United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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Ely, Nevada 89301-9408
http://www.blm.gov/nv/st/en/fo/ely_field_office.html

TAKE PRIDE IN AMERICA

MAY 26 2009

In Reply Refer To:
4720 (NVL01000)

Dear Interested Party:

The Bureau of Land Management (BLM) Egan and Caliente Field Office's (FO) propose to gather and remove approximately 350 wild horses from the Seaman and White River Herd Areas (HAs) (see map). The need for the proposal is to implement the Ely District Record of Decision (ROD) and Approved Resource Management Plan (RMP) (August 2008). Management action WH-5 states: "Remove wild horses and drop herd management area status for those…as listed in Table 13." Seaman and White River were dropped from HMA status as a result of the in depth analysis of habitat suitability and monitoring data and need to have all wild horses removed from these HAs. The gather would occur in August 2009, and last approximately 17 days.

The proposed wild horse gather is needed to ensure prevention of further range deterioration resulting from wild horses in the Seaman and White River Herd Areas which is located approximately 80 miles southwest of Ely, Nevada in Nye and Lincoln counties.

Enclosed are the Wild Horse Gather Plan and Preliminary Environmental Assessment for the Seaman and White River Herd Area DOI-BLM-NV-L010-2009-0023-EA. If any member of the interested public would like to provide any information, data, or analysis please send written comments to Chris Mayer, Supervisory Rangeland Management Specialist, Egan Field Office, Bureau of Land Management, HC 33 BOX 33500, Ely, Nevada 89301. **All comments must be post marked by July 6, 2009 No Email comments will be accepted.**

If you have any questions, please contact Ruth Thompson, Wild Horse and Burro Specialist, Egan Field Office at (775) 289-1826.

Sincerely,

Jeffrey A. Weeks
Field Manager
Egan Field Office

Enclosure

U.S. Department of the Interior
Bureau of Land Management

Preliminary Environmental Assessment
DOI-BLM-NV-L010-2009-0023-EA
May 26, 2009

SEAMAN and WHITE RIVER WILD HORSE GATHER

Location: Lincoln and Nye Counties
Applicant/Address:

U.S. Department of the Interior
Bureau of Land Management
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1.0 INTRODUCTION

This Environmental Assessment (EA) has been prepared to analyze the Bureau of Land Management (BLM) Egan and Caliente Field Office's proposal to gather and remove approximately 350 wild horses from the Seaman and White River Herd Areas (HAs) beginning in about August 2009. The EA is a site-specific analysis of potential impacts that could result with the implementation of a proposed action or alternatives to the proposed action. The EA assists the BLM in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any "significant" impacts could result from the analyzed actions. "Significance" is defined by NEPA and is found in Chapter 40 of the Code of Federal Regulations (CFR) §§1508.27. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of "Finding of No Significant Impact" (FONSI).

This document is tiered to the *Ely Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/EIS, 2007) released in November 2007. Should a determination be made that implementation of the proposed or alternative actions would not result in "significant environmental impacts" or "significant environmental impacts beyond those already addressed in the RMP/EIS", a FONSI will be prepared to document that determination, and a Decision Record issued providing the rationale for approving the chosen alternative.

1.1 Background:

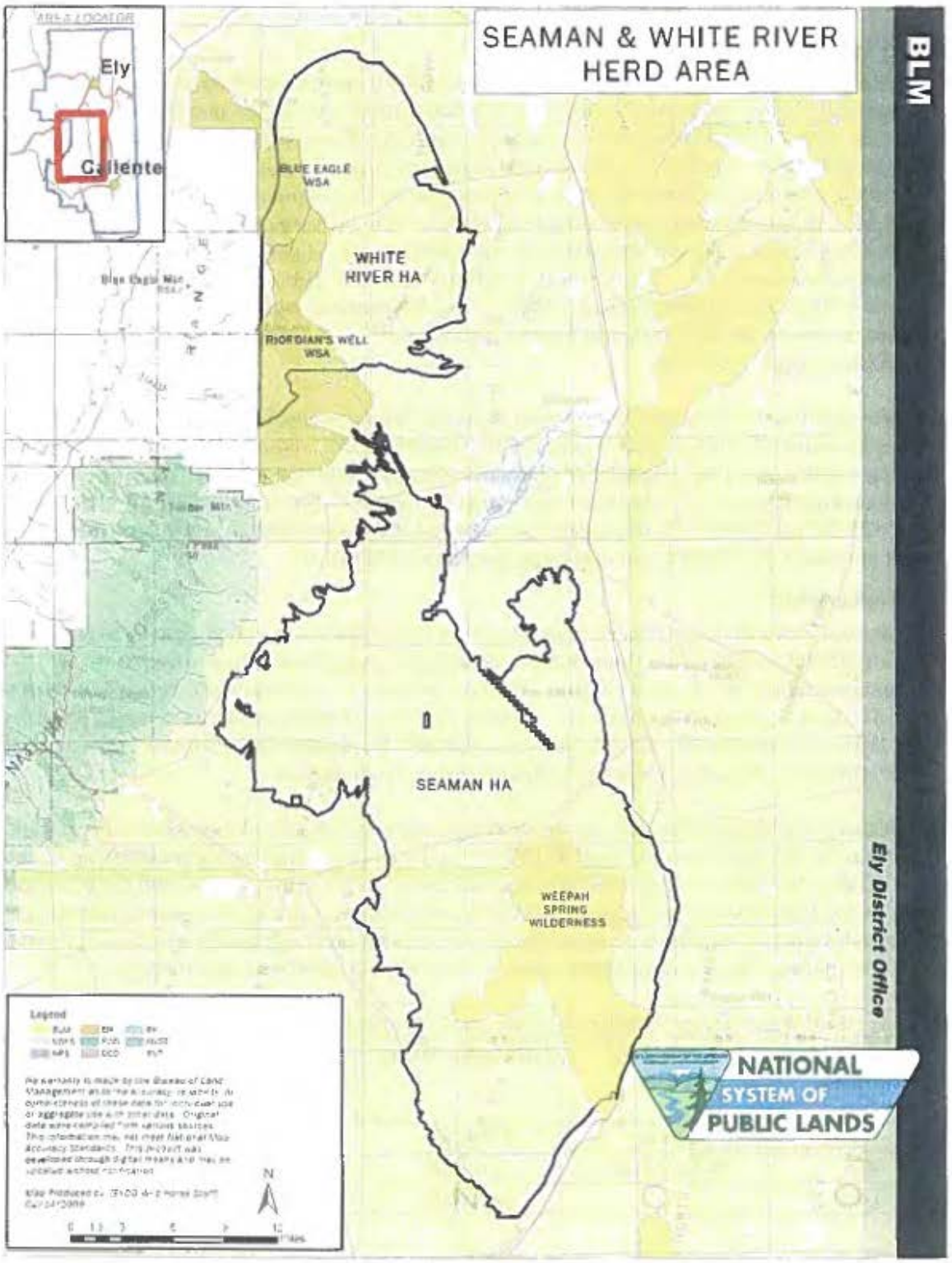
Seaman and White River have been returned to Herd Area Status consistent with the Record of Decision (ROD) and the 2008 Approved Ely District Resource Management Plan (RMP) at management action WH-5, which states: *"Remove wild horses and drop herd management area status for those ... as listed in Table 13."* Removal of all wild horses from the Seaman and White River HA's is needed at this time in order to implement this management direction and to prevent further damage to the range resulting from the current overpopulation.

The Seaman and White River HAs are located approximately 80 miles Southwest of Ely, Nevada, in portions of Nye and Lincoln Counties (Map 1). The HAs encompasses approximately 475,100 acres. Under the 2008 Ely District RMP, no wild horses are to be managed within the two areas based on in-depth analysis of habitat suitability and monitoring data which indicates insufficient forage and water is available to maintain healthy wild horses and rangelands over the long-term. Also refer to the Affected Environment section of this EA for additional information.

Table 1. Herd Areas, Acres, Number Wild Horses to Be Managed, Estimated Population

Herd Area Number	Herd Area Name	Estimated Acres	Number Wild Horses to be Managed	Estimated Population
411	Seaman	358,800	0	182
409	White River	116,300	0	168
Total		475,100		350

The last gather on the Seaman HA was an emergency gather in 1996; 266 horses were gathered and removed. The Seaman HA was also gathered in 1985. A census was completed in


SEAMAN & WHITE RIVER HERD AREA
AREA LOCATOR
Ely
Caliente
BLUE EAGLE WSA
WHITE RIVER HA
RIORDIAN'S WELL WSA
SEAMAN HA
WEEPAH SPRING WILDERNESS
Legend
N
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November 2008 and 152 wild horses were counted. The current population estimate of 182 animals includes recruitment following the 2009 foaling season.

The White River HA was gathered in 2004/2005 and 406 wild horses were removed. Prior to the 2004/2005 gather, an emergency gather was completed in 1996 and 277 wild horses were removed. Census completed in November 2008 counted 140 wild horses. The current population estimate of 168 animals includes expected recruitment (2009 foaling season).

Monitoring data collected during 2007, 2008, and 2009 highlights that utilization by wild horses is moderate to heavy use as indicated by use pattern mapping and key area locations. Trampling damage by wild horses is evident at most water developments and riparian areas. Heavy trailing by wild horses is evident throughout the HAs especially areas near water. Excess utilization and trampling is currently impacting range conditions and preventing recovery of key range ecological sites. Monitoring also indicates wild horses are routinely moving outside the HAs.

Water available for use by wild horses within the Seaman HA is very limited. Kirch Wildlife Management Area, water on private land (Murphy Meadows), and spring sources on private and public land located outside the HA boundary provide the only available water in the northern and central portions of the HA. The Whipple reservoir is filled when the Kirch Wildlife Management Area releases water from November through May. The Whipple reservoir regularly goes dry in early summer; which causes majority of the wild horses to search for water outside the HA boundary. There are four springs in the southern portion of the HA. Limited water, riparian habitat and their associated plant species occur in association with the four springs.

Water available for use by wild horses within the White River HA is very limited. Water is available for use by wild horses when livestock operators pump the three stock-water wells in the eastern portion of the HA, but that is only for a few months each year. There are five springs in the western portions of the HA. Three of these springs regularly go dry through the summer causing the wild horse to move outside the HA boundary in search for water.

Analysis of the above information indicates that the excess wild horses are present and require immediate removal. As a result, any decision of the authorized officer will be implemented effective upon issuance under authority provided in 43 Code of Federal Regulations (CFR) 4770.3 (a) and (c).

1.2 Purpose of the Proposed Action:

Vegetation and population monitoring of the Seaman and White River HAs have determined that resource damage is occurring and is likely to continue to occur without immediate action. The purpose of the Proposed Action is to remove all wild horses in order to prevent further deterioration of the range associated with the overpopulation of wild horses as authorized under Section 3(b) (2) of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) and Section 302(b) of the Federal Land Management and Policy Act of 1976.

1.3 Need for the Proposed Action:

The Ely District ROD and Approved RMP, i.e., limit the management of wild horses to designated Herd Management Areas (HMAs). Gather and removal of all the wild horses within these two HAs is needed to implement management direction in the 2008 Ely RMP as well as to prevent further range deterioration resulting from the current overpopulation of wild horses and to

limit the management of wild horses to HMAs established for their maintenance (43 CFR 4710.3-1). Implementation of the Proposed Action is also needed to improve watershed health, to make "significant progress towards achievement" of Mojave/Southern Great Basin Resource Advisory Council (RAC) Standards for rangeland health.

1.4 Conformance with BLM Land Use Plan(s):

The Proposed Action is in conformance with the following goal, objective and management action in the 2008 Ely District ROD and Approved RMP (August 2008):

- *Goal:* "Maintain and manage health, self-sustaining wild horse herds inside herd management areas within appropriate management levels to ensure a thriving natural ecological balance while preserving a multiple-use relationship with other uses and resources."
- *Objective:* "To maintain wild horse herds at appropriate management levels within herd management areas where sufficient habitat resources exist to sustain healthy populations at those levels."
- *Management Action WH-5:* "Remove wild horses and drop herd management area status for those...as listed in Table 13."

1.5 Relationship to Statutes, Regulations, or other Plans:

The Proposed Action is consistent with the following Federal, State, and local plans to the maximum extent possible:

- Lincoln County Portion (Lincoln/White Pine Planning Area) Sage Grouse Conservation Plan (2004).
- State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada Historic Preservation Office (1999).
- Mojave/Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (February 12, 1997).
- Lincoln County Elk Management Plan (2006 revision)
- Wilderness Act-1964
- Migratory Bird Treaty Act (1918 as amended) and Executive Order 13186 (1/11/01)

The Proposed Action is also in compliance with all applicable regulations at 43 CFR (Code of Federal Regulations) 4700 and policies, as well as the 1971 WFRHBA. More specifically, this action is designed to remove excess wild horses consistent with the following regulations:

- ❒ 43 CFR 4710.3-1: *Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4.*
- ❒ 43 CFR 4720.1: *"Upon examination of current information and a determination that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."*
- ❒ 43 CFR 4710.4: *"Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas."* The Interior Board of Land Appeals (IBLA) has interpreted this to mean that the animals' distribution should be limited to established HMAs (refer to 118 IBLA 24).

1.6 Identification of Issues:

Internal scoping was conducted by an interdisciplinary (ID) team on April 27, 2008, that analyzed the potential consequences of the Proposed Action. Potential impacts to the following resources/concerns were evaluated in accordance with criteria listed in the H-1790-1 NEPA Handbook (2008) page 41, to determine if detailed analysis was required. Consideration of some of these items is to ensure compliance with laws, statutes or Executive Orders that impose certain requirements upon all Federal actions. Other items are relevant to the management of public lands in general, and to the Ely District BLM in particular.

Resource/Concern	Issue(s) Analyzed? (Y/N)	Rationale for Dismissal from Detailed Analysis or Issue(s) Requiring Detailed Analysis
Air Quality	N	There would be temporary increased particulate matter (dust) resulting from the proposed action. The affected area is not within an area of non-attainment or areas where total suspended particulates or other criteria pollutants exceed Nevada air quality standards. Direct, indirect or cumulative impacts do not approach a level of significance. Detailed analysis is not required.
Areas of Critical Environmental Concern (ACEC)	N	Not present in the designated HA boundaries.
Cultural Resources	N	Cultural sites would be avoided. Cultural resources around springs would be better protected with wild horse removal.
Forest Health	N	Project does not meet HFRA criteria.
Migratory Birds	N	Proposed action would be planned to occur outside of Migratory Bird nesting season.
Rangeland Standards and Guidelines	N	Beneficial impacts to rangeland standards and health are consistent with the need and objectives for the proposed action. No detailed analyses necessary.
Native American Religious and other Concerns	N	No potential traditional religious or cultural sites of importance have been identified in the project according to the Ely District RMP Ethnographic report (2003).
Wastes, Hazardous or Solid	N	No hazardous or solid wastes exist on the permit renewal area, nor would any be introduced.
Water Quality, Drinking/Ground	N	No affects to water quality are expected. Project would avoid spring riparian, and stream locations.
Environmental Justice	N	No environmental justice issues are present at or near the project.
Floodplains	N	No floodplains have been identified by HUD or FEMA within the project area. Floodplains as defined in Executive Order 11988 may exist in the area, but would not be affected by the proposed action.
Farmlands, Prime and Unique	N	There are soils within both herd areas that have been designated by the Natural Resource Conservation Service as meeting the requirements to be considered prime farmlands. Localized trampling of these soils may occur at the trap sites. The propose action will not contribute

		either directly or indirectly to loss of these potential farmlands. The effects would be minimal and would not directly or indirectly approach any level of significance. no further analysis is necessary.
Threatened and Endangered Species	N	Not present.
Wetlands/Riparian Zones	Y	Analysis in EA
Non-native Invasive and Noxious Species	Y	Analysis in EA
Wilderness/WSA	Y	Analysis in EA
Human Health and Safety	N	No Herbicides would be used during implementation of the Proposed Action
Wild and Scenic Rivers	N	Not Present
Special Status Animal Species, other than those listed or proposed by the FWS as threatened or Endangered.	Y	Analysis in EA
Special Status Plant Species, other than those listed or proposed by the FWS as Threatened or Endangered. Also, ACECs designated to protect special status plant species.	Y	Analysis in EA
Fish and Wildlife	Y	Analysis in EA
Wild Horses	Y	Analysis in EA
Soils/Watershed	N	Project implementation during dry soil conditions combined with the relative small areas used for gathering and holding operations are not expected to adversely impact soil or hydrologic function.
Grazing Uses/Forage	N	Temporary displacement of livestock during the actual gather is possible. No further impacts to grazing uses are anticipated. Forage conditions (quality and quantity) will be improved with the removal of excess wild horses to allow progress towards RAC standards (also see Rangeland Standards and Guidelines above). No detailed analysis necessary.
Water Resources (Water Rights)	N	No adverse effects to water resources or water rights are expected. Project would avoid spring, riparian, and stream locations.
Mineral Resources	N	There would be no modifications to mineral resources through the proposed action.
Vegetative Resources	N	The impacts to vegetation based on the removal of wild horses from these two herd areas were analyzed on pages 4.5-7-27 of the Ely Proposed Resource Management

		Plan/Final Environmental Impact Statement (November 2007). The proposed action would impact vegetation temporarily with trampling and disturbance of vegetation occurring at trap sites. The design features of the proposed action including the SOPs, Appendix I addresses minimizing disturbance to vegetation. The effects would be minimal, and would not directly, indirectly, and cumulatively approach any level of significance. No further analysis is necessary.

2.0 DESCRIPTION OF ALTERNATIVES, INCLUDING PROPOSED ACTION

2.1 Introduction:

The previous chapter presented the Purpose and Need of the proposed project, as well as the relevant issues, i.e., those elements that could be affected by the implementation of the proposed project. In order to meet the purpose and need of the proposed project in a way that resolves the issues, the BLM has developed a range of action alternatives. These alternatives, as well as a no action alternative, are presented below. The potential environmental effects or consequences resulting from the implementation of each alternative are then analyzed in Chapter 3 for each of the identified issues.

2.2 Alternative A - Proposed Action:

The BLM Egan and Caliente Field Office's propose to capture 100 percent of the current population of wild horses or about 350 wild horses in August 2009. Of the animals gathered, approximately 350 wild horses, including all those living outside the Seaman and White River HA boundaries, would be removed and shipped to BLM holding facilities where they will be prepared for adoption and/or sale to qualified individuals or long term holding.

All capture and handling activities (including capture site selections) would be conducted in accordance with the Standard Operating Procedures (SOPs) described in Appendix I and the weed risk assessment in Appendix II. Multiple capture sites (traps) may be used to capture wild horses from the HAs. Whenever possible, capture sites would be located in previously disturbed areas. Capture techniques would be the helicopter-drive trapping method and/or helicopter-roping from horseback.

Other data, including sex and age distribution, reproduction, survival, condition class information (using the Henneke rating system), color, size and other information may also be recorded, along with the disposition of that animal.

2.3 Alternative B - No Action:

Under the No Action Alternative, a gather to remove excess wild horses would not take place beginning in about August 2009. There would be no active management to control the size of the wild horse population at this time. The current population of 350 wild horses would continue to increase at a rate of 15-20 percent annually and would be allowed to regulate their numbers naturally through predation, disease, forage, water and space availability. Existing management, including monitoring, would continue.

The BLM would be out of conformance with the Ely District ROD and Approved RMP (August 2008) at management action WH-5.

The No Action Alternative would not comply with the 1971 WFRHBA or with applicable regulations and Bureau policy, nor would it comply with the Mojave/Southern Great Basin RAC Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations. However, it is included as a baseline for comparison with Proposed Action, as required under the 1969 National Environmental Policy Act (NEPA).

2. Alternatives Considered, but Eliminated from Further Analysis

No alternatives are needed to address any unresolved resource conflicts.

3.0 AFFECTED ENVIRONMENT/ENVIRONMENTAL EFFECTS

3.1 General Setting

The Seaman HA ranges in elevation from approximately 8,650 feet above sea level (asl) to approximately 5,000 feet asl. The annual average precipitation varies from 17 inches at the higher elevation to 7 inches or less at the lower elevations. The area lies approximately 35 miles south of Lund, Nevada and 80 miles southwest of Ely, Nevada, and is within Nye and Lincoln Counties. The HA is 358,800 acres and is dominated by sagebrush and pinyon-juniper with topography ranging from wide open valley bottoms to surrounding gently sloping hills to steep escarpments. Wild horses routinely move outside the HA to the west into the higher elevations of the Grant Range during the summer.

The White River HA ranges in elevation from approximately 8,710 above sea level (asl) to approximately 5,500 feet asl. The annual average precipitation varies from 20 inches at the higher elevations to 8 inches or less at the lower elevations. The area lies approximately 20 air miles southwest of Lund, Nevada, Nye County. The HA is 116,300 acres and is dominated by sagebrush and pinyon-juniper with topography ranging from wide open valley bottoms to surrounding gently sloping hills to steep escarpments.

3.2 Resources/Concerns Analyzed

3.2.1 Wild Horses

3.2.1.1 Affected Environment

In 1971 with the passage of the WFRHBA, the Secretary of Interior (or Agriculture) was required to protect and manage wild horses and burros on public lands administered by the Bureau of Land Management (or the Forest Service) within their known territorial limits. Following the passage of the 1971 WFRHBA, BLM delineated the Seaman and White River Herd Area (HA) of which is approximately 475,100 acres on BLM. Through land use planning (the 1986 Egan RMP), the entire HA (100%) was designated as a herd management area suitable for long-term management of wild horses. The 1986 Egan RMP also established the interim AML for Seaman 159 wild horses and White River 90 Wild Horses.

In 2008, BLM issued Ely District ROD and Approved Resource Management Plan. The Ely District ROD/Approved RMP management action WH-5 states: "Remove wild horses and drop herd management area status for those ... as listed in Table 13." Seaman and White River were dropped from HMA status and returned to HA status (manage "0" wild horses) with this management action. The management action of 0 wild horses within the Seaman and White River HAs reflect the recent evaluation using multi-tiered analysis from the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) table 3.8-2 and page 4.8-2. The EIS (November 2007) evaluated each herd management area for five essential habitat

components and herd characteristics: forage, water, cover, space, and reproductive viability. If one or more of these components were missing, or there was no potential for a stable shared genetic pool, the herd management area was considered unsuitable. Seaman and White River HAs both have inadequate forage, marginal to very little water on public lands, and inadequate reproductive viability. The Seaman HA also has no summer habitat and inadequate cover.

At the present time, an estimated 350 wild horses are present within the two HAs. Moderate to heavy utilization of key forage species by use pattern mapping and key areas together with trampling/trailing, bare ground, and limited water is contributing to rangeland damage and preventing attainment of rangeland health standards. Wild horses in both HAs are thin to moderately thin stage or a body condition score (BCS) class 3-4 on the Henneke BCS chart. Most of the foal crops from both of these HAs are absent and the mares are on the lower end of the class 3 BCS. The bands sizes are generally groups of 10-18 with a few exceptions of singles and several larger groups where more than one band has overlapping home areas.

3.2.1.2 Environmental Effects

Effects of Alternative A -- Proposed Action

Under the Proposed Action, and considering the terrain and anticipated gather efficiency, the post-gather population of wild horses would be about 5-15 animals. More than one gather would likely be needed to remove all of the wild horses within the two areas and effectively return the areas to HA status. However, reducing population size would ensure that wild horses are not at risk of death or suffering from starvation due to insufficient habitat coupled with the effects of drought in 4 of the past 5 years (lack of forage and water).

The impacts associated with gathering wild horses are well documented. Gathering wild horses causes direct impacts to individual animals such as stress, fear or confusion as a result of handling associated with the gather, capture, processing, and transportation of animals. The intensity of these impacts varies by individuals and is indicated by behaviors ranging from nervous agitation to physical distress. Mortality to individuals from this impact is infrequent but does occur in one half to one percent of wild horses captured in a given gather. Other impacts to individual wild horses include separation of members from individual bands of wild horses and removal of animals from the population.

Indirect impacts can occur to horses after the initial stress event, and may include increased social displacement, or increased conflict between studs. These impacts are known to occur intermittently during wild horse gather operations. Traumatic injuries may occur, and typically involve biting and/or kicking bruises, which do not break the skin. The occurrence of spontaneous abortion events among mares following capture is very rare.

Population-wide impacts to individual bands of wild horses would be minimized with this action because all of the horses caught would be removed. The remaining wild horses not captured would maintain their social structure and herd demographics (age and sex ratios). No observable effects to the remaining population associated with the gather impacts would be expected except a heightened shyness toward human contact.

Effects of Alternative B -- No Action Alternative

Under the No Action Alternative, wild horses would not be removed from the Seaman and White River HAs at this time. Individual horses as well as the herd would not be subject to any individual direct or indirect impacts which may result during a gather operation as described for the Proposed Action. However, the current population of about 350 wild horses would continue to increase at rates of 15 to 20 percent per year and would be expected to reach 420 animals by February 2010.

Because wild horses are a long-lived species with documented survival rates exceeding 92% for all age classes, predation and disease do not substantially regulate wild horse population levels. Currently wild horses are in poor body condition due to limited food/water. Utilization of key forage species is moderate to heavy; we would expect to see it increase to heavy to severe. As a result wild horse herds are leaving the HA boundaries seeking forage and water. Under the No Action Alternative wild horse numbers would be expected to continue to increase, which in turn would continue to exceed the carrying capacity of the range. Over time, wild horse numbers in excess of AML would impact range condition to the extent that horse herd health is placed at risk. Individual horses would be at risk of death by starvation and lack of water. Competition among wild horses for the available forage and water would increase, affecting mares and foals most severely. Social stress would increase. Fighting among stud horses would increase as they protect their position at scarce water sources. As populations continue to increase beyond the capacity of the habitat, a greater number of wild horses would be expected to leave the boundaries of the HA seeking forage and water. This would in turn impact range conditions and other range users (i.e. native wildlife) outside the HA boundaries.

3.2.2 Riparian/Wetland Areas

3.2.2.1 Affected Environment

Small riparian areas and their associated plant species occur throughout the Seaman and White River HAs near seeps, springs, and along sections of perennial drainages. Hoof action impacts have resulted in a loss of riparian habitat surrounding spring sources. This type of disturbance combined with reduced vegetative cover is frequently associated with increased bank erosion due to high flows.

3.2.2.2 Environmental Effects

Effects of Alternative A -- Proposed Action

Temporary trap sites and holding facilities would not be located within riparian areas. Riparian areas would improve with the reduced population, which would lead to healthier, more vigorous vegetative communities. Hoof action on the soil around unimproved springs and stream banks would be lessened which would lead to increased stream bank stability. Improved vegetation around riparian areas would dissipate stream energy associated with high flows, and filter sediment that would result in some associated improvements in water quality. The proposed action would make progress towards achieving and maintaining proper functioning condition at riparian areas.

Effects of Alternative B -- No Action Alternative

Wild horse populations would continue to grow. Increased wild horse use throughout the Seaman and White River HAs would adversely impact riparian resources and their associated surface waters. As native plant health deteriorates and plants are lost, soil erosion would increase. With the no action alternative, the severe localized trampling associated with trap sites would not

occur, but this alternative would not make progress towards achieving and maintaining a thriving natural ecological balance and proper functioning condition at riparian areas.

3.2.3 Wildlife

3.2.3.1 Affected Environment

The Seaman and White River HAs provide habitat for many species of wildlife, including large game, smaller mammals such as coyotes (*Canis latrans*), bobcats (*Lynx rufus*), and jackrabbits (*Lepus californicus*), and numerous rodents, reptiles, birds, and invertebrates. Yearlong habitat for pronghorn (*Antilocapra americana)* occurs throughout most of the eastern half of the White River HA, and the northern half of the Seaman HA. Yearlong habitat for mule deer (*Odocoileus hemionus*) occurs throughout most of the White River HA and the central portion of the Seaman HA. Yearlong elk (*Cervus elaphus*) habitat occurs throughout the northern half of the White River HA.

3.2.3.2 Environmental Effects

Effects of Alternative A – Proposed Action

Individual animals of all species may be disturbed or displaced during gather operations. Large mammals and some birds may run or fly when the helicopter flies over looking for horses, but once the helicopter is gone the animals should return to normal activities. Small mammals, birds, and reptiles would be displaced at trap sites, but this would only be for a few days at each trap site. There would be no impact to animal populations as a result of gather operations.

Because the Seaman and White River HA gather would be done during late summer, outside the migratory bird nesting season, there would be no impact to breeding and nesting birds.

Removing excess wild horses from the Seaman and White River HAs would result in reduced competition between wild horses and wildlife, especially large mammals, for available forage and water resources. Removing excess wild horses would result in improved habitat conditions for all species of wildlife by increasing herbaceous vegetative cover in the uplands and improving riparian vegetation and water quality at springs and seeps.

Effects of Alternative B -- No Action Alternative

Under the No Action (no removal) alternative, wildlife would not be temporarily displaced or disturbed during the gather period. However, as wild horse numbers continued to grow, competition between wild horses and wildlife for limited water and forage resources would increase. As competition increases, some wildlife species may not be able to compete successfully, leading to increased stress, decreased productivity, decreased survival, and possible dislocation or death of native wildlife species over the long-term.

3.2.4 Special Status Species

3.2.4.1 Affected Environment

No BLM special status animal species are known to occur within the Seaman and White River HAs. No greater sage-grouse (*Centrocercus urophasianus*) leks occur within either HA. However, it is likely that several species do occur within the HAs during some portion of the year, including greater sage-grouse, ferruginous hawk (*Buteo regalis*), golden eagle (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*), juniper titmouse (*Baeolophus griseus*), prairie falcon (*Falco mexicanus*), pinyon jay (*Gymnorhinus cyanocephalus*), loggerhead shrike (*Lanius ludovicianus*), vesper sparrow (*Pooecetes gramineus*), and gray vireo (*Vireo vicinior*). Other

special status animal species including reptiles, small mammals, invertebrates, and bats likely also occur within the Herd Areas.

Two BLM sensitive plant species have been documented within the Seaman and White River HAs. These include one occurrence of currant milkvetch (*Astragalus uncialis*) within the White River HA, and one occurrence of Tiehm's blazing star (*Mentzelia tiehmii*) within the Seaman HA.

3.2.4.2 Environmental Effects

Effects of Alternative A -- Proposed Action

Individual birds and other animals may be disturbed during gather operations when the helicopter flies over looking for horses. Once the helicopter is gone these animals should return to normal activities. Because trap sites and holding facilities would not be located where sensitive animal and plant species are known to occur, no effects to populations of special status species would occur as a result of gather operations.

Removing excess wild horses from the Seaman and White River HAs would result in improved habitat conditions for all special status animal species by increasing herbaceous vegetative cover in the uplands and improving riparian vegetation and water quality at and around springs and seeps. Sensitive plant species would be less likely to be grazed or trampled after removing excess wild horses.

Effects of Alternative B -- No Action Alternative

Individual animals would not be disturbed or displaced because gather operations would not occur under the no action alternative. Habitat conditions for all special status animal species would continue to deteriorate as wild horse numbers above AML reduce herbaceous vegetative cover. Sensitive plant species would be more likely to be grazed and trampled under the no action alternative because there would be more wild horses within the HA boundaries.

3.2.5 Wilderness and Wilderness Study Areas

3.2.5.1 Affected Environment

Weepah Spring Wilderness is characterized by a rugged land, the Seaman Range and Timber Mountain consists of individual peaks and a myriad of canyons sloping off the higher ground. Elevations range from 4,600 feet in the canyon bottoms to 8,605 feet at the top of the escarpment. Weepah Spring Wilderness is an excellent, unspoiled example of mountain ranges typical of the Great Basin. The complex geology of the area forms a complicated landscape: isolated peaks, wandering canyons, walls of fossil bearing rocks, natural arches and volcanic hoodoos. Add to this the oddity of the largest stand of ponderosa pine in eastern Nevada and 4,000 year old rock art.

Blue Eagle Wilderness Study Area (WSA) is characterized by rocky cliffs, deep, narrow canyons and a spectacular massively bedded limestone of Blue Eagle Mountain (elevation 9,561 feet) creates a fortress plateau surrounded by sheer cliffs on three sides. Elevations range from 4,800 feet in the canyon bottoms to 9,561 feet at the top of the escarpment. Reminiscent of the hidden realms in stories such as The Lost World, this over 9,000 foot island in the sky supports a forest of White Fir, Ponderosa, Limber, and Bristlecone Pine.

Riordan's Well Wilderness Study Area (WSA) is characterized by extremely rudded with a maze of peaks, outcrops, and drainages which support a variety of conifer and wildlife species.

Elevations range from 5,000 feet in the canyon bottoms to 9,562 feet on Heath Peak. Around Heath Peak white limestone cliffs provide a colorful contrast with the dark green forest canopy.

3.2.5.2 Environmental Effects

Effects of Alternative A -- Proposed Action

The Wilderness Act directs that wilderness areas be managed to provide for their protection, the preservation of their natural conditions, and the preservation of their wilderness character. Wild horse and burro management within wilderness is subject to the requirements of the Wilderness Act. Herd numbers and management techniques must not degrade and must be compatible with preservation of the area's wilderness character.

FLPMA requires BLM to manage WSAs in a manner so as not to impair their suitability for preservation as wilderness. This is referred to as the non-impairment mandate. Under the Interim Management Plan (IMP) wild horse and burro populations must be managed at appropriate management levels to ensure a thriving natural ecological balance.

This Alternative would allow for wilderness and wilderness study areas to be managed as mandated and required. During gather operations, the helicopter may fly over portions of the wilderness or WSA looking for wild horses. These areas will be avoided for trap construction and landing of the helicopter. Flying in these areas will be minimized to ensure that wilderness qualities are not impaired.

Effects of Alternative B -- No Action Alternative

Under the No Action Alternative, wild horse populations would continue to exceed the productive capability of the Seaman and White River HAs; vegetation in riparian and uplands would continue to receive heavy to excessive utilization. This level of use would be expected to detract from the aesthetic values derived from wilderness or WSA characteristics.

3.2.6. Noxious Weeds and Invasive Non-native Species

3.2.6.1 Affected Environment

The BLM defines a weed as a non native plant that disrupts or has the potential to disrupt or alter the natural ecosystem function, composition and diversity of the site it occupies. A weeds presence deteriorates the health of the site, it makes efficient use of natural resources difficult, and it may interfere with management objectives for that site. It is an invasive species that requires a concerted effort (manpower and resources) to remove from its current location, if it can be removed at all. "Noxious" weeds refer to those plant species which have been legally designated as unwanted or undesirable. This includes national, state and county or local designations.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. Currently, there are no documented weed infestations within the White River HA. Currently, the following weed species are found within the Seaman HA:

Acroptilon repens	Russian knapweed
Lepidium draba	Hoary cress
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

The following noxious and non-native, invasive species are found along roads and drainages leading to both HAs:

Acroptilon repens	Russian knapweed
Carduus nutans	Musk thistle
Centaurea diffusa	Diffuse knapweed
Centaurea stoebe	Spotted knapweed
Cirsium arvense	Canada thistle
Cirsium vulgare	Bull thistle
Lepidium draba	Hoary cress
Lepidium latifolium	Tall whitetop
Linaria dalmatica	Dalmatian toadflax
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

The Seaman HA was last inventoried for noxious weeds in 2007. The White River HA was last inventoried for noxious weeds in 2002. It should be noted that both of these HAs occur near or on the Ely District boundary with the BLM Battle Mountain District. Weed inventory data for this district is not available. While not officially documented the following non-native invasive weeds probably occur in or around the project area:

Bromus tectorum	Cheatgrass	*Marrubium vulgare*	Horehound
Ceratocephala testiculata	Bur buttercup	*Salsola kali*	Russian thistle
Convolvulus arvensis	Field bindweed	*Sysimbrium altissimum*	Tumble mustard
Halogeton glomeratus	Halogeton	*Verbascum thapsus*	Common mullein

3.2.6.2 Environmental Effects

Effects of Alternative A -- Proposed Action

A Noxious and Invasive Weed Risk Assessment was completed for this project (Appendix II). The proposed gather may spread existing noxious or invasive weed species. This could occur if vehicles drive through infestations and spread seed into previously weed-free areas. The contractor together with the contracting officer's representative or project inspector (COR/PI) would examine proposed trap sites and holding corrals for noxious weeds prior to construction. If noxious weeds are found, the location of the facilities would be moved. Any off-road equipment would be cleaned with high pressure equipment prior to entering public lands and, if exposed to weed infestations while completing the project, would be cleaned before moving into weed free areas. The Ely District normally requires that all hay, straw, and hay/straw products use in project be free of plant species listed on the Nevada noxious weed list. However, this gather is being implemented through the National Wild Horse & Burro Gather Contract and there are no stipulations in this national contract that require the contractor to provide certified weed-free forage. To minimize the potential impact of using non-certified hay/straw products, all trap sites, holding facilities, and camping areas on public lands would be monitored for weeds during the next several years. Any new infestations noted will be immediately reported to the Ely District Office Weeds Coordinator. Despite short-term risks, over the long term the reduction in wild horse numbers and the subsequent recovery of the native vegetation would result in a more robust and diverse native plant community which would be more resistant to non-native plant invasion

Effects of Alternative B -- No Action Alternative

Under this alternative, the wild horse gather for these HAs would not take place at this time. The likelihood of noxious or invasive weeds being spread by gather operations would not exist. However, continued overgrazing of the present plant communities by increased wild horse numbers could lead to an expansion of noxious weeds and invasive non-native species due to poor native plant composition.

4.0 CUMULATIVE EFFECTS

4.1 Introduction

As required under NEPA and the regulations implementing NEPA, this section analyzes potential cumulative impacts from past, present, and reasonably foreseeable future actions combined with the Proposed Action within the area analyzed for impacts in Chapter 3 specific to the resources for which cumulative impacts may be anticipated. A cumulative impact is defined as "the impact which results from the incremental impact of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (40 Code of Federal Regulations 1508.7).

Additionally, the guidance provided in The National BLM NEPA Handbook H-1790-1 (2008), for analyzing cumulative effects issues states, "Determine which of the issues identified for analysis may involve a cumulative effect with other past, present, or reasonably foreseeable future actions. If the proposed action and alternatives would have no direct or indirect effects on a resource, you do not need a cumulative effects analysis on that resource (p.57)."

A comprehensive cumulative effects analysis can be found on pages 4.28-1 through 4.36-1 of the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007).

The Cumulative Effects Study Area (CESA) for the cumulative effects analysis on non-native, invasive species and wild horses is defined by the Seaman and White River HA boundaries.

4.2 Past Present and Reasonably Foreseeable Future Actions

4.2.1 Past Actions

Herd Areas (HAs) were identified in 1971 as areas occupied by wild horses. Herd Management Areas (HAs) were established in the late 1980s through the land use planning process as areas where wild horse management was an approved multiple-use. These plans (which include the Caliente Grazing EIS, the Schell Grazing EIS and the Egan RMP/EIS) identified the long-term management direction for domestic livestock grazing, wildlife and wild horses and analyzed the associated environmental impacts. Through land use planning (1986 Egan RMP), AML was initially established as 159 wild horses for Seaman HA and 90 wild horses for White River HA.

Removals of excess wild horses from the Seaman and White River HAs have never occurred on a regular basis. However, the Seaman HA has had an emergency gather in 1996 where 266 horses were gathered. Prior to the 1996 emergency gather the Seaman HA was gathered in 1985. The White River HA was gathered in 2004/2005 where 406 wild horses were removed. Prior to the 2004/2005 gather the White River emergency gather was completed in 1996 where 277 wild horses were removed.

4.2.2 Present Actions

Today the Seaman and White River HAs have an estimated population of 350 wild horses (which includes 20 wild horses residing outside the HA on lands administered by the Humboldt-Toiyabe National Forest). Resource damage is occurring both within and outside the HA due to this overpopulation of wild horses.

Current BLM policy is to implement the Ely District ROD and Approved RMP (August 2008) at management action WH-5 states: "Remove wild horses and drop herd management area status for those ... as listed in Table 13." Seaman and White River were dropped from HMA status with this management action and need to have all wild horse removed from these HA's.

Current policy prohibits the destruction of healthy animals that are removed or deemed to be excess. Only sick, lame, or dangerous animals can be euthanized, and destruction is no longer used as a population control method. Nor does BLM sell excess animals for slaughter; rather BLM makes every effort to place excess animals with private citizens in the continental United States who can provide the animals with a good home.

Public interest in the welfare and management of wild horses continues to be very high. Many different values pertaining to wild horse management form the public's perceptions. Some view wild horses as nuisances, while others strongly advocate management of wild horses as living symbols of the pioneer spirit.

An assessment for conformance with Rangeland Health Standards is currently ongoing for the Seaman and White River HAs and the associated livestock grazing allotments. Portions of the HA have been monitored intensely over the past several years due to problems with drought, vegetation condition and combined use by wild horses and domestic livestock. Upon completion of these evaluations, additional adjustments in livestock season of use, livestock numbers, and grazing systems may be made through the allotment evaluation process.

The Proposed Action analyzed in this environmental assessment would result in reducing the current wild horse population size to zero. By reducing numbers competition between wild horses and other users (i.e. native wildlife and domestic livestock) for limited forage and water resources would decrease over the current level. Direct improvements in soils and riparian-wetland condition would be expected in the short term, which should benefit wildlife, and fewer multiple-use conflicts within and adjacent to the Seaman and White River HA. Over the long-term, improving the range would further benefit all users and the resources they depend on for forage and water.

Under the No Action (no removal) alternative, the current overpopulation of wild horses would not be reduced because a gather would not occur at this time. Population numbers would reach 420 by February 2010. Competition between wild horses and native wildlife and domestic livestock for limited forage and water resources would increase, and riparian-wetland conditions would continue to deteriorate. Over the longer-term, the health of wild horses and native wildlife would be expected to suffer as rangeland productivity further declines.

4.2.3 Reasonably Foreseeable Future Actions

No further amendments to the 1971 WFRHBA are currently anticipated which would result in changes in horse and burro management on the public lands. However, the WFRHBA has been

amended three times since 1971 (i.e. the Act was amended in 1976, 1978, and again in 2004). Therefore, future changes to the WFRHBA are possible as a reasonably foreseeable future action.

The Southwest Inertie Project Corridor (SWIP) was originally proposed as a 540-mile-long 500-kilovolt transmission line from Idaho to termination points in southern Nevada and Delta, Utah. A right of way for the project was granted in the 1990s but the project was never constructed. However, approximately 383 miles of the Southwest Intertie Project corridor were maintained in the Ely RMP (August 2008) as a designated corridor. This corridor intersects the White River HA for approximately 14 miles and approximately 11 miles through the Seaman HA. Natural processes could include wildland fire and drought.

4.3 Cumulative Impact Analysis

Land-disturbing and transportation activities within the cumulative effects study area that can increase chances of spreading existing non-native invasive species (including noxious weeds) populations include the reasonably foreseeable future action SWIP corridor, grazing, and possible wildland fires. Effects from past activities have facilitated the spread of noxious species, especially along transportation routes, drainages, and disturbed areas.

Establishment of non-native, invasive species would likely occur under the proposed action and other interrelated projects. However, the spread of noxious weeds would be minimized through the stipulations listed in the Weed Risk Assessment (Appendix II) incorporated into the proposed action. In addition, the active BLM Ely District Weed Management Program would minimize the spread of weeds within the Herd Area Boundaries.

Cumulative beneficial effects from the Proposed Action are expected, and would include continued improvement of riparian-wetland conditions, which would in turn positively impact native wildlife as forage quantity and quality is improved over the current level.

Direct cumulative impacts of the No Action alternative coupled with impacts from past, present and reasonably foreseeable future actions would result in foregoing an opportunity to improve watershed health. As a result, the No Action Alternative, in conjunction with many of the past, present and reasonably foreseeable future actions would result in non-attainment of RMP or the Standards for Rangeland Health and Wild Horse and Burro Populations.

The combination of the past, present, and reasonably foreseeable future actions, along with implementation of the Proposed Action, should result in healthier rangelands and fewer multiple-use conflicts within and adjacent to the Seaman and White River HA.

5.0 TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED

5.2 Persons, Groups and Agencies Consulted

Name	Purpose & Authority for Consultation or Coordination	Findings and Conclusions
Nevada State Historic Preservation Office (SHPO)	Consultation for undertakings as required by the National Historic Preservation Act (16 USC	The cultural survey report was sent to SHPO with a determination of no adverse effect. No response was received within 30 days from the submission of any of the reports. Consultation is therefore

	1531)	considered to be closed.
Steve Foree	Nevada Department of Wildlife	Comments considered in this environmental assessment

5.3 Summary of Public Participation

A public comment period will be offered for a review period for this preliminary EA between May 26, 2009 and July 6, 2009.

Public hearings are held annually on a state-wide basis regarding the use of helicopters and motorized vehicles to capture wild horses (or burros). During these meetings, the public is given the opportunity to present new information and to voice any concerns regarding the use of these methods to capture wild horses (or burros). The Nevada BLM State Office held a meeting on May 16, 2007; 2 oral comments, 8 written comments and approximately 120 e-mail comments were entered into the record for this hearing. Specific concerns included: (1) the use of helicopters and motorized vehicles is inhumane and results in injury or death to significant numbers of wild horses and burros; (2) bait and/or water trapping or removal by horseback are more humane methods of removal; (3) misconduct by gather contractors or others must be immediately corrected. One commenter commended BLM for the safe, effective, and humane use of helicopters and motorized vehicles to capture and transport wild horses and burros. Based on the number of concerns expressed with respect to the use of helicopters and motorized vehicles, BLM thoroughly reviewed the Standard Operating Procedures to assure that all necessary measures are in place to humanely capture, handle and transport Nevada's wild horses and burros during the upcoming gather season. No changes to the SOPs were indicated based on this review.

The use of helicopters and motorized vehicles has proven to be a safe, effective and practical means for the gather and removal of excess wild horses and burros from the range. Since July 2004, Nevada has captured 26,000 animals with a total mortality of 1.3% (of which .5% was gather related) which is very low when handling wild animals. BLM also avoids gathering wild horses prior to or during the peak foaling season and does not conduct helicopter removals of wild horses during March 1 through June 30.

5.4 List of Preparers

5.4.1 BLM:

Name	Title	Responsible for the Following Section(s) of this Document
Ruth Thompson	Wild Horse Specialist	Project Lead/ Wild Horse
Ben Noyes	Wild Horse Specialist	Wild Horse
Susie Stokke	National Wild Horse Specialist	Wild Horse
Gina Jones	Ecologist	NEPA Coordinator
Mark D'Aversa	Hydrologist	Soil, Air Quality, Water Quality, Floodplains, Riparian/Wetlands
Bonnie Million	Natural Resource	Invasive, Non-Native Species

	Specialist (Weeds)	
Amanada Anderson	Rangeland Management Specialist	Range
Mark Lowrie	Rangeland Management Specialist	Range
Mindy Seal	Natural Resource Specialist	Vegetative Resources
Leslie Riley	Archeologist	Arch/Historic Paleontological
Cameron Collins	Wildlife Biologist	Wildlife, Migratory Birds, Special Status Animals, Special Status Plants
Dave Jacobson	Planning and Environmental Coordinator (Wilderness)	Wilderness Values
Chris Hanefeld	Public Affairs Specialist	Public Affairs

6.0 REFERENCES, GLOSSARY AND ACRONYMS

6.1 References Cited

USDOI, BLM. 2008. National Environmental Policy Act. Handbook-1790-1.

USDOI. 2007. Ely Proposed Resource Management Plan/ Final Environmental Impact Statement. U.S. Department of the Interior, Bureau of Land Management. BLM/EL/PL-07/09+1793. DOI No. FES07-40. November 2007

USDOI. 2008. Ely District Record of Decision and Approved Resource Management Plan. U.S. Department of the Interior, Bureau of Land Management. BLM/NV/EL/PL-GI08/25+1793.

USDOI, Bureau of Land Management. 1994. Guidelines for assessing and documenting cumulative impacts. WO-IB-94-310

6.2 Acronyms

BLM-Bureau of Land Management
CFR-Code of Federal Regulations
DR-Decision Record
EA-Environmental Assessment
EIS-Environmental Impact Statement
FLPMA-Federal Land Policy and Management Act
FONSI-Finding of No Significant Impact
HA – Herd Area
HMA – Herd Management Area
ID-Interdisciplinary
IM-Instructional Memorandum
NEPA-National Environmental Policy Act
RFS-Reasonably Foreseeable Future Action
RMP-Resource Management Plan

APPENDIX I
STANDARD OPERATING PROCEDURES

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

Gathers are normally conducted for one of the following reasons:

1. Regularly scheduled gathers to obtain or maintain the Appropriate Management Level (AML).

2. Drought conditions that could cause mortality to WH&B due to the absence of water or forage, and where continued grazing may result in a downward trend to the vegetative communities due to plant mortality and reduced vigor and productiveness.

3. Fires that remove forage to the extent that there is inadequate forage to sustain the population or to allow recovery of native vegetation.

4. Utilization levels that reach a point where a continued increase in utilization would cause a downward trend in the plant communities and impede meeting standards for rangeland health.

5. Monitoring indicates that WH&B use would begin to cause a downward trend in riparian function or not permit the recovery of riparian vegetation determined to be in undesirable condition.

Capture Methods used in the Performance of a Gather - Contract Operations

a. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:

All trap and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (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 rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

c. 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:

(1) 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.

(2) All loading chute sides shall be a minimum of 6 feet high and shall be fully covered, plywood, metal without holes.

(3) 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 fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.

(4) 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, plastic snow fence, 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

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

d. No modification of existing fences will be made without authorization from the COR/PI. The Contractor shall be responsible for restoration of any fence modification which he has made.

e. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to wet down the ground with water.

f. 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, sex, or other necessary procedures. In these instances, a portable restraining chute may be necessary and will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that 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 COR.

g. 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. An animal that is held at a temporary holding facility after 5:00 p.m. and on through the night, is defined as a horse/burro feed day. An animal that is held for only a portion of a day and is shipped or released does not constitute a feed day.

h. It is the responsibility of the Contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.

i. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI will determine if injured animals must be destroyed and provide for destruction of such animals. The Contractor may be required to humanely euthanize animals in the field and to dispose of the carcasses as directed by the COR/PI.

j. Animals shall be transported to final destination 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 gather operations may be held up to 21 days or as directed by the COR/PI. 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 COR/PI. 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 COR. 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 COR.

C.6 CAPTURE METHODS THAT MAY BE USED IN THE PERFORMANCE OF A GATHER

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

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

(2) All trigger and/or trip gate devices must be approved by the COR/PI prior to capture of animals.

(3) Traps shall be checked a minimum of once every 10 hours.

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

(1) 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 COR/PI. Under no circumstances shall animals be tied down for more than one hour.

(2) The contractor shall assure that foals shall not be left behind, and orphaned.

c. Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If the contractor with the approval of the COR/PI selects this method the following applies:

(1) Under no circumstances shall animals be tied down for more than one hour.

(2) The contractor shall assure that foals shall not be left behind, or orphaned.

(3) The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

C.7 MOTORIZED EQUIPMENT

a. 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 COR/PI with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.

b. 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.

c. 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.

d. 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 COR/PI.

e. Floors of tractor-trailers, stock trailers and loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping.

f. Animals to be loaded and transported in any trailer shall 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 shall 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 (.50 linear feet in an 8 foot wide trailer).

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

h. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor will be instructed to adjust speed.

C.8 SAFETY AND COMMUNICATIONS

a. The Contractor shall have the means to communicate with the COR/PI 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.

1. 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 contracting officer or COR/PI 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 Contracting Officer or his/her representative.

2. The Contractor shall obtain the necessary FCC licenses for the radio system

3. All accidents occurring during the performance of any task order shall be immediately reported to the COR/PI.

b. Should the contractor choose to utilize a helicopter the following will apply:

1. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State in which the gather is located.

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

C.9 CONTRACTOR-FURNISHED PROPERTY

a. As specified herein, it is the contractor's responsibility to provide all necessary support equipment and vehicles, hay and water for the animals and any other needed items, personnel, vehicles, horses, etc. to support the capture, care and transport of horses/burros. Other equipment includes but is not limited to, a minimum 2,500 linear feet of 72-inch high (minimum height) panels for horses or 60-inch high (minimum height) for burros for traps and holding facilities. Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g., rubber, galvanized metal with rolled edges, rubber over metal) so as to avoid injury to the animals.

b. The Contractor shall provide a radio transceiver to insure communications are maintained with the BLM project PI when driving or transporting the wild horses/burros. The contractor needs to insure communications can be made with the BLM and be capable of operating in the 150 MHz to 174 MHz frequency band, frequency synthesized, CTCSS 32 sub-audible tone capable, operator programmable, 5kHz channel increment, minimum 5 watts carrier power.

C.10 GOVERNMENT FURNISHED EQUIPMENT/SUPPLIES/MATERIALS

The government will provide a portable restraining chute for each contractor to be used for the purpose of restraining animals to determine the age of specific individuals or other similar procedures. The contractor will be responsible for the maintenance of the portable restraining chute during the gather season. The government may also provide VHF/FM portable 2-way radios, if needed. The government will provide all inoculate syringes, freezmarking equipment, and all related equipment for fertility control treatments. When required a boat will be furnished to transport burros. The Contractor shall be responsible for the security of all Government Furnished Property (GFP).

C.11 SITE CLEARANCES

Prior to setting up a trap or temporary holding facility, BLM will conduct all necessary clearances (archaeological, T&E, etc). All proposed site(s) must be inspected by a government archaeologist. Once archaeological clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.

Keep removal and disturbance of vegetation to minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, ect.).

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 wild horses or burros being held in BLM facilities. Only authorized 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

Ely District

Contracting Officer's Representatives

Ely District Office
Ben Noyes
Ruth Thompson

Project Inspectors
Paul Podborny

Ely District Office

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The

Egan Field Office Manager will take an active role to ensure the appropriate lines of communication are established between the field, District Office, State Office, National Program Office, and PVC Corral offices. 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 BLM Corrals 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

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

Seaman & White River HAs Gather
Lincoln & Nye County, Nevada

On April 22, 2009 a Noxious & Invasive Weed Risk Assessment was completed for the wild horse gather for the Seaman and White River Herd Areas (HA) in Lincoln and Nye County, Nevada. The proposed action is to remove approximately 350 excess wild horses from the Seaman and White River HAs beginning in August 2009 in order to achieve and maintain the appropriate management level (AML) and prevent further range deterioration resulting from the current overpopulation of wild horses. These areas will be gathered using a helicopter drive trap. Trap sites should be located at previous trap site locations or in previously disturbed areas, where possible.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. Currently, there are no documented weed infestations within the White River HA. Currently, the following weed species are found within the Seaman HA:

Acroptilon repens	Russian knapweed
Lepidium draba	Hoary cress
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

The following noxious and non-native, invasive species are found along roads and drainages leading to both HAs:

Acroptilon repens	Russian knapweed
Carduus nutans	Musk thistle
Centaurea diffusa	Diffuse knapweed
Centaurea stoebe	Spotted knapweed
Cirsium arvense	Canada thistle
Cirsium vulgare	Bull thistle
Lepidium draba	Hoary cress
Lepidium latifolium	Tall whitetop
Linaria dalmatica	Dalmatian toadflax
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

The Seaman HA was last inventoried for noxious weeds in 2007. The White River HA was last inventoried for noxious weeds in 2002. It should be noted that both of these HAs occur near or on the Ely District boundary with the BLM Battle Mountain District. Weed inventory data for this district is not available. While not officially documented the following non-native invasive weeds probably occur in or around the project area:

Bromus tectorum	Cheatgrass	*Marrubium vulgare*	Horehound
Ceratocephala testiculata	Bur buttercup	*Salsola kali*	Russian thistle
Convolvulus arvensis	Field bindweed	*Sysimbrium altissimum*	Tumble mustard
Halogeton glomeratus	Halogeton	*Verbascum thapsus*	Common mullein

Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area

For this project, the factor rates as Moderate (5) at the present time. Given the concentrated use around capture sites and the use of non-certified forage it is likely that project activities will results in new infestations, specifically at the capture sites.

Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

This project rates as High (8) at the present time. The Seaman HA is relatively free from noxious weed infestations and the White River HA currently has no documented weed infestations. If new weed infestations spread to the area there would be adverse effects to the surrounding native vegetation. Any increase in cheatgrass could alter the fire regime in the area.

The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is Moderate (40). This indicates that the project can proceed as planned as long as the following measures are followed:

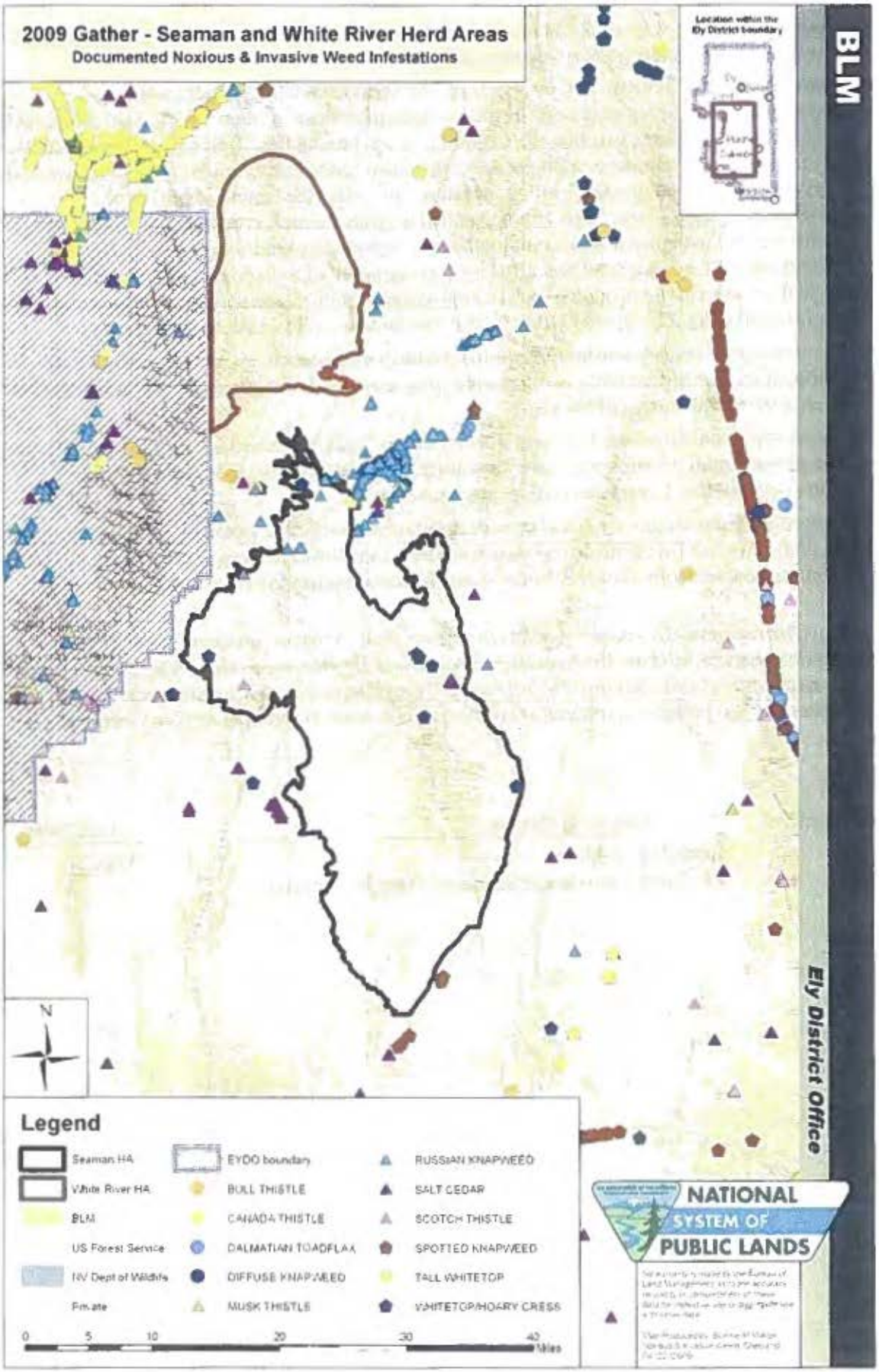
- Gather capture sites will be chosen in previously disturbed areas which are free from noxious weed infestations, to the greatest extent possible.
- Where appropriate, vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. Vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global positioning systems or other mutually acceptable equipment and provided to the Ely District Office Weed Coordinator or designated contact person.
- Prior to entry of vehicles and equipment to a planned disturbance area, a weed scientist or qualified biologist will identify and flag areas of concern. The flagging will alert personnel or participants to avoid areas of concern.
- Keep removal and disturbance of vegetation would be kept to a minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)
- Monitoring of the capture sites will be conducted for at least three years and will include weed detection. Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

The Ely District normally requires that all hay, straw, and hay/straw products use in project be free of plant species listed on the Nevada noxious weed list. However, this gather is being implemented through the National Wild Horse & Burro Gather Contract and there are no stipulations in this national contract that require the contractor to provide certified weed-free forage.

Reviewed by: Bonnie M. Million 04/22/2009

Bonnie M. Million
Ely District Noxious & Invasive Weeds Coordinator

Date


2009 Gather - Seaman and White River Herd Areas
Documented Noxious & Invasive Weed Infestations
Location within the Ely District boundary
BLM
Ely District Office
N
Legend
Seaman HA
White River HA
BLM
US Forest Service
NV Dept of Wildlife
Private
EYDO boundary
BULL THISTLE
CANADA THISTLE
DALMATIAN TOADFLAX
DIFFUSE KNAPWEED
MUSK THISTLE
RUSSIAN KNAPWEED
SALT CEDAR
SCOTCH THISTLE
SPOTTED KNAPWEED
TALL WHITETOP
WHITETOP/HOARY CRESS
0 5 10 20 30 40 Miles
NATIONAL SYSTEM OF PUBLIC LANDS