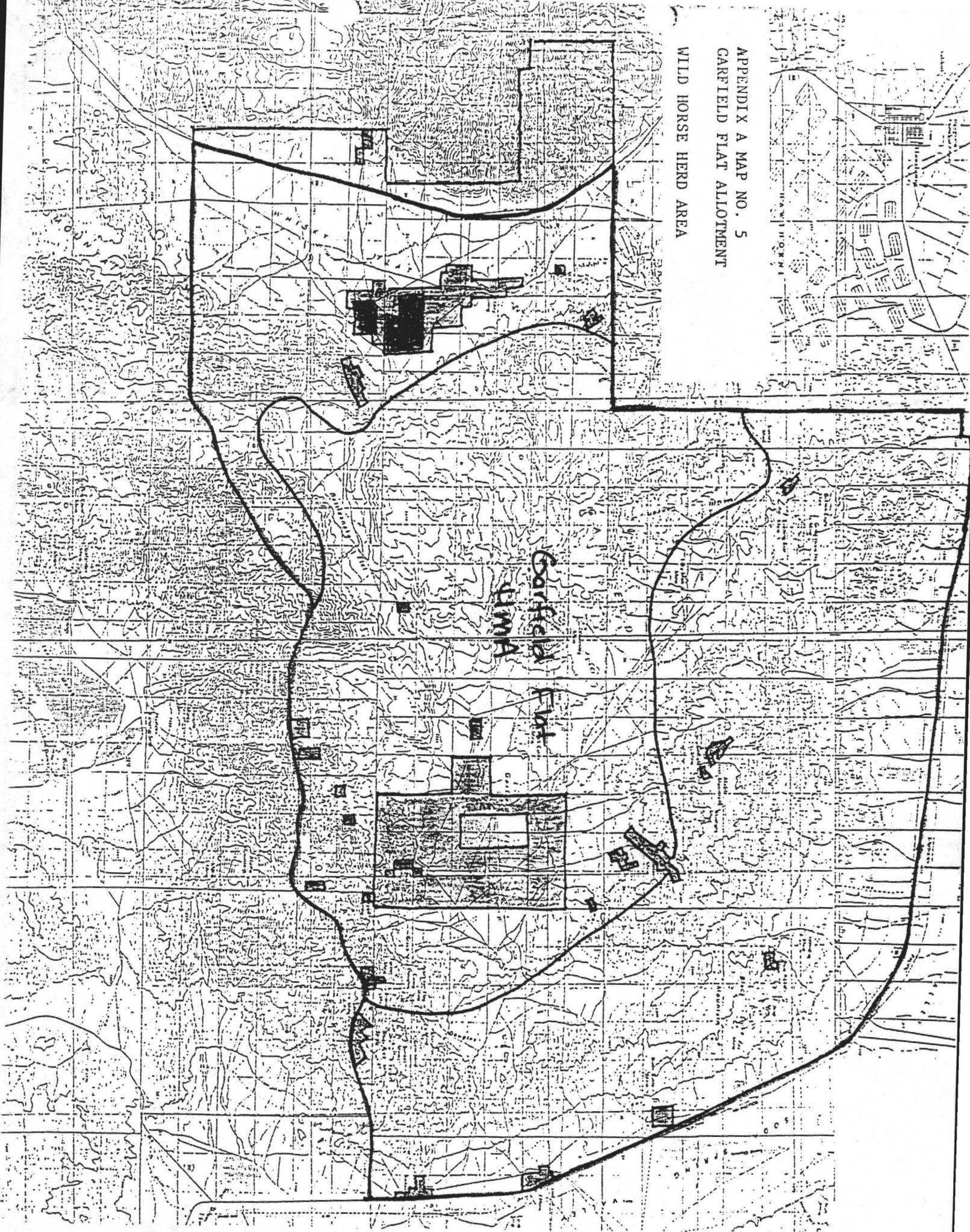
VII. Time Frame

It is anticipated that this removal will occur during late summer or fall of 1993. Additional gathers may be necessary to maintain the existing AML, therefore, this plan will remain in effect until monitoring information indicates that the AML should be changed.



APPENDIX A MAP NO. 5
GARFIELD FLAT ALLOTMENT

WILD HORSE HERD AREA



VIII.

ENVIRONMENTAL ASSESSMENT

Flanigan Wild Horse Removal and Release

INTRODUCTIONNeed for the Proposed Actions.

Currently wild horses that have established home ranges outside of the Flanigan Herd Management Area (HMA) are causing overutilization of the vegetative resource within the Winnemucca Ranch and Flanigan Grazing Allotments and HMA. Also, many of these horses were in poor physical condition during the winter of 1992-93, while horses in other HMA's within this Resource Area were in good condition. The reason for the poor condition of the Flanigan horses is likely due to the deterioration of the range as a result of overgrazing.

Horses that are over 9 years of age are not readily adoptable. Thus, the Strategic Plan for Management of Wild Horses and Burros on Public Land (Strategic Plan) signed in 1992, by the Director of the Bureau of Land Management set several goals including placing only adoptable animals into the adoption program and releasing older unadoptable animals into HMA's that are currently under Appropriate Management Levels (AML). Therefore, older unadoptable animals would be released into other HMAs within in the District (probably the Clan Alpine HMA), provided that adequate resource exist within the Clan Alpine HMA or other HMAs.

Conformation with Land Use Plans.

This proposal is in conformance with the Lahontan Resource Management Plan (RMP) of 1985, and the Lahontan Rangeland Program Summary Update (RMP) of 1989. Both documents have stated objectives of maintaining populations of wild horses within HMA's. Also stated as an objective is to maintain wild horses within the Flanigan HMA and to maintain a range of wild horses within the HMA (20% above and below 104 head).

This EA is tiered to the Lahontan RMP Environmental Impact Statement (EIS) which analyzed the general ecological impacts of managing rangelands in the Lahontan area under a program including the monitoring and adjustment of wild horses and livestock. This EA is a project specific refinement of the RMP/EIS focused on the management of wild horses in the Flanigan HMA. The decisions regarding overall rangeland management analyzed in the Lahontan RMP/EIS would not be changed by the Flanigan Removal Plan. These documents are available for public review at the Carson City District Office.

Relationship to Statutes, Regulations and Flanigan HMAP.

Both the Code of Federal Regulations (4710.4) and the Wild Horse and Burro Act of 1971, state that wild horses shall be maintained within HMA's. The Strategic Plan and the Wild Horse and Burro Act state that wild horses may be sterilized. Also, the Strategic Plan states that excess animals can be placed in other HMA's which are below AML's. The Flanigan Herd Management Area Plan (HMAP) of 1990 identified specific levels of wild horses to be maintained within the HMA and stated as an objective to remove all horses that had established home ranges outside of the HMA.

PROPOSED ACTION AND ALTERNATIVES

Proposed Action.

A. The proposed action is to remove excess wild horses from the Flanigan, Winnemucca Ranch and Big Canyon Allotments and Flanigan HMA with the use of a helicopter and other motorized equipment. The wild horses would be herded by a helicopter into traps constructed of portable steel panels. The Bureau of Land Management may contract with a private party for the removal operation. The contractor would be supervised at all times by at least two Bureau employees. A total of 109 excess wild horses are proposed for removal. The adoptable animals would be placed into the Bureau's Adopt A Horse program.

B. The excess unadoptable animals would be released into the Clan Alpine HMA, if conditions permit. It is estimated that 20 unadoptable horses within the Flanigan Allotment will need to be placed into other HMAs. The majority of these would be released into the Dixie Valley and Cow Canyon Allotment portions of the Clan Alpine HMA. Mares will be spayed or treated with immunocontraceptives prior to release into the Clan Alpine HMA.

An X-2 freeze mark would be applied to each horse on the hip for permanent identification from the ground or air. If spayed, the mares would not be released until they have fully recovered. The animals would be monitored to insure that they become familiar with water sources, and would be released along a creek.

Alternatives

Alternatives A through D were considered but not analyzed in detail:

A. Conduct the removal by water trapping. Because of the several long streams, water trapping would not be feasible, therefore, this alternative was not analyzed in detail.

B. Conduct the removal from horse back. Because wild horses are not effectively controlled from horse back this alternative is not feasible, therefore, this alternative was not analyzed in detail.

C. Releasing the animals in the Augusta Mt., Fort Sage, Dogskin Mt., Desatoya, Lahontan, Granite Peak, New Pass, and N. Stillwater HMAs would increase the animals further above the carrying capacity of these HMA's. In addition, due to the extended drought there are only limited water sources in these areas. Because of the small size of the South Stillwater HMA, released animals would most likely establish home ranges outside of the HMA. Because there is only 1 water source for horses at the Horse Mountain HMA, releasing horses unfamiliar with this HMA would not be prudent.

D. Keeping the excess unadoptable wild horses at PVC indefinitely is not a feasible alternative. PVC is designed to process and adopt wild horses. Keeping wild horses at PVC would impair the primary mission of the facility as well as exposing the horses to perpetual confinement. Sending excess unadoptable wild horses to a sanctuary is no longer an option since current plans are being formulated to demobilize the sanctuaries. Euthanizing healthy wild horses is also not a option as Congress has withheld appropriations for such an action, and is not acceptable to the general public. Because the alternatives under D are either not feasible or allowable they were not analyzed in detail.

E. The no action alternative would result in no wild horses being captured or removed.

AFFECTED ENVIRONMENT

General Setting

The Flanigan Allotment and HMA are located approximately 35 miles north of Reno, Nevada. The Allotment and HMA lie within the Carson City District of the Bureau of Land Management. The Allotment and HMA location are shown on the attached map as well as the capture area boundaries (Map 1).

The topography of the Clan Alpine HMA ranges from rolling hills to mountainous terrain from 4,000 to 10,000 feet in elevation. There are 7 creeks with perennial water along with many springs and seeps. Water availability would not be a problem in areas where the wild horses would be released. Part of the Clan Alpine HMA lies within the Clan Alpine Wilderness Study Area (WSA). The excess horses will be released outside of the WSA.

Based on monitoring data wild horses at the mid-slope portions in the Cow Canyon and Dixie Valley Allotments of the Clan Alpine HMA are not adversely affecting the environment. There is adequate forage and available water.

Affected Resources.

1. Wild Horses

At the present time, the wild horses have virtually unrestricted movement within the Flanigan HMA and the majority of the Flanigan Allotment. Eighty seven wild horses are using areas outside of the HMA, as all or part of their home range. A total of 192 wild horses are found within the Flanigan HMA, Flanigan Allotment, Winnemucca Allotment and Big Canyon Allotment.

2. Water and Riparian

There are several riparian areas located within the Flanigan HMA and Allotment. Currently they are being overused by a combination of wild horses and livestock.

3. Cultural Resources

Numerous prehistoric campsites have been recorded along the margins of the Honey Lake Playa within the Flanigan Allotment. The Fort Sage Drift Fence, a prehistoric game drive complex within the Winnemucca Ranch Allotment, is a site eligible to the National Register of Historic Places. Less than 1% of the area of concern has been inventoried for cultural resources, but it is anticipated based upon known existing site locations, that many sites are located within this area.

4. Wildlife Use

The Dogskin-Virginia Mountain Habitat Management Plan (HMP) did incorporate a maximum of 100 wild horses as the maximum number of wild horses for the Flanigan HMA. Therefore, wildlife management plans were based on the anticipated use from 100 wild horses.

The HMA includes habitat for mule deer (winter and yearlong), pronghorn (yearlong), bighorn sheep, sage grouse, chukar partridge, valley quail mourning dove and many nongame species. Mountain quail habitat may exist in riparian areas. Mountain quail is a category 2 candidate species. Improving riparian areas would benefit this species along with many other species.

The HMA has both a resident and wintering migratory mule deer herd (Doyle Deer Herd, a part of the Lassen Washoe Interstate Deer Herd) utilizing the area. Mountainous portions of the allotment, specifically Fort Sage and

Virginia Mountains, are considered to be critical deer winter range. The habitat conditions in the higher elevations of these mountainous areas are generally good due to the rugged terrain and lack of water which restricts livestock use.

The California Department of Fish and Game has completed the Doyle Deer Herd Plan (1984), of which the HMA is a part. An identified problem in this plan is that winter ranges appear to be undergoing long-term deterioration; preferred browse (antelope bitterbrush; Purshia tridentata) is old and failing to reproduce. It is possible that wild horses may also be utilizing bitterbrush and other browse species (Waring 1979). The Doyle Deer Herd plan also documented that grasses and forbs increase in importance for deer as winter progress. Wagner (1978) stated that food habits of feral equids (wild horses) overlap with those of mule deer. It is also possible that the wild horses are utilizing a sufficient amount of forage to cause cattle to utilize browse species to a greater degree than they ordinarily would.

The Honey Lake Valley and northern Virginia Mountains of the allotment are yearlong range for pronghorn. Severe utilization (BLM utilization records) by wild horses and livestock is occurring in portions of this area.

The HMP also stated that sage grouse and pronghorn populations are declining in the HMA due to meadow deterioration caused by livestock and/or wild horses.

5. Threatened and Endangered Species

There are no known threatened or endangered species within the HMA. One category 2 candidate species, the loggerhead shrike, nest in the area. Spotted bat, mountain quail, and northern goshawk are all category 2 candidate species and may occur in this area. However, this area has not been inventoried recently.

6. Vegetation

The key vegetation (bluebunch wheatgrass, Idaho fescue, Indian ricegrass, needlegrass & squirrel tail) is currently receiving use in excess of 55% in portions of the Flanigan HMA and Allotment.

7. Clan Alpine HMA & WSA

Currently areas of the Cow Canyon and Dixie Valley Allotment portions of the Clan Alpine HMA are receiving less than 55% annual vegetation utilization. The released horses would be released into the areas of lower utilization. The AMLs for the Cow Canyon and Dixie Valley Allotment portions of the Clan Alpine HMA are 179 and 405 respectively. A 1992 census counted 72 and 107 wild horses in the Cow Canyon and Dixie Valley Allotment portions of the Clan Alpine HMA.

ENVIRONMENTAL IMPACTS

Impacts of the Proposed Action

Removing Wild Horses

Removing the wild horses would benefit mule deer, bighorn sheep, pronghorn and many other species of wildlife. Plant species (bluebunch wheatgrass, Idaho fescue, Indian ricegrass, needlegrass & squirrel tail) would increase in quantity and vigor helping to meet the management objectives of the Land Use Plans by improving ecological condition as grazing pressure would be reduced.

Riparian area condition should improve after excess wild horses are removed because use of riparian areas would decrease.

Biodiversity would increase, by decreasing the dominance of invader species there by increasing the dominance of native species. Also native species would increase in number as a result of improved habitat conditions.

Unavoidable impacts in the form of injuries to the horses may occur as a result of the removal process. Death loss is not expected to exceed 1% of the horses captured at the trap site. Potential injuries and fatalities would be limited through contract specifications for safety and humane treatment of animals.

Some stress to the horses would be associated with the helicopter herding operations, however, after adoption, the horses would become accustomed to captivity and most would receive proper care.

Small localized areas within the vicinity of trap sites and holding facilities would receive trampling and the subsequent loss of vegetation. However, overall the vegetative resource would improve due to the reduction in grazing pressure. Forage availability should increase and utilization levels decrease.

No impacts would occur to cultural resources, as the trap sites would be cleared prior to construction.

Removal of wild horses would prevent further deterioration of the range due to the wild horse overpopulation. By removing the excess wild horses the remaining population (within the HMA) would allow for a thriving ecological balance between wild horses, wildlife, livestock and vegetation.

Removal of wild horses outside of the HMA would eliminate conflicts between wild horses and privately owned animals.

By leaving only older animals the rate of population increase accelerates because most of the animals in the population are of breeding age and experienced mothers. Therefore, pregnancy rates are higher and foal survival is higher due to foals being born primarily to experienced mares. The effects to the population were analyzed assuming that only animals older than 10 years remained after the removal. The resulting population was viable and maintained a high rate of increase.

Releasing Wild Horses.

The action would increase the population of wild horses in the Cow Canyon and Dixie Valley Allotment portions of the HMA by approximately 20 head. Currently the vegetation in these areas is not being adversely impacted by wild horses and an increase of 20 head would not change the situation.

Since the mares would be spayed or treated with immunocontraceptives they would not accelerate the rate of population increase. Releasing spayed animals would not adversely impact the animals because they would not contribute to population increase and the spayed mares would be fully recovered from their surgery prior to release.

The precise impacts of releasing stallions and mares to the social structure of the herd and the behavior of individual animals are unknown, however, because of the small number of animals released it is assumed to be minimal. U.C. Davis analyzed blood taken from wild horses within the Clan Alpine HMA and found no unusual characteristics, therefore, releasing the Flanigan stallions would not adversely impact the genetics of the Clan Alpine herd.

The proposed actions (capture, adoption and release of wild horses) would not adversely impact air quality, ACECs, cultural resources, farmlands, floodplains, Native American religious concerns, Recreation, T&E species, wastes, water quality, wetlands and riparian zones, wild and scenic rivers or wildernesses.

In 1992 Multiple Use Decisions were issued for all of the grazing allotments involved with the Clan Alpine HMA. These decisions allocated the available forage between wildlife, livestock and wild horses. The proposed release of excess wild horses will not change the forage allocation as the numbers of wild horses are below those levels identified in the Multiple Use Decisions for the Cow Canyon and Dixie Valley Grazing Allotments.

Impacts of Alternatives.

No Action

The no action alternative would result in no wild horses being removed. The animals would not undergo stress, injuries, nor fatalities related to capture, handling and transportation. However, in the long term, the population would increase to a point where excessive utilization would eliminate nearly all the forage plants. The animals would suffer stress searching for food and may be subject to starvation. Attainment of Land-Use-Planning objectives would not be met.

The population would continue to expand both within and outside of the HMA, further impacting the vegetation, wildlife and livestock. This would lead to the loss of many species of wildlife through starvation or dispersal to areas outside of the HMA. The physical condition of the wild horses would continue to deteriorate.

Habitat improvement would not be realized with this alternative. The frequency of key species (Indian ricegrass, needlegrass & squirrel tail) would continue to decline. The animals would continue to search for food and further degrade their habitat, thereby reducing the carrying capacity of the area which would cause adverse physiological stress.

Currently the range is deteriorating from the excessive utilization of vegetation caused from the grazing activities of excess wild horses. Therefore, the range is not and would not be in a state of thriving natural ecological balance unless the excess wild horses are removed.

The no action alternative would not result in obtaining a thriving ecological balance, maintaining horses within the HMA, obtaining land use plan objectives, compliance with existing regulations or compliance with the Wild Horse and burro act. The wild horses would continue to overutilize areas outside of the HMA and the population would continue to increase outside of the HMA. The horses would also continue to suffer during the winter and a severe winter would likely result in the death of a substantial number of horses.

Mitigation Measures.

We do not anticipate any adverse impacts associated with the proposed actions, therefore, mitigation measures are not needed.

IV. CONSULTATION AND COORDINATION

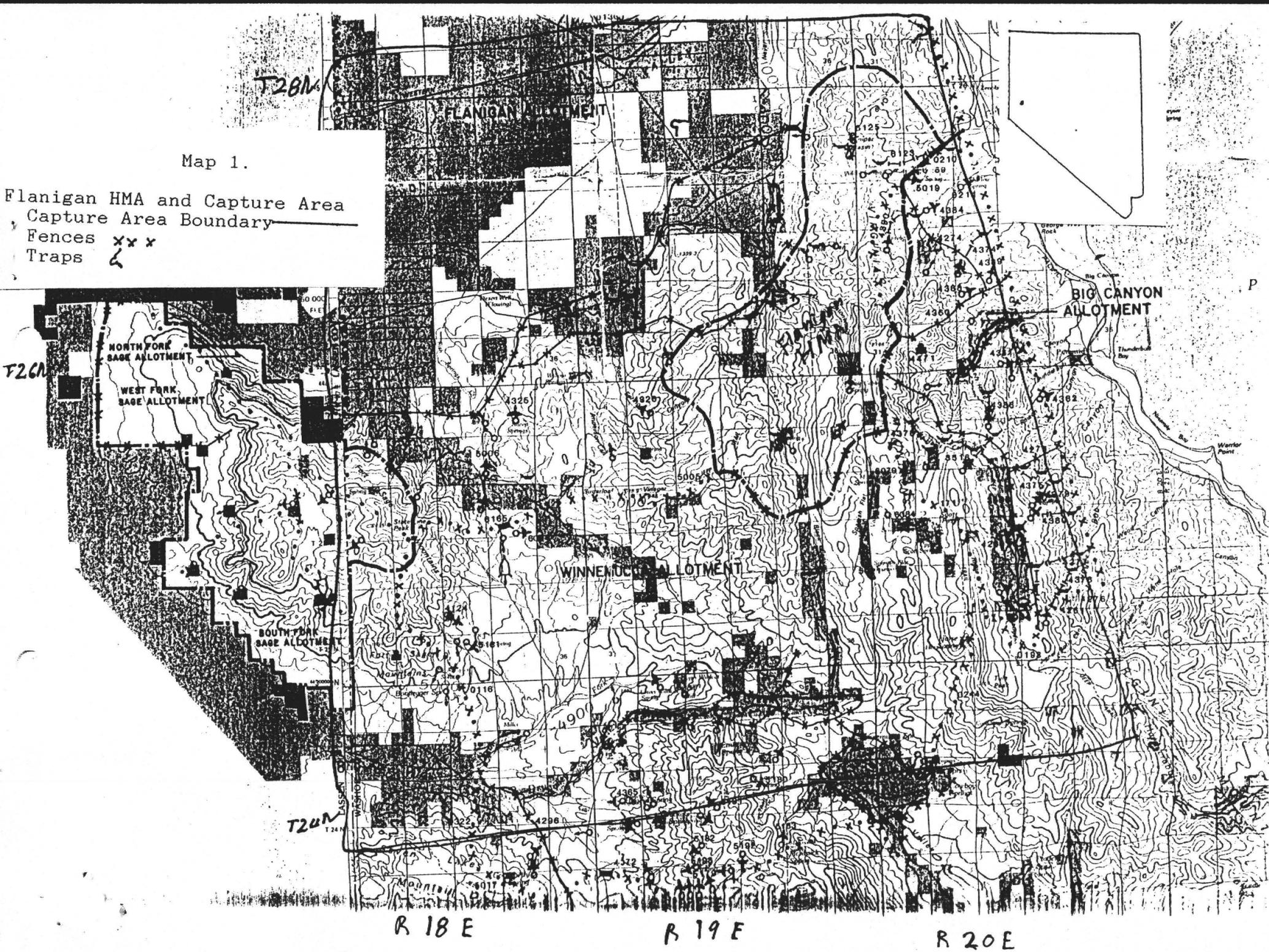
Persons and Agencies Consulted

This environmental assessment and removal plan has been sent to the following persons, groups and government agencies for review and comment. This review and comment is considered as the consultation and coordination as required in the Lahontan Resource Management Plan.

American Bashkir Curley Register
American Horse Protection Association
Animal Protection Institute
Ann Earle
Bobbi Royle
Bureau of Reclamation
Carson City District Grazing Advisory Board
C. Jean Richards
Commission for the Preservation of Wild Horses
Craig C. Downer
Dalton La Rue
Dan Keeiserman
Debra Allard
Dennis Rechel
Fund for Animals
Harriman & Son
Harry Brown
Herbert Capurro
Humane Society of So. NV.
ISPMB
Joyce Casey
Kathy McCovey
Life Foundation
Michael Kirk
National Mustang Association
Nevada Cattlemen's Association
Nevada Department of Wildlife
Nevada Humane Society
Nevada State Clearinghouse
Nevada State Division of Agriculture
Nevada Land Action Association
Paula S. Askew
Rebecca Kunow
Resource Concepts
Steven Fulstone
Susan Alder
The Nature Conservancy
U.S. Fish and Wildlife Service
U.S. Humane Society
United States Wild Horse and Burro Foundation
Wild Horse Organized Assistance

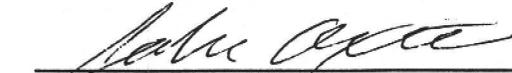
Map 1.

Flanigan HMA and Capture Area
Capture Area Boundary
Fences xxx
Traps &



Signatures

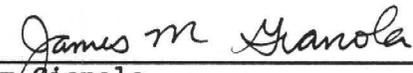
Prepared by:



John Axtell
Wild Horse and Burro Specialist
Lahontan Resource Area

12 May 93
Date

Concurred by:



Jim Gianola
Wild Horse and Burro Specialist
Carson City District

5-12-93
Date



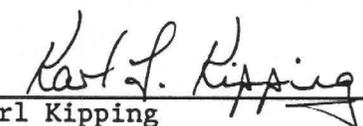
David Loomis
Environmental Coordinator
Carson City District

5-18-93
Date



Dan Jacquet
Assistant District Manager
Carson City District

5/20/93
Date



Karl Kipping
Associate District Manager
Carson City District

5/21/93
Date

XI. FINDING OF NO SIGNIFICANT IMPACT AND DECISION RECORD

Decision: Implement the Flanigan Removal Plan. The subject plan implements management actions contained in the Flanigan Herd Management Plan (HMAP). The major action in the subject plan is to remove excess wild horses from the Flanigan Herd Management Area (HMA). This action will limit vegetation utilization to 55%, improve riparian areas and provide habitat for wild horses and wildlife. The selected alternative is the proposed action which contains the above mentioned features.

Finding of No Significant Impacts: Based on the analysis of potential environmental impacts contained in the environmental assessment, impacts are not expected to be significant and an environmental impact statement is not required.

The Lahontan RMP stated that Herd Management Area Plans would guide the management of wild horses, through the determination of proper horse use levels. By maintaining the population of wild horses between 83 and 125 the vegetation utilization levels will be maintained at sustainable levels ($\leq 55\%$ use), this action is not significant because a population of wild horses will be maintained within the HMA and the vegetation, wildlife and livestock will not be adversely impacted.

Using chemical or mechanical contraceptive techniques to decrease the rate of increase would result in fewer animals captured and placed into the adoption program. Contraceptive techniques will allow greater intervals between gathers which will result in less disturbances and stress to the horses. These actions are not significant because they lie within the scope of managing horses at the minimum feasible level. If contraceptive techniques are not used, succeeding removals will need to be conducted more frequently and additional animals will need to be placed into the adoption program.

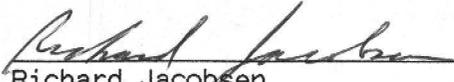
To avoid adverse impacts to foals, foals will be weaned from their mares prior to the release of older mares into the Clan Alpine HMA. This action is not significant because impacts are avoided.

Unavoidable impacts in the form of injuries to the horses may occur during the removal process. Death loss is not expected to exceed 1% of the horses captured at the trap site. Some stress to the horses would be associated with the capture operations, however, after adoption the horses become accustomed to captivity. Because the loss of animals due to accidents is low the impacts involved in the capture operation are not significant.

Rational for decision: The decision to implement the Flanigan Removal Plan is in conformance with the Lahontan RMP, approved in 1985, and will restore the range to a thriving ecological balance and prevent a deterioration of the range, as analyzed in the subject EA, in accordance with Sec. 3(b) of the Wild Free-Roaming Horses and Burros Act, as amended, 16 U.S.C. 1333(b) (1989). This will result in reduced soil erosion and improve the physical condition of wild horses.

VI. SIGNATURES

Prepared by:

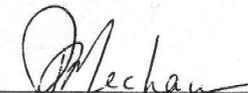

Richard Jacobsen
Wild Horse and Burro Specialist
Walker Resource Area

6-2-97
Date

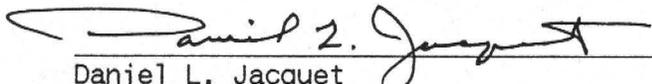
Reviewed by:


James Gianola
Wild Horse and Burro Specialist
Carson City District

6-2-93
Date


for David Loomis
Environmental Coordinator

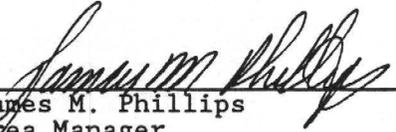
6/4/93
Date


Daniel L. Jacquet
Assistant District Manager, Resources
Carson City District

6/4/93
Date

The proposed actions will not adversely impact air quality, ACECs, cultural resources, farmlands, floodplains, Native American religious concerns, T&E species, wastes, water quality, wetlands and riparian zones, wild and scenic rivers or wildernesses.

Recommended for Approval by:



James M. Phillips
Area Manager
Lahontan Resource Area

7/28/93

Date

Approved by:



James W. Elliott
District Manager
Carson City District

7/29/93

Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

- 1. This decision is adverse to you,
AND
- 2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE
NOTICE OF APPEAL Bureau of Land Management
Carson City District Office
1535 Hot Springs Road
Suite 300
Carson City, Nevada 89706-0638

SOLICITOR
ALSO COPY TO Regional Solicitor
Pacific Southwest Region, USDI
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR
ALSO COPY TO See Above

4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))

C. Water Trapping

As in Alternative B, the impacts on the wild horses would be identical to the proposed action once the animals are caught. This method is also time consuming, probably even more so than Alternative B. Wild horses would have to be held at the trap site for a long period of time. Water trapping can be an efficient method for catching wild horses given the right circumstances, however, this proposed capture plan requires that all the wild horses be captured. Scattered water sources in and outside the HMA are too numerous to fence. This would prevent not only a total capture of all the wild horses, but would result in very few actually being caught.

D. No Action

The "no action" alternative would result in no wild horses being captured. The animals would not have to undergo stress, injuries or possible fatalities related to capture and handling. However, without capturing these wild horses, there cannot be a study conducted on these animals. The knowledge gained from this study is necessary to further our ability to properly manage the wild horses. This information will not be available if the capture is not accomplished.

E. Mitigation Measures

We do not anticipate any adverse impacts associated with the proposed actions, therefore, mitigation measures are not needed.

V. ENVIRONMENTAL IMPACTS/MITIGATION MEASURES

A. Proposed Action

The capture and subsequent study of these wild horses will provide knowledge which will be beneficial to the long-term management of all wild horses.

No impacts would occur to cultural resources, as the trap sites would be cleared prior to construction.

Some stress to the wild horses will be associated with the helicopter herding. This stress will be temporary. Care will be taken by the helicopter pilot to ensure mares and foals are not separated during the herding process. This will be monitored carefully by the BLM personnel at the gather site.

Unavoidable impacts in the form of injuries to the horses may occur as a result of the capture process. Death loss is not expected to exceed 1% of the horses captured at the trap site. Potential injuries and fatalities would be limited through strict enforcement of contract specifications for safety and humane treatment of animals. BLM representatives will be monitoring the contractor's activities at all times to ensure compliance with specifications and humane treatment of animals.

Band structure would not be able to be maintained during the handling process. Studs, mares and mares with foals would be separated into different corrals and kept there until the capture operation is complete. It is anticipated that no horses would be held longer than 72 hours. When they are released back into the HMA, they will be released as follows to prevent undue stress on the foals: studs first, mares second and mares with foals last. The mares with foals will not be released until the studs have had sufficient time to leave the trap site area.

B. Horseback Herding

Impacts from this alternative would be very similar to the proposed action. Once captured, the impacts on the wild horses would be identical to those of the proposed action. The difference is in the capture technique. This method is much more time consuming and less efficient than helicopter herding. The capture plan proposes that all of the wild horses be captured. It is very unlikely that all of the wild horses could be captured by horseback. It is also more time consuming, requiring the captured animals to be held longer at the trap site and therefore causing more undue stress on the wild horses.