

5/15/01



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely Field Office
HC 33 Box 33500 (702 No. Industrial Way)
Ely, Nevada 89301-9408
<http://www.nv.blm.gov>

MAY 15 2001

In Reply Refer To:
4700(NV-042)

Dear Reader:

This letter is to inform you that the Ely and Elko Field Offices are planning to conduct a wild horse gather during July and August of 2001. The area to be gathered consists of the Buck and Bald, Butte, and Maverick-Medicine HMAs. The area is currently being managed as a complex (or single herd) due to the high amount of herd mixing and exchange of genetic material. The area is known as the Buck and Bald Complex. A preliminary Environmental Assessment (Ely E.A. No. NV-040-01-058 and Elko E.A No. BLM/EK/PL2001/036) and capture plan have been completed at this time.

Currently we are proposing to capture approximately 2,125 wild horses and remove approximately 1,650 wild horses from the Buck and Bald Complex. We are currently proposing to remove 146 wild horses from the Butte HMA, 673 wild horses from the Buck and Bald HMA, and 830 wild horses from the Maverick-Medicine HMA.

Enclosed is the Buck and Bald Complex preliminary Environmental Assessment and Capture Plan. Prior to approval of the Buck and Bald Complex Environmental Assessment and Capture Plan, **if the interested publics have any information, data, etc. that they would like to provide, they may do so prior to June 15, 2001.** Any written comments should be sent to James Perkins, Assistant Field Manager, Renewable Resources, Ely Field Office, Bureau of Land Management, HC 33 BOX 33500 Ely, NV 89301.

If you have any questions, please contact Bob Brown or Jared Bybee, Wild Horse and Burro Specialists Ely Field Office at (775) 289-1800 or Kathy McKinstry, Wild Horse and Burro Specialist Elko Field Office at (775) 753-0290.

Sincerely,

Gene A. Kolkman
Field Manager
Ely Field Office

1 Enclosure

1. Buck and Bald Complex Preliminary Environmental Analysis and Capture Plan.

cc:

American Bashkir Curley Register
American Horse Protection Association
American Mustang and Burro Association
Ms. Joneille Anderson
Animal Protection Institute of America
Mr. Paul C. Clifford Jr.
Ms. Catherine Barcomb, Commission for the Preservation of Wild Horses
Board of County Commissioners, Elko County, Nevada
Sharon Crook
Craig C. Downer
Barbara Flores, Colorado Wild Horse and Burro Coalition
Steven Fulstone
Humane Society of Southern Nevada
Ms. Karen A. Sussman, International Society for the Protection of Mustangs and Burros
Ms. Diane Nelson, Wild Horse Sanctuary
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Donald A. Molde, M.D.
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Mr. Sterling Wines, Livestock Permittee
Mr. Gordon Foppiano, Livestock Permittee
Mr. Carol Sherman, Livestock Permittee
Steve and Vicki Nye, Livestock Permittee
Mr. Kit Lear, Livestock Permittee
Mr. Kay Lear, Livestock Permittee
Mr. and Mrs. Dave McCall, Livestock Permittee

Mr. and Mrs. William Dickinson
Mr. Herb Stathes, Schellbourne Ranch, Livestock Permittee
Mr. Sam Henroid Livestock Permittee
Ms. Wendy Paris, Paris Ranches, Livestock Permittee
Mr. Ken Jones, Livestock Permittee
Jack and Terry Bowers, 7H Ranch L.L.C., Livestock Permittee
Raymond and Sandy Rosenlund, Blue Jay Ranch, Livestock Permittee
Mr. Hank Vogler, Livestock Permittee
Mr. Don Phillips, Steptoe Ranch, Livestock Permittee
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Rutgers School of Law-Newark, Animal Rights Law Center
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Ms. Nan Sherwood
Sierra Club, Ms. Rose Strickland
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Ms. Julie Butler, Nevada State Clearing House
White Pine Sportsman
Wild Horse Organized Assistance
Gloria Wilkins, Georgia Earth Alliance
Mr. Jerry Millet, Tribal Chairman Duckwater, Tribal Council
Ms. Christine Stones, Chair, Te-Moak Tribe of Western Shoshone
Mr. David Pete, Chair, Goshute Tribal Council
Forest Supervisor, USFS Humboldt-Toiyabe National Forest
District Ranger, USFS White Pine Ranger District
District Ranger, USFS Ruby Mountains Ranger District

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

ELY AND ELKO FIELD OFFICES

BUCK AND BALD COMPLEX

WILD HORSE REMOVAL PLAN AND ENVIRONMENTAL ASSESSMENT

BLM/EK/PL2001/036

NV/040/01/058

MAY 2001

Background Information

With passage of the Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195), Congress found that: "...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 and Elko Field Offices have endeavored to meet the requirements of the Act. The procedures and policies implemented to accomplish this mandate have been constantly evolving over the years.

Throughout this period, BLM experience has grown, and 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. This can result in a doubling of the wild horse population about every 3 years. At the same time, nationwide awareness and attention have grown. As these factors have come together, the emphasis of the wild horse program has shifted.

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

This document has been prepared to assess the environmental impacts of adjusting the numbers of wild horses within the Buck & Bald and Butte Herd Management Areas (HMAs) within the Ely Field office management Area and the Maverick-Medicine HMA within the Elko Field Office management area (refer to Map 1). Past capture, census, and distribution data collected indicate considerable movement among the horses of these HMAs. For this document the three HMA's will be referred to as the Buck & Bald Complex.

AMLs for these HMAs have been previously established through the Allotment Evaluation /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 and Elko Field Offices.

Need for the Proposal

The Ely and Elko Field Offices propose to implement a program of integrated wild horse management in the Buck & Bald, Butte and Maverick-Medicine HMAs. The emphasis of this integrated management program will be to achieve and maintain wild horse AMLs through the removal of horses in excess of AML, collect information on herd characteristics, determine herd health, maintain sustainable rangelands, maintain a healthy and viable wild horse population

and make progress towards achieving Northeastern Great Basin Resource Advisory Council standards for Wild Horse and Burro Management. All activities will be conducted according to a specified set of standardized operating procedures (SOPs, Appendix I).

Relationship to Planning

The proposed action is in conformance with The Proposed Egan Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS) and resolution of protests received on the proposed RMP and FEIS documents dated September 21, 1984 and the Egan Resource Area Record of Decision (ROD) which was finalized February 3, 1987. The proposed action is consistent with the White Pine County Policy Plan for Public Lands as adopted by the Board of County Commissioners of White Pine County, May 1, 1985 and amended June 12, 1985. This plan stated in part "...wild horse herds should be managed at reasonable levels to be determined with public involvement and managed with the consideration of the needs of other wildlife species and livestock..." The proposed action is also consistent with the White Pine County Elk Management Plan, dated March 1999. The proposed action is consistent with the Butte Wild Horse Herd Area Management Plan, dated May 18, 1993.

The proposed action is also in conformance with the Wells Resource Management Plan Wild Horse Amendment and Environmental Assessment, dated August 4, 1993. The proposed action is consistent with the Strategic Plan for Management of Wild Horses and Burros on Public Lands, dated June 1992 and is consistent with federal, state, and local laws, regulations, and plans to the maximum extent possible.

AMLs were established through allotment evaluations and final multiple use decisions (FMUDs) for the allotments within the HMAs. These allotments are Cold Creek, Warm Springs, Fort Ruby, Newark, Dry Mountain, Moorman Ranch, Ruby Valley, Maverick Springs, Horse Haven, Strawberry, Thirty-Mile Springs, Cherry Creek, North Butte, South Butte, Medicine Butte, Gold Canyon and Steptoe within the Ely District and the Maverick/Ruby #9, Odgers, North Butte Valley, Bald Mountain, Spruce and West Cherry Creek allotments within the Elko Field Office management area.

Environmental analyses have been conducted in past years. These analyses have covered the impacts of various removal methods on wild horses in order to achieve AML, and other critical elements of the human environment. These documents include:

- 1) Butte Wild Horse Herd Management Area Plan and Environmental Assessment (NV-040-02-20) (5/18/93)
- 2) Buck & Bald HMA Wild Horse Removal Plan EA (NV-040-8-15) (1988)
- 3) Buck & Bald Wild Horse Removal Supplemental EA (S3-93-NV-040-8-15) (1993)
- 4) Wells Resource Management Plan Wild Horse Amendment and EA (August 1993)

- 5) Maverick-Medicine Wild Horse Gather Plan and Environmental Assessment (EA BLM/EK/PL-94/021, September 22, 1994)

These allotment evaluations, FMUDs, HMAP and EAs are available in the Ely and Elko Field Offices for public review.

Major Issues

Currently there are no major issues identified for this action; however, through public scoping new issues may be identified and will be addressed during this EA process.

Proposed Action and Alternatives

The proposed action and alternatives represent a reasonable range of alternatives based on the issues and goals identified through public scoping efforts.

Proposed Action

The proposed action is to remove all animals in excess of the established AMLs from the Buck and Bald Complex utilizing the current selective removal strategy as developed by the National Wild Horse and Burro Program Office. The Selective Removal Strategy was developed for the 2001 fiscal year. This strategy will 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 left in the field unless they need to be removed to achieve AML for that herd management area. Selective removal objectives target removal efforts for excess animals, based on specific segments of a given wild horse population and availability of space in Bureau processing and long term holding facilities.

The removal of excess wild horses to achieve and maintain AML is tentatively scheduled to commence on July 15, 2001 and last approximately 45 days. It is anticipated that the entire population will need to be captured and 1649 horses will be removed (see Table II).

Past selective removals have been age based. Selective removal under this alternative however, would not only be age based, but could also be based on other critical population

variables as well (sex ratios, historic characteristics, genetic viability, etc.). Selective removal under this alternative would be structured to reduce effects of specific population issues. Issues which may be addressed with selective removal strategies include: correction of unusual population variables, maintenance of herd structure and composition, and maintenance of long term herd viability.

Table I shows an example of the selective removal criteria using October 2000 census data to determine current population levels and estimated removal and release numbers for 0-5 and the 10 and older age classes:

Table I

HMA	Estimated 2001 population	AML ¹	Estimated #'s 0-5 to remove	Estimated #'s 0-5 to release	Estimated #'s 10 and over to remove	Estimated #'s 10 and over to release	Estimated #'s 6-9 to release
Butte	214	114	1,293	0	356	0	476
Buck & Bald	913	400					
Maverick-Medicine	998	280					
Total	2125	794		0		0	

¹ AML is expressed as a single number, however, as per Washington Office policy, the population would be lowered to 40% below AML (476) and allowed to increase over the next four years. This would implement a four year gather cycle.

The proposed action for the Buck & Bald Complex would be to capture approximately 100% of the estimated 2001 population or 2,125 wild horses and remove 1,649. Other data would also be collected such as animal sex, age, and color, acquire blood samples, assess herd health (pregnancy, parasite loading, physical condition, etc.), sort individuals as to age, sex, temperament and/or physical condition, and to return selected animals to the range. Horses determined to be in excess of AML would be transported to BLM holding facilities.

The following table shows the August/October 2000 wild horse census data which was used to determine current wild horse population levels and estimated removal and release numbers:

Table II

HMA	Estimated 2000 population (based on census)	Estimated 2001 population (based on average recruitment rate)	Estimated #'s to remove	AML	Estimated #'s to release ¹
Butte	178	214	146	114	68
Buck & Bald	761	913	673	400	240
Maverick-Medicine	849	998	830	280	168
Total	1788	2125	1649	794	476
¹ 40% below AML					

Multiple capture sites (traps) could be used to capture wild horses from the HMAs. 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 II. Selection of capture techniques would be based on several factors such as herd health, season of the year and environmental considerations.

Determination of which horses would be returned to the range would be based on a analysis of existing and past population characteristics and post-gather data for age, sex ratio, and colors.

In an attempt to predict population dynamics, a computer simulation was run using the wild horse population model developed by Dr. Stephen Jenkins of the University of Nevada, Reno (Jenkins 1996) The model ran simulations to determine future population growth (Appendix I).

The proposed action would be implemented in the summer of 2001.

Alternatives Considered But Eliminated From Detailed Analysis

1. Removal of the first 1,649 horses captured or a straight "gate cut" regardless of age class or sex ratio.
2. Removal of only adoptable horses ages 0-9 years old. All horses age 10 and above returned to the range regardless of age class, sex or herd structure.

These alternatives were not considered for detailed analysis since they are in violation of the current BLM removal policy, which was outlined on page 4 of this document.

No Action Alternative

This alternative consists of no direct management of wild horse or burro numbers. Wild horses would be allowed to regulate their numbers naturally through predation, disease, and forage, water and space availability. Gather operations would not be conducted.

Description of The Affected Environment

Buck & Bald, Butte and Maverick-Medicine Herd Management Areas

The Buck & Bald, Butte and Maverick-Medicine HMAs encompasses approximately 1,349,490 acres. Elevations range from 6,000 feet at the valley floors to nearly 10,000 feet in the South Ruby, Butte, Cherry Creek, and Egan Mountain Ranges. Vegetative types found within the Buck and Bald Complex vary from salt desert shrub, black sage/grass, Wyoming big sage/grass, Pinyon/Juniper woodland, mountain brush, mountain mahogany, aspen, white fir and mixed conifer. For a complete description of the affected environments, refer to the Egan and Wells Resource Management Plans.

Past capture data was used to determine animal colors and approximate percentage of frequency within the herd. The majority of horses exhibit sorrel (34%), bay (21%), palomino (13%), chestnut (8%), black (5%), gray (4%), brown (3%), buckskin (3%), strawberry roan (3%), red roan (2%), pinto (1%), white (1%) and the remaining 1% was comprised of blue roan, sevina, and dun.

Wild Horses

Wild horses are introduced species within North America and have few natural predators. Few natural controls act upon wild horse herds making them very competitive with native wildlife and other living resources managed by the Bureau. Wild horses have been shown to be capable of 18 to 25% increases in numbers annually. This can result in a doubling of the population about every 3 years. In the Buck & Bald Complex, wild horse population growth rates (percentage of foals <1 year) have been verified as high as 20% in good years.

The Buck & Bald Complex has undergone several removals since passage of the Act. These removals have incorporated all of the removal strategies identified in the proposed action and alternatives.

Sex ratios for wild horses within the Buck & Bald Complex are representative of other HMA's in the Ely and Elko Districts 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.

Environmental Consequences (Proposed Action & Alternative)

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, threatened and endangered species, water quality, wastes, hazardous/solid, wetlands/riparian areas, migratory birds or wild and scenic rivers.

Vegetation, Soil, and Water

Implementation of the proposed action would reduce the wild horse population 40% below AML in the Buck & Bald Complex which would help to promote and maintain a thriving natural ecological balance for a period of approximately four years. This would result in an increase in forage availability, vegetation density, vigor, reproduction, and productivity.

The proposed action would lessen the impact of hoof action on the soil around unimproved springs and stream bank riparian areas which should lead to an improvement in 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.

Impacts to vegetation with implementation of the proposed action or alternatives could include disturbance of native vegetation immediately in and around temporary trap sites, and holding and processing facilities. Impacts could be by vehicle traffic, and hoof action of penned horses, and could be locally severe in the immediate vicinity of the corrals or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Since most trap sites and holding facilities are 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 which were previously disturbed. By adhering to the SOPs, adverse impacts to soils would be minimized.

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 use throughout the complex 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 topsoils typical of this region can not tolerate much loss without losing productivity and thus the ability to be revegetated 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 topsoil and productivity loss from erosion.

Wildlife and Livestock

The proposed action would result in reduced competition with livestock and wildlife which would increase the quantity and quality of available forage. There would be less disturbance associated with wild horses along streambank riparian habitat and adjacent upland habitat. Temporary impacts during the gather to wildlife and livestock could be potential disturbance and temporary displacement due to the noise of the helicopter and increased traffic. A high possibility exists that non-mobile or species with low vagility could be trampled. These disturbances could occur during the capture period.

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

The no action alternative would result in increased competition between wild horses and livestock for forage and water resources.

Wilderness

No impacts to wilderness values are anticipated to occur since all trap sites and holding facilities would be located outside wilderness study areas. Wilderness values would be positively affected by implementation of the proposed action or alternatives 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.

No Action Alternative - No impacts to wilderness values would occur except 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.

Noxious Weeds and Invasive Non-Native Species

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 COR/PI would examine proposed trap sites and holding corrals prior to construction. If noxious weeds are found, the location of the facilities would be moved.

No Action Alternative - Under this alternative, the wild horse gather would not take place. The chance that noxious weeds would be spread by the contractor, his personnel and equipment would not exist. However, overgrazing of the present plant communities could lead to an expansion of noxious weeds.

Cultural Resources

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

Wild Horses

Impacts to wild horses under the proposed action or alternatives 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 vary by individual, and are indicated by behaviors ranging from nervous agitation to physical distress. Mortality of individuals from this impact is infrequent but does occur in one half to one percent of horses gathered in a given gather.

Impacts which can occur to horses after the initial stress event may include spontaneous abortions in mares, and increased social displacement and conflict in studs. These impacts are known to occur intermittently during wild horse gather operations. Traumatic injuries do not occur in most cases, however, they do occur. These injuries typically involve bite and/or kicking bruises which don't break the skin. The frequency of occurrence of these impacts among a population varies with the individual. 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 the displacement of bands during capture and the associated re-dispersal, modification of herd demographics (age and sex ratios), temporary separation of members of individual bands of horses, reestablishment 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. No observable effects associated with these impacts would be expected within one month of release except a heightened shyness toward human contact.

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.

The effect of removal of horses from the population would not be expected to have a significant impact on herd dynamics or population variables, as long as the selection criteria for the removal ensured a "typical" population structure was maintained. Obvious potential impacts on horse herds and populations from exercising poor selection criteria not based on herd dynamics includes modification of age or sex ratios to favor a particular class of animal.

The proposed action would mitigate the potential adverse impacts on wild horse populations by establishing a procedure for determining what selective removal criteria is warranted for the herd. This flexible procedure (Appendix I SOPs) would allow for correction of any existing discrepancies in herd demographics which could predispose a population to increased chances for catastrophic impacts. The proposed action would also establish a standard for selection which would minimize the possibility for developing negative age or sex-based selection effects to the population in the future.

No Action Alternative - Under this alternative, wild horses would not be removed from the Buck and Bald Complex. The horses would not be subject to any individual direct or indirect impacts as described above as a result of a gather operation.

However, allowing horse numbers to increase unchecked would have several negative consequences to the animals, including starvation, dehydration, and social stress.

Cumulative Impacts

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

Implementation of the proposed action would reduce the wild horse population to AML in the Buck & Bald Complex which would help to promote a thriving natural ecological balance. This would result in an increase in vegetation density, vigor, reproduction, productivity, and forage availability.

Adverse impacts to vegetation with implementation of the proposed action would include disturbance of native vegetation immediately in and around temporary trap sites, and holding and processing facilities. Impacts created by vehicle traffic, and hoof action of penned horses, can 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 are 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 which were previously disturbed. These common practices would minimize the cumulative effects of these impacts.

Past, present, and reasonably foreseeable activities which would be expected to contribute to the cumulative impacts of implementing the proposed action include: past wild horse selective removal gathers which may have altered the age structure and composition sex ratios of the wild horse populations, continued livestock grazing in the allotments, and increasing recreational uses. These past, present, and reasonably foreseeable activities would be expected to generate cumulative impacts to the proposed action by influencing the habitat quality, abundance, and continuity for the Buck & Bald Complex wild horses.

These impacts would be expected to be marked by changes occurring slowly over time. The Ely and Elko Field Offices would continue to identify these impacts as they occur, and mitigate them as needed on a project specific basis to maintain habitat and herd quality. At the same time, horse herds would be expected to continue to adapt to these small changes to availability and distribution of critical habitat components (food, water, shelter, space, etc.). The

proposed action would contribute to the cumulative impacts of future actions by maintaining the herd at AML, and establishing a process whereby biological and/or genetic issues associated with herd or habitat fragmentation would become apparent sooner and mitigating measures implemented quicker.

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, transporting and collecting herd data. Additional mitigation measures are not warranted.

Suggested Monitoring

Weed detection would be incorporated into normal monitoring activities. Horses released back into the Buck & Bald Complex after being captured will be monitored to ensure they return to normal patterns.

Consultation and Coordination

Persons, Groups, and Agencies Consulted

Andrea Lococo, Fund for Animals
American Bashkir Curley Register
American Horse Protection Association
American Mustang and Burro Association
Animal Protection Institute of America
Board of County Commissioners, Elko County, Nevada
Barbara Flores, Colorado Wild Horse and Burro Coalition
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Mr. Hank Voglar, Livestock Permittee
Mr. Don Phillips, Steptoe Ranch, Livestock Permittee

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 Sierra Club, Ms. Rose Strickland
 Sharon Crook
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 Tina Nappe
 The Humane Society of the United States
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 United States Wild Horse and Burro Foundation
 White Pine County Commissioners
 White Pine Sportsman
 Wild Horse Organized Assistance

Internal District Review

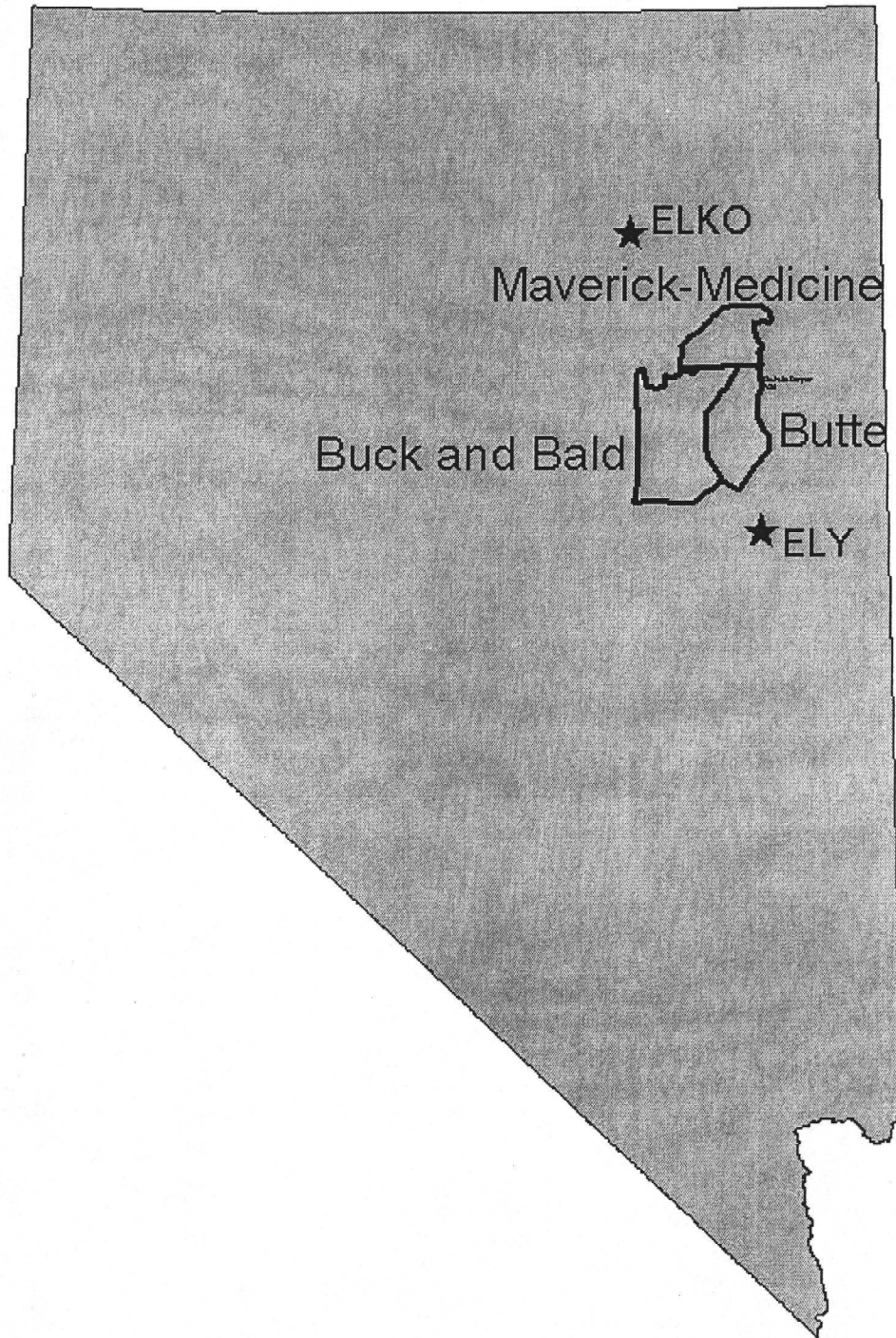
Ely Field Office

Jared Bybee	Wild Horse and Burro Specialist
Robert E. Brown	Wild Horse and Burro Specialist
Michael Perkins	Wildlife Biologist
Paul Podborny	Resource Team Lead/Wildlife Biologist/Riparian/T&E
Carolyn Sherve	Cultural Resources
Jack Tribble	Recreation/Wilderness
Gary Medlyn	Soil/Air/Water
Shane Deforest	Noxious Weeds
John Longinetti	Rangeland Management Specialist
Ryan Pitts	Rangeland Management Specialist

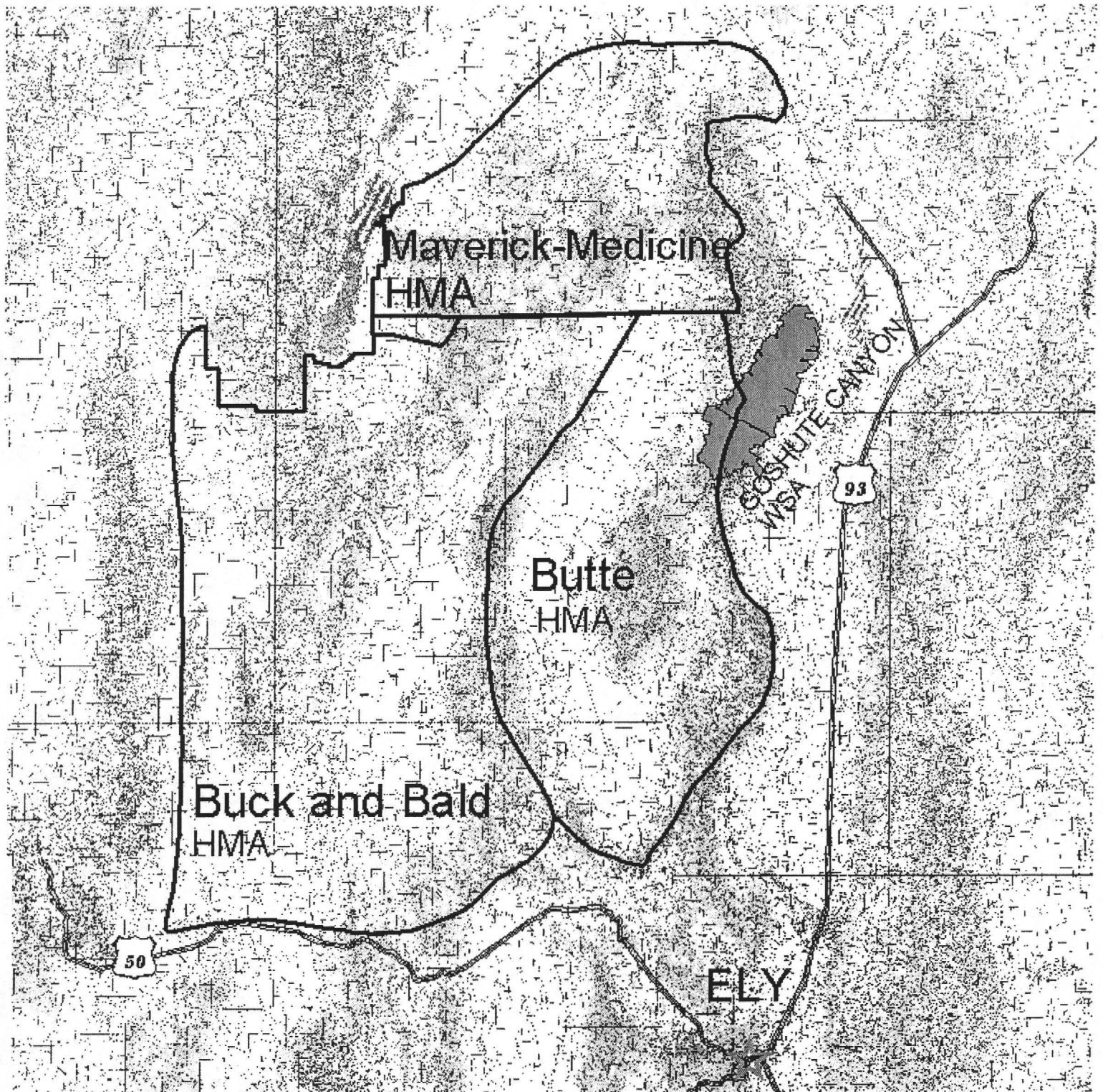
Elko Field Office

Kathy McKinstry	Wild Horse and Burro Specialist
Marlene Braun	Environmental Coordination
Bryan Hockett	Cultural Resources, Paleontology, Native American Religious Concerns
Suzanne Grayson	Wildlife Biologist
Bruce Thompson	Rangeland Management Specialist
Mark Coca	Noxious Weeds

Buck and Bald Complex Project Area



Buck and Bald Complex



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 1 foot 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 which he has made.
5. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor/BLM shall be required to wet down the ground with water.
6. Alternate pens, within the holding facility shall be furnished by the Contractor to

separate mares or jennies with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government will require that animals be restrained for the purpose of determining an animal's age or other similar practices. In these instances, a portable restraining chute will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires the animals be released back into the capture area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the Contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the BLM.

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

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

- a. The animal shows a hopeless prognosis for life.
- b. Suffers from a chronic disease.
- c. Requires continuous care for acute pain and suffering.
- d. Not capable of maintaining a body ratio of one.
- e. The animal is a danger to itself or others.

10. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the BLM for unusual circumstances. Animals to be released back into the HMA following gather operations may be held up to 21 days or as directed by the BLM. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the BLM. The Contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the BLM. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the BLM.
11. The BLM will issue a Notice of Intent to Impound Unauthorized Livestock prior to all gathers. Branded or privately owned animals whose owners are known will be impounded by BLM, and if not redeemed by payment of trespass and capture fees, will be sold at public auction. If owners are not known, the private animals will be turned over to the State for Processing under Nevada estray laws.

E. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the BLM with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.
3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall

have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.

4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the BLM.
5. Floors of tractor-trailers, stock trailers, and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.
6. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the BLM and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The following minimum square feet per animal shall be allowed in all trailers:
 - 11 sq. ft. per adult horse (1.4 linear ft. in an 8ft. wide trailer);
 - 6 sq. ft. per horse foal (.75 linear ft. in an 8ft. wide trailer).
7. Prior to any gathering operations, the BLM will provide for a pre-capture evaluation of existing conditions in the gather areas. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine the level of activity likely to cause undue stress to the animals, and whether such stress would necessitate a veterinarian be present. If it is determined that capture efforts necessitate the services of a veterinarian, one would be obtained before capture would proceed. The Contractor will be appraised of all the conditions and will be given directions regarding the capture and handling of animals to ensure their health and welfare is protected.
8. If the BLM determines that dust conditions are such that animals could be endangered during transportation, the Contractor will be instructed to adjust speed.
9. Trap sites will be located to cause as little injury and stress to the animals, and as little damage to the natural resources of the area, as possible. Sites will be located on or near existing roads. Additional trap sites may be required, as determined by the BLM,

to relieve stress caused by specific conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.).

F. Animal Characteristics and Behavior

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

G. Public Participation

It is BLM policy that the public will not be allowed to come into direct contact with WH&B 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

ELKO

Contracting Officer's Representatives

Bob Brown
Jared Bybee
Alan Shepherd

Kathy McKinstry

Project Inspectors

Mike Perkins
Paul Podborny
Kyle Teel

Bruce Thompson
Leticia Lister

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 Assistant Field Managers for Renewable Resources and the Ely and Elko Field Managers 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 Managers 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

Table I - Initial Age Distribution

Initial Age Distribution - Buck and Bald Complex¹		
AGE	MALES	FEMALES
0	212	232
1	21	43
2	105	127
3	106	170
4	85	106
5	43	43
6	21	43
7	64	43
8	85	64
9	85	64
10	13	4
11	13	9
12	43	20
13	12	21
14	13	19
15	21	21
16	9	6
17	4	9
18	9	13
19	0	0
20	10	6
21	11	5
22	11	6
23	9	5
24	11	6
25	11	6
Total	1027	1091

¹ This distribution was determined using actual population statistics from the 1997 Buck and Bald, Butte and Maverick-Medicine Wild Horse Gatherers.

Parameters for population model simulation:

1. gather when population exceeds 794
2. population size after gather 476
3. foals are included in AML
4. percent to gather - 85
5. no fertility control
6. four years between gathers
7. number of trails - 30
8. number of years - 10
9. initial calendar year - 2001

TABLE II - Population in Complex by Year, Proposed Action

YEAR	POPULATION (Mean, 95% confidence bounds)
2001	2125
2002	880
2003	1057
2004	1267
2005	1432
2006	559
2007	665
2008	766
2009	916
2010	585
2011	671

TABLE III - Age Distribution in Complex, Year 2011, Proposed Action

AGE	TRIAL 1	TRIAL 30
0	166	180
1	151	92
2	75	98
3	91	53
4	49	54
5	47	32
6	15	29
7	39	23
8	44	27
9	32	52
10	12	16
11	0	2
12	11	11
13	10	7
14	7	9
15	5	4
16	2	8
17	9	8
18	8	11
19	12	11
20	0	1
21	0	0
22	2	0
23	0	0
24	1	0
25	0	0
Total	788	728

Table IV - Average Growth Rate, Proposed Action

Trial	Growth Rate (%)
1	24.8
2	20.9
3	22.9
4	18.7
5	21.0
6	4.5
7	23.3
8	-8.9
9	25.5
10	23.4
11	10.5
12	9.8
13	22.7
14	20.2
15	20.9

Mean - 17.6

Minimum - -8.9

Maximum - 25.5

Low Limit - 14.9 (95% confidence limit)

High Limit - 20.4 (95% confidence limit)



United States Department of the Interior

7/3/01
Buck + Bald
HMA

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-0611

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

JUL 03 2001

In Reply Refer To:
NV-010-4710.4
NV-040-4710.4

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

Buck and Bald Complex
Ely and Elko Field Offices

ENVIRONMENTAL ASSESSMENTS:

NV 040/01/058
BLM/EK/PL2001/036

June 27, 2001

INTRODUCTION:

The Ely and Elko Field Offices, Bureau of Land Management, propose a maintenance gathering of wild horses within the boundaries of the Buck and Bald, Butte and Maverick-Medicine Herd Management Area (HMAs). The area is currently being managed as a complex (or single herd) due to the unfenced boundaries between the HMAs and the high amount of immigration and emigration between the herds. The area is known as the Buck and Bald Complex. The removal of approximately 1,649 wild horses would take place within the Cold Creek, Warm Springs, Fort Ruby, Newark, Dry Mountain, Moorman Ranch, Ruby Valley, Maverick Springs, Horse Haven, Thirty-Mile Spring, Cherry Creek, North Butte, South Butte, Medicine Butte, and Steptoe allotments within the Ely Field Office management area and the Maverick/Ruby #9, Odgers, North Butte Valley, Bald Mountain, Spruce and West Cherry Creek allotments within the Elko Field Office management area. The primary purpose of the proposed action is to bring the wild horse population down to a level which will accommodate a minimum four year gather schedule, and prevent deterioration of the health and condition of the wild horses and the vegetative resources.

The current population of wild horses within the complex is estimated to be 2,125 horses. The AML for the Buck and Bald Complex has been established at 798 wild horses. The AML was established through allotment evaluations and Final Multiple Use Decisions (FMUDs) for the allotments within the HMAs. Documents containing this information are available for public review at the Ely and Elko Field Offices.

SUMMARY OF PROPOSED ACTION:

The Proposed Action is to capture approximately 2,125 wild horses and remove approximately 1,649 wild horses, determine sex, age and color, assess herd health (pregnancy, parasite loading, physical condition, etc.), and sort individuals as to age, size, sex, temperament and/or physical condition, and to return selected animals to the range.

Determination of which horses would be returned to the range would be based on the current selective removal strategy as developed by the National Wild Horse and Burro Program Office. The Selective Removal Strategy was developed for the 2001 fiscal year. This strategy will 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 left in the field unless they need to be removed to achieve AML for that herd management area. Selective removal objectives target removal efforts for excess animals, based on specific segments of a given wild horse population and availability of space in Bureau processing and long term holding facilities.

Those horses that are determined to be suitable for the adoption program would be prepared at Palomino Valley Corrals (PVC) and placed into the national adoption program. Weanling foals and young horses would comprise the majority of the animals shipped to PVC for the adoption program. Older animals in excess of AML would be shipped to PVC for entry into a wild horse long term holding facility where they will live out the remainder of their natural lives. Approximately 476 horses between the ages of 6 and 9 would be released back into the Buck and Bald Complex.

The wild horse gather would be conducted by the Bureau of Land Management (BLM) Ely and Elko Field Offices through the use of the Great Basin Wild Horse and Burro Gather Contract. The removal operation would begin as soon as practicable after issuance of the final gather plan and environmental assessment by the Ely and Elko Field Offices, but not prior to July 15, 2001.

Multiple capture sites (traps) may 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).

DECISION:

The preliminary environmental assessment was sent to the persons, groups, and agencies listed on pages 13, 14, and 15 of that document on May 15, 2001, with a 30 day review and comment period. Three comments were received through the Nevada State Clearing House from the Nevada Division of Wildlife, the Nevada Division of Water Resources, and the Office of Historic Preservation. All were in support of the proposed action.

A comment letter was received from The Fund for Animals Inc., and the International Society for the Protection of Mustangs and Burros concerning whether or not the appropriate management levels (AMLs) had been established on each of the HMAs involved in the Buck and Bald Complex. AMLs have, in fact, been established for each of the HMAs, either through the allotment evaluation process or agreements based on current monitoring data. The AML for two allotments within the complex were being established at the same time the preliminary EA was being prepared. The final EA has been amended to reflect the AML for the entire complex.

The Fund for Animals also raised the issue of genetic viability and the exchange of genetic material between the bands of horses within the complex. The BLM has proposed taking blood samples to gather baseline genetic information on the horses within the Complex.

As a result of the comments received, there were minor corrections made to the final EA from the preliminary version.

As a result of the analysis presented in the Environmental Assessment (EA), it is my decision to approve the Proposed Action. The rationale for the FONSI supports this decision. The Proposed Action detailed in the EA and FONSI have led to my decision that all practicable means to avoid or minimize environmental harm and unnecessary or undue degradation of the public lands have been adopted. Selection of the No Action alternative would not be consistent with BLM legal mandates which state "*Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat*". (Title 43, CFR, 4700.0-6(a)). The proposed action is in conformance with the objectives of the Egan Resource Management Plan and the Wells Resource Management Plan Wild Horse Amendment and is consistent with Federal, State and local laws, regulations and plans to the maximum extent possible.

All resource values have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible for most resources. The Proposed Action would result in short term impacts to soils, vegetation, wildlife, and wild horses.

FINDING OF NO SIGNIFICANT IMPACT:

Based on the analysis of potential environmental impacts detailed in the attached EA, I have determined that the impacts of the Proposed Action and detailed in the EA are not significant. Therefore, preparation of an environmental impact statement is not required.

Rationale:

The Proposed Action found in the accompanying Decision Record will, as best can be determined, prevent unnecessary or undue degradation of public land resources. Resource review and analyses have been coordinated with other federal and state agencies. Resources determined to be potentially impacted were analyzed in the EA specific to the Proposed Action. Based on the analysis, impacts to these resources are considered insignificant (see definition of significance in 40 CFR 1508.27).

Removal Decision:

In accordance with 43 CFR 4770.3 (c), this constitutes my final decision to gather wild horses within the Buck and Bald Complex 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, Elko Field Office, 3900 E. Idaho Street, Elko, Nevada, 89815, or 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.

If you have any questions concerning this decision, please contact Jared Bybee, Ely Field Office or Kathy McKinstry, Elko Field Office at the above addresses.

Helen Hankins

Helen Hankins
Field Manager
Elko Field Office

July 2, 2001

Date

Jeffrey B. Weeks

For

Gene Kolkman
Field Manager
Ely Field Office

07-03-01

Date

Subject: Draft comment letter on Buck and Bald

Date: Tue, 12 Jun 2001 14:30:08 -0600

From: Andrea Lococo <alococo@wyoming.com>

To: mustangs@govmail.state.nv.us

Cathy,

Here are some draft comments on the Buck and Bald Complex EA. Please send me any edits and/or additions by Thursday evening. I'll be out of the office all day tomorrow and Thursday. I have a meeting on Friday so I'll have to send them early Friday morning before I leave for that meeting. If you have a fax or e-mail address for James Perkins, that would be great.

Thanks,

Andrea

By Telefax and U.S. Mail

June 14, 2001

Mr. James Perkins
Assistant Field Manager
Renewable Resources
Ely Field Office
Bureau of Land Management
HC 33 Box 33500
Ely, NV 89301

Re: Buck and Bald Complex Wild Horse Removal Plan and Environmental Assessment, BLM/EK/PL2001/036, NV/040/01/058

Dear Mr. Perkins:

On behalf of the 200,000 members and supporters of The Fund for Animals (The Fund) nationwide, including our members who reside and recreate in the state of Nevada, please accept the following comments on the Buck and Bald Complex Wild Horse Removal Plan and Environmental Assessment. (EA)

As a threshold matter, The Fund is very concerned about the integrity of the National Environmental Policy Act (NEPA) process. NEPA requires agencies to evaluate the environmental impacts of their actions, analyze a reasonable range of alternatives, and solicit public comments on their analysis before making a decision about how to proceed. It is also critical that a draft EA provide accurate, clear and inclusive data in order for the public to offer informed comments. Not only does the current EA fail to analyze a reasonable range of alternatives, but it includes information that appears to conflict with other information provided by the Bureau of Land Management (BLM) in separate documents.

Specifically, the EA states that the Appropriate Management Levels (AMLs) established for the three Herd Management Areas (HMAs) comprising the Buck and Bald Complex are as follows: Butte (114), Buck and Bald (400) and Medicine-Maverick (280). (EA, p. 5) However, the derivation for the AML for the Buck and Bald HMA, for example, is unclear. According to a March 28, 2001 Notice of Final Multiple Use Decision for Wild Horse Herd Management Areas, the AMLs for several grazing allotments within the Buck and Bald HMA including the Thirty Mile Allotment, Maverick Springs Allotment and North Butte Allotment remain to be established. I have received no further notices so I can only assume these AMLs have still not been established. However, the EA indicates that the AMLs for these very

allotments were established through allotment evaluations and final multiple use decisions based on monitoring data and following a thorough public review. (EA, pp. 2-3) Which is the case and precisely which documents confirm the 400 AML figure?

It is also our understanding that there may be other grazing allotments within the Buck and Bald Complex that have yet to have AMLs established. It is unclear what percentage of the HMAs these grazing allotments comprise. Regardless, if in point of fact these AMLs have not been established, then the EA as written has misled the public into believing otherwise. I am hereby requesting a list of all grazing allotments in the Buck and Bald Complex, along with the AMLs established for those allotments, references for the documents in which the AMLs were established and the percentages and/or the number of acres of the HMA they comprise. Also, I am requesting a list of forage allocation by Animal Unit Months for wild horses, livestock and wildlife for each allotment contained in the Buck and Bald Complex. The BLM is obligated to manage wild horses in their HMAs not by grazing allotments.

Furthermore, according to information provided by the BLM, the AMLs for certain grazing allotments within the Maverick-Medicine HMA had yet to be established prior to the release of this EA, and despite this fact, the EA refers to an established AML for this HMA as well. The release of an EA with misleading, inaccurate or confusing data clearly violates the intent and letter of NEPA. For this reason alone, the BLM must withdraw the current EA, prepare a new EA before any round-up and removal can proceed.

Of additional concern to our organization is the need for documentation to substantiate some of the claims made in the EA. For example, the May 15, 2001 cover letter accompanying the EA states that the Buck and Bald Complex consisting of the aforementioned HMAs is being managed as a single herd due to the level of herd mixing and genetic exchange occurring. According to the EA, past capture, census and distribution data indicate considerable movement among the horses of these HMAs. While there is a likelihood that genetic exchange is occurring, have field observations or genetic testing confirmed the genetic exchange or is it merely an assumption on the part of the BLM? Simply because wild horses may be using the same habitat doesn't necessarily mean that genetic exchange is occurring. Genetic exchange (movement of individual stallions or mares between bands) depends upon the basic stability of family bands. If they are stable, then little exchange would take place regardless of habitat overlap. Because regular round-ups negatively impact herd stability, there is a likelihood that genetic exchange is occurring, but the extent to which it is occurring remains unknown without conducting well-designed studies.

Moreover, it is unclear whether there is fencing and cross-fencing of grazing allotments within the Buck and Bald Complex, and if so, what impacts fences may have on wild horses within the HMAs. If wild horses become confined within grazing pastures during all or any part of the year, this affects not only movement patterns, but also the potential for genetic exchange. Again, this information must be provided in the EA.

The EA states that the proposed action is to remove all animals in excess of the established AMLs from the Buck and Bald Complex utilizing the current selective removal strategy as developed by the National Wild Horse and Burro Program Office for the 2001 fiscal year. This strategy allows removal of all age classes with a priority given to age class 5 years old and under, followed by age class 10 years old and over, and finally ages classes 6 through 9 years old. (EA, p. 4) Potentially, selective removal would not only be age-based, but could also consider other population variables such as sex ratios, historic characteristics, genetic viability, etc. While The Fund has always been concerned about how the historical selective removal criteria could negatively impact the age composition, sex ratios, genetics and behavior within any given herd, we also contend that it is precisely this type of agency decision that will undoubtedly have

significant impacts on wild horse herds that should be subjected to NEPA analysis. The public must be informed about the rationale underlying such a proposal and be given the opportunity to offer comments.

The information provided in the EA is inadequate and vague. The EA states that selective removal under the proposed alternative would be structured to reduce effects of specific population issues including correction of unusual population variables, maintenance of herd structure and composition and maintenance of long-term herd viability. Unfortunately, there is no discussion as to what qualifies as an unusual population variable, what criteria are used to ensure long-term herd viability, and given that previous selective removal criteria have been age-based, the grounds for seeking to maintain the present herd composition.

Furthermore, according to the EA, the effect of the removal of wild horses from the population would not be expected to have a significant impact on herd dynamics or population variables so long as the selective removal criteria ensured a typical population structure. (EA, p. 11) Not only does the EA fail to define what that "typical" structure is, it cites no studies to support this statement. As discussed above, removals wreck herd stability, thereby setting the stage for a host of behavioral and biological affects such as male fighting, forced copulations, and an increase in abortions. These are precisely the types of both potential and real effects of round-ups and removals that must be analyzed in an Environmental Assessment.

According to EA, wild horses are capable of 18 to 25% increase in numbers annually and the Buck and Bald Complex population growth rates (percentage of foals <1 year) have been verified as high as 20% in good years. (EA, p. 7) I assume "good years" refer to years in which weather and habitat conditions have been favorable for survival. However, there is no discussion of what the growth rate is in bad years, whether the past few years have been good or bad and what the overall mortality rate for both adults and foals is in both good and bad years. It has been estimated that about 20-25% of foals die within the first year. Yet none of this information is provided in the EA, leaving the impression that the population increases by 20% each year.

The EA also states that removal objectives also consider the availability of space in BLM processing and long-term holding facilities and yet there is no discussion whatsoever of what that availability is anticipated to be at the time the proposed removal will occur. (EA, p. 4)

The Fund commends the BLM for planning to collect critical physical and biological data when wild horses are being gathered. However, the current EA is deficient and misleading. For the aforementioned reasons, we urge the BLM to withdraw the EA and prepare a new draft EA that meets the requirements of NEPA. Thank you for the opportunity to submit these comments. Please keep us apprised of all developments on this matter.

Sincerely,

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