G 6/21/01

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
(775) 623-1500
http://www.nv.blm.gov/winnemucca

In Reply Refer To:
4720.1 (NV-022.44)

June 21, 2001

NOTICE OF FULL FORCE AND EFFECT DECISION
LITTLE OWYHEE HERD MANAGEMENT AREA
EMERGENCY DROUGHT WILD HORSE GATHER

Dear Interested Public:

MANAGEMENT ACTION:

The action is to gather approximately 900 wild horses and remove approximately 600-721 from the Little Owyhee Herd Management Area (HMA). The number of wild horses removed is contingent upon the availability of storage space at BLM holding facilities. This is described in the Little Owyhee Emergency Drought Wild Horse Gather Plan EA NV-020-01-23. Approximately 179-298 wild horses will remain in the Little Owyhee HMA. The action would implement the Proposed Action or Alternative 1 of Environmental Assessment NV-020-01-23, Little Owyhee HMA Emergency Drought Wild Horse Gather, dated June 21, 2001.

BACKGROUND INFORMATION:

The AML for the HMA is based on available water not vegetation, as described in the Final Multiple Use Decision for the Little Owyhee Allotment, dated March 26, 1993. The major limiting factor affecting wild horses is the lack of adequate water in the summer. In the Little Owyhee HMA, there are only three permanent, publicly owned water sources, all situated in the southern portion of the HMA. These are the North Fork of the Little Humboldt River in Fairbanks pasture, a seep at the mouth of Milligan Creek gorge in Twin Valley Springs pasture, and the South Fork of the Little Humboldt River (Rodear Flat) in Lake Creek field. In addition, water from the Maiden Springs pipeline (a private water right) has been available from breaks in the line, and at places provided by the permittee. Chukar, Willow and Little Mud springs, in southern Fairbanks pasture, may also be perennial. All of these perennial waters have shown reductions in flows due to current drought conditions. There are over fifty man made reservoirs within the HMA which collect snow and spring runoff. With a non existent snowpack from the winter of 00-01, 95% of these reservoirs are dry and the 5% with water were 5-10% full on May 1. Horse movements and migrations are determined by the availability of water. Horses normally move toward and concentrate around permanent water in mid-late summer, by May 1 of this year the horses were already concentrated in large numbers (200+) around these remaining waters at least 2-3 months earlier then normal. The Proposed Action or Alternative 1 will prevent

death by dehydration of a substantial number of wild horses.

DECISION:

Enclosed is the Decision Record, Finding of No Significant Impact and the Environmental Assessment (EA# NV-020-01-23) which analyzes the impacts of removing wild horses within the Little Owyhee HMA. Given the information contained in these documents, it is my decision to gather and remove approximately 600-721 wild horses from the Little Owyhee HMA and leave approximately 179-298 wild horses in the HMA. The number of animals removed is contingent upon the availability of storage space at BLM holding facilities.

METHODS:

The method of capture will be to use a helicopter to herd the animals to portable wing traps. The BLM will conduct the removal through a private contractor under the current requirements contract and supervised by a Contracting Officer's Representative. It is estimated that 2-3 trap sites will be required.

DATES:

The action is scheduled to begin on June 27, 2001, and will likely be 7-10 days in duration.

LOCATION:

The action will occur in the Lake Creek, Twin Valley Springs, and Fairbanks Pasture of Little Owyhee Allotment.

AUTHORITY:

The authority for this decision is contained in Sec.3(a) and (b) and Sec.4 of the Wild Free Roaming Horse and Burro Act (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

> The authorized officer may place in full force and effect decisions to remove wild horses or burros from public lands if removal is required by applicable law or to preserve or maintain a thriving ecological balance and multiple use relationship. Full force and effect decision shall take effect on the date specified, regardless of an appeal. Appeals and petitions for stay of decision shall be filed with the Interior Board of Land Appeals, as specified in the part.

APPEALS:

Within 30 days of receipt of this decision, you have the right of appeal to the board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR

4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Western Region, U.S. Department of the Interior, Federal Building, Suite 6201, 125 S. State Street, Salt Lake City, UT 84138-1180, and (3) Winnemucca Field Office, 5100 E. Winnemucca Blvd., Winnemucca, NV 89445. The original documents should be 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 standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on 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.

ADDITIONAL INFORMATION:

Contact Bryan Fuell of my staff, at (775) 623-1574 or write to the above address.

Terry Reed
Field Manager,
Winnemucca Field Office

6/21/2001
DATE

Enclosures:
1) EA NV-020-01-23 (25 pp)
2) DR/FONSI for EA NV-020-01-23 (2 pp)

INTERESTED PUBLIC

Certified copies:	Certified Numbers
American Horse Protection Asso.	7000 1670 0007 4068 6211
American Humane Asso.	7000 1670 0007 4068 6204
American Mustang & Burro Asso.	7000 1670 0007 4068 6198
American Mustang Asso.	7000 1670 0007 4068 6181
American Protection Institute	7000 1670 0007 4068 6174
HERDS	7000 1670 0007 4068 6167
Humane Society of the US	7000 1670 0007 4068 6150
International Society for the Protection of - Mustangs & Burro	7000 1670 0007 4068 6143
National Wild Horse Asso.	7000 1670 0007 4068 6136
National Mustang Asso.	7000 1670 0007 4068 6129
NV Comm. for the Preservation of Wild Horses	7000 1670 0007 4068 6112
Whole Horse Institute	7000 1670 0007 4068 6105
Wild Horse Organized Assistance	7000 1670 0007 4068 6099
Wild Horse Spirit	7000 1670 0007 4068 6082
Craig Downer	7000 1670 0007 4068 6075
American Horse Council	7000 1670 0007 4068 6068
The Fund for Animals, Inc	7000 1670 0007 4068 6051
US Fish and Wildlife Service	7000 1670 0007 4068 6044
CO Wild Horse and Burro Coalition	7000 1670 0007 4068 6037
Humboldt County Commissioners	7000 1670 0007 4068 6020
Nevada State Clearing House	7000 1670 0007 4068 6013
Nevada First Corp.	7000 1670 0007 4068 6006
Jerry Harper	7000 1670 0007 4068 5993
Elko County Commissioners	7000 1670 0007 4068 5986
Eddy King	7000 1670 0007 4068 5979

FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD

LITTLE OWYHEE HERD MANAGEMENT AREA
EMERGENCY DROUGHT WILD HORSE GATHER PLAN

NV-020-01-23

6-21-2001

DECISION

It is my decision to select the Proposed Action as described in the Little Owyhee Emergency Drought Wild Horse Gather Plan EA NV-020-01-23.

The Proposed Action is to gather all horses within the Little Owyhee HMA and reduce the population to a level 40% below Appropriate Management Level (AML). This action would be in conformance with the BLM's 2000 Wild Horse Strategy. The strategy is to implement the management ranges identified in the FMUD, then manage at a range where the AML is the maximum number of animals for the HMA. This action for the Little Owyhee HMA would be to capture approximately 900 wild horses and remove 720 head, determine sex, age, and color, acquire blood samples, and assess herd health (pregnancy/parasites loading/physical condition/etc.). Animals will be sorted as to age, sex, temperament and/or physical condition, and selected animals returned to the range. Surplus animals would be transported to BLM holding facilities.

Implementation of the Proposed Action is contingent upon the availability of storage space for these emergency removal animals. If this additional storage space is not available the alternate plan will be to implement Alternative 1 as described in Little Owyhee Emergency Drought Wild Horse Gather Plan EA NV-020-01-23.

Alternative 1 is to gather all horses within the Little Owyhee HMA and reduce the population to AML, not below. Alternative 1 would be to capture approximately 900 wild horses and remove 600; determine sex, age, and color, acquire blood samples, and assess herd health (pregnancy/parasites loading/physical condition/ect.). Animals will be sorted as to age, sex, temperament and/or physical condition, and selected animals returned to the range. Surplus animals would be transported to BLM holding facilities.

The Proposed Action and Alternative1 does not include the treatment of released mares with a revised immunocontraceptive vaccine,(Porcine Zona Pellucida)(PZP). This drug needs to administered in the fall to winter months to be an effective inhibitor of reproduction in wild horses. The proposed gather would occur in late June which would lower the success rate of the PZP, thereby reducing the viability/effectiveness of the vaccine.

This decision incorporates the Standard Operating Procedures identified in Appendix II of this EA as stipulations. All trap sites and holding facilities will be inventoried for cultural resources prior to construction.

RATIONALE

This document has been prepared to assess the environmental impacts of adjusting the wild horse population due to drought conditions, and achieve AML, collect information on herd characteristics, determine herd health, maintain sustainable rangelands, and maintain a healthy and viable wild horse population. The water situation for the wild horses in this HMA, approximately 900, has become critical. The Proposed Action or Alternative 1 will prevent death by dehydration of a substantial number of wild horses.

The proposed action is in conformance with the wild horse objectives in the Paradise-Denio Resource Area Management Framework Plan.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in EA NV-020-01-23, I have determined that this action will not have a significant effect on the human environment. Therefore, in accordance with Section 102(2)(C) of the National Environmental Policy Act, the preparation of an environmental impact statement is not required.

Terry A Reed

Terry Reed
Field Manager,
Winnemucca Field Office

6/21/2001
DATE

LITTLE OWYHEE HERD MANAGEMENT AREA
EMERGENCY DROUGHT WILD HORSE GATHER PLAN

NV-020-01-23

June 21, 2001

WINNEMUCCA FIELD OFFICE

I Introduction/Purpose and Need

Introduction

The Little Owyhee Herd Management Area (HMA) is managed by the Winnemucca Field Office (WFO) of the Bureau of Land Management. The HMA consists of approximately 414,720 acres, of which 95% is public lands. The east one-third of the area lies within the Elko District, but all renewable resources occurring within this area are administrated by the Winnemucca Field Office. The Little Owhyee HMA is located within the Little Owhyee Allotment, and consists of the three spring pastures of that allotment; Fairbanks, Twin Valley Springs, and Lake Creek Pastures (Map 1). The HMA is bordered on the east by the Owhyee HMA (managed by Elko F.O.), Snowstorm HMA on the south, and the Idaho-Oregon borders to the north.

The Little Owyhee HMA has shown to be a productive area for wild horses. The animals have shown to be capable of 15 to 24% increases in numbers annually. This can result in a doubling of the wild horse population about every 3 years. Since 1971, there has been eight BLM authorized removals with a total of 5,748 wild horses removed from the HMA The Little Owyhee HMA current estimated population is approximately 900 animals. For many years above normal precipitation provided adequate water for these large numbers of wild horses. With the current drought years the Owyhee Desert's water resources simply can not support these large numbers of animals. This area has shown drought related problems in the past. In 1992 the WFO conducted an emergency removal due to drought and in 2000 Elko F.O. conducted an emergency drought removal within the adjoining Owyhee HMA.

The Appropriate Management Level (AML) for the HMA is based on available water not vegetation, as described in the Final Multiple Use Decision for the Little Owyhee Allotment, dated March 26, 1993.. The major limiting factor affecting wild horses is the lack of adequate water in the summer. In the Little Owyhee HMA, there are only three permanent, publicly owned water sources, all situated in the southern portion of the HMA. These are the North Fork of the Little Humboldt River in Fairbanks pasture, a seep at the mouth of Milligan Creek gorge in Twin Valley Springs pasture, and the South Fork of the Little Humboldt River (Rodear Flat) in Lake Creek field. In addition, water from the Maiden Springs pipeline (a private water right) has been available from breaks in the line, and at places provided by the permittee. Chukar, Willow, and Little Mud springs, in southern Fairbanks pasture, may also be perennial. All of these perennially waters have shown reductions in flows due to current drought conditions. There are over fifty man made reservoirs within the HMA which collect snow and spring runoff. With a non existent snowpack from the winter of 2000-2001, 95% of these reservoirs are dry and the 5% with water were 5-10% full May 1. Horse movements and

migrations are determined by the availability of water. Horses normally move toward and concentrate around permanent water in mid-late summer. By May 1 of this year the horses were already concentrated in large numbers (200+) around these waters at least 2-3 months earlier then normal.

The livestock operators on the Little Owyhee Allotment are Nevada First Cooperation, Jerry Harper, and Eddy King. These operators have voluntarily left the HMA portion of the allotment by June 1, one month early and moved to their summer pastures with 50% less numbers. This change in their authorized use is due to lack of available water within those spring pastures.

This document has been prepared to assess the environmental impacts of reducing the wild horse population due to drought within the Little Owyhee HMA.

The AML for this HMA have been previously established through the Little Owyhee 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 WFO.

Purpose and Need

The WFO proposes to implement a program of integrated wild horse management in the Little Owyhee HMA. The emphasis of this integrated management program will be to reduce stress to the current wild horse population due to drought conditions, achieve AML, determine herd health, collect information on herd characteristics, maintain sustainable rangelands, and maintain a healthy and viable wild horse population. All activities will be conducted according to a specified set of standardized operating procedures (SOPs) (Appendix II).

Land Use Plan Conformance Statement

The Paradise-Denio Resource Area Management Framework Plan (MFP)/Final Grazing Environmental Impact Statements (EIS) and Record of Decision, which directs the management in the project area, was approved July 9, 1982. The Proposed Action is in conformance with this Plan and is consistent with federal, state, and local laws, regulations, and plans to the maximum extent possible.

Relationship to Statutes, Regulations, Policies, Plans, or Other Environmental Analysis

The AML was established through the Little Owyhee Allotment evaluation, re-evaluation and final multiple use decisions (FMUDS). The AML for wild horses within the Little Owyhee HMA has been determined to be 298 animals yearlong.

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

1) Little Owyhee Desert HMA Wild Horse Removal Plan EA (NV-020-03-43) (1993)
2) Little Owyhee Desert Wild Horse Removal Plan EA (NV-020-02-30) (1992)
3) Wild Horse/Burro Removal Programmatic EA (NV-020-7-24) (1987)

Due to the age of these documents, this environmental assessment is being prepared. These allotment evaluations, FMUD's, and EA's are available in the WFO for public review.

II Alternatives Including the Proposed Action

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 gather all horses within the Little Owyhee HMA and reduce the population to a level 40% below AML. This action would be in conformance with the BLM's 2000 Wild Horse Strategy. The strategy is to implement the management ranges identified in the FMUD's, then manage at a range where the AML is the maximum number of animals for the HMA.(see table I).

This action for the Little Owyhee HMA would be to capture approximately 900 wild horses and remove 720 wild horses, determine sex, age, and color, acquire blood samples, and assess herd health (pregnancy/parasites loading/physical condition/etc.). Animals will be sorted as to age, sex, temperament and/or physical condition, and selected animals returned to the range. Surplus animals would be transported to BLM holding facilities.

The following table shows the estimated current wild horse population, removal, and release

numbers (40% below AML) based on census data collected in1997:

Table I

HMA	Estimated 2001 Population	Estimated #'s to Remove	AML Range	Estimated #'s to Release
Little Owyhee	900	721	179-298	179

Multiple trap sites 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 selection) will 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, the season of year and environmental considerations.

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

The Proposed Action does not include the treatment of released mares with a revised immunocontraceptive vaccine,(Porcine Zona Pellucida)(PZP). This drug needs to administered in the fall to winter months to be an effective inhibitor of reproduction in wild horses. The proposed gather would occur in late June which would lower the success rate of the PZP, thereby reducing the viability/effectiveness of the vaccine.

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 estimated population growth. (Appendix I).

The proposed action would be implemented in June/July 2001.

Alternative 1 (Attainment of AML)

Alternative 1 is to gather all horses within the Little Owyhee HMA and reduce the population to AML, not below. This action for the Little Owyhee HMA would be to capture approximately 900 wild horses and remove 600; determine sex, age, and color, acquire blood samples, and assess herd health (pregnancy/parasites loading/physical condition/etc.). Animals will be sorted as to age, sex, temperament and/or physical condition, and selected animals returned to the range. Surplus animals would be transported to BLM holding facilities.

This alternative is proposed due to the large number of animals scheduled to be capture nationwide during the summer/fall/winter of 2001/2002. By obtaining AML on all emergency and scheduled gathers, no predicted changes or cancellation of gathers on the national schedule is expected.

Alternative 1 does not include the treatment of released mares with a revised immunocontraceptive vaccine,(PZP). This drug needs to administered in the fall to winter months to be a effective inhibitor of reproduction in wild horses. The proposed gather would occur in late June which would lower the success rate of the PZP, thereby reducing the viability/effectiveness of the vaccine.

Table II shows the estimated current wild horse population, removal, and release numbers to AML based on census data collected in1997:

Table II

HMA	Estimated 2001 Population	AML	Estimated #'s to Remove
Little Owyhee	900	298	602

In an attempt to predict population dynamics, computer simulations were run using the wild horse population model developed by Dr. Stephen Jenkins of the University of Nevada, Reno (Jenkins 1996)(Appendix I).

Alternative 2 (No Action)

This alternative consists of no direct management of wild horses. Wild horses would be allowed to regulate their numbers naturally through predation, disease, forage, water, and space availability. An undetermined number of wild horses would undoubtedly die from dehydration. Gather operations would continue at their current irregular interval.

This alternative was eliminated from further consideration due to the inability to achieve the stated objectives, and because of the requirements of the Wild Horse and Burro Act of 1971 which mandated the Bureau to "prevent the range from deterioration associated with overpopulation", and "preserve and maintain a thriving natural ecological balance and multiple use relationships in that area".

Alternatives Considered but Eliminated from Detailed Analysis

Water Trapping Alternative

Due to the time necessary for construction of complex water traps and the prolonged period it would take for the animals to become accustomed to using the traps, water trapping is not being considered. It is possible that some horses would die of dehydration before becoming acclimated to the trap. Additionally, water traps would prevent native wildlife from obtaining water due to the increased human activity and prolonged period of time the activity would be taking place. This would cause increased stress to native wildlife and water trapping also causes increased stress to wild horses.

Hauling Water Alternative

Hauling water to 900 head of wild horses was considered. It was not considered further in this analysis due to the following reason: The BLM does not have the resources (manpower/equipment/funding) available to haul the amount of water needed to fulfill the horses needs on a daily basis. At least one full time employee would have to be devoted to this effort until the drought cycle breaks.

In addition, the BLM is mandated by law (Wild Free Roaming Horse and Burro Act) to manage wild horses and burros at the "minimum feasible level", and this does not include artificially sustaining an overpopulation of animals by hauling water and/or feed.

III Affected Environment

Little Owyhee Herd Management Area (NV-200)

The Little Owyhee HMA is located in eastern Humboldt and western Elko Counties, approximately 40 air miles northeast of Winnemucca, Nevada. The HMA contains approximately 414,719 acres; 398,131 acres (96%) of public land and 16,588 acres (4%) of private land. The area is within the Columbia Plateau and Great Basin physiographic regions, characterized by a high, rolling plateau underlain by basalt flows covered with a thin loess and alluvial mantle. On many of the low hills and ridges that are scattered throughout the area, the soils are underlain by bedrock. Elevations within the HMA range from approximately 4,500 feet to 6,100 feet. The majority of the HMA lies within 5000-5500 feet elevation. Precipitation ranges from 6 to 14 inches; averaging 9.48 inches annually, occurring primarily in the winter and spring. Average annual temperature is 43 to 47 degrees F. The area is also utilized by

domestic livestock and numerous wildlife species. Typical wildlife species found in the area include chukar partridge, sage grouse, mule deer, California bighorn sheep, pronghorn antelope, coyotes, jackrabbits, and various species of birds, rodents and reptiles.

Past capture data was used to determine typical animal colors and approximate percentage of frequency within the herd. The majority of horses exhibit bay (34%), sorrel (13%), and grey(10%) color patterns; however there are black(9%), brown(8%), red roan (7%), pinto (5%), blue roan (4%), chestnut (2%), palomino (2%), buckskin (2%), white (1%), and various other colors(3%).

Post gather data was used to determine age structure within the herd. Approximately 80% of the herd is 0-13 years old and 20% is 14-20+.

Vegetation, Soil, and Water

Major plant associations are characterized as big sagebrush-grass and low sagebrush-grass. The big sagebrush-grass and low sagebrush-grass types are dominated by big sagebrush (Artemisia tridentata), low sagebrush (A. arbuscula), shadscale (Atriplex confertifolia), spiny hopsage (Grayia spinosa), bud sage (Artemisia spinescens), rabbit brush (Chrysothamnus spp.), and winterfat (Eurotia lanata) respectively. Major grass species include bluebunch wheatgrass (Agropyron spicatum), Idaho fescue (Festuca idahoensis), Sandberg bluegrass (Poa secunda), indian ricegrass (Oryzopsis hymenoides), needlegrass (Stipa spp.), and bottlebrush squirreltail (Sitanion hystrix). Forbs include arrowleaf balsamroot (Balsamorhiza sagittata), lupine (Lupinus spp.), phlox (Phlox spp.), and aster (Aster spp.).

The majority of soils in all the Little Owyhee HMA are desert soils developed under low precipitation with minimal topsoil development--Aridisols and Entisols. The soils are mostly fine textured with severe erosion potentials when disturbed. Loss of topsoil from these desert soils leads to an irreplaceable loss in soil productivity, and thus ability to regain natural plant communities if lost.

There are no known listed threatened, sensitive, or endangered plants in the proposed project area.

Wildlife

Within the proposed project area, numerous species of wildlife may occur. Mule deer, pronghorn antelope, mountain lions, coyotes, bobcats and kit foxes are the main game and furbearer species present. Sage grouse, chukar, mourning doves, and cottontail rabbits constitute the major upland game species. In addition, a variety of non-game mammals, birds,

and reptiles occur in the project area.

No on the-ground field observation was conducted for sensitive/protected animal species. However, according to the Nevada Natural Heritage's database (March 2000) the following species may occur in the project area on a seasonal or yearlong basis: two threatened species (bald eagle & Lahontan cutthroat trout), one candidate species(Columbia spotted frog), twelve BLM sensitive species (small-footed myotis, long-eared myotis, fringed myotis, long-legged myotis, pale Townsend's big-eared bat, Pacific Townsend's big-eared bat, western sage grouse, interior redband trout, California floater, grimy ivesia, and Packard stickleaf) and seven State of Nevada Listed Species (golden eagle, burrowing owl, ferruginous hawk, Swainson's hawk, osprey, white pelican, and whit-faced ibis).

Wilderness

The North Fork of the Little Humboldt River Wilderness Study Areas (WSA) lies within the Little Owyhee HMA.(Map 2).

Noxious Weeds and Invasive Non-Native Species

Noxious weed and invasive non-native species introduction and proliferation is a growing concern among local and regional interests. A noxious weed survey including invasive and non-native species in the North Fork of the Little Humboldt River WSA was completed. This survey indicated that the following state listed noxious weeds occur:

Scientific Name	Common Name	Plant Symbol
Cirsium vulgare	Bull Thistle	CIVU
Cardaria draba	Whitetop	CADR
Tamarix ramosissima	Salt Ceder	TARA

These weeds occur in a variety of habitats including road side areas, rights-of-way, wetland meadows, as well as undisturbed upland rangelands.

Cultural Resources

The trap sites used from the 1997 Little Owyhee Wild Horse Removal will be used for this emergency gather. These three sites have been previously inventoried for cultural resources. A cultural resources investigation by an archaeologist or archaeologist technician would be conducted prior to any new trap or holding facility construction.

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 15 to 25% increases in numbers annually. This can result in a doubling of the population about every 3 years. In the Little Owyhee HMA, wild horse population growth rates (percentage of foals <1) have been verified as high as 24%. Estimated herd populations for the Little Owyhee HMA as determined from post and current gather data, census, seasonal distribution, and ground observations are as follows:

HMA	Estimated Summer 2001 Population
Little Owyhee	900

The Little Owyhee HMA has undergone eight removals since passage of the act. These removals have incorporated all of the removal strategies identified in the proposed action, with the exception of fertility control.

Sex ratios for wild horses within the Little Owyhee HMA are representative of other HMA's in the WFO 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.

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 farm land, flood plains, migratory birds, native American religious concerns, and water quality, or wild and scenic rivers.

IV Environmental Consequences (Proposed Action & Alternatives)

Vegetation, Soil, and Water

Implementation of the proposed action or alternatives would reduce the wild horse population to AML or 40% below AML in the Little Owyhee HMA 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 water availability, vegetation density, vigor, reproduction, and productivity. Going too or 40% below AML should ensure ample water resources for the remaining animals

The proposed action or alternatives 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 are created by vehicle traffic, and hoof action of penned horses, and 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.

Wildlife

The proposed action or alternatives would result in reduced competition with wildlife which would increase the quantity and quality of available forage. There would be less disturbance associated with wild horses along riparian habitat and adjacent upland habitat. Impacts to wildlife would be potential disturbance from the helicopter and increased traffic. These disturbances would be during the capture period only.

Wilderness

No impacts to wilderness values are anticipated to occur since all trap sites and holding facilities would be located outside wilderness study areas.

Noxious Weeds and Invasive Non-Native Species

Noxious weed impacts associated with the proposed action or alternatives include potential importation or transportation of new species of weeds to the Little Owyhee HMA area, spread of existing noxious weed seeds and plant parts to new areas in the HMA, and increases in the size of existing weed infestation sites. These impacts would potentially be accomplished by contractor vehicles and livestock entering the complex area and through feeding of contaminated hay to captured horses which are released before seeds pass through their system.

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. The WFO archeologist will 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.

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 round up, 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 round-up.

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 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 and Alternative 1 would mitigate the potential adverse impacts on wild horse and burros populations by establishing a procedure for determining what selective removal criteria is warranted for the herd. This flexible procedure (Appendix II SOP's) 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.

V Cumulative Impacts (Proposed Action & Alternatives)

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 or Alternative 1 would reduce the wild horse population to AML or below in the Little Owyhee HMA; which would help to promote a thriving natural ecological balance. This would result in an increase in vegetation density, vigor, reproduction, productivity, forage availability, and water availability.

Adverse impacts to vegetation with implementation of the proposed action or alternatives 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: 1)Past wild horse selective removal gathers which have altered the age structure and composition sex ratios of the wild horse population, 2)continued livestock grazing in the allotments, and 3) 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 Little Owyhee HMA wild horses.

These impacts would be expected to be marked by changes occurring slowly over time. WFO 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). 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.

VI Consultation and Coordination

List of Preparers

Bryan Fuell	Wild Horse and Burro Specialist
Rodger Bryan	Supervisory Fish and Wildlife Biologist
Tom Seley	Wild Horse and Burro Specialist
Jeff Johnson	Environmental Coordinator
Nadine Edwards	Wildlife Biologist (Wild Horse Specialist)
Regina Smith	Cultural
Lynn Clemons	Wilderness
Ron Pearson	Range

Mitigation Measures

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

Appendix I
Population Modeling

Proposed Action

Year	Little Owyhee
2001	900
2002	211
2003	251
2004	296
2005	355
2006	424

Alternative 1

Year	Little Owyhee
2001	900
2002	355
2003	418
2004	502
2005	579
2006	694

APPENDIX II

STANDARD OPERATING PROCEDURES

Gathers would be conducted by contractors or agency personnel. The same procedures for gathering and handling wild horses 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 (WH) 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 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 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 a pilot (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.

3. Bait Trapping

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

a. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.

b. All trigger and/or trip gate devices must be approved by the BLM prior to capture of animals.

c. Traps shall be checked a minimum of once every 10 hours

B. BLM conducted Helicopter - 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 all applicable Federal, State, and local laws and regulations.

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

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 facilitiy 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.

2. The rate of movement and distance the animals travel shall not exceed limitations set by the BLM who will consider terrain, physical barriers, weather, condition of the animals and others factors.

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

   a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.

   b. All loading chute sides shall be a minimum of 6 feet high and shall be fully covered with plywood (without holes) or like material.

   c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable restraining chute to restrain, age, or provide additional care for animals shall be placed in the runway in a manner as instructed by or in concurrence with the BLM.

   d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.

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

4. No fence modifications will be made without authorization from the COR/PI. The Contractor/BLM shall be responsible for restoration of any fence modification 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 tractors- 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);
    8 sq. ft. per adult burro (1.0 linear ft. in an 8ft. wide trailer);
    6 sq. ft. per horse foal (.75 linear ft. in an 8ft. wide trailer);
    4 sq. ft. per burro foal (.50 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 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

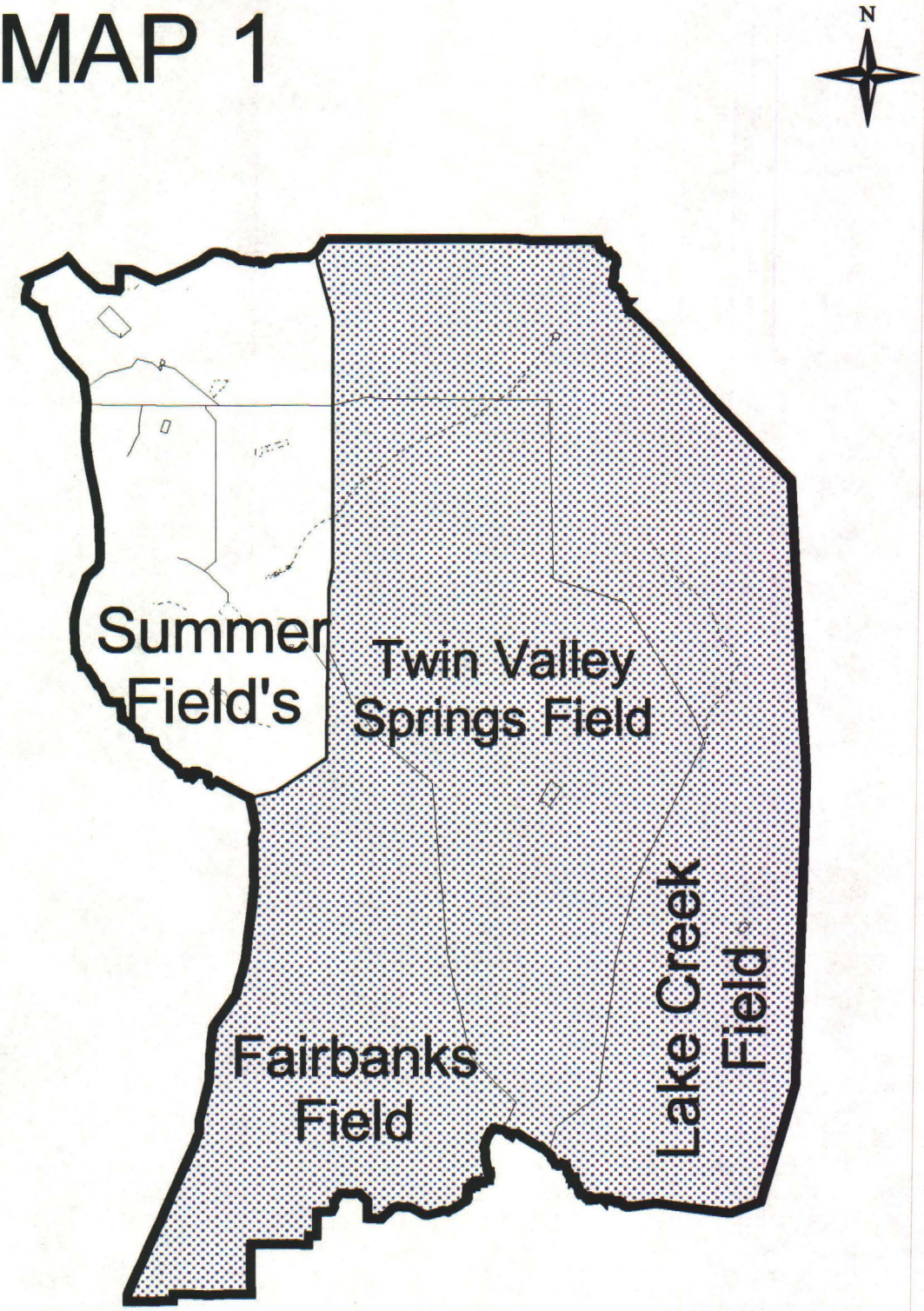
The Contracting Officer's Representative, Bryan Fuell, and Project Inspectors, Rodger Bryan, Tom Seley, and Nadine Edwards from Winnemucca Field Office, have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Assistant Field Manager for Renewable Resources and the Winnemucca Field Manager will take an active role to ensure the appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, and Palomino Valley Wild Horse and Burro Center. 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 Palomino Valley Wild Horse and Burro Center to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

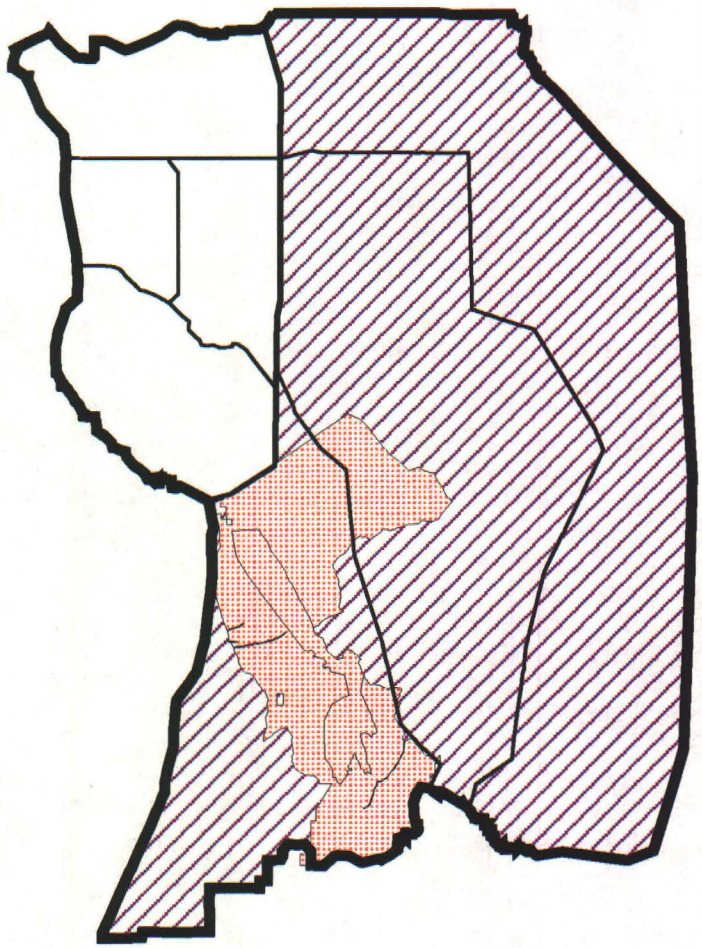
The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications will be vigorously enforced.

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

MAP 1


N
Summer Field's
Twin Valley Springs Field
Fairbanks Field
Lake Creek Field
Little Owyhee Allotment
Little Owyhee HMA
7 0 7 14 Miles

MAP 2



Little Owyhee Allotment
N. Fork Of The Little Humboldt River WSA
Little Owyhee HMA

10 0 10 20 Miles