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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:
4710.4/4720.1 (NV-042)

Dear Reader:

Enclosed are documents concerning two wild horse management actions within the Ely BLM District. Both actions are in Lincoln County, NV, and have the same affected interest groups, so the documents are included in one package.

One decision and Environmental Assessment (EA) concerns wild horse management within the Dry Lake Herd Management Area (HMA). Enclosed is the *Decision Record (DR) and Finding of No Significant Impact (FONSI)* for EA NV-040-03-027. Also included is the revised and final *Dry Lake Herd Management Area Wild Horse Gather Plan and Environmental Assessment NV-040-03-027*.

Another decision and EA concerning wild horse management within the Wilson Creek HMA is related to the Eagle and Buster Fires. Enclosed is the *Decision Record (DR) and Finding of No Significant Impact (FONSI)* for EA NV-040-03-028. Also enclosed is the *Eagle and Buster Fire Emergency Stabilization and Rehabilitation Gather Plan and Environmental Assessment NV-040-03-028*.

If you have any questions, please contact Jared Bybee, Wild Horse Specialist, at (775) 289-1843.

Sincerely,

James Perkins
Assistant Field Manager
Renewable Resources

Enclosures:

1. Decision Record (DR) and Finding of No Significant Impact (FONSI) for Environmental Assessment NV 040/03/027, Dry Lake Herd Management Area, Ely Field Office
2. Dry Lake Herd Management Area Wild Horse Gather Plan and Environmental Assessment NV-040-03-027
3. Decision Record (DR) and Finding of No Significant Impact (FONSI) for Environmental Assessment NV 040/03/028
4. Eagle and Buster Fire Emergency Stabilization and Rehabilitation Gather Plan and Environmental Assessment NV-040-03-028

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

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

416 03 2003

Dry Lake Herd Management Area
Ely Field Office

ENVIRONMENTAL ASSESSMENT
NV-040-03-027

INTRODUCTION

The Bureau of Land Management (BLM) Ely Field Office proposes a maintenance gathering of wild from the Dry Lake Wild Horse Herd Management Area (HMA). The primary purpose of the proposed action is to bring the wild horse population into a "thriving natural ecological balance". This would be accomplished by reducing the herd to 56 animals. The Appropriate Management Level (AML) for the herd is established at 94 wild horses. The AML for the Dry Lake HMA was established through the allotment evaluation/multiple use decision process. Documents containing this information are filed at the Ely Field Office. Reducing to 56 wild horses would allow the herd to build up to the established AML and accommodate a four-year gather schedule. This should prevent deterioration of the health and condition of the wild horses, as well as the vegetative resources. The current population of wild horses within the herd is estimated at 383 animals based on 2003 census.

The preliminary environmental assessment (EA) was sent to the persons, groups, and agencies listed on pages 24, 25, and 26 of that document on June 6, 2003, with a 30-day review and comment period. Two comment letters were received during this time.

One comment letter was received from The Fund for Animals Inc. (The Fund) concerning the management of wild horses within the Dry Lake HMA. The Fund also had several concerns about the adequacy of the Environmental Assessment (EA 040-03-027) pertaining to analysis of

the range of alternatives. Due to comments from the Fund for Animals an additional alternative has been analyzed as well as further analysis concerning genetic viability and health. The Fund had many comments that are outside the scope of this analysis.

A second comment letter was received from the U.S Department of the Interior's Fish and Wildlife Service. They are in support of removing wild horses in excess of the established AML and BLM wild horse management. The Fish and Wildlife Service has concerns about avoiding impacts to sensitive plant species, minimizing surface disturbance, and controlling noxious weeds. Another concern is to avoid impacts to nesting western borrowing owls and ferruginous hawk habitat, as well as complying with the Migratory Bird Treaty Act of 1918.

SUMMARY OF PROPOSED ACTION

The proposed action is to conduct a maintenance gathering of the Dry Lake Herd Management Area. This would consist of capturing nearly 100 percent of the estimated 2003 population, or approximately 383 wild horses, and removing approximately 327 wild horses. Data would be collected on sex, age, color, and assessment of herd health (pregnancy, parasite loading, physical condition, etc.). Blood samples would be taken to collect baseline data on origination of the horses, genetics, and exposure to equine diseases (such as strangles). Individual animals would be sorted as to age, sex, temperament and/or physical condition, and animals selected to be returned to the range. Horses determined to be in excess of AML would be transported to BLM holding facilities.

This removal would remove all age classes in the following priority order:

1. Age class: 5 years old and under
2. Age class: 10 years old and over
3. Age class: 6 through 9 years old

The first animals to be removed would be five years and younger, and the second class of animals to be removed would be 10 years and older. Animals aged six to nine would be left in the field unless they need to be removed to achieve AML.

Multiple capture sites (traps) would be used to capture wild horses from the HMA. 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. Selection of capture techniques would be based on several factors such as herd health, season of the year, and environmental considerations. The removal of excess wild horses to achieve and maintain AML is tentatively scheduled to commence on August 13, 2003 and last approximately 9 days.

DECISION RECORD

As a result of the analysis presented in the EA, and to be in conformance with the Multiple Use Decision process, it is my decision to approve the gather of the entire Dry Lake wild horse herd and removal of any wild horses in excess of 56. The Dry Lake HMA will be gathered down to 56 wild horses without the application of the immuno-contraception vaccine (fertility control).

Rationale: The gathering of the entire herd and removal of all wild horses in excess of 56 is being selected in order to ensure a “thriving natural ecological balance” as well as preserve the multiple use relationship within the Dry Lake HMA over the next three years. Further, this action is needed in order to prevent the range from deterioration associated with an overpopulation of wild horses. The gather operation will leave a level of 56 wild horses within the HMA. This will allow for herd growth and accommodate a four-year gather cycle. Immunocontraception vaccine (fertility control) has proven to be ineffective during summer gathers. Further, there is no expected added benefit from the use of fertility control for this gather. Population modeling indicates not enough population control would be achieved in order to warrant the use of the immunocontraception vaccine. The extra handling associated with application of fertility control tends to increase the risk of injury and/or death. Therefore the use of fertility control will not be administered during the Dry Lake gather.

Capture of the entire herd and removal of wild horses in excess of 56 is within the scope of the analysis of the Environmental Assessment. Implementation of the Proposed Action within the Dry Lake HMA, which analyzed gathering and removing wild horses, will result in short-term impacts to soils, vegetation, wildlife, and wild horses, and will restore a “thriving natural ecological balance on the public lands” over the next three years. It has been determined the cumulative impacts will be negligible.

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.

The action is needed immediately due to minimal winter precipitation, little or no new growth on grasses as seen through field observations, and continued drought

forecasted for 2003.

REMOVAL DECISION

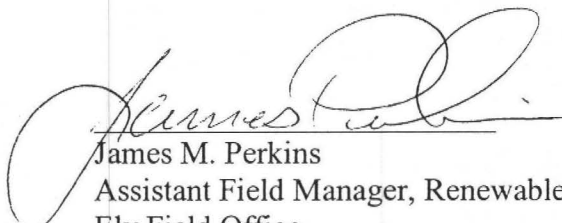
In accordance with 43 CFR 4770.3 (c), this constitutes my final decision to gather wild horses within the Dry Lake HMA and is placed in full force and effect.

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, Renewable Resources
Ely Field Office

8/5/03
Date

I concur.


Gene A. Kolkman
Field Manager
Ely Field Office

8/5/03
Date

U.S. Department of the Interior

Bureau of Land Management

Ely Field Office

Dry Lake Herd Management Area

Wild Horse Gather Plan

and Environmental Assessment

NV-040-03-027

Jody Nartz

July 2003

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I. Background Information

With passage of the Wild and Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195), Congress found that: "*Wild horses are living symbols of the pioneer spirit of the West*". In addition, the Secretary of the Interior 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 present day, the Bureau of Land Management (BLM), Ely Field Office has endeavored to meet the requirements of this portion of the Act. The procedures and policies implemented to accomplish this mandate have constantly evolved over the years.

Throughout this period BLM experience has grown, and the knowledge of the effects of current and past management on wild horses and burros has increased. For example, wild horses have been shown to be capable of 18 to 25% increases in numbers annually (Joel Berger, *Wild Horses of the Great Basin - Social Competition and Population Size*, University of Chicago Press, 1986). This can result in a doubling of the wild horse population about every 3 years. At the same time nationwide awareness and attention has grown. As these factors have come together, the emphasis of the wild horse and burro program has shifted.

Program goals have expanded beyond establishing a "*thriving natural ecological balance*" (by setting appropriate management level (AML)) for individual herds, to include achieving and maintaining healthy, viable, vigorous, and stable populations.

The Strategic Plan for Management of Wild Horses and Burros on Public Lands involves establishing and achieving AML on all Herd Management Areas (HMAs) managed by the BLM, and to achieve and maintain AML on all HMAs following a four-year gather cycle. The numbers of animals projected to be removed, based on this four year rotation, was estimated based on the use of the wild horse population model developed by Dr. Steve Jenkins of the University of Nevada, Reno. Those numbers, by state and year, were first proposed through the President's 2001 budget request as *A Strategy to Achieve Healthy Lands and Viable Herds, The Restoration of Threatened Watersheds Initiative*, and later approved by Congress.

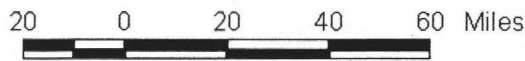
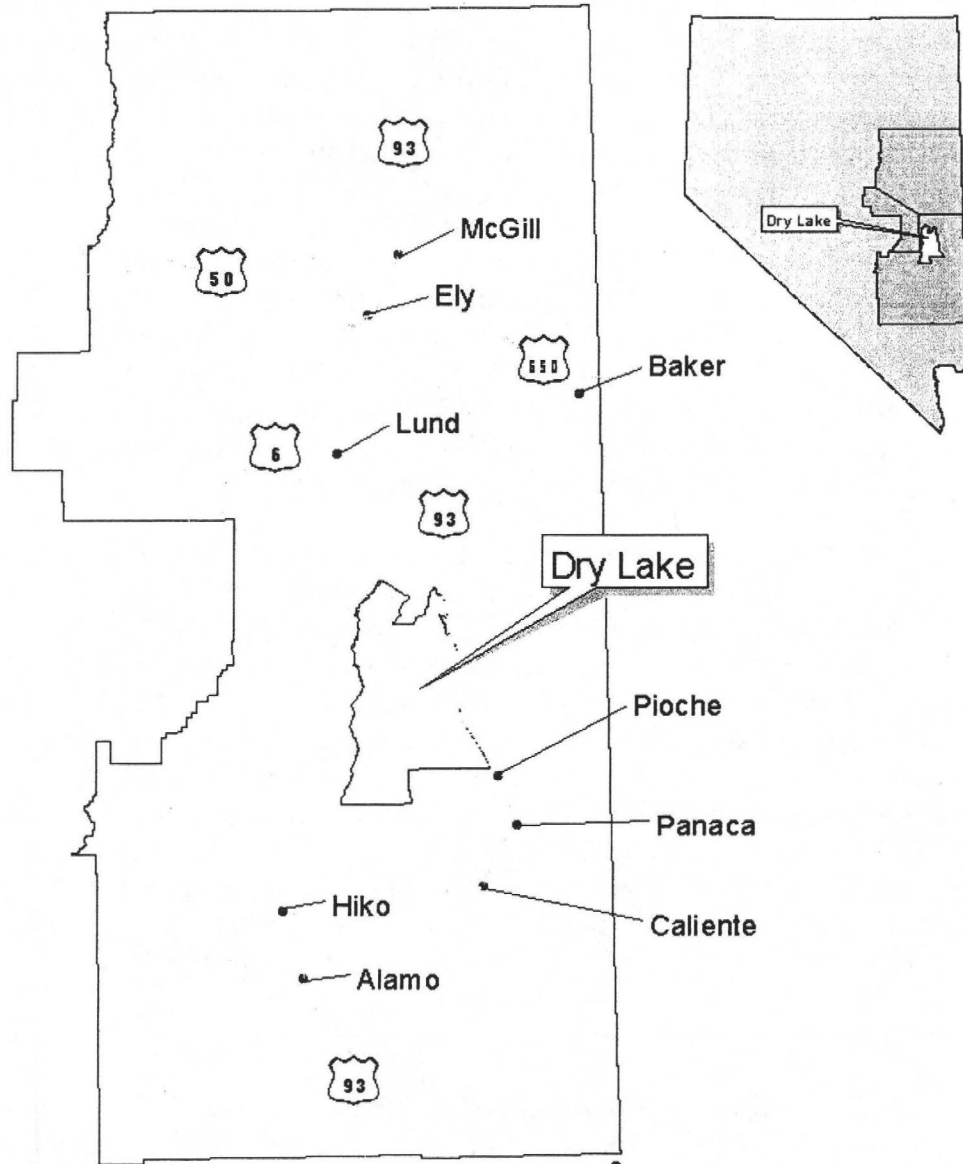
An environmental analysis (EA) of wild horse gather in the Dry Lake HMA was conducted in 1993. This analysis covered the impacts of various removal methods on wild horses in order to achieve AML, and other critical elements of the human environment. Two removal decisions occurred from that analysis, a regularly scheduled gather in 1993, and a partial emergency gather in 1996. This analysis is documented in:

- 1) 1993 Dry Lake/Wilson Creek HMA/Patterson Seeding Wild Horse Removal Environmental Assessment (EA) NV-040-02-22
- 2) 1996 Partial emergency gather in the Dry Lake Use Area of the Wilson Creek Allotment, Implementation of analysis from EA NV-040-02-22.

This EA has been prepared to assess the environmental impacts of adjusting the numbers of wild horses within the Dry Lake HMA located in the Ely District (Figure 1) at this point in time.



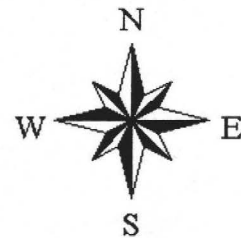
Figure 1. Location of Dry Lake HMA



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."



AML for this HMA has been established through the Land Use Planning/Multiple Use Decision process based on monitoring data and following a thorough public review. Documents containing this information are available for public review at the Ely Field Office.

A. Need for Proposal

The Ely Field Office is proposing to implement the gather and removal of wild horses in the Dry Lake HMA. The need for this management action would be to achieve a "thriving natural ecological balance", maintain healthy wild horses, improve watershed/riparian health, and "make significant progress" towards achievement of Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards.

B. Gather Plan Objectives

The objectives for the Dry Lake HMA Gather Plan are:

- 1. Reduce reproductive rates to levels that would accommodate a minimum 4-year gather schedule allowing for maintenance of AML.*
- 2. Ensure the health and viability of the Dry Lake HMA wild horse population.*
- 3. Re-establish the pre-selective removal gather sex distribution toward a more "natural" distribution (50/50).*
- 4. Prevent unavoidable pain and suffering through deterioration of the health, and subsequent death of wild horses, due to shortages of forage and water as a result of drought conditions and overpopulation of the herd in excess of the capability of the habitat to support it.*
- 5. Restore and maintain a thriving natural ecological balance to the range and protect the range from the deterioration associated with overpopulation.*
- 6. Re-establish or maintain herd characteristics, which were typical of the herd at the time of the passage of the Act.*
- 7. Maintain the genetic diversity of the Dry Lake HMA herd.*

C. Relationship to Planning

The proposed action does not conflict with decisions contained in 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 & Natural Resource Management Plan as approved by the Board of County Commissioners of Lincoln County, December 5, 1997. This plan states, "*Wild Horse gathers shall be used with other methods to control the population of wild horses to prevent the destruction of the resource.*" The proposed action is also consistent with the Wild Free Roaming

Horse and Burro Act of 1971, which mandates the Bureau to “*prevent the range from deterioration associated with overpopulation*”, and “*remove excess horses in order to preserve and maintain a thriving natural ecological balance and multiple use relationships in that area*”. Additionally, Promulgated Federal Regulations at Title 43 CFR 4700.0-6 (a) state “*Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat (emphasis added).*” It is also consistent with the Strategic Plan for Management of Wild Horses and Burros on Public Lands, dated June 1992, which states, “*Provide for management of Wild Horse and Burro populations through a variety of techniques that may be used singly or in combination to ensure habitat is maintained and animals living on the land are in concert with the natural ecosystem and other users of the land.*” In addition, it is consistent with the Mojave-Southern Great Basin RAC Standards and Guidelines for Rangeland Health. It is consistent with federal, state, and local laws; federal regulations, and Bureau policy.

Alternative I, selective removal to 56 wild horses without fertility control, is consistent with all of the above stated plans, laws, policies, and regulations.

Alternative II, selective removal to 94 wild horses without fertility control, is consistent with the Schell MFP, Schell Grazing EIS and ROD, Wild Free Roaming Horse and Burro Act, pertinent laws, and federal regulation. It is not consistent with the Lincoln County Public Land and Natural Resource Management Plan, the Strategic Plan for Management of Wild Horse and Burros on Public Lands, or the Mojave-Southern Great Basin RAC Standards and Guidelines.

Alternative III, selective removal to 94 wild horses with fertility control, has the same relationship to planning as does Alternative II.

Alternative IV, removal of to 56 wild horses by means of a “gate cut”, is consistent with all of the above stated plans, laws, policies, and regulations except for the portion of the Strategic Plan for the Management of Wild Horses and Burros on Public Lands that directs implementation of the selective removal criteria.

The No Action Alternative would violate the Wild Free Roaming Horse and Burro Act, federal regulations and Bureau policy. In addition, the No Action alternative would not comply with the Mojave-Southern Great Basin RAC Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations. It is inconsistent with the Lincoln County Public Land and Natural Resource Management Plan and the Strategic Plan for Management of Wild Horses and Burros on Public Lands.

AML for the Dry Lake HMA was established through the allotment evaluation/Final Multiple Use Decision (FMUD) process including Geyser Ranch Allotment Evaluation/FMUD (1990), Wilson Creek Allotment Evaluation/FMUD (1992), and the Wild Horse Herd Management Areas FMUD (2001) which established AML for the Dry Lake HMA portions of the Sunnyside and Fox Mountain Allotments.

These allotment evaluations and FMUD's are available in the Ely Field Office for public review.

C. Issues

Proper management of wild horses is the only identified issue.

II. Description of Proposed Action and Alternatives

The proposed action and alternatives represent the required range of alternatives according to Bureau policy.

A. Proposed Action: Removal to 56 Wild Horses without Fertility Control

The proposed action for the Dry Lake Gather would be to capture approximately 100% of the estimated 2003 population, or 383 wild horses, and remove all animals in excess of 56 animals from the Dry Lake HMA, as well as any wild horses that move outside the HMA boundaries during gather operations. This level of animals was determined to ensure a "*thriving natural ecological balance*" during the next three years.

The removal of excess wild horses to achieve and maintain AML is tentatively scheduled to commence in August 2003 and last approximately nine days. Capture would be through the helicopter drive trapping method or helicopter roping (Appendix I: SOP's).

Multiple capture sites would be used to capture wild horses from the HMA. 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 (SOPs) described in Appendix I.

The gather would utilize the current selective removal strategy as developed by the National Wild Horse and Burro Program Office. The Selective Removal Strategy policy was issued February 2002 (Instruction Memorandum 2002-095). This strategy would allow the removal of all age classes in the following priority order:

1. Age class 5 years old and under
2. Age class 10 years old and over
3. Age classes 6 through 9 years old

The first animals to be removed would be five years and younger, the second class of animals to be removed would be 10 years and older. Animals aged six to nine would be returned to the range unless they need to be removed to achieve management objectives. All nursing mares would be removed regardless of age to prevent orphaned foal death. Previous releases of nursing mares with young foals have shown that the foals will not keep up when released, and will subsequently become orphaned and die.

The past selective removal in 1993 was age-based, with a removal of all zero to five year-old wild horses. The 1996 removal was a partial emergency gather "gate cut" in the southern portion

of the HMA. However, selective removal under this alternative would not only be age based, but could also be based on other critical population variables, such as sex ratios and color characteristics, as described in the Wild Horses section of the Description of the Affected Environment.

The BLM would also engage in the following: collect data such as animal sex, age, and color; acquire blood samples in order to establish baseline genetic information; assess herd health (pregnancy, parasite loading, physical condition, etc.); sort individuals as to age, sex, temperament and/or physical condition; and return selected animals to the range. Excess horses would be transported to BLM holding facilities. Determination of which horses to be returned to the range would be based on an analysis of existing and past population characteristics from previous gathers. Horses selected for return to the range would be released at or near their original gather site.

Table I shows the June 2003 wild horse census data. The census was intended to be a total count of the wild horse population. This data was used to determine estimated removal and release numbers. It is anticipated that the entire population would need to be captured and 327 horses would be removed.

Table I. Population Data

HMA	Census June 2003	Appropriate Management Level	Estimated Population 2003	Estimated Numbers to Remove	Estimated Numbers to Release
Dry Lake	383	94	383	327	56

B. Alternative I: Removal to 56 Wild Horses with Fertility Control

Alternative I is to capture the entire population or approximately 383 wild horses within the Dry Lake HMA, and remove anything in excess of 56 wild horses or approximately 327 wild horses as described in the proposed action. All of the mares to be released back into the HMA would be treated with a revised immunocontraceptive vaccine, Porcine zona pellucidae (PZP).

The inoculation of mares would consist of a single liquid dose of PZP vaccine and a time released portion of the drug in the form of pellets. The approach under study incorporates the PZP into a non-toxic, biodegradable material that can be formed into small pellets. The pellets are injected with the liquid and are designed to release PZP at several points in time during the first three months after injection much the way time-release cold pills work. When injected, PZP (antigen) causes the mare's immune system to produce antibodies and these antibodies bind to the mare's own eggs, and effectively block sperm binding and fertilization (ZooMontana, 2000). This pellet/liquid formulation would be delivered to the mares as an intra-muscular injection using a jab-stick syringe or dart. The syringe would use a 12-gauge needle and the dart a 1.5" barbless needle. Zero point five cubic centimeters (cc) of the PZP vaccine would be emulsified with 0.5 cc of adjuvant (a compound that stimulates antibody production) and loaded into the delivery system. The pellets would be placed in the barrel of the syringe or dart needle and

would be injected with the liquid. Only trained personnel would mix and administer the vaccine. Upon impact the liquid in the chamber would be propelled into the muscle along with the pellets. The injection would be done in the working chutes before the mares are released. This delivery method has been used previously to deliver immunocontraception vaccine with acceptable results. Such a vaccine would permit a single injection to cause up to two years of contraception at approximately 90% effectiveness, if administered during the winter. Wild horses generally foal March through June, and because equines are seasonal spring breeders, they breed soon after foaling. Administering the injection during summer when the Dry Lake gather would occur would most likely result in one year of fertility control with the two-year vaccine. The vaccine is effective for 18 to 22 months. If administered in August (when the gather is scheduled to occur), the vaccine would only prevent contraception through January of 2005, effectively preventing breeding during 2004 only. PZP is relatively inexpensive, meets BLM requirements for safety to mares and the environment, and can easily be administered in the field.

The Humane Society of the United States (HSUS) has made the PZP vaccine available to the BLM under the Investigational New Animal Drug exemption (INAD #8857) filed with the federal Food and Drug Administration (FDA). As a condition of using the PZP vaccine, the HSUS expects the BLM to follow the Draft Criteria for Immunocontraceptive Use in Wild Horse Herds recommended by the Wild Horse and Burro National Advisory Board in August 1999. The Ely District is in full compliance with all pertaining criteria. The proposed action would also adhere to all guidance and research protocol set by the BLM National Wild Horse Fertility Control Field Trial program.

All treated mares would be identified and freezemarked with a Nevada State approved identification (such as a letter or a number) on the left hip to enable positive identification for future tracking and data collection. The effectiveness of treatments would be determined by counting foals produced in each of the next two years. Observations would be made from the ground utilizing binoculars and spotting scopes and/or by helicopter. Vehicular travel would be limited to existing roads.

C. Alternative II: Removal to 94 Wild Horses without Fertility Control

Alternative II is to capture the entire population or approximately 383 wild horses within the Dry Lake HMA. This would include removing approximately 289 wild horses utilizing the current selective removal strategy as described in the proposed action. Approximately 94 wild horses, which is the AML established through monitoring data, would be returned to the HMA.

D. Alternative III: Removal to 94 Wild Horses with Fertility Control

Alternative III is to capture the entire population or approximately 383 wild horses within the Dry Lake HMA. Approximately two hundred eighty-nine wild horses would be removed using the current selective removal strategy as described in the proposed action. Approximately 94 wild horses would be returned to the HMA. All of the mares to be released back into the HMA would be treated with the immuno-contraceptive vaccine, porcine zona pellucidae (PZP).

E. Alternative IV: Removal to 56 Wild Horses by Means of a "Gate Cut"

Alternative IV is to remove all animals in excess of 56 animals from the Dry Lake HMA. Approximately 327 animals would be removed. Under this Alternative, horses would not be sorted for release. The horses captured would be removed regardless of age, sex ratio, or phenotypic characteristics, until the removal target had been met. Horses not captured (approximately 56 animals) would remain on the range. Captured animals would be sorted by sex for ease in shipping. The current selective removal strategy described in the proposed action would not be implemented, nor would fertility control, since all mares captured would be shipped.

F. Alternative V: No Action Alternative

The No Action Alternative is required by National Environmental Policy Act (NEPA) analysis to provide a baseline for impact analysis.

Under this alternative a wild horse gather would not take place in the Dry Lake HMA. There would be no active management to control the size of the population at this time, and the BLM would "let nature take its course". The current population of 383 wild horses would continue to increase at a rate of 18-25% annually and would be allowed to regulate their numbers naturally through predation, disease, and forage, water and space availability.

F. Summary of Compared Alternatives

Table Two shows a summary of the proposed action and alternatives.

Table II. Comparison of Alternatives

Alternative	Number of Wild Horses Captured	Number of Wild Horses Removed	Number of Wild Horses Released	Data Collection	Selective Removal Criteria Implemented	Fertility Control Used	Number of Mares Treated with Fertility Control
Proposed Action	383	327	56	Yes	Yes	No	0
Alternative I	383	327	56	Yes	Yes	Yes	28
Alternative II	383	288	94	Yes	Yes	No	0
Alternative III	383	288	94	Yes	Yes	Yes	47
Alternative IV	327	327	0	Yes	No	No	0
No Action Alternative	0	0	0	No	No	No	0

III. Description of The Affected Environment

A. Dry Lake Herd Management Area

The Dry Lake HMA is located in northern Lincoln County, approximately 10 miles northwest of Pioche, Nevada. The HMA is approximately 494,000 acres in size, and contains portions of the Bristol, Fairview, and Schell Creek Ranges. Valleys include Muleshoe Valley, Dry Lake Valley, and a portion of Cave Valley. Elevations range from 5,200 feet to 8,900 feet. The dominant vegetation communities within the HMA are typical of the Great Basin and include Wyoming big sagebrush/grass, black sagebrush/grass, salt desert shrub (winterfat/shadscale), cliffrose/mountain brush, and pinyon/juniper, and a limited amount of fir. These communities have perennial grass species such as bottlebrush squirreltail, Indian ricegrass, bluegrasses, galleta grass, and three-awn 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 HMA area provides yearlong habitat for pronghorns, mule deer and Rocky Mountain elk. Mule deer and elk that reside in habitats to the north of the HMA also migrate into the area to winter. The north one-quarter of the HMA provides yearlong habitat for the sage grouse, a state of Nevada and BLM sensitive species. The United States Fish and Wildlife Service (USFWS) has received seven petitions to list the sage grouse as a threatened or endangered species across its range in North America. Localized populations of chukar partridge and gambel's quail are present attendant to perennial water sources. The pygmy rabbit possibly resides within the HMA boundaries. No surveys have been conducted to determine their status in the area. The pygmy rabbit was petitioned for listing as threatened or endangered under the Endangered Species Act. Passerine birds, amphibians, reptiles and small mammals common to the Great Basin environments can also be found in the area. There are no known threatened or endangered plant or animal species, or their habitats within the project area.

Dry Lake HMA includes portions of the Wilson Creek, Geyser Ranch, Sunnyside, and Fox Mountain livestock grazing allotments (Figure 2). The portion of the Wilson Creek Allotment that lies within the HMA has mainly cattle and sheep winter permitted use. Exceptions to winter use include permitted sheep spring use in the Muleshoe use area, and a sheep fall and spring trail permit through the allotment. The Geyser Ranch Allotment portion within the HMA has permitted winter cattle use and a spring sheep trail permit. The Fox Mountain Allotment portion within the HMA has permitted winter sheep use. The portion of the Sunnyside Allotment that is within the HMA has summer and fall permitted cattle use.

A small portion of the Far South Egan Wilderness Study Area (WSA) lies within the extreme northern tip of the HMA. The southwestern HMA boundary is adjacent to the Weepah Spring WSA, but separated by State Route 318. There are three WSAs (i.e., Fortification Range, Parsnip Peak, and Table Mountain) to the east of the HMA. These WSAs are separated from the HMA by U.S. Highway 93 (Figure 3).



Figure 2. Allotments within Dry Lake HMA

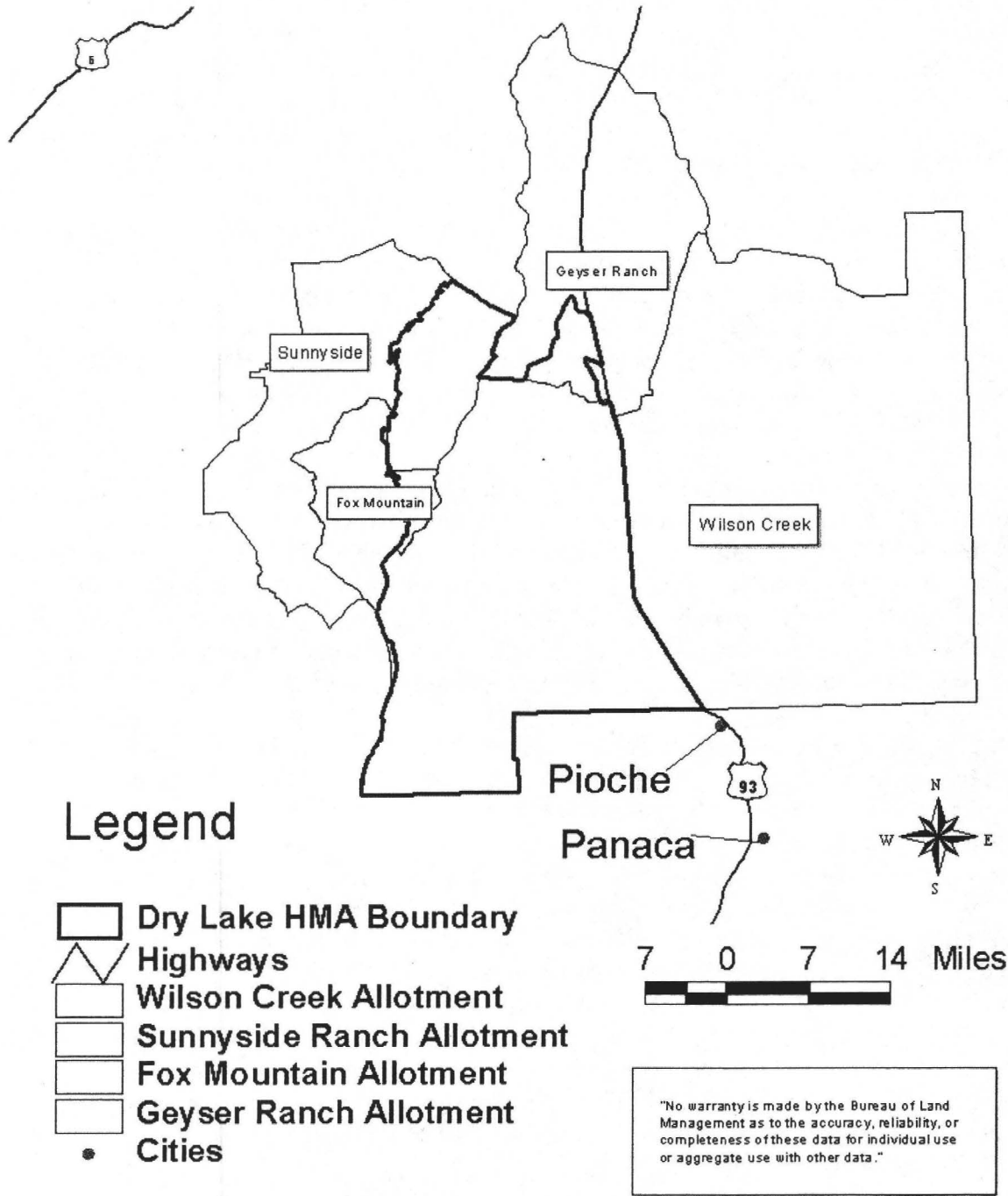
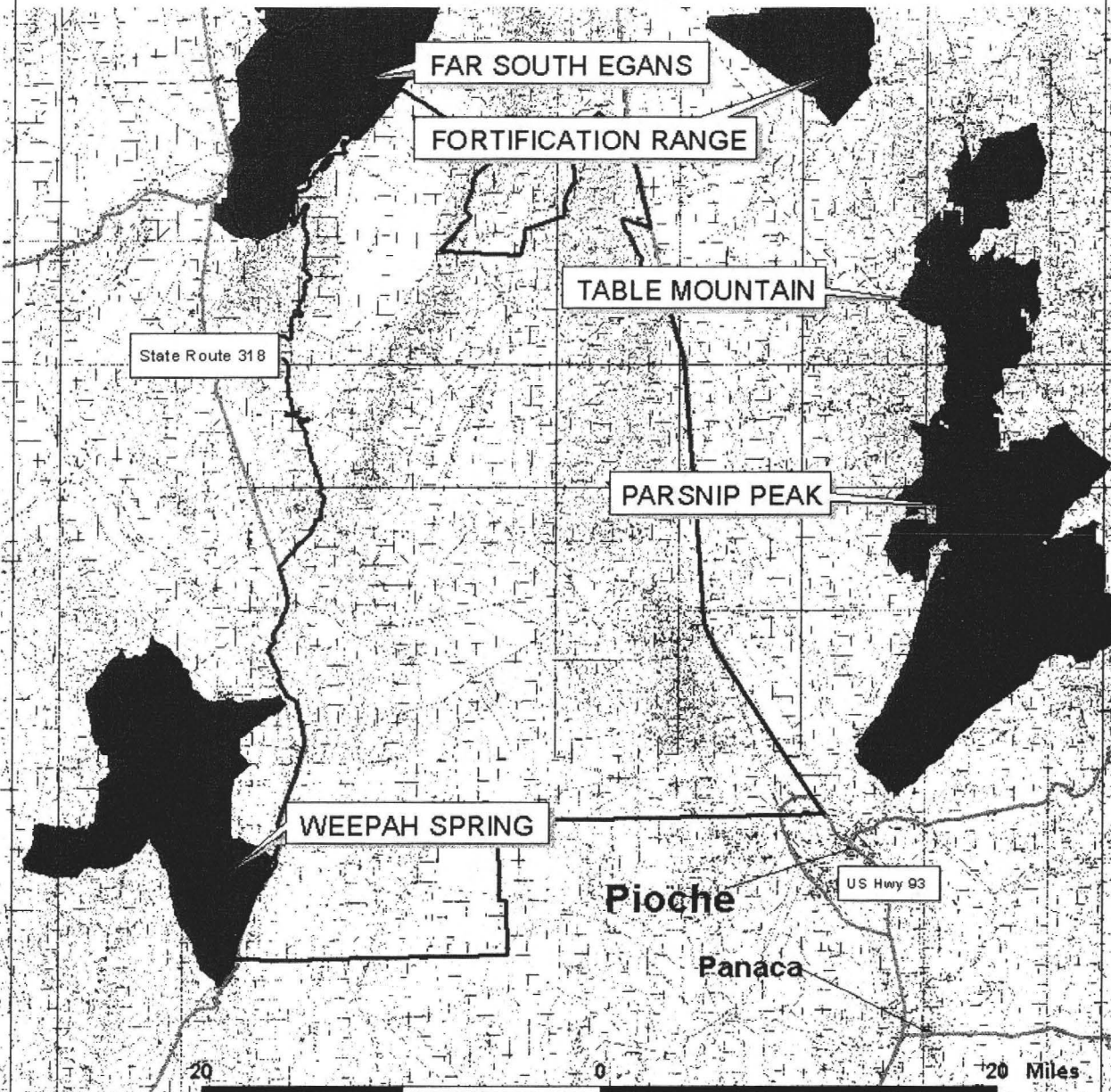


Figure 3. Wilderness Study Areas near Dry Lake HMA



Legend

- Cities
- Dry Lake HMA
- △ Roads
- Wilderness Study Areas

"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."



B. Wild Horses

Currently the estimated wild horse population in the HMA based on census completed June, 2003, is 383 animals. The Appropriate Management Level (AML) is 94 horses.

The Dry Lake HMA has undergone two removals since passage of the Wild and Free Roaming Horse and Burro Act. The 1993 removal incorporated several of the removal strategies identified in the proposed action and alternatives. The 1996 gather was a partial emergency removal due to a drought closure in the Dry Lake Use Area (Table III).

Table III. Previous Gathers

Date of Gather	Number of horses removed
August, 1993	232
September, 1996	220

Sex ratios for wild horses within the Dry Lake HMA are representative of other HMAs in the Ely District and the West at large. At birth, sex ratios are roughly equal. This balance shifts to favor mares throughout the younger age classes. This pattern shifts again at around 15 years of age favoring studs (Joel Berger, *Wild Horses of the Great Basin - Social Competition and Population Size*, University of Chicago Press, 1986).

Past capture data was used to determine animal colors and approximate percentage of frequency within the herd. The majority of horses exhibit bay (24%), sorrel (20%), black (18%), brown (14%), gray (7%), blue roan (4%), red roan (4%), palomino (3%), buckskin (2%), grulla (1%), and dun (1%).

IV. 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, areas of critical environmental concern, environmental justice, prime or unique farmland, floodplains, Native American religious concerns, water quality, hazardous and solid wastes, wetland areas, or wild and scenic rivers.

A. 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, processing, and transportation of animals. The intensity of these impacts varies by individual and is indicated by behaviors ranging from nervous agitation to physical distress. Mortality to individuals from this impact is infrequent but does occur in one half to one percent of horses gathered in a given gather.

Impacts, which can occur to horses after the initial stress event, may include increased social displacement, and increased conflict between studs. These impacts are known to occur intermittently during wild horse gather operations. Traumatic injuries may occur, and typically involve biting and/or kicking bruises, which don't break the skin. The occurrence of spontaneous abortion events among mares following capture is very rare.

Population-wide impacts can occur during or immediately following implementation of the proposed action. They include displacement of horse bands during capture and the associated re-dispersal, modification of herd demographics (age and sex ratios), temporary separation of members of individual bands of wild horses, re-establishment of bands following releases, and the removal of animals from the population. With the exception of changes to herd demographics, direct population-wide impacts have proven, over the last 20 years, to be temporary in nature with most, if not all, impacts disappearing within hours to several days of release. Observations of animals following release have shown horses relocate themselves back to their home ranges within 12 to 24 hours of release and sometimes much faster. No observable effects associated with the gather impacts would be expected within one month of release except a heightened shyness toward human contact.

The effect of removal of wild horses from the population would not be expected to have noticeable impact on herd dynamics or population variables as long as the selection criteria for the removal ensured a "typical" population structure was maintained. Implementing the selective removal criteria would allow for correction of any existing discrepancies in sex ratios. Wild horses would be released to provide a more natural sex ratio.

Population-wide genetic viability impacts would not appear immediately as a tangible effect. Subsequent genetic sampling during future gathers compared against the baseline genetic data collected during this proposed gather would quantify the genetic diversity and health of the Drylake herd. Genetic effective number, or the portion of the total population that contributes genetically to the next generation, has been estimated by Frankel and Soule' as a minimum population of 50 breeding individuals. Their work in the field of conservation biology recommending a minimum of 50 breeding adults, would be the lowest population and the highest level of inbreeding that would be allowed by managers (Singer and Schoenecker) while still retaining genetic diversity. Since 56 wild horses would be released, being of six to nine years of age, as well as an even sex ratio, enough caution would be used during the gather to minimize the effect of a loss of genetic diversity that could lead to genetic drift or produce un-healthy wild horses.

Population modeling was completed for the proposed action in order to determine future herd demographics and population growth. Modeling indicates that the average wild horse population growth rate of the median of 100 trials should be 15% over four years. The average population size of the median of 100 trials would be 105 wild horses. Modeling indicates that reducing wild horse numbers to 56 would not put the population at risk of catastrophic loss or "crash". Refer to Appendix II for population modeling summary graphs.

Under the Proposed Action, the wild horse population in the Dry Lake HMA would be reduced to 56 animals. The implementation of the Proposed Action would prevent the population from increasing beyond AML during the next three years. The next gather, which would be scheduled in approximately four years, would reduce horse numbers the year that they exceed the AML. This would ensure a healthy, vigorous, and viable breeding population, reduce stress on vegetative communities and wildlife, and be in compliance with the Wild Free Roaming Horse and Burro Act, Resource Advisory Council Standards and Guidelines, and land use plan management objectives. The above impacts are likely to occur, but to fewer animals in the long term because less horses would need to be gathered, and less frequently. Removing wild horses to 56 head would result in the HMA achieving a "thriving natural ecological balance" until the fourth year. Risks to the health of the rangelands by exceeding the carrying capacity of the range, and risks to the health of the horse herds would be minimized. Horses would not be at risk of death by starvation and lack of water due to unpredictable weather patterns. Fighting among stud horses would decrease as they less frequently protect their position at scarce water sources, as well as injuries and death to all age classes of animals. As populations are managed within capacity of the habitat, bands of horses would be less likely to leave the boundaries of the HMA seeking forage and water, which in turn may put them at risk in new and unfamiliar country.

Alternative I - Alternative I would have the same impacts as the proposed action at the time of the gather, as well as reducing the short-term fecundity of initially a large percentage of mares in a population.

This one-shot application, applied at the capture site, will not affect normal development of the unborn fetus, hormone health of the mare or behavioral responses to stallions, should the mare already be pregnant when vaccinated (Kirkpatrick, 1995). The vaccine was also proven to have no apparent effects on pregnancies in progress, the health of offspring, or the behavior of treated mares (Turner, 1997). The PZP two-year vaccine has shown up to 90% effectiveness for 18 to 22 months. If mares are inoculated during the winter months, the vaccine would prevent two years of conception and foaling. In the case of the Dry Lake HMA, only one year of effectiveness is expected because the mares would be inoculated during summer months, rendering the drug nearly ineffective the second year (2005). According to current research of the drug, up to 90% of the mares treated would not foal in the year 2005. The potential one-year reprieve from foaling would greatly increase overall health and fitness of the mares, as well as the health of the foals born in 2006 and thereafter. The increased health and condition of the mares would lead to more mares than usual being bred in 2005, and a greater foaling rate in 2006. This is evidenced in the population modeling by the average population at the end of four years being greater with fertility control than without it (Appendix II).

Mares receiving the inoculation would experience slightly increased stress levels from increased handling while being inoculated and freeze branded. There would be additional impacts to animals at the isolated injection site following the administration of the fertility control vaccine. Injection site injury associated with fertility control treatments is extremely rare in treated mares, and may be related to experience of the administrator. The injection would be controlled, handled and administered by a trained BLM employee, researcher or veterinarian. Any direct

impacts associated with fertility control are expected to be minor in nature and of short duration. The mares would quickly recover once released back to the HMA.

The use of fertility control under Alternative I is not expected to have any long-term significant direct, or indirect impacts to the Dry Lake HMA genetic health, long-term viability or future reproductive success of mares within the herd. Among mares, PZP contraception appears to be completely reversible, and to have no ill effects on ovarian function if the mare is not administered the contraception vaccine for more than 3 consecutive years. Implementation of fertility control is expected to improve the health of the mares within the HMA, and improving the health of the foals born to those mares in the future. Improved condition of the mares and foals would aid in the long-term health and viability of the Dry Lake HMA wild horse population. Reduced growth rates that would occur with the implementation of fertility control would influence herd size at any one point in time, reducing competition for resources and utilization levels of those resources. Reduced growth rates would increase the interval between gathers, having overall beneficial impacts to the entire wild horse population, while contributing to the achievement and maintenance of a "thriving natural ecological balance" until the fourth year. This alternative would have the same impacts to herd viability as the proposed action.

Population modeling indicates that the average (median) growth rate of the herd should be 12% over four years. The average of 100 trials indicates that the median population would be 116 wild horses (Appendix II). Modeling indicates that implementation of fertility control would not put the population at risk of catastrophic loss or "crash".

Alternative II – Impacts to wild horses would be the same as the proposed action at the time of gather. However, under this alternative, only enough horses would be removed in order to achieve the established AML for the Dry Lake HMA. This would result in the HMA being over AML by the first foaling season, which would be in the spring of 2004. The wild horse population would increase annually, in excess of AML until the next gather, which would be scheduled in approximately four years. Consequences of exceeding the established AML would be to surpass the carrying capacity of the range, risk the health of the rangelands, and risk the health of the horse herds. Horses would be at risk of death by starvation and lack of water. Fighting among stud horses would increase as they protect their position at scarce water sources, as well as injuries and death to all age classes of animals. As populations increase beyond the capacity of the habitat, bands of horses may leave the boundaries of the HMA seeking forage and water, which in turn may put them at risk in new and unfamiliar country.

Population modeling has indicated that under this alternative the average growth rate of the herd in the next four years would be nearly 16% annually. The average of 100 trials indicates that the median population would be 153 wild horses (Appendix II). This indicates that AML and a "thriving natural ecological balance" would be achieved for one year after the gather.

Alternative III - Alternative III would have the same impacts as the proposed action at the time of the gather, as well as reducing the short-term fecundity of initially a large percentage of mares in a population. The impacts of fertility control would be similar to Alternative I. However, the impacts of only removing wild horse numbers down to AML would be similar to Alternative II.

Population modeling has indicated that under this alternative the average growth rate of the herd in the next four years would be 12% annually. The average of 100 trials indicates that the median population would be 242 wild horses (Appendix II). This indicates that AML and a "thriving natural ecological balance" would be achieved only at the time of the gather.

Alternative IV - Alternative IV would have the same impacts as the Proposed Action in the short-term and long-term, except that the remaining population of horses may be different than that under the Proposed Action. The horse population remaining after the gather may have a different age class and/or sex ratio because captured horses would not be sorted, and the Selective Removal Criteria would not be implemented. It is expected that this alternative would have the same effects for genetic viability as the proposed action. The difference is the level of risk concerning ensuring genetic diversity within the population. The main concern is that an even sex ratio and selection of the primary breeding adults could not be ensured. Typically under a "gate cut" a high ratio of stud to mares is left after a gather. Also individual family bands tend to be left un-gathered. With the high male to female ratio the potential for genetic transfer is increased, but the main breeders (6-9 year olds) may not make up the bulk of the population.

Population modeling indicates that the average (median) growth rate of the herd should be 16% over four years. The average of 100 trials indicates that the median population would be 108 wild horses (Appendix II). Modeling indicates that under this alternative AML would not be exceeded within the next three years and a "thriving natural ecological balance" would be attained.

No Action Alternative - Under this alternative, wild horses would not be removed from the Dry Lake HMA. The horses would not be subject to any individual direct or indirect impacts described in the Proposed Action as a result of a gather operation. However, allowing horse numbers to increase unchecked would have several negative consequences to the animals, including starvation, dehydration, and social stress. Wild horses are a long-lived species with documented survival rates exceeding 92% for all age classes. Predation and disease do not substantially regulate wild horse population levels. This would lead to increasing wild horse populations with only forage, water, and space availability to limit the horse numbers.

The no action alternative would result in a steady increase in wild horse numbers, which would exceed the carrying capacity of the range. Consequences of exceeding the established AML and the carrying capacity of the range would be increased risk to the health of the rangelands, and risk to horse herd health. Individual horses would be at risk of death by starvation and lack of water. The population of wild horses would compete for the available water and forage resources. The mares and colts would be affected most severely. Fighting among stud horses would increase as they protect their position at scarce water sources, as well as injuries and death

to all age classes of animals. 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. As populations increase beyond the capacity of the habitat, bands of horses may leave the boundaries of the HMA seeking forage and water, which in turn may put them at risk in new and unfamiliar country. The health of the wild horse herd population would be reduced, the condition of the range would deteriorate, and other range users would be impacted. Further, heavy forage use would degrade rangeland resources. Rangeland in poor ecological health provides less forage, and is susceptible to invasion by non-native weeds. Soil health and future productivity of the rangeland would decline.

The average of 100 population modeling trials indicates that if the current wild horse population continues to grow without a removal the median population size would be 531 wild horses. Modeling indicates the average growth rate is expected to be a 13% annual increase (Appendix II).

B. Vegetation, Soil, and Water

Proposed Action - 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 the 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 flat spots that were previously disturbed. By adhering to the SOPs, adverse impacts to soils would be minimized.

Implementation of the Proposed Action would reduce the wild horse population. It would prevent the population from increasing beyond AML and would achieve a "thriving natural ecological balance" during the next three years. This would ensure reduced stress on vegetative communities, and be in compliance with the Wild Free Roaming Horse and Burro Act, Resource Advisory Council Standards and Guidelines, and land use plan management objectives. Vegetative resources, including riparian areas, would recover with the reduced population. Vegetative species would not experience over-utilization by wild horses, which would lead to healthier, more vigorous forage plants. This would result in an increase in forage availability, vegetation density, reproduction, and productivity.

The Proposed Action would lessen the impact of hoof action on the soil around unimproved springs and stream banks, which should lead to increased stream bank stability and improved riparian habitat conditions. There would also be a reduction in hoof action on upland habitat area and reduced competition for available water sources.

Alternative I - Impacts to vegetation, soil, and water at the time of the gather would be the same as in the Proposed Action. Implementation of this alternative would reduce the wild horse population, which would help to promote and maintain a “thriving natural ecological balance” during the next three years. Vegetative recovery is expected to be the same as the proposed action within the first two years. However, with the surge in wild horse population growth in the third year due to compensatory reproduction, vegetative recovery would be slowed.

Alternative II - Impacts to vegetation, soil, and water at the time of the gather would be the same as in the Proposed Action. The wild horse population would increase annually in excess of the AML until the next gather. Any recovery of vegetative resources, including riparian areas, would be negligible as the horse population could be twice the AML within four years.

Alternative III - Impacts to vegetation, soil, and water would be the same as in Alternative II. Vegetative recovery could be greater than under Alternative II, it would still be lessened because horse numbers would be above AML.

Alternative IV - Impacts to vegetation, soil, and water at the time of the gather, and in the years following the gather, would be the same as in the proposed action. Alternative III would reduce the wild horse population, which would help to promote and maintain a “thriving natural ecological balance” during the next three years.

No Action Alternative - The severe localized trampling associated with trap sites would not occur, however, as wild horse populations continue to grow, soil erosion would increase. Increased horse use throughout the HMA would adversely impact soils and vegetation health, especially around the water locations. As native plant health deteriorates and plants are lost, soil erosion would increase. The shallow soils 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 weedy species and an irreplaceable loss of topsoil and productivity from erosion. Eventually, the loss of vegetation and soil would prevent any grazing of large ungulates.

C. Wildlife, Special Status Species, and Migratory Birds

Proposed Action - Temporary impacts during the gather could be displacement of wildlife, but they would return eventually. This displacement would be due to the noise of the helicopter and increased traffic. These disturbances could occur during the capture period. The implementation of the Proposed Action would result in reduced competition with wildlife as soon as the gather is completed. It would reduce horse numbers to promote and maintain a “thriving ecological balance” until the fourth year. This would result in improved habitat conditions by increasing forage availability and quality. In addition, it would reduce competition for available forage and water resources. There would be reduced disturbance associated with wild horses along stream bank riparian habitat and adjacent upland habitat.

Alternative I - This alternative would have the same impacts as the proposed action. However, the surge in wild horse populations the third year would slow the improvement in wildlife habitat.

Alternative II - Impacts to wildlife at the time of the gather would be the same as in the proposed action. Alternative II would reduce the wild horse population to AML. Wild horses would exceed the established AML by the first foaling season, which would be in the spring of 2004. Any recovery to vegetative resources and wildlife habitat would be negligible as the horse population could be twice the identified AML within four years. AMLs are established based on the carrying capacity of the range to sustain herbivory by multiple species of animals. If the AML is exceeded, the range would be overstocked, and a "natural thriving ecological balance" would not be attained.

Alternative III - Impacts to wildlife would be the same as in Alternative II.

Alternative IV - This alternative would have the same impacts as the proposed action during the time of the gather, and in overall response by wildlife and their habitat.

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. This competition would increase as wild horse numbers increased annually. Wild horses are aggressive around water sources, and some wildlife species may not be able to compete. The competition for resources may lead to increased stress and possible dislocation or death of native wildlife species.

D. Livestock

Proposed Action - Impacts to livestock operations within the project area due to normal gather activities could have localized effects in certain areas. Minimal effects to livestock due to gather operations would occur because livestock would not be in a majority of the HMA during the gather. The only area where livestock may be actively grazing during the time of the gather is in the Cave Valley area of the Sunnyside Allotment. All other portions of the HMA have winter livestock use. Livestock located near gather activities would be disturbed by the helicopter and the increased vehicle traffic during the gather operation. This displacement would be temporary; and the livestock would move back into the area once gather operations moved. A reduction to 56 wild horses would result in an increase in forage availability and quality, improved habitat condition, and reduced competition between livestock and wild horses for available forage and water resources until the fourth year.

Alternative I - This alternative would have the same impacts as the Proposed Action. However, the surge in wild horse population the third year would slow the forage recovery and increase wild horse and livestock competition.

Alternative II - Alternative II would have the same impacts as the Proposed Action at the time of the gather. Most of the impacts would be associated with disturbance caused by helicopter activities and increased vehicle activity within the gather area. With reducing to 94 wild horses, wild horses would exceed the established AML within a year, which would be in 2004. Any recovery to vegetative resources would be lessened as the horse population could be twice the identified AML within three years. AML has been established based on the carrying capacity of the range to sustain grazing by multiple species of animals. If AML is exceeded, the range would be overstocked by fall 2004 and a "thriving natural ecological balance" would not be attained.

Alternative III - Impacts to livestock would be the same as in Alternative II.

Alternative IV - Alternative III would have the same impacts as the Proposed Action during and after the gather.

No Action Alternative - Livestock would not be displaced or disturbed due to gather operations under the No Action Alternative, however, there would be continued competition with wild horses for water and forage resources. As horse numbers increase, livestock grazing may be reduced to prevent further deterioration of the range.

E. Wilderness

Proposed Action - No impacts to wilderness values are anticipated to occur during the gather since all trap sites and holding facilities would be placed outside Wilderness Study Areas. Wilderness values after the gather would be positively affected by a reduction in wild horse numbers as a result of an improved ecological condition of the plant communities and other natural resources. Wilderness values would be positively affected for three years when a "thriving natural ecological balance" is achieved.

Alternative I - Alternative I would have the same impacts as the Proposed Action. However, with the surge in wild horse numbers the third year, natural resource improvement would slow, affecting wilderness values.

Alternative II - Wilderness values would be positively affected by implementation of this alternative, as it would result in an improved ecological condition of the plant communities that are aesthetically more appealing to the public than the existing situation. However, the effects of the horse reduction would last only for a year. At this time a "thriving natural ecological balance" would not be attained, and ecological conditions would not improve.

Alternative III - Impacts would be the same as in Alternative II.

Alternative IV - This alternative would have the same impacts as the Proposed Action during the time of the gather, and similar results in overall response by plant communities and related wilderness values.

No Action Alternative - No impacts to wilderness due to gather operations would occur. Impacts to wilderness values would continue to occur through the continued degradation of vegetative and soil resources by high numbers of wild horses. To some, the sight of heavy horse trails, trampled vegetation and areas of high erosion detract from the wilderness experience.

F. 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. The contractor together with the contracting officer's representative or project inspector (COR/PI) would examine proposed trap sites and holding corrals prior to construction. If noxious weeds were found, the location of the facilities would be moved. However, with the reduction in horse numbers, and the subsequent recovery of the native vegetation, fewer disturbed sites would be available for non-native plant species to invade.

Alternative I - Impacts would be the same as the Proposed Action. However, the surge in wild horse population the third year could slow native vegetation recovery and lead to non-native plant invasion.

Alternative II - Impacts would be the same as the Proposed Action at the time of the gather. Horse numbers would exceed AML within a year, and recovery of vegetative resources would be negligible. Greater horse numbers could lead to increased soil disturbance, allowing for noxious weeds and invasive non-native species to spread.

Alternative III - Impacts to noxious weeds and non-native species would be the same as in Alternative II.

Alternative IV - Impacts would be the same as the Proposed Action.

No Action Alternative - Under this alternative, the wild horse gather would not take place. The likelihood of noxious weeds being spread by gather operations would not exist. However, overgrazing of the present plant communities could lead to an expansion of noxious weeds and invasive non-native species.

G. Cultural 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. An archaeologist would review all proposed trap sites and facility locations (new and previously used locations) to determine if these locations have had a cultural resources inventory, and/or if a new inventory is required (Cultural Resources Needs Assessment NV-8100-9). This review by the archaeologist, which does not normally include fieldwork, will be documented in the Needs Assessment. A District Archeological Technician (DAT) will be on-site during the gather to perform any needed cultural resources inventories. 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. With reduced horse numbers, there would be less hoof action around riparian spring areas where many cultural resources are found. This could lead to decreased cultural resources damage by wild horses.

Alternative I - The impacts would be the same as the Proposed Action. However, with the surge in wild horse population the third year, the greater horse numbers could damage cultural resource sites.

Alternative II - Impacts at the time of the gather would be the same as in the Proposed Action. However, with horses exceeding AML within a year, high numbers of wild horses could cause damage to cultural resources due to trampling, especially around water sources, where the occurrence of cultural resources is often high.

Alternative III - Impacts to cultural resources would be the same as in Alternative II.

Alternative IV - Impacts would be the same as the Proposed Action.

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. There would be no possibility that cultural resources would be damaged as a result of horse gather operations, however, high numbers of wild horses could cause damage to cultural resources due to trampling, especially around water sources, where the occurrence of cultural resources is often high.

Cumulative Impacts

According to the 1994 BLM *Guidelines For Assessing and Documenting Cumulative Impacts*, the amount of analysis that is necessary can be greatly reduced by limiting cumulative analysis only to those issues and resource values identified during scoping that are of major importance. Accordingly, the action of major importance that is analyzed is wild horse population management.

A. Wild Horse Population Management

Past Actions

Horses originally evolved and developed in North America. The animal that evolved then was very different from the animal we recognize today. The animal of 8,000 years ago was closely related to the zebra as opposed to modern horse. These animals became extinct and the horse ceased to exist in North America.

During the 1500's the Spanish explorers brought the modern horse with them from Spain and the rest of Europe. Many of these animals became feral and roamed in the grasslands of the plains as well as isolated mountainous regions of the west where the Spanish had explored or settled. As various European groups settled in North America and the western United States they brought many breeds of horses with them. Each breed was developed for unique tasks or purpose. As

European people settled the west, particularly Nevada, these animals became feral or were purposely turned loose on the range and used as a commodity. The horses out on the range came from very diverse breeds and users. The horses in eastern Nevada are descended from ranch stock, mining draft horses, Calvary mounts and various other breeds.

From the late 1800s until the 1930s many horses were produced on the range for use in the Calvary remount program. This program paid horse producers for certain types of horses that could be used by the Calvary. Due to this program many Arab and Thoroughbred stallions were released on the range to reproduce with the wild mares in order to obtain progeny that had endurance and characteristics required by the military. Horses on the rangeland were periodically captured by private individuals, the young animals were sold to the military, and the undesirable stallions and mares that did not exhibit the desired physical characteristics were removed from the population through destruction. After the Calvary remount program ended, many horses were captured to be sold for rendering profits. Horses were viewed strictly as a nuisance and/or commodity. Many "Mustangers" operated in eastern Nevada capturing wild horses and selling them for slaughter, or keeping a few for personal use.

In 1934 Congress passed the Taylor Grazing Act establishing grazing districts and the Grazing Service. This act was the first step in regulation of grazing use on the public lands. In 1946 the Grazing Service was merged with the General Land Office and the Bureau of Land Management (BLM) was formed. At this time wild horses were not federally protected and were used for commercial purposes by individuals that claimed ownership or "mustangers" with permission from the BLM. In 1959 Congress passed the Wild Horse Annie Act. This act protected wild horses from being captured, harassed or chased with motorized vehicles. In 1969 Congress passed the National Environmental Policy Act which required federal undertakings to be analyzed in order to determine the effect on the quality of the human environment. 1971 Congress passed the Wild and Free Roaming Horse and Burro Act. This act proved full protection for wild free roaming horses and burros. Wild or free roaming horses that were not claimed for individual ownership were under the protection of the Secretaries of Interior and Agriculture. Although this act was a first step in the protection of wild and free-roaming horses, it gave no appropriation authority for their management. In 1976 the Federal Land Policy and Management Act (FLPMA) was passed which gave the Bureau of Land Management a direction for management as well as approved appropriation authority for the management of wild and free-roaming horses on the public lands. This act also gave the Secretary the authority to use motorized equipment in the capture of wild free-roaming horses as well as continued inventory of the public lands. In 1978 the Public Range Improvement Act was passed by Congress. This act amended the Wild and Free-Roaming Horse and Burro Act by allowing the Secretary to place excess wild horses into private ownership or adopt these animals to the citizenry of the United States in order to improve the condition of the public lands through removals.

Due to these laws and subsequent court decisions integrated wild horses management and removals have occurred periodically in the Dry Lake HMA. Wild horses have been removed when over-populated. Resource conditions have been negatively affected due to excess wild horses and conversely resource conditions have improved due to wild horse removals. The cycle has been a see-saw dependent upon funding, facility space, and political attitudes. Appropriate

Management Level determinations for the Dry Lake HMA have been established through three separate decisions from 1990 through 2001. AML was established at 94 wild horses in order to achieve a "thriving natural ecological balance".

Present Actions

Today the Dry Lake HMA has an estimated population of 383 wild horses. Resource damage is occurring due to this excess of animals. Current BLM policy is to conduct removals targeting portions of the wild horse population based upon age, and allowing the correction of any sex ratio problems that may occur. Further, the BLM is mandated to conduct gathers in order to facilitate a four-year gather cycle. Program goals have expanded beyond establishing a "*thriving natural ecological balance*" (by setting appropriate management level (AML)) for individual herds, to include achieving and maintaining healthy, viable, vigorous, and stable populations.

Current mandates prohibit the destruction of healthy animals that are removed or deemed to be excess. Currently only sick, lame, or dangerous animals can be euthanized, and destruction is no longer used as a population control method.

Today public interest in the welfare and management of wild horses is higher than it has ever been. Many different values pertaining to wild horse management form current wild horse perceptions. Wild horses are viewed as nuisances as well as living symbols of the pioneer spirit. Wild horses are despised by some, tolerated by others, and loved by several demographics of people.

Reasonably Foreseeable Future Actions

The BLM has been mandated to manage wild horses within a population range for future established AMLs, while maintaining genetic diversity, age structure, and sex ratios. Natural selection may not be the preferred method for managing wild horses in the future. Wild horse AML most likely would be expressed in a range to allow for regular population growth, as well as better management of populations rather than individual HMAs. Future management would focus on an integrated ecosystem approach with the basic unit of analysis being the watershed. Wild horses would continue to be a component of the public lands, managed within a multiple use concept within the Dry Lake HMA.

There is no anticipation that the Wild and Free-Roaming Horse and Burro Act should have any amendments to it that would change the way wild horses could be managed on the public lands. If changes in the act that relate to the disposal of excess wild horses or sanctuaries outside of the United States are authorized; gathers and removals should become more predictable due to facility space. This should increase the stability of gather schedules, which would result in the Dry Lake HMA being gathered every four years. Fertility control should also become more readily available as a management tool, with treatments that last between gather cycles, reducing the need to remove as many wild horses.

If no amendments to the Wild and Free-Roaming Horse and Burro Act are made, and with funding levels remaining the same, few changes in on-the-ground management would occur. Wild horses would continue to overpopulate and removals would be sporadic with action taken when wild horses are causing resource damage.

An Ely BLM District Resource Management Plan, which includes Great Basin Restoration, has been initiated and is scheduled to be completed in 2004. Wild horse management for the Dry Lake HMA will be addressed on a programmatic basis.

Impacts

Past actions regarding the management of wild horses and BLM mandates, have resulted in the current wild horse situation within the Dry Lake HMA. Wild horse management has contributed to the present resource condition, and wild horse herd structure within the gather area.

Cumulatively the wild horses within the Dry Lake HMA make up a small portion of the total wild horse population within the Ely District and the BLM as a whole. For the Dry Lake HMA wild horses would continue to be a one of the multiple users of the public lands.

The combination of the past, present, and reasonably foreseeable future actions, along with the proposed action, should result in more stable wild horse populations, healthier rangelands, and fewer multiple-use conflicts within the Dry Lake HMA.

Suggested Monitoring

The standard operating procedures incorporate all necessary monitoring. No additional monitoring is warranted.

Consultation and Coordination

Intensity of Public Interest and Record of Contacts

There are many individuals and groups who are interested in the management of wild horses on public lands, including wild horse gathers. The Preliminary EA was mailed to the following list of people on June 6, 2003:

American Horse Protection Association
American Mustang and Burro Association
Animal Protection Institute of America
Board of County Commissioners, Lincoln County
Mr. Paul C. Clifford Jr.
Comm. for the Preservation of Wild Horses
Ms. Sharon Crook
Mr. Craig C. Downer
Colorado Wild Horse and Burro Coalition

Mr. Steven Fulstone
Intl. Society for the Protection of Mustangs and Burros
Wild Horse Sanctuary
The Fund for Animals, Inc.
Donald A. Molde, M.D.
National Mustang Association, Inc.
National Wild Horse Association
Nevada Cattlemen's Association
Nevada Division of Wildlife, Las Vegas
Nevada Division of Wildlife, Mike Scott
Nevada Farm Bureau Federation
Nevada Outdoor Recreation Association
Nevada State Department of Agriculture
Nevada Wool Growers Association
Board of County Commissioners, Nye County
Wild Horse Spirit
Rutgers School of Law-Newark, Animal Rights Law Center
Toiyabe Chapter of the Sierra Club
U. S. Fish and Wildlife Service, Bob Hallock
The Humane Society of the United States
Nevada State Clearinghouse, Wild Horse Commission
Wild Horse Organized Assistance
Tribal Manager, Duckwater Tribal Council
Roberta Moore
Ms. Tina Nappe
Save the Mustangs
Eastern Nevada Landscape Coalition
Nevada Division of Wildlife, Teri Slatauski
8-Mile Ranch
Blue Diamond Oil Corporation
Bulloch Brothers
Frank & Rose Delmue
El Tejon Cattle Co.
Carlisle Hulet
Bruce & Pamela Jensen
Lake Valley Cattle LLC
Paul C. Lewis
Gordon Lytle
Ken & Donna Lytle
Linda J. Lytle
Pearson Brothers
Department of Agriculture
George I. Andrus
Carter Cattle Company
Committee for the High Desert

Steve Foree
Melvin Gardner
Shelley Hartmann
Dan Heinz
Lincoln County Commission
John McLain, Principal
Jon Marvel
USFWS, Southern Nevada Field Office
Jule Wadsworth

During the 30-day comment period, one comment letter was received from The Fund for Animals Inc. (The Fund) concerning the management of wild horses within the Dry Lake HMA. The Fund also had several concerns about the adequacy of the Environmental Assessment (EA 040-03-027) pertaining to analysis of the range of alternatives. Due to these comments an additional alternative has been analyzed, as well as more analysis concerning genetic viability. The Fund had many comments that are outside the scope of this analysis. A response to The Fund's comments is available to other interested parties upon request.

A second comment letter was received from the U.S Department of the Interior's Fish and Wildlife Service. They are in support of removing wild horses in excess of the established AML and BLM wild horse management. The Fish and Wildlife Service has concerns about avoiding impacts to sensitive plant species, minimizing surface disturbance, and controlling noxious weeds. Another concern is to avoid impacts to nesting western burrowing owls and ferruginous hawk habitat, as well as complying with the Migratory Bird Treaty Act of 1918.

Internal District Review

Jody Nartz	Wild Horses/Author
Jared Bybee	Wild Horses
Karen Prentice	Invasive, Non-Native Species
Jack Tribble	Wilderness Values
Carolyn Sherve-Bybee	Archeological/Historic/Paleontological
Mike Perkins	Migratory Birds, Special Status Species
Chris Hanefeld	Public Affairs
Jake Rajala	Environmental Coordination
Elvis Wall	Native American Religious Concerns/Tribal Coordination

APPENDIX I

STANDARD OPERATING PROCEDURES

Gathers would 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.

A. 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 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.

B. 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.

C. 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.

D. 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 it is determined that noxious weeds are present, the contractor would be instructed to locate the facilities elsewhere. The contractor and his personnel would also be instructed to avoid camping in or driving through 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 modification.
 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 informed 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 District

Contracting Officer's Representatives

Jared Bybee

Project Inspectors

Mike Perkins

Jody Nartz

Jared Redington

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.

APPENDIX II POPULATION MODELING

Population modeling was completed for the proposed action and the alternatives. One hundred trials were ran, simulating population growth and herd demographics to determine the projected herd structure for the next four years, or prior to the next gather. The computer program used simulates the population dynamics of wild horses. It was written by Dr. Stephen H. Jenkins, Department of Biology, University of Nevada, Reno, under a contract from the National Wild Horse and Burro Program of the Bureau of Land Management and is designed for use in comparing various management strategies for wild horses.

Interpretation of the Model

Modeling was completed prior to the June 2003 census. The estimated population before the census was 377 wild horses, based on a May 2001 census. Since the difference between the populations is only six animals, population modeling was not repeated, as any difference in results would be minimal and would not change the analysis.

Year one is the baseline starting point for the model, and reflects wild horse numbers immediately after a gather action, or the lack of action in the case of Alternative V. In this population modeling, year one would be 2003. Year two would be exactly one year in time from the original action, and so forth for years three, four, and five. Consequently, at year five in the model, exactly four years in time would have passed. In this model, year five is 2007. This is reflected in the Population Size Modeling Table by "Population sizes in 5 years" and in the Growth Rate Modeling Table by "Average growth rate in 4 years". Growth rate is averaged over four years in time, while the population is predicted out the same four years to the end point of year five. The Full Modeling Summaries contain tables and graphs directly from the modeling program.

Population Modeling Comparison For the Alternatives

This table compares the projected population growth for the proposed action and the alternatives at the end of the four-year simulation. The population averages are from the median trial.

Modeling Statistic	Proposed Action	Alt. I	Alt. II	Alt. III	Alt. IV	Alt. V
Population in Year One	56	56	94	94	56	383
Median Growth Rate	15%	12%	16%	12%	16%	13%
Average Population	105	116	153	242	108	531
Lowest Average Population	76	72	117	187	89	358
Highest Average Population	121	167	191	372	126	772

Full Modeling Summaries:

Proposed Action: Removal to 56 without Fertility Control

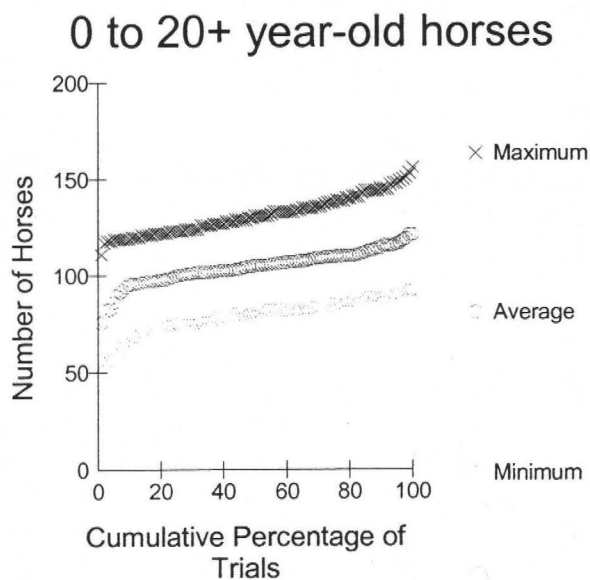
The parameters for the population modeling were:

1. gather when population exceeds 94 animals
2. foals are not included in AML
3. percent to gather 100
4. four years between gathers
5. number of trials 100
6. number of years 4
7. initial calendar year 2003
8. initial population size 377
9. population size after gather 56
10. implement selective removal criteria
11. no fertility control

Population Size Modeling Table and Graph

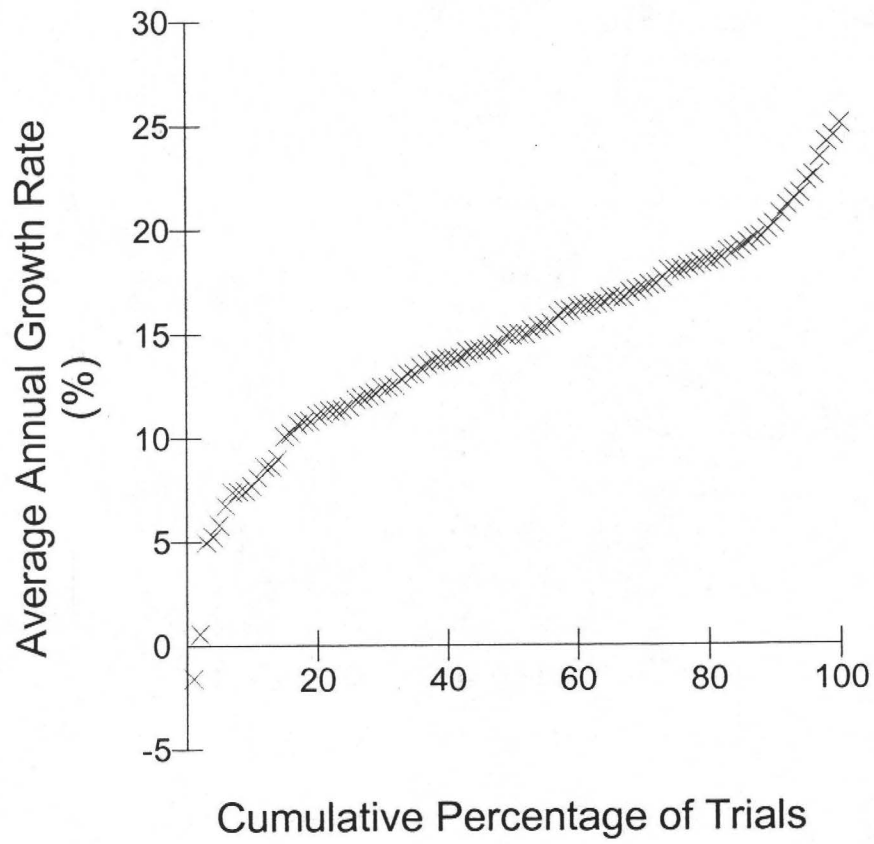
	Population Sizes in 5 Years*		
	Minimum	Average	Maximum
Lowest Trial	52	76	111
10th Percentile	67	95	120
25th Percentile	76	100	123
Median Trial	81	105	131
75th Percentile	86	110	138
90th Percentile	88	115	145
Highest Trial	93	121	156

* 0 to 20+ year-old horses



Growth Rate Modeling Table and Graph

Average Growth Rate in 4 Years	
Lowest Trial	-1.6
10th Percentile	7.9
25th Percentile	11.7
Median Trial	14.9
75th Percentile	18.0
90th Percentile	20.5
Highest Trial	25.0



Alternative I: Removal to 56 With Fertility Control

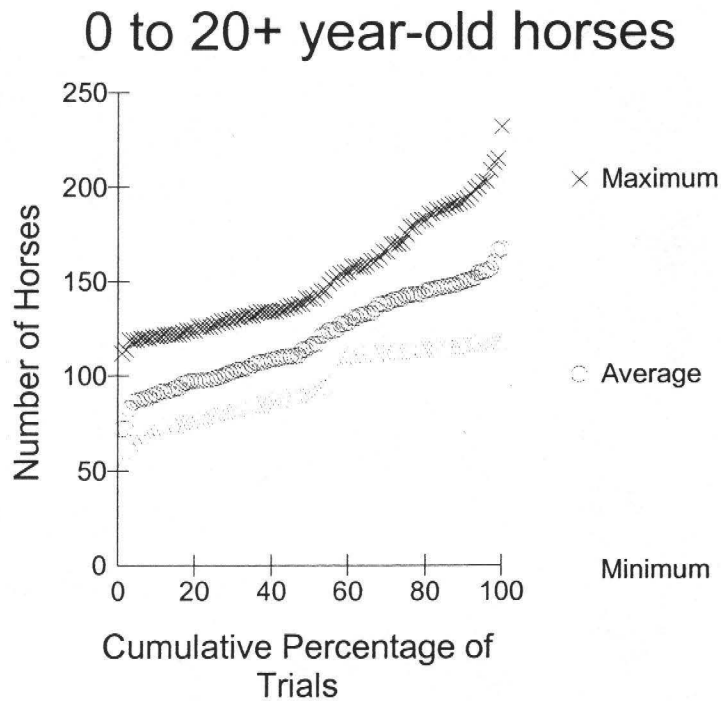
The parameters for the population modeling were:

- 1-10. same as proposed action
- 11. treat all mares released with fertility control

Population Size Modeling Table and Graph

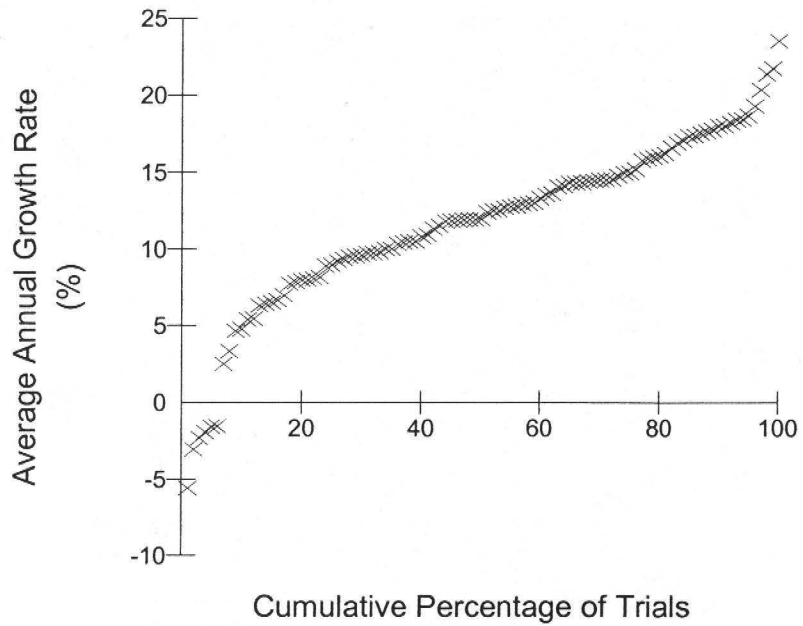
	Population Sizes in 5 Years*		
	Minimum	Average	Maximum
Lowest Trial	51	72	112
10th Percentile	73	91	121
25th Percentile	79	99	128
Median Trial	92	116	141
75th Percentile	113	143	177
90th Percentile	116	150	194
Highest Trial	118	167	232

* 0 to 20+ year-old horses



Growth Rate Modeling Table and Graph

Average Growth Rate in 4 Years	
Lowest Trial	-5.6
10th Percentile	5.1
25th Percentile	9.1
Median Trial	12.2
75th Percentile	15.1
90th Percentile	18.0
Highest Trial	23.5



Alternative II: Removal to 94 Without Fertility Control

The parameters for the population modeling were:

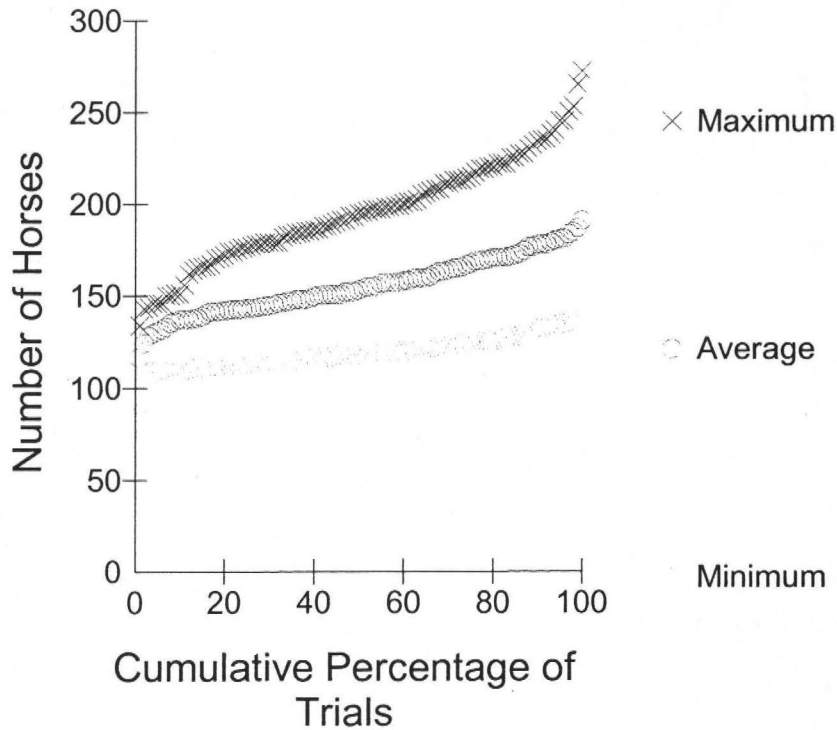
- 1-8. same as in Proposed Action
- 9. population size after gather 94
- 10-11. same as in Proposed Action

Population Size Modeling Table and Graph

	Population Sizes in 5 Years*		
	Minimum	Average	Maximum
Lowest Trial	90	117	134
10th Percentile	110	137	154
25th Percentile	114	143	176
Median Trial	118	153	195
75th Percentile	125	168	216
90th Percentile	132	178	234
Highest Trial	144	191	272

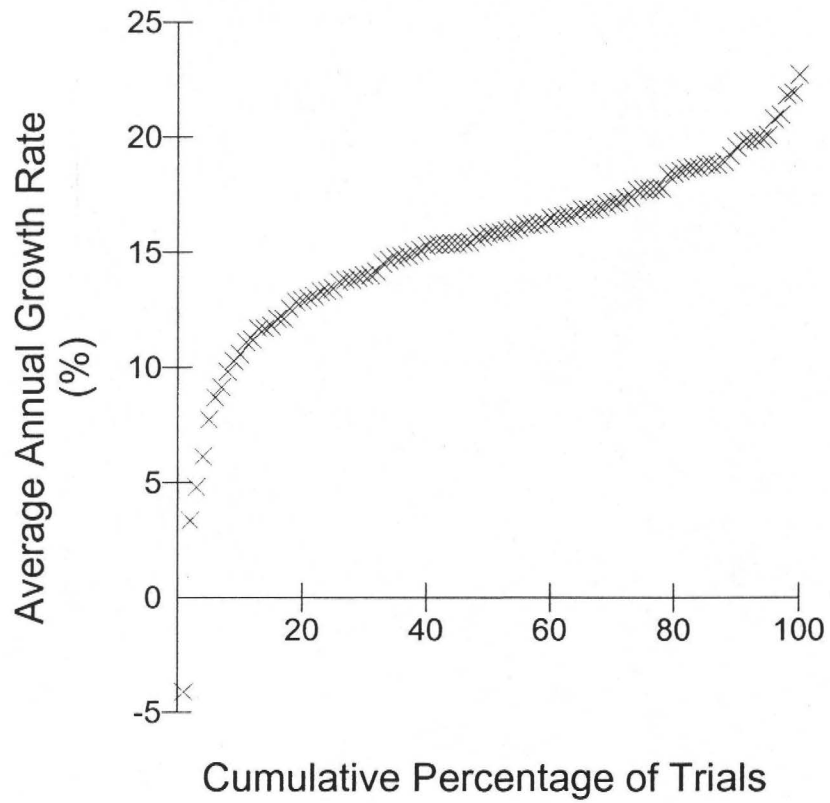
* 0 to 20+ year-old horses

0 to 20+ year-old horses



Growth Rate Modeling Table and Graph

Average Growth Rate in 4 Years	
Lowest Trial	-4.1
10th Percentile	10.8
25th Percentile	13.6
Median Trial	15.8
75th Percentile	17.7
90th Percentile	19.7
Highest Trial	22.7



Alternative III: Removal to 94 With Fertility Control

The parameters for the population modeling were:

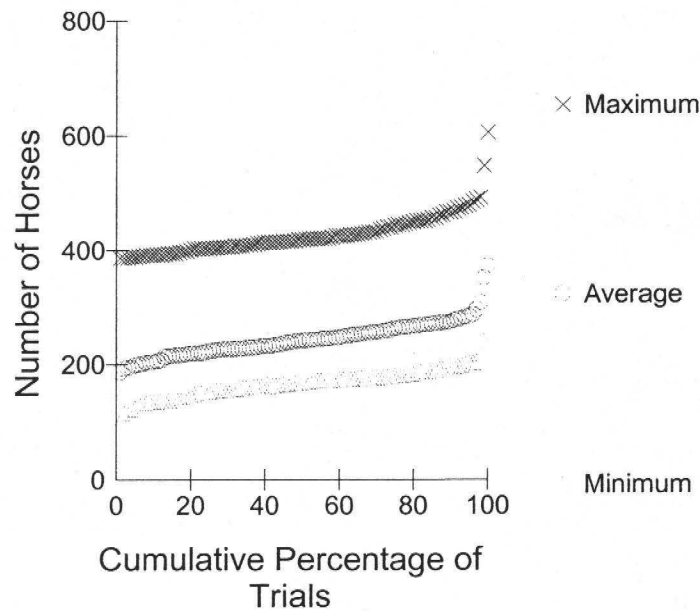
- 1-9. same as in Proposed Action
- 9. population size after gather 94
- 10. same as in Proposed Action
- 11. treat all released mares with fertility control

Population Size Modeling Table and Graph

	Population Sizes in 5 Years*		
	Minimum	Average	Maximum
Lowest Trial	99	187	386
10th Percentile	136	205	392
25th Percentile	153	224	404
Median Trial	169	242	418
75th Percentile	180	263	444
90th Percentile	195	274	467
Highest Trial	256	372	605

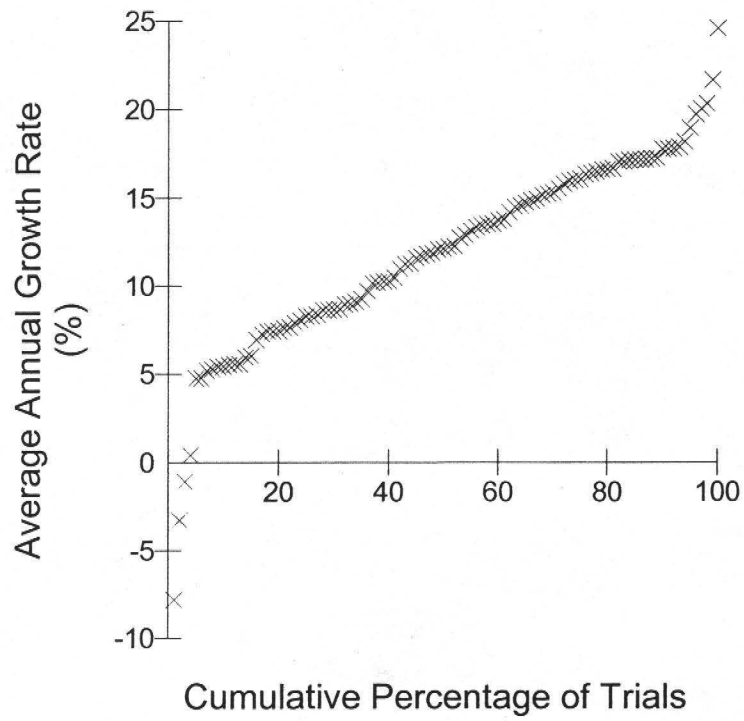
* 0 to 20+ year-old horses

0 to 20+ year-old horses



Growth Rate Modeling Table and Graph

Average Growth Rate in 4 Years	
Lowest Trial	-7.8
10th Percentile	5.5
25th Percentile	8.3
Median Trial	12.1
75th Percentile	16.2
90th Percentile	17.7
Highest Trial	24.6



Alternative IV: Remove the First 321 Caught

The parameters for the population modeling were:

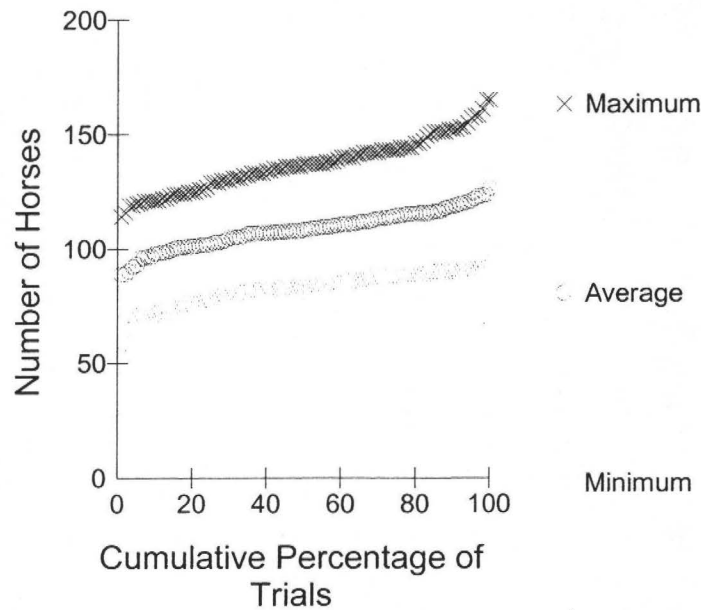
- 1-2. same as in Proposed Action
- 3. percent to gather 85
- 4-9. same as in Proposed Action
- 10. do not implement selective removal criteria
- 11. no fertility control

Population Size Modeling Table and Graph

	Population Sizes in 5 Years*		
	Minimum	Average	Maximum
Lowest Trial	56	89	114
10th Percentile	72	98	121
25th Percentile	78	102	129
Median Trial	84	108	137
75th Percentile	88	114	144
90th Percentile	90	119	152
Highest Trial	95	126	165

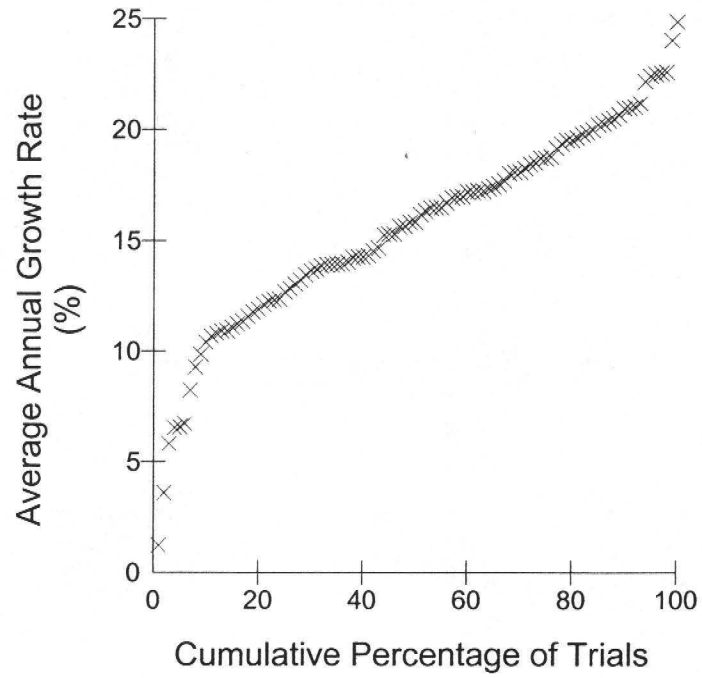
* 0 to 20+ year-old horses

0 to 20+ year-old horses



Growth Rate Modeling Table and Graph

Average Growth Rate in 4 Years	
Lowest Trial	1.3
10th Percentile	10.5
25th Percentile	12.8
Median Trial	16.0
75th Percentile	18.7
90th Percentile	21.0
Highest Trial	24.9



Alternative V: No Action Alternative

The parameters for the population modeling were:

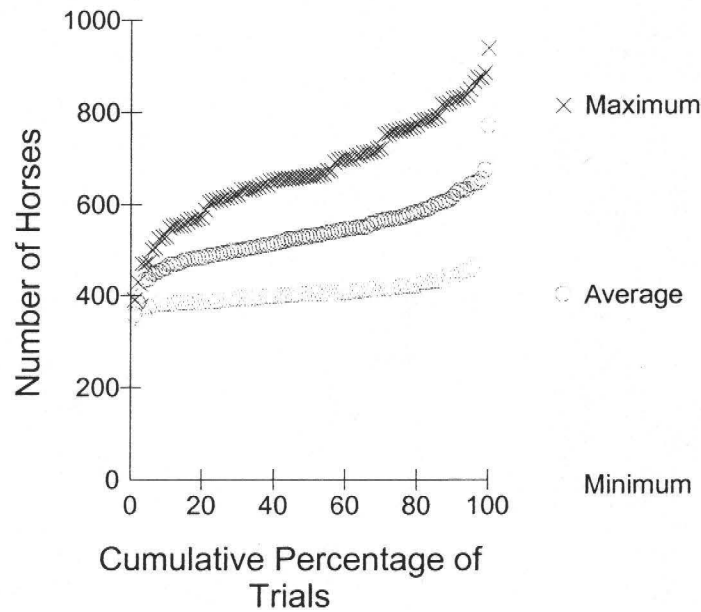
1. do not gather
2. foals are not included in AML
3. percent to gather 0
- 4-8. same as in Proposed Action
9. no fertility control

Population Size Modeling Table and Graph

	Population Sizes in 5 Years*		
	Minimum	Average	Maximum
Lowest Trial	320	358	390
10th Percentile	384	464	540
25th Percentile	390	493	613
Median Trial	405	531	662
75th Percentile	420	572	762
90th Percentile	446	620	830
Highest Trial	547	772	940

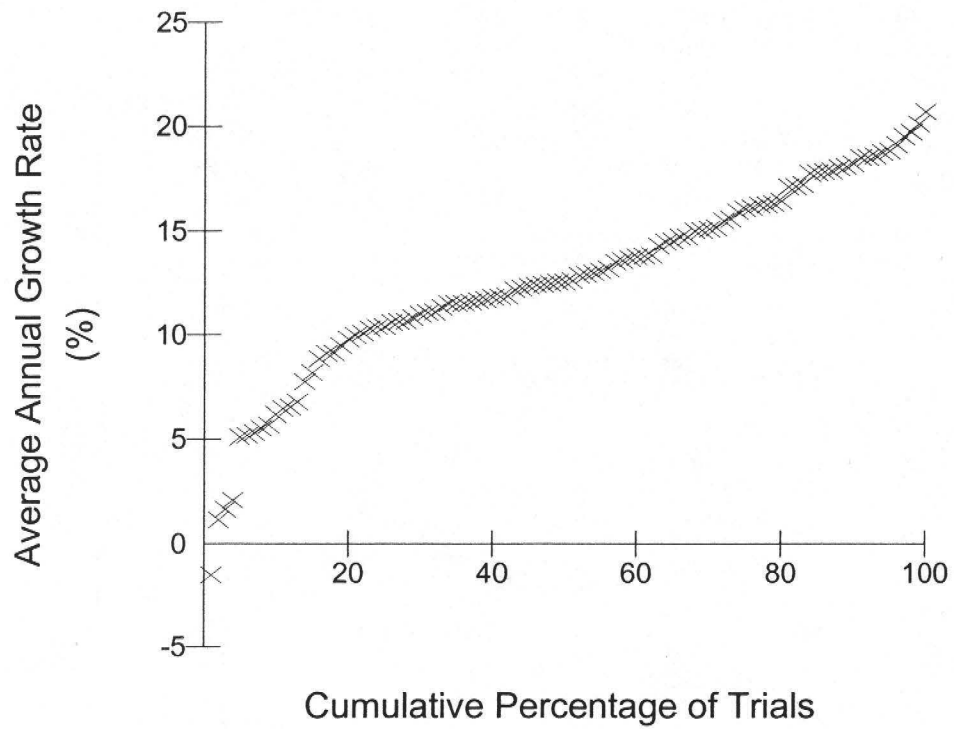
* 0 to 20+ year-old horses

0 to 20+ year-old horses



Growth Rate Modeling Table and Graph

Average Growth Rate in 4 Years	
Lowest Trial	-1.5
10th Percentile	6.3
25th Percentile	10.5
Median Trial	12.6
75th Percentile	16.1
90th Percentile	18.4
Highest Trial	20.7



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>

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

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

APR 05 2003

Eagle and Buster Fire Emergency Stabilization and Rehabilitation Gather Plan and Environment Assessment NV-040-03-028

INTRODUCTION

The Bureau of Land Management (BLM) Ely Field Office proposes an emergency gathering of wild horses within and around the boundaries of the Eagle and Buster Fires located in the Wilson Creek Herd Management Area (HMA).

Post-fire monitoring visits to the fires indicate that wild horses are actively using the areas yearlong and watering within the burns. Their presence and use within the burn areas are inhibiting the establishment of perennial vegetation which may result in unsuccessful rehabilitation and stabilization of the Eagle and Buster Fires.

The emergency gather operations would be conducted within portions of the Wilson Creek HMA to aid in the stabilization and rehabilitation of the Eagle and Buster Fires as stated in the Emergency Stabilization and Rehabilitation Plan Environmental Assessments. These plans are filed at the Ely Field Office and/or Caliente Field Station.

SUMMARY OF PROPOSED ACTION

The proposed action is to remove 50 wild horses from the Eagle Fire and Buster Fire within the Wilson Creek HMA, and transport them to BLM holding facilities to be prepared for adoption. Removing 50 horses from the Wilson Creek HMA promotes the primary objective of establishing perennial vegetation and success of the fire rehabilitation.

Multiple capture sites (traps) could be used to capture wild horses from the HMA. 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 August 12, 2003 and last approximately 1 day.

DECISION RECORD

As a result of the analysis presented in this EA, it is my decision to approve the Proposed Action as stated. This will help ensure that the primary objective of establishing perennial vegetation and success of the fire rehabilitation is met. Only wild horses within and around the Eagle and Buster Fires of the Wilson Creek HMA will be gathered due to the emergency conditions. No wild horses will be gathered from outside of the Wilson Creek HMA under the Proposed Action.

Rationale: The proposed action is being selected to reduce grazing stress on forage resources during this critical period of rehabilitation and stabilization of the vegetative resources located in the Buster and Eagle Fires. 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.*”

Selection of the No Action alternative would not achieve the objectives of stabilization and rehabilitation efforts for the Buster and Eagle fires.

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

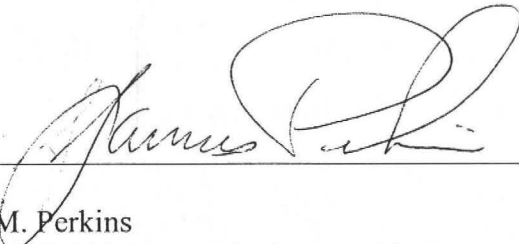
In accordance with 43 CFR 4770.3 (c), this constitutes my final decision to gather wild horses within the Eagle and Buster Fires located in the Wilson Creek HMA and is placed in full force and effect.

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 you choose to initiate an appeal, 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

8/5/03
Date

I Concur



Gene A. Kolkman
Field Manager
Ely Field Office

8/5/07
Date

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

ELY FIELD OFFICE

**EAGLE AND BUSTER FIRE EMERGENCY STABILIZATION AND
REHABILITATION GATHER PLAN AND ENVIRONMENTAL ASSESSMENT**

NV-040-03-028

**Jared Redington
Wild Horse and Burro Specialist**

August 5, 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.

The Eagle Fire was a lightning caused wild fire, which started on 07/11/2002 and was declared controlled on 7/22/2002. There were a total of 9,017 acres burned. This wild fire occurred within the southeastern corner of the Wilson Creek Herd Management Area (HMA) as well as the western portion of the Chokecherry HMA within the Cedar City District in Utah along the Utah/Nevada Stateline.

The Buster Fire was a lightning caused wild fire, which started on 7/30/2002 and was declared controlled on 08/07/2002. There were a total of 4,117 acres burned. This wild fire was in the southeastern corner of the Wilson Creek Herd Management Area HMA approximately 6 miles from the Utah/Nevada Stateline.

On March 11 2003 the Buster Fire was seeded to aid in the rehabilitation of the area. The seed mix for the Buster Fire consisted of Indian ricegrass (rimrock and nezpar), Sandburg bluegrass, Streambank wheatgrass, Snake River sear and Mountain big sagebrush. Phase one of the Eagle fire was seed on April 08, 2003. Phase 2 is planned for the 15th of September 2003. The Eagle Fire phase 1 seed mix consisted of Annual Ryegrass, crested wheatgrass, Pubescent wheatgrass, Intermediate wheatgrass, Small burnett, Sandberg bluegrass, Lewis Flax Appar, Indian ricegrass, and San Luis Slender wheatgrass. Phase 2 seed mix is expected to be the same depending on seed availability. The combined cost for the Buster Fire and phase 1 of the Eagle Fire rehabilitation as of July 16 2003 was \$577,242.60. Upon completion of phase 2 of the Eagle Fire, the projected cost for the rehabilitation of the Eagle and Buster Fires will be \$874,344.70.

Post-fire monitoring visits to the fires indicate that wild horses are actively using the areas yearlong and watering within the burns. Their presence and use within the burn areas are inhibiting the establishment of perennial vegetation which may result in unsuccessful rehabilitation and stabilization of the Eagle and Buster Fires.

The established Appropriate Management Level (AML) for the Wilson Creek HMA is 160 wild horses. The population estimate for the Wilson Creek HMA is at 583 horses as of July 1 2003. Approximately 50 to 70 wild horses are found within and adjacent to the Eagle and Buster fire areas. These wild horses have been the main factor towards the non-attainment of stabilization and rehabilitation efforts

This document has been prepared to assess the environmental impacts of gathering and removing wild horses from Eagle and Buster fires to aid in the stabilization and rehabilitation of vegetation in these areas. (Map 1)

Need for the Proposal

The need for this action is to reduce grazing stress on forage resources during this critical period of stabilization and rehabilitation of the vegetative resources.

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. It is consistent with state, and local laws, regulations, and plans to the maximum extent possible.

Issues

The issue which has been identified during internal scoping consists of the success of the stabilization and rehabilitation of the Eagle and Buster Fires in relation to wild horse management.

Proposed Action and Alternatives

Proposed Action

The proposed action is to capture and remove 50 wild horses from and adjacent to the Eagle and Buster Fires within the Wilson Creek HMA (Maps 1 and 2). From the capture site wild horses would be transported to a temporary holding facility where they would be sorted by sex, age, and pairs (i.e., mare and foal). From this temporary holding facility wild horses would be transported to a BLM facility for preparation into the adoption program or transportation to long-term holding facilities. All action taken would be in compliance with the agency Standard Operating Procedures (SOP) for wild horse gathers. (Appendix I)

The method of capture would be helicopter-drive trapping. In a limited capacity, helicopter-roping would be used on wild horses proven to be difficult to capture. One capture site is anticipated to be needed, and operations should last one day. Whenever possible, the capture site(s) would be located on a previously disturbed area(s). All capture and handling would be conducted in accordance with the Standard Operating Procedures (SOPs) as outlined in Appendix I. The capture and removal of 50 wild horses to aid in the rehabilitation of the Eagle and Buster fires is tentatively scheduled to commence on August 12, 2003 and last one day.

No Action Alternative

This alternative consists of no direct management of wild horses in regards to the Buster and Eagle fire rehabilitation projects. Wild horses would be allowed to utilize the burned areas without direct management of wild horse grazing.

Alternatives Considered but Eliminated from Detailed Analysis

Fencing around the Eagle and Buster Fires was considered. The Buster Fire is located within a portion of the Parsnip Wilderness Study Area (WSA). (Map 3) Due to the wilderness potential of the Parsnip WSA and the mountainous terrain of the Eagle and Buster Fires it is un-feasible to fence the burns. Fencing was not analyzed further.

Description of the Affected Environment

Buster Fire

This 4,117 acre burned area is located largely in the Parsnip WSA section of the Wilson Creek HMA. Elevations in the burned area range from approximately 6,200 feet to 7,272 feet. Vegetation in the burned area was dominated by a mature pinyon (*Pinus monophylla*) and juniper (*Juniperus osteosperma*) woodland with occasional openings; under story was limited. A very small (less than 1/10 acre) area of riparian vegetation was burned in Buster Wash. Small portions of two crested wheatgrass seedings and approximately 100 acres of Wyoming big sagebrush were also involved. The primary wildlife using the Buster Fire is elk, deer, and sage grouse.

Eagle Fire

This 9,017 acre burned area is located in the southeastern section of the Wilson Creek HMA. Elevations in the burned area range from approximately 6,200 feet to 8,400 feet. Vegetation in the burned area was dominated by a mature pinyon (*Pinus monophylla*) and juniper (*Juniperus osteosperma*) woodland with occasional openings; understory was limited. Some riparian vegetation was burned in and around Tobe Spring. Wildlife using the Eagle Fire has been primarily elk and deer.

The Eagle and Buster Fires burned a total of 13,134 acres, which is only 2% of the Wilson Creek HMA. This is a small portion of the HMA, however monitoring shows 50-70 wild horses are known to use these areas. (Map 2)

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, Areas of Critical Environmental Concern, environmental justice, prime or unique farmland, floodplains, Native American religious concerns, migratory birds, hazardous and solid wastes, wetlands, visual resource management (VRM), special status species, or wild and scenic rivers.

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

Wild Horses

Proposed Action - Under the proposed action, 50 horses would be removed from the area in and around the Eagle and Buster Fires within the Wilson Creek HMA. This would lower the overall estimated population of the HMA from 583 horses (as of July 1, 2003) to 533 wild horses. This would be 373 wild horses in excess of the established AML of 160 wild horses.

Impacts to the wild horse population under the Proposed Action would be minimal due to the large number of wild horses remaining within the Wilson Creek HMA. However impacts to wild horses may occur to individual animals gathered. 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 involved in a given gather.

No Action Alternative - Under this alternative, wild horses would not be gathered. Wild horses would continue to graze the Eagle and Buster fire areas. There would be no stress to the wild horses due to gather activities.

Wilderness

Proposed Action - No impacts to wilderness values would occur since traps and holding facilities would be placed outside wilderness study areas. Wilderness values would be positively affected by a reduction in wild horse numbers, resulting in improved ecological condition, and successful rehabilitation efforts of the Buster fire within the Parsnip Peak WAS. (Map 3)

No Action Alternative - No impacts due to gather operations would occur. Impacts to wilderness values would continue to occur in the form of continued degradation of vegetative and soil resources by wild horses within the Parsnip Peak WSA

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

Proposed Action - Implementation of the proposed action would remove 50 wild horses which currently use the Eagle and Buster Fires within the boundaries of the Wilson Creek 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. There would also be a reduction in hoof action on upland habitat areas and reduced competition for extremely limited forage and water sources.

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 from vehicle traffic and hoof action of penned horses, and may 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 previously disturbed locations. By adhering to the SOPs, adverse impacts to soils would be minimized.

The removal of wild horses would promote recovery of vegetation within the boundary of the Eagle and Buster Fires. Vegetation would get critical rest needed for rehabilitation and stabilization of the burned sites. Soil trampling would be reduced allowing better filtration from precipitation events. Soils would then be held in place by the root systems, allowing for retention of plants during and after the rehabilitation of vegetation.

No Action Alternative - The localized trampling associated with trap sites would not occur, however, continued wild horse use would lead to grazing of newly seeded areas causing uprooted plants and severe grazing of newly established plants. Specifically, if horses were not removed from the Eagle and Buster Fire rehabilitation sites, they would diminish the chances of establishing a vegetative cover adequate to meet rehabilitation objectives for these two areas. Continued use within the area during the rehabilitation time frame would adversely impact soils, especially around water locations. 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 site 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 weedy species and an irreplaceable loss of topsoil and productivity.

Wildlife

Proposed Action – The proposed action would result in reduced competition with wildlife for limited forage and water, and increased potential nesting habitat for sage grouse. Elk, deer, and sage grouse primarily use the area in winter and spring. Temporary impacts during the gather could be displacement of game and non-game animals from the immediate area. 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, and wildlife would soon return to the area after the gather.

No Action Alternative - Wildlife would not be displaced or disturbed under the No Action alternative, however, there would be continued competition between wildlife and wild horses, for water and forage resources. Long-term indirect impacts to wildlife and

direct wildlife habitat could be more severe than under the proposed action. Yearlong use by wild horses would diminish the chances of establishing adequate perennial vegetative cover

Livestock grazing

Proposed Action - Gather operations would not impact livestock operations as the burns are currently closed to livestock grazing.

No Action Alternative - Livestock would not be affected under the No Action alternative. The burns are currently closed to livestock grazing. The long term effect of the No Action alternative would be the loss of potential forage in the burn areas due to wild horse grazing during the critical growing period of the first two years after seeding occurs. In addition, in the long term if the fire rehabilitation objectives are not met the areas will remain closed with little to no potential forage for livestock use.

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 were 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 recently seeded plant communities could lead to elimination of native plant species and an expansion of noxious weeds. Rangeland in poor ecological health 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.

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 remove the wild horses residing inside and around the Eagle and Buster Fires located within the boundary of the Wilson Creek HMA. Implementation would reduce the grazing pressure from wild horses during the rehabilitation period. Implementation would also reduce stress on forage resources and would result in an increase in vegetation density, vigor, reproduction, productivity, and forage availability.

Past, present, and reasonably foreseeable activities which would be expected to contribute to cumulative impacts of continued wild horse management, livestock grazing, fencing of riparian areas, wildlife use, and wilderness management. Continued winter/spring deer and elk use on the rehabilitation areas, no current use by domestic livestock and a reduction in wild horse from the proposed action would combine to improve the forage quality, abundance, and continuity within the rehabilitation areas.

These impacts would expect to be marked by changes occurring slowly over time. The Ely Field Office would continue to monitor these impacts as they occur

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

Monitoring would be the same as stated in the Emergency Stabilization and Rehabilitation Plans (ESR) for the Buster and Eagle Fires. The Buster Fire ESR Plan states, "Monitoring would be conducted beginning one year following the treatment. The purpose of the monitoring would be to determine when the closure objective is achieved, and to gain knowledge and experience from this treatment regarding how future fires can be rehabilitated. Monitoring would be conducted in accordance with accepted Nevada BLM monitoring methodologies as well as the rehab effort and obtainment of objectives for the rehab." The Eagle Fire ESR Plan states, "Progress would be measured from representative key areas using line intercept or quadrat frequency methods. Monitoring areas would be established one year following the seeding and would then be measured starting the second year after treatment for a minimum of three years after the burn."

All monitoring would be in compliance with approved BLM methods. In addition, field

visits as well as census work would be done to verify wild horse use and numbers within the area.

Consultation and Coordination

Internal District Review

Ely Field Office/Caliente Field Station Staff

Jared Redington	Wild Horses and Author
Jared Bybee	Wild Horses
Paul Podborny	Wild Horses/Wildlife
Bill Smith	Wildlife/Riparian/T&E
Carolyn Sherve-Bybee	Cultural Resources
Bruce Winslow	Recreation/Wilderness
Karen Prentice	Noxious Weeds
Shirley Johnson	Range
Elvis Wall	Native American Coordination

Consultation and Coordination

Intensity of Public Interest and Record of Contacts

There are many individuals and groups who are interested in the management of wild horses on public lands, including wild horse gathers. This Preliminary EA will be mailed to the following list of people:

American Horse Protection Association
American Mustang and Burro Association
Animal Protection Institute of America
Board of Commissioners, Lincoln County
Mr. Paul C. Clifford Jr.
Comm. for the Preservation of Wild Horses
Mr. Craig C. Downer
Colorado Wild Horse and Burro Coalition
Mr. Steven Fulstone
Intl. Society for the Protection of Mustangs and Burros
Wild Horse Sanctuary
The Fund for Animals, Inc.
Donald A. Molde, M.D.
National Mustang Association, Inc.
National Wild Horse Association
Nevada Cattlemen's Association
Nevada Division of Wildlife, Las Vegas
Nevada Division of Wildlife, Mike Scott
Nevada Farm Bureau Federation
Nevada Outdoor Recreation Association
Nevada State Department of Agriculture

Nevada Wool Growers Association
Board of Commissioners, Nye County
Wild Horse Spirit
Toiyabe Chapter of the Sierra Club
U.S.FWS, Bob Hallock
The Humane Society of the United States
Nevada State Clearinghouse, Wild Horse Commission
Wild Horse Organized Assistance
Tribal Manager, Duckwater Tribal Council
Roberta Moore
Ms. Tina Nappe
Save the Mustangs
Eastern Nevada Landscape Coalition
Nevada Division of Wildlife, Teri Slatauski
8-Mile Ranch
Blue Diamond Oil Corporation
Bulloch Brothers
Frank & Rose Delmue
El Tejon Cattle Co.
Carlisle Hulet
Bruce & Pamela Jensen
Lake Valley Cattle LLC
Paul C. Lewis
Gordon Lytle
Ken & Donna Lytle
Pearson Brothers
Department of Agriculture
George I. Andrus
Carter Cattle Company
Committee for the High Desert
Steve Foree
Melvin Gardner
Shelley Hartmann
Dan Heinz
Lincoln County Commission
John McLain, Principal
Jon Marvel
USFWS, Southern Nevada Field Office
Jule Wadsworth

APPENDIX I

STANDARD OPERATING PROCEDURES

Gathers would 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.

A. 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 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.

B. 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.

C. 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.

D. 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 it is determined that noxious weeds are present, the contractor would be instructed to locate the facilities elsewhere. The contractor and his personnel would also be instructed to avoid camping in or driving through 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 modification.
 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 informed 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 District

Contracting Officer's Representatives

Jared Bybee

Project Inspectors

Mike Perkins

Jody Nartz

Jared Redington

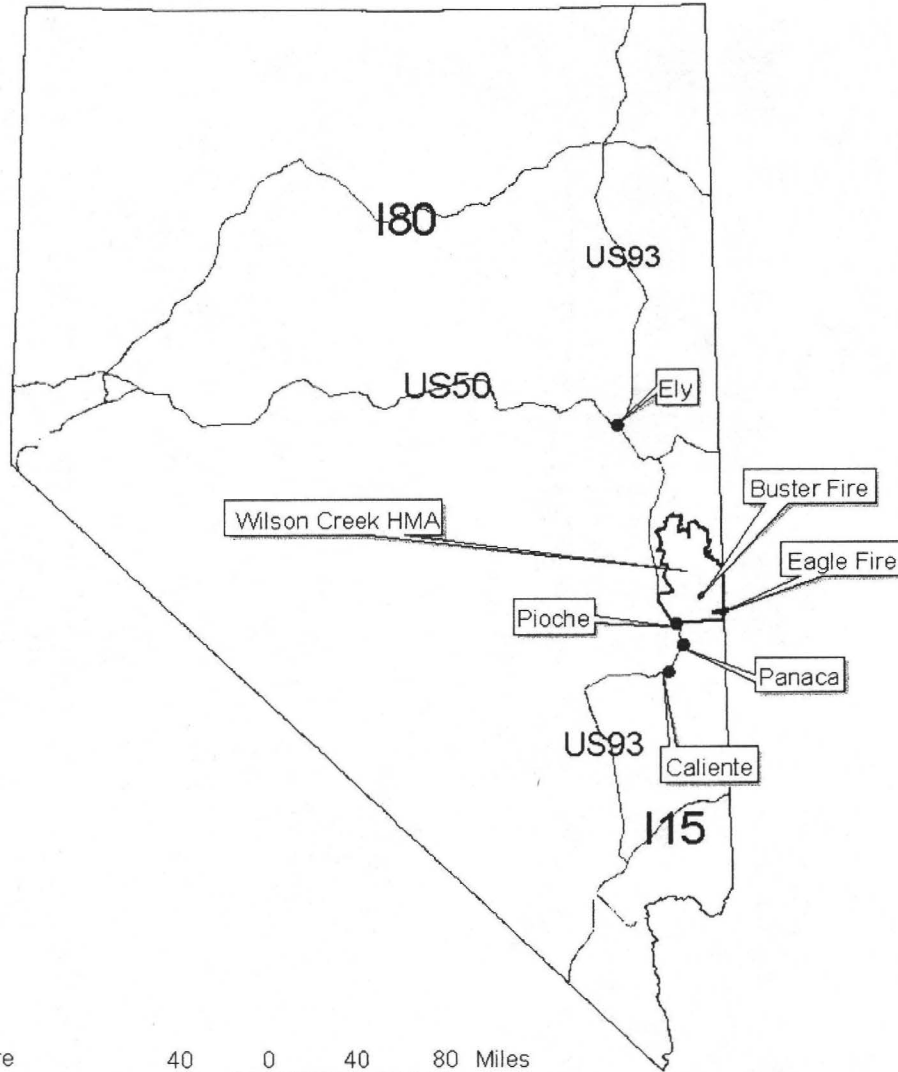
The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Ely Assistant Field Manager for Renewable Resources and the Ely Field Manager will take an active role to ensure the 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.

Project Location



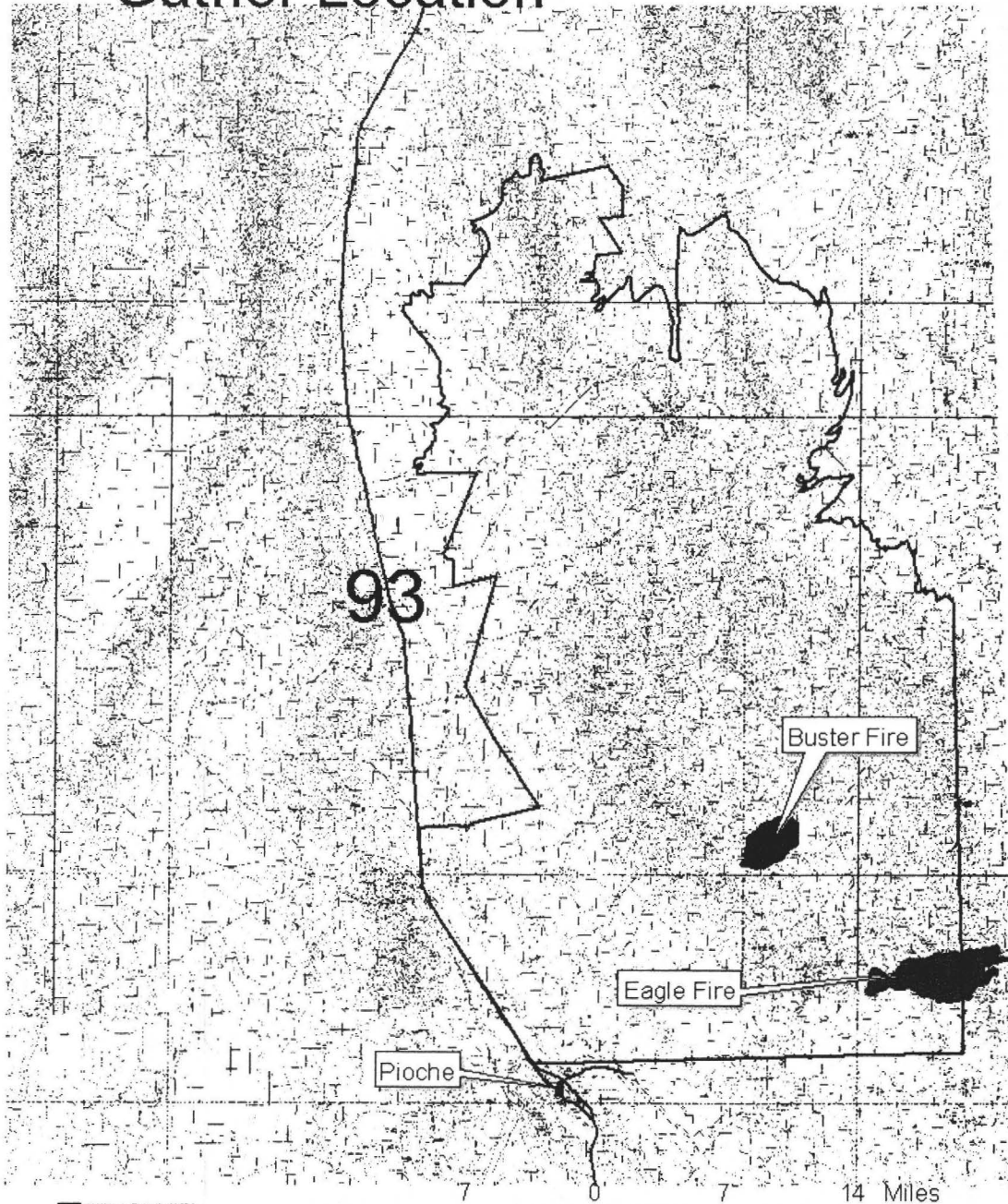
-  Roads
-  Cities
-  Eagle Fire
-  Buster Fire
-  Wilsoncreek HMA
-  Nevada

40 0 40 80 Miles



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

Wilson Creek HMA and Gather Location

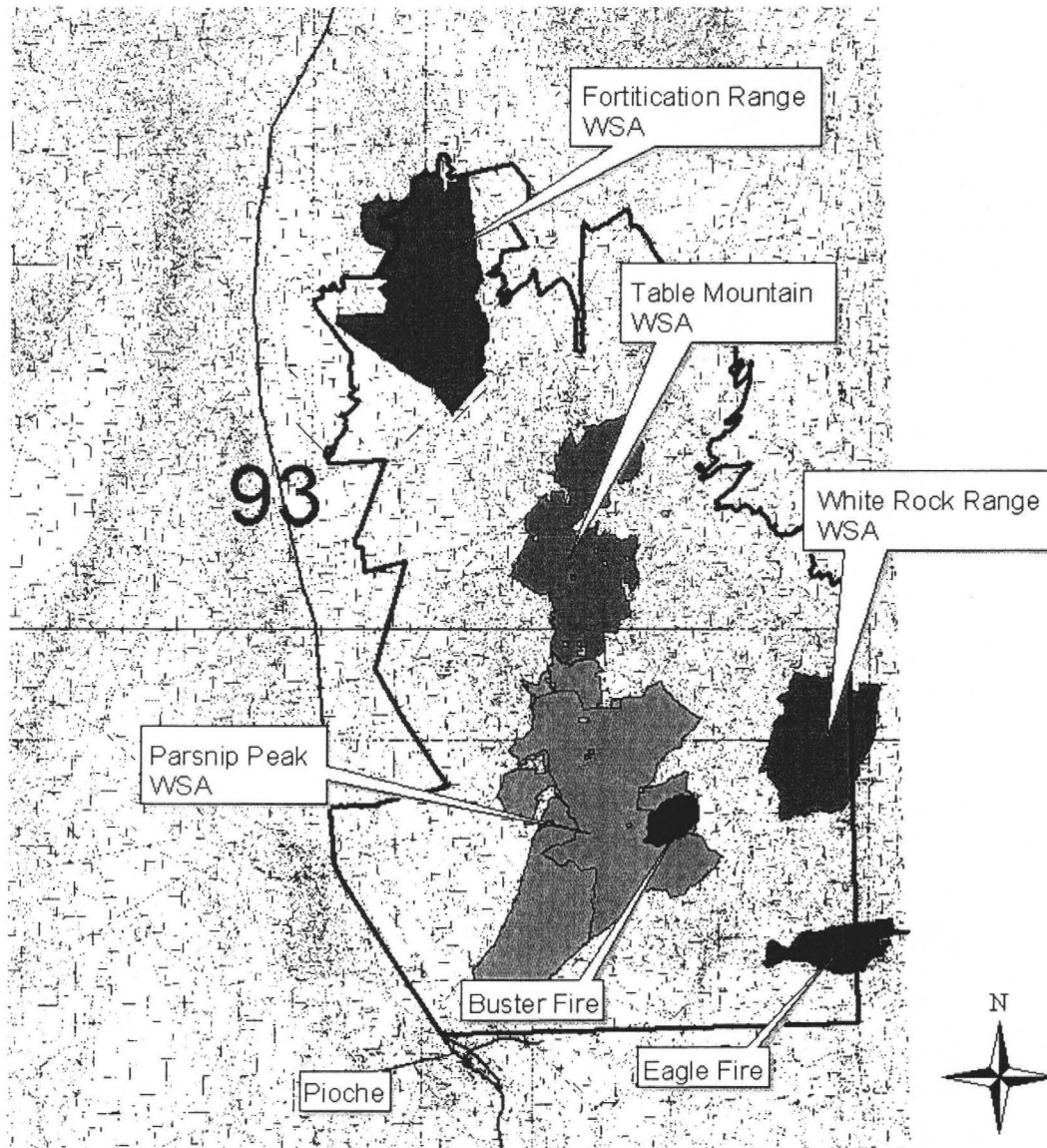


- Wilson Creek HMA
- Buster Fire
- Eagle Fire
- Cities
- Highways



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

Wilson Creek HMA & Wilderness Study Areas



- Wilson Creek HMA
- Buster Fire
- Eagle Fire
- Fortification Range WSA
- Parsnip Peak WSA
- White Rock Range WSA
- Table Mountain WSA
- Cities
- Highways

9 0 9 18 Miles

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