



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office

3900 East Idaho Street

Elko, Nevada 89801-0611

<http://www.nv.blm.gov>

In Reply Refer To:
4720.1 (NV-012)

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

JUN -8 2000

MANAGEMENT ACTION: The action is to gather and remove approximately 400 wild horses from the Dry Creek Pasture of the Owyhee Herd Management Area (HMA). Approximately 550 wild horses will remain in two other pastures in the Owyhee HMA. The action would implement the Proposed Action of Environmental Assessment BLM/EK/PL-2000-026, Owyhee HMA Wild Horse Emergency Gather, dated June 8, 2000.

BACKGROUND INFORMATION: The water resources in the Dry Creek Pasture have been closely monitored since November, 1999. The scant snowfall over the winter of 1999-2000, provided no recharge for the pit reservoirs which are scattered throughout the pasture. These pit reservoirs normally provide livestock and wild horses with water through the summer months. As a result of the dry reservoirs, approximately 300 wild horses have been watering at Bookkeeper Spring in the southwestern portion of the pasture and an additional 100 horses have been watering at a small water gap at the Desert Ranch Reservoir in the northeastern portion of the pasture. The water in the reservoir is expected to soon drop to a level that results in no water being released. This in turn means that no water will be flowing through the water gap below the reservoir.

Bookkeeper Spring was flowing at 5.5 gallons per minute (gpm) in April, 2000; 2.2 gpm in May, 2000; and has dropped to no measurable flow in June, 2000. The daily requirement of the horses dependent on the spring is approximately 8,000 gallons per day. The spring is no longer able to meet this requirement and several hundred wild horses are now in danger of death due to dehydration. Due to the emergency nature of these conditions, it is necessary to implement this decision immediately for the protection of wild horses in the Owyhee HMA.

DECISION: Enclosed is the Decision Record, Finding of No Significant Impact and the Environmental Assessment (EA#BLM/EK/PL-2000-026) which analyzes the impacts of removing wild horses within the Dry Creek Pasture of the Owyhee HMA. Given the information contained in these documents, it is my decision to gather and remove approximately 400 wild horses from the Dry Creek Pasture of the Owyhee HMA and leave approximately 550 wild horses in the Star Ridge and Chimney Creek Pastures of the Owyhee 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 and supervised by a Contracting Officer's Representative. It is estimated that 2 trap locations will be required.

DATES: The action is scheduled to begin on June 12, 2000, and will likely be fourteen days in duration.

LOCATION: The action will occur in the Dry Creek Pasture of the Owyhee 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. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

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

APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Western Region, U.S. Department of the Interior, Federal Building, Suite 6201, 125 S. State Street, Salt Lake City, UT 84138-1180, and (3) Elko Field Office, 3900 E. Idaho Street, Elko, NV 89801. The original documents should be filed with this office.

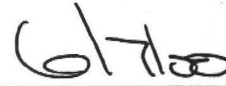
If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of a decision pending appeals shall show sufficient justification based on the following standards:

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 Kathy McKinstry of my staff, at (775) 753-0290 or write to the above address.



CLINTON R. OKE
Assistant Field Manager
Renewable Resources



DATE

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

**OWYHEE HERD MANAGEMENT AREA
EMERGENCY WILD HORSE GATHER AND REMOVAL**

BLM/EK/PL-2000-026

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in Environmental Assessment BLM/EK/PL-2000-026, I have determined that the action will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared.

Decision

It is my decision to approve the emergency gather and removal of wild horses from the Dry Creek Pasture of the Owyhee Allotment and Herd Management Area (HMA) as described in the proposed action of BLM/EK/PL-2000-026. Each of the Standard Operating Procedures described in the Proposed Action will be strictly followed.

Monitoring

The monitoring described in the proposed action of BLM/EK/PL-2000-026 is sufficient for the proposed action.

Rationale

This action will allow for the gather and removal of wild horses within the Dry Creek Pasture of the Owyhee Allotment and HMA. The water situation for the wild horses in this pasture, approximately 400, has become critical. The proposed action will prevent death by dehydration of a substantial number of wild horses.

The Water Hauling Alternative was not selected because it is not feasible for the BLM to haul water to 400 wild horses in an extremely remote location. 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.



CLINTON R. OKE
Assistant Field Manager
Renewable Resources



DATE

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

ELKO FIELD OFFICE

OWYHEE HERD MANAGEMENT AREA

**WILD HORSE REMOVAL PLAN AND ENVIRONMENTAL ASSESSMENT
DROUGHT EMERGENCY**

2000

CHAPTER I - INTRODUCTION/PURPOSE AND NEED

Introduction

The Owyhee Herd Management Area (HMA) is located in the extreme northwestern portion of Elko County, Nevada and it encompasses over 300,000 acres of public land. The Owyhee HMA is bordered to the west by the Little Owyhee HMA (managed by the Winnemucca Field Office) and the Little Humboldt and Rock Creek HMAs to the south. All of these HMAs have healthy populations of wild horses and although there are fences between HMAs, wild horses manage to do some mixing between HMAs.

The Owyhee Herd Management Area (HMA) sustained a 110% increase in its wild horse population between 1995 and 1997 and an 85% increase in numbers between 1997 and 1999. It is not clear if this increase can be attributed to immigration from neighboring HMAs or if horses were undercounted in previous census flights. Regardless of the cause for the large increase in numbers, the Owyhee HMA wild horse population is currently over 766. For many years, the Owyhee Desert was able to support wild horse numbers in the 100's and 200's, in fact, there is documentation of water emergencies in 1977 and 1992. However, the number of horses at these times were 136 and 110, respectively, for the entire HMA. The Owyhee Desert's water resources simply cannot support over 700 wild horses.

While the increase in wild horse numbers has been taking place, the Owyhee Desert has been experiencing drought conditions. In November 1999, the Bureau of Land Management (BLM) was alerted to the extremely dry conditions in the Dry Creek Pasture of the Owyhee Allotment. The BLM found over 100 head of wild horses attempting to suck water from what was basically a mud hole. The BLM employed a helicopter in an attempt to move the horses to better water. It is not known how long the horses stayed near the better water source at Bookkeeper Spring (see Map 1 for location of Bookkeeper Spring and the Dry Creek Pasture), but the Spring of 2000 has again brought the same water concerns.

Snowpack on the Owyhee Desert was non-existent during the winter of 1999-2000. Man-made reservoirs which normally fill up to capacity from the snowpack, are currently at 30-40% of their capacity. Many of the reservoirs were completely empty in mid-March and have no chance of filling up now. The critical water shortage is in the Dry Creek Pasture of the Owyhee HMA. In the Star Ridge Pasture, wild horses are able to obtain water at the pipeline crossing on the South Fork of the Owyhee River. In the Chimney Creek Pasture, horses are able to water at the Desert Ranch Reservoir which is a reservoir with private water rights. There were approximately 276 wild horses counted in the Dry Creek Pasture in November 1999. Field visits to Bookkeeper Spring throughout the months of April, May and June of 2000 indicates that approximately 350 to 400 wild horses are dependent on the spring for water. Bookkeeper Spring normally produces enough water early in the spring to form an ephemeral creek which often flows for several miles. Aerial and field observations indicate that the spring was producing 5.5 gpm in April, 2.2 gpm in May and is not producing enough water to measure at the present time.

The needs of the wild horses is approximately 8,000 gallons in a 24 hour period. As of June 7, 2000 the spring is not producing nearly enough water to meet the demands of the horses.

There are an additional 100 to 150 head of wild horses in the northeastern portion of the Dry Creek Pasture. These horses are obtaining water at the water gap at the Desert Ranch Reservoir. This water will only last through the haying season, and will not flow below the dam.

The livestock operator on the Owyhee Allotment is Agri-Beef Company. The ranch manager of the IL Ranch foresaw drought conditions in March of 2000 and leased pasture for 50% of the livestock herd that is licensed to be in the Dry Creek Pasture. In early April, the ranch removed livestock and trucked them to the leased pasture.

Approximately 700 cow/calf pairs remained in the Dry Creek Pasture with the ranch hauling water to the livestock approximately five miles from Bookkeeper Spring. The manager began having concerns over the forage conditions in the Dry Creek Pasture in late May and in conjunction with the BLM, decided to remove all remaining livestock from the pasture. The Dry Creek Pasture should be clean of livestock by June 12, 2000. Normally, the permittee is scheduled to be in the Dry Creek Pasture until August 15, 2000. The Dry Creek Pasture will be rested from livestock grazing until February, 2002.

The Owyhee Allotment Evaluation is scheduled to be issued by the end of July, 2000. The draft evaluation has analyzed the available data and an appropriate management level (AML) has been identified for wild horses. Preliminary data indicates that within the Dry Creek Pasture the wild horse AML is 73 adult wild horses. Within the Star Ridge and Chimney Creek Pastures AML is 104 and 33 adult wild horses, respectively, for a total of 210 wild horses within the HMA. Initially, it was proposed to leave the AML within the Dry Creek Pasture, however, recent field observations have shown the water situation to be more critical than previously thought. Because of the complete lack of water within the Dry Creek Pasture, the gather will remove all horses from the pasture. The Owyhee HMA is scheduled for a gather in 2002. At that time, wild horses from the Star Ridge and Chimney Creek Pastures would be relocated to the Dry Creek Pasture, if they haven't already naturally re-populated the pasture. The pasture will be rested from livestock grazing until February 2002.

Purpose and Need

The proposed action is to gather and remove wild horses in the Dry Creek pasture of the Owyhee Allotment and HMA. Approximately 569 wild horses would remain in other pastures of the Owyhee HMA.

The purpose of this capture/removal plan is to outline the methods and procedures to be used in the capture/removal process and to discuss the disposition of the older unadoptable horses removed from the area.

The need for this action is to prevent the death of several hundred wild horses through

dehydration and to allow the water and forage resources a chance to recover.

The wild horse gather would be conducted by the Bureau of Land Management (BLM) Elko Field Office through the use of the Great Basin Wild Horse and Burro Gather Contract. The removal operation would begin after issuance of the final gather plan and environmental assessment by the Elko Field Office.

The proposed action(s) would: (1) prevent the death of several hundred wild horses and (2) prevent further deterioration of a Category 1 watershed now threatened by an overpopulation of wild horses.

Land Use Plan Conformance Statement

The proposed action and alternatives described below are in conformance with the Elko Resource Management Plan (RMP), Issue Wild Horses, management prescriptions 1 and 3 and are consistent with Federal, State and local laws, regulations, and plans to the maximum extent possible.

Relationship to Planning

The Elko Field Office has prepared several environmental assessments which address the capture and removal of wild horses. The Owyhee HMA was last gathered in the winter of 1981. There was an environmental assessment prepared at that time (EA# NV-010-0-19), but due to the age of that document, this environmental assessment is being prepared.

The capture area is not covered by a herd management area plan (HMAP). IBLA has ruled "...that it is not necessary that BLM prepare an HMAP as a basis for ordering the removal of wild horses, so long as the record otherwise substantiates compliance with the statute. Indeed, 43 CFR 4710.3-1 does not require preparation of an HMAP as a prerequisite for a removal action. Thus, we are not persuaded that preparation of an HMAP must in all cases precede the removal of wild horses from an HMA/WHT, and decline to order preparation of HMAP's." (IBLA 88-591, 88-638, 88-648, 88 679, at 127).

The removal also implements the Strategic Plan for Management of Wild Horses and Burros on Public Lands, issued on 6/92; U.S. Department of the Interior, Bureau of Land Management. The Strategic Plan states that only animals between the ages of 1 and 3 years should be removed. However, current National and Nevada policy is to remove animals up to nine years of age from HMAs and from horse free areas, and to adjust the removal criteria somewhat in cases of emergency.

CHAPTER II - PROPOSED ACTION AND ALTERNATIVES

PROPOSED ACTION

The proposed action is a Bureau initiated action which would be carried out by a

contractor. The proposed action is to gather and remove wild horses found within the Dry Creek Pasture of the Owyhee HMA and Owyhee Allotment.

At the completion of the gather, no wild horses would remain in the Dry Creek Pasture. In 2002, another gather plan and environmental assessment would be prepared to analyze the environmental impacts of that scheduled gather. This future EA would analyze the impacts of relocating wild horses into the Dry Creek Pasture from the Star Ridge and Chimney Creek pastures. At that time the population model would be run to determine which horses should be relocated into the pasture with an age distribution as close as possible to "normal".

Those horses that are determined to be suitable for the adoption program would be prepared at Palomino Valley Corrals (PVC) and placed into the national adoption program. Mares and studs age 10 and over would be placed into a pasture like setting or "long-term holding" facilities to live out their days. Horses within the ages of 6-9 would be targeted for gelding (in the case of the studs), training, and eventually the adoption program. Horses within the ages of 1-5 would be placed directly into the adoption program after being prepared at PVC.

Time and Method of Capture

The water resources in the Dry Creek Pasture are being carefully monitored as is the condition of the wild horses in the pasture. A gather would have to commence before the horse's condition begins to deteriorate. The purpose of the proposed action is to alleviate pain and suffering of the animals and ultimately to prevent the death of several hundred horses. After a monitoring flight on June 7, 2000, it was decided that the water at Bookkeeper Spring would not last more than a few days, and a gather operation needed to begin as soon as possible.

The method of capture would be to use a helicopter to herd the animals to portable wing traps. It is the intention of the BLM to conduct the removal through a private contractor under the current requirements contract. At least one qualified Bureau employee would be supervising the capture operation and one Bureau employee would be supervising the sorting and shipping operations at all times. It is estimated that 2 trap locations would be required to accomplish the work.

The terrain in the proposed removal area consists of flat desert with a few rolling hills. Annual precipitation is approximately 8 inches per year, occurring during November, December and January. Average daytime high temperatures range from 75-95 degrees F.

Administration of the Contract

BLM would be responsible for overseeing a contract for the capture, care, aging and temporary holding of approximately 400 wild horses from the capture area. BLM would also be responsible to oversee the transportation of the wild horses to the adoption

preparation facility as specified in the removal contract, which is expected to be PVC.

Within two weeks prior to the start of the contract, BLM would conduct a pre-capture evaluation of existing conditions in the capture area. The evaluation would include animal condition, prevailing temperatures, soil conditions, topography, road conditions, locations of fences and other physical barriers, and animal distribution in relation to potential trap locations.

The contractor would be briefed on duties and responsibilities before the notice to proceed is issued. There would also be an inspection of the contractor's equipment at this time to ensure that it meets specifications and is adequate for the job. Any equipment that did not meet specifications would be replaced within 36 hours. The contractor would also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations, motorized equipment limitations, and the presence of fences and other dangerous barriers. The contractor would be provided with a topographic map of the capture area which shows acceptable trap locations and existing fences and/or physical barriers prior to any gathering operation. The contractor would also be apprised of the existing conditions in the capture area and would be given direction regarding the capture and handling of animals to assure their health and welfare is protected.

At least one authorized BLM employee, a Contracting Officer's Representative (COR) or Project Inspector (PI), would be present at the site of captures/removals. The COR/PI would be directly responsible for the capture/removal. Other BLM personnel may be needed to assist the operation (i.e., an archaeologist or an archaeological technician to conduct cultural inventories, and a BLM law enforcement agent to protect BLM personnel and property from unlawful activities).

The CORs/Pis would be directly responsible for the conduct of the capture/removal operation and for reporting progress to the Elko Field Office Managers and the Nevada State Office.

All publicity, public contact, and inquiries would be handled through the Managers for Renewable Resources. The managers would also coordinate the contract with the National Wild Horse and Burro Center at Palomino Valley, the adoption preparation facility, to assure there is space available in the corrals for the captured horses, animals are handled humanely and efficiently, and animals being transported from the capture site are arriving in good condition.

The COR/Pis would constantly evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations would be ensured through issuance of written instructions to the contractor, stop work orders and default procedures should the contractor not perform work according to the stipulations.

To assist the COR/PI in administering the contract, the BLM would have a helicopter available, if needed, at the roundup site. This helicopter would be used with discretion to minimize disturbance to horses that would make capture more difficult. However, it would be used as needed to assure that the contractor is complying with the specifications of the contract and to ensure the humane capture of animals. In the event an additional helicopter is not available to observe the project helicopter, other methods would be utilized to observe the removal operations, such as using observers on horseback or in vehicles, or by placing stationary observers in strategic locations.

If the contractor fails to perform in an appropriate manner at any time, the contract would not be allowed to continue until problems encountered are corrected to the satisfaction of the COR/PI.

Standard Operating Procedures

The following stipulations, specifications and procedures would be followed during the capture operation to ensure the welfare, safety and humane treatment of the wild horses.

A. Trapping and Care

All capture attempts would be accomplished utilizing helicopter drive-trapping and would incorporate the following:

1. Trap and Holding Facility Locations.

- a. All trap locations and holding facilities must be approved by the COR and/or PI prior to construction. The contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.
- b. The COR/PI would ensure that the general location of the trap is close to major concentrations of horses. General locations of traps would be selected by the COR after determining the habits of the animals and observing the topography of the area. Specific locations may be selected by the contractor with the COR/PI's approval within this general preselected area. Trap sites would be located to cause as little injury to horses and as little damage to the natural resources of the area as possible. Sites would be located on or near existing roads.
- c. Due to many variables such as condition of the horses, ground conditions and suitable trap sites, it is not possible to identify specific locations at this time. They would be determined at the time of the capture.
- d. Trap sites or holding corrals would not be placed in areas of any known

threatened or endangered species or in areas of candidate species.

- e. 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
- f. Trap sites for capturing horses with a helicopter would not be placed within ¼ mile of water sources such as streams, springs, reservoirs or troughs.
- g. Temporary traps and corrals would be removed and sites will be left free of all debris within 30 days following the operation.
- h. Every effort would be made to place temporary traps and holding corrals on non-erosive soils.
- i. Every effort would be made to reduce visual impacts by locating traps and holding facilities well off commonly traveled roads. The nature of capturing wild horses, itself, requires that the traps be well hidden.
- j. Prior to facility (temporary traps and holding corrals) construction, the proposed locations would be examined for the presence of noxious weeds. If it is determined that noxious weeds are present, the contractor would be instructed to locate the facilities elsewhere. The contractor and his personnel would also be instructed to avoid camping in or driving through noxious weed infestations.

2. Rate and Distance of Movement.

- a. The rate of movement and distance the animals travel would not exceed limitations set by the COR/PI who would consider terrain, physical barriers, weather, condition of the animals and other factors.
- b. BLM would not allow horses to be herded more than 10 miles nor faster than 20 miles per hour. The COR/PI may decrease the rate of travel or distance moved should the route to the trap site pose a danger or cause avoidable stress (steep and/or rocky). Animal condition would also be considered in making distance and speed restrictions.
- c. Temperature limitations would be 10 degrees F. as a minimum and 95 degrees F. as a maximum. Special attention would be given to avoiding physical hazards such as fences.

3. Trap and Holding Facility Construction. All traps, wings and holding facilities would be constructed, maintained and operated to handle animals in a safe and

humane manner and be in accordance with the following:

- a. Traps and holding facilities would be constructed of portable panels, the top of which would not be less than 72 inches high and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities would be oval or round in design.
 - b. All loading chute sides would be fully covered with plywood (without holes) or like material. The loading chute would also be a minimum of 6 feet high.
 - c. All runways would be a minimum of 30 feet long and a minimum of 6 feet high and would be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 6 feet above ground level.
 - d. Wings would not be constructed out of barbed wire or other materials injurious to animals and must be approved by the COR/PI.
 - e. All crowding pens including gates leading to the runways would be covered with a material which prevents the animals from seeing out (plywood, burlap, etc.) and would be covered a minimum of 2 feet to 6 feet above ground level. Eight linear feet of this material would be capable of being removed or let down to provide a viewing window.
 - f. All pens and runways used for the movement and handling of animals would be connected with hinged self-locking gates.
4. Fence Modifications. No fence modifications would be made without authorization from the COR/PI. The contractor would be responsible for restoration of any fence modification which he has made.
5. Dust. When dust conditions occur within or adjacent to the trap or holding facility, the contractor would be required to wet down the ground with water.
6. Animal Separation. Alternate pens, within the holding facility, would be furnished by the contractor to separate mares with small foals, sick and injured animals, and estrays from the other animals. Animals would 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. The contractor would be required to restrain animals for the purpose of determining age. Alternate pens would be furnished by the contractor to hold the animals to be returned to the herd area. Every attempt will be made to keep family bands together, unless holding bands together proves too dangerous for small foals. Mares and foals to be returned to the HMA will be held together. Segregation or

temporary marking and later sorting would be at the discretion of the COR/PI.

7. Food and Water. The contractor would 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 would 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. Security. It would be the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.

9. Sick or Injured Animals.

- a. The contractor would restrain sick or injured animals if treatment by the Government is necessary.
- b. Any severely injured, seriously sick, or animal with genetic defects such as club feet would be destroyed in accordance with 43 CFR Subpart 4730.1. Animals would be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The COR/PI would have the primary responsibility for determining when an animal would be destroyed and would perform the actual destruction. The contractor would be permitted to destroy an animal only in the event the COR/PI is not at the capture site or holding corrals, and there is an immediate need to alleviate pain and suffering of a severely injured animal. When the COR/PI is unsure as to the severity of an injury or sickness, a veterinarian would be called to make a final determination. Destruction would be done in the most humane method available as per Washington Office Wild Free-Roaming Horse and Burro Program Guidance dated January 1983. A veterinarian could be called from Elko if necessary to care for any injured horses.
- c. The contractor may be required to dispose of the carcasses as directed by the COR/PI. The carcasses of wild horses which die or must be destroyed as a result of any infectious, contagious, or parasitic disease would be disposed of by burial to a depth of at least 3 feet.

The carcasses of wild horses which must be destroyed as a result of age, injury, lameness, or noncontagious disease or illness would be disposed of by removing them from the capture site or holding corral. Carcasses would not be placed in drainages regardless of drainage size or downstream destination.

10. Transportation. Animals would be transported to final destination (the National Wild Horse and Burro Center at Palomino Valley) from temporary

holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals to be released back into the HMA following capture operations may be held up to 21 days or as directed by the COR/PI. Animals would not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI. The contractor would schedule shipments of animals to arrive at the final destination between 6:00 a.m. and 4:00 p.m. No shipments would be scheduled to arrive at final destination on Sunday or Federal holidays. Animals would 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 or relocated back into the herd area may need to be transported back to the original trap site. This determination would be at the discretion of the COR/PI.

11. Handling procedures for mares and foals

- a. Mares that are to be transported to PVC would be paired with their unweanable foals and the pair would be held together and be sent together to PVC.
- b. If mares do not pair with their unweanable foals, the foals would be sent to the National Wild Horse and Burro Center at Palomino Valley (PVC) for adoption or the leppy foals would be placed directly into private care at the discretion of the COR/PI, and the mares would also be transported to PVC. Once at PVC, the mares and foals would again be placed together in an attempt to pair them up.
- c. If a foal is large enough to be humanely weaned from its dam, the foal would be held separately at the holding corrals and sent separately to PVC, where it would then be prepared for the adoption program.

B. Capture Methods for Helicopter Drive Trapping

1. The primary method for gathering wild horses would be the use of helicopter drive trapping. Roping would only be used as a supplemental gather technique when determined by the on-site COR that drive trapping would not be successful and it is in the best interest of the animals being gathered to capture them using roping techniques. Circumstances where roping may be necessary include, but are not limited to, the capture of horses which elude helicopter herding in areas which call for the complete removal of horses, and where it is necessary to capture an orphaned foal or a suspected wet mare. In all cases, when it is determined by the COR that a significant proportion of animals must be roped, the roping would only proceed after consultation with the Field Office Managers or their designated representative.

2. The helicopter would be used in such a manner that bands remain together. Foals would not be left behind.

3. Helicopter, Pilot and Communications

a. The contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the contractor would comply with the Contractors Federal Aviation Certificates, applicable regulations of the State of Nevada and would follow what are recognized as safe flying practices.

b. When refueling, the helicopter would remain at a distance of at least 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.

c. The COR/PI would have the means to communicate with the Contractor's pilot and be able to direct the use of the capture helicopter at all times. If communications cannot be established, the government would take steps as necessary to protect the welfare of the animals. The frequency(ies) used for this contract would be assigned by the COR/PI when the radio is used. When a VHF/AM radio is used, the frequency would be 122.925 MHz.

d. The contractor would obtain the necessary FCC licenses for the radio system.

e. The proper operation, service and maintenance of all contractor furnished helicopters would be the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the contractor would be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the contracting officer or his/her representatives.

f. At time of delivery order completion, the contractor would provide the COR/PI with a completed copy of the Service Contract Flight Hour Report.

g. All incidents/accidents occurring during the performance of the delivery order would be immediately reported to the COR/PI.

C. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals

would be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The contractor would provide the COR/PI with a current safety inspection (less than one year old) of all tractor/stocktrailers used to transport animals to final destination.

2. Vehicles would be in good repair, of adequate rated capacity, and operated so as to ensure captured animals are transported without undue risk or injury.

3. Only stocktrailers with a covered top would be allowed for transporting animals from trap site(s) to temporary holding facilities. Only stocktrailers or single deck trucks would be used to haul animals from temporary holding facilities to final destination(s). Sides or stock racks of transporting vehicles would be a minimum height of 6 feet 6 inches from the floor. Single deck trucks with trailers 40 feet or longer would have two (2) partition gates providing three (3) compartments within the trailer to separate animals. The compartments would be of equal size plus or minus 10 percent. Trailers less than 40 feet would have at least one (1) partition gate providing two (2) compartments within the trailer to separate the animals. The compartments would be of equal size plus or minus 10 percent.

Each partition would be a minimum of 6 feet high and would have a minimum 5 foot wide swinging gate. The use of double deck trailers is unacceptable and would not be allowed.

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

5. Floors of vehicles, trailers, and the loading chutes would 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 would be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The following minimum square feet per animal would be allowed in all trailers:

- 11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);
- 8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
- 6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
- 4 square feet per burro foal (.5 linear foot in an 8 foot wide trailer);

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

8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the contractor would be instructed to adjust speed to minimize dust. In general, roads in the capture area are in fair to good condition. If a problem develops, speed restrictions would be set or alternate routes used. Periodic checks by BLM employees would be made as the animals are transported along dirt roads. If speed restrictions are in effect, then BLM employees would, at times, follow and/or time trips to ensure compliance.

D. Contractor Furnished Property

1. All hay, water, vehicles, saddle horses, helicopters and other equipment would be provided by the contractor. Other equipment includes, but is not limited to, a minimum of 2,500 linear feet of 72-inch high (minimum height) panels for traps and holding facilities. Separate water troughs would be provided at each pen where animals are being held. Water troughs would be constructed of such material (e.g. rubber, galvanized metal with rolled edges, rubber over metal) so as to avoid injury to the animals.

2. The contractor would furnish an avionics system that will allow communications between the contractor's helicopter and his fuel truck.

3. The contractor would furnish a VHF/AM radio transceiver in the contractor's helicopter which has the capability to operate on a frequency of 122.925 MHz.

4. The contractor would provide a programmable VHF/FM radio transceiver in the contractor's helicopter to accommodate the COR/PI in monitoring the capture operation.

E. Government Furnished Property

The government would provide a portable "Fly" restraining chute at each pre-work conference, to be used by the contractor for the purpose of restraining animals to determine the age of specific individuals or other similar practices. The government may also provide portable 2-way radios, if needed. The contractor would be responsible for the security of all government furnished property.

Branded and Claimed Animals

A notice of intent to impound would be issued by the BLM prior to any capture operations in this area. The Nevada Department of Agriculture and the District Brand Inspector

would receive copies of this notice, as well as the Notice of Public Sale, if issued. The COR/PI would contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

When horses are captured, the COR/PI and the District Brand Inspector would jointly inspect all animals at the holding facility in the capture area. If determined necessary at that time by all parties involved, horses would be sorted into three categories:

- a. Branded animals with offspring, including yearlings.
- b. Unbranded or claimed animals with offspring, including yearlings with obvious evidence of existing or former private ownership (e.g., geldings, bobbed tails, photo documentation, saddle marks, etc.).
- c. Unbranded animals and offspring without obvious evidence of former private ownership.

The COR/PI, after consultation with the District Brand Inspector, would determine if unbranded animals are wild and free-roaming horses. The District Brand Inspector would determine ownership of branded animals and their offspring and, if possible, the ownership of unbranded animals determined not to be wild and free-roaming horses.

Branded horses with offspring and claimed unbranded horses with offspring for which the owners have been identified by the District Brand Inspector would be retained in the custody of the BLM pending notification of the owner or claimant.

A separate holding corral would be set up near the temporary holding corral to house these horses until the owner/claimant or BLM can pick them up.

The animals would remain in the custody of the BLM until settlement in full is made for impoundment and trespass charges, as determined appropriate by the Manager for Renewable Resources in accordance with 43 CFR Subpart 4710.6 and provisions in 43 CFR Subpart 4150. In the event settlement is not made, the horses would be sold at public auction by the BLM.

Branded horses with offspring whose owners cannot be determined, and unclaimed, unbranded horses with offspring having evidence of existing or former private ownership would be released to the Nevada Department of Agriculture (District Brand Inspector) as estrays.

The District Brand Inspector would provide the COR/PI a brand inspection certificate for the immediate shipment of wild horses to Palomino Valley (Reno), and for the branded or claimed horses where impoundment and trespass charges have not been offered or received, for shipment to public auction or another holding facility.

No Action Alternative

Under no action, wild horses would not be removed from the Dry Creek Pasture. Horses would be allowed to become severely dehydrated and perhaps die of dehydration. This alternative would not be acceptable to the Bureau nor most members of the public. The Bureau realizes that some members of the public advocate "letting nature take its course", however allowing horses to die of dehydration clearly indicates that an overpopulation of horses exists in the pasture. The Wild Horse and Burro Act of 1971 directs the Bureau to "remove excess horses in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area".

ALTERNATIVE CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS

Water Trapping Alternative

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

Horseback Trapping Alternative

Bands of horses are not controlled effectively with horseback herding, therefore, many bands are spilled or individual horses separated from the band. This results in increased social structure disruption and/or orphaned foals, which requires attempts to capture these separated animals. The number of animals captured per day versus the proposed action is significantly fewer, therefore, it is very time consuming resulting in very high capture costs.

Relocation of Wild Horses

Relocation of the wild horses in the Dry Creek Pasture was considered. The fence between the Dry Creek Pasture and the Star Ridge Pasture could be laid down and horses herded into the pasture. It was decided that this alternative would not be not feasible for the following reasons: the Star Ridge Pasture is also very low on water resources with most if not all of the pit reservoirs currently dry. The horses within the Star Ridge Pasture are currently watering at the pipeline crossing on the South Fork of the Owyhee River. The pipeline crossing is in a very narrow canyon and horses do not like to water in such a setting. Putting an additional 400 horses in with the 381 horses that are already inhabiting the Star Ridge Pasture would cause an increase in stress due to fighting among bands. It is also not being considered further because there is the distinct possibility that the relocated horses would not remain in the new area. Observations by wild horse specialists have shown that wild horses tend to return to the area where they are from. This was directly observed when the BLM tried to herd the horses to Bookkeeper Spring

and those horses turned around and left the area immediately. The relocated horses would most likely try to return to the south and become hung up on the fence. Leaving the fence down would make it impossible for the IL Ranch to manage their livestock operation. There is a signed allotment management plan (AMP) in place for the Owyhee Allotment which requires fences to manage the prescribed rest rotation.

Letting the fences down would constitute putting a band-aid on a much larger problem. If the BLM can avoid a major die-off in 2000 by letting fences down, the situation will only return in the next drought year and will be a larger and more complex issue due to the higher number of wild horses that will exist in the future.

Hauling Water Alternative

Hauling water to 400 head of wild horses was considered. It was not considered further in this analysis due to the following reason: The BLM does not have the resources (manpower/equipment/funding) available to haul the amount of water needed to fulfill the horses needs on a daily basis. At least one full time employee would have to be devoted to this effort until the drought cycle breaks.

In addition, the BLM is mandated by law to manage wild horses and burros at the "minimum feasible level", and this does not include artificially sustaining an overpopulation of animals by hauling water and feed.

The IL Ranch has decided that they cannot afford to haul water to their livestock in the Dry Creek pasture and have rented alternative pasture at a very high expense.

CHAPTER III - AFFECTED ENVIRONMENT

General Setting

The gather area is located approximately 70 miles north of Battle Mountain, Nevada. The Owyhee HMA consists of the Owyhee Allotment, but the Dry Creek Pasture of the allotment is the only pasture affected by the proposed action. The terrain within the area is characterized by a high rolling plateau underlain by basalt flows which are occasionally cut by deep, vertically walled canyons. Elevation ranges from about 5,100 to 5,600 feet. In general the vegetation consists of Wyoming big sagebrush (*Artemisia tridentata var. wyomingensis*), Sandberg bluegrass (*Poa secunda*), squirreltail (*Sitanion hystrix*) with scattered bluebunch wheatgrass (*Pseudoroegneria spicatum*), Indian ricegrass (*Oryzopsis hymenoides*) and needlegrass (*Stipa* spp.). Temperatures range from 95 degrees in the summer to -10 degrees in the winter.

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

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)

Wilderness

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

Resources Present and Brought Forward for Analysis:

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.

Soils

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

General Distribution	Productivity	Erosion Susceptibility	Textures
Alluvial plains, bottoms	moderate-high	moderate	moderate fine-medium
Benches, fans, terraces	moderate	moderate	fine-moderate fine

Vegetation

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) and low sagebrush (A. arbuscula), respectively. Major grass species include bluebunch wheatgrass (Agropyron spicatum), Idaho fescue (Festuca idahoensis), Sandberg Bluegrass (Poa secunda), and bottlebrush squirreltail (Sitanion hystrix). Forbs include arrowleaf balsamroot (Balsamorhiza sagittata), lupine (Lupinus spp.), phlox (Phlox spp.), and aster (Aster spp.).

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

Wildlife

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

Threatened, Endangered, Candidate or Sensitive Species

See Appendix 1 for definitions. No threatened or endangered species of plants or animals are known to occur in the Owyhee Allotment. However, based on consultation with NDOW regarding 1995 input submitted by the U.S. Fish and Wildlife Service and BLM file data, one threatened species, one candidate species, twelve BLM sensitive species and seven State of Nevada Listed Species have been identified as potentially occurring in the allotment on a seasonal or year long basis (Appendix 1).

Visual Resources

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. Class I and II are the most valued, Class III representing a moderate value, and Class IV being of least value. The proposed project area consists of Class IV. Visual resource classes serve two purposes: (1) an inventory tool that portrays the relative value of visual resources, and (2) a management tool that portrays the visual management objective. The Class IV objective is to provide for management objectives which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention.

Wetlands/Riparian Zones

The Dry Creek Pasture contains one riparian area at Bookkeeper Spring. This spring is in

severely degraded condition as a result of heavy wild horse and livestock use. The spring source itself is located on public lands, while the associated riparian area is located on private land.

Wild Horses

Wild horses are an introduced species on North American rangeland, have few natural predators and are long-lived. Few natural controls act upon wild horse herds making them very competitive with native wildlife and other living resources. Wild horses have been shown to be capable of 18 to 25% increases in numbers annually. With horses, this can result in a doubling of the population about every 3 years. In the Owyhee HMA, population growth rates are relatively low for wild horses at 16%. Herd totals for the Owyhee HMA as determined from the November 10, 1999 census flight are as follows: Star Ridge Pasture: 381 horses; Chimney Creek Pasture: 109 horses; Dry Creek Pasture: 276 horses for a total of 766 horses in the HMA. There were 102 horses in the Dry Creek Pasture that were not near a good water source and were attempting to obtain water from a mud hole. The BLM herded these horses to Bookkeeper Spring using a helicopter, but apparently the horses did not remain in that area.

Field monitoring visits during April, May and June of 2000, indicate that approximately 350-400 horses are now in the vicinity of Bookkeeper Spring and an additional 100-150 are watering at the water gap at the Desert Ranch Reservoir.

The Owyhee HMA was last gathered in the Winter of 1981. This removal did not incorporate any type of removal strategies other than to get to what was then the appropriate management level (58 horses). The horses in the Owyhee HMA should exhibit a natural or normal age structure.

Wild horses in the Owyhee HMA have moderate to large builds, averaging approximately 900-1000 pounds (this is a rough estimate). Horse colors are predominantly bay, sorrel, brown and roan, but a good variation in colors exist. Sex ratios for the horses in the Owyhee HMA are representative of other HMAs in the Elko Field Office and the West at large. At birth, sex ratios are roughly equal. This balance shifts to favor studs throughout the younger age classes. This pattern shifts again at around 15 years of age favoring mares and by older ages, (17 years or older) sex ratios heavily favor mares. Because of the length of time that has elapsed since the last gather, age distribution for the Owyhee HMA should be normal for a natural herd of wild horses.

Field observations throughout the spring of 2000 have shown that the horses are in good condition. However, the condition of the horses may deteriorate rapidly when the water source becomes critically low.

Invasive, Non-native Species

Noxious weeds and invasive non-native species introduction and proliferation is a

growing concern among local and regional interest. Noxious weed surveys including invasive and non-native species in the Owyhee HMA have been partially completed. These surveys indicate that the following state listed noxious weeds occur within the Owyhee HMA and the Dry Creek Pasture: hoary cress (Cardaria draba), scotch thistle (Onopordum acanthium) and bull thistle (Cirsium vulgare). Much of the southern portion of the Dry Creek Pasture has not been inventoried, but is scheduled to be complete by the end of FY00. The weeds which were inventoried in the Dry Creek Pasture were predominately along road side areas.

CHAPTER IV - ENVIRONMENTAL CONSEQUENCES

Proposed Action and No Action Alternative

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.

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

Soils

An area less than one acres in size at each trap location would be severely trampled during gathering operations. This trampling would lead to compaction and pulverization of the topsoil leading to a possible loss of soils. By adhering to the SOPs, adverse impacts to soils would be minimized.

No Action Alternative - The severe localized trampling associated with trap sites would not occur, however, as wild horse populations continue to grow, soil erosion would increase. Increased use throughout the Dry Creek Pasture would adversely impact soils and vegetation health, especially around the water locations. As native plant health deteriorates and plants are lost, soil erosion will increase. The shallow desert topsoil can not tolerate much loss without losing productivity and thus the ability to be revegetated with native plants. Invasive non native plant species would increase and invade new areas following increased soil disturbance and reduced native plant vigor and abundance. This would lead to both a shift in plant composition towards weedy species and an irreplaceable topsoil and productivity loss from erosion.

Vegetation

Impacts to vegetation with implementation of the Proposed Action would consist of direct and indirect impacts. Direct impacts would include disturbance of native vegetation immediately in and around temporary trap sites, and holding, sorting and animal handling 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 or 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 near 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.

No Action Alternative - No vegetation trampling would occur as a result of trapping and holding horses in a small area, however, overall, the vegetation in the vicinity of Bookkeeper Spring would not be rested from grazing pressure. Riparian vegetation would be especially heavily used during the summer. Utilization levels would be in excess of Rangeland Program Summary objectives and this increased utilization would not help maintain desirable, perennial native plant communities nor would it allow the burned area to recover.

Wildlife

Some mammals, reptiles, and birds would be temporarily displaced from the trap sites and holding facilities. Animals may also be disturbed by the low-flying helicopter; this disturbance would be of very short duration. A slight possibility exists that non-mobile or site specific animals would be trampled. The proposed action would result in an increase in quantity and quality of forage and water available to wildlife.

No Action Alternative - Wildlife would not be displaced or disturbed under the no action alternative, however, there would be continued competition with wild horses for water and forage resources and because wild horses are very aggressive around water sources, some wildlife species may not be able to compete. The continued competition for resources may lead to increased stress and possible dislocation or death of native wildlife species.

Threatened, Endangered, Candidate or Sensitive Species

There is a possibility that BLM sensitive species could be displaced by the gathering activities. The most likely species that would be affected by the proposed action is the sage grouse. Prior to trap site selection, the area would be inventoried for the presence of sage grouse. If sage grouse are found to exist through the observation of droppings, an alternative trap site would be selected. Dry lake beds and other areas with high potential for strutting grounds would be avoided.

No Action Alternative - The ground disturbing impacts of gathering wild horses would not occur, however, continued habitat degradation resulting from an overpopulation of wild horses would continue to occur.

Visual Resources

The proposed project activities would result in minimal, temporary impacts. For the duration of the proposed gather, traps and corrals would introduce weak horizontal lines to the foreground. No obvious changes in texture due to vegetation disturbance would be produced since traps and corrals would be located in previously disturbed areas. Visual resource management objectives for Class IV VRM areas would be met.

No Action Alternative - Under the no action alternative, the wild horse gather would not take place. There would be no temporary impacts related to the proposed action.

Wetlands/Riparian Zones

The proposed project would not impact wetlands or riparian zones as no traps or holding facilities would be built in these areas. Overall, the gather and removal of wild horses would have a positive impact to the recovering wetlands and riparian zones.

No Action Alternative - Under the no action alternative, the wild horse gather would not take place. This would lead to heavy to severe utilization of wetland/riparian zones. This would lead to increased erosion and decreased watershed health and function.

Invasive, Non-native Species

The proposed gather may spread existing noxious weeds species. This would occur if vehicles drive through infestations and spread seed into previously weed free areas. The contractor together with the COR/PI would examine proposed trap sites and holding corrals prior to construction. If noxious weeds are found, the location of the facilities would be moved.

No Action Alternative - Under this alternative, the wild horse gather would not take place. The chance that noxious weeds would be spread by the contractor, his personnel and equipment would not exist. However, overgrazing of the present plant communities could lead to an expansion of noxious weeds.

Wild Horses

Impacts to wild horses under the proposed action take the form of direct and indirect impacts and may occur on either the individual or the population as a whole. Direct individual impacts are those impacts which occur to individual horses and are immediately associated with implementation of the proposed action. These impacts include: handling stress associated with the roundup, capture, sorting, animal handling, and transportation of the animals. The intensity of these impacts vary by individual, and are indicated by behaviors ranging from nervous agitation to physical distress. Mortality of individuals from this impact is infrequent but does occur in one half to one percent of horses gathered in a given round-up. Following the SOPs outlined in the Proposed action would minimize impacts associated with handling stress. There are no indications that these direct impacts persist beyond a short time following the stress event. They would be expected to completely dissipate following release.

Indirect individual impacts are those impacts which occur to individual horses after the initial stress event. Indirect individual impacts may include spontaneous abortions in mares, and increased social displacement and conflict in studs. These impacts, like direct individual impacts are known to occur intermittently during wild horse gather operations. An example of an indirect would be the brief skirmish which occurs with most older studs following sorting and release into the stud pen which lasts less than two minutes and ends when one stud retreats. Traumatic injuries do not occur in most cases, however, they do occur. These injuries typically involve a bite and/or kicking with bruises which don't break the skin. Like direct individual impacts, the frequency of occurrence of these impacts among a population varies with the individual. Spontaneous abortion events among mares following captures is rare.

The effect of removal of horses from the population would not be expected to have significant impact on herd dynamics or population variables, as long as the selection criteria for the removal ensured a "typical" population structure was maintained. Obvious potential impacts on horse herds and populations from exercising poor selection criteria not based on herd dynamics includes modification of age or sex ratios to favor a particular class of animal.

Effects resulting from successive removals causing shifts in sex ratios away from normal ranges are fairly self evident. If selection criteria leaves more studs than mares, band size would be expected to decrease, competition for mares would be expected to increase, recruitment age for reproduction among mares would be expected to decline, and size and number of bachelor bands would be expected to increase. On the other hand, a selection criteria which leaves more mares than studs would be expected to result in fewer and smaller bachelor bands, increased reproduction on a proportional basis with the herd, lengthening of the time after birth when individual mares begin actively reproducing, and larger band sizes.

Effects resulting from successive removals causing shifts in age dynamics away from normal ranges are likewise, fairly obvious. Herd shifts favoring older age horses (over 15 years) have been observed resulting in a favoring of studs over mares in some herds. Explanations include sex based differences in reproductive stress (relative demand for individual contributions to reproduction) and biological stress (timing the most physically demanding period of the annual cycle).

For studs, reproductive stress is based on dominance in the herd and by definition is confined to a fairly narrow period in their lifespan when they are capable of defending a mare group. For mares, recurrent reproductive stress starts as early as age 2 and continues until as late as age 15 or 16, and sometimes as late as 20. Biological stress in wild horses tends to indicate a selection against mares. Biological stress is based on the degree, duration, and timing of biologically demanding activities during the annual reproductive cycle.

For mares, the greatest biological stress is during pregnancy and lactation. In wild horse populations, this occurs in late winter or early spring when forage availability is at its lowest level, and body condition is at its poorest. For studs, biological stress is at its peak during the breeding season. This peak biological demand is in the late spring and early summer and is more suited to a rapid recovery and a lower energy deficit than for mares.

The susceptibility of the older herd to extreme climatic events would depend on the age of the dominant class in the group. Generally, survival rates of horses are very high (exceeding 98%) for mature animals and lower for very young. This survivability declines again at some older age. Similarly, reproductive success also declines at some age. The threshold age at which susceptibility to extreme events and reproductive senescence has not been established. It is reasonable to conclude that the older the population, the more prone it would be to a catastrophic die-off as a result of reduced resistance to disease, lowered body condition, and/or reduced reproductive capacity.

The effects of successive removals on populations causing shifts in herd demographics favoring younger horses (under 15 years) would also have direct consequences on the population. These impacts are not thought of typically as adverse to a population. They include development of a population which is expected to be more biologically fit, more reproductively viable, and more capable of enduring stresses associated with traumatic natural and artificial events.

No Action Alternative - Under this alternative, wild horses would not be removed from the Dry Creek Pasture of the Owyhee HMA. The horses would not be subject to any individual direct or indirect impacts as described above as a result of a gather operation. However, there would be individual direct and indirect impacts as a result of the absence of water and there would be a direct impact on the population as a result of the death of most, if not all, of the horses within this pasture.

Cumulative Impacts

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.

Past present and reasonably foreseeable activities which would be expected to contribute to the cumulative impacts of implementing the proposed action include: Past wild horse removals which may have altered the structure and composition of the Owyhee HMA, continuing livestock grazing in the Owyhee Allotment, and continued development of mining and recreational activities. 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 Owyhee HMA wild

horses.

The past events in this area have created the current wild horse population with its associated structure and composition, and have shaped the patterns of use found today in the herd. Continued development of these parameters would be expected to result in small annual changes in herd structure and behavior with small changes in habitat use over time.

These impacts would be expected to be marked by relatively large changes occurring rather slowly over time. The Bureau would continue to identify these impacts as they occur, and mitigate them as needed on a project specific basis to maintain habitat 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 these past and foreseeable future actions by maintaining the herd at AML, and establishing a process whereby biological and/or genetic issues associated with herd or habitat fragmentation would become apparent sooner and mitigating measures implemented quicker.

Monitoring Needs

Monitoring procedures to address specific habitat variables have been established in the Bureau's 4400 series handbooks. These monitoring protocols are the excepted Bureau methodologies for collecting habitat based information to determine achievement of habitat based objectives and the standards for rangeland health as developed by the Northeastern Great Basin Area Resource Advisory Council. Specific habitat monitoring procedures and key area selection has already occurred. These methodologies and sites will continue to be used under this proposed action. Species monitoring protocols and data collection methods have been established by equine professionals and researchers who initiated the first round of these studies (animal handling techniques). Bureau practices are based on these procedures which are incorporated into both the proposed action and alternative as animal handling techniques. These animal handling techniques would be sufficient to determine the short- and long-term effects of implementing the proposed action or alternative.

CHAPTER V - CONSULTATION AND COORDINATION

List of Preparers

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Natural Resource Spec.
Natural Resource Spec.

Concerns
Fisheries/Riparian/Wetlands
T&E Species
Vegetation

Air Quality
Invasive, Non-native Species

Persons, Groups of Agencies Consulted

Dawn Lappin - Wild Horse Organized Assistance

APPENDIX 1

Threatened, Endangered, Candidate, State of Nevada Listed and BLM Sensitive Species of Plants and Animals Documented or Potentially Occurring on the Owyhee Allotment on a Seasonal or Yearlong Basis (Draft for Allotment Evaluation as of December 15, 1999¹).

COMMON NAME	SCIENTIFIC NAME
Federally Endangered Species	
none	none
Federally Threatened Species	
<i>Birds</i>	
bald eagle	<i>Haliaeetus leucocephalus</i>
Federal Candidate Species	
Columbia spotted frog	<i>Rana luteiventris</i>
State of Nevada Listed Species^{2,3}	
<i>Birds</i>	
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>
osprey	<i>Pandion haliaetus</i>
white pelican ⁴	<i>Pelecanus erythrorhynchos</i>
white-faced ibis ⁴	<i>Plegadis chihi</i>
Nevada BLM Sensitive Species³	
<i>Mammals (bats)</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>
<i>Birds</i>	
western sage grouse ⁴	<i>Centrocercus urophasianus</i>
<i>Fishes</i>	
interior redband trout	<i>Onchorhyncus mykiss gibbsi</i>
<i>Mussels</i>	
California floater ⁴	<i>Anodonta californiensis</i>
<i>Plants</i>	
grimy ivesia ⁴	<i>Ivesia rhypara var. rhypara</i>
Packard stickleaf ⁴	<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 allotment.

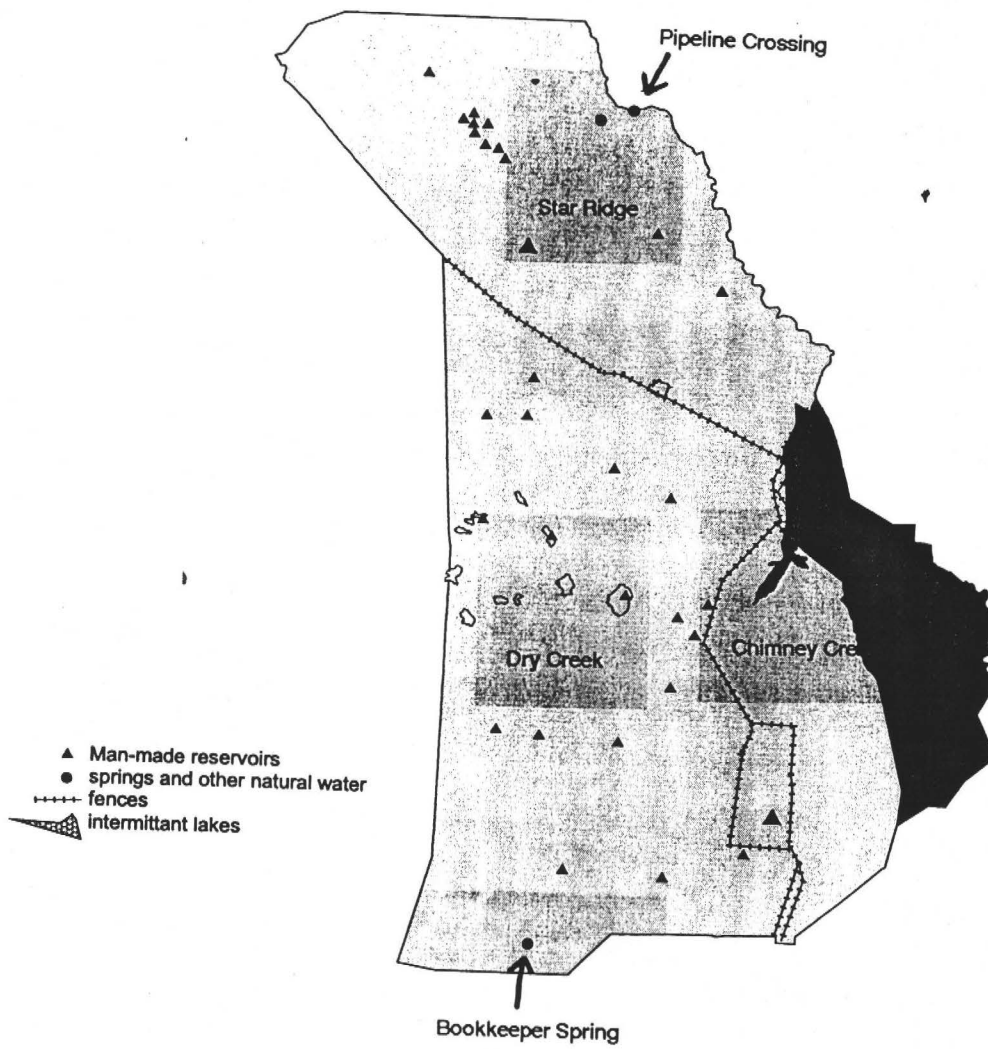
Definitions

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).



Map 1



BLM News

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NEVADA STATE OFFICE NO. 2000-55
FOR RELEASE: June 13, 2000
CONTACT: Maxine Shane (775) 861-6586

EMERGENCY GATHER OF WILD HORSES IN OWYHEE

The Bureau of Land Management begins an emergency wild horse gather today in the extreme northwestern portion of Elko County, Nevada, where scant snowfall this past winter provided no recharge at the spring and reservoirs where the animals usually water.

“We are grateful to the manager of the IL Ranch, Jim Andrae, for assisting us with monitoring the condition of the range for the past several months,” said Bob Abbey, BLM’s Nevada State Director. “Mr. Andrae and his crew have been hauling water to the wild horses the past week as we move a gather crew into the area.”

Abbey explains that BLM Elko field office personnel and Andrae have been watching the situation in this particular area since last November. Little snowfall over the winter provided no recharge for pit reservoirs, and a spring has also dried up. Cattle and wild horses were not using the same water sources, but the IL Ranch has also had to remove all cattle from the 100,000-acre Dry Creek area.

About 400 wild horses will be removed from the Dry Creek pasture, one of several pastures in the Owyhee Herd Management Area. All the horses will be transported to the National Wild Horse and Burro Center at Palomino Valley, near Reno-Sparks. About 570 wild horses will remain in the Star Ridge and Chimney Creek pastures, separated by fences from the Dry Creek area.

“The wild horses we are removing are presently in good condition,” Abbey said.

“However, if we don’t remove them shortly, their condition will deteriorate rapidly. It is humane to remove the animals now.”

Abbey said the BLM hopes to find good homes for the younger animals through the Adopt a Horse program. Older animals may need to be placed in the BLM’s sanctuary in Oklahoma.

After the wild horses are inoculated, freeze-marked, checked by a veterinarian and accustomed to domestic hay, they will be offered for adoption. Call the BLM’s Palomino Center at (775) 475-2222 for information on how to qualify to adopt.

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