



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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*Ely Dist*

*Meadow Valley Mtn. HMA*

*6/4/09*



JUN 11 2009

In Reply Refer to:  
4720 (NVL03000)

Dear Interested Party:

The Bureau of Land Management (BLM) Caliente Field Office (FO) is proposing to gather and remove approximately 270 wild horses from the form the Caliente Complex which includes the Following Herd Areas(HAs); Meadow Valley Mountain, Blue Nose Peak, Delamar Mountains, Clover Mountains, Clover Creek, Applewhite, Mormon Mountains, Little Mountain, and Miller Flat Herd (see map). The need for the proposal is to implement the Ely District Record of Decision (ROD) and Approved Resource Management Plan (RMP) (August 2008). Management action WH-5 states: "Remove wild horses and drop herd management area status for those...as listed in Table 13." The Caliente Complex HAs were dropped from HMA status as a result of the in depth analysis of habitat suitability and monitoring data and need to have all wild horses removed from these HAs. The gather would occur in October 2009, and last approximately 15 days.

The proposed wild horse gather is needed to ensure prevention of further range deterioration resulting from wild horses in the Caliente Complex which is located approximately 5 miles outside of Caliente, Nevada in Lincoln County.

Enclosed are the Wild Horse Gather Plan and Preliminary Environmental Assessment for the Caliente Complex Herd Area DOI-BLM-NV-L030-2009-0037-EA. If any member of the interested public would like to provide any information, data, or analysis please send written comments to Victoria Barr, Field Manager, Caliente Field Office, Bureau of Land Management, P.O. box 237 Caliente Nv.89008. All comments must be post marked by July 18, 2009 No Email comments will be accepted.

If you have any questions, please contact Ben Noyes, Wild Horse and Burro Specialist, Schell Field Office at (775) 289-1836.

Sincerely,

*Victoria Barr*

Victoria Barr  
Field Manager  
Caliente Field Office

Attachment  
(Clover Complex E.A.)

**U.S. Department of the Interior  
Bureau of Land Management**

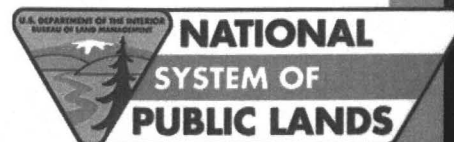
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**Preliminary Environmental Assessment  
DOI-BLM-NV-L030-2009-0037-EA  
June 11, 2009**

**Caliente Complex Gather**

Lincoln County NV.

U.S. Department of the Interior  
Bureau of Land Management  
Ely District Office  
Phone: (775) 289-1881  
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## Caliente Complex

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## 1.0 INTRODUCTION

This environmental assessment (EA) has been prepared to analyze the Caliente Field Office proposal relative to the Caliente Complex wild horse gather. The EA is a site-specific analysis of potential impacts that could result with the implementation of the Proposed Action or alternatives to the Proposed Action. The EA assists the Bureau of Land Management (BLM) in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any “significant” impacts could result from the analyzed actions. “Significance” is defined by NEPA and is found in Chapter 40 of the Code of Federal Regulations (CFR) §§1508.27. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of “Finding of No Significant Impact” (FONSI).

This document is tiered to the *Ely Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/EIS, 2007) released in November 2007. Should a determination be made that implementation of the proposed or alternative actions would not result in “significant environmental impacts” or “significant environmental impacts beyond those already addressed in the RMP/EIS”, a FONSI will be prepared to document that determination, and a Decision Record issued providing the rationale for approving the chosen alternative.

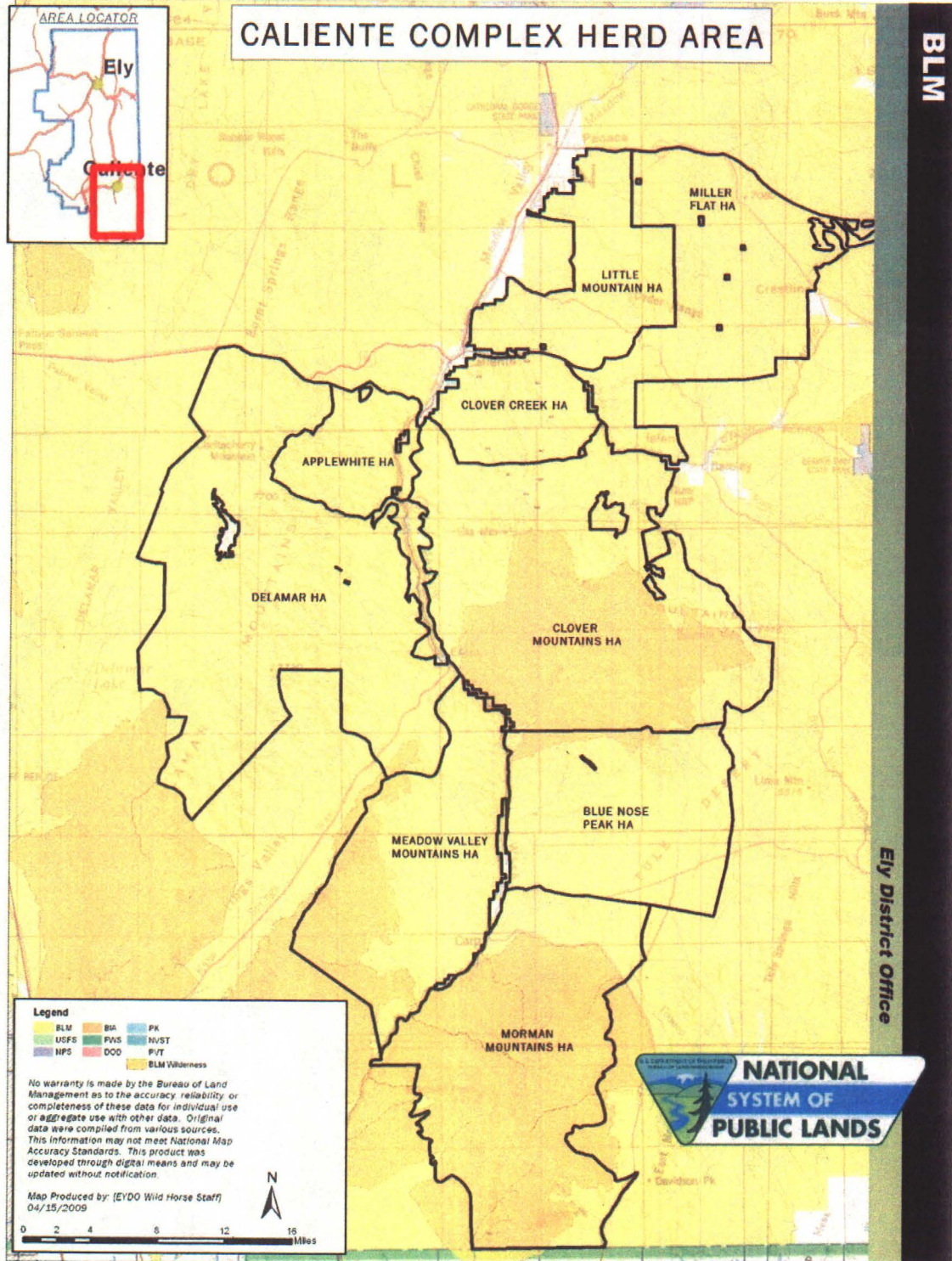
### 1.1 Background:

The Ely District ROD and Approved Resource Management Plan (August 2008) at management action WH-5 states: “Remove wild horses and drop herd management area status for those ... as listed in Table 13.” Meadow Valley Mountain, Blue Nose Peak, Delamar Mountains, Clover Mountains, Clover Creek, Applewhite, Mormon Mountains, Little Mountain, and Miller Flat were dropped from Herd Management Area (HMA) status with this management action and need to have all wild horse removed from these Herd Areas (Herd Area). The purpose of this environmental assessment (EA) is to analyze the impacts associated with the Bureau of Land Management’s (BLMs) proposal to remove approximately 270 excess wild horses from Meadow Valley Mountain, Blue Nose Peak, Delamar Mountains, Clover Mountains, Clover Creek, Applewhite, Little Mountain, and Miller Flat Herd Areas (HAs) beginning in October 2009 in order to achieve and maintain the appropriate management level (AML) and prevent further range deterioration resulting from the current overpopulation of wild horses.

The Caliente Complex is located approximately 5 miles outside the town of Caliente, Nevada, in Lincoln County (see map). The HAs encompasses approximately 911,892 acres. Under the 2008 Ely District RMP, no wild horses are to be managed within the Caliente Complex based on in-depth analysis of habitat suitability and monitoring data. This analysis indicates insufficient forage and water is available to maintain healthy wild horses and rangelands over the long-term. Also refer to the Affected Environment section of this EA for additional information.



Map 1



**Table 1** Herd Areas in the Caliente Complex

Herd Area Number	Herd Area Name	Estimated Total Acres	AML	Population Estimate
512	Mormon Mountains	175,423	0	0
513	Meadow Valley Mountains	94,521	0	9
514	Blue Nose Peak	84,622	0	9
515	Delamar Mountains	183,558	0	91
516	Clover Mountains	167,998	0	71
517	Clover Creek	33,056	0	53
518	Applewhite	30,297	0	9
519	Little Mountain	53,035	0	11
520	Miller Flat	89,382	0	17
	<b>Total</b>	<b>911,892</b>	<b>0</b>	<b>270</b>

The herd areas in Table 1 have been gathered periodically since the 1971 Wild Free-Roaming Horses and Burros Act was passed. Many of the gathers were due to emergency situations and nuisance animals.

Monitoring data collected for the HA's during 2007 - 2009 highlights that utilization by wild horses is moderate to heavy in key areas. Trampling damage by wild horses is also evident at most locations, including riparian areas. Excess utilization and trampling in key areas is currently impacting range conditions and preventing recovery of key sites. Monitoring also indicates wild horses are routinely moving outside the HA.

Analysis of the above information indicates the current AML of 0 wild horses is appropriate and that excess animals are present and require immediate removal.

### **1.2 Purpose of the Proposed Action:**

Vegetation and population monitoring of the Caliente Complex IAs have determined that current wild horse population levels are exceeding the range's ability to sustain wild horse use over the long term. Resource damage is occurring and is likely to continue to occur without immediate action. The purpose of the Proposed Action is to remove the excess animals in order to prevent further deterioration of the range associated with the overpopulation of wild horses as authorized under Section 3(b) (2) of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) and Section 302(b) of the Federal Land Management and Policy Act of 1976.

Implementation of the Proposed Action is needed at this time to achieve and maintain established appropriate management levels, to improve watershed health, to make "significant progress towards achievement" of Mojave/Southern Great Basin Resource Advisory Council (RAC) Standards for rangeland health, and to achieve a thriving natural ecological balance between wild horse populations, wildlife, vegetation, water resources and domestic livestock.

### **1.3 Need for the Proposed Action:**

The BLM needs to be in conformance with the Ely District ROD and Approved RMP (August 2008) which at management action WH-5 states: "Remove wild horses and drop herd management area status for those ... as listed in Table 13."

### **1.4 Conformance with BLM Land Use Plan(s):**

The Proposed Action is in conformance with the following goal, objective, and management action in the 2008 Ely District ROD an Approved RMP (August 2008):

- *Goal:* "Maintain and manage health, self-sustaining wild horse herds inside herd management areas within appropriate management levels to ensure a thriving natural ecological balance while preserving a multiple-use relationship with other uses and resources."
- *Objective:* "To maintain wild horse herds at appropriate management levels within herd management areas where sufficient habitat resources exist to sustain healthy populations at those levels."
- *Action WH-5:* "Remove wild horses and drop herd management area status for those...as listed in Table 13."

### **1.5 Relationship to Statutes, Regulations, or other Plans:**

The Proposed Action is consistent with the following Federal, State, and local plans to the maximum extent possible.

- Lincoln County Portion (Lincoln/White Pine Planning Area) Sage Grouse Conservation Plan (2004).
- State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada Historic Preservation Office (1999).
- Mojave/Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (February 12, 1997).
- Lincoln County Elk Management Plan (2006 revision)
- Endangered Species Act-1973
- Wilderness Act-1964
- Migratory Bird Treaty Act (1918 as amended) and Executive Order 13186 (1/11/01)

The Proposed Action is also consistent with all applicable regulations at 43 CFR (Code of Federal Regulations) 4700 and policies, as well as the 1971 WFRHBA. More specifically, this action is designed to remove excess wild horses consistent with the following regulations:

- 43 CFR 4710.3-1: *Herd management areas shall be established for the*



*maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4.*

- 43 CFR 4720.1: *“Upon examination of current information and a determination that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately...”*
- 43 CFR 4710.4: *“Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas.”* The Interior Board of Land Appeals (IBLA) has interpreted this to mean that the animals’ distribution should be limited to established HMAs (refer to 118 IBLA 24).

**1.6 Identification of Issues:**

Internal scoping was conducted by an interdisciplinary (ID) team on 5-5-2009. The ID team analyzed the potential environmental consequences of the Proposed Action. Potential impacts to the following resources/concerns were evaluated in accordance with criteria listed above to determine if detailed analysis was required. Consideration of some of these items is to ensure compliance with laws, statutes or Executive Orders that impose certain requirements upon all Federal actions. Other items are relevant to the management of public lands in general, and to the Ely District BLM in particular.

Resource/Concern	Issue(s) Analyzed? (Y/N)	Rationale for Dismissal from Detailed Analysis or Issue(s) Requiring Detailed Analysis
Air Quality	N	There would be temporary increased particulate matter (dust) resulting from the Proposed Action. The affected area is not within an area of non-attainment or areas where total suspended particulates or other criteria pollutants exceed Nevada air quality standards. Direct, indirect or cumulative impacts do not approach a level of significance. Detailed analysis is not required.
Cultural Resources	N	Cultural sites would be avoided when setting up traps. Cultural resources around springs would be better protected with wild horse removal.
Forest Health	N	Project does not meet HFRA criteria.
Migratory Birds	Y	Analysis in EA. The Proposed Action would be implemented outside of migratory bird breeding season.
Rangeland Standards	N	Beneficial impacts to rangeland standards and

and Guidelines		health are consistent with the need and objectives for the Proposed Action. Detailed analysis is not necessary.
Native American Religious and other Concerns	N	No potential traditional religious or cultural sites of importance are identified in the project area according to the Ely District RMP Ethnographic report (2003).
Wastes, Hazardous or Solid	N	No hazardous or solid wastes exist on the permit renewal area, nor would any be introduced.
Water Quality, Drinking/Ground	N	There would be no direct or indirect effects to water quality. No CWA section 303(d) impaired waterbodies are found in the project area.
Environmental Justice	N	No environmental justice issues are present at or near the project.
Floodplains	N	Floodplains as defined in Executive Order 11988 may exist in the area, but would not be affected by the Proposed Action.
Farmlands, Prime and Unique	N	Prime and Unique Farmlands would not be affected by the Proposed Action.
Grazing Uses/Forage	N	Temporary displacement of livestock during the actual gather is possible. No further impacts to grazing uses are anticipated. Forage conditions (quality and quantity) will be improved with the removal of excess wild horses to allow progress towards RAC standards (also see Rangeland Standards and Guidelines above). No detailed analysis necessary.
Wetlands/Riparian Zones	Y	In areas no longer managed as herd management areas for wild horses, site stability and water quality would improve at some springs and stream reaches. Wetland and other riparian areas would not be negatively affected directly or indirectly resultant from Proposed Action.
Invasive Non-native Species	Y	Analysis in EA
Wilderness/WSA	Y	Analysis in EA
Human Health and Safety	N	It is unlikely that the Proposed Action would have effect Human Health and Safety.
Wild and Scenic Rivers	N	Not Present
Special Status Animal Species, other than those listed or proposed by the FWS as threatened or Endangered.	Y	Analysis in EA

Special Status Plant Species, other than those listed or proposed by the FWS as Threatened or Endangered. Also, ACECs designated to protect special status plant species.	Y	Analysis in EA
Fish and Wildlife	Y	Analysis in EA
Wild Horses	Y	Analysis in EA
Water Resources (Water Rights)	N	Water resources and water rights would not be affected by Proposed Action.
Vegetative Resources	Y	Localized trampling of vegetation would occur due to trap sites. Removing wild horses would improve vegetation conditions.
Soils/Watershed	Y	Analysis in EA
VRM	N	No long-term effects expected as a result of Proposed Action.
Transportation/Access	N	Temporary access to some minor roads may be affected during gather.
Socioeconomics	N	No effects due to the Proposed Action are expected.
Paleontological Resources	N	Paleontological sites would be avoided when setting up traps.
Mineral Resources	N	No effects likely due to the Proposed Action.
FWS Listed or proposed for listing Threatened or Endangered Species or critical habitat.	Y	Analysis in EA

## 2.0 DESCRIPTION OF ALTERNATIVES, INCLUDING PROPOSED ACTION

### 2.1 Introduction:

The previous chapter presented the purpose and need of the proposed project, as well as the relevant issues, i.e., those elements that could be affected by the implementation of the proposed project. In order to meet the purpose and need of the proposed project in a way that resolves the issues, the BLM has developed a range of action alternatives. These alternatives, as well as a no action alternative, are presented below. The potential environmental impacts or consequences resulting from the implementation of each alternative are then analyzed in Chapter 3 for each of the identified issues.

### 2.2 Alternative A - Proposed Action:

The BLM Caliente Field Office proposed Action is to capture 100% of the current population of wild horses (or about 270 wild horses), including any horses outside the



HA boundaries. All of the animals gathered would be removed and transported to BLM holding facilities where they would be prepared for adoption and/or sale to qualified individuals for long term holding. The estimated population remaining on the range following the gather would be about 0 wild horses.

All capture and handling activities (including capture site selections) would be conducted in accordance with the Standard Operating Procedures (SOPs) described in Appendix I. Multiple capture sites (traps) may be used to capture wild horses from the HAs. Whenever possible, capture sites would be located in previously disturbed areas. Capture techniques would be the helicopter-drive trapping method and/or helicopter-roping from horseback.

Other data, including sex and age distribution, reproduction, survival, condition class information (using the Henneke rating system), color, size and other information may also be recorded, along with the disposition of the animal (removed or released).

### **2.3 Alternative B - No Action:**

Under the No Action Alternative, a gather to remove excess wild horses would not take place beginning in about October 2009. There would be no active management to control the size of the wild horse population at this time. The current population of about 270 wild horses would continue to increase at a rate of 18-22% annually and would be allowed to regulate their numbers naturally through predation, disease, and forage, water and space availability. Existing management, including monitoring, would continue.

The BLM would be out of conformance with The Ely District ROD and Approved RMP (August 2008) management action WH-5.

The No Action Alternative would not comply with the 1971 WFRHBA or with applicable regulations and Bureau policy, nor would it comply with the Mojave/Southern Great Basin RAC Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations. However, it is included as a baseline for comparison with the Proposed Action, as required under the 1969 National Environmental Policy Act (NEPA).

### **2.\* Alternatives Considered, but Eliminated from Further Analysis**

No other alternatives are needed to address any unresolved resource conflicts.

## **3.0 AFFECTED ENVIRONMENT/ENVIRONMENTAL EFFECTS**

### **3.1 General Setting**

The Caliente Complex HA ranges in elevation from approximately 7,650 feet above sea level (asl) to approximately 5,000 feet asl. The annual average precipitation varies from 17 inches at the higher elevations to 7 inches or less at the lower elevations. The Caliente Complex encompasses 911,892 acres and is dominated by sagebrush and pinyon-juniper with topography ranging from wide open valley bottoms to surrounding steep sloping hills with many canyons. Wild horses routinely move outside the HA to find water and vegetation resources.

## **3.2 Resources/Concerns Analyzed**

### **3.2.1 Wild Horses**

#### **3.2.1.1 Affected Environment**

In 1971 with the passage of the WFRHBA, the Secretary of Interior (or Agriculture) was required to protect and manage wild horses and burros on public lands administered by the Bureau of Land Management (or the Forest Service) within their known territorial limits. Following the passage of the 1971 WFRHBA, BLM delineated the Meadow Valley Mountain, Blue Nose Peak, Delamar Mountains, Clover Mountains, Clover Creek, Applewhite, Mormon Mountains, Little Mountain, and Miller Flat Herd Areas (HA) of which approximately 911,892 acres are on BLM lands.

Subsequently, the Ely District ROD and Approved RMP (August 2008) at management action WH-5 stated: "Remove wild horses and drop herd management area status for those ... as listed in Table 13." The herd areas within the Caliente Complex were dropped from HMA status with this management action. Through the Decision Record/Finding of No Significant Impact (FONSI) (August 2008), AML was established as a range of 0 wild horses. As discussed in the Ely District RMP, the AML is the number of wild horses which can graze without damage to the range. The management action of 0 wild horses within the Caliente Complex HAs reflects the recent evaluation using multi-tiered analysis from the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) table 3.8-2 and page 4.8-2. The EIS (November 2007) evaluated each herd management area for five essential habitat components and herd characteristics: forage, water, cover, space, and reproductive viability. If one or more of these components were missing or there was no potential for a stable shared genetic pool, the herd management area was considered unsuitable. The Caliente Complex herd areas failed to meet one or more of the five required habitat components.

Many gathers have taken place at different times across the Caliente Complex from 1985-2008 to remove wild horses due to emergency drought conditions, fire and nuisance animals. Since then, 1,122 wild horses have been removed from the Caliente Complex. A census was completed across the complex in 2008-2009 where 270 wild horses were counted.

#### **3.2.1.2 Environmental Effects**

##### **Impacts of Alternative A -- Proposed Action**

Under the Proposed Action, and considering the terrain and anticipated gather efficiency, the post-gather population of wild horses would be about 15-29 animals. More than one gather would likely be needed to remove all of the wild horses within the two areas and effectively return the areas to HA status. Reducing population size would ensure that wild horses are not at risk of death or suffering from starvation due to insufficient habitat coupled with the effects of drought in 4 of the past 5 years (lack of forage and water).

Impacts to the rangeland as a result of the current overpopulation of wild horses would be reduced; maintaining the population at/near AML would allow progress towards meeting

Rangeland Health Standards of concern. Monitoring data shows key forage areas are being heavily impacted due to horse use. Wild horse condition is declining due to the lack of resources on the range to sustain health.

The impacts associated with gathering wild horses are well documented. Gathering wild horses causes direct impacts to individual animals such as stress, fear or confusion as a result of handling 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 wild horses captured in a given gather. Other impacts to individual wild horses include separation of members from individual bands of wild horses and removal of animals from the population.

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

Population-wide impacts to individual bands of wild horses would be minimized with this action because all of the horses caught would be removed. The remaining wild horses not captured would maintain their social structure and herd demographics (age and sex ratios). No observable effects to the remaining population associated with the gather impacts would be expected except a heightened shyness toward human contact.

#### **Impacts of Alternative B -- No Action Alternative**

Under the No Action Alternative, wild horses would not be removed from the Caliente Complex HA at this time. Individual horses, as well as the herd, would not be subject to any individual direct or indirect impacts that may result during a gather operation as described in the Proposed Action. However, the current population of 270 wild horses would continue to increase at rates of 20 to 25 percent per year.

Because 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. As a result, wild horse numbers would be expected to continue to increase, which in turn would continue to exceed the carrying capacity of the range. Over time, wild horse numbers in excess of AML would impact range condition to the extent that horse herd health is placed at risk. Individual horses would be at risk of death by starvation and lack of water. Competition among wild horses for the available forage and water would increase, affecting mares and foals most severely. Social stress would increase. Fighting among stud horses would increase as they protect their position at scarce water sources. As populations continue to increase beyond the capacity of the habitat, more bands of horses would be expected to leave the boundaries of the HA seeking forage and water. This would impact range conditions and other range users (i.e. native wildlife) outside the HA boundaries.

### **3.2.2 Wilderness**

#### **3.2.2.1 Affected Environment**

The Caliente Complex contains all of the Clover Mountains and portions of the , Meadow Valley Range and Mormon Mountain wilderness areas. The wilderness areas are rugged, uplifted ranges, with isolated riparian areas. The lower elevations are Mojave desert and upper elevations are forested by pinyon pine and juniper. The wilderness areas receive occasional wild horse use during certain times of the year.

#### **3.2.2.2 Environmental Effects**

##### **Impacts of Alternative A - Proposed Action**

Impacts to opportunities for solitude could occur during gather operations due to the possible noise of the helicopter and increased vehicle traffic around the wilderness. Those impacts would cease when the gather was completed. No surface impacts within wilderness are anticipated to occur during the gather since all trap sites and holding facilities would be placed outside wilderness. Wilderness values of naturalness after the gather would be enhanced by a reduction in wild horse numbers as a result of an improved ecological condition of the plant communities and other natural resources.

##### **Impacts of Alternative B - No Action Alternative**

No impacts to wilderness due to gather operations would occur. Impacts to wilderness values of naturalness could be threatened through the continued population growth of wild horses. Although the area has very little wild horse use, degradation of vegetative and soil resources by would be expected if high numbers of wild horses are present in the Caliente Complex. To some, the sight of heavy horse trails, trampled vegetation and areas of high erosion detract from the wilderness experience.

### **3.2.3 Vegetation, Soils and Riparian/Wetland Areas**

#### **3.2.3.1 Affected Environment**

The Caliente Complex HAs consist of sites dominated by pinyon-juniper woodland in the mountains and salt desert shrub communities in the valleys. The salt desert shrub community is composed of two major vegetative zones: the shadscale and the sagebrush.

The pinyon-juniper zone is scattered throughout the area, and generally occurs above 5,500 feet within and surrounding the mountain ranges. Stands of these pinyon pine and juniper trees vary in density from scattered to closed (solid) stands. A few isolated and ancient ponderosa pine stands and several aspen groves dot the higher elevations.

The shadscale zone is found mostly in the bottoms of the valleys. Plants have adapted to the very arid saline soils of the valleys. Important plants in this zone are shadscale, winterfat, black sagebrush and black greasewood.

The sagebrush zone is scattered throughout the area, and occurs between 5,500 feet and 7,000 feet where soils are less salty and more gravelly in nature.



The only water available for wild horse use is provided by springs which have seasonal and marginal flow. Limited riparian habitat and their associated plant species occur in association with the springs.

Monitoring data collected for the HA in fiscal years 2007-2009 indicates utilization by wild horses is moderate to heavy in established key areas. Trampling damage by wild horses is evident at most locations. Excess utilization and trampling in key areas is currently impacting range conditions and preventing recovery of key sites.

### **3.2.3.2 Environmental Effects**

#### **Impacts of Alternative A -- Proposed Action**

Lower wild horse numbers would result in decreased grazing pressure on vegetation resources, including riparian areas. These areas would be expected to improve in the absence of over-utilization by wild horses, which would lead to healthier, more vigorous forage plants. Over the long-term, as wild horse populations continue to be managed at/near the AML range, improving range conditions would be expected to result in increased vegetation density, reproduction and productivity and an increase in the amount of vegetation available for use as forage. Impacts of hoof action on the soil around unimproved springs would also be reduced, which should lead to increased bank stability and improved riparian habitat conditions. There would also be a reduction in hoof action on upland habitats and reduced competition among individual wild horses for available water sources.

Some temporary impacts to vegetation could result with implementation of the Proposed Action. Included would be disturbance of native vegetation immediately in and around temporary trap sites or holding facilities. Direct impacts could result from vehicle traffic or the hoof action of penned horses, and could be locally severe in the immediate vicinity of the trap sites or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Since most trap sites or holding facilities would be re-used during future wild horse gather operations, any impacts would be expected to be localized 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 generally be adjacent to or on roads, pullouts, water haul sites, or other flat spots that have been previously disturbed. By adhering to the SOPs, adverse impacts to soils as a result of capture operations would be minimized.

#### **Impacts of Alternative B -- No Action Alternative**

Under the No Action Alternative, a wild horse removal would not occur at this time. As a result, the potential for localized trampling or vegetation/soil disturbance associated with the trap sites and temporary holding facilities needed to conduct a gather operation would not occur. However, as wild horse populations continue to grow, continued heavy to excessive utilization would result in further decreases in vegetation cover and lead to increased soil erosion throughout the HAs as well as areas outside the HAs boundaries where wild horses are currently living.

Over the long term, increased use by wild horses on the shallow soils typical of this region would be expected to reduce plant vigor and abundance. Over time, decreasing soil and vegetation health has potential to subject the range to invasion by non-native plant species or noxious weeds. A shift in plant composition to weedy species would result in a less vegetation available for use as forage, loss of topsoil through increased erosion, and decreased productivity. These impacts would also be seen outside the HAs, and could affect even larger geographic areas as wild horses forage further from the HA.

### **3.2.4 Wildlife, Migratory Birds, and Special Status Species**

#### **3.2.4.1 Affected Environment**

According to the Ely District Record of Decision and Approved Resource Management Plan (BLM 2008) and the Nevada Natural Heritage Database (State of Nevada 2007), the following species may occur within the project area. These data are not comprehensive, and additional species not listed here may be present within the project area.

Wildlife in the proposed gather area includes pronghorn antelope (*Antilocapra americana*), with mule deer (*Odocoileus hemionus*) and Rocky Mountain Elk (*Cervus canadensis*) in higher elevations with tree cover. Other wildlife species common to the Great Basin environment include mountain lions (*Felis concolor*), coyotes (*Canis latrans*), bobcats (*Lynx rufus*), and blacktail jackrabbits (*Lepus californicus*).

Migratory birds can be found in all habitat types located within the HAs. The migratory bird nesting season is generally from May 15 through July 31. A wide variety of bird species are anticipated to occur within the project area.

Special status species within the HAs proposed for the gather include the federally threatened desert tortoise (*Gopherus agassizii*), federally endangered Southwestern willow flycatcher (*Empidonax traillii extimus*), and the federal candidate Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). The Meadow Valley Mountains, Mormon Mountains, and Blue Nose Peak Herd Areas are in desert tortoise habitat. The Mormon Mountains Herd Area contains the Mormon Mesa desert tortoise critical habitat and Area of Critical Environmental Concern (ACEC). BLM sensitive species within the Caliente Complex include desert bighorn sheep (*Ovis canadensis nelsoni*), Meadow Valley Wash desert sucker (*Catostomus clarki* ssp.), Meadow Valley Wash speckled dace (*Rhinichthys osculus* ssp.), Southwestern (Arizona) toad (*Bufo microscaphus*), Nevada willowherb (*Epilobium nevadense*), long-calyx eggvetch (*Astragalus oophorus* var. *lonchocalyx*), and Needles Mountains milkvetch (*Astragalus eurylobus*). The project also occurs within the Lower Meadow Valley Wash ACEC.

#### **3.2.4.2 Environmental Effects**

##### **Impacts of Alternative A' -- Proposed Action**

Wildlife would be temporarily displaced during capture operations, a result of increased activity associated with trap setup, helicopters and vehicle traffic. Reducing numbers of wild horses to at/near the AML would result in decreased competition between wild horses and wildlife for available forage and water resources as soon as the gather is completed. Over the long-term, as wild horse numbers are maintained at/near the AML,



both riparian and upland habitat conditions (forage quantity and quality) for wildlife would improve.

Given the time of year and the use of previously disturbed areas, no impacts to individuals, populations, or migratory bird habitat are anticipated for this project.

Given that the Herd Areas planned for the Caliente Complex gather encompass many acres, the desert tortoise habitat is highly variable. Any trap sites located in desert tortoise habitat (not in ACEC or critical habitat) would be placed in previously disturbed areas, roads, or washes and would be cleared by a qualified biologist before being set up. The holding facility for this gather will be located outside of tortoise habitat. The appropriate minimization measures for desert tortoise have been incorporated such that the Proposed Action "may affect, but is not likely to adversely affect" the desert tortoise and would not disturb or destroy any critical habitat for the desert tortoise. A beneficial effect of this project would potentially be less desert tortoise habitat disturbance in the future due to the removal of wild horses.

The proposed project is not anticipated to impact riparian species as the gather would not focus on riparian areas and trap sites would not be located in riparian areas. Therefore, there would be no effect on the Southwestern willow flycatcher. There may be temporary disturbances to desert bighorn sheep from the use of helicopters, however, this disturbance would be short in duration and negligible. Special status plant species are not anticipated to be impacted by this action as the trap sites would be placed in previously disturbed areas.

#### **Impacts of Alternative B -- No Action Alternative**

Under the No Action (no removal) alternative, wildlife would not be temporarily displaced or disturbed. However, as wild horse numbers continued to grow, competition between wild horses and wildlife for limited water and forage resources would increase. As competition increases, some wildlife species may not be able to compete successfully, leading to increased stress and possible dislocation or death of native wildlife species over the long-term.

### **3.2.5. Non-native Invasive Species Including Noxious Weeds**

#### **3.2.5.1 Affected Environment**

The BLM defines a weed as a non native plant that disrupts or has the potential to disrupt or alter the natural ecosystem function, composition and diversity of the site it occupies. A weed's presence deteriorates the health of the site, it makes efficient use of natural resources difficult, and it may interfere with management objectives for that site. It is an invasive species that requires a concerted effort (manpower and resources) to remove from its current location, if it can be removed at all. "Noxious" weeds refer to those plant species which have been legally designated as unwanted or undesirable. This includes national, state and county or local designations.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. For a complete list of the weed infestations currently

documented within each HA see the Noxious and Invasive Weed Risk Assessment in Appendix II. It should be noted that the Mormon Mountain and Miller Flat HAs occur near or on the Ely District boundary with other BLM districts. Weed inventory data for these districts is not available. While not officially documented the following non-native invasive weeds probably occur in or around the project area:

<i>Bromus diandrus</i>	Ripgut brome	<i>Erodium cicutarium</i>	Filaree
<i>Bromus rubens</i>	Red brome	<i>Halogeton glomeratus</i>	Halogeton
<i>Bromus tectorum</i>	Cheatgrass	<i>Marrubium vulgare</i>	Horehound
<i>Ceratocephala testiculata</i>	Bur buttercup	<i>Salsola kali</i>	Russian thistle
<i>Convolvulus arvensis</i>	Field bindweed	<i>Sysimbrium altissimum</i>	Tumble mustard
<i>Elaeagnus angustifolia</i>	Russian olive	<i>Verbascum thapsus</i>	Common mullein

### 3.2.5.2 Environmental Effects

#### Impacts of Alternative A -- Proposed Action

A Noxious and Invasive Weed Risk Assessment was completed for this project (Appendix II) and the Risk Factor rating is currently moderate. Given the concentrated use around capture sites and the use of non-certified forage, it is likely that project activities will result in new infestations, specifically at the capture sites. Aside from along major roads and drainages, such as Meadow Valley Wash and Clover Creek, these HAs are relatively weed free. If new weed infestations spread to the area there would be adverse effects to the surrounding native vegetation. Any increase in cheatgrass or red brome could alter the fire regime in the area.

The Ely District normally requires that all hay, straw, and hay/straw products use in project be free of plant species listed on the Nevada noxious weed list. However, this gather is being implemented through the National Wild Horse & Burro Gather Contract and there are no stipulations in this national contract that require the contractor to provide certified weed-free forage.

#### Impacts of Alternative B -- No Action Alternative

Under the No Action Alternative, a wild horse removal would not occur at this time. As a result, the potential for localized trampling and vegetation/soil disturbance associated with the trap sites and temporary holding facilities needed to conduct a gather operation would not occur. However, as wild horse populations continue to grow, continued heavy to excessive utilization would result in further decreases in vegetation cover. Over the long term, increased use by wild horses on the shallow soils typical of this region would be expected to reduce plant vigor and abundance. Over time, decreasing soil and vegetation health has potential to subject the range to invasion by non-native plant species or noxious weeds.

## **4.0 Cumulative Impacts**

### **4.1 Introduction**

As required under NEPA and the regulations implementing NEPA, this section analyzes potential cumulative impacts from past, present, and reasonably foreseeable future actions combined with the Proposed Action within the area analyzed for impacts in Chapter 3 specific to the resources for which cumulative impacts may be anticipated. A cumulative impact is defined as "the impact which results from the incremental impact of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (40 Code of Federal Regulations 1508.7). The cumulative effects study area (CESA) for the Proposed Action is identified as the the Escalante Desert, Panaca Valley, Clover Creek North, Clover Creek South, Delamar Valley Meadow Valley Wash North, Meadow Valley Wash South, Tule Desert, Kane Springs, and Beaver Dam Wash Watersheds.

### **4.2 Past Present and Reasonably Foreseeable Future Actions**

#### **4.2.1 Past Actions**

Herd Areas (HAs) were identified in 1971 as areas occupied by wild horses. Herd Management Areas (HMAs) were established in the late 1980s through the land use planning process as areas where wild horse management was an approved multiple-use. These plans (which include the Caliente Grazing EIS, the Schell Grazing EIS and the Egan RMP/EIS) identified the long-term management direction for domestic livestock grazing, wildlife and wild horses and analyzed the associated environmental impacts.

Removal of excess wild horses from the Caliente Complex has not occurred on a regular basis. However, portions of the Caliente Complex have been gathered from 1985-2008 to remove wild horses due to emergency drought conditions, fire and nuisance animals. Since 1985, 1,122 wild horses have been removed from the Caliente complex.

#### **4.2.2 Present Actions**

Today the Caliente Complex HAs have an estimated population of 270 wild horses. Resource damage is occurring both within and outside the HA due to this overpopulation of wild horses.

An assessment for conformance with Rangeland Health Standards is currently ongoing for the Caliente Complex associated livestock grazing allotments. Portions of the HA have been monitored intensely over the past several years due to problems with drought, vegetation condition and combined use by wild horses and domestic livestock. Upon completion of these evaluations, additional adjustments in livestock season of use, livestock numbers, and grazing systems may be made through the allotment evaluation/MUD process.

#### **4.2.3 Reasonably Foreseeable Future Actions**

No further amendments to the 1971 WFRHBA are currently anticipated which would result in changes in horse and burro management on the public lands. However, the WFRHBA has been amended three times since 1971 (i.e. the Act was amended in 1976, 1978, and again in 2004). Therefore, future changes to the WFRHBA are possible as a reasonably foreseeable future action. Any changes could affect wild horse and burro management.

#### **4.3 Cumulative Impact Analysis**

Cumulative beneficial effects from the Proposed Action are expected, and would include continued improvement of vegetation and riparian-wetland conditions, which would in turn positively impact native wildlife, domestic livestock and wild horse populations as forage quantity and quality is improved over the current level.

The Proposed Action analyzed in this environmental assessment would result in reducing the current wild horse population size to at/near the upper range of the established AML. Direct improvements in vegetation, soils and riparian-wetland condition would be expected in the short term, which should benefit wildlife, wild horses and domestic livestock. Over the long-term, continuing to maintain wild horse populations within the AML range would further benefit all users and the resources they depend on for forage and water. Direct cumulative impacts of the Proposed Action coupled with impacts from past, present and reasonably foreseeable future actions would result in improved watershed health. As a result, the Proposed Action, in conjunction with many of the past, present and reasonably foreseeable future actions would result in attainment of RMP or allotment-specific objectives and Standards for Rangeland Health and Wild Horse and Burro Populations.

Under the No Action (no removal) alternative, the current overpopulation of wild horses would not be reduced to at/near the upper range of the AML because a gather would not occur at this time. Population numbers would continue to exceed AML. Competition between wild horses and native wildlife and domestic livestock for limited forage and water resources would increase, and vegetation and riparian-wetland conditions would continue to deteriorate. Over the longer-term, the health of wild horses and native wildlife would be expected to suffer as rangeland productivity further declines. Direct cumulative impacts of the No Action Alternative coupled with impacts from past, present and reasonably foreseeable future actions would result in foregoing an opportunity to improve watershed health. As a result, the No Action Alternative, in conjunction with many of the past, present and reasonably foreseeable future actions would result in non-attainment of RMP or allotment-specific objectives and Standards for Rangeland Health and Wild Horse and Burro Populations.

The combination of the past, present, and reasonably foreseeable future actions, along with implementation of the Proposed Action, should result in more stable wild horse populations, healthier rangelands, healthier wild horses, and fewer multiple-use conflicts within and adjacent to the Caliente Complex HAs in the short-term and long-term.

Most past and all present and reasonably foreseeable future actions have noxious and invasive weed prevention stipulations and required weed treatment requirements associated with each project. This in combination with the active BLM Ely District Weed Management Program will minimize the spread of weeds throughout the watersheds as a result of the Proposed Action and past, present and reasonably foreseeable future actions.

## **5.0 CONSULTATION AND COORDINATION**

### **5.1 Introduction**

The issue identification section of Chapter 1 provides the rationale for issues that were considered but not analyzed further and identifies those issues analyzed in detail in Chapter 3. The issues were identified through the public and agency involvement process described in sections 5.2 and 5.3 below.

### **5.2 Persons, Groups and Agencies Consulted**

#### **•Nevada Department of Wildlife**

- Brad Hardenbrook

#### **•Tribal Consultation**

- Tribal Coordination Letters were sent November 19, 2008. No concerns were identified through coordination.

### **5.3 Summary of Public Participation**

During preparation of the EA, the public was notified of the Proposed Action by posting on the Public hearings are held annually on a state-wide basis regarding the use of helicopters and motorized vehicles to capture wild horses (or burros). During these meetings, the public is given the opportunity to present new information and to voice any concerns regarding the use of these methods to capture wild horses (or burros). The Nevada BLM State Office held a meeting on May 15, 2008; a total of 116 individuals commented. Of these, 1 was an oral comment, 4 were written comments, and the balance were emails. Specific concerns included: (1) the use of helicopters and motorized vehicles is inhumane and results in injury or death to significant numbers of wild horses and burros; (2) bait and/or water trapping or removal by horseback are more humane methods of removal; (3) misconduct by gather contractors or others must be immediately corrected; and (4) fertility control, including sterilization of stallions should be considered rather than removing excess animals. Some expressed the desire that nature be allowed to take its course and that animals be left to die of thirst or starvation in lieu of gathers.

Based on the number of concerns expressed with respect to the use of helicopters and motorized vehicles, BLM thoroughly reviewed the Standard Operating Procedures to assure that all necessary measures are in place to humanely capture, handle and transport Nevada's wild horses and burros during the upcoming gather season. No changes to the SOPs were indicated based on this review. This decision is based on the facts: over the past four years, BLM Nevada has gathered nearly 23,000 excess animals. Of these, mortality has averaged only one-half of one percent which is very low when handling



wild animals. Another 7/10 of one percent of the animals captured were humanely euthanized due to pre-existing conditions and in accordance with BLM policy. This data affirms that the use of helicopters and motorized vehicles has proven to be a safe, effective and practical means for the gather and removal of excess wild horses and burros from the range. BLM also avoids gathering wild horses prior to or during the peak foaling season and does not conduct helicopter removals of wild horses during March 1 through June 30.

## 5.4 List of Preparers

### 5.4.1 BLM:

Name	Title	Responsible for the Following Section(s) of this Document
Ben Noyes	Wild Horse Specialist	Project Lead/ Wild Horse
Alicia Styles	Wildlife Biologist	Wildlife, Migratory Birds, Special Status Species
Bonnie Million	Noxious & Invasive Weeds Specialist	Non-native Invasive Species Including Noxious Weeds
Joseph David	Environmental Coordinator	NEPA
Melanie Peterson	Environmental Protection Specialist	Human Health and Safety, Hazardous Wastes
Dave Jacobson	Wilderness Planner	Wilderness
Mark D'Aversa	Hydrologist	Soil, Water, Wetlands and Riparian/Flood Plans
Shirley Johnson	Rangeland Management Specialist	Livestock Grazing
Lynn Wulf	Archaeologist	Cultural Resources
Elvis Wall	Native American Coordinator	Native American Religious Concerns

## 6.0 REFERENCES, GLOSSARY AND ACRONYMS

### 6.1 References Cited

BLM – August 2008. Ely Record of Decision and Approved Resource Management Plan (RMP)

State of Nevada Department of Conservation and Natural Resources Nevada Natural Heritage Program. Accessed in 2007. <http://heritage.nv.gov>



## **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.

### **Capture Methods used in the Performance of a Gather - Contract Operations**

- a. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:

All trap and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (PI) prior to construction. The Contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

- b. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

c. 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:

(1) 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.

(2) All loading chute sides shall be a minimum of 6 feet high and shall be fully covered, plywood, metal without holes.

(3) 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 fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.

(4) 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, plastic snow fence, 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

(5) All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.

d. No modification of existing fences will be made without authorization from the COR/PI. The Contractor shall be responsible for restoration of any fence modification which he has made.

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

f. 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, sex, or other necessary procedures. In these instances, a portable restraining chute may be necessary and will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the capture area(s). 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 COR.

g. 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. An animal that is held at a temporary holding facility after 5:00 p.m. and on through the night, is defined as a horse/burro feed day. An animal that is held for only a portion of a day and is shipped or released does not constitute a feed day.

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

i. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI will determine if injured animals must be destroyed and provide for destruction of such animals. The Contractor may be required to humanely euthanize animals in the field and to dispose of the carcasses as directed by the COR/PI.

j. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals to be released back into the HMA following gather operations may be held up to 21 days or as directed by the COR/PI. 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 COR/PI. 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 COR. 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 COR.

#### **C.6 CAPTURE METHODS THAT MAY BE USED IN THE PERFORMANCE OF A GATHER**

a. Capture attempts may be accomplished by utilizing bait (feed or water) to lure animals into a temporary trap. If the contractor selects this method the following applies:

- (1) Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.
- (2) All trigger and/or trip gate devices must be approved by the COR/PI prior to capture of animals.

- (3) Traps shall be checked a minimum of once every 10 hours.
- b. Capture attempts may be accomplished by utilizing a helicopter to drive animals into a temporary trap. If the contractor selects this method the following applies:
- (1) 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 COR/PI. Under no circumstances shall animals be tied down for more than one hour.
  - (2) The contractor shall assure that foals shall not be left behind, and orphaned.
- c. Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If the contractor with the approval of the COR/PI selects this method the following applies:
- (1) Under no circumstances shall animals be tied down for more than one hour.
  - (2) The contractor shall assure that foals shall not be left behind, or orphaned.
  - (3) The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

## **C.7 MOTORIZED EQUIPMENT**

- a. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the COR/PI with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
- b. 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.
- c. 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.

d. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.

e. Floors of tractor-trailers, stock trailers and loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping.

f. Animals to be loaded and transported in any trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

- 11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);
- 8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
- 6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
- 4 square feet per burro foal (.50 linear feet in an 8 foot wide trailer).

g. The COR/PI shall consider the condition and size of the animals, weather conditions, distance to be transported, or other factors when planning for the movement of captured animals. The COR/PI shall provide for any brand and/or inspection services required for the captured animals.

h. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor will be instructed to adjust speed.

## **C.8 SAFETY AND COMMUNICATIONS**

a. The Contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the capture of wild horses and burros utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government will take steps necessary to protect the welfare of the animals.

1. 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 contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the Contractor will be notified in writing to furnish replacement personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative.

2. The Contractor shall obtain the necessary FCC licenses for the radio system
3. All accidents occurring during the performance of any task order shall be immediately reported to the COR/PI.

b. Should the contractor choose to utilize a helicopter the following will apply:

1. 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.
2. Fueling operations shall not take place within 1,000 feet of animals.

#### **C.9 CONTRACTOR-FURNISHED PROPERTY**

a. As specified herein, it is the contractor's responsibility to provide all necessary support equipment and vehicles, hay and water for the animals and any other needed items, personnel, vehicles, horses, etc. to support the capture, care and transport of horses/burros. Other equipment includes but is not limited to, a minimum 2,500 linear feet of 72-inch high (minimum height) panels for horses or 60-inch high (minimum height) for burros for traps and holding facilities. Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g., rubber, galvanized metal with rolled edges, rubber over metal) so as to avoid injury to the animals.

b. The Contractor shall provide a radio transceiver to insure communications are maintained with the BLM project PI when driving or transporting the wild horses/burros. The contractor needs to insure communications can be made with the BLM and be capable of operating in the 150 MHz to 174 MHz frequency band, frequency synthesized, CTCSS 32 sub-audible tone capable, operator programmable, 5kHz channel increment, minimum 5 watts carrier power.

#### **C.10 GOVERNMENT FURNISHED EQUIPMENT/SUPPLIES/MATERIALS**

The government will provide a portable restraining chute for each contractor to be used for the purpose of restraining animals to determine the age of specific individuals or other similar procedures. The contractor will be responsible for the maintenance of the portable



restraining chute during the gather season. The government may also provide VHF/FM portable 2-way radios, if needed. The government will provide all inoculate syringes, freezemarking equipment, and all related equipment for fertility control treatments. When required a boat will be furnished to transport burros. The Contractor shall be responsible for the security of all Government Furnished Property (GFP).

## **C.11 SITE CLEARANCES**

Prior to setting up a trap or temporary holding facility on previously undisturbed ground, BLM will conduct all necessary clearances (archaeological, T&E, etc). All proposed site(s) must be inspected by an authorized archaeologist. Once clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other authorized BLM employees.

Keep removal and disturbance of vegetation to minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.).

### **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.

### **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 authorized 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.

### **Responsibility and roles of Communication**

#### **Ely District**

#### **Contracting Officer's Representatives**

##### Ely District Office

Ben Noyes

Ruth Thompson

#### **Project Inspectors**

Paul Podborny

### Ely District Office

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. 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 BLM 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.

### **Desert Tortoise Minimization Measures: From the Ely District Record of Decision and Approved Resource Management Plan:**

**WH-9:** Implement the following management actions for desert tortoise habitat (also refer to the discussion on Special Status Species). The Ely District Office does not plan to manage for any wild horses in desert tortoise habitat and this management only will be used if emergency gathers are needed in the future should wild horses reenter the area.

- For gathers: Trap sites should be located at previous trap site locations or in previously disturbed areas, where possible. All trap and holding sites, and access routes will be cleared by a qualified tortoise biologist before the trap and holding facilities are set up. The parcel will be surveyed for desert tortoise using survey techniques that provide 100 percent coverage.
- For gathers: Holding facilities will not be located inside ACECs. If possible, they should be located outside of desert tortoise habitat. If they cannot be located outside of desert tortoise habitat, they should be placed in previously disturbed areas.
- For gathers: All vehicle use in desert tortoise habitat will be restricted to existing roads and trails and within surveyed areas. Vehicles will not exceed 25 mph.
- For gathers: Trash and garbage will be contained in a covered, raven-proof trash receptacle and disposed of off-site in a designated facility. No trash or garbage will be buried at the sites.
- For gathers: Use of hay or grains as enticements into the traps will not occur within desert tortoise habitat to avoid the introduction of nonnative plant species.

The feeding of hay or grains to animals will not be allowed within ACECs. The feeding of hay or grains to animals at holding facilities on public land within desert tortoise habitat will be avoided when possible

**From the Programmatic Biological Opinion for the Bureau of Land Management's Ely District Resource Management Plan (Service File No. 84320-2008-F-0078):**

2.a. Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be onsite, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed limits; the terms and conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or noncompliance with this biological opinion.

2.e. A litter-control program shall be implemented to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from project areas to the trash receptacles following the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the site. The litter-control program will apply to all actions. A litter-control program will be implemented by the responsible federal agency or their contractor, to minimize predation on tortoises by ravens and other predators drawn to the project site.

## APPENDIX II

### RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

#### **Caliente Complex Gather Lincoln County, Nevada**

On April 22, 2009 a Noxious & Invasive Weed Risk Assessment was completed for the wild horse gather for the Caliente Complex of Herd Areas (HAs) including: Applewhite, Blue Nose Peak, Clover Creek, Clover Mountains, Delamar Mountains, Little Mountain, Meadow Valley Mountain, Miller Flat, and Mormon Mountains. These areas will be gathered using a helicopter drive trap. The gather would start approximately October 1<sup>st</sup> and run about 15 days. 10-12 trap site locations may be used, typically in previously disturbed areas roads or washes, trap sites are determined with the contractor and BLM personnel during the time of the gather. Vegetation and population monitoring of the Caliente Complex HAs have determined that current wild horse population levels are exceeding the range's ability to sustain wild horse use over the long term. Resource damage is occurring and is likely to continue to occur without immediate action.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. Currently, the following weed species are found within the Applewhite HA:

<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

The Applewhite HA was last inventoried for noxious weeds in 2008. Currently, the following weed species are found within the Blue Nose Peak HA:

<i>Lepidium latifolium</i>	Tall whitetop
<i>Tamarix spp.</i>	Salt cedar

The Blue Nose Peak HA was last inventoried for noxious weeds in 2005. Currently, the following weed species are found within the Clover Creek HA:

<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium latifolium</i>	Tall whitetop
<i>Tamarix spp.</i>	Salt cedar

The Clover Creek HA was last inventoried for noxious weeds in 2007. Currently, the following weed species are found within the Clover Mountains HA:

<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Lepidium draba</i>	Hoary cress

<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

The Clover Mountains HA was last inventoried for noxious weeds in 2005. Currently, the following weed species are found within the Delamar Mountains HA:

<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

The Delamar Mountains HA was last inventoried for noxious weeds in 2008. Currently, the following weed species are found within the Little Mountain HA:

<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

The Little Mountain HA was last inventoried for noxious weeds in 2008. Currently, the following weed species are found within the Meadow Valley Mountains HA:

<i>Brassica tournefortii</i>	Sahara mustard
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

The Meadow Valley Mountains HA was last inventoried for noxious weeds in 2008. Currently, the following weed species are found within the Miller Flat HA:

<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine



The Miller Flat HA was last inventoried for noxious weeds in 2008. Currently, the following weed species are found within the Mormon Mountains HA:

<i>Brassica tournefortii</i>	Sahara mustard
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

The Mormon Mountains HA was last inventoried for noxious weeds in 2008. The following noxious and non-native, invasive species are found along roads and drainages leading to all HAs:

<i>Acroptilon repens</i>	Russian knapweed
<i>Ailanthus altissima</i>	Tree of heaven
<i>Brassica tournefortii</i>	Sahara mustard
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

It should be noted that the Mormon Mountain and Miller Flat HAs occur near or on the Ely District boundary with other BLM districts. Weed inventory data for these districts is not available. While not officially documented the following non-native invasive weeds probably occur in or around the project area:

<i>Bromus diandrus</i>	Ripgut brome	<i>Erodium cicutarium</i>	Filaree
<i>Bromus rubens</i>	Red brome	<i>Halogeton glomeratus</i>	Halogeton
<i>Bromus tectorum</i>	Cheatgrass	<i>Marrubium vulgare</i>	Horehound
<i>Ceratocephala testiculata</i>	Bur buttercup	<i>Salsola kali</i>	Russian thistle
<i>Convolvulus arvensis</i>	Field bindweed	<i>Sysimbrium altissimum</i>	Tumble mustard
<i>Elaeagnus angustifolia</i>	Russian olive	<i>Verbascum thapsus</i>	Common mullein

**Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.**

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as Moderate (5) at the present time. Given the concentrated use around capture sites and the use of non-certified forage it is likely that project activities will result in new infestations, specifically at the capture sites.

**Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.**

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

This project rates as High (8) at the present time. Aside from along major roads and drainages, such as Meadow Valley Wash and Clover Creek, these HAs are relatively weed free. If new weed infestations spread to the area there would be adverse effects to the surrounding native vegetation. Any increase in cheatgrass or red brome could alter the fire regime in the area.

**The Risk Rating is obtained by multiplying Factor 1 by Factor 2.**

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is Moderate (40). This indicates that the project can proceed as planned as long as the following measures are followed:

- Gather capture sites will be chosen in previously disturbed areas which are free from noxious weed infestations, to the greatest extent possible.
- Where appropriate, vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. Vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global positioning systems or other mutually acceptable equipment and provided to the Ely District Office Weed Coordinator or designated contact person.
- Prior to entry of vehicles and equipment to a planned disturbance area, a weed scientist or qualified biologist will identify and flag areas of concern. The flagging will alert personnel or participants to avoid areas of concern.
- Keep removal and disturbance of vegetation would be kept to a minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)
- Monitoring of the capture sites will be conducted for at least three years and will include weed detection. Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

The Ely District normally requires that all hay, straw, and hay/straw products use in project be free of plant species listed on the Nevada noxious weed list. However, this gather is being implemented through the National Wild Horse & Burro Gather Contract and there are no stipulations in this national contract that require the contractor to provide certified weed-free forage.

Reviewed by: \_\_\_\_\_  
 Bonnie M. Million  
 Ely District Noxious & Invasive Weeds Coordinator

04/22/2009  
 \_\_\_\_\_  
 Date