

Buffalo Hills

G 1-30-02



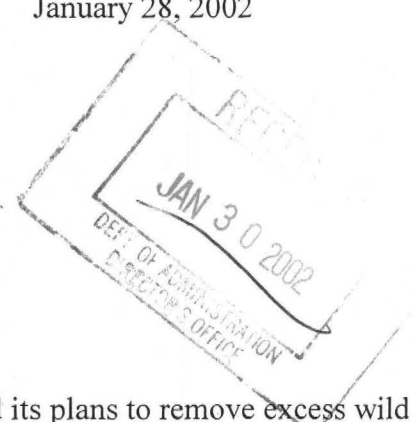
United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
<http://www.nv.blm.gov/winnemucca/>

In Reply To:
4720(NV022-44)

January 28, 2002

NOTICE OF INTENT TO GATHER



Dear Reader:

This letter is to inform you that the Winnemucca Field Office has altered its plans to remove excess wild horses from the Buffalo Hills and south half of the Granite Range Herd Management Area's (HMA). These changes are being implemented to comply with the December 19, 2001 court order issued by the Federal District court in Washington, D.C. implementing the terms of a joint stipulation agreed to by the Fund For Animals (FFA) and the United States. On December 4, 2001, the Winnemucca Field Office issued a notice of intent to gather wild horses in the Buffalo Hills and south half of the Granite Range HMA's to 40% below Appropriate Management Level (AML). The new action will be to reduce the population to AML only, and not below. These changes would modify the number of wild horses to be removed from the HMA's from 881 to 725 animals.

Enclosed is the Decision Record, Finding of No Significant Impact (DR/FONSI) and the Buffalo Hills-South Granite Range Complex Capture Plan Environmental Assessment (EA# NV-020-02-10) which analyzes the impacts of removing wild horses within the Buffalo Hills-South Granite Complex. The DR/FONSI is implemented as a full force and effect decision and will take effect on the date specified, regardless of an appeal. For complete details on appeal procedures please refer to the DR/FONSI.

The new action for the Buffalo Hills and south half of the Granite Range HMA's is to capture approximately 1,115 wild horses and remove 725 wild horses. As described in the December 4, 2001 notice, during the gather and removal action, acquire blood samples for genetic analysis, assess herd health (pregnancy/parasite loading/physical condition/etc.) conduct immunocontraceptive research and monitor results as appropriate, sort individuals as to age, sex, temperament and/or physical condition, and return selected animals to the range.

The method of capture will be to use a helicopter to herd the animals to portable 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 3-4 trap sites will be required. This gather is scheduled to start no earlier than February 4, 2002.

If you have any questions, please contact Bryan Fuell, Tom Seley or Rodger Bryan at (775) 623-1500.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Colin P. Christensen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Colin P. Christensen
Assistant Field Manager
Renewable Resources

1-28-02

BUFFALO HILLS-SOUTH GRANITE RANGE
COMPLEX CAPTURE PLAN
ENVIRONMENTAL ASSESSMENT

NV-020-02-10

January 28, 2002

WINNEMUCCA FIELD OFFICE

I Introduction/Purpose and Need

Introduction

The Buffalo Hills and Granite Range Herd Management Areas (HMA's) are managed by the Winnemucca Field Office (WFO) of the Bureau of Land Management. Table I depicts the approximate acres within the HMA's and the breakdown of public versus private lands. The two HMA's are both located within the Buffalo Hills Grazing Allotment (Map1).

Table I

HMA	Acres Public Land	Acres Private Land	Acres Total
Buffalo Hills	123,141	9,269	132,410
Granite Range	88,310	13,196	101,506
Totals	211,451	22,465	233,916

The Finding of No Significant Impact and Decision Record (DR/FONSI) for the Buffalo Hills Complex Capture Plan Environmental Assessment (EA)(NV-020-00-50) was signed 11/20/00. The EA outlined the capture plan and procedures for wild horse management within the Buffalo Hills, Granite Range, and Fox and Lake Range HMA's. This complex of HMA's was scheduled to be gathered in the winter of 2000/2001. However, due to lack of holding space at adoption preparation facilities only the north half of the Granite Range and Fox and Lake Range HMA's were gathered. The Buffalo Hills and south half of Granite Range HMA's are scheduled for gathering during the winter of 2001/2002.

The proposed action in EA NV-020-00-50 was the reduction of the wild horse population to a number 40% below Appropriate Management Level (AML) and the application of fertility control. This was the selected alternative identified in the FONSI and Decision Record dated 11/22/2000. A Court Order issued by the Federal District Court of Washington D.C., on behalf of BLM/DOI (Defendants) and Fund For Animals (FFA) (Plaintiffs) titled "Joint Status Report, Stipulation, and Motion For A Stay Of Proceedings On Plaintiffs' Motion For A Preliminary Injunction" requires BLM to notify FFA 60 days in advance of any gather where the wild horse/burro population would be reduced below AML. This stipulated agreement was dated December 18, 2001, and is effective through May 1, 2002. The gathering "window" for the Buffalo Hills Complex would not allow adequate time for this notification and still allow completion of the gather prior to the start of foaling season on March 1. The WFO elected to issue a new EA with a new alternative of reducing the population to AML and the use of

fertility control. Due to the overpopulation of wild horses and the associated overuse of the rangeland a Thriving Natural Ecological Balance does not exist and many horses are in danger of imminent death. The proposed action reduces the population to a level that will temporarily provide some relief to the habitat, other species, and the wild horse population.

With passage of the Wild Horse and Burro Act of 1971, Congress found that: "Wild horses are living symbols of the pioneer spirit of the West". In addition, the Secretary was ordered to "manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands". The procedures and policies implemented to accomplish this mandate have been constantly evolving over the years.

Throughout this period, BLM experience has grown, and knowledge of the effects of current and past management on wild horses and burros has increased. For example, wild horses have been shown to be capable of 16 to 25% increases in numbers annually. This can result in a doubling of the wild horse population about every 3 to 5 years. At the same time, nationwide awareness, and attention has grown. As these factors have come together, the emphasis of the wild horse program has shifted.

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

This document has been prepared to assess the environmental impacts of adjusting the numbers of wild horses within the southern portion of the Granite Range and Buffalo Hills Herd Management Areas (HMA's). Past capture, census, and distribution data collected indicate some inter movement among the horses of these HMA's. For this document the two HMA's will be referred to as the Buffalo Hills-South Granite Range Complex.

The numbers, age, and sex of animals proposed for removal are analyzed with The Wild Horse Population Model Version 3.2 Developed by Dr. Steven Jenkins, Associate Professor, University of Nevada Reno. Appendix I establishes the parameters used for these HMA's modeling runs.

AML's for these HMA's have been previously established through the Allotment Evaluation /Multiple Use Decision process based on monitoring data, following a thorough public review. Documents containing this information are available for public review at the WFO.

Purpose and Need for Action

The WFO proposes to implement a program of integrated wild horse management in the southern portion of the Granite Range and Buffalo Hills HMA's. The emphasis of this integrated management program will be to achieve and maintain wild horse AML's, collect information on herd characteristics, determine herd health, maintain sustainable rangelands, maintain a healthy and viable wild horse population, and conduct fertility control research. All activities will be conducted according to a specified set of standardized operating procedures (SOP's) (Appendix II).

Land Use Plan Conformance Statement

The Sonoma-Gerlach Resource Area Management Framework Plan (MFP)/Final Grazing Environmental Impact Statement (EIS) and Record of Decision, which directs the management in the project area, were approved July 9, 1982. The Proposed Action is in conformance with these Plans and is consistent with federal, state, and local laws, and regulations.

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

AML's were established through an allotment evaluation and final multiple use decision (FMUD) for the Buffalo Hills Allotment. The AMLs as stated in the Buffalo Hills Final Multiple Use Decision (FMUD) dated 2/9/1993 is 314 for the Buffalo Hills HMA and 76 for the Granite Range Pasture (South Granite) of the Granite Range HMA. The Buffalo Hills Allotment Re-Evaluation dated 1/11/1993 stated that the AMLs were as identified above and "Once AML is reached the wild horse population will be maintained within the following ranges in order to ensure that the carrying capacity is not exceeded." The re-evaluation specifically states "75% of AML to AML". The ranges listed are as follows: Buffalo Hills 235 to 314 and south Granite Range (Granite Pasture) as 57 to 76 wild horses.

Environmental analyses (EA) 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 and maintain AML. These documents include:

- 1) Buffalo Hills Complex Capture Plan E A, EA #. NV-020-00-50, November 20, 2000
- 2) Buffalo Hills/Granite Range Horse Gather EA, EA No. NV-020-03-15, January 1993
- 3) Winnemucca District Wild Horse/Burro Removal Programmatic EA, EA No. NV-020-7-24, August 1987

- 4) Buffalo Hills, Granite Range, and Calico Mountains HUA WH Gathering Plan EA, EA No. NV-020-5-15, March 1985

The WFO is supporting research aimed at controlling the reproduction rate of wild horses through a collaborative effort to develop an immunocontraceptive vaccine. The vaccine is a safe, humane and inexpensive tool, when used with management prescriptions, and may reduce the frequency of gathering excess wild horses. Studies have been conducted on a varied group of HMA's in Nevada and will be used to develop management strategies implementing fertility control treatment. The analysis of the use of this vaccine on wild horses managed by the WFO has been addressed in the Programmatic Environmental Assessment, Wild Horse Fertility Control Research, EA No. NV-020-00-02, November 1999.

This allotment evaluation, FMUD, 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 southern portion of the Granite Range and Buffalo Hills HMA's and reduce the population to AML. Approximately 1,115 wild horses would be captured and 725 animals removed. In addition, a determination would be made as to sex, age, and color, blood samples acquired, and herd health assessed (pregnancy/parasites loading/physical condition/etc.). Animals would 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 action is being proposed to comply with the December 19, 2001 court order issued by the Federal District court in Washington, D.C. implementing the terms of a joint stipulation agreed to by the Fund For Animals (FFA) and the United States.

Table II shows the estimated current wild horse population, AML, removal, and release numbers based on census data collected in July 2000:

Table II

HMA	Estimated 2002 Winter Population	AML	Estimated #s to Remove	Estimated #s to Release
Buffalo Hills	749	314	435	314
Granite Range-south half	366	76	290	76

Determination of which horses would be returned to the range would be based on an analysis of existing and past population characteristics and post gather data for age, sex ratio, and colors. A balanced representation of age classes would be returned to the range utilizing the current selective removal strategy as developed by the National Wild Horse and Burro Program Office. The Draft Selective Removal Strategy (Washington Office Guidance) was developed for the 2001 fiscal year. This strategy would allow the removal of all age classes in the following priority order:

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

The first animals to be removed would be five years and younger, the second class of animals to be removed would be 10 years and older. Animals aged six to nine would be left in the field unless they need to be removed to achieve AML for that herd management area. Selective removal objectives target removal efforts for excess animals, based on specific segments of a given wild horse population and availability of space in Bureau processing and long term holding facilities.

Multiple capture sites (traps) may be used to capture wild horses from the HMA's. Whenever possible, capture sites would be located in previously disturbed areas. All capture and handling activities (including capture site selections) will be conducted in accordance with the Standard Operating Procedures (SOP's) described in Appendix II. Selection of capture techniques would be based on several factors such as the season of removal, condition of animals, herd health, and environmental considerations.

In the Buffalo Hills HMA, it is highly probable that one trap site (constructed of portable panels) within the Poodle Mountain Wilderness Study Area (WSA) would be required to implement population management (Map 2). The proposed site would be no more than ¼ acre in size, located at T. 34 N., R. 20 E., section 32 NWSESW (MAP 3). Access is from an existing road approximately 1200 feet north of the proposed site. The road was in existence

prior to passage of the Federal Land Policy and Management Act, however it was not identified on the intensive WSA inventory map as a way.

The Proposed Action includes the treatment of released mares with a revised immunocontraceptive vaccine, Porcine Zona Pellucida (PZP). The immunocontraceptive vaccine would inhibit reproduction for one breeding season. The Programmatic Environmental Assessment Wild Horse Fertility Control Research (NV-020-00-02) provides a district wide analysis of population level fertility control research within the Winnemucca District. The vaccine would have no effect on foal production in 2002. Contraception would be achieved during the 2003 foaling season, due to the time release feature of the vaccine pellets. It is estimated that 100% of the released mares (42 mares in the Granite Range - South, and 173 mares in the Buffalo Hills) will receive fertility control treatments. The treatment will be administered at the completion of capture in each capture area, just prior to release.

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)(Appendix I).

The proposed action would be implemented in the winter of 2001/2002.

Alternative 1 (Removal to AML without the use of Immunocontraceptives)

Alternative 1 is to reduce the population in the Buffalo Hills-South Granite Range Complex by capturing approximately 1,115 wild horses, and removing 725. This alternative differs from the proposed action by not incorporating the use of fertility control measures for research, to regulate reproductive capacity of the herd. Wild horse management under this alternative would utilize the various capture techniques and processing protocols identified in the Proposed Action. Selection of capture techniques would be based on several factors such as the season of removal, condition of animals, herd health, and environmental considerations. 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) (Appendix I).

Alternative 2 (Removal to 40% Below AML with the use of Immunocontraceptives)

Alternative 2 for the Buffalo Hills-South Granite Range Complex would be to reduce the population to 40% below AML and capture approximately 1,115 wild horses and remove 881 wild horses. In addition, animals would be examined to determine sex, age, and color, acquire blood samples for genetic analysis, assess herd health (pregnancy/parasites loading/physical

condition/etc.) conduct immunocontraceptive research and monitor results as appropriate, sort individuals as to age, sex, temperament and/or physical condition, and to return selected animals to the range. Excess wild horses would be transported to a BLM adoption preparation/holding facility.

Alternative 2 is based on the BLM's 2000 Wild Horse Strategy where all HMA's will be gathered to reach AML over a 10 year period. The plan outlines a 4 year gather cycle to manage wild horses Bureau wide. The strategy is to implement population management for each HMA where wild horses will be managed in a range from 40% below AML, to AML (see Table II). AML is the maximum number of wild horses for the HMA.

Wild horse management under this alternative would utilize the various capture techniques and processing protocols identified in the Proposed Action. Selection of capture techniques would be based on several factors such as the season of removal, condition of animals, herd health, and environmental considerations.

Table III shows the estimated current wild horse population, removal, and release numbers to 40% below AML, based on census data collected in July 2000:

Table III

HMA	Estimated 2001 Population	Estimated #'s to Remove	AML Range	Estimated #'s to Release
Buffalo Hills	749	561	188-314	188
Granite Range-south half	366	320	46-76	46

Determination of which horses would be returned to the range would be based on an analysis of existing and past population characteristics and post gather data for age, sex ratio, and colors. A balanced representation of age classes would be returned to the range utilizing the current selective removal strategy as developed by the National Wild Horse and Burro Program Office. The Draft Selective Removal Strategy (Washington Office Guidance) was developed for the 2001 fiscal year. This strategy will allow the removal of all age classes in the following priority order:

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

The first animals to be removed would be five years and younger, the second class of animals to

be removed would be 10 years and older. Animals aged six to nine would be left in the field unless they need to be removed to achieve AML for that herd management area. Selective removal objectives target removal efforts for excess animals, based on specific segments of a given wild horse population and availability of space in Bureau processing and long term holding facilities.

Alternative 2 includes the treatment of released mares with a revised immunocontraceptive vaccine, Porcine Zona Pellucida (PZP). The Programmatic Environmental Assessment Wild Horse Fertility Control Research (NV-020-00-02) provides a district wide analysis of population level fertility control research within the Winnemucca District. The vaccine would have no effect on foal production in 2002. Contraception would be achieved during the 2003 foaling season, due to the time release feature of the vaccine pellets.

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) (Appendix I).

Alternative 3 (Removal to 40% Below AML without the use of Immunocontraceptives)

Alternative 3 would be to reduce the population to 40% below AML. This would involve the capture of approximately 1,115 wild horses and remove 881 wild horses. In addition, animals would be examined to determine sex, age, and color, acquire blood samples for genetic analysis, assess herd health (pregnancy/parasites loading/physical condition/etc.) and monitor results as appropriate, sort individuals as to age, sex, temperament and/or physical condition, and to return selected animals to the range. Excess wild horses would be transported to a BLM adoption preparation/holding facility.

Wild horse management under this alternative would utilize the various capture techniques and processing protocols identified in Alternative 2. Selection of capture techniques would be based on several factors such as the season of removal, condition of animals, herd health, and environmental considerations. This alternative differs from Alternative 2 by not incorporating the use of fertility control measures for research, to regulate reproductive capacity of the herd.

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) (Appendix I).

Alternative 4 (No Action)

This alternative consists of no direct management of the wild horse population in the Buffalo Hills-South Granite Range Complex. Wild horses would be allowed to regulate their numbers naturally through predation, disease, and reduced forage, water and space availability.

The following critical elements of the human environment are subject to requirements specified in statute, regulations, or executive order and must be considered in the Proposed Action and alternatives.

- Air Quality
- Areas of Critical Environmental Concern
- Cultural Resources
- Paleontology
- Farm Land (prime or unique)
- Flood plains
- Native American Religious Concerns
- Threatened, Endangered, Candidate and Special Status Species
- Wastes (hazardous or solid)
- Water Quality (drinking/ground)
- Wilderness
- Environmental Justice
- Invasive, Non-native Species
- Migratory Birds.

Cultural resources, Wilderness and Noxious Weeds have been addressed in this environmental assessment. The balance of the critical elements are not present or are not affected by the Proposed Action or Alternatives.

III Affected Environment

For a complete description of the affected environment refer to Buffalo Hills Complex Capture Plan Environmental Assessment #NV-020-00-50.

IV Environmental Consequences (Proposed Action & Alternatives)

Vegetation, Soil, and Water

Proposed action- would reduce the current wild horse population to AML in the Buffalo Hills-South Granite Range Complex and help in promoting a progression toward achieving a thriving natural ecological balance. This would result in improved forage availability, vegetation density,

vigor, reproduction, and productivity over current conditions. However, the population of wild horses would exceed their carrying capacity in less than one year (released animals + reproduction). The impacts to forage availability, vegetation density, vigor, plant reproduction, and productivity would improve in the short term but would quickly regress to current conditions. The progression toward and maintenance of a thriving natural ecological balance would occur slower under the proposed action than management outlined in Alternative 2 or Alternative 3.

Alternative 2 -would reduce the wild horse population to 40% below AML in the Buffalo Hills-South Granite Range Complex which would promote the achievement and long term maintenance of a thriving natural ecological balance for a period longer than the proposed action. Alternative 2 would result in improved forage availability, vegetation density, vigor, plant reproduction, and productivity. Wild horse numbers would not exceed carrying capacity if the 4 year gather cycle outlined in the National 2000 Wild Horse Strategy is followed.

Implementation of the proposed action or Alternatives 1, 2, or 3 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 under implementation of the proposed action or Alternatives 1, 2, or 3 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.

Alternative 1 or 3/No Fertility Control -would reduce the wild horse population to AML or 40% below as described in the proposed action and alternative 2. However, with these alternatives there would be no use of fertility control. The mares would not be treated and the population growth would not be delayed one year. The effects would be the same as described in the proposed action and alternative 2, except the carrying capacity would be exceeded at an increased rate. The impacts to forage availability, vegetation density, vigor, plant reproduction, and productivity would improve in the short term but would quickly regress to current

conditions. The progression toward and maintenance of a thriving natural ecological balance would occur slower under the Alternatives 1 and 3 than management outlined in the Proposed Action and Alternative 2.

Alternative 4/No Action- With no removal, the wild horse population would continue to increase in size, demand for forage would continue to grow, and impacts to riparian resources would expand. Utilization levels would continue to be in excess of objectives and obtainment of a desirable healthy vegetation community would be impossible. Competition with livestock and wildlife populations for available forage would accelerate.

Wildlife

Proposed action - Fewer wild horses would result in reduced competition with wildlife which would temporarily increase the quantity and quality of available forage. However, the population of wild horses would exceed their carrying capacity in less than one year (released animals + reproduction). Reduced numbers of wild horses would cause fewer impacts to stream bank riparian habitat and adjacent upland habitat. This would result in short term improvements to habitat conditions on existing and potential Lahontan cutthroat trout streams. The impacts to wildlife and fisheries and their associated habitats would improve but would quickly regress to preremoval conditions.

Alternative 2-Implementation would result in reduced competition with wildlife and livestock which would increase the quantity and quality of available forage. Wild horse numbers would not exceed carrying capacity if the 4 year gather cycle outlined in the National 2000 Wild Horse Strategy is followed. There would be less disturbance associated with wild horses along stream bank riparian habitat and adjacent upland habitat. This should result in improved habitat conditions on existing and potential Lahontan cutthroat trout streams for a sustained period of time.

The immediate impacts to wildlife populations from the Proposed Action and Alternatives 1,2, or 3 would be potential disturbance and displacement from the helicopter and increased traffic. These disturbances would be during the capture period only.

Alternative 1 or 3/No Fertility Control -Implementation would reduce the wild horse population to AML or 40% below as described in the proposed action and alternative 2. However, with these alternatives there would be no use of fertility control. The mares would not be treated and the population growth would not be delayed one year. The effects would be the same as described in the proposed action and alternative 2, except the carrying capacity would be exceeded at an increased rate.

Alternative 4/No Action- The wild horse numbers would continued to grow and competition with wildlife for water and forage resources worsen. Wild horses are known to be aggressive around water sources, some wildlife species may not be able to compete. The continued competition for resources may lead to increased stress and possible displacement or death of native wildlife species.

Wilderness

Potential impacts to wilderness values could occur if animal locations within the Buffalo Hills HMA require using the proposed trap site in the Poodle Mountain WSA (T. 34 N., R. 20 E., section 32 NWSESW) to implement population level management. Implementation of the Proposed Action or Alternatives 1,2, or 3 would be in conformance with BLM Manual H-8550-1 - INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW. Restoration of the proposed trap site would be accomplished through natural processes since the site would be located on clay-loam soils with a heavy concentration of basalt rock. Impacts would be minimal, as usage would be during the winter when the ground is frozen.

Wilderness values would be positively affected by implementation of the Proposed Action or Alternatives 1, 2, or 3 as it would result in an improved ecological condition of the plant communities that are aesthetically more appealing to the public.

Alternative 4/No Action- The wild horse gather would be postponed and any potential impacts would be only delayed.

Noxious Weeds and Invasive Non-Native Species

Noxious weed impacts associated with the Proposed Action or Alternatives 1,2, or 3 include potential importation or transportation of new species of weeds to the Buffalo Hills-South Granite Range Complex area, spread of existing noxious weed seeds and plant parts to new areas in the complex, 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.

Alternative 4/No Action- The wild horse gather would be postponed and any potential impacts would be only delayed. However, overgrazing of the present plant communities could lead to an expansion of noxious weeds.

Cultural

No impacts to cultural resources are anticipated to occur since all new trap sites and holding facilities would be inventoried for cultural resources prior to construction. The WFO archeologist would review all proposed and previously used trap site and facility locations to determine if these areas have had a cultural resources inventory, and/or if a new inventory is required. If cultural resources are encountered at a proposed trap site or holding facility areas, those locations would not be utilized unless facilities could be modified to avoid impacts to cultural resources.

Wild Horses

Impacts to wild horses under the Proposed Action or Alternatives 1,2, or 3 may occur to either individual animals or the population as a whole. These impacts include handling stress associated with the herding, capture, processing, and transportation of animals from temporary trap sites to temporary holding facilities, and from the temporary holding facilities to an adoption preparation facility. Following administration of the immunocontraceptive fertility control vaccines, under the Proposed Action or Alternative 2, minor swelling may occur at the injection site and/or an injection site injury may occur, however this is rare. The intensity of these impacts vary by individual, and are indicated by behaviors ranging from nervous agitation to physical distress. Mortality of wild horses captured during a gather does occur, however it is infrequent and typically is no more than one half to one percent of the animals captured.

Impacts which can occur after the initial stress may include spontaneous abortion in mares, and increased social displacement and conflict in studs. Although, spontaneous abortion following capture is very rare. Traumatic injuries that may occur typically involve biting and/or kicking that results in bruises and minor swelling which normally does not break the skin. These impacts are known to occur intermittently during wild horse gather operations. The frequency of occurrence of these impacts among a population varies with the individual.

Population wide impacts can occur during or immediately following implementation of the Proposed Action or Alternatives 1, 2, or 3. They include the displacement of bands during capture and the associated re-dispersal, modification of herd demographics (age and sex ratios), temporary separation of members of individual bands of horses, reestablishment of bands following releases, and the removal of animals from the population. With the exception of changes to herd demographics, direct population wide impacts over the last 20 years have proven 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.

The effect of removing wild 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 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 Alternatives 1, 2, or 3 would mitigate the potential adverse impacts on wild horse populations by establishing a procedure for determining what selective removal criteria is warranted for the herd. This flexible procedure (Appendix 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.

Population wide indirect impacts would not appear immediately as a tangible effect and are more difficult to quantify. Population wide indirect impacts are associated primarily with the use of fertility control drugs and involve reductions in short term fecundity of initially a large percentage of mares in a population, increasing herd health as AML's are achieved, and potential genetic issues regarding the control of contributions of mares to the gene pool, especially in small populations. Again, with implementation of the Proposed Action or Alternative 2, these impacts would be expected to be mitigated by an overall lessening of the need to impose fertility control treatments on a high proportion of the mare population, and all mares would be expected to successfully recruit some percentage of their offspring into the population.

Alternatives 1,2, and 3 would allow for achievement of the program objectives but at a higher ultimate cost through increased gather intervals and increased numbers of excess wild horses.

Alternative 4/No Action- The horses would not be removed from the HMA's. The animals would not be subject to the individual direct or indirect impacts as described above as a result of a gather operation. However, there would individual direct and indirect impacts as a result of the increased demand for water and forage as the herd population grows. This alternative would not achieve the stated objectives, because the requirements of the Wild Horse and Burro Act of 1971 mandates the Bureau to "prevent the range from deterioration associated with overpopulation", and "preserve and maintain a thriving natural ecological balance and multiple use relationship in that area".

The current population exceeds AML in the Buffalo Hills by 139 percent, and 382 percent in the south half of the Granite Range HMA. Range conditions are being depleted, and it is highly likely that there is insufficient winter habitat to support the current wild horse population during a normal winter. If the area receives normal to above normal winter precipitation, there is a high likelihood for a winter death loss of 20 to 40 %, similar to that encountered during the winter of 1992/1993 when the population level was nearly identical to the current population.

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 Alternatives 1, 2, or 3 would reduce the wild horse population to AML or below in the Buffalo Hills-South Granite Range Complex which would help to promote a thriving natural ecological balance. This would result in increased vegetation density, vigor, reproduction, productivity, and forage availability.

Adverse impacts to vegetation with implementation of the Proposed Action or Alternatives 1, 2, or 3 would include disturbance of native vegetation immediately in and around temporary trap sites, and holding and processing facilities. Impacts created by vehicle traffic, and hoof action of penned horses, can be locally severe in the immediate vicinity of the corrals or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Since most trap sites and holding facilities are re-used during recurring wild horse gather operations, any impacts would remain site specific and isolated in nature. In addition, most trap sites or holding facilities are selected to enable easy access by transportation vehicles and logistical support equipment and would therefore generally be adjacent to or on roads, pullouts, water haul sites, or other flat spots which were previously disturbed. These common practices would minimize the cumulative effects of these impacts.

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

These impacts would be expected to be marked by changes occurring slowly over time. The 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 initially achieving 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)
Peggy McGuckian	Cultural
Lynn Clemons	Wilderness
Jonathan Sheeler	Range

Persons, Groups, and Agencies Consulted

-American Horse Protection Assoc.	-American Humane Assoc.
-American Mustang & Burro Assoc.	-American Mustang Assoc.
-Animal Protection Institute	-HERDS
-Humane Society of the US	-International Society for the Protection of Mustangs & Burros
-National Wild Horse Assoc.	-National Mustang Assoc.
-Nevada Commission for the Preservation of Wild Horses	-Whole Horse Institute
-Wild Horse Organized Assistance	-Wild Horse Spirit
-Craig Downer	-American Horse Council Inc.
-The Fund for Animals, Inc	-CO Wild Horse and Burro Coalition
-Pyramid Lake Paiute Tribe	-Nevada State Clearing House
-Washoe County Department of Community Development	
-Jackson Family	-Cecil and Lena Courtney
-Joel Turnbow	-John and Vella Torvick

-Wes Cook

-John Espil Sheep Co.

Mitigation Measures

The proposed action incorporates proven standard operating procedures which have been developed over time. These SOP's (Appendix II) represent the "best methods" for reducing impacts associated with gathering, handling, transporting and collecting herd data.

The following mitigating measures would be adhered to in the Buffalo Hills HMA at the proposed trap site in the Poodle Mountain WSA, if it is utilized to capture wild horses:

1. The access would be by existing roads and across rocky surfaces only.
2. At completion of the capture of wild horses at this site all portable panels, posts, and other material (i.e. jute, plastic snow fence) used to capture and handle wild horses would be removed.

Additional mitigation measures are not warranted.

APPENDIX I POPULATION MODELING

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). To obtain herd parameters used in the model the book "Wild Horses of the Great Basin" by Joel Berger was used. The model was run for each HMA using 30 trials starting with the winter 2002 population. The following parameters were used:

Number of animals captured - 95% / Number of captured mares inoculated (fertility) - 100%
 Survival probability adult - .951 / Effectiveness with treated mares - 95%
 Survival probability foal - .851 / Sex Ratios at birth -55% male - 45%-female
 % Mares and age begin to foal - 2yrs-.364%, 3yrs-.440%, 4-10yrs-.841%, 11-20-.793

Number of horses by year for each HMA

Proposed Action

Year	Buffalo Hills	Granite Range-South Half
2001	749	366
2002*	358	90
2003	363	91
2004	429	108
2005	495	132
2006	587	143

Alternative 2. 40% below AML /Fertility Control

Year	Buffalo Hills	Granite Range-South Half
2001	749	366
2002*	218	53
2003	222	55
2004	283	65
2005	331	72
2006	394	86

*Post gather population plus 2002 reproduction

APPENDIX I (CONTINUED)

Alternative 1. Proposed Action, no Fertility Control

Year	Buffalo Hills	Granite Range-South Half
2001	749	366
2002*	358	90
2003	430	112
2004	494	130
2005	588	156
2006	700	186

Alternative 3. 40% below AML, no Fertility Control

Year	Buffalo Hills	Granite Range-South Half
2001	749	366
2002*	218	53
2003	264	67
2004	308	78
2005	372	91
2006	442	104

Alternative 4. No Action

Year	Buffalo Hills	Granite Range-South Half
2001	749	366
2002	910	435
2003	1,072	520
2004	1,252	621
2005	1,523	746
2006	1,729	886

*Post gather population plus 2002 reproduction

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 facility 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, Tom Seley, and Project Inspectors, Rodger Bryan, Bryan Fuell, and Nadine Edwards from Winnemucca Field

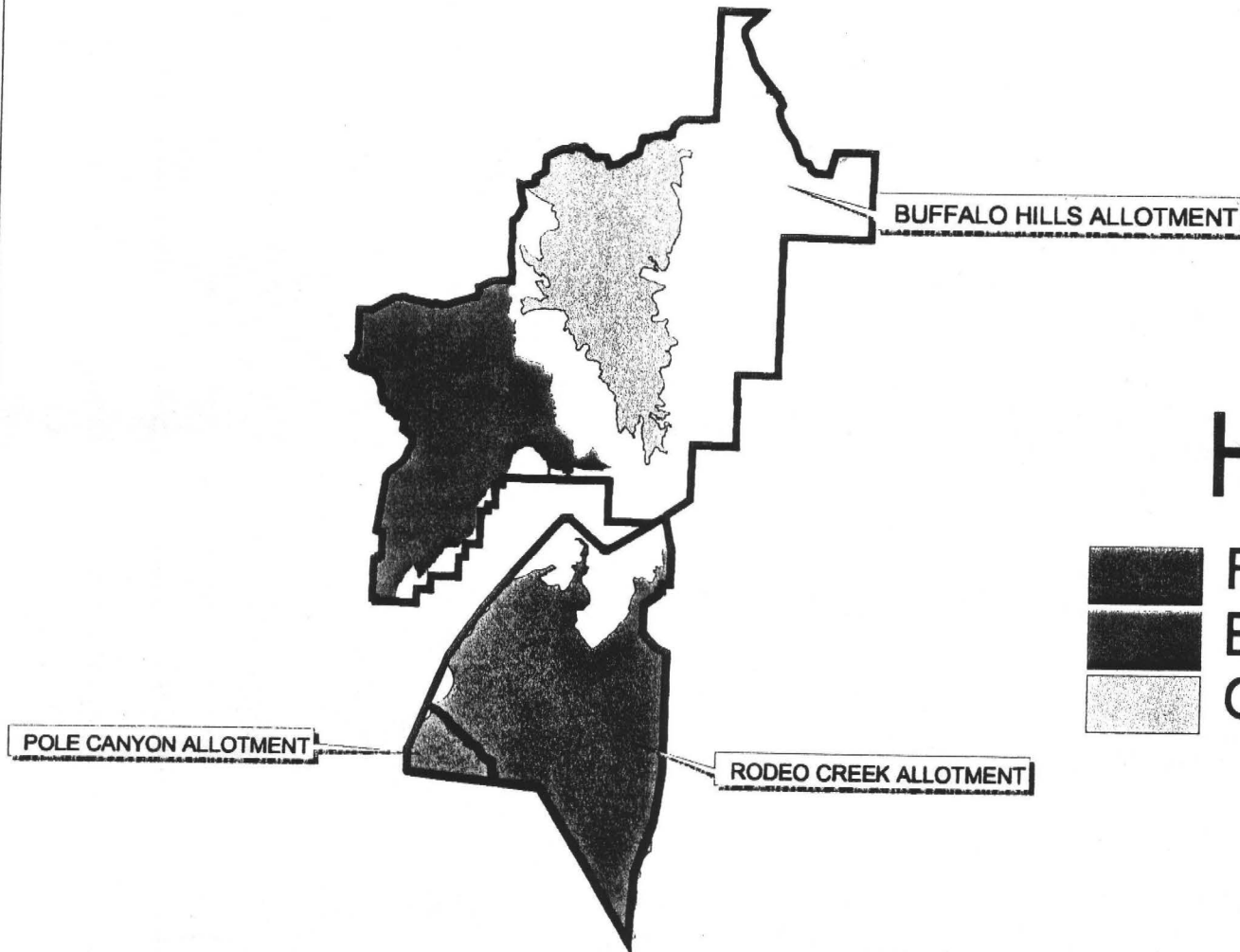
Office, have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Assistant Field Manager for Renewable Resources and the Winnemucca Field Manager will take an active role to ensure the appropriate lines of communication are established between the field, 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

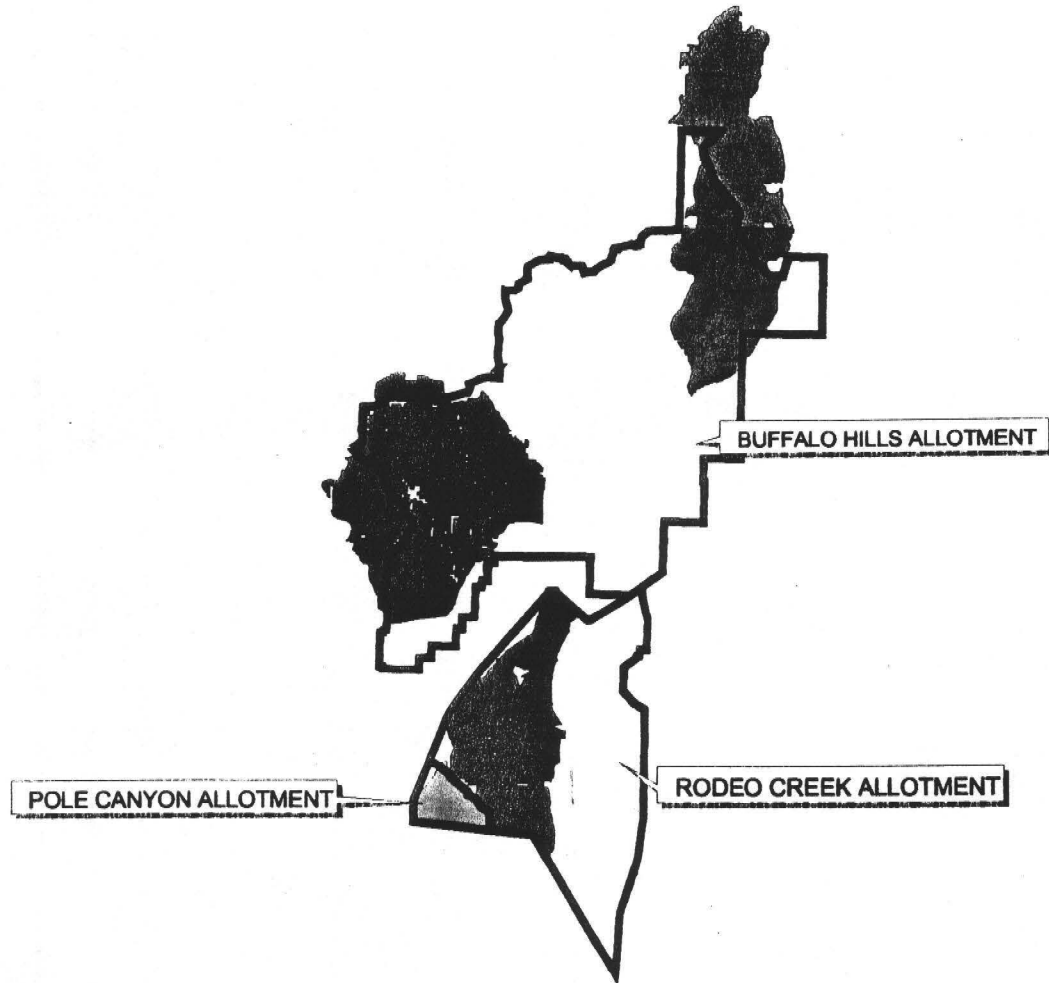


HMA's

-  Fox-Lake Range HMA
-  Buffalo Hills HMA
-  Granite Range HMA

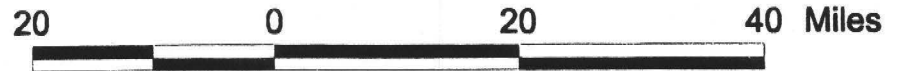


MAP 2



WSA's

-  Fox Range WSA
-  Pole Creek WSA
-  Poodle Mountain WSA
-  Calico Mountains WSA
-  High Rock Lake WSA

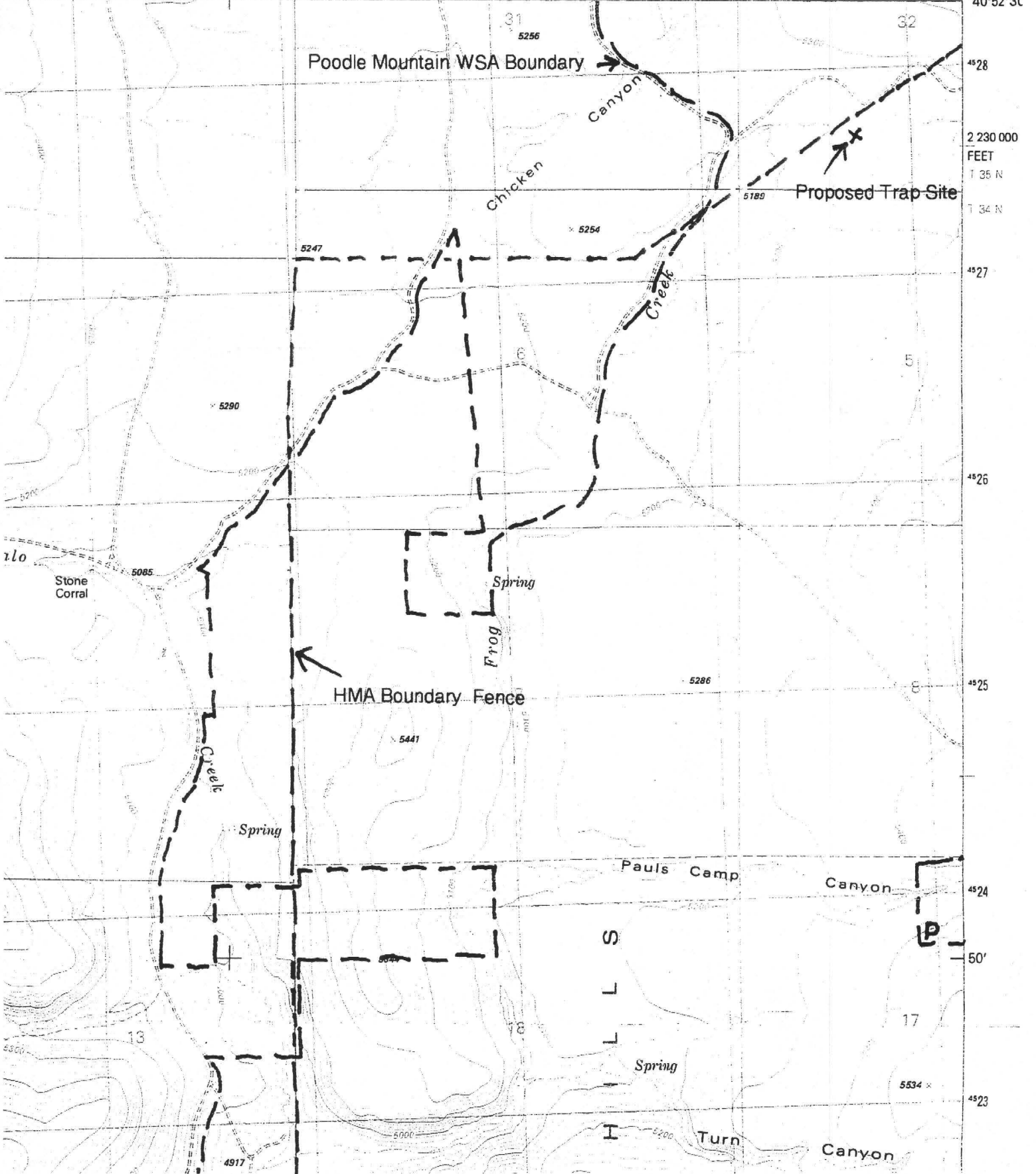


MAP 3

EDDIES GARDEN QUADRANGLE
NEVADA-WASHOE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2085
MILLS

9 MI. TO NEV 1427 R 19 E 47'30" 265 R 20 E 170 000 FEET 267 268 119°45' 40°52'30"



**FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD**

**BUFFALO HILLS-SOUTH GRANITE RANGE
COMPLEX CAPTURE PLAN**

NV-020-02-10

DECISION

It is my decision to select the Proposed Action as described in the Buffalo Hills-South Granite Range Complex Capture Plan Environmental Assessment, EA NV-020-02-10.

The Action is to gather all wild horses within the Buffalo Hills-South Granite Range Complex and reduce the population to Appropriate Management Level (AML). Approximately 749 wild horses within the Buffalo Hills and 366 within the south Granite Range HMA's (1,115) would be captured and approximately 435 and 290 (725) animals removed, respectively. In addition, a determination would be made as to sex, age, and color, blood samples acquired, and herd health assessed (pregnancy/parasites loading/physical condition/etc.). Animals would 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 Action includes the treatment of released mares with a revised immunocontraceptive vaccine, Porcine Zona Pellucida (PZP). The immunocontraceptive vaccine would inhibit reproduction for one breeding season. The Programmatic Environmental Assessment Wild Horse Fertility Control Research (NV-020-00-02) provides a district wide analysis of population level fertility control research within the Winnemucca District. The vaccine would have no effect on foal production in 2002. Contraception would be achieved during the 2003 foaling season, due to the time release feature of the vaccine pellets. It is estimated that 100% of the released mares (42 mares in the Granite Range - South, and 173 mares in the Buffalo Hills) will receive fertility control treatments. The treatment will be administered at the completion of capture in each capture area, just prior to release.

Implementation of the Proposed Action is contingent upon compliance with the December 19, 2001 court order issued by the Federal District court in Washington, D.C. implementing the terms of a joint stipulation agreed to by the Fund For Animals (FFA) and the United States. If this agreement is dismissed or canceled, Alternative 2 will be implemented as described in the Buffalo Hills-South Granite Range Complex Capture Plan, EA NV-020-02-10.

Alternative 2 is to gather all wild horses within the Buffalo Hills-South Granite Range Complex and reduce the population to 40% below AML. Approximately 749 wild horses within the Buffalo Hills and 366 within the south Granite Range HMA's (1,115) would be captured and approximately 561 and 320 (881) animals removed, respectfully. In addition, animals would be examined to determine sex, age, and color, acquire blood samples for genetic analysis, assess herd health (pregnancy/parasites

loading/physical condition/etc.) conduct immunocontraceptive research and monitor results as appropriate, sort individuals as to age, sex, temperament and/or physical condition, and to return selected animals to the range. Excess wild horses would be transported to a BLM adoption preparation/holding facility.

Alternative 2 is based on the BLM's 2000 Wild Horse Strategy where all HMA's will be gathered to reach AML over a 10 year period. The plan outlines a 4 year gather cycle to manage wild horses Bureau wide. The strategy is to implement population management for each HMA where wild horses will be managed in a range from 40% below AML, to AML. AML is the maximum number of wild horses for the HMA.

Alternative 2 includes the treatment of released mares with a revised immunocontraceptive vaccine, Porcine Zona Pellucida (PZP). The immunocontraceptive vaccine would inhibit reproduction for one breeding season. The Programmatic Environmental Assessment Wild Horse Fertility Control Research (NV-020-00-02) provides a district wide analysis of population level fertility control research within the Winnemucca District. The vaccine would have no effect on foal production in 2002. Contraception would be achieved during the 2003 foaling season, due to the time release feature of the vaccine pellets. It is estimated that 100% (24 mares in the Granite Range - South, and 98 mares in the Buffalo Hills) of the released mares will receive fertility control treatments. The treatment will be administered at the completion of capture in each capture area, just prior to release.

This decision incorporates the Standard Operating Procedures identified in Appendix II of the Buffalo Hills-South Granite Range Complex Capture Plan EA, as stipulations. The Winnemucca Field Office archeologist will review all proposed and previously used traps site facility locations to determine if these have had a cultural resources inventory, and/or if a new inventory is required.

Per Instruction Memorandum (IM-2002-053), this Decision has taken into consideration the President's National Energy Policy and Executive Order 13212. The Proposed Action and Alternatives would not generate any adverse energy impacts or limit energy production and distribution.

This decision is placed in Full Force and Effect in accordance with Title 43 of the Code of Federal Regulations at 4770.3c.

RATIONALE

The Finding of No Significant Impact and Decision Record (DR/FONSI) for the Buffalo Hills Complex Capture Plan Environmental Assessment (EA)(NV-020-00-50) was signed 11/20/00. The EA outlined the capture plan and procedures for wild horse management within the Buffalo Hills, Granite Range, and Fox and Lake Range HMA's. This complex of HMA's was scheduled to be gathered in the winter of 2000/2001. However, due to lack of holding space at adoption preparation facilities only the north half of the Granite Range and Fox and Lake Range HMA's were gathered. The Buffalo Hills and south half of Granite Range HMA's are scheduled for gathering during the winter of 2001/2002.

The proposed action in EA NV-020-00-50 was the reduction of the wild horse population to a number 40% below Appropriate Management Level (AML) and the application of fertility control. This was the selected alternative identified in the FONSI and Decision Record dated 11/22/2000. A Court Order issued by the Federal District Court of Washington D.C., on behalf of BLM/DOI (Defendants) and Fund For Animals (FFA) (Plaintiffs) titled "Joint Status Report, Stipulation, and Motion For A Stay Of Proceedings On Plaintiffs' Motion For A Preliminary Injunction" requires BLM to notify FFA 60 days in advance of any gather where the wild horse/burro population would be reduced below AML. This stipulated agreement was dated December 18, 2001, and is effective through May 1, 2002. The gathering "window" for the Buffalo Hills Complex would not allow adequate time for this notification and still allow completion of the gather prior to the start of foaling season on March 1. The WFO elected to issue a new EA with a new alternative of reducing the population to AML and the use of fertility control. Due to the overpopulation of wild horses and the associated overuse of the rangeland a Thriving Natural Ecological Balance does not exist and many horses are in danger of imminent death. The proposed action reduces the population to a level that will temporarily provide some relief to the habitat, other species, and the wild horse population.

Selection and immediate implementation of the proposed actions is necessary to protect the health and welfare of wild horses, and to restore the range to a thriving natural ecological balance within the Buffalo Hills and southern portion of the Granite Range HMA's. The existing wild horse population exceeds the appropriate management level by 139% in the Buffalo Hills HMA and 382% in the southern portion of the Granite Range HMA. If the area receives normal winter precipitation, it is highly likely that there is insufficient habitat to support the current population of wild horses, and there is high potential for winter death loss similar to that experienced during the winter of 1992/1993.

The current wild horse population is nearly identical to the 1992 population that was found in the Buffalo Hills and southern portion of the Granite Range HMA's. During the winter of 1992/1993 these HMA's were gathered, yet there was a 11.3% winter death loss in the Buffalo Hills HMA and a 21% death loss in the Granite Range HMA. In the HMA's adjacent to Buffalo Hills and Granite Range HMA's that were not gathered during the winter of 1992/1993, there was a winter death loss of 22.8% in the Black Rock Range-East & West HMA's, and 46.2% in Warm Springs Canyon HMA. This death loss occurred during a winter with normal precipitation. The winter death loss was determined through an analysis of helicopter census data collected in 1992 and 1993.

Based on monitoring, the current population of wild horses in the Buffalo Hills and southern portion of the Granite Range HMA's are negatively impacting some springs and associated riparian habitat. There is occupied sage grouse habitat in the Buffalo Hills and southern portion of the Granite Range HMA's, and there are two streams in the southern portion of the Granite Range HMA that are identified for reintroduction of Lahontan cutthroat trout, a federally listed species.

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

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in EA NV-020-02-10, 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.

Appeal Procedures

The Record of Decision for the Buffalo Hills-South Granite Range Complex Capture Plan Environmental Assessment is placed in Full Force and Effect in accordance with Title 43 of the Code of Federal Regulations at 4770.3(c). If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4. If you appeal, your appeal must be filed with the Bureau of Land Management at the following address:

Terry A. Reed
Field Manager
Bureau of Land Management
Winnemucca Field Office
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

Your appeal must be filed within thirty (30) days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to the:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

and to the appropriate office of the Solicitor:

Office of the Regional Solicitor
6201 Federal Building
125 South State Street
Salt Lake City, UT 84138-1180

at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

Michael R. Hallert

Acting
for

Terry A. Reed
Field Manager
Winnemucca Field Office

1/28/2002

Date