



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801
<http://www.nv.blm.gov>



In Reply Refer To:
4720 (NV-012)

June 17, 2002

Dear Interested Party,



The Elko Field Office of the Bureau of Land Management Plans to capture wild horses under emergency conditions within the Rock Creek Herd Management Area.

The Action is to gather all wild horses within the Rock Creek HMA and reduce the population to 450 wild horses due to drought. Approximately 1,926 wild horses within the HMA would be captured and approximately 1,476 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.). As part of the herd health analysis a ELISA test will be conducted by a veterinarian on all animals. This determination will be completed to ensure that the wild horses within the Rock Creek HMA have not been infected with Equine Infectious Anemia (EIA). All animals will be held on site until a negative result has been received, then returned to the range or shipped to BLM preparation/holding facilities..

A Copy of the Rock Creek Herd Management Area Emergency Capture Plan Environmental Assessment (BLM/EK/PK-2002-32), and Finding of No Significant Impact/Decision Record are included for you information. If you have any questions, please contact Bryan Fuell at 775-753-0314.

Sincerely,

Clint Oke
Assistant Field Manager
Renewable Resources

Enclosure:

1. Rock Creek HMA Emergency Capture Plan Environmental Assessment (BLM/EK/PK-2002-32)
2. Finding of No Significant Impact/Decision Record (BLM/EK/PK-2002-32)

6/17/02

**ROCK CREEK HERD MANAGEMENT AREA EMERGENCY
CAPTURE PLAN ENVIRONMENTAL ASSESSMENT**

BLM/EK/PL2002/032

June 17, 2002

ELKO FIELD OFFICE

I Introduction/Purpose and Need

Introduction

The Rock Creek Herd Management Area (HMA) is managed by the Elko Field Office (EFO) of the Bureau of Land Management. Table I depicts the approximate acres within the HMA and the breakdown of public versus private lands. The HMA is located within the Squaw Valley and Spanish Ranch Grazing Allotments (Map1). Since 1971, there has been four (4) BLM authorized removals with a estimated total of 516 wild horses removed from the HMA

Table I

HMA	Acres Public Land	Acres Private Land	Acres Total
Rock Creek	145,140	38,356	183,496

Resource conditions and animal health are currently being adversely affected by severe drought conditions in the northwest portion of the Elko District. The drought conditions prevent the HMA from producing adequate forage to sustain those animals currently occupying the area through the remainder of the year and especially the coming winter. To prevent resource degradation and animal stress, an emergency gather would be initiated.

The Rock Creek Herd Management Area has shown to be a productive area for wild horses. The HMA has sustained a estimated 342% increase in it's wild horse population between 1996 (563 horses) and 2002 (1,926 horses). The animals have shown to be capable of 15 to 22 % increases annually. This can result in the doubling of the wild horse population about every three years. It is also not clear if some of this increase can be in part attributed to immigration from neighboring HMAs. The Rock Creek HMA wild horse population is currently estimated at 1,926 animals. While the increase in wild horse numbers has been taking place, the Rock Creek area has been experiencing drought conditions. As of June1 the area is below 65% of normal precipitation. These drought conditions have increased over the last 5-7 years. With no removal since 1996, and population levels increasing in size, demand for forage has continued to intensify, and impacts to vegetation and riparian resources have expanded. Utilization levels have continued to be in excess of objectives and obtainment of a desirable healthy vegetation community is not possible. Competition with livestock and wildlife populations for available forage have greatly accelerated.

The Buffalo Fire burned 21,186 acres in the summer of 2001. Approximately 99% of the burned area lies within the Rock Creek HMA. The burned area comprises almost the entire Frazer Creek Pastures of the Spanish Ranch and Squaw Valley Allotments. A portion of the wild horses population use these two pastures. These pastures have been closed to livestock grazing and are being fenced to exclude livestock and wild horses. After the burned areas have

rehabilitated the area will be opened to allow livestock and wild horse use again. With approximately 21,000 acres of the HMA temporary lost due to fire, horse populations have moved north into Burner Hills and Solider Fields, which already have abundant horse numbers. The vegetation resource within Burner Hills and Solider Fields have been showing declines due to the number of wild horses. Now with the increased pressure from displaced animals due to fire, these resources are expected to reach critical use levels.

The Rock Creek HMA supports some of the most valuable stream and riparian habitat managed by the Elko Field Office. The HMA includes a number of miles of stream habitat for Lahontan cutthroat trout (LCT), a federally listed species, and the redband trout, a Nevada BLM sensitive species. The large and increasing wild horse population has contributed to the poor stream, springs, seeps, and riparian condition found within the HMA. Winters, Red Cow, Chino, and Big Cottonwood Creek's habitat conditions are extremely poor partially as a result of wild horses use along with current livestock management practices. Trout Creek has been identified as a potential reintroduction site in the LCT Recovery Plan. The reintroduction of LCT cannot occur without substantial improvement in stream and riparian habitat conditions.

The Rock Creek HMA lies within the Squaw Valley and Spanish Ranch Allotments. Approximately 20% of Squaw Valley and 47% of Spanish Ranch Allotments lie within the HMA. The livestock operator on the Squaw Valley and Spanish Ranch Allotments is Ellison Ranch Company. This operator has taken an increasing amount of non-use on these allotments due to drought conditions and depleting vegetative resources. The permittee has taken 46% and 48% non-use in the 2000 and 2001 grazing seasons. They also have not turned livestock in the Burner Hills Pasture for five years, which supports the large majority of wild horses in the HMA. Livestock have also contributed to the poor stream, spring, seep, and riparian conditions. The pending Multiple Use Decision (MUD) for these allotments will outline management to ensure improvement to riparian-stream habitat conditions. Improved livestock management practices and reduction in wild horse number is the key to improving LCT and redband trout habitat conditions.

Determinating herd health would be completed as part of the Proposed Action. This determination will be completed to ensure that the wild horses within the Rock Creek HMA have not been infected with Equine Infectious Anemia (EIA). EIA is a viral disease that effects the horses immune system. EIA is a serious disease that threatens all horses, which there is no cure. The EIA issue arose when a neighboring ranch with a history of EIA animals lost a number of animals believed to have mixed with Rock Creek HMA horses. The only way to accurately determine whether a horse is infected with EIA virus is by a serum test, either agar gel immunodiffusion test (Coggins test) or enzyme-linked immunosorbent assay (ELISA) can be used. The ELISA test would be completed by a veterinarian on the animals captured within the HMA. All animals would be held on site until a negative result has been received, then returned

to the HMA or shipped to a BLM preparation/holding facilities. Any animal that test positive for EIA would be quarantined and processed according to Nevada State law and guidance from a state licenced and/or federal veterinarian.

Due to the drought conditions, current of wild horses, and the excess utilization of the rangeland a Thriving Natural Ecological Balance does not exist. The proposed action reduces the population to a level that will provide temporary relief to the vegetation and the wild horse population in meeting resource objectives.

This document has been prepared to assess the environmental impacts of adjusting the numbers of wild horses under an emergency situation within the Rock Creek HMA.

The Rock Creek (Spanish Ranch and Squaw Valley) Draft Allotment Evaluation was issued April 16, 1997. The draft evaluation analyzed all available data and proposed an appropriate management level (AML) for wild horses. Preliminary data indicated that the wild horse AML and carrying capacity for the Rock Creek HMA is 250 animals. The proposed 250 animal AML is divided within the Spanish Ranch and Squaw Valley Allotments as 154 and 96 wild horses, respectively.

This EA addresses the proposed action to gather 1,926 wild horses within the Rock Creek HMA and reduce the population to 450 wild horses. Approximately 1,476 wild horses would be removed from the HMA. Although 450 wild horses exceed the carrying capacity for wild horses within the HMA this number of released wild horses would alleviate the emergency due to drought and not over burden Bureau wild horse holding/processing facilities.

It is realized 450 wild horses is pertinent to this gather only and a AML would need to be set through a decision process. A management gather would be completed following the establishment of an AML for the Rock Creek HMA.

Purpose and Need for Action

The EFO proposes to implement a program of integrated wild horse management in the Rock Creek HMA. The emphasis of this integrated management program will be to achieve a population of 450 wild horses, collect information on herd characteristics and health, improve sustainable rangelands, and improve a healthy and viable wild horse population

All activities will be conducted according to a specified set of standardized operating procedures (SOP's) (Appendix I).

Land Use Plan Conformance Statement

The Elko Resource Management Plan (RMP), Issue: Wild Horses, management prescriptions 1 and 3 which directs the management in the project area, was approved March 11, 1987. The Proposed Action are in conformance with this Plan and is consistent with federal, state, and local laws, and regulations.

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

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 manage wild horses within the Rock Creek HMA. These documents include:

- 1) Elko District Office Wild Horse Management Removal Plan and Environmental Assessment EA# NV-010-0-19, 1981
- 2) Little Humboldt, Rock Creek, and Spruce/Pequop Wild Horse Removal Plan and Environmental Assessment. EA# NV-010-7-036, August 5, 1987.
- 3) Rock Creek Herd Management Area Wild Horse Gather Plan and Environmental Assessment BLM/EK/PL-94-038, October 26, 1994.
- 4) Full Force and Effect Decision To Gather & Remove Wild Horses from the Rock Creek Herd Area. June 19, 1996.

These documents are available in the EFO for public review.

II The Proposed Action and Alternatives

Proposed Action - Reduction to 450 Wild Horses

The Proposed Action is to gather all horses within the Rock Creek HMA and reduce the population to 450 wild horses. Approximately 1,926 wild horses would be captured and 1,476 animals removed. In addition, animals would be assessed as to sex/age/color, blood samples for genetic and health analysis acquired, and herd health assessed (pregnancy/parasites loading/physical condition/etc.). Animals would be sorted as to age, sex, temperament and/or physical condition. As part of the herd health analysis a ELISA test would be conducted by a veterinarian on all animals. All animals will be held on site until a negative result has been received, then returned to the range or shipped to BLM preparation\holding facilities.

Table II shows the estimated current wild horse population, proposed removal, and release numbers:

Table II

HMA	Estimated 2002 Population	Estimated #s to Remove	Estimated #s to Release
Rock Creek	1,926	1,476	450

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 gather goals 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. 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 I. Selection of capture techniques would be based on several factors such as the season of removal, condition of animals, herd health, and environmental considerations.

Alternative 2 (No Action)

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

III Affected Environment

Critical Elements of the Human Environment

The following critical elements of the human environment are not present or are not affected by the proposed action or Alternatives:

Areas of Critical Environmental Concerns

Cultural Resources - A cultural resources investigation by an archaeologist or an archaeological technician would be conducted prior to trap or holding facility construction. If cultural resources are found, an alternative site would be selected.

Environmental Justice

Farm Lands (prime or unique)

Flood Plains

Wild and Scenic Rivers:

Native American Religious Concerns - Various tribes and bands of the Western Shoshone have stated that federal projects and land actions could have widespread effects to their culture and religion because they consider the landscape as sacred and as a provider. However, the proposed action has a low potential to negatively impact any specific Native American religious aspect or Traditional Cultural Property. Native American consultation was deemed unnecessary at this time.

Paleontology

Wastes (hazardous or solid)

Water Quality (drinking/ground)

Recreation- Recreation within the area is dispersed and moderate. There are no developed recreation facilities or sites in the area. Recreation pursuits within the area include four-wheel driving, dirt bike riding, hunting, hiking, camping, fishing, mountain biking, backpacking, horseback riding, sightseeing, outdoor photography, nature study, rock hounding, wildlife and wild horse viewing, botanical studies and bird watching. The herd management area is located in an area "open" to off-road vehicle use, under the Elko Resource Management Plan (1987). In the adjacent WSA, vehicle use is "limited" to those routes identified during the wilderness inventory (limited to designated roads and trails).

Wild horse viewing is a recreation pursuit for many of the visitors to this area. Decreasing the appropriate management level of wild horses, and thereby increasing the number gathered, would decrease the opportunities for actually viewing a wild horse. However, the reduced numbers would decrease the pressure and impacts on public lands, especially within the riparian corridors.

No commercial or competitive Special Recreation Permit events occur within this area,

so there would be no conflicts between organized recreation events and wild horse management activities.

Wilderness-The southwestern boundary of the Rock Creek HMA adjoins the southeastern boundary of the Little Humboldt River Wilderness Study Area (WSA). No gathering activities would be conducted within the WSA. In addition, no gathering activities are expected to occur along the boundary of the WSA, although such activities would be permissible.

Bureau Specialists have further determined that the following resources, although present in the project area, are not affected by the proposed action: Lands, Geologic Resources, Forestry and Social and Economic Resources.

Resources Present and Brought Forward for Analysis:

Rock Creek Herd Management Area (NV-103)

The Rock Creek HMA is located in northwestern Elko County, approximately 80 air miles northwest of Elko, Nevada. The area is within the Columbia Plateau and Great Basin physiographic regions, characterized by a high, rolling plateau underlain by basalt flows covered with a thin loess and alluvial mantle. On many of the low hills and ridges that are scattered throughout the area, the soils are underlain by bedrock. Elevations within the HMA range from approximately 5,600 feet to 7,742 feet. Precipitation ranges from approximately 7 inches on the valley bottoms to 16 to 18 inches on the mountain peaks. Most of this precipitation comes during the winter months in the form of snow. Temperatures range from 100+ in the summer months to -15 in the winter. The area is also utilized by domestic livestock and numerous wildlife species. The Rock Creek HMA is bordered to the west by the Little Humboldt HMA and Owyhee HMA's to the north (both managed by the Elko Field Office).

Past capture data was used to determine typical animal colors and approximate percentage of frequency within the herd. The majority of horses exhibit the following colors: bay (28%), sorrel (26%), brown(12%) and black (12%) color patterns; however there are red roan (10%), blue roan (7%), chestnut (4%), and various other colors(1%).

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

Air Quality

The air-shed in the project area is a Prevention of Significant Deterioration (PSD) Class II,

which means temporary, moderate deterioration of air quality is allowed.

Vegetation, Soil, and Water

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

Soils that occur on fan piedmont remnants are moderately deep over a duripan and well drained. Soil textures are predominantly loams, with or without gravel and cobble. Wind and water erosion hazard are slight.

Mountain slopes range from 4 to 40 percent with elevations from 6,000 to 7,500 feet AMSL. Soil include stony loam, very gravelly, extremely gravelly loam and cobbly loam. These soils are shallow and well drained. Potential erosion from water ranges from slight to moderate and potential erosion from wind is slight.

Hill slopes range from 15 to 50 percent with elevations from 5,500 to 7,000 feet AMSL. Soil includes very gravelly loam and cobbly loam. These soils are shallow to moderately deep and well drained. Potential erosion from water ranges from moderate to high. Potential erosion from wind is slight. Fan piedmont remnants slopes range from 2 to 15 percent with elevations from 5,000 to 5,500 feet AMSL. Soil textures include loams, cobbly loams and gravelly loams. These soils are moderately deep and well drained. Permeability is moderately slow to moderate and runoff is medium. Potential erosion from water and wind are slight.

There are several perennial streams with the Rock Creek herd area, including Winters, Red Cow, Chino, Trout, and Big Cottonwood Creeks. Streams within the herd area were impacted by fires during 2001. Loss of vegetation has caused more overland flow and sediment delivery into several streams.

There are no known listed threatened, sensitive, or endangered plants in the proposed project area. However, three State of Nevada Listed Species have been identified as potentially occurring in the HMA (Appendix II).

Wildlife

Big Game Species: The allotment provides habitat for mule deer and pronghorn on a seasonal or yearlong basis.

Other Game and Nongame Species: There are approximately 350 species of vertebrate wildlife which occur in northeastern Nevada. The allotment provides habitat for many of these species on a seasonal or yearlong basis in association with aspen, sagebrush steppe, mountain brush and riparian habitat types.

Migratory Birds

On January 11, 2001 President Clinton signed the Migratory Bird Executive Order . This executive order outlines the responsibilities of Federal agencies to protect migratory birds. The United States has recognized their ecological and economic value to this country and other countries by ratifying international, bilateral conventions for the conservation of migratory birds. These migratory bird conventions impose substantive obligations on the United States for conservation of migratory birds and their habitats. The United States has implemented these migratory bird conventions through the Migratory Bird Treaty Act. President Clinton's Migratory Bird Executive Order directs executive departments and agencies to take certain actions to further implement the Migratory Bird Treaty Act. As defined in the executive order, "action" means a program, activity, project, official policy (such as a rule or regulation), or formal plan directly carried out by a Federal agency. The executive order further states that each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement, within 2 years, a Memorandum of Understanding (MOU) with the Fish and Wildlife Service that shall promote conservation of migratory bird populations. The term "action" will be further defined in this MOU as it pertains to each Federal agency's own authorities and programs.

A list of the migratory birds affected by the President's executive order is contained in 43 CFR 10.13. References to "species of concern" pertain to those species listed in the periodic report "Migratory Nongame Birds of Management Concern in the United States", priority migratory bird species as documented by established plans (such as Bird Conservation Regions in the North American Bird Conservation Initiative or Partners in Flight physiographic areas), and those species listed in 50 CFR 17.11.

The Proposed Action is located within or adjacent to aspen, montane shrub, montane riparian and sagebrush habitat types. The Nevada Partners in Flight Bird Conservation Plan identifies the following bird species associated with each of these ecotypes:

Aspen	Montane Riparian	Montane Shrub	Sagebrush
<u>Obligates:</u> see Monatane Riparian <u>Other:</u> Northern Goshawk Calliope Hummingbird Flammulated Owl Lewis's Woodpecker Red-naped Sapsucker Mountain Bluebird Orange-crowned Warbler MacGillivray's Warbler Wilson's Warbler	<u>Obligates:</u> Wilson's Warbler MacGillivray's Warbler <u>Other:</u> Cooper's Hawk Northern Goshawk Callipe Hummingbird Lewis's Woodpecker Red-Naped Sapsucker Orange-crowned Warbler Virginia's Warbler Yellow-breasted Chat	<u>Obligates:</u> None <u>Other:</u> Black Rosy Finch Black-throated Gray Warbler Callipe Hummingbird Cooper's Hawk Loggerhead Shrike Blue Grosbeak Vesper Sparrow MacGillivray's Warbler Orange-crowned Warbler Swainson's Hawk Western Bluebird	<u>Obligates:</u> Sage Grouse <u>Other:</u> Black Rosy Finch Ferruginous Hawk Gray Flycatcher Loggerhead Shrike Vesper Sparrow Prairie Falcon Sage Sparrow Sage Thrasher Swainson's Hawk Burrowing Owl Calliope Hummingbird <u>Other associated species:</u> Brewer's Sparrow Western Meadowlark Black-throated Sparrow Lark Sparrow Green-tailed Towhee Brewer's Blackbird Horned Lark Lark Sparrow

BLM Special Status Species

Based on consultation with Nevada Division of Wildlife regarding 1995 input submitted by the U.S. Fish and Wildlife Service and BLM file data, two threatened species, one candidate species, sixteen BLM sensitive species and six State of Nevada Listed Species have been identified as potentially occurring in the HMA on a seasonal or year long basis (Appendix II).

Visual Resources

Public lands within the herd management area are located within Visual Resource Management (VRM) Class IV with a small area around Scrapper Springs designated as Class III.

The Class III VRM objective is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the causal observer. Changes should repeat the basic elements found in the predominant natural features of the landscape. Changes caused by management activities may be evident and begin to attract attention, but these changes should remain subordinate to the existing landscape.

The Class IV VRM objective is to allow for management activities which involve major

modification of the existing character of the landscape. The level of contrast can be high—dominating the landscape and the focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements of the characteristic landscape.

The landscape consists of a gently rolling high desert plateau with low hills and ridges scattered throughout the area. Several streams with riparian habitat run through the area. Landscape colors include vegetative seasonal color variations of green, gray-green and light yellowish tan to brown; bands and small spots of green from the riparian vegetation; and blackened vegetation from the Buffalo Fire in summer 2001. Soil colors are light browns and tan. Vegetative texture is a fairly uniform composite of shrubs and grasses.

Man-made features in the area are mostly linear. These include bladed dirt roads, two-track roads/jeep trails, power lines and livestock fences. Other man-made features include water developments (guzzlers and cattle stockpounds) and corrals.

Visual resources are identified through the Visual Resource Management (VRM) inventory. This inventory consists of a scenic quality evaluation, sensitivity level analysis and a delineation of distance zones. Based on these factors, BLM-administered lands are placed into four visual resource inventory classes: VRM Class I, II, III and IV. Class I and II are the most valued, Class III represents a moderate value and Class IV is of the least value. VRM classes serve two purposes: (1) as an inventory tool that portrays the relative value of visual resources in the area, and (2) as a management tool that provides an objective for managing visual resources.

Invasive Non-Native Species

Noxious weed and invasive non-native species introduction and proliferation is a growing concern among local and regional interests. A noxious weed survey including invasive and non-native species in the Rock Creek HMA has been partially completed. This survey indicated that the following invasive weeds occur within the HMA:

<u>Scientific Name</u>	<u>Common Name</u>
<i>Cirsium vulgare</i>	Bull thistle
<i>Cardaria draba</i>	Hoary cress
<i>Onopordum acanthium</i>	Scotch thistle
<i>Cirsium arvense</i>	Canada thistle
<i>Hyoscyamus niger L.</i>	Black henbane

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

Livestock Grazing

Ellison Ranching Co. controls the base property for the Spanish Ranch Allotment and leases the livestock permit for the Squaw Valley Allotment from Barrick Goldstrike Co., the lease is due to expire on 06/01/03. Cattle, sheep, and domestic horses are authorized to be grazed within Squaw Valley Allotment, while cattle and sheep are authorized to graze in Spanish Ranch Allotment. Domestic horses are **not** authorized to graze within or adjacent to the Rock Creek HMA boundary. Authorized use within the Squaw Valley and Spanish Ranch Allotments is 22,620 AUMs and 21,491, of which no more than 4,826 AUMs and 208 AUM can be sheep use respectfully. Due to wildland fires from 2001, 4,176 AUMs and 710 AUMs have been temporarily suspended from Squaw Valley and Spanish Ranch Allotments respectfully.

Wild Horses

Wild horses are introduced species within North America and have few natural predators. Few natural controls act upon wild horse herds making them very competitive with native wildlife and other living resources managed by the Bureau. Wild horses have been shown to be capable of 15 to 25% increases in numbers annually. This can result in a doubling of the population about every 3 years. In the Rock Creek HMA, wild horse population growth rates (percentage of foals <1) have been verified as high as 20%. Estimated herd populations for the Rock Creek HMA as determined from post and current gather data, census, seasonal distribution, and ground observations are as follows:

<u>HMA</u>	<u>Estimated Summer 2002 Population</u>
Rock Creek	1,926

Sex ratios for wild horses within the Rock Creek HMA are representative of other HMA's in the EFO and the West at large. At birth, sex ratios are roughly equal. This balance shifts to favor mares throughout the younger age classes. This pattern shifts again at around 15 years of age favoring studs.

IV Environmental Consequences (Proposed Action & Alternatives)

Air Quality

The most significant impacts to air quality would be moderate increases in noise, dust, and combustion engine exhaust generated by mechanical equipment. Impacts would be temporary, small in scale, and dispersed throughout the proposed capture. Impacts would be kept to a minimum by following the standard operating procedure listed at 5. A above.

Alternative 1/No Action - The air quality would be the same as described in the affected environment section.

Vegetation, Soil, and Water

Proposed action- would reduce the wild horse population to 450 animals in the Rock Creek HMA which would promote the movement to obtainment of a thriving natural ecological balance. The proposed action would result in a temporary improved forage availability, vegetation density, vigor, plant reproduction, desired plant community, productivity, and meeting stated resource objectives.

There would be increased soil compaction near the trap site, holding and processing facilities from concentration of horses and vehicle traffic. Compaction impacts would be greatest when soils are moist, and on the soils with few surface coarse fragments. Biological soil crusts may be destroyed at the trap site where soils are severely trampled. If the trap site is located on the fan piedmont remnant soils, which it likely would be, there would be little accelerated water erosion. Wind erosion would be a problem if the gather occurs when the soils are dry and are more susceptible to blowing. Water could be used at the trap site to reduce fugitive dust emissions.

Once the horses are removed from the burned area, the vegetation should reestablish which will provide cover to protect the soils from further accelerated wind and water erosion.

Impacts to vegetation under implementation of the proposed action 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.

Following horse removal, the vegetation would reestablish and streambanks would stabilize. Runoff would be reduced. Water quality would improve with less bare soil exposed to runoff. Improved vegetative cover would trap sediment.

Alternative 1/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

desired plant communities would be impossible. Competition with livestock and wildlife populations for available forage would accelerate.

Wildlife/Migratory Birds/BLM Special Status Species

Proposed Action - Implementation of the Proposed Action would result in reduced competition with wildlife species which would increase the quantity and quality of available forage and cover on sagebrush steppe, mountain brush and riparian habitat types. It would help to provide improved habitat conditions for BLM Special Status Species and migratory birds. In the case of raptors that are BLM Special Status Species, the proposed action would help to provide improved habitat for prey species. 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 LCT and interior redband trout streams for a sustained period of time.

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

Alternative 1/No Action- The wild horse numbers would continued to grow and competition with wildlife for water and forage resources would intensify. Wild horses are known to be aggressive around water sources, some wildlife species may not be able to compete for available water. The continued competition for resources may lead to increased stress and possible displacement or death of native wildlife species.

Visual Resources

Proposed Action- The proposed wild horse gather activities and the installations and vehicles associated with such would temporarily intrude on the visual resources of the area for the duration of the wild horse gather. These effects would include installation of temporary trap sites, corrals and holding and processing facilities; helicopter and wrangler herding and/or roping; penning and processing of animals; and vehicle traffic and transport of animals. These activities and facilities, especially the use of the helicopter, would dominate the local landscape during gather activities. Facilities would introduce angular lines which would create moderate contrasts with the landscape. Installation of temporary corrals, holding facilities, etc. would increase the number of man-made developments in the area, thereby creating more linear and angular features which would create moderate contrasts with the landscape. Gather activities may cause damage to and/or removal of vegetation and exposure of soils that would create low to moderate contrasts and disturbances in landscape color and texture. These activities and uses would not be long-term or permanent, though, and most of the traps and corrals would be located in previously disturbed areas. After the completion of the gather, all facilities associated

with the gather would be removed and there would be little evidence of such. There would be no permanent changes to the landscape. VRM Class III and IV objectives would be met.

The proposed action of removing more than one thousand wild horses would help to reduce the accumulation of impacts of wild horses on vegetative resources within the HMA, which would enhance visual resources. These impacts are especially visible in areas where wild horse activity is concentrated, such as watering sites and along the riparian areas, and create moderate contrasts with linear lines and disturbances in landscape color and texture. Impacts include wild horse use trails, tracks, manure, grazed and trampled vegetation and bare and/or disturbed concentrated use zones.

The visual resources of the area already are affected by the presence and evidence of livestock grazing throughout the allotment. Range improvements, their access roads and livestock management activities already create moderate contrasts with linear lines and disturbances in landscape color and texture. These effects are especially visible in areas where livestock activity is concentrated, such as salt licks, watering sites and along riparian areas and roads. The grazing permittee/lessee in the area already has decreased the number of livestock grazing; however, the evidences of livestock management activities still remain. These evidences are visible throughout the year and include cattle use trails, tracks, manure, grazed and trampled vegetation, bare and/or disturbed concentrated use zones and range improvements, such as fences.

Alternative 1/ No Action-The wild horse gather would not take place. There would be no temporary impacts related to the Proposed Action.

Invasive Non-Native Species

Proposed Action- Implementation of the proposed action would reduce the impact of noxious/invasive weed expansion due to over grazing. The reduction in invasive/noxious weed seed movement would promote the movement to obtainment of a thriving natural ecological balance. Invasive/noxious weed impacts associated with the Proposed Action include potential importation or transportation of new species of weeds to the Rock Creek HMA 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 1/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 invasive/noxious weeds.

Livestock Grazing

Proposed Action-A reduction in wild horses would lead to less competition between cattle and wild horses for water and forage resources. During the proposed gather, livestock could be displaced or disrupted from their normal distribution patterns. Gates may be opened and fences cut to facilitate the gathering of wild horses. These improvements would be closed or repaired as soon as possible to alleviate any unwanted livestock movements.

Alternative 1/No Action- There would continue to be competition with wild horses for water and forage resources. Livestock operations may be impacted as wild horse numbers continue to climb and the range becomes unable to be managed to meet multiple use objectives tied to desired plant communities.

Wild Horses

Proposed Action- A reduction in wild horse numbers within the HMA would improve overall herd health. Less competition for forage and water resources would reduce stress and promote healthier animals. Impacts to wild horses under the Proposed Action 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. 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. 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 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, 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.

Alternative 1/No Action- The horses would not be removed from the HMA. 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".

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 would reduce the wild horse population to 450 animals in the Rock Creek HMA 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 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 Rock Creek HMA wild horses.

These impacts would be expected to be marked by changes occurring slowly over time. The EFO 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 a population of 450 animals, 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.

The removal of wild horses would slow the accumulation of effects from continued use of the area by wild horses and livestock.

Under the No Action Alternative, with the continuation of grazing, impacts from wild horse use would continue to accumulate. With this accumulation, the effects to visual resources may increase.

Other cumulative impacts within the area include: proliferation of motorized vehicle routes, generally for hunting and other recreational activities, and livestock use.

VI Consultation and Coordination

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.

Additional mitigation measures are not warranted.

List of Preparers

Bryan Fuell	Wild Horse and Burro Specialist
Chris Robbins	Rangeland Management Specialist
Tyson Gripp	Rangeland Management Specialist
Kathy McKinstry	Natural Resource Specialist
Karl Scheetz	Sup. Rangeland Management Specialist Environmental Coordinator
Ken Wilkinson	Wildlife, Migratory Birds, BLM Special Status Species
Carol Marchio	Air Quality, Floodplains, Soils, and Water Quality
Julie Palette	Visual Resource Management/Recreation
Bryan Hockett	Cultural Resources
Mark Coca	Noxious Weeds
Gerald Dixon	Native American Religious Concerns

Persons, Groups, and Agencies Consulted

- American Horse Protection Assoc.
- American Mustang & Burro Assoc.
- The Fund for Animals, Inc
- Animal Protection Institute
- Anna Charlton-Rutgers Law School

- Colorado Wild Horse and Burro Coalition
- Elko County Commissioners
- Wild Horse Spirit
- Nevada Commission for the Preservation of Wild Horses
- Craig Downer
- Donald Molde, MD
- Te-Moak Tribe of Western Shoshone
- HSUS
- International Society for the Protection of Mustangs & Burros
- Kathryn Cushman
- Western Shoshone Historic Preservation Society
- National Mustang Assoc.
- Natural Resources Defense Council
- Nevada State Clearing House
- Nevada Outdoor Recreation Association
- Nevada State Dept. of Agriculture
- Nevada Woolgrowers Association
- Nevada Farm Bureau Federation
- Nevada Humane Society
- Nevada Cattleman's Association
- Resource Concepts Inc.
- Save the Mustangs
- Sharon Crook
- Sierra Club
- Steven Fulstone
- Tina Nappe
- US Fish and Wildlife Service
- Nevada Department of Wildlife
- Wild Horse Organized Assistance
- Ellison Ranch Company
- Agri Beef Co.
- Hammond Ranches
- Nel Mori
- Barrick Goldstrike Co.
- People for the USA
- Western Exploration Inc.
- Dean Rhoads

APPENDIX I

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 HA following gather operations may be held up to 21 days or as directed by the BLM. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being

conducted except as specified by the BLM. The Contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the BLM. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the BLM.

11. The BLM will issue a Notice of Intent to Impound Unauthorized Livestock prior to all gathers. Branded or privately owned animals whose owners are known will be impounded by BLM, and if not redeemed by payment of trespass and capture fees, will be sold at public auction. If owners are not known, the private animals will be turned over to the State for Processing under Nevada estray laws.

E. Motorized Equipment

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

horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the BLM.

5. Floors of tractors- trailers, stock trailers, and the loading chute shall be covered and maintained with wood shavings to prevent the animals from slipping.
6. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the BLM and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The following minimum square feet per animal shall be allowed in all trailers:
 - 11 sq. ft. per adult horse (1.4 linear ft. in an 8ft. wide trailer);
 - 8 sq. ft. per adult burro (1.0 linear ft. in an 8ft. wide trailer);
 - 6 sq. ft. per horse foal (.75 linear ft. in an 8ft. wide trailer);
 - 4 sq. ft. per burro foal (.50 linear ft. in an 8ft wide trailer);
7. Prior to any gathering operations, the BLM will provide for a pre-capture evaluation of existing conditions in the gather areas. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine the level of activity likely to cause undue stress to the animals, and whether such stress would necessitate a veterinarian be present. If it is determined that capture efforts necessitate the services of a veterinarian, one would be obtained before capture would proceed. The Contractor will be appraised of all the conditions and will be given directions regarding the capture and handling of animals to ensure their health and welfare is protected.
8. If the BLM determines that dust conditions are such that animals could be endangered during transportation, the Contractor will be instructed to adjust speed.
9. Trap sites will be located to cause as little injury and stress to the animals, and as little damage to the natural resources of the area, as possible. Sites will be located on or near existing roads. Additional trap sites may be required, as determined by the BLM, to relieve stress caused by specific conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.).

F. Animal Characteristics and Behavior

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

G. Public Participation

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

H. Responsibility and Lines of Communication

The Contracting Officer's Representative, Bryan Fuell, and assigned Project Inspectors from Elko 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 Elko 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.

Appendix II

Threatened, Endangered, Candidate, State of Nevada Listed and BLM Sensitive Species of Plants and Animals Documented or Potentially Occurring on the Rock Creek HMA on a Seasonal or Year-long Basis (as of December 15, 1999¹).

COMMON NAME	SCIENTIFIC NAME
Federally Endangered Species	
None	None
Federally Threatened Species	
Lahontan cutthroat trout	<i>Oncorhynchus clarki henshawi</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
Federal Candidate Species	
Columbia spotted frog	<i>Rana luteiventris</i>
State of Nevada Listed Species ^{2,3}	
golden eagle ⁴	<i>Aquila chrysaetos</i>
burrowing owl ⁴	<i>Athene cunicularia</i>
ferruginous hawk	<i>Buteo regalis</i>
Swainson's hawk	<i>Buteo swainsoni</i>
northern goshawk	<i>Accipiter gentilis</i>
spotted bat	<i>Euderma maculatum</i>
Nevada BLM Sensitive Species ³	
<i>Mammals</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>
Yuma myotis	<i>Myotis yumanensis</i>
pale Townsend's big-eared Bat	<i>Plecotis townsendii pallescens</i>
Pacific Townsend's big-eared bat	<i>Plecotis townsendii townsendii</i>
Prebles shrew	<i>Sorex pleblei</i>
<i>Birds</i>	

western sage grouse ⁴	<i>Centrocercus urophasianus</i>
mountain quail	<i>Oreortyx pictus</i>
Fishes	
interior redband trout ⁴	<i>Onchorhynchus mykiss gibbsi</i>
Plants	
grimy ivesia ⁴	<i>Ivesia rhypara var. rhypara</i>
Packard stickleaf ⁴	<i>Mentzelia packardiae</i>
meadow pussytoes	<i>Mentzelia packardiae</i>

¹ Based on input provided by BLM, Nevada Division of Wildlife, and U.S. Fish and Wildlife Service in BLM Instruction Memorandum No. NV-98-013 (February 27, 1998). BLM Elko Field Office input provided for BLM Instruction Memorandum No. NV-98-013 was entitled "Former Candidate Category 2 Species On Or Suspected On Elko District -BLM Lands Recommended As BLM Sensitive Species As Of 5/96". Information: Per October 25, 1999 Federal Register, peregrine falcon is no longer listed as a threatened species, and, in effect, is no longer "listed".

² Per wording for Table IIa. in BLM Instruction Memorandum No. NV-98-013 for Nevada State Protected Animals That Meet BLM's 6840 Policy Definition: Species of animals occurring on BLM-managed lands in Nevada that are: (1) 'protected' under authority of Nevada Administrative Codes 501.100 - 503.104; (2) also have been determined to meet BLM's policy definition of "listing by a State in a category implying potential endangerment or extinction"; and (3) are not already included as BLM Special Status Species under federally listed, proposed, or candidate species.

³ Nevada BLM policy is to provide State of Nevada Listed Species and Nevada BLM Sensitive Species with the same level of protection as is provided for candidate species in BLM Manual 6840.06C.

⁴ Documented on or within the HMA.

Definitions

Threatened Species: Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Candidate Species: Plant and Animal taxa considered for possible addition to the List of Endangered and Threatened Species.

BLM Sensitive Species: Species that are currently 1.) Under status review by the U.S. Fish and Wildlife Service; or 2.) whose numbers are declining so rapidly that Federal listing may become necessary; or 3.) With typically small and widely dispersed populations; or 4) those inhabiting ecological refugia or other specialized or unique habitats.

State of Nevada Listed Species: Only those State-protected animals that have been determined to meet BLM's Manual 6840 policy definition (shown above).

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

**ROCK CREEK HERD MANAGEMENT AREA
EMERGENCY WILD HORSE GATHER AND REMOVAL**

BLM/EK/PL-2002-032

Decision

It is my decision to select the Proposed Action as described in the Rock Creek Herd Management Area (HMA) Emergency Capture Plan Environmental Assessment, BLM/EK/PL-2002-032.

The Proposed Action is to gather all wild horses within the Rock Creek HMA and reduce the population to 450 wild horses due to drought. Approximately 1,926 wild horses within the HMA would be captured and approximately 1,476 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. As part of the herd health analysis a ELISA test would be conducted by a veterinarian on all animals. This determination will be completed to ensure that the wild horses within the Rock Creek HMA have not been infected with Equine Infectious Anemia (EIA). All animals will be held on site until a negative result has been received, then returned to the range or shipped to BLM preparation\holding facilities.

This decision incorporates the Standard Operating Procedures identified in Appendix I of the Rock Creek HMA Emergency Capture Plan EA, as stipulations.

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 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

This action will allow for the gather and removal of wild horses within the Rock Creek HMA. The forage/water situation for the wild horses in this HMA, is becoming critical. Resource conditions and animal health are currently being adversely affected by severe drought conditions in the northwest portion of the Elko District. Drought conditions prevent the production of adequate forage to sustain the number of animals currently in the HMA, through the remainder of the year and especially the

coming winter. To prevent resource degradation and animal stress, an emergency gather would be initiated. The proposed action will prevent death by starvation/dehydration of a substantial number of wild horses.

No Action Alternative was not selected because it would not allow for the removal of wild horses and would allow for the potential death and suffering of a substantial number of wild horses.

The proposed action is in conformance with the objectives of the Elko Resource Management Plan and is consistent with Federal, State and local laws, regulations and plans to the maximum extent possible.

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in Environmental Assessment BLM/EK/PL-2002-032, I have determined that the 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 Rock Creek HMA Emergency 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:

Clint Oke, Assistant Field Manager
Bureau of Land Management
Elko Field Office
3900 East Idaho Street
Elko, NV 89801

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.

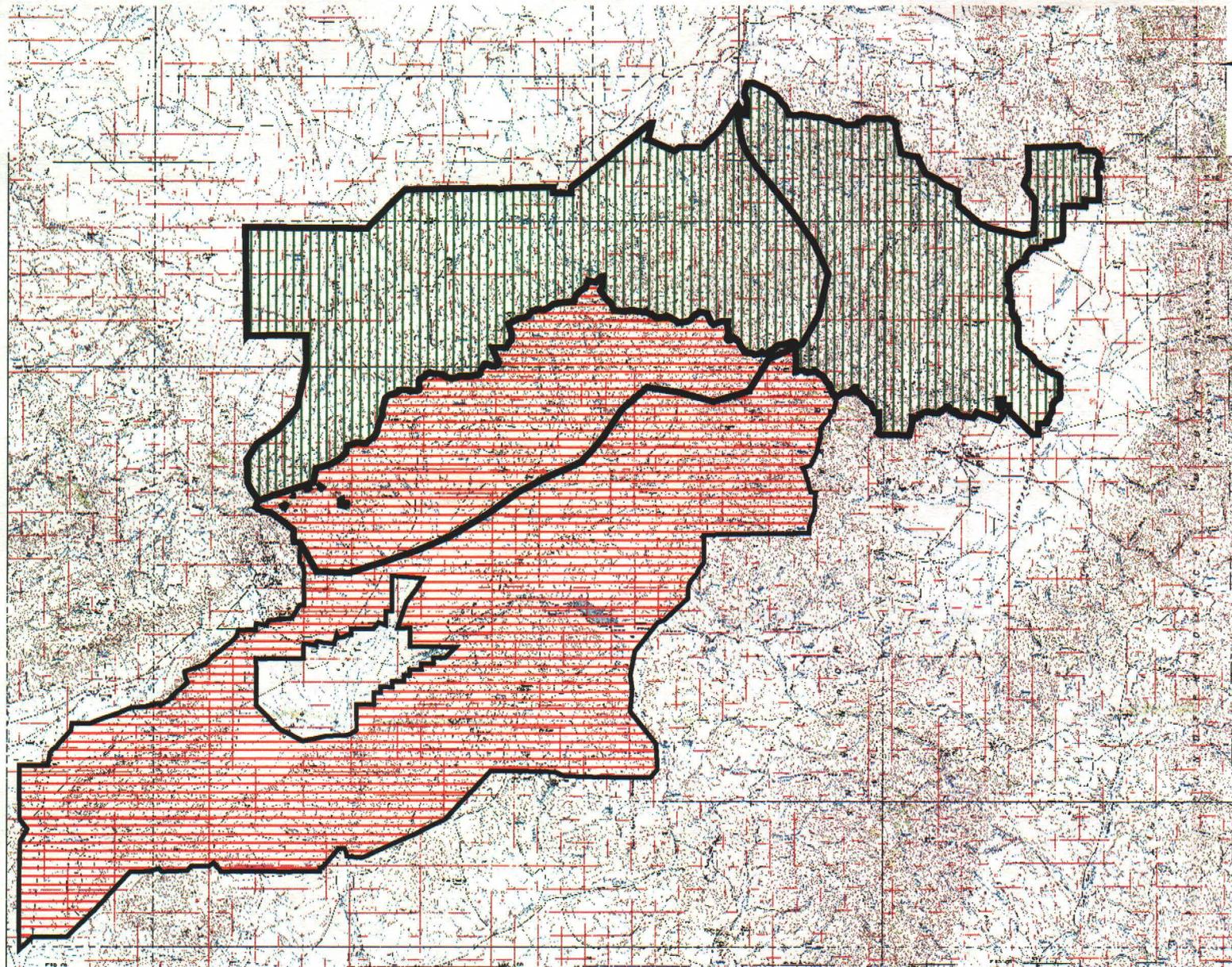


CLINTON R. OKE
Assistant Field Manager
Renewable Resources



DATE

MAP 1



10 0 10 20 Miles

-  Rock Creek HA
-  Spanish Ranch Allotment
-  Squaw Valley Allotment



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801
<http://www.nv.blm.gov/Elko/>

9/7/01
RECEIVED
D. C. H. R.
OFFICE OF THE DIRECTOR
2001 SEP 13 AM 10:52

In Reply To:
4700(NV-010)

SEP 7 2001

Dr. David Thain
State Veterinarian
350 Capitol Hill Avenue
Reno, NV 89502

*Rode Creek
HMA*

Dear Dr. Thain:

On behalf of the Bureau of Land Management (BLM), Elko Field Office, I would like to express our sincere appreciation for your advice and consultation on a possible occurrence of Equine Infectious Anemia (EIA) in northeastern Nevada.

We appreciated greatly your willingness to participate in several conference calls with our office and with the involved BLM permittee. Your technical and veterinarian expertise were essential to the discussions. Fortunately, this is not an issue that BLM deals with on any frequency. The information you provided about how the disease is transmitted, conditions and situations most conducive to transmission, and your expert opinion on the likelihood of transmission of the disease from domestic to wild horses were of key assistance to our office.

We also value the promptness and candor you exhibited in sharing information about previous occurrences of EIA in northeastern Nevada and the past and present actions taken by your office in this regard. We salute your professionalism, significant assistance, and technical advice to the Elko Field Office.

Sincerely,

Helen M. Hankins
Field Manager

cc:

State Director, (NV-910)
The Honorable Kenny Guinn