

L 2-10-03



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely Field Office
702 North Industrial Way
HC 33 Box 33500
Ely, NV 89301-9408
<http://www.nv.blm.gov/Ely>

In Reply Refer To:
4110
Permittee Grazing Case Files

(NV-042)

Notice of Closure Agreement

Severe drought conditions exist within Dry Lake Herd Management Area (HMA). During 2002 the Dry Lake Valley and Thorley livestock use areas within the HMA were evaluated for drought conditions. Field observations indicated that severe drought conditions have resulted in greatly reduced forage availability. Precipitation for 2002 was less than 25% of normal for the area. This below normal precipitation has resulted in little or no annual plant production over much of the allotment, poor plant vigor, no detected soil moisture and reduced water flows and water availability. Extreme drought conditions, persisting from 2002 have resulted in insufficient ground water recharge to provide enough water to sustain current populations. Springs have either dried up or are in the process of doing so.

The Dry Lake HMA is scheduled for a gather during February 2003. The HMA will be gathered to prevent stress and possible death of wild horses from a lack of water and forage, to reduce significant increase in wind erosion due to removal of vegetative cover, and to reduce grazing stress on forage resources during this critical period of drought. An estimated 233 wild horses will be removed from the Dry Lake HMA and areas immediately adjacent to the HMA due to severe drought conditions.

Dry Lake HMA includes portions of the Wilson Creek, Geyser Ranch, Sunnyside and Fox Mountain livestock grazing allotments. The entire HMA must be closed in order to gather wild horses within the HMA. Therefore, the Muleshoe Maloy Use Area will be partially closed in order to gather wild horses within the HMA. This Notice of Closure is effective immediately.

Sheep grazing use will be authorized in the Pioche Bench West portion of the Wilson Creek Allotment. Sheep grazing use will occur from February 8, 2003 thru March 20, 2003 in this area. Sheep grazing will be authorized on the southwest prtion of the Muleshoe use area. The area defined as the southwest will be Mud Spring road to the north, the dry lake valley road to the south. Coyote wash road to the east. The western boundary will be the normal allotment west boundary. The period of use will be from March 21, 2003 to May 5, 2003. In the event of no moisture 500 to 600 sheep/lambs will be allowed to move to Atlanta and 500 to 600 may move to Pioche Bench West after lambing.

The Muleshoe Maloy Use Area will be inspected prior to livestock turnout during fall 2003 to determine if grazing use will be authorized during 2003. The following criteria will be evaluated associated with drought;

1. Vegetative growth occurs and can sufficiently support livestock grazing; and
2. The key forage species all show good vigor; and
3. Soils are sufficiently protected from potential erosion.

If drought conditions do not exist, grazing use will continue to be authorized. If drought conditions do exist grazing use adjustments will be made. Adjustments could include changes to livestock distribution,

water hauling or adjustments to stocking levels. We will ask for the permittees' participation when evaluating forage conditions associated with lifting this closure. A map of the closure areas is attaché. This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

This Notice is to inform you that any unauthorized livestock grazing upon public lands within the Muleshoe Maloy Use Area and the Fairview Use Area of the Wilson Creek Allotment and pastures nine and ten of the Geyser Ranch Allotment under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFE 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.

Federal Permit Holder/Representative:

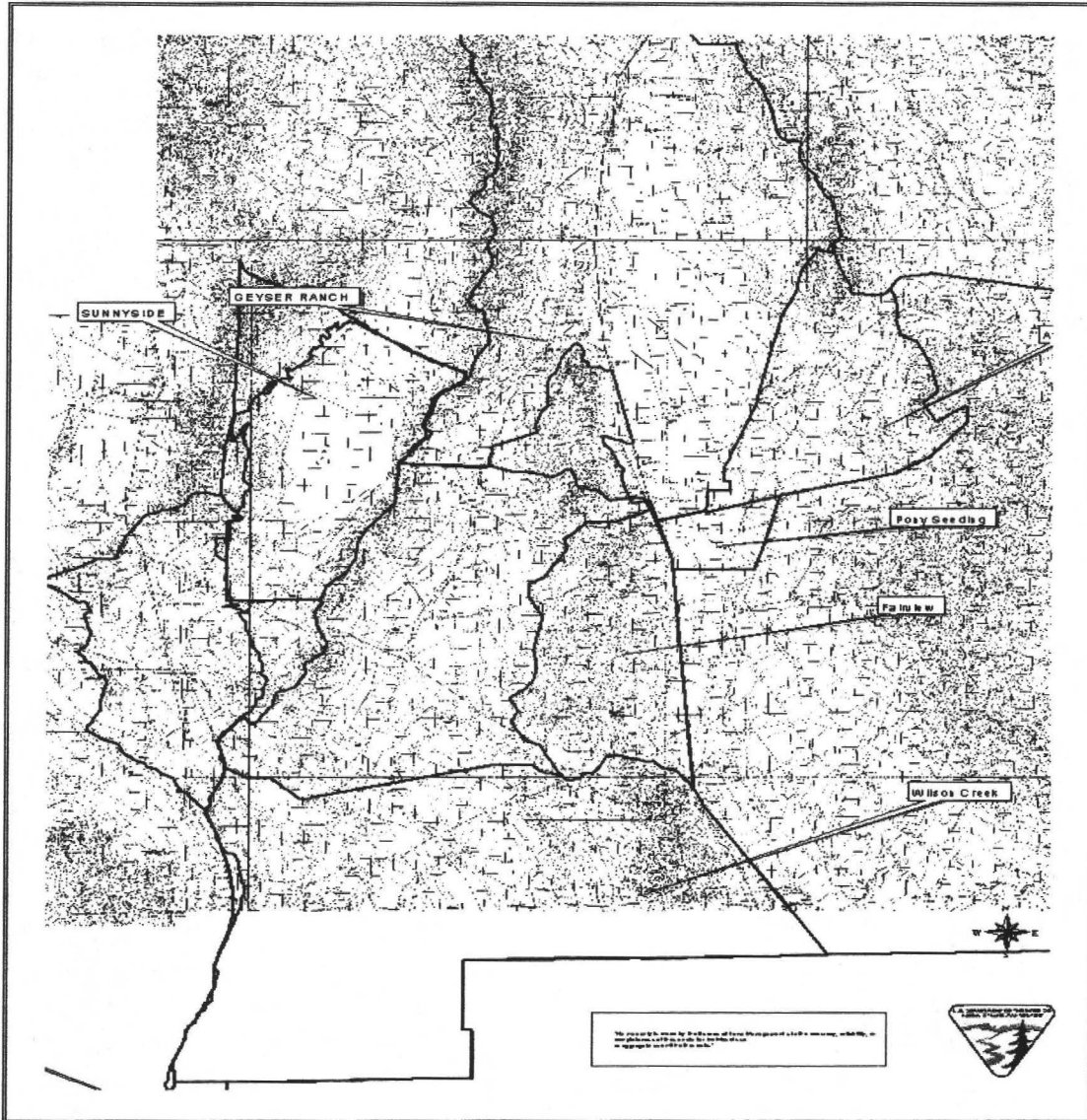
Eltecho G. Grogona 2-7-03
El Tejon Cattle, Permittee.

Date

Bureau of Land Management:

James Paul
Assistant Field Manager, Renewable Resources

2-10-03
Date





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The Muleshoe Maloy Use Area and the Fairview Use Area of the Wilson Creek Allotment and pastures nine and ten of the Geyser Ranch Allotment will be inspected prior to livestock turnout during 2003 to determine if grazing use will be authorized during 2003. The following criteria will be evaluated associated with drought;

1. Vegetative growth occurs and can sufficiently support livestock grazing; and
2. The key forage species all show good vigor; and
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This Notice is to inform you that any unauthorized livestock grazing upon public lands within the

Mulshoe Maloy Use Area and the Fairview Use Area of the Wilson Creek Allotment and pastures nine and ten of the Geyser Ranch Allotment under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFE 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.

Federal Permit Holder/Representative:

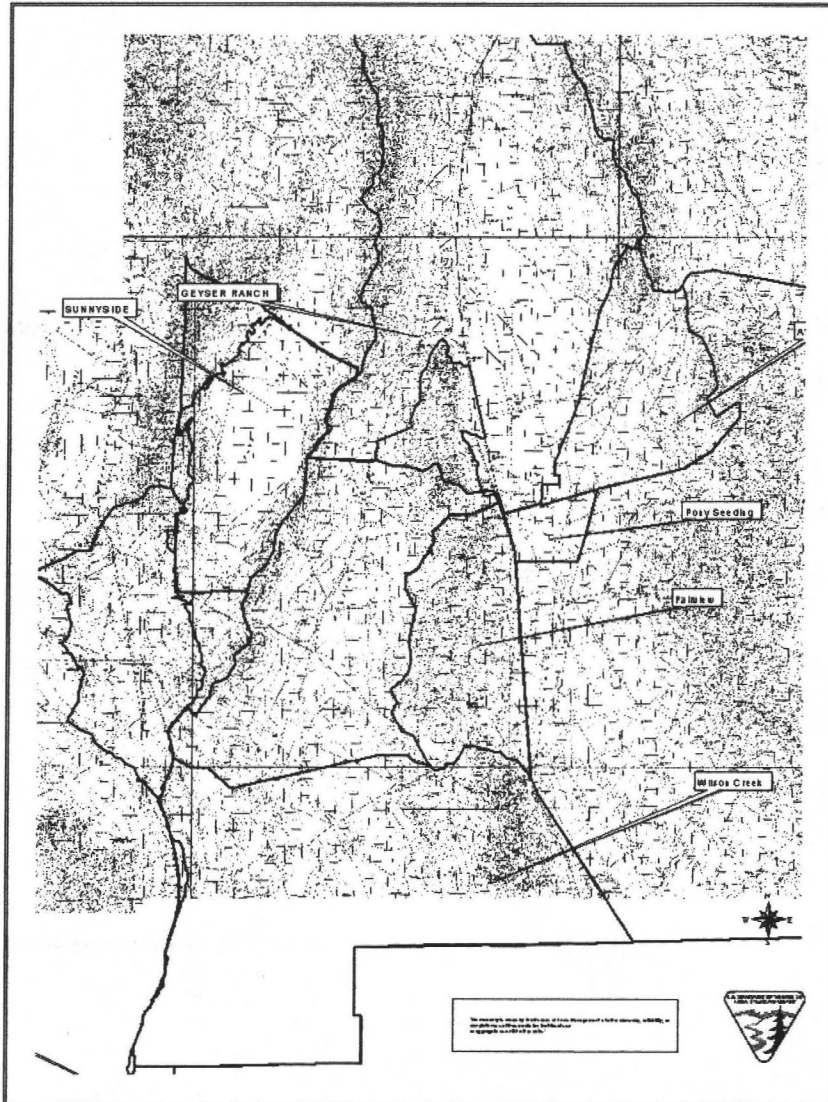
Randy Howell
Lake Valley Cattle Company L.L.C. Permittee.

2-6-03
Date

Bureau of Land Management:

James P. [Signature]
Assistant Field Manager, Renewable Resources

2-10-03
Date





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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702 North Industrial Way
HC 33 Box 33500
Ely, NV 89301-9408
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In Reply Refer To:
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Permittee Grazing Case Files
(NV-042)

Notice of Closure Agreement

Severe drought conditions exist within Dry Lake Herd Management Area (HMA). During 2002 the Dry Lake Valley and Thorley livestock use areas within the HMA were evaluated for drought field observations indicated that severe drought conditions have resulted in greatly reduced forage availability. Precipitation for the year 2002 was less than 25% of normal for the area. This below normal precipitation has resulted in little or no annual plant production over much of the allotment, poor plant vigor, no detected soil moisture, and reduced water flows and water availability. Extreme drought conditions, persisting from 2002 have resulted in insufficient ground water recharge to provide enough water to sustain current populations. Springs have either dried up or are in the process of doing so.

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Dry Lake HMA includes portions of the Wilson Creek, Geyser Ranch, Sunnyside and Fox Mountain livestock grazing allotments. The entire HMA must be closed in order to gather wild horses within the HMA. Therefore, the public lands in the far east portion of the Fox Mountain (East) Allotment and the Deadman Use Area within the Wilson Creek Allotment will be closed in order to gather wild horses within the HMA. This Notice of Closure is effective immediately.

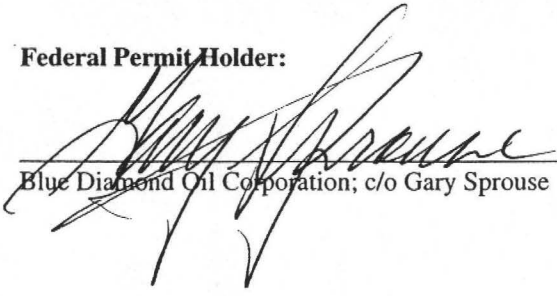
The public lands in the far east portion of the Fox Mountain (East) Allotment and the Deadman Use Area within the Wilson Creek Allotment will be inspected prior to livestock turnout during 2003 to determine if grazing use will be authorized during 2003. The following criteria will be evaluated associated with drought:

1. Vegetative growth occurs and can sufficiently support livestock grazing; *and*
2. The key forage species all show good vigor; *and*
3. Soils are sufficiently protected from potential erosion

If drought conditions do not exist, grazing use will continue to be authorized. If drought conditions do exist grazing use adjustments will be made. Adjustments could include changes to livestock distribution, water hauling or adjustments to stocking levels. We will ask for the permittees' participation when evaluating forage conditions associated with lifting this closure. Maps of the closure areas are attached. This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

This Notice is to inform you that any unauthorized livestock grazing upon public lands in the far east portion of the Fox Mountain (East) Allotment (Legal description T. 4N., R. 63E., T. 5N., R. 63E.) and the Deadman Use Area within the Wilson Creek Allotment (Legal description T. 1S., R. 62E., T. 1S., R. 63E., T. 1N., R. 62E., T. 1N., R. 63E., T. 2N., R. 63E., T. 3N., R. 62E., & T. 3N., R. 63E.) under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFR 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.

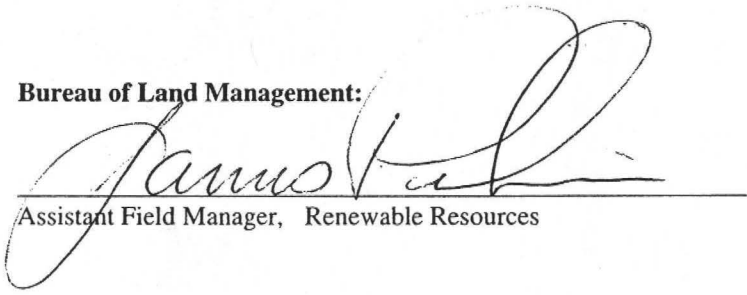
Federal Permit Holder:


Blue Diamond Oil Corporation; c/o Gary Sprouse

2/4/03
Date

CM 02/04/03

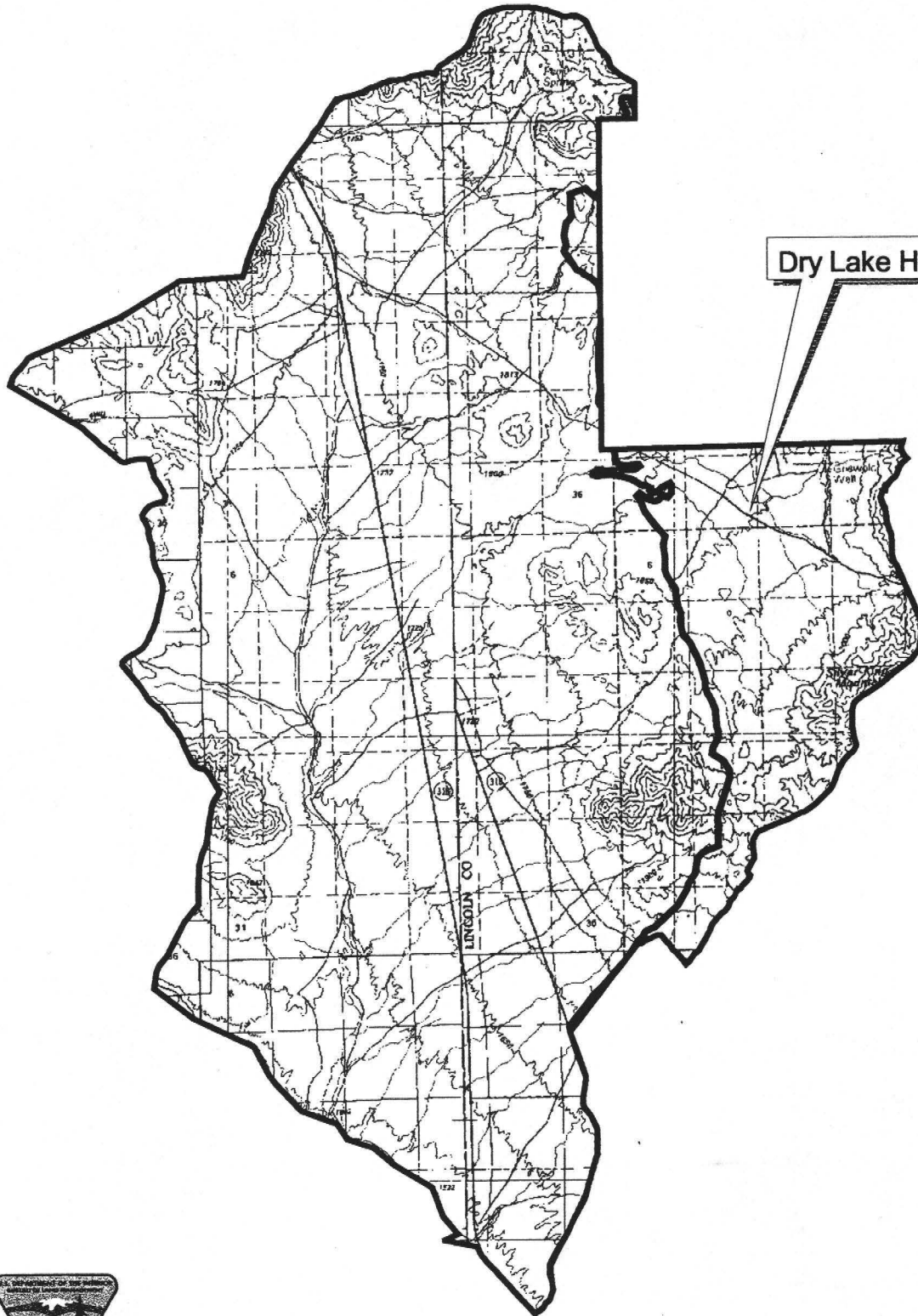
Bureau of Land Management:


Assistant Field Manager, Renewable Resources

2/4/03
Date

Fox Mountain Allotment

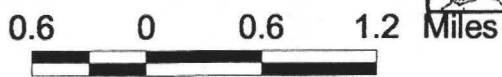
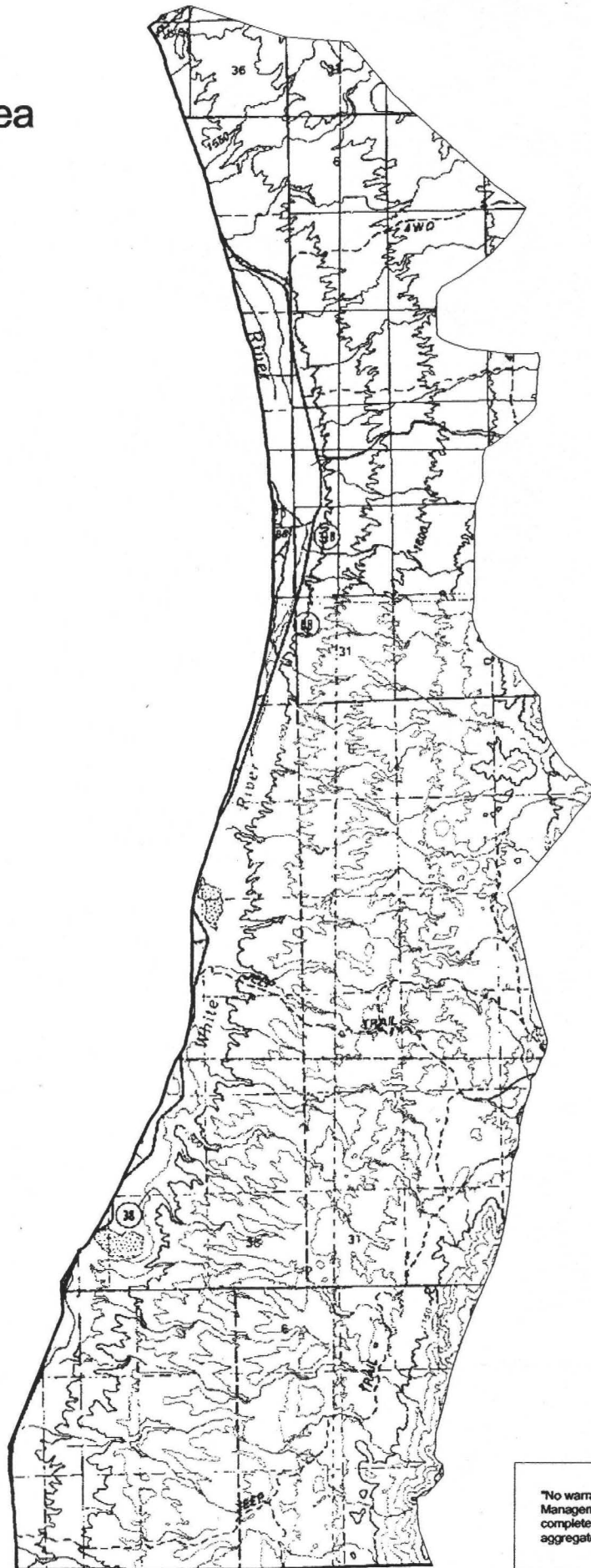
"No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data."



Dry Lake HMA



Wilson Creek Deadman Use Area



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In Reply Refer To:
4110
Permittee Grazing Case Files
Dry Lake Valley File
(NV-045.09)

Notice of Closure Agreement

Severe drought conditions exist within the Dry Lake Valley and Thorley Use Areas of the Wilson Creek Allotment (see attached map). On August 23, 2002, these areas were evaluated for drought conditions. Field observations indicated that severe drought conditions have resulted in greatly reduced forage availability. Precipitation for the year is less than 25% of normal for the area. This below normal precipitation has resulted in little or no annual plant production over much of the allotment, poor plant vigor, and no detected soil moisture.

Therefore, for the protection of the vegetation and soils, the Dry Lake Valley and Thorley Use Areas of the Wilson Creek Allotment are hereby temporarily closed to livestock grazing. This Notice of Closure is effective immediately.

The closure will be in effect until the following criteria have been met:

1. Vegetative growth occurs and can sufficiently support livestock grazing; *and*
2. The key forage species all show good vigor; *and*
3. Soils are sufficiently protected from potential erosion; *and*
4. Key perennial forage species reach seed maturity (seed set).

Upon determination that the perennial vegetation has been re-established, authorized grazing use will resume. We will ask for the permittees' participation when evaluating forage conditions associated with lifting this closure. A map of the closure area is attached. This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

This Notice is to inform you that any unauthorized livestock grazing upon public lands within the Dry Lake Valley and Thorley Use Areas of the Wilson Creek Allotment (Legal description T. R.) under Bureau of Land Management's control will be in violation of 43 CFR 4140.1 (b) (1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from the publishing and posting of this notice. This notice is issued in accordance with 43 CFR 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.

Federal Permit Holders/Representatives:

H. Matt Bulloch, Bulloch Bros., Permittee

Date

Frank Delmuc, Permittee

Date

Pete Tony Delmuc

Pete Tony Delmuc, Permittee

9-5-02

Date

Melchor Gragirena, El Tejon Sheep Co., Permittee

Date

Gordon Lytle

Gordon Lytle, Permittee

Date

Kenneth Lytle

Kenneth Lytle, Permittee

9-5-02

Date

Linda Lytle

Linda Lytle, Permittee

9/5/02

Date

Bureau of Land Management:

James Rabin

Assistant Field Manager, Renewable Resources

9/6/02

Date

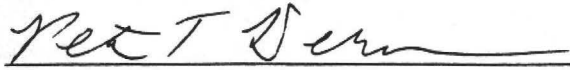
Federal Permit Holders/Representatives:

H. Matt Bulloch, Bulloch Bros., Permittee

Date

Frank Delmue, Permittee

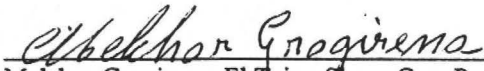
Date



Pete Tony Delmue, Permittee

9-5-02

Date



Melchor Gragirena, El Tejon Sheep Co., Permittee

09-20-02

Date



Gordon Lytle, Permittee

Date



Kenneth Lytle, Permittee

9-5-02

Date

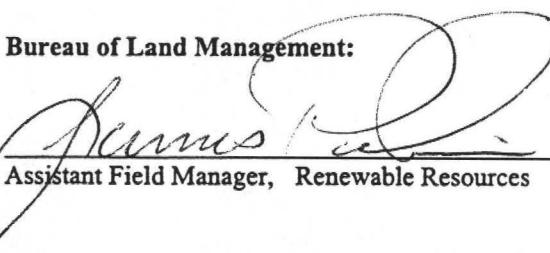


Linda Lytle, Permittee

9/5/02

Date

Bureau of Land Management:


Assistant Field Manager, Renewable Resources

2-10-03

Date

Federal Permit Holders/Representatives:

H. Matt Bulloch, Bulloch Bros., Permittee

Frank Delmue, Permittee

Pete Tony Delmue, Permittee

Melchor Gragirena, El Tejon Sheep Co., Permittee

Gordon Lytle, Permittee

Kenneth Lytle, Permittee

Linda Lytle, Permittee

Bureau of Land Management:

Assistant Field Manager, Renewable Resources

Date

9/20/02

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Date

Date

Date

9-5-02

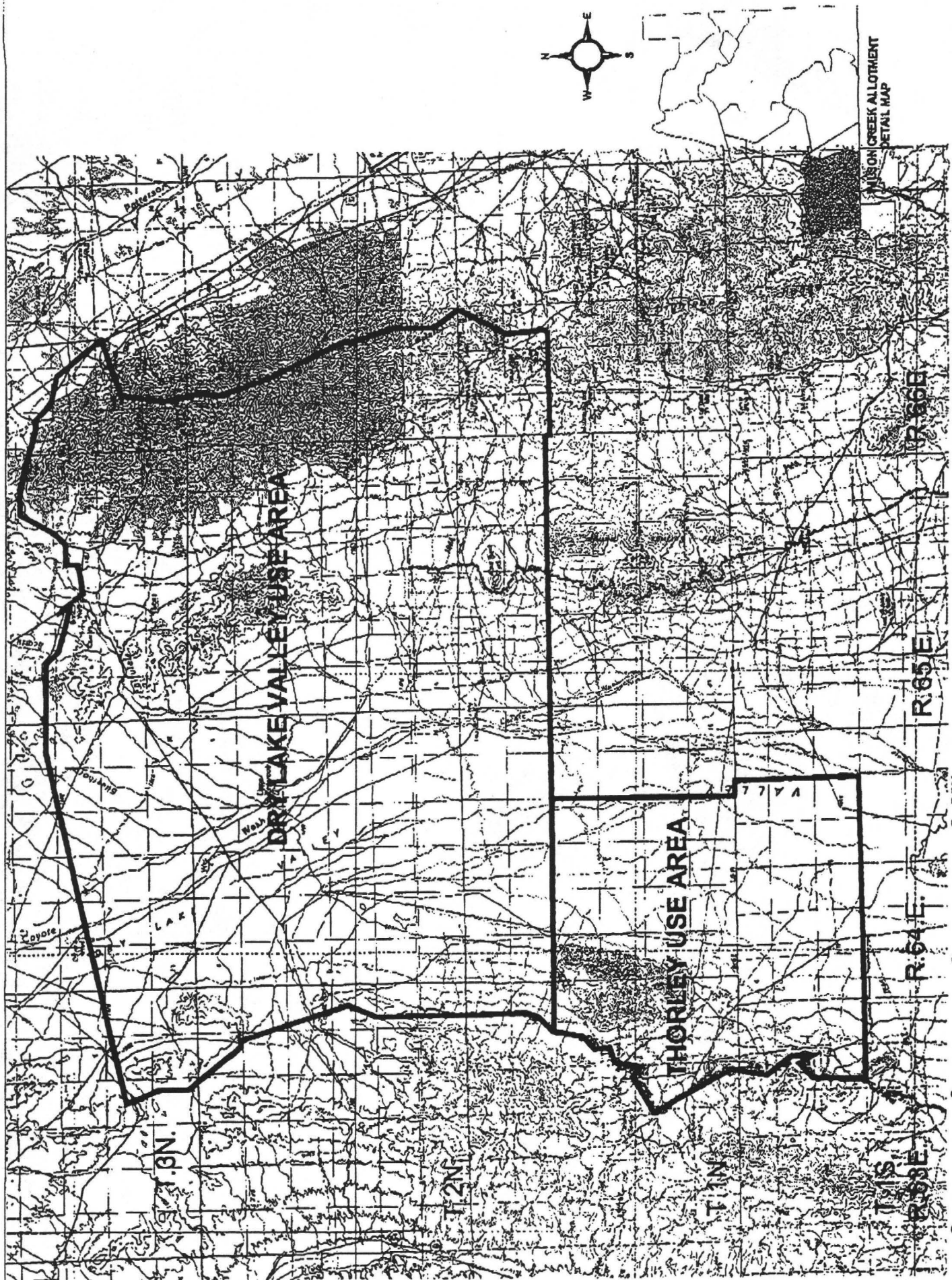
Date

9/5/02

Date

2/10/03

Date



Use Areas and Closure Area

0 3 6 Miles

MUSON CREEK ALLOTMENT
DETAIL MAP



United States Department of the Interior

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<http://www.nv.blm.gov>

In Reply Refer To:
4720/4710.4 (NV-042)

FEB 11 2003

DECISION RECORD (DR) AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Dry Lake Herd Management Area (HMA) Drought Emergency Gather Plan
Ely Field Office

ENVIRONMENTAL ASSESSMENT
NV-040-03-019

INTRODUCTION

The Bureau of Land Management (BLM) Ely Field Office proposes an emergency gathering of wild horses within the boundaries of the Dry Lake Herd Management Area (HMA) and areas immediately adjacent.

The emergency gather operations would be conducted within the entire Dry Lake HMA to alleviate concerns over animal health due to severe drought conditions. This removal would prevent large die-offs of horses in the coming year. Drought conditions have resulted in extremely limited forage within the Lincoln County. Yearlong grazing by wild horses has resulted in utilization levels on grasses and winterfat to be observed at over 80 percent and all residual forage has been removed. Wind erosion is observable throughout the valley bottom where the vegetative material has been removed. The horses are reliant upon springs that are located in the foothills surrounding Dry Lake Valley and on several reservoirs within the valley bottoms. The horses have severely impacted these sources by trampling and over-utilization of all forage associated with the areas. There is currently no livestock authorized within the critically affected area per drought closure agreements, except for the extreme southeast corner of the HMA and the Muleshoe area in March through May.

Documents containing this information are filed at the Ely Field Office and/or Caliente Field Station.

SUMMARY OF PROPOSED ACTION

The proposed action is to remove 233 wild horses from the Dry Lake HMA and immediately adjacent due to severe drought conditions existing within this area. The primary objective is to remove 233 wild horses, which are in excess of the established AML (94), and transport them to BLM holding facilities to be prepared for adoption. Due to the deteriorating body conditions of the horses and their extremely weakened physical health, it may be necessary to humanely euthanize some individual animals in the field and/or trap site. All animals identified for euthanasia would be euthanized according to established BLM guidelines (W.O. IM. 2001-165) and veterinary protocols.

Multiple capture sites (traps) would be used to capture wild horses from the allotments. Whenever possible, capture sites would be located in previously disturbed areas. All capture and handling activities (including capture site selections) would be conducted in accordance with Standard Operating Procedures. The emergency removal of wild horses is tentatively scheduled to commence on February 1, 2003 and last approximately 6 days.

DECISION RECORD

As a result of the analysis presented in the EA, it is my decision to approve the Proposed Action as stated. Only wild horses within the Dry Lake HMA will be gathered due to the emergency conditions. No horses will be gathered from within any other HMA under this Proposed Action.

Rationale: The proposed action is being selected to prevent further deterioration of the health and condition of the wild horses within the emergency area, as well as the health of the vegetative resources during drought conditions. Further, the Wild Free-Roaming Horse and Burro Act of 1971 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*”. Also Title 43, CFR, 4710.4 states “*Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas*”. Livestock closure agreements were signed for those allotments or pastures where there was permitted livestock use during the time of the gather except for a small portion in the southeast corner of the HMA in accordance with Title 43, CFR, 4710.5(a).

Selection of the No Action alternative would not be consistent with BLM legal mandates, which state, “Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.” (Title 43, CFR, 4700.0-6(a)).

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis in the EA, I have determined there will not be significant impact to the quality of the human environment; therefore, an environmental impact statement is not required.

Rationale: My finding of no significant impact is based on the following:

The action will not affect public health or safety.

The action will have no adverse effects on such unique characteristics as cultural or historic resources, wetlands, wild and scenic rivers, wilderness study areas, or areas of critical environmental concerns.

The action will have no adverse effects on federally listed threatened or endangered species, or on designated critical habitat for these species.

The action will not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The action will not involve unique or unknown risks to the quality of the human environment.

The action will have no significant cumulative impacts to wild horses.

REMOVAL DECISION

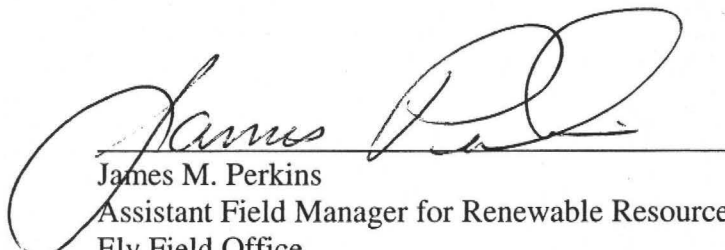
In accordance with 43 CFR 4770.3 (c), this constitutes my final decision to gather wild horses within the Dry Lake HMA and is placed in full force and effect.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4. If an appeal is taken, your appeal must be filed with the Bureau of Land Management, Ely Field Office, HC33 Box 33500, Ely, Nevada, 89301, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, and to the Office of the Solicitor, U.S. Department of the Interior, Suite 6201, Federal Bldg., 125 South State St., Salt Lake City, Utah, 84138, at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of a decision pending appeals shall show sufficient justification based on the following rules:

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


James M. Perkins
Assistant Field Manager for Renewable Resources
Ely Field Office

2/11/03
Date

I Concur


Gene A. Kolkman
Field Manager
Ely Field Office

2/11/03
Date

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

ELY FIELD OFFICE

**DRY LAKE HERD MANAGEMENT AREA (HMA) DROUGHT EMERGENCY
GATHER PLAN AND ENVIRONMENTAL ASSESSMENT**

NV-040-03-019

Alan Shepherd, Jody Nartz

February 2003

Background Information

With passage of the Wild Free Roaming Horse and Burro Act of 1971 (Public Law 92-195), Congress found "...wild free roaming horses and burros are living symbols of the historic and pioneer spirit of the West...". In addition, the Secretary was ordered to "...manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands...". From the passage of the Act, through the present day, the Bureau of Land Management (BLM) Ely Field Office has endeavored to meet the requirements of the Act. The procedures and policies implemented to accomplish this mandate have been constantly evolving over the years.

This document has been prepared to assess the environmental impacts of gathering and removing wild horses from within the established boundaries of the Dry Lake Herd Management Area (HMA) and areas immediately adjacent, which are being affected by severe drought conditions.

The majority of Lincoln County, Nevada has received less than 25% of normal moisture for the current year and the area has received less than 3 inches of precipitation for the last 8 months. The area has recorded above average temperatures since April. The dry conditions have resulted in little or no forage green up for the year. Drought conditions have resulted in extremely limited forage within the Dry Lake HMA. The Dry Lake HMA is located northwest of Pioche, Nevada (Figure 1) and covers approximately 494,000 acres of public lands. The HMA has an estimated population of 327 wild horses. Monitoring has identified vegetation resource and wind erosion concerns within the HMA due to significant utilization by wild horses during drought conditions. Based upon this monitoring, there is a necessity to take immediate action within the Dry Lake HMA. Currently, there are also concerns with animal health, with horses showing the likelihood of severe stress and future declines in body condition, as well as having enough available forage to survive the remaining winter.

Need for the Proposal

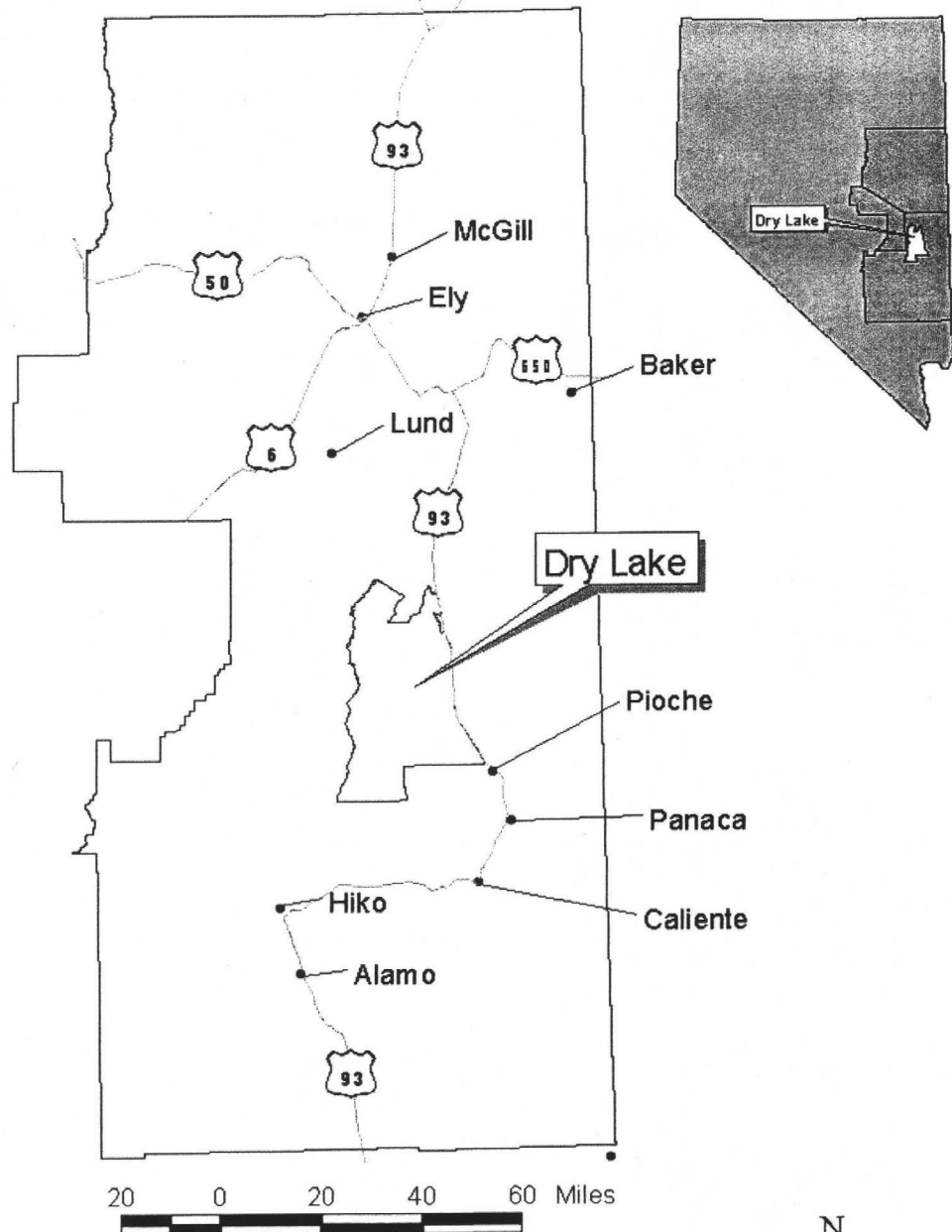
The need for this action is to prevent the stress and possible death of wild horses from a lack of water and forage, to reduce significant increase in wind erosion due to removal of vegetative cover, and to reduce grazing stress on forage resources during this critical period of drought.

Relationship to Planning

The proposed action is in conformance with the Schell Management Framework Plan (MFP), Schell Grazing Environmental Impact Statement (EIS), and subsequent Record of Decision (ROD) dated 1983. The proposed action is consistent with the Lincoln County Public Land and Natural Resource Management Plan as adopted by the Board of County Commissioners of Lincoln County, December 5, 1997. The proposed action is also consistent with the Strategic Plan for Management of Wild Horses and Burros on Public Lands, dated June 1992, and the "Lincoln County Elk Management Plan" dated July 1999. It is consistent with federal, state, and local laws, regulations, and plans to the maximum extent possible.



Figure 1. Location of Dry Lake HMA



Legend

- Highways
- Cities
- HMA Boundary
- Ely District Boundary

"No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data."



Issues

The issues are the effects on wild horses' overall health, perennial plant health, wind erosion concerns within the established boundaries of the Dry Lake HMA and closures to livestock grazing.

Proposed Action and Alternatives

Proposed Action

The proposed action is to remove 233 wild horses from the Dry Lake HMA and areas immediately adjacent to the HMA due to severe drought conditions. The primary objective is to maintain a "thriving natural ecological balance" which should be achieved through the removal of 233 wild horses, which are in excess of the established AML of 94, and transport them to BLM holding facilities to be prepared for adoption. While trapping, it may be necessary to humanely euthanize some individual animals in the field and/or trap site. All animals identified for euthanasia would be euthanized according to established BLM guidelines (W.O. IM. 2001-165) and veterinary protocols.

The Dry Lake HMA has an estimated population of 327 wild horses, based upon May 2001 census, plus an estimated annual rate of recruitment for each year since the last census. The overall concern is that forage resources within the HMA would not allow the survival of these horses through the remainder of the winter. Declining horse body condition is the result of insufficient amounts of forage due to the current drought.

The current proposed method of capture is to use helicopter-drive trapping and/or helicopter-roping from horseback in order to remove all targeted horses.

The purpose of this plan is to outline the methods and procedures to be used in the capture/removal process. Multiple capture sites (traps) would be used to capture the wild horses. Whenever possible, capture sites would be located in previously disturbed areas. All capture and handling activities (including capture site selections) would be conducted in accordance with the SOPs described in Appendix I. The removal of the wild horses is tentatively scheduled to commence on February 15, 2003 and last approximately 6 days or however long it takes to capture the identified number of horses.

No Action Alternative

This alternative consists of no direct management of wild horse numbers due to the drought conditions and declining health and forage condition. Wild horses would be allowed to regulate their numbers naturally through predation, disease, and forage, water and space availability. Gather operations would not be conducted.

Description of The Affected Environment

The Dry Lake HMA is approximately 494,000 total acres in size. Elevations range from 5,200 feet to 8,900 feet. The vegetation within the HMA is typical of the Great Basin types with Wyoming big sagebrush/grass, black sagebrush/grass, and salt desert shrub (winterfat/shadscale), cliffrose/mountain brush, and pinyon/juniper being the dominant vegetation communities. These communities have very limited perennial grass (bottlebrush squirreltail, Indian ricegrass, and bluegrasses) in the understory. Permanent water sources primarily consist of springs, which are located in the foothills away from the valley bottoms and reservoirs in the valley bottoms. The project area lies within mule deer and antelope yearlong habitat.

Dry Lake HMA includes portions of the Wilson Creek, Geyser Ranch, Sunnyside, and Fox Mountain livestock grazing allotments (Figure 2). Permitted use includes cattle and sheep. Due to drought conditions, livestock grazing closure agreements have been signed for those portions of the four allotments within the HMA, except for the extreme southeast corner of the HMA known as the Pioche bench and a small portion of the Muleshoe use area of the Wilson Creek Allotment. The Pioche Bench area is located between the Bristol Range and Highway 93 in close proximity to the town of Pioche. Very Little horse use occurs in this area due to a lack of available water and proximity to Pioche. It will be used for spring sheep use. The Muleshoe area will be used for lambing one band of sheep from mid-March through early May. This area has limited horse use as well due to a lack of water. There should be sufficient feed for lambing in Muleshoe and grazing on Pioche Bench if water is hauled. Utilization data indicates that the areas sheep would use have slight use. The primary forage species for sheep, black sage; should sustain sheep use with very little dietary overlap or competition between sheep and horses (see closure agreement for El Tejon attachment II). No closure agreement has been signed for the Sunnyside Allotment since there is no authorized grazing use in that portion of the allotment within the HMA at the current time.

Environmental Consequences (Proposed Action & Alternatives)

The following critical elements of the human environment are not present and/or not affected by the proposed action: air quality; environmental justice; prime or unique farmland; floodplains and wetlands; hazardous and solid wastes; visual resource management (VRM); special status species; migratory birds; wilderness values; areas of critical concern; wild and scenic rivers; and Native American religious concerns.

The following discussion identifies potential impacts related to the capture techniques (helicopter trapping) as described within the proposed action.

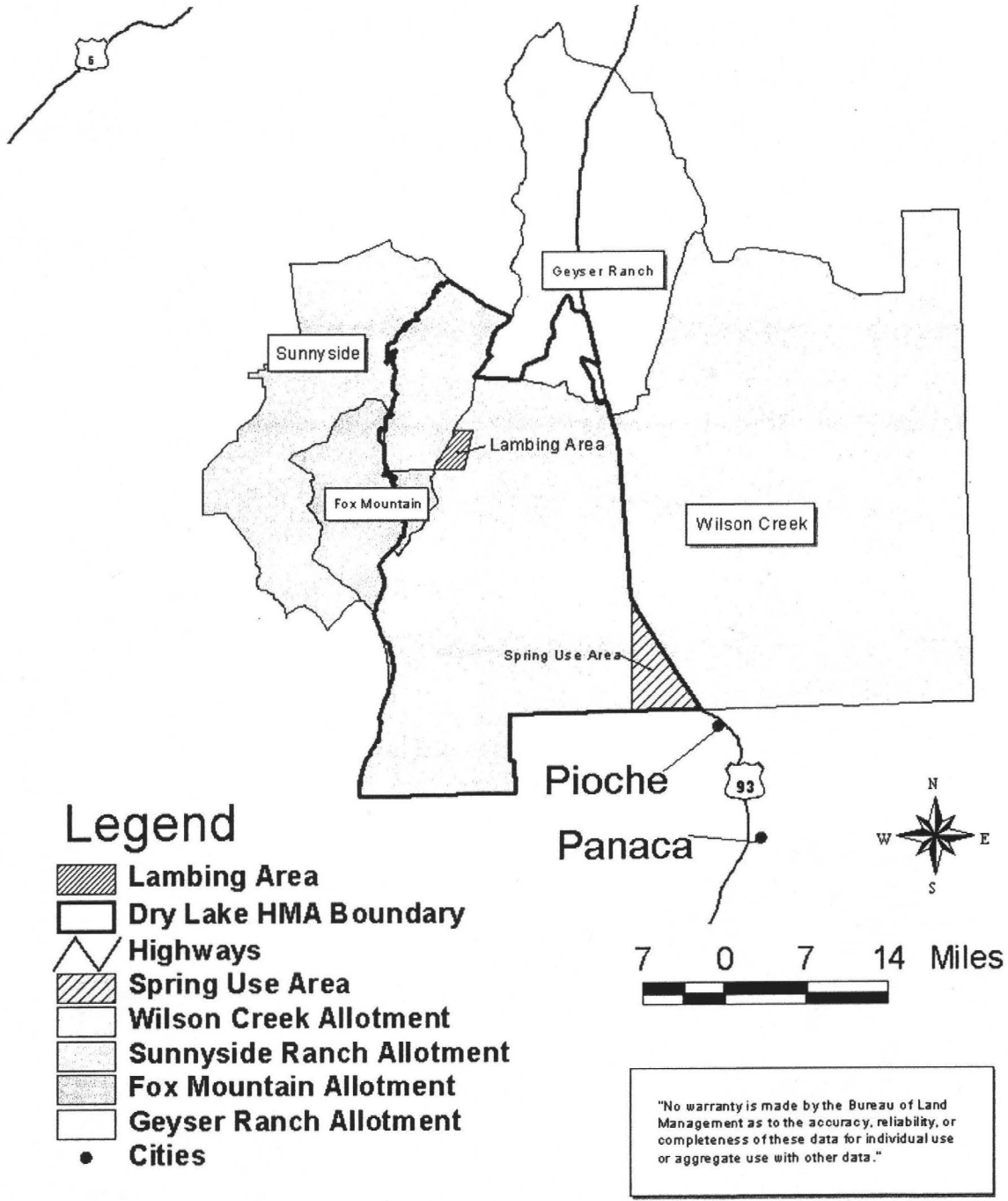
Vegetation, Soil, Water Quality (Drinking/Ground), and Riparian Areas

Proposed Action - Implementation of the proposed action would reduce the wild horse population within the established boundaries of the HMA. The proposed action would decrease the impact of hoof action due to horses on the soil around unimproved springs, which should lead to an improvement in riparian habitat conditions, and water quality and quantity. There

would also be a reduction in hoof action on upland habitat areas, reduced potential for continued wind erosion, and reduced competition for extremely limited forage and water sources.



Figure 2. Allotments within Dry Lake HMA



Impacts to vegetation with implementation of the proposed action could include disturbance of native vegetation immediately in and around temporary trap sites, and holding and processing facilities. Impacts could be by vehicle traffic, and hoof action of penned horses, and could be locally severe in the immediate vicinity of the corrals or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Since most trap sites and holding facilities would be re-used during recurring wild horse gather operations, any impacts would remain site specific and isolated in nature. In addition, most trap sites or holding facilities are selected to enable easy access by transportation vehicles and logistical support equipment and would therefore generally be adjacent to or on roads, pullouts, water haul sites, or other locations, which have been previously disturbed. By adhering to the SOPs, adverse impacts to soils would be minimized.

The removal of wild horses would result in recovery of vegetation within the HMA. Drought stressed vegetation would get critical rest, which is needed during drought periods. Soil trampling and compaction would be reduced allowing better filtration from any precipitation event and reduced potential for wind erosion. Soils would then hold plant root systems in place, allowing for retention of plants and soil stability after the drought subsides.

No Action Alternative - The localized trampling associated with trap sites would not occur, however, large numbers of wild horses remaining within the HMA during these severe conditions would adversely impact soils, especially around the water locations including natural springs and on fragile soil types. This continued use would lead to increased stress on forage plant species and degraded range conditions. Soil health and future productivity of the rangeland would be impacted. As native plant health deteriorates and plants are lost, soil erosion would increase. The shallow topsoil typical of this region cannot tolerate much loss without losing productivity and thus the ability to be re-vegetated with native plants. Invasive, non-native plant species would increase and invade new areas following increased soil disturbance and reduced native plant vigor and abundance. This would lead to both a shift in plant composition towards invasive or noxious weed species and an irreplaceable loss of topsoil and productivity from erosion.

Wildlife

Proposed Action - The proposed action would result in reduced competition with wildlife for limited forage and water resources as soon as the gather is completed. Temporary impacts during the gather could be displacement of big game and non-game animals, but they would return after the gather. This displacement would be due to an increase in human activities and vehicle traffic as well as the noise of the helicopter. These disturbances would only occur during the capture period.

No Action Alternative - Wildlife would not be displaced or disturbed under the no action alternative, however, there would be continued competition with wild horses for water and forage resources and because wild horses are very aggressive around water sources, some wildlife species may not be able to compete. The continued competition for resources may lead to increased stress and possible relocation, or death of native wildlife species.

Livestock

Proposed Action - Gather operations would not impact livestock, as there would be no livestock authorized grazing use within the major horse use areas of the HMA during the gather. Sheep grazing use would occur for a short period of time from late March until early May within the Muleshoe portion of the HMA for lambing. The extreme southeast corner of the HMA would be authorized for sheep use during the gather. These areas have very little horse use due to a lack of water. Therefore this is an area seldom used by wild horses. Recent monitoring data indicates the sheep use areas have slight utilization and are suitable for sheep use if water is hauled. There should be very little dietary overlap due the preferred diet of Black sage by sheep, which horses typically won't use (see attachment II El Tejon). When the existing drought conditions subside and livestock grazing is authorized within the allotments associated with the HMA, competition for available forage between livestock and wild horses would be reduced with the implementation of the proposed action.

No Action Alternative - Livestock would not be affected under the no action alternative as there is no authorized livestock grazing within the major horse use area's of the HMA, excepts sheep grazing use would occur for a short period of time from late March until early May within the Muleshoe portion of the HMA for lambing. The extreme southeast corner of the HMA would be authorized for sheep use during the gather. These areas have very little horse use due to a lack of water. Therefore this is an area seldom used by wild horses. Recent monitoring data indicates the sheep use areas have slight utilization and are suitable for sheep use if water is hauled. There should be very little dietary overlap due the preferred diet of Black sage by sheep, which horses typically won't use. In the short-term, livestock closure agreements may have to remain in effect for a longer period of time because large numbers of wild horses above AML would still be in the HMA. (see attachment II El Tejon). Once the drought ends, there would be continued competition between livestock and wild horses for water and available forage.

Noxious Weeds and Invasive Non-Native Species

Proposed Action - The proposed gather may spread existing noxious weed species. This could occur if vehicles drive through infestations and spread seed into previously weed-free areas. BLM specialists would examine proposed trap sites and holding corrals prior to construction. If noxious weeds are found, the location of the facilities would be moved to a location with no noxious weeds.

No Action Alternative - Under this alternative, the wild horse gather would not take place. However, overgrazing and increased stress of the present plant communities during a severe drought period could lead to elimination of native plant species and an expansion of noxious weeds. Rangeland in poor condition provides less forage, and is susceptible to invasion by non-native weeds.

Cultural, Paleontological, and Historical Resources

Proposed Action - No impacts to cultural resources are anticipated to occur since all trap sites and holding facilities would be inventoried for cultural resources prior to construction. As stated in the SOPs, an archaeologist or a District Archeological Technician (DAT) would review all proposed and previously used trap sites and facility locations to determine if these sites have had a cultural resources inventory, and/or if a new inventory is required. If cultural resources are encountered at proposed trap site(s) or holding facility location(s), those location(s) would not be utilized unless it could be modified to avoid impacts to cultural resources.

No Action Alternative - Under this alternative, the wild horse gather would not take place and therefore, no trap sites or holding facilities would be constructed. Cultural resources would not be damaged as a result of the horse gather, however, wild horses can cause damage to cultural resources due to trampling, especially around water sources, where the occurrence of cultural resources is often high.

Wild Horses

Proposed Action - Impacts to wild horses under the Proposed Action may occur to either the individual animals or the population as a whole. These impacts include: handling stress associated with the gather, capture, and transportation of animals. The intensity of these impacts would vary by individual, and are indicated by behaviors ranging from nervous agitation to physical distress. Mortality of individuals from this impact is infrequent but does occur in one half to one percent of horses gathered in a given gather.

The proposed action would result in reduced competition for limited forage and water resources for the remaining wild horses during an extended period of drought as soon as the gather is completed. Temporary impacts during the gather could be displacement of the remaining wild horses, but they would return after the gather. This displacement would be due to an increase in human activities and vehicle traffic as well as the noise of the helicopter. These disturbances would only occur during the capture period.

No Action Alternative - Under this alternative, wild horses would not be gathered from the Dry Lake HMA. The horses would not be subject to any individual direct or indirect impacts as described above as a result of a gather operation. However, allowing forage-stressed horses to remain during severe drought conditions would likely predispose the animals to death by starvation and dehydration. The population of wild horses would compete for the available water and extremely limited forage resources. The mares and colts would be affected most severely. The areas closest to the water would experience severe utilization and degradation. Over the course of time, the animals would deteriorate in condition as a result of declining forage availability and the increasing distance traveled to forage. Many horses would likely die through the winter if average snowfall levels are received, especially foals and mares. The health of the wild horse herd population, the condition of the range, and other range users would be impacted. Further, heavy forage use would degrade rangeland resources.

Cumulative Impacts

Cumulative impacts are impacts on the environment, which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Implementation of the proposed action would reduce the number of wild horses within the Dry Lake HMA during an extended period of drought. Implementation would reduce the physical distress of wild horses during a severe drought period. Implementation would also reduce the potential for continued wind erosion, reduced stress on forage resources and would result in an increase in vegetation density, vigor, reproduction, productivity, and forage availability following the drought.

Past, present, and reasonably foreseeable activities which would be expected to contribute to the cumulative impacts of implementing the proposed action consists of continued livestock grazing in the associated allotments, fencing of riparian areas, and maintenance of existing range improvement projects. These, past, present, and reasonably foreseeable activities would be expected to generate cumulative impacts to the proposed action by influencing the forage quality, abundance, and continuity within the HMA.

These impacts would expect to be marked by changes occurring slowly over time. The Ely Field Office would continue to identify these impacts as they occur, and mitigate them as needed on a project specific basis.

Mitigation Measures

The proposed action incorporates proven standard operating procedures, which have been developed over time. These SOPs (Appendix I) represent the "best methods" for reducing impacts associated with gathering, handling, and transporting. Additional mitigation measures are not warranted.

Suggested Monitoring

Weed detection would be incorporated into normal monitoring activities.

Consultation and Coordination

Internal District Review

Ely Field Office/Caliente Field Station Staff

Alan Shepherd	Wild Horses
Jared Bybee	Wild Horses
Jody Nartz	Wild Horses
Paul Podborny	Wildlife
Bill Smith	Wildlife/Riparian/T&E

Shirley Johnson
Troy Grooms
Grant Hoggan

Rangeland Management
Rangeland Management
Rangeland Management

APPENDIX I

STANDARD OPERATING PROCEDURES

All gathers are to be conducted by contractors or agency personnel. The same procedures for gathering and handling wild horses and burros apply whether a contractor or BLM personnel are used. The following stipulations and procedures will be followed to ensure the welfare, safety and humane treatment of the wild horses and burros (WH&B) in accordance with the provisions of 43 CFR 4700.

Gathers are normally conducted for one of the following reasons:

1. Regularly scheduled gathers to obtain or maintain the Appropriate Management Level (AML).
2. Drought conditions that could cause mortality to WH&B due to the absence of water or forage, and where continued grazing may result in a downward trend to the vegetative communities due to plant mortality and reduced vigor and productiveness.
3. Fires that remove forage to the extent that there is inadequate forage to sustain the population or to allow recovery of native vegetation.
4. Utilization levels that reach a point where a continued increase in utilization would cause a downward trend in the plant communities and impede meeting standards for rangeland health.
5. Monitoring indicates that WH&B use would begin to cause a downward trend in riparian function or not permit the recovery of riparian vegetation determined to be in undesirable condition.

CAPTURE METHODS USED IN THE PERFORMANCE OF A GATHER –

Contract Operations

1. Helicopter - Drive Trapping

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

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

- b. The contractor shall assure that bands remain together, and that foals shall not be left behind.
- c. A domestic saddle horse(s) may be used as a prada (or "Judas") horse to lead the wild horses into the trap site. Individual ground hazers may also be used to assist in the gather.

2. Helicopter - Roping

Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If this method is selected the following applies:

- a. Under no circumstances shall animals be tied down for more than one hour.
- b. The contractor shall assure that bands remain together, and that foals shall not be left behind.

A. BLM Conducted Gather - Non-Contract Operations

1. Gather operations will be conducted in conformance with the Wild Horse and Burro Aviation Management Handbook (March 2000).
2. Two-way radio communication between the helicopter and the ground crew will be maintained at all times during the operation.

B. Safety and Communications

1. The Contractor shall have the means to communicate with the BLM 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 is the responsibility of the Contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment which, in the opinion of the BLM 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 BLM.
 - b. The Contractor shall obtain the necessary FCC licenses for the radio system.

- c. All accidents occurring during the performance of any delivery order shall be immediately reported to the BLM.
 2. Should the helicopter be employed, the following will apply:
 - a. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State in which the gather is located.
 - b. Fueling operations shall not take place within 1,000 feet of the animals.
 - c. At time of delivery order completion, the contractor shall provide the BLM with a completed copy of the Service Contract Flight Hour Report.

C. Trapping and Care

1. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:
 - a. All trap and holding facilities locations must be approved by the BLM prior to construction. The Contractor may also be required to change or move trap locations as determined by the BLM. All traps and holding facilities not located on public land must have prior written approval of the landowner.
 - b. A cultural resources investigation by an archaeologist or an archaeological technician would be conducted prior to trap or holding facility construction. If cultural values are found, an alternative site would be selected.
 - c. Prior to facility (temporary traps and holding corrals) construction, the proposed locations would be examined for the presence of noxious weeds. If noxious weed infestations are present, the areas will be flagged, and the necessary facilities will be placed elsewhere in order to avoid the infested areas. The contractor and his personnel would also be instructed to avoid camping in or driving through known noxious weed infestations.
2. The rate of movement and distance the animals travel shall not exceed limitations set by the BLM who will consider terrain, physical barriers, weather, condition of the animals and others factors.
3. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:

- a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.
 - b. All loading chute sides shall be a minimum of 6 feet high and shall be fully covered with plywood (without holes) or like material.
 - c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable restraining chute to restrain, age, or provide additional care for animals shall be placed in the runway in a manner as instructed by or in concurrence with the BLM..
 - d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.
 - e. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.
4. No fence modifications will be made without authorization from the COR/PI. The Contractor/BLM shall be responsible for restoration of any fence modifications he has made.
 5. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor/BLM shall be required to wet down the ground with water.
 6. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government will require that animals be restrained for the purpose of determining an animal's age or other similar practices. In these instances, a portable restraining chute will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires the animals be released back into the capture area(s). 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 BLM.

7. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.
8. It is the responsibility of the Contractor/BLM to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
9. The Contractor/BLM shall restrain sick or injured animals if treatment is necessary. A veterinarian may be called to make a diagnosis and final determination. Destruction shall be done by the most humane method available. Authority for humane destruction of wild horses (or burros) is provided by the Wild Free-Roaming Horse and Burro Act of 1971, Section 3(b)(2)(A), 43 CFR 4730.1, BLM Manual 4730 - Destruction of Wild Horses and Burros and Disposal of Remains, and is in accordance with BLM policy as expressed in Instructional Memorandum No. 98-141.

Any captured horses that are found to have the following conditions may be humanely destroyed:

- a. The animal shows a hopeless prognosis for life.
 - b. Suffers from a chronic disease.
 - c. Requires continuous care for acute pain and suffering.
 - d. Not capable of maintaining a body score of one.
 - e. The animal is a danger to itself or others.
10. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the BLM for unusual circumstances. Animals to be released back into the HMA following gather operations may be held up to 21 days or as directed by the BLM. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the BLM. The Contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the BLM. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are

to be released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the BLM.

11. The BLM will issue a Notice of Intent to Impound Unauthorized Livestock prior to all gathers. Branded or privately owned animals whose owners are known will be impounded by BLM, and if not redeemed by payment of trespass and capture fees, will be sold at public auction. If owners are not known, the private animals will be turned over to the State for Processing under Nevada estray laws.

E. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the BLM with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.
3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.
4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the BLM.

5. Floors of tractor-trailers, stock trailers, and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.
6. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the BLM and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

11 sq. ft. per adult horse (1.4 linear ft. in an 8ft. wide trailer);
6 sq. ft. per horse foal (.75 linear ft. in an 8ft. wide trailer).
7. Prior to any gathering operations, the BLM will provide for a pre-capture evaluation of existing conditions in the gather areas. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine the level of activity likely to cause undue stress to the animals, and whether such stress would necessitate a veterinarian be present. If it is determined that capture efforts necessitate the services of a veterinarian, one would be obtained before capture would proceed. The Contractor will be appraised of all the conditions and will be given directions regarding the capture and handling of animals to ensure their health and welfare is protected.
8. If the BLM determines that dust conditions are such that animals could be endangered during transportation, the Contractor will be instructed to adjust speed.
9. Trap sites will be located to cause as little injury and stress to the animals, and as little damage to the natural resources of the area, as possible. Sites will be located on or near existing roads. Additional trap sites may be required, as determined by the BLM, to relieve stress caused by specific conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.).

F. Animal Characteristics and Behavior

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

G. Public Participation

It is BLM policy that the public will not be allowed to come into direct contact with wild horses or burros being held in BLM facilities. Only BLM personnel, or contractors may

enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at anytime or for any reason during BLM operations.

H. Responsibility and Lines of Communication

Ely Field Office

Contracting Officer's Representatives

Jared Bybee

Project Inspectors

Jody Nartz, Mike Perkins, Paul Podborny

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Ely Assistant Field Manager for Renewable Resources and the Ely Field Manager will take an active role to ensure the appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, and PVC Corral offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquiries will be handled through the Assistant Field Manager for Renewable Resources. This individual will be the primary contact and will coordinate the contract with the PVC Corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

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

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