



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca Field Office
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In Reply Refer To:
4720.1
(NV-022.41)

January 10, 2003

NOTICE OF FULL FORCE AND EFFECT DECISION NORTH STILLWATER RANGE HERD MANAGEMENT AREA EMERGENCY DROUGHT WILD HORSE GATHER

Dear Interested Public:

MANAGEMENT ACTIONS:

The action is to gather approximately 190 wild horses and remove approximately 164 from the Rawhide and South Rochester Allotment portions of the North Stillwater Range Herd Management Area (HMA). Approximately 126 wild horses will remain in the South Rochester Allotment portion of the HMA. The action would implement the Proposed Action or Alternative 1 of Environmental Assessment NV-020-03-05, North Stillwater Range HMA Emergency Drought Wild Horse Removal, dated January 2003.

BACKGROUND INFORMATION

The AML for the South Rochester Allotment portion of the HMA is based on available forage, as described in the Final Multiple Use Decision for the South Rochester Allotment, dated September 28, 1998. The AML of zero for the Rawhide Allotment was set in the Sonoma-Gerlach Resource Area Management Framework Plan III, signed on July 9, 1982. Governor Kenny Guinn stated last year that forage production was off by as much as 40 to 80 percent. Local forage production was estimated to be approximately 30% of normal this past growing season in the area administered by the Winnemucca Field Office. The Proposed Action or Alternative 1 will prevent death by starvation of a number of wild horses and help to restore the rangeland resource.

DECISION:

Enclosed is the Decision Record, Finding of No Significant Impact, and the Environmental Assessment (EA# NV-020-03-05) which analyzes the impacts of removing wild horses within a portion of the North Stillwater Range HMA. Given the information contained in these documents, it is my decision to gather approximately 190 wild horses from the Rawhide and South Rochester Allotment portions of the North Stillwater Range HMA, remove approximately 164, and leave approximately 126 wild horses in the South Rochester Allotment portion of the HMA.

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, supervised by a BLM Contracting Officer's Representative. It is estimated that 1-2 trap sites will be required.

DATES:

The action is scheduled to begin no sooner than February 1, 2003 and will be 3-6 days in duration.

LOCATION:

The action will occur in the Rawhide and South Rochester Allotment portions of the HMA.

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 (CFR). 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 a 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 you 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:

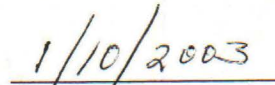
1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

ADDITIONAL INFORMATION:

Contact Rodger Bryan or Nadine Paine of my staff at (775) 623-1500 or write the above address.



Terry A. Reed
Field Manager,
Winnemucca Field Office



Date

Enclosures:

- 1) EA NV-020-03-05 (24 pp)
- 2) DR/FONSI for EA NV-020-03-05 (2pp)

INTERESTED PUBLIC

Certified copies

Certified Numbers

American Horse Protection Asso.	7002 2030 0003 0283 5616
American Humane Asso.	7002 2030 0003 0283 5623
American Mustang & Burro Asso.	7002 2030 0003 0283 5630
American Mustan Asso.	7002 2030 0003 0283 5647
American Protection Institute HERDS	7002 2030 0003 0283 5654
7002 2030 0003 0283 5661	
Humane Society of the US	7002 2030 0003 0283 5678
International Society for the Protection of Mustangs and Burros	7002 2030 0003 0283 5685
National Wild Horse Asso.	7002 2030 0003 0283 4466
National Mustang Asso.	7002 2030 0003 0283 4473
NV Comm. for the Preservation of Wild Horses	7002 2030 0003 0283 4480
Whole Horse Institute	7002 2030 0003 0283 4497
Wild Horse Organized Assistance	7002 2030 0003 0283 4503
Wild Horse Spirit	7002 2030 0003 0283 4510
Craig Downer	7002 2030 0003 0283 4527
American Horse Council	7002 2030 0003 0283 4534
The Fund for Animals, Inc.	7002 2030 0003 0283 4541
US Fish and Wildlife Service	7002 2030 0003 0283 4558
CO Wild Horse and Burro Coalition	7002 2030 0003 0283 4565
Committee for High Desert	7002 2030 0003 0283 4596
Humboldt County Commissioners	7002 2030 0003 0283 5609
Pershing County Commissioners	7002 2030 0003 0283 4589
Nevada State Clearing House	7002 2030 0003 0283 4572
Michael Maestri	7002 2030 0003 0283 5586
Robert Vesco	7002 2030 0003 0283 5579
Gary Takacs	7002 2030 0003 0283 5562
Safford & Safford Livestock Co.	7002 2030 0003 0283 5555
Pleasant Valley Ranch	7002 2030 0003 0283 5593
Claudia J. Dickinson	7002 2030 0003 0283 4602

1/2003

NORTH STILLWATER RANGE HERD MANAGEMENT AREA

(NV-229)

EMERGENCY DROUGHT

WILD HORSE REMOVAL PLAN/ENVIRONMENTAL ASSESSMENT

NV-020-03-05

JANUARY 2003

WINNEMUCCA FIELD OFFICE

I. Introduction/Purpose and Need

Background Information

The North Stillwater Range Herd Management Area (HMA) is managed by the Winnemucca Field Office (WFO), the Carson City Field Office (CCFO), and the Battle Mountain Field Office (BMFO) of the Bureau of Land Management. The HMA lies on the west side of Jersey Valley/Dixie Valley, on the east side of Antelope Valley, and approximately 25 mile east of Lovelock, Nevada. It consists of 179,632 acres, of which approximately 99.9% is public land. Nine allotments lie partially within the borders of the HMA: Boyer Ranch, Copper Kettle, South Buffalo, South Rochester, Cottonwood, Dixie Valley, Jersey Valley, Pleasant Valley, and Rawhide. Horses are managed on the first four of these allotments. Since the passage of the Wild Free-Roaming Horse and Burro Act in December of 1971, there has never been a BLM authorized removal.

The vegetation resource and animal health are currently being adversely affected by severe drought conditions on public lands administered by the Winnemucca District. The drought conditions have prevented the Rawhide and the South Rochester Allotment portions of the HMA from producing adequate forage to sustain those animals currently occupying the area. This summer several water sources in the South Rochester portion of the HMA dried up. If the drought continues, both water and forage conditions will worsen during the coming year. To prevent further resource degradation, animal stress, and a devastating overwinter death loss, an emergency gather would be initiated in the Rawhide portion of the HMA, where horses are not currently managed for, and the South Rochester Allotment portion of the HMA.

Wild horses have been shown to be capable of a 16 to 25 percent reproductive rate annually. This can result in a doubling of wild horse populations about every 3 years. Census results from September 2002 indicate the population for the North Stillwater Range HMA is approximately 100 percent over Appropriate Management Level (AML) with the majority of horses occurring in the South Rochester portion of the HMA. The excessive number of horses has been compounded by the severe drought conditions and year long cattle grazing. Forage production has been estimated to be 70% below normal this year. With the current livestock management practice of year long grazing, no past removals, and the wild horse population increasing, demand for forage has continued to intensify, and impacts to vegetation and riparian resources have expanded. Utilization monitoring has documented lack of forage production as well as utilization in excess of allotment objectives. A "Thriving Natural Ecological Balance" does not presently exist on the South Rochester or Rawhide Allotment portions of the North Stillwater Range HMA. The proposed action would reduce the wild horse population on the South Rochester Allotment, and Rawhide Allotment to AML, thereby providing temporary relief to the vegetation, reduce stress on the wild horse population, and help meet resource objectives. Utilization monitoring on the other allotments associated with the

HMA is not available. It is therefore not possible to justify an emergency gather on these allotments.

The South Rochester Allotment occupies approximately 39% of the North Stillwater Range HMA. The two permittees that graze the HMA portion of the allotment are Michael Maestri and Pleasant Valley Ranch, Inc. Pleasant Valley Ranch, Inc. has totally removed their cattle from the HMA. Maestri Land and Cattle Company has removed approximately 90 percent of their cattle. Cattle would be 100 percent removed before an emergency gather. The portion of the HMA that is in Rawhide allotment has an AML of zero. However, because of the increased wild horse population in the South Rochester Allotment portion of the HMA, and because the major water source in the South Rochester Allotment dried up during the summer, a large number of wild horses moved across the unfenced boundary into the Rawhide Allotment, intensifying the impact on that allotment from the drought and livestock grazing. Cattle have been totally removed from this allotment, but allotment objectives have not been met. During the next grazing season, a 45 day delay in cattle turn out is being recommended for the Winnemucca portion of the HMA and associated allotments. The Winnemucca portion of the HMA would be closed to livestock grazing until the drought is officially declared over. Improved livestock management practices and reduction in wild horse numbers should result in allotments meeting their management objectives.

The AML for the South Rochester Allotment portion of the North Stillwater Range HMA was established through the Allotment Evaluation/Final Multiple Use Decision (FMUD) process based on monitoring data followed by a thorough public review. This document has been prepared to assess the environmental impacts of adjusting the numbers of wild horses within the South Rochester Allotment portion of the North Stillwater Range HMA to the AML identified in the FMUD. The numbers, age and sex of animals proposed for removal are derived from 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 the HMA's modeling runs.

Purpose and Need for Action

The WFO proposes to implement a program of integrated wild horse management on the South Rochester portion of the North Stillwater Range HMA. The emphasis of this integrated management program would be to achieve and maintain the wild horse population at AML, collect information on herd characteristics, determine herd health, promote sustainable rangelands, and maintain a healthy and viable wild horse population.

All gather activities would be conducted according to a specified set of standardized operating procedures (SOPs) (Appendix II).

Conformance with Existing Land Use Plans

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 Winnemucca portion of the HMA, were 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 for the South Rochester Allotment portion of the HMA was established through the allotment evaluation and FMUD process. It was established in the Sonoma-Gerlach MFP that horses would not be managed in the Rawhide Allotment. A map of the HMA, and the allotments proposed for gather, is attached. The following table shows the AMLs for wild horses by allotment.

Table 1. AMLs by Allotments proposed for gather in the North Stillwater Range HMA

<u>Allotment</u>	<u>AML</u>
Rawhide	0
<u>South Rochester</u>	<u>126</u>
Total AMLs	126

An environmental analysis (EA)(Winnemucca District Wild Horse/Burro Removal Programmatic EA, No. NV-020-7-24) was completed in August 1987. This analysis covered the impacts of various removal methods on wild horses, and other critical elements of the human environment, to achieve AML. However, due to the age of the Programmatic EA, this environmental assessment is being prepared. The allotment evaluation, FMUD, and Programmatic EA are available in the WFO for public review.

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 HMAs 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, available in the WFO for public review.

II. The Proposed Action and Alternatives

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

Proposed Action - Attainment of AML with Fertility Control

The Proposed Action for the North Stillwater Range HMA would be to capture approximately 190 wild horses from the Rawhide and South Rochester allotment portions of the HMA, remove approximately 164 wild horses, determine sex, age, and color, assess herd health (pregnancy, parasite load, 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.

The following table shows the 2002 population estimate, obtained from a 2002 helicopter census. This data was used to determine the estimated number of wild horses to be removed and the number to be released back into the South Rochester allotment within the HMA.

Table II North Stillwater Range HMA

<u>Allotment</u>	<u>Est. 2002 Population</u>	<u>Est. #s to Capture</u>	<u>Est. #s to Remove</u>	<u>Est. #s to Release</u>
Rawhide	59	59	59	0
South Rochester	<u>231</u>	<u>131</u>	<u>105</u>	<u>26</u>
Totals	290	190	164	26

Determination of which horses would be returned to the range would be based on an analysis of population characteristics and post gather data for colors and sex ratio.

Multiple capture sites (traps) may be used to capture wild horses from the HMA. Actual trap site locations would be determined after the contract is ordered. All capture and handling activities (including capture site selections) would be conducted in accordance with the SOPs described in Appendix II. Selection of capture sites and techniques would be based on several factors such as the season of removal, condition of animals, herd health, and environmental considerations.

The Proposed Action includes the treatment of release 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 on public

lands administered by the WFO. The immunocontraceptive vaccine would inhibit reproduction for one breeding season. All treated mares may be freeze marked on the left hip or shoulder. The Programmatic EA is available for public review in the WFO.

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 February 2003.

Alternative 1 - Attainment of AML without Fertility Control

Alternative 1 is to gather horses within the Rawhide and South Rochester allotment portions of the North Stillwater Range HMA and reduce the population to AML. Wild horse management under this alternative would utilize the various capture techniques and processing protocols identified in the Proposed Action. Selection of capture sites and techniques would be based on several factors such as the season of removal, condition of animals, herd health, and environmental considerations. This action for the North Stillwater Range HMA would be to capture approximately 190 wild horses, and remove 164 horses, determine sex, age, and color, assess herd health (pregnancy, parasite load, physical condition, etc.) 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.

Table III North Stillwater Range HMA

<u>Allotment</u>	<u>Est. 2002 Population</u>	<u>Est. #s to Capture</u>	<u>Est. #s to Remove</u>	<u>Est. #s to Release</u>
Rawhide	59	59	59	0
<u>South Rochester</u>	<u>231</u>	<u>131</u>	<u>105</u>	<u>26</u>
Totals	290	190	164	26

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 (No Action)

This alternative consists of no direct management of the wild horse population in the North Stillwater HMA. Wild horses would be allowed to regulate their numbers naturally through predation, disease, and forage, water, and space availability.

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

III. Affected Environment

North Stillwater Range HMA (NV-229)

The North Stillwater Range HMA straddles the Churchill/Pershing County line as well as the Winnemucca Field Office/Carson City Field Office boundary line. It is a north-south trending mountain range. Elevation ranges from 7,474 feet at Cornish Peak to 3,458 feet in Dixie Valley. Precipitation is less than 10 inches annually and temperatures can range from over 100 degrees in the summer to well below zero in the winter. Besides horses, one wild burro, livestock, and numerous wildlife species also utilize the area.

Winnemucca Field Office has management responsibilities for the entire HMA. The horses are found on both sides of the unfenced District boundary and are considered to be one herd.

Vegetation, Soil, and Water

Vegetation types range from pinyon (*Pinus monophylla*)-juniper (*Juniperus*) and juniper-sage (*Artemisia spp.*) in the higher elevations, to sagebrush-bluegrass (*Poa*) types at moderate elevations to shadscale (*Atriplex confertifolia*)-scrub and greasewood (*Sarcobatus*) types in the valley bottoms.

The majority of soils in the HMA were developed under low precipitation with minimal topsoil development. Soils in the pinyon-juniper community are Mollisols; those in the shadscale community are Aridisols; and those in the greasewood community are Entisols. All are subject to water and wind erosion.

There are several perennial waters in the HMA. They consist of streams, springs, and two stock ponds.

Wildlife

Numerous species of wildlife can be found in the HMA. They include mule deer, pronghorn antelope, bighorn sheep, mountain lions, bobcats, coyotes, chukar, and many smaller, non-game mammals, birds, and reptiles. The area adjacent to the north end of

the HMA is potential sage grouse nesting, summer and winter habitat. However, no birds have been observed in the area.

Wilderness

There is no Wilderness Area or Wilderness Study Area in the allotment portions of the HMA that are proposed for gather.

Noxious Weeds and Invasive Non-Native Species

A noxious weed survey has not been done on the North Stillwater Range HMA. Therefore, it is not known whether noxious or invasive non-native species exist in the HMA.

Migratory Birds

The proposed action and the alternatives in the Grazing EIS did not consider migratory birds. This is a critical environmental concern. A complete migratory bird inventory has not been completed for this area. Migratory birds have been identified within the HMA.

Threatened/Endangered and Sensitive Species

The U.S. Fish and Wildlife Service Species of Concern and/or BLM Sensitive Species that may occur in the project area are as follows:

Species of Concern

	<u>Common Name</u>	<u>Scientific Name</u>
Mammals	pygmy rabbit	<i>Brachysagus idahoensis</i>
	spotted bat	<i>Euderma maculatum</i>
	Small-footed myotis	<i>Myotis ciliolabrum</i>
	long-eared myotis	<i>Myotis evotis</i>
	fringed myotis	<i>Myotis thysanodes</i>
	long-legged myotis	<i>Myotis volans</i>
	pale Townsend's big-eared bat	<i>Plecotus townsendii pallescens</i>
	Pacific Townsend's big-eared bat	<i>Plecotus townsendii townsendii</i>

Birds	northern goshawk	<i>Accipiter gentilis</i>
	western burrowing owl	<i>Athene cunicularia hypugea</i>
	black tern	<i>Chilidonias niger</i>
	white-faced ibis	<i>Plegadis chihi</i>
	ferruginous hawk	<i>Buteo regalis</i>
	least bittern	<i>Ixobrychus exilis herperis</i>
Plants	windloving buckwheat	<i>Eriogonum anemophilum</i>
	Nevada oryctes	<i>Oryctes nevadensis</i>
	Eastwood's milkweed*	<i>Asclepias eastwoodiana</i>

* BLM sensitive species

No on-the-ground field investigations have been conducted for sensitive plant and animal species. However, according to the Nevada Threatened and Endangered Plant Map Book and Nevada Natural Heritage's data base (July 2002), no endangered, threatened, candidate, or sensitive species have been observed in the HMA. The Dixie Valley tui Chub has been observed .7 mile northeast of the HMA boundary.

Cultural Resources

A complete cultural resource inventory of the North Stillwater Range HMA has not been undertaken. A few small inventories have been completed and have identified prehistoric, proto-historic and historic sites in the area. Prehistoric and proto-historic sites include sites related to the pinyon harvest and hunting activities, wicki-ups, house pits, lithic scatters and isolates. Historic sites include mining and ranching related sites, including historic structures and foundations, a town site and a gravesite. There may also be logging related sites. Sites similar in nature to those noted above are expected in uninventoried areas, particularly in canyons.

The Lovelock Paiute Tribe has identified several areas in the North Stillwater Range HMA as being areas where their people have traditionally gathered pinyon nuts. Cornish Canyon is in the process of being determined a National Register eligible Traditional Cultural Property (TCP). Several other areas in the North Stillwater Range HMA are TCPs whose eligibility to the National Register is unevaluated at this time, but which will be treated as eligible until further study yields sufficient information to determine their eligibility. These are as follows: Hughes Canyon, New York Canyon, Kitten Springs, Fencemaker Canyon, Table Mountain, and Red Hill.

Wild Horses

Wild horses are an introduced species within North America and have few natural predators. Few natural controls act upon the wild horse herds making them very

competitive with native wildlife and other living resources managed by the BLM. Wild horses have been shown to be capable of 18% to 25% increase in numbers annually. This can result in a doubling of the population about every 3 years. The estimated wild horse population for the allotments that are addressed in this analysis within the North Stillwater Range HMA shown below are from a helicopter census conducted in September 2002.

<u>Allotment</u>	<u>Estimated Fall 2002 Population</u>
Rawhide	59
<u>South Rochester</u>	<u>231</u>
TOTAL	290

Much of the population of wild horses in the HMA spends the winter and most of the spring months on the west side of the mountain range in the vicinity of Logan Springs and the mouth of Big Ben Canyon. As weather warms, some of the herd usually moves up to higher elevations to feed where they remain until the weather drives them down again. However, this year most of them were coming down to water at the Logan Springs stock ponds until the stock ponds dried up. After the ponds dried up they dispersed to other water sources, many of them going north to Grayson Springs, Twin Springs, and others, farther north in the Rawhide Allotment.

Colors, sex ratio, and age structure of the herd are unknown because the North Stillwater Range HMA has never undergone a removal since the passage of the Wild Free-Roaming Horse and Burro Act in 1971. Most horses observed appear to be the basic color types, i.e. bays, sorrels, blacks, and browns. Implementation of the proposed action would allow this data to be collected from the South Rochester portion of the HMA.

The sex ratio of the wild horses within the HMA is probably similar to that of other HMAs within the WFO and the west in general. 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 or not affected by the proposed action: air quality, areas of critical environmental concern, environmental justice, prime or unique farm land, flood plains, water quality, or wild and scenic rivers.

IV. Environmental Consequences (Proposed Action & Alternatives)

Vegetation, Soil, and Water

Implementation of the proposed action would reduce the current wild horse population to AML in the Rawhide and South Rochester Allotment portions of the North Stillwater

Range HMA, which would help to promote the achievement and maintenance of a thriving natural ecological balance for a period of approximately four years. This would result in an increase in forage availability, vegetation density, vigor, reproduction, and productivity.

Implementation of alternative 1 would reduce the current wild horse population and help to promote progression toward achieving a thriving natural ecological balance. This would result in an increase in forage availability, vegetation density, vigor, reproduction and productivity. However, the maintenance of a thriving natural ecological balance would not occur because more foals would be born the year after the gather than with the proposed action.

Implementation of the proposed action or alternative 1 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 areas and reduce competition for available water sources. Potential for erosion in the areas horses frequent in high densities and along trails would be reduced.

Impacts to vegetation with implementation of the proposed action or alternative 1 could include disturbance of native vegetation immediately in and around temporary trap sites, and holding and processing facilities. Impacts are created by vehicular 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. Most trap sites and holding facilities are selected to enable easy access by transportation vehicles and logistical support equipment and would therefore generally be adjacent to or on major roads, pullouts, water haul sites, or other previously disturbed flat spots.

Wildlife and Livestock

The proposed action or alternative 1 would result in reduced competition with wildlife and livestock, which would increase the quantity and quality of available forage. There would be less disturbance associated with wild horses along stream bank 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

There is no Wilderness Area or Wilderness Study Area in the allotment portions of the HMA that are proposed for gather.

Noxious Weeds and Invasive Non-Native Species

Noxious weeds and invasive non-native species introduction and proliferation are a growing concern among local and regional interests. However, noxious weed surveys, including invasive and non-native species, have not been completed in the North Stillwater Range HMA.

Noxious weeds occur in a variety of habitats including roadside areas, rights-of-way, wetland meadows, as well as undisturbed upland rangelands. The impacts associated with the proposed action or alternative include potential importation or transportation of new species of weeds to the North Stillwater Range HMA and surrounding area, spread of existing noxious weeds and plant parts to new areas, and increases in the size of existing weed infestation sites. These impacts would potentially be accomplished by contractor vehicles and livestock entering the area and through feeding of contaminated hay to captured horses, which are released before seeds pass through their systems.

Migratory Birds

Implementation of the proposed action or alternative 1 would have a beneficial impact on migratory bird populations by providing an increase in forage availability, vegetation density and structure.

Cultural

No impacts to the eligible and unevaluated TCPs in the North Stillwater Range HMA are anticipated. No impacts to other cultural resources in the North Stillwater Range HMA 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 trap sites and facility locations to determine if these have had a cultural resources inventory or if a new inventory is required. If cultural resources are encountered at proposed trap site or holding facility locations, those locations would not be utilized unless it could be modified to avoid impacts to cultural resources. The Lovelock Tribe would be contacted regarding the proposed action. If any concerns are expressed by the Tribe, they would be taken into account.

Wild Horses

Impacts to wild horses under the proposed action or alternative 1 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, minor swelling may occur at the injection

site and/or injection site injury may occur; however, this is rare. The intensity of these impacts varies by individual, and is 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. Spontaneous abortion following capture is very rare. Traumatic injuries that may occur typically involve biting and/or kicking that result in bruises and minor swelling but normally do 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 alternative¹. 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, re-establishment of bands following releases, and the removal of animals from the population. With the exception of changes to herd demographics, direct population wide impacts 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. Obvious potential impacts on horse herds and populations includes modification of age or sex ratios in favor of a particular class of animal.

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 AMLs 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, 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.

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 undoubtedly help reduce the wild horse population to AML in the North Stillwater Range HMA, which would help to promote a thriving natural ecological balance. This would result in an increase in water quality and quantity, vegetation density, vigor, reproduction, productivity, and forage availability.

Adverse impacts to vegetation with implementation of the proposed action or alternative 1 would include disturbance of native vegetation immediately in and around temporary trap sites, and holding and processing facilities. Impacts created by vehicular 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 major roads, pullouts, water haul sites, or other flat spots, which were previously disturbed. These common practices would minimize the cumulative effects of the impacts.

Past, present, and reasonably foreseeable activities, which would be expected to contribute to the cumulative impacts of implementing the proposed action include: 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 North Stillwater Range HMA 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 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 more quickly.

I. Consultation and Coordination

List of Preparers

Nadine Paine	Wildlife Biologist (Wild Horse and Burro Specialist)
Rodger Bryan	Supervisory Fish and Wildlife Biologist
Jeff Johnson	Environmental Coordinator
Peggy McGuckian	Cultural
Lynn Clemons	Wilderness/recreation
Everett Bartz	Range Management Specialist
Chuck Neill	Noxious Weeds Specialist

VII. 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
Nevada State Clearing House	Pershing County Commissioners
Humboldt County Commissioners	Michael Maestri
Richard Carter	DJ Ranch
Robert Vesco	Gary Takacs
Committee for High Desert	Safford & Safford Livestock Co.

VIII. Mitigation Measures

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

APPENDIX I. POPULATION MODELING

Number of horses, by year, for the South Rochester portion of the North Stillwater Range HMA

Proposed Action – Attain AML with Fertility Control

Year	Number
2003	126
2004	153
2005	184
2006	166*
2007	188
2008	196

Alternative 1 – Attain AML without Fertility Control

Year	Number
2003	126
2004	158
2005	197
2006	164*
2007	198
2008	249

* Reduction in population is a result of a wild horse gather built into the population model at a four year interval.

APPENDIX II. STANDARD OPERATING PROCEDURES

Gathers would be conducted by contractors or agency personnel. The same procedures for gathering and handling wild horses and burros apply whether a contractor or BLM personnel are used. The following stipulations and procedures will be followed to ensure the welfare, safety, and humane treatment of the wild horses and burros (WH&B) in accordance with the provisions of 43 CFR 4700.

Gathers are normally conducted for one of the following reasons:

1. Regularly scheduled gathers to obtain or maintain the Appropriate Management Level (AML).
2. Drought conditions that could cause mortality to WH&B due to the absence of water or forage, and where continued grazing may result in a downward trend to the vegetative communities due to plant mortality and reduced vigor and productiveness.
3. Fires that remove forage to the extent that there is inadequate forage to sustain the population or to allow recovery of native vegetation.
4. Utilization levels that reach a point where a continued increase in utilization would cause a downward trend in the plant communities and impede meeting standards for rangeland health.
5. Monitoring indicates the WH&B use would begin to cause a downward trend in riparian function or not permit the recovery of riparian vegetation determined to be in undesirable condition.

A. Capture Methods Used In The Performance Of A Gather - Contract Operations

1. Helicopter - Drive Trapping

Capture attempts may be accomplished by utilizing a helicopter to drive animals into a temporary trap. If this method is selected the following applies:

- a. A minimum of two saddle horses shall be immediately available at the trap site to accomplish roping if necessary. Roping shall be done as determined by the BLM. Under no circumstances shall animals be tied down for more than one hour.
- b. The contractor shall assure that bands remain together, and that foals shall not be left behind.

- c. A domestic saddle horse(s) may be used as a pilot (or "Judas") horse to lead the wild horses into the trap. 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. Safely 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 operations, 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 violates contract rules, is 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. The BLM must approve all such replacements in advance of operation.
 - 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 other 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 tops of which shall be not less than 72 inches high for horses and 60

inches high for burros, and the bottom rail of which shall be not 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 6 feet above ground level for horses and 1 foot to 5 feet for burros. 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 2 feet to 6 feet above ground level for horses and 1 foot to 5 feet for burros. 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 by 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 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 condition rating 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 shipment 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 Sundays or 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 the BLM, and if not redeemed by payment of trespass and capture fees, will be sold at public auction. If owners are not known, the private animals will be turned over to the State for processing under Nevada estray laws.

E. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The contractor shall provide the BLM with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.
3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.
4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the BLM.

5. Floors of tractor-trailers, stock trailers, and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.
6. Loading and transporting of animals in any trailer shall be 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 operations would proceed. The contractor will be appraised of all the conditions and will be given directions regarding the capture and handling of animals to ensure their health and welfare is protected.
8. If the BLM determines that dust conditions are such that animals could be endangered during transportation, the contractor will be instructed to adjust speed.
9. Trap sites will be located to cause as little injury and stress to the animals, and as little damage to the natural resources of the area, as possible. Sites will be located on or near existing roads. Additional trap sites may be required, as determined by the BLM, to relieve stress caused by specific conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.).

F. Animal Characteristics and Behavior

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

G. Public Participation

It is BLM policy that the public will not be allowed to come into direct contact with WH&B being held in BLM facilities. Only the BLM or contractor personnel may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at any time or for any reason during BLM operations.

H. Responsibility and Lines of Communication

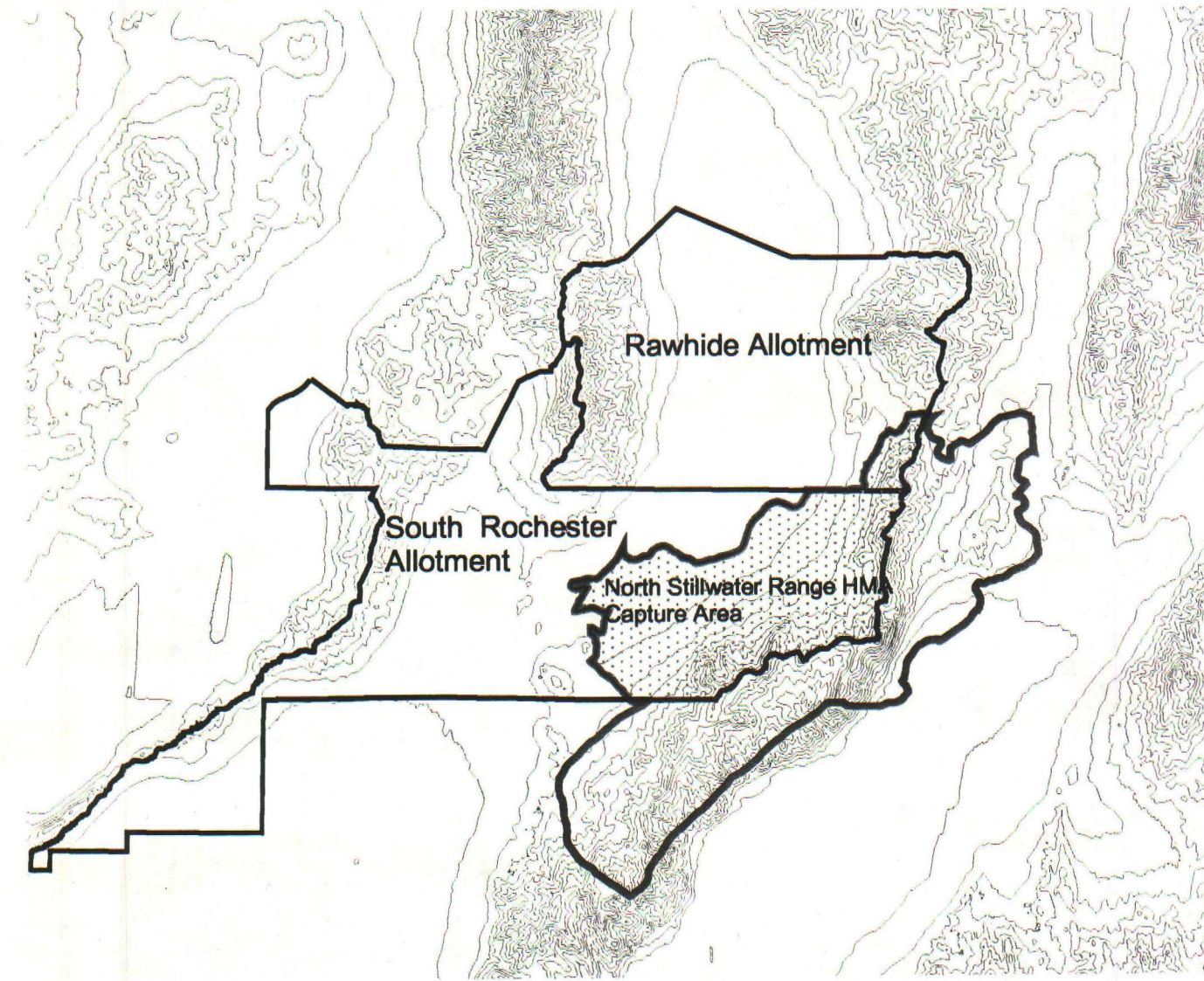
The Contracting Officer's Representative, Rodger Bryan, and the Project Inspectors, Nadine Paine, Quintin Boyles, Tom Goodell, and Jonathan Sheeler from the Winnemucca Field Office have the direct responsibility to ensure the contractor's compliance with the contract stipulations. The Assistant Field Manager for Renewable Resources and the Winnemucca Field Manager will take an active role to ensure that appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, and the 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 gather 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.

North Stillwater Range HMA Capture Map



-  North Stillwater Range Capture Area
-  South Rochester Allotment
-  Rawhide Allotment
-  North Stillwater HMA
-  Contours 100 Meters



17 October 2002

Grazing Allotments Intersecting the North Stillwater HMA

Winnemucca Field Office

South Buffalo

Pleasant Valley

Rawhide

South Rochester

Jersey Valley

Copper Kettle

Boyer Ranch

Cottonwood Canyon

Dixie Valley

Carson City Field Office

Battle Mountain Field Office

- BLM Districts
- Grazing Allotments
- North Stillwater HMA



10 0 10 Miles

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



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