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United States
Department of
Agriculture

Forest
Service

Spring Mountains
National Recreation
Area

4701 North Torrey Pines
Drive
Las Vegas NV 89130

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SCOPING DOCUMENT

**ENVIRONMENTAL ASSESSMENT AND WILD HORSE AND BURRO GATHER
PLAN FOR KYLE AND LEE CANYONS**

I. INTRODUCTION

The Spring Mountains NRA, (SMNRA) Las Vegas, Nevada is proposing to remove 18 wild horses from Kyle and Lee Canyons. This area is outside of the Spring Mountains Wild Horse and Burro Territory/HMA as designated by the Spring Mountains NRA General Management Plan (GMP). This proposed action is in conformance with the goals and objectives listed in the Strategic Management Plan for Wild Horses and Burros on Public Lands, June 1992 (USDI-BLM).

The five primary objectives and goals for the SMNRA GMP are (1) Conserve the health, diversity, integrity, and intrinsic beauty of the ecosystem; (2) Manage in a way consistent with the goal of establishing a "balanced" ecosystem between wild horses and burros, elk, and other wildlife, and recreation uses; (3) Protect Native American heritage, cultural uses and resources; (4) Provide for a variety of multiple use opportunities; and (5) Where consistent with the above, provide additional opportunities for recreation.

In adhering to the objectives and goals of the GMP, several areas of the SMNRA T/HMA have been designated off-limits to wild horse and burro activity. The areas in Lee and Kyle Canyons, as well as areas in Deer Creek are currently involved in this designation. Wild horses and burros are excluded from these areas to protect sensitive resources and to be in compliance with the primary objectives and goals of the GMP as stated above.

The wild horses that currently reside in Lee Canyon are seasonal residents, living the spring, summer, and fall months in the canyon, and leaving during the snowy winters. Their presence in the canyon during these months has severely impacted the vegetative state of the fragile high elevation meadows, which are favorite feeding grounds for the horses. This region was designated outside of the SMNRA T/HMA to protect the precious natural resources that make the area attractive to wildlife and recreation users.

II. PRELIMINARY ALTERNATIVES TO BE ANALYZED

Alternative 1: "NO ACTION ALTERNATIVE" Under the no action alternative no wild horses or burros would be gathered from outside the Spring Mountains NRA Wild Horse and Burro Territory/HMA.



Alternative 2: "PROPOSED ACTION" Removal of all horses and burros located outside the Spring Mountain Wild Horse and Burro Territory/HMA to meet the objectives of the Toiyabe National Forest Land and Resource Management Plan and the Spring Mountains NRA, GMP, Specific Management Areas (11.11) ... Wild Horse and Burros are excluded from Kyle and Lee Canyons and the Strategic Management Plan for Wild Horse and Burros on Public Lands, June 1992 (USDI-BLM).

PROJECT DESCRIPTION UNDER THE PROPOSED ACTION

Proposed Action

Under the proposed action the FS/BLM proposed to gather approximately 18 wild horses. This proposed action is in conformance with the goals and objectives listed in the Strategic Management Plan for Wild Horses and Burros on Public Land, June 1992 (USDI-BLM). It states that population levels located outside T/HMA are to be removed to be in conformance with the rules and regulations. The last gather in this area was in 1996. Since that time, approximately 18 horses have moved into Lee Canyon and Kyle Canyon.

Area of Concern

The gather will be located in Kyle and Lee Canyon outside the herd unit areas of the Spring Mountains T/HMA. The areas are located approximately 35 miles northwest of Las Vegas, in the northwestern corner of Clark County, Nevada (See Appendix 1, Maps).

Time Frame

The gather will be scheduled for summer 2002.

Administration of the Contract

An Interagency Agreement (#17-IA-99-050) was entered into between the USDI- Bureau of Land Management, Las Vegas Field Office (LVFO) and the USDA-Forest Service, SMNRA with intent to joint manage the wild horses and burros on Forest Service lands. Within the said agreement, Forest Service will reimburse BLM for the cost of capture, removal, maintenance, processing and adoption of animals captured on Forest Service lands.

The Natural Resource Specialist or designated officer for SMNRA, will act as project leader for the gather. The BLM, Las Vegas Field Office Wild Horse and Burro Specialist Gary McFadden as the Project Inspector (PI) will assist the project leader. The project leader is directly responsible for all attributes of the gather operation, and for updating the District Ranger and the contact at the Nevada State Office on the progress of the gather.

The FS/BLM, either directly or by contract, will supervise the capture, care and temporary holding of animals until adoption or release. At least one authorized FS/BLM employee will be present at the site of capture at all times. If contracted, the project leader and/or PI will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with contract stipulations will be through the issuance of written instructions to the contractor, stop work orders, and default procedures

should the contractor not perform work accordingly.

a. Gather Procedures Within Gather Areas:

The project leader or PI will be responsible for determining the location of gather areas, the number of animals within these areas, and local trap sites as animal concentration, terrain, physical barriers, and weather conditions dictate. Upon determination of the specific gather areas, the project leader/PI, and gather contractor, if procured, will select the general location of the trap sites in which animals will be herded.

b. Gather Methods and Safety

The animals will be captured using a bait trap method using portable corral panels. A temporary corral will be erected in a strategic position within the observed use area. Alfalfa, or some other clean weed-seed-free hay will be thrown around and inside of the trap. Water will also be provided to attract the animals to the trap. Captured animals will be transported and cared for in accordance with the following rules and regulating in this gather plan. The FS/BLM may contract with a private party for part or all of this operation. If a private party is used for this operation, FS/BLM employees will be supervising the contractor at all times during the gathering operation. The following stipulations and procedures will be followed during the contract to ensure the welfare, safety, and humane treatment of animals, as well as the success of the capture.

c. Contractor's Briefing

If a contract is awarded, the contractor will be briefed on their duties and responsibilities before the notice to proceed is issued. There will also be an inspection of the contractor's equipment to ensure that it meets specifications and is adequate for the job. Any equipment that does not meet specifications must be replaced within 48 hours.

The contractor will also be informed of the terrain involved, the condition of the animals, the condition of the roads, potential trap locations, and the presence of fences and other dangerous barriers, as needed.

d. Temporary holding Facility

The temporary holding facility will be located on public lands unless an agreement has been made between the contractor and the some private landowner for the use of their facilities. If private land is used, the contractor must guarantee federal and public access, and accept all liability for use of the facility. Use of private facilities is subject to approval by the project leader.

The Forest Service, BLM, or contractor shall provide all feed, water, labor and equipment to care for captured animals at the holding facility, and transportation of the captured animals from the holding facility to the specified adoption center (Kingman, AZ, Ridgecrest, CA, or Palomino Valley, NV). All labor, vehicles, traps, troughs, feed,

temporary holding facilities and other equipment, including but not limited to the aforementioned shall be furnished by the Forest Service, BLM, or the contractor. Forest Service or BLM will furnish supervision to insure the safety and welfare of the animals.

e. Use of Motorized Equipment

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 project leader/PI with a current safety inspection (less than one year old) of all tractor/stock trailers to be used to transport animals to the final destination.

Vehicles shall be in good repair, of adequate rated capacity and operated so as to insure that captured animals are transported without undue risk of injury.

Only stock trailers shall be allowed for transporting animals from traps to temporary holding facilities, only Bobtail trucks, stock trailers or single deck trucks shall be used to transport animals from temporary holding facilities to final destination. Sides of stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two partition gates to separate animals. Trailers less than 40 feet shall have at least one partition gate to separate the animals. 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 trailers is unacceptable and shall not be allowed.

All vehicles used to transport animals to final destination shall be equipped with at least one door at the rear end of the vehicle that 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 all 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 kick through the sides. Final approval of vehicles used to transport animals will be the responsibility of the project leader/PI.

Floors of vehicles and loading chute shall be covered and maintained with a non-skid surface such as sand, mineral soil or wood shavings to prevent the animals from slipping. This will be confirmed by the project leader/PI prior to every loading.

Animals to be loaded and transported in any vehicle shall be according to the direction of the project leader/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. A minimum of 1.4 linear foot per adult animal and 0.75 linear foot per foal shall be allowed per standard 8 foot wide stock trailer/truck.

The FS/BLM employee supervising the loading of the wild horses to be transported from the trap to the temporary holding corral will require separation of small foals and weak horses from the rest, if they could be injured during the trip. Distance and condition of the road and animals will be considered in making this determination. Horses shipped

from the temporary holding corral to the BLM holding facility are usually separated by studs, mares and foals (including small yearlings). However, if the numbers of these classes of animals are too few in one compartment and too many in another, animals may be shifted between compartments to properly distribute the animals in the trailer. This may include placing a younger, lighter stud with the mares or a weak mare with the foals. Further separation may be required should condition of the animals warrant.

The FS/BLM employee supervising the loading will exercise authority to off-load animals should there be too many horses on the trailer or truck.

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

f. Trapping and Care

1. All trap locations and holding facilities must be approved by the project leader/PI prior to construction. The contractor may also be required to change or move trap locations as determined by the project leader/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner. If tentative trap sites are not located near enough to the concentrations of horses, then the trap site will not be approved. The project leader/PI will move the general location of the trap closer to the horses. Trap sites will not be approved where barbed-wire fences are present
2. Class III intensive field inventory for cultural and paleontological values would be completed at each proposed trapping location and holding facility. All cultural and paleontological sites would be recorded and evaluated. Section 106 consultation with the Nevada state Historic Preservation Officer would initiate, in accordance with the Programmatic Agreement among the FS/BLM, State Historic Preservation Officer and the Advisory Council on Historic Preservation. In the event that National Register-eligible or listed sites are identified within the Area of Potential Effect from the proposed action, any impacts to those properties would be avoided through project redesign or relocation.
3. All traps, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner in accordance with the following:
 - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high, the bottom rail of which shall not be more than 12 inches from the ground level. All traps and holding facilities shall be oval or round in design.
 - b. All loading chute sides shall be fully covered with plywood or like material. The loading chute shall also be a minimum of 6 feet high.

- c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high and shall be covered with plywood, burlap, and plastic snow fence or like material a minimum of 1 foot to 6 feet above ground level. 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 project leader/PI.
 - d. All crowding pens including the gates leading to the runways shall be covered with material which prevents the animals from seeing out (plywood, burlap, etc.) and shall be covered a minimum of 1 foot to 6 feet above ground level. Eight linear feet of this material shall be capable of being removed or let down to provide a viewing window.
 - e. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.
 - f. 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 as directed. All holding pens will be kept wet to supply a cooling effect on the animals.
4. Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estray animals from the other horses. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize injury due to fighting and trampling. As a minimum, studs will be separated from the mares and foals when the animals are held overnight. 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 traps and where a centralized holding facility is used, 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 project leader/PI.
5. The contractor shall provide animals held for 5 hours or more in the traps or holding facilities with a continuous supply of fresh clean water at a minimum of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.
6. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the project leader/PI for unusual circumstances. Animals shall not be held in traps or temporary holding facilities on days when there is no work being conducted except as specified by the project leader/PI. The contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 9:00 a.m. if limited by heat factors. No shipments shall be scheduled to arrive at the final destination on Sunday or Federal holidays.

7. 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 made at the discretion of the project leader/PI.
8. It is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
9. The contractor shall restrain sick or injured animals if treatment by the government is necessary. The project leader/PI will determine if injured animals must be destroyed and provide for destruction of such animals. The contractor may be required to dispose of the carcasses as directed by the project leader/PI.

g. Desert Tortoise

The gather area has been determined to be outside of desert tortoise habitat. The high elevation nature of the area in question excludes the presence of desert tortoise.

h. Contractor Furnished Property

All hay, water, vehicles, saddle horses and other equipment shall be provided by the contractor. Other equipment includes, but is not limited to a minimum of 1,500 linear feet of 72-inch high (minimum height) panels for traps and holding facilities. Separate water troughs shall be provided at each pen where animals are being held.

i. Disposition of Removed Animals

All wild horses in the Kyle and Lee Canyon areas are considered outside of the SMNRA T/HMA per decision the in the GMP. All captured animals will be removed from the gather areas and placed into the BLM adoption program or relocated and released far enough away from the original gather area to prevent future relocation.

j. Branded and Claimed Animals

The Forest Service prior to any gathering operations in this area has issued a 15-day notice of intent to impound dated June 10, 2002. This notice has been posted in accordance with 43 CFR 4150.4-2 and 36 CFR 262.10 (c

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale if issued.

The project leader/PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

Impounded privately owned animals will be handled in accordance with the Bureau of

Land Management, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

It is unknown, as of this date, if there are any branded horses in the Kyle/Lee Canyon areas. Recent observations have shown that the animals in question are currently unbranded.

k. Destruction of Injured or Sick Animals

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The project leader/PI will make this determination, with the advice of a veterinarian, if needed, when unsure of the severity of the illness or injury. Destruction will be done in the most humane method available.

PROJECT DESCRIPTION UNDER THE NO ACTION ALTERNATIVE

Under the no action alternative, wild horses will not be removed from the areas outside the Territory/HMA in Kyle and Lee Canyons. Animals will be allowed free-roaming on private lands and in areas restricted to wild horses and burros. The resource will continue to be over utilized and their presence in the canyons will continue to severely impact the vegetative state of the fragile high elevation meadows and we will be unable to protect the natural resources that make the area attractive to wildlife and recreation users

III. IDENTIFYING RESOURCE MANAGEMENT ISSUES AND CONCERNS

General Location

The gather areas are located in Kyle and Lee Canyons, approximately 35 miles west of Las Vegas, Nevada. The terrain is transitional from desert shrub/woodland to woodlands (pine-fir) determined by elevation gradients. Elevation is approximately 2300 to 2500 feet. Temperature ranges from 105 degrees in the summer to 20 degrees in the winter.

Current Conditions

The current drought conditions have left most of the Spring Mountains WH&B Territory/HMA with little herbage forage production in fiscal year 2001 and currently, with no production in approximately 80 percent of the Territory. The herbaceous component of the vegetative community is in a heavy to severe use category due to limited precipitation and over abundance of grazing animals. Dominant bands are controlling and defending their territories and forcing less dominate bands into areas with less suitable forage or into areas outside the territory. A gather is currently planned for the Spring Mountains NRA Wild Horse and Burro Territory/HMA for June 2002. The gather will remove up to 150 wild horses and burros. However, this gather will not bring the herd within the Territory/HMA Appropriate Management Levels (AML). All horses residing in Kyle and Lee Canyons and outside the Territory/HMA will not find water or forage within the Territory/HMA and will be removed.

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 and therefore does not require the preparation of an environmental impact statement:

1. Areas of Critical Environmental Concerns
2. 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 were found, and alternative site would be selected.
3. Environmental Justice
4. Farm Lands (prime or unique)
5. Flood Plain
6. 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.
7. Paleontology
8. Waste (hazardous or solid)
9. Water Quality (drinking/ground)
10. Wilderness
11. Environmental Justice
12. Noxious weeds.

IV. PUBLIC PARTICIPATION

Public participation is important during the scoping process. As part of the Scoping process, the Forest Service is Seeking information and comments from Federal, State, County, and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in conducting the environmental analysis.

To assist us in this environmental analysis, we would like to hear what additional issues and/or alternative you believe should be considered. To be most helpful, all comments should be received by this office no later than 90 days. Written comments are preferred but phone calls will be accepted.

Pursuant to 7 CFR, Part 1, Subpart B, Section 1.27, all submissions in response to this notice will be made available for public inspection including the submitter's name, unless the submitter specifically request confidentiality. Anonymous comments will not be accepted.

Please send written comments to: Steven Holdsambeck, Spring Mountain NRA, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130. Comment may also be faxed at 702 515-5499

or sholdsambeck@fs.fed.us.

If you are calling in your comments by telephone, please direct your calls to Steven Holdsambeck, District Ranger at 702 515-5400.

For further information, please contact Susan Forbes at (702) 515-5400 or (775) 289-3031.