United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Elko District Office
3900 East Idaho Street
Elko, Nevada 89801
http://www.blm.gov/nv/st/en/fo/elko_field_office.html

In Reply Refer To:
4700(NVE0300)

Dear Reader:

The Wells and Egan Field Offices of the Bureau of Land Management's (BLM) Elko and Ely District Offices are releasing the Finding of No Significant Impact (FONSI) and Decision Record (DR) for the Three HMA Water/Bait Trapping Wild Horse Gather (Gather). These documents are available on the internet at www.blm.gov/rv5c

The Gather Project Area is located approximately 60 miles south of Wells, Nevada, within Elko and White Pine Counties. The Gather Project Area includes the Triple B Herd Management Area (HMA) managed by the Ely District's Egan Field Office and the Maverick-Medicine and Antelope Valley HMAs which are managed by the Elko District's Wells Field Office

The water-bait trapping gather is needed to:

- Bring wild horse numbers in balance with available water sources to maintain wild horse health;
- Reduce impacts caused by wild horses to limited perennial water resources and upland areas with limited forage within the Project Area;
- Remove excess wild horses within the HMAs and wild horses that are permanently residing outside designated HMAs;
- Maintain a thriving herd as authorized under Section 3 (b)-(2) of the 1971 Wild Free-Roaming Horses and Burros Act and Section 302(b) of the Federal Land Policy and Management Act of 1976.

On September 4, 2012, the BLM released a Preliminary Environmental Assessment (EA) analyzing the impacts of this proposed horse gather to the human environment for a 30-day public comment period. The BLM received in excess of 4,100 comment letters/emails from individuals, organizations and agencies, although the majority of these consisted of form letters expressing the same or similar range of concerns. The BLM reviewed and considered all of the relevant timely submitted comment letters. Other comments received were either outside the scope of the environmental analysis or are matters of opinion or view point which did not affect the analysis.

The FONSI and DR authorizes the Proposed Action (Alternative A) to remove excess animals from areas of resource concern that will allow the BLM to continue to make significant progress

toward achieving the Standards for Rangeland Health identified by the Northeastern Great Basin Resource Advisory Council. As part of the proposed action the BLM will also collect information on herd characteristics and determine herd health during the gather.

The No Action Alternative was also analyzed but was not selected. Although the No Action Alternative does not comply with the WFRHBA of 1971 and does not meet the purpose and need for action in this EA, it is included as a basis for comparison with the Proposed Action. Under the No Action Alternative, water and/or bait trapping to remove excess wild horses would not be conducted. However under the existing gather (Antelope Complex and Triple B Complex) decisions a follow-up helicopter gather could occur during 2013-2014 if necessary to achieve AML. Current wild horse health, water resources and forage concerns would remain unless BLM could schedule a helicopter-drive gather. Although the existing gather decisions authorized a follow-up helicopter gather in 2013 or 2014 if necessary to achieve AML, given current budget limitations and other higher priority gathers scheduled for 2013 and proposed for 2014, no follow-up helicopter gather is likely to be scheduled under those existing decisions.

The No Action Alternative would not be in conformance with existing law and regulations which require the authorized officer to remove wild horses immediately upon determination that excess wild horses are present nor would it meet the legal requirement to manage wild horses in a manner that will achieve and maintain a thriving natural ecological balance.

The Gather DR is issued in accordance with Title 43 CFR Part 4. Pursuant to 43 C.F.R. §4770.3(c), this decision is effective immediately, and the Gather is approved to begin on or about June 13, 2013. The appeal period begins on May 13, 2013, the date BLM issued the decision and posted it to the public website. The appeal period will end on June 12, 2013 at 4:30 p.m. Pacific Daylight Time.

If you have any questions or need additional information please contact Bruce Thompson, Wild Horse Specialist or myself at 775-753-0200.

Sincerely yours,

//s//

Bryan K. Fuell, Manger
Wells Field Office

United States Department of the Interior

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In Reply Refer To:
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DECISION RECORD

Three HMA Water/Bait
Wild Horse Gather Plan and Environmental Assessment
DOI-BLM-NV-E030-2012-0522-EA

INTRODUCTION

The Bureau of Land Management (BLM) Elko District, Wells Field Office (WFO) and Ely District, Egan Field Office (EFO) are proposing to conduct wild horse gathers using water/bait trapping over a five year period to remove localized groups of excess wild horses from within and outside of the boundaries of the Maverick-Medicine, Triple B HMAs and the Central portion of the Antelope Valley HMA beginning in 2013.

The Three HMA Water/Bait Gather Plan Preliminary Environmental Assessment (EA) **DOI-BLM-NV-E030-2012-0522-EA** (Three HMA Water/Bait Gather EA) was made available to the interested public on September 5, 2012 for a 30 day comment period. All comments were reviewed and considered prior to completion of the Final Three HMA Water/Bait EA. Several letters in support for and against the gather were received as well as numerous automatically generated form letters. These comments are summarized in Appendix 5 of the Final EA. Minor additions for clarity have been made to the EA; however substantial modifications were not required as a result of the comments received. The Final EA and associated documents can be viewed at:
http://www.blm.gov/nv/st/en/fo/elko_field_office/blm_information/nepa/3hma_water_trap__9.html

The Three HMA Gather area is located approximately 30 miles northwest of Ely, Nevada, and 70 miles southeast of Elko, Nevada, within White Pine and Elko Counties. The WFO is the lead office for preparation of the Three HMA Water/Bait Gather EA and planning for the gather itself.

The current estimated populations for the Three HMA gather area is 1,549 wild horses. The Appropriate Management Level (AML) range for the Three HMA gather area is 548-1,015 wild horses.
Table 1 below displays the Appropriate Management Levels (AMLs) for the Three HMA Gather Area.

Table 1. Summary of Wild Horse Population Information

HMA	AML	Current Population Estimate
Triple B	250-518	498
Maverick-Medicine	166-276	587
Western portion of Antelope Valley HMA	16-27	19
Central portion of Antelope Valley HMA	116-194	400[1]
Total	518-1,085	1,504[1]

[1] Wild horses were gathered and removed from the Antelope Valley HMA in October 2012 as a result of escalating drought conditions in the Antelope Valley HMA.

The AML is defined as the number of wild horses that can be sustained within a designated HMA which achieves and maintains a thriving natural ecological balance in keeping with the multiple-use management concept for the area. The AMLs for the Three HMA Gather Area were established through land use plans and final multiple use decisions following a public decision making process that provided opportunity for input and comment by members of the interested public. AMLs were established following the collection, analysis, and interpretation of monitoring data, which included precipitation, use pattern mapping, trend, production, census/inventory, and carrying capacity analysis.

The upper levels of AML established for the HMAs represent the maximum population for which a thriving natural ecological balance and multiple use relationship on the public lands can be maintained. The lower level represents the number of animals that should remain in the HMAs following a wild horse gather in order to allow for a periodic gather cycle. "Proper range management dictates removal of horses before the herd size causes damage to the range land. Thus, the optimum number of horses is somewhere below the number that would cause resource damage" (118 IBLA 75).

A portion of the Three HMA Gather Area was last gathered in October 2012, when a total of 45 wild horses were removed as a result of escalating conditions in the Antelope Valley HMA.

The BLM is proposing to implement the Proposed Action as detailed in the Three HMA Gather EA.

Proposed Action: The Proposed Action would be to gather and remove or relocate excess wild horses from selected sites using water or bait trapping or both. These sites would be selected based on resource monitoring that shows degradation of water and vegetative resources as a result of excess wild horse concentrations and use, or where wild horse health is at risk due to insufficient water and forage availability. The water or bait trapping activities could occur for up

to five years following approval of this action. Gathering of the excess wild horses utilizing bait/water trapping could occur at any time of the year and would continue until the target number of animals are removed from a given site to relieve concentrated use by wild horses in that area; and/or to remove animals residing outside HMA boundaries. Generally, bait/water trapping is most effective when a specific resource is limited, such as water during the summer months. For example, in some areas, a group of wild horses may congregate at a given watering site during the summer because few perennial water resources are available nearby. Under those circumstances, water trapping could be a useful means of reducing the number of wild horses at a given location, which can also relieve the resource pressure caused by too many wild horses. As the proposed bait and/or water trapping in this area is a low stress approach to gathering of wild horses, such trapping can continue into the foaling season without harming the mares or foals.

A BLM interdisciplinary team developed a Proposed Action Alternative and a No Action Alternative. Other considerations were not developed into alternatives and can be found on pages 12–18 of the 2011 Triple B, Maverick-Medicine and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA and page 16–21 of the 2010 Antelope Complex Wild Horse Gather EA.

Based on the analysis of potential environmental impacts detailed in the Final Three HMA Gather EA, it was determined that the impacts associated with the Proposed Action were not significant. This was documented in the attached Finding of No Significant Impact (FONSI).

DECISION

It is the BLM's decision to implement the Proposed Action as described in the Final Three HMA EA **(DOI-BLM-NV-E030-2012-0522-EA).**

This Decision constitutes my final decision to gather and remove excess wild horses from within the Three HMA Gather Area and to remove wild horses from non-HMA areas to which wild horses from the Three HMA Gather Area have moved due to population pressures, and to manage the public lands within the gather area for a thriving natural ecological balance.

Water/bait trapping to remove wild horses from site specific areas would be conducted periodically over a 5 year period following the date of this decision based on available funding and National priorities. Pursuant to Title 43 of the Code of Federal Regulations (CFR) §4770.3(c), this decision is effective immediately.

RATIONALE:

As determined in the Three HMA Gather EA, it is necessary to gather and remove or relocate excess wild horses where they are causing adverse impacts to site specific riparian areas or other areas of resource concern (such as upland areas with limited forage) within the Three HMA Gather Area in order to restore a thriving natural ecological balance. The current population of 1,504 wild horses is 139% of the **AML's established through prior BLM decisions**. Analysis of ongoing monitoring data shows that wild horses are degrading rangeland health through heavy and severe utilization levels, trailing, trampling of riparian areas and increased erosion levels. Furthermore, the 2012-2013 drought has substantially reduced forage and water available to wild horses resulting in near emergency conditions, and

potential for wild horse suffering or death due to inadequate food and water, particularly in the low elevation winter range. The perennial key forage species exhibited little if any growth in 2012 and perennial grasses did not grow in many locations. Heavy and severe utilization levels due to an overpopulation of wild horses have further compounded the issue. This lack of precipitation and overgrazing by wild horses has greatly impacted winter range that wild horses use. With the coming spring and summer wild horses would be expected to continue to further impact the sites.

Throughout the HMAs plants continued to exhibit signs of drought stress. Very little if any growth occurred last year for a majority of plants, both herbaceous and shrub species. Many plants had undergone senescence by late 2012 and have yet to recover. Heavy to severe use by wild horses continues to impact upland sites within the Three HMA Gather Area.

Fall rain and winter snows have made little impact in the ongoing dry conditions. Plants throughout winter use areas continued to show signs of drought stress and impacts by over use by wild horses. This could prolong the time needed for the plants to recover and could lead to decreasing plant vigor and increase the susceptibility of non-native invasive plants encroaching and establishing throughout wild horse winter use areas in the HMAs.

In addition to degradation of rangeland and lack of forage, the wild horses are also competing heavily with native wildlife including pronghorn and mule deer, which also depend on these areas for forage this winter and beyond. The current population of wild horses is beyond the level determined to lead to a thriving natural ecological balance within the HMAs. Removal of excess wild horses is necessary in order to allow for drought recovery and upward trends in rangeland health, protect important wildlife habitat, ensure long term health and success of wild horses and prevent starvation and death of individual animals due to lack of forage and water.

In recent years, some members of the public have expressed opposition to the removal of wild horses from the range and have instead encouraged increased use of fertility control or other population controls to reduce herd growth rates, decrease gather frequency and ultimately reduce the number of excess animals that must be removed from the range through gathers. However, use of fertility or other population controls, without addressing the current over-population of wild horses, will not achieve rangeland health objectives or address the current escalating conditions with respect to insufficient forage and water resulting from drought conditions.

The gather is needed to reduce the wild horse impacts that have been documented to specific riparian and upland areas. The action would help reduce pressure on site specific riparian and upland areas rangeland resources, would protect those areas from the deterioration associated with the wild horse overpopulation, and would allow BLM to manage for a thriving natural ecological balance and multiple use relationship on public lands consistent with the provisions of Section 1333(a) of the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA).

In summary, implementation of the Proposed Action detailed in the Three HMA Gather EA will:

- Conduct targeted removals of excess wild horses that are impacting site specific upland and riparian areas.

- Promote vegetative health by preventing over utilization and/or use by wild horses during critical growth periods for perennial grasses in site specific upland, wetland and stream bank riparian habitats associated with the Three HMA Gather Area.
- Remove excess wild horses that are residing outside of the Three HMA Gather Area in areas that are not designated for wild horse management.
- Trapping is a low stress and largely passive capture method that is not expected to have harmful effects to mares and/or foals.
- Water is a limited resource within the Three HMA Gather Area and becomes a limiting factor when wild horse populations exceed high range AML;
- Promote the improvement of wild horse habitat within the Three HMA Gather Area by allowing rangeland health to improve and by avoiding impacts from an overpopulation of wild horses, which will result in significant progress towards attainment of Standards for Rangeland Health and ensure healthy populations of wild horses for generations to come.

The following constitutes the rationale for issuing this decision effective upon issuance:

a) Potential impacts to wild horse health and emergency conditions

The population within the Three HMA Gather Area is 139% of the established **High end AMLs** and 274% of the established **Low end AMLs,** which is in excess of the AML range representing the number of wild horses which achieves and maintains a thriving natural ecological balance consistent with other multiple-uses. Monitoring data confirms that the current over-population of wild horses is adversely impacting rangeland resources and is in excess of the amount of forage and water necessary to maintain healthy herds. The Great Basin of Nevada is arid with precipitation levels in the valleys of 6-8", reaching 12-16" in the high elevations. Drought occurs an average of 4 of every 10 years which substantially reduces forage and water sources important for wild horses, wildlife and domestic livestock. Serious drought conditions were experienced throughout the United States in 2013. Throughout the Three HMA Gather Area drought is expected to persist or intensify according to the April 18, 2013 U.S. Seasonal Drought Outlook.

The Three HMA Gather Area has been experiencing severe and extreme drought with little to no growth of perennial grasses and shrubs this past year, and many drying water sources. Within portions of the Three HMA Gather Area, water sources are inherently limited. An overpopulation of wild horses compounded by severe drought that dried many springs has resulted in high concentrations of wild horses on the remaining waters, placing even greater pressure on these limited waters. Wild horses are travelling long distances over steep terrain to access remaining waters. In some locations, large numbers of wild horses stay at water sources waiting for the small source to recharge so that they can continue drinking, hesitant to leave even when approached by humans.

Forage in the low and mid elevations is also extremely limited and has endured heavy and severe utilization levels by wild horses. As a result, there is very little forage left in these areas to support the current over- population of wild horses through the spring and summer.

Failure to timely gather and remove excess wild horses would result in further declines in wild horse body condition, suffering and death due to starvation and lack of adequate nutritious forage for the existing population. Foals and mares would be most affected. Failure to proactively gather the wild horses would result in the need to either allow large numbers of animals to suffer and die, or to conduct an emergency wild horse gather of thin, weakened animals. Experience has shown that gathers involving animals in depleted health (thin, weak) can result in higher death loss of the wild horses during the gather as well as in short term holding facilities as their bodies are so badly malnourished that they are less able to acclimate to feed.

If serious enough, emergency gathers can result in the need to remove all wild horses due to their poor condition to save them from further suffering and death because no forage exists to support them. When conditions degrade this far, wildlife suffer as well, as forage needed for their survival has been consumed. Pronghorn, mule deer and other wildlife would likely experience death and poor reproduction. Impacts to the resources take many years to be reversed, and many areas could be damaged irreversibly by the time an emergency is declared. Allowing conditions to degrade to the point that there is a need for an emergency wild horse gather does not promote long term animal health or rangeland health and is not consistent with the WFRHBA, regulations or humane treatment mandates.

b) Necessity of Prompt Removal of Excess Wild Horses

The current population of approximately 1,504 wild horses exceeds the AML range established through prior planning level and Land Use Plan Decisions. Through analysis of monitoring and inventory data and other factors documented in the and Three HMA Gather EA, it has been determined that wild horses continue to impact upland and riparian areas within the Three HMA Gather Area and need to be removed in order to restore a thriving natural ecological balance, protect animal health and allow recovery from severe/extreme drought and to prevent further degradation and allow for recovery of rangeland health. The WFRHBA require the BLM to remove excess wild horses from the range. The CFRs, and other policy support the WFRHBA to remove excess wild horses from the range. To delay a gather would not be consistent with existing law, resource stewardship responsibilities or humane management of wild horses on the public lands.

c) Potential Damage to Rangeland and Riparian Resources.

The rangeland and riparian resources within the Three HMA Gather Area are detailed in the Final Three HMA Gather EA, the 2010 Antelope Complex EA and 2011 Triple B Complex Gather EA. Due to the inherent low precipitation levels, poorly developed soils and frequency of drought, native plant communities are easily degraded by overuse by grazing animals, especially during drought years.

Much of the habitat within the Three HMA Gather Area is characterized by a lack of key perennial grass species and in many cases key grass species that are important forage for wild horses are missing completely due to historical overuse. Many upland areas have been heavily impacted by wild horses and perennial herbaceous plants have undergone

senescence due to the ongoing drought. Riparian areas and springs within the Three HMA Gather Area have been heavily and severely utilized by wild horses, especially during 2012 when waters were extremely limited in some areas, increasing the use levels of remaining waters. Heavy and concentrated use by wild horses has degraded many of the riparian areas within the Three HMA Gather Area. Resource Advisory Council (RAC) Standards for Rangeland Health are not being met and wild horses have been identified as causal factors. Monitoring has documented heavy and severe use of forage by wild horses, trampling of riparian areas, and severe trailing to waters. Monitoring has indicated that as the population of wild horses has increased, so has the frequency and severity of documented impacts.

Substantial improvement will require many years to attain and will require proper management of grazing animals – including wild horses -- in these areas so that rangeland health continues to improve and improvements are not reversed. Changes to livestock management have been and will continue to be made following Rangeland Health Assessments and separate grazing decisions. Reducing wild horse populations by removing excess wild horses near site specific upland and riparian areas is essential in order to foster improvement of the rangeland health within the Three HMA Gather Area.

Completing the proposed gather will help reduce further degradation and reduce negative trends by eliminating heavy and severe use levels, reducing the severity of trailing, soil disturbance and hoof action. Delaying this gather would result in continued severe impacts to the upland and riparian resources through excessive utilization, trailing, and trampling, irreparably deteriorating the health of these sensitive desert ecosystems and precluding rangeland health improvements and recovery that could otherwise occur.

In accordance with 43 CFR § 4720.1, upon examination of current information, the BLM has determined that an excess of wild horses or burros exists, and that the excess animals should be immediately removed. I have also determined that immediate action is necessary to protect wild horse health, reduce rangeland degradation by an overpopulation of wild horses and to promote a thriving natural ecological balance as delaying a gather could result in current conditions evolving into an emergency situation that could lead to the death of individual animals.

PUBLIC INVOLVEMENT

The WFO mailed a scoping letter dated June 14, 2012 to individuals, agencies and organizations on the interested public list for the Three HMA Water/Bait Gather Area and issued a news release informing the public of the opportunity to submit comments, recommendations and alternatives for the completion of the Three HMA Water/Bait Gather EA. Comments received were considered in preparation of the Preliminary Three HMA Water/Bait Gather EA.

The Preliminary Three HMA Water/Bait Gather EA was made available to the public for a 30 day comment period on September 4, 2012. The Preliminary EA was also made available to the Nevada State Clearinghouse which made the notification letter and EA available for review by

over 50 different local, county, state, and federal agencies from around the state. The Preliminary EA was posted on the Elko District website and NEPA Register.

All comments were reviewed in preparation of the Final Three HMA Water/Bait Gather Area EA. These comments are summarized within Appendix 5 of the Final EA. The overwhelming majority of these comments were fashioned from a mass form letter from an animal welfare organization. These "form letters" yielded 10 distinct comments that were reviewed and considered. Comments ranged from questions seeking additional information or clarification to comments for or against the gather. Many comments were not specific to this Proposed Action but generally addressed the BLM's wild horse and burro program. Some additions were made to the EA for clarification purposes; however, no substantial modifications were made to the EA as a result of the comments received. Most comments reviewed fell among but were not limited to the following themes:

Support the action/importance of maintaining AMLs
Inventory/animal numbers incorrect
Genetic health
AMLs should be increased
Insufficient Alternatives
Lack of Monitoring Data
Outside of scope of analysis
Viewpoint/matter of opinion
Concerns/effects of use of helicopters
Public viewing opportunities during gathers
Manage primarily for wild horses/remove or reduce livestock

AUTHORITY

The authority for this decision is contained in Section 1333(a) of the WFRHBA, Section 302 (a) and (b) of the Federal Land Policy and Management Act (FLPMA) of 1976, the Public Rangelands Improvement Act (PRIA) of 1978 (Pub. L. 95-514, Sec. 4) and at 43 CFR § 4700.

43 CFR § 4700.0-6 Policy

(a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
(b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
(c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;
(d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

43 CFR § 4710.4 Constraints on Management

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

43 CFR § 4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately in the following order.
(a) Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title; (b) Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title; and
(c) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this part.[1]

43 CFR § 4740.1 Use of motor vehicles or aircraft

(a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses and burros for capture or destruction. All such use shall be conducted in a humane manner.
(b) Before using helicopters or motor vehicles in the management of wild horses and burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

43 CFR § 4770.3 Administrative Remedies

(a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR, part 4.
(c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

43 USC Sec. 1901(4):

Continue the policy of protecting wild free-roaming horses and burros from capture, branding, harassment, or death, while at the same time facilitating the removal and

1. The Bureau of Land Management is currently not implementing this portion of the CFRs. Future decisions regarding this option would not occur before public involvement and comment. Healthy wild horses that are not adopted are transported to long term holding pastures or are sold (with limitations) to private individuals, but are not sold to slaughter nor euthanized.

disposal of excess wild free-roaming horses and burros which pose a threat to themselves and their habitat and to other rangeland values.

42 USC Sec. 1732(b):

In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.

APPEAL PROVISIONS

Within 30 days of receipt of this wild horse decision, you have the right to appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR Part 4. If an appeal is taken, you must follow the procedures outlined in, "Information on Taking Appeals to the Interior Board of Land Appeals." Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days of receipt of this decision you have a right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR § 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of form 1842-1 titled "Information on Taking Appeals to the Interior Board of Land Appeals." The appellant has the burden of proof to demonstrate that a stay should be granted.

A petition for a stay of the decision pending appeal shall show sufficient justification based on the following standards:

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

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR § 4.401 (c) (2)).

APPROVAL

The Three HMA Water/Bait wild horse gather is approved for implementation on or about June 13, 2013. This decision is effective upon issuance in accordance with 43 CFR § 4770.3 (c) because removal of excess wild horses is necessary to protect animal health and prevent further deterioration of rangeland resources. This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4 (CFR Part 4, Subpart B).

Sincerely,

//s// 5/13/13

Bryan K. Fuell Date
Manager,
Wells Field Office

//s// 5/13/13

Jill A. Moore Date
Manager,
Egan Field Office

United States Department of the Interior

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In Reply Refer To:
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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ELKO DISTRICT/WELLS FIELD OFFICE
ELY DISTRICT/EGAN FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT

Based on the interdisciplinary analysis conducted in the Three HMA Water/Bait Wild Horse Gather Final Environmental Assessment, (EA), DOI-BLM-NV-E030-2012-0522-EA, dated May 2013 and my consideration of the Council on Environmental Quality's criteria for Significance (40CFR 1508.27), both with regard to the context and the intensity, I have determined that the impacts associated with implementation of any of the Action Alternatives will not significantly affect the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) is not required as per Section 102(2)(C) of the National Environmental Policy Act (NEPA).

Context

This Final EA has been prepared to analyze the proposal to conduct a water/bait gather in the Three HMA Gather Area (Maverick-Medicine, Triple B HMAs and central portion of the Antelope Valley HMA) collectively called the Three HMA Gather Area. The proposed gather would include removing excess wild horses from specific sites identified through resource monitoring efforts using bait or water trapping. These targeted gather activities would occur for up to five years following approval for this action. Gathering of the excess wild horses utilizing bait/water trapping could occur at any time of the year and would extend until the target number of animals are removed for a given site to relieve concentrated use by wild horses in that area; and/or to remove animals residing outside HMA boundaries. This action is not expected to remove wild horses down or to below Appropriate Management Level (AML).

The gather area is administered by the Bureau of Land Management's (BLMs) Wells and Egan Field Offices. The gather area is located in Elko and White Pine south of Wells, Nevada. The Wells Field Office (WFO) is the project lead for completion of NEPA and gather planning.

The proposed gather area includes areas within and outside of HMA boundaries. The project area is approximately 1,839,459 acres in size.

The estimated population for the Three HMA gather area 1,504 wild horses. The Appropriate Management Level (AML) range for the Three HMA gather area is 548-1,015 wild horses.

The Preliminary Three HMA Water/Bait Gather EA and Gather Plan was made available to the interested public on September 5, 2012 for a 30 day review and comment period. All comments were reviewed and considered in completion of the Final Gather EA. Several letters were received in support of the gather as well as against the gather. Numerous form letters were received, which were generated from members of an animal welfare organization. These comments are summarized within Appendix 5 of the Final EA. Some additions were made to the EA for clarification purposes; however, no substantial modifications were made to the EA as a result of the comments received.

The Action Alternatives as identified and described in full, in the EA, would be to implement a long term management strategy.

To gather and remove or relocate excess wild horses from selected sites using water or bait trapping or both. These specific activities would occur for up to five years following approval for this action. Gathering of the excess wild horses utilizing bait/water trapping could occur at any time of the year and would extend until the target number of animals are removed to relieve concentrated use by wild horses in an area; and/or to remove animals residing outside HMA boundaries.

Intensity

1. Impacts that may be both beneficial and adverse.

The Environmental Assessment considered both beneficial and adverse impacts of the gather and removal of wild horses from the gather area for the next five years.

The goal is to conduct targeted gathers of excess wild horses from sites identified through resource monitoring efforts using bait or water trapping. Gathering of the excess wild horses utilizing bait/water trapping could occur at any time of the year and would continue until the target number of animals are removed to relieve concentrated use by wild horses in a given area; and/or to remove animals residing outside HMA boundaries in areas that are not managed for wild horses.

Standard Operating Procedures (SOPs) are in place (and documented in the Final EA) to minimize stress and injury to the gathered wild horses and are also in place to minimize the disturbance of natural resources and wildlife. Archaeological site clearances would be conducted prior to the construction of temporary gather sites and holding facilities.

Removing targeted numbers of excess wild horses within the Three HMA Gather Area would prevent further degradation of rangeland and riparian resources, and promote continued improvement in the quality of wild horse habitat over the long term. Preventing an overpopulation of wild horses and ensuring a thriving natural ecological balance within these HMAs will allow for the recovery and improvement of natural resources, such as soils, vegetation, watersheds, and important wildlife habitat. A healthy population of wild horses will remain in the Three HMA Gather Area in balance with the available forage, water and space.

2. The degree to which the proposed action affects public health and safety.
The SOPs and Observation Protocols would be followed to conduct the gather and are designed to protect human health and safety, as well as the health and safety of the wild horses. The SOPs and Protocols can be found in the Final Three HMA Gather EA Appendix 1. The Proposed Action would have minimal effects on public health or safety.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas within the gather area. Direct impacts to cultural resources are not anticipated because gather sites and temporary holding facilities would be placed in previously disturbed areas or inventoried for cultural resources prior to construction. Wild horse gather activities would not be conducted within Wilderness Study Areas. The Proposed Action would not impact resources and/or special designations identified above. The water or bait trapping activities could occur for up to five years following approval of this action. Gathering of the excess wild horses utilizing bait/water trapping could occur at any time of the year and would continue until the target number of animals are removed to relieve concentrated use by wild horses in an area; and/or to remove animals residing outside HMA boundaries. This would help to protect these landscapes from adverse impacts caused by the current over-population of wild horses relative to the level at which a thriving natural ecological balance can be maintained.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
The effects that would occur from implementation of the gather are well known and understood. This is demonstrated through the effects analysis in the EA. Some members of the public advocate that no wild horses should be removed from any public lands and urge removal of livestock or letting "nature take its course". However, the effects of wild horse gathers on the *quality of the human environment* are well documented through the many years of management of wild horses through gathers and other population controls, and are not highly controversial. No unresolved issues concerning the impacts to resources or the human environment were raised following public notification of the proposed gather.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
The Proposed Action has no known effects on the human environment which are considered highly uncertain or involve unique or unknown risks. This is demonstrated through the effects analysis in the EA.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
Future projects occurring within the gather area would be evaluated with the appropriate level of NEPA documentation. The Proposed Action does not set a precedent for future actions.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The Proposed Action is not related to other actions within the project area that would result in cumulatively significant impacts. Proper environmental analysis would be completed for all future actions. Cumulative impacts were analyzed in the EA.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

The Proposed Action would not affect significant scientific, cultural, or historical resources. A cultural resource inventory would be completed prior to gather site and corral construction. Temporary gather sites and holding facilities would be cleared to determine the presence of sites that are unclassified, eligible, or potentially eligible for the National Register of Historic Places. Archaeological site clearances and avoidance measures would ensure that loss or destruction of significant scientific, cultural, or historical resources does not occur.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

There are no known threatened and endangered species present in the project area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Proposed Action would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The Proposed Action is in conformance with all applicable regulations under 43 CFR. The Proposed Action would not violate the Migratory Bird Treaty Act or Endangered Species Act.

//s// 5/13/13

Bryan K. Fuell Date
Manager
Wells Field Office

//s// 5/13/13

Jill A. Moore Date
Manager
Egan Field Office

Environmental Assessment
Three HMA Water/Bait Trapping Gather
DOI-BLM-NV-L010-2012-0004-EA May2013
Tiered to Triple B, Maverick-Medicine, and Antelope Valley and Antelope Complex Herd Management Areas Gather Plan Environmental Assessments

Wild horses at Deer Spring Conveyance June 2012

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Elko, Nevada

DOI-BLM-NV-L010-2012-0004-EA

MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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Chapter 1. Introduction

1.1. Introduction

This Environmental Assessment (EA) has been prepared to analyze the proposal by Bureau of Land Management (BLM) Elko District's Wells Field Office (W-FO) and the Ely District's Egan Field Office (E-FO) and the to gather and remove some of the excess wild horses from within and outside the Triple B, Maverick-Medicine, and the western and central portions of the Antelope Valley Herd Management Areas (HMAs) (hereafter referred to as the Three HMA Water and Bait Gather or Project Area), using non-helicopter gather techniques. The proposed action is designed to maintain herd health and remove pressure caused by wild horses on site specific areas and restore and help maintain a thriving natural ecological balance and multiple-use relationships. The gather would begin as soon as the gather planning and EA process is complete and environmental conditions allow. The analysis provided in this EA is for potential impacts under alternatives identified during the interdisciplinary team review. The EA assists both field offices (FOs) in project planning and ensuring compliance with the National Environmental Policy Act (NEPA) in making a determination as to whether any significant impacts could result from the proposed actions.

This document is tiered to the following documents:

- Ely Proposed RMP (2007) (Resource Management Plan) and Final Environmental Impact Statement (*FEIS-RMP/EIS 2008*),
- Ely District Record of Decision and Approved Resource Management Plan (2008) *(Ely RMP),*
- Proposed Wells RMP and FEIS US DOI 1983 (*Wells RMP*), approved July 16, 1985,
- Wells RMP Wild Horse Amendment and Decision Record, approved August 1993 (US DOI 1993) (*Wells RMPWHA*)
- 2011 Triple B, Maverick-Medicine, and western portion Antelope Valley Herd Management Areas Wild Horse Gather Plan EA, DOI-BLM-NV-L010-2011-004-EA).
- Antelope Complex Wild Horse Gather Plan EA (DOI-BLM-NV-N030-2010-2010-0019-EA.

Tiering within the Antelope Complex Wild Horse Gather Plan EA is only related to the central portion of the Antelope Valley HMA west of Alternate U.S. Highway 93. The documents for which this EA is tiered to are available at: http://www.blm.gov/nv/st/en/fo/elko_field_office.html, or can be accessed at the Elko District Office, 3900 East Idaho Street, Elko, NV 89801. Questions or additional assistance can also be requested at (775) 753–0200.

1.2. Background

Since excess wild horse gather operations were completed August 2011, the Elko and Ely District Offices have been monitoring water and vegetative resources throughout the project area. Semi-weekly from June 2011 through the end of October 2012, the Elko District Office hauled over 150,000 gallons of water (BLM hauled water in 1,000 gallon water trailers, BLM Fire Engines and a 3,000 gallon water tender) to Deer Spring and Cherry Spring. Monitoring conducted in May 2012 confirmed that there was still a lack of water at Cherry Spring, despite the removal of 174 excess horses from this area in 2011, thus BLM again began hauling water there in early June 2012 to prevent wild horse health deterioration or suffering. Since June 2012 escalating drought conditions have required that BLM expand its water hauling efforts to the central portion of the Antelope Valley HMA (Dolly Varden Range to include Deer Spring). Since June 2012 an

estimated 75-100 wild horses have been observed at Deer Spring conveyance, (the Elko District defines conveyance as an artificial diversion of water from its natural source to another location), which is their primary water source, but has insufficient water to meet the wild horses daily watering needs. Some wild horses are habitual animals and will stay near a known water source. While some wild horses do move off in search of water. Monitoring in 2010 found water to be a limiting factor for wild horses throughout the Dolly Varden Range (Deer Spring conveyance is located on the western slopes of the Dolly Varden Range). In 2012 the BLM hauled water to the conveyance at Deer Spring, which was only flowing at approximately 10 gallons/hour, whereas the amount required to maintain 75-100 wild horses would be 37.5-62. 5 gallons/hour or 900-1,500 gallons per day.

With the lack of precipitation the past fall and winter, BLM expects that there will be a lack of available water for wild horses in the summer and fall months ahead.

Monitoring in 2012 also indicated that throughout the project area only very limited vegetative growth on herbaceous and shrub species had occurred. Late fall rains and winter snows have not erased or alleviated the drought conditions. With limited vegetative growth in 2012, lack of forage, and ongoing drought conditions, wild horses will utilize their available forage before the end of the year. Monitoring in 2012-2013 indicated that throughout the project area heavy to severe use by wild horses has occurred. This lack of forage and over use by wild horses will continue to impact resource conditions. When wild horses move down into their winter ranges in late summer or fall, the winter ranges which have been impacted by drought and over utilized will leave them with no or inadequate winter forage to sustain the wild horses during the winter months. Poor or inadequate forage availability due to low vegetative productivity (as a result of drought conditions) and/or forage covered by snow and therefore unavailable to the horses, will lead to poor herd health and potential starvation. The lack of precipitation and overgrazing of available forage by wild horses has greatly impacted winter ranges that wild horses use and increased the risk of poor health outcomes and wild horse suffering. The areas were identified as having escalating issues and were reported weekly on the Washington Office reporting document.

Monitoring data confirms that escalating conditions currently exist within the three HMA area and that, if excess wild horses are not promptly removed – particularly from those areas where conditions are of greatest concern – an emergency situation could develop.

1.3. Tiering

Tiering, a form of *incorporation by reference*, is used in this analysis to reduce paperwork and avoid redundant analysis of issues. Tiering also provides information on issues (a) that have already been analyzed in a broader EA or EIS, and (b) that are clearly consistent with the decision to be made for this project. Using tiering allows the interdisciplinary team to focus on issues and mitigation measures specifically relevant to the narrower action within this EA. Incorporation by reference is used to provide summaries of peer-reviewed documents, along with a citation referring the reader to the applicable document sources, which for this EA are listed in the Reference section.

1.4. Location of Proposed Action

The Project Area is located approximately 30 miles northwest of Ely, Nevada, and 70 miles southeast of Elko, Nevada, within White Pine and Elko Counties (see maps on pgs. 9–10). Table 1 below displays the total acreage and established Appropriate Management Levels (AML) for each of the HMAs as summarized in the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA and the Antelope Complex Wild Horse Gather Plan EA.

Table 1 Herd Management Area, Acres, AML, Estimated 2013 Population

Herd Management Area (HMA)	Total Acres Private and Public land	Appropriate Management Level	Estimated February 2013 Population
Triple B	1,225,000	250-518	498
Maverick-Medicine	337,134	166-276	587
Western portion of Antelope Valley HMA[1]	97,701	16-27	19
Central Portion of Antelope Valley HMA[2]	179,624	116–194	400[3]
Total	1,839,459	548-1,015	1,504

[1]Acres only represent the portion of Antelope Valley HMA west of U.S. Highway 93.

[2]Acres only represent the portion of Antelope Valley HMA west of Alternate U.S. Highway 93 and east of U.S. Highway 93.

[3]45 Wild horses were gathered and removed from the Antelope Valley HMA in October 2012 as a result of escalating drought conditions in the Antelope Valley HMA.

1.5. Summary of Proposed Action

The Proposed Action would gather and remove or relocate certain excess wild horses where they are causing impacts to site specific riparian areas or other areas of resource concern (there is insufficient vegetation or water to maintain the wild horses' health and well-being).

1.6. Purpose and Need for Action

The purpose of the proposed action is to reduce impacts occurring to the ecological environment within the Project Area, now being caused by excessive wild horse numbers and to prevent the potential for wild horse starvation or suffering. Impacts are specifically related to limited water and forage in specific areas within the Project Area.

The need for the proposed action is based on the inability of limited water and/or forage resources to adequately support the current population of wild horses and on the adverse impacts to range resources being caused by wild horses concentrating on site specific areas within the HMAs in an attempt to meet their water and forage needs. Attempts were made during the 2011 gathers operations to relieve the pressure on these areas of concentrated wild horses and to achieve appropriate management level (AML) for the HMAs. These efforts were not entirely successful due to vegetation cover, terrain and weather conditions, which prevented BLM from removing a sufficient number of excess wild horses to alleviate the pressures on available forage and water.

Since gather operations were completed in August 2011, the Elko and Ely District Offices have been monitoring water and vegetative resources throughout the project area. Semi-weekly from June 2011 through the end of October 2012, the Elko District Office hauled over 150,000 gallons of water (BLM hauled water in 1,000 gallon water trailers, BLM Fire Engines and a 3,000 gallon water tender) to Deer Spring and Cherry Spring. Monitoring conducted in May 2012 determined that there was a lack of water at Cherry Spring, thus BLM began hauling water to there in early June 2012. Since June 2012 escalating drought conditions have warranted including the central portion of the the Antelope Valley HMA (Dolly Varden Range) in these water hauling efforts (Deer Spring). Since June 2012 an estimated 75-100 wild horses have been observed at Deer Spring conveyance. BLM is currently hauling water to the conveyance at Deer Spring, which was only flowing at approximately 10 gallons/hour.

Monitoring in 2012 indicates that throughout the project area that very limited growth on herbaceous and shrub species has occurred. With limited vegetative growth in 2012, lack of forage, and ongoing drought conditions, wild horses will utilize their available forage before the end of the year. Monitoring in 2012-2013 indicated that throughout the project area that heavy to

severe use by wild horses has occurred. This lack of forage and over use by wild horses will continue to impact resource conditions. When wild horse move down into their winter ranges in late summer or fall the winter ranges which have been impacted by drought and over utilized it will leave them with no or inadequate winter forage to sustain the wild horses during the winter months. Poor or inadequate forage availability due to low vegetative productivity (as a result of drought conditions) and/or forage covered by snow and therefore unavailable to the horses, will lead to poor herd health and potential starvation. The lack of precipitation and overgrazing of available forage by wild horses has greatly impacted winter ranges that wild horses use and increased the risk of poor health outcomes and wild horse suffering.

The Wild Free — Roaming Horses and Burro Act (WFRHBA) requires the BLM to manage horses in a manner that will achieve and maintain a "thriving natural ecological balance" on the public lands (16 USC § 1333(a)). *See also Animal Protection Institute of America*, 109 IBLA 112, 115 (1989) (…the benchmark test"…for determining the suitable number of wild horses on the public range is …thriving natural ecological balance…") (*Dahl v. Clark*, 600 F. Supp. 585, 594 (D. Nev. 1984)).

1.7. Scoping, Public Involvement and Issues:

On June 14, 2012, the W-FO issued a scoping letter for a 15-day comment period. In excess of 180 comment letters/emails were received from individuals, organizations and agencies following the issuance of the scoping letter, many of which were form letters. All comment letters were reviewed and considered and resulted in approximately 94 unique substantive comments. Comments received after 5 PM PST on June 28, 2012, were not accepted. Substantive comments were utilized in the EA as appropriate. Comments regarding helicopters and adjusting sex ratios were not addressed as they are not part of the proposed action. Other comments were general in nature and did not identify specific issues. Remaining comments received were organized into the following general categories:

- Herd growth/animal numbers are incorrect
- Appropriate management levels are too low
- Affected environment/monitoring data
- Eco-Sanctuary support
- Concerns/effects of long term pastures
- Concern about modeling program

The Council on Environmental Quality guidelines (2007) state that public comments:

1) should be respectful, organized, and edited, remembering that personal identification (i.e. address, phone number, or an email address) may be made publicly available along with the comment at any time, 2) are options for the lead agency to consider and 3) if repeating the same basic message (for support or opposition to a NEPA document), or on form-based letters would be typically responded to collectively.

A letter notifying potentially interested public of the availability of the preliminary Three HMA Water/Bait Trapping Gather EA #DOI-BLM-NV-L010-2012-004-EA was sent on September 5, 2012, for a 30 day review and comment period that ended on October 8, 2012. The EA and associated documents were also available from the Elko District's NEPA website at http://www.blm.gov/nv/st/en/fo/elko_field_office.html

The BLM received over 4,100 comment submissions during the public comment period; more than 4,050 of those submissions were a single form letter. All comments received during the 30 day comment period were considered prior to finalizing this EA. Letters and e-mails were received both in support of and in opposition to the proposed gather of excess wild horses using water/bait trapping. The one form letter received as 4,050 separate submissions was initiated by a non-governmental organization (animal advocacy group). Comments identified on the form letter were considered along with the rest of the comments received, but as one collective comment letter. Form letters are not counted as separate comments due to their duplicative nature. However, where individuals added their own comments to the form, the personalized comments were considered as separately submitted comments. A summary of comments can be found in Appendix 5.

Chapter 2. Proposed Action and Alternatives

2.1. Proposed Action and Alternatives

The Proposed Action is to remove excess wild horses from site specific areas (as opposed to removing wild horses from throughout the entire HMA or project area) because of the impacts caused by concentrated wild horses to the ecological environment and/or due to limited or declining forage and water resources within the Project Area that put certain portions of the existing wild horse populations at risk of a decline in health or suffering. A BLM interdisciplinary team developed a Proposed Action Alternative and a No Action Alternative. Other alternatives considered but eliminated from further analysis can be found on pages 12–18 of the 2011 Triple B, Maverick-Medicine and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA and page 16–21 of the 2010 Antelope Complex Wild Horse Gather EA. Additional alternatives not discussed in the 2011 and 2010 EAs are outlined in Section 2.2 below.

Alternative A: Proposed Action —Water/bait Trapping of Wild horses in Excess of Appropriate AMLs. The Proposed Action would be to gather and remove or relocate excess wild horses from selected sites using water or bait trapping or both. These sites would be selected based on resource monitoring that shows degradation of water and vegetative resources as a result of excess wild horse concentrations and use or where wild horse health is at risk due to insufficient water and forage availability. The water or bait trapping activities could occur for up to five years following approval of this action. Gathering of the excess wild horses utilizing bait/water trapping could occur at any time of the year and would continue until the target number of animals are removed to relieve concentrated use by wild horses in an area; and/or to remove animals residing outside HMA boundaries. Generally, bait/water trapping is most effective when a specific resource is limited, such as water, during the summer months. For example, in some areas, a group of wild horses may congregate at a given watering site during the summer because few perennial water resources are available nearby. Under those circumstances, water trapping could be a useful means of reducing the number of wild horses at a given location, which can also relieve the resource pressure caused by too many wild horses. As the proposed water and/or bait trapping in this area is generally a low stress approach to gathering of wild horses, such trapping can continue into the foaling season without harming the mares or foals.

Although the trap would be set in a high probability area for capturing excess wild horses residing within the area and at the most effective time periods, a period of days is required for the horses to acclimate to the trap and/or decide to access the water/bait. Trapping involves setting up portable panels around an existing water source or around a pre-set water or bait source. The portable panels would be set up to allow wild horses to go freely in and out of the corral until they have adjusted to it. Once the wild horses have accepted and are using the corral, it would be fitted with a gate system and trapping can begin.

When actively trapping wild horses, the trap would be manned or checked on a daily basis by BLM personnel or gather contractor. Trapped wild horses would be removed from the trap as soon as possible. All animals identified for removal would be transported to a temporary holding facility or an adoption preparation facility such as Palomino Valley Center. All horses removed would be prepared for adoption or sale to qualified individuals or placed in long-term holding pastures. During their placement in a temporary holding facility they would be fed and watered. There would be no application of fertility control and no adjustment of the sex ratio.

If an HMA is above the low end of established AML, captured wild horses would be removed from

the HMA and placed into the adoption system. If the HMA is at or near the low end of an established AML, the BLM would attempt to relocate wild horses into areas within the HMA with sufficient resources to support them along with the existing population within the area. The BLM anticipates there will be few, if any, wild horses relocated or released under this action, due to the current wild horse population is over established AML range for each of the identified HMAs. However, the suitability of using PZP would be considered on a case by case basis for relocated or released mares, if appropriate. (See Appendix 1 for SOP's for Fertility Control Treatments). The relocated wild horses would be marked with livestock marker paint or something similar. Should any of the relocated wild horses return to the areas from which they gathered, they would again be trapped and removed from the HMA as outlined above.

Management actions would include:

- Existing roads would be used to access the trap sites.

- Multiple trap sites could be used to capture wild horses. The traps would consist of portable panel pens set up either at water sources or areas frequented by wild horses. The pens typically consist of 15–25 panels with each panel being 12 ft. long and 6 ft. high. Water, certified weed-free hay or other attractants (such as mineral/salt blocks or processed cubes) would be used to lure wild horses to the area. Prior to any wild horses being captured, the trap or bait may be left in place to accustom wild horses to its presence. When a group of wild horses or individual wild horses enter the trap, the gate would be closed by a contractor or BLM personnel.

- Appropriate site-specific inventory and review for cultural resources and non-native and invasive weeds would be conducted at each trap site prior to set up. Gather sites and temporary holding facilities would be monitored and treated as needed for noxious weeds annually in the spring and summer for the five years following use. All sites would be assessed for the need for post-gather reseeding. For all facilities a Class III cultural resource inventory would first be conducted. A District Archeological Technician (DAT) may conduct the inventory for the purposes of facility placement. If the DAT observes cultural material the DAT would immediately contact a district archaeologist to discuss avoidance measures. If a water trap site contains undisturbed cultural resources which may be potentially eligible to the National Register of Historic Places (NRHP), the trap location would be relocated. All cultural resources would be avoided to prevent adverse effects to any properties potentially eligible to the NRHP. All capture and handling activities (including capture site selection) would be conducted in accordance with the standard operating procedures (SOPs) found in Appendix 1.

- Vehicles would be limited to existing roads except where gather sites are established, where some off-road travel may be necessary. All temporary corrals and other affiliated facilities, in addition to parking would be established in previously disturbed areas, where possible. Gather sites would be seeded with a certified weed free mix following the gather as appropriate. This mix would consist of site-adapted species that would be broadcast and dragged by the BLM. Weed treatments and inventories would continue in the reseeded areas as part of regular duties of the Weeds Program.

- Trap sites located in areas with riparian vegetation or hydric soils would only be placed in areas that have already sustained heavy impacts from wild horse use. Wild horses would be

removed from these traps on a daily basis to prevent additional physical damage to soils.

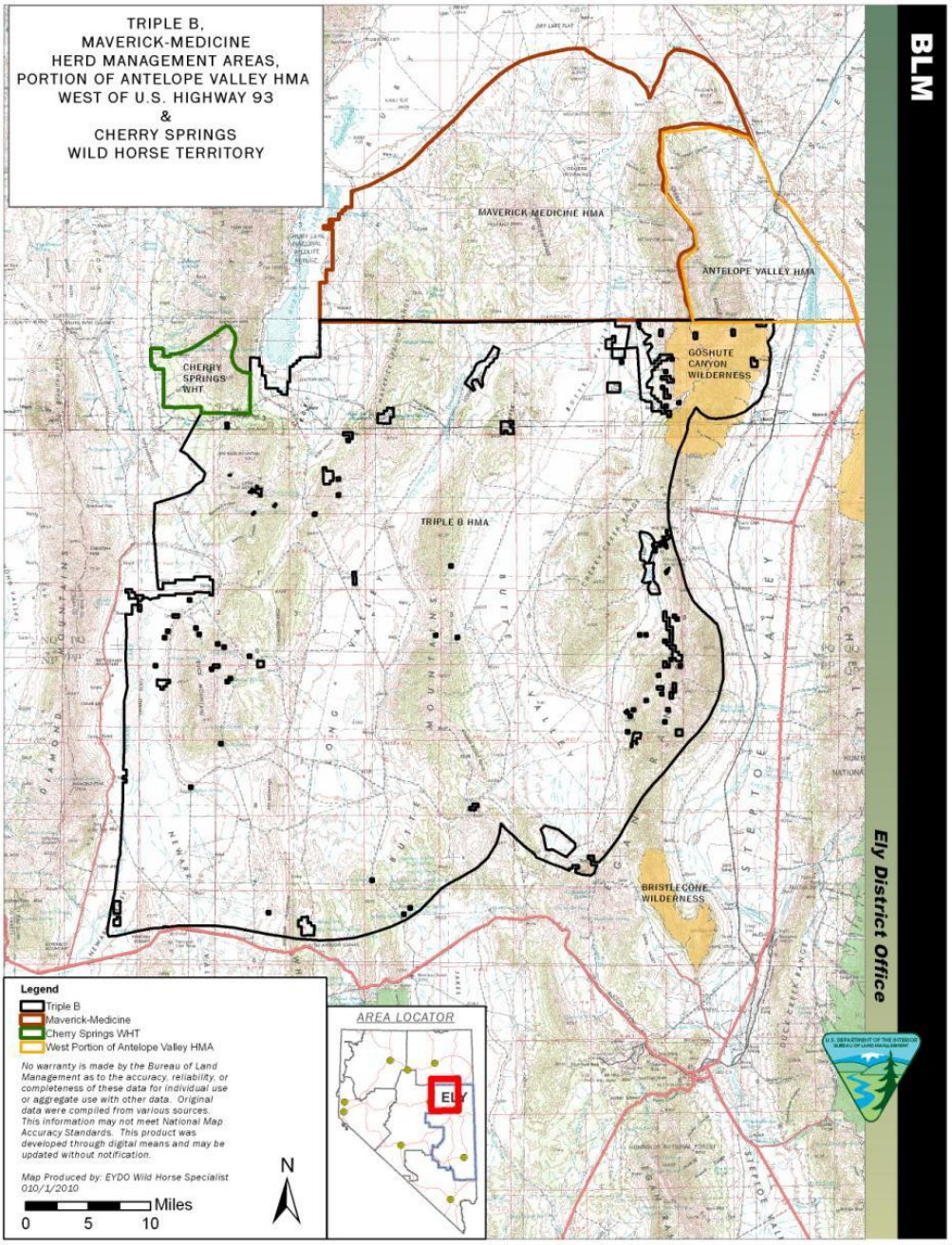
- In the event that trapping should become necessary during the sage grouse breeding season of March 1 through May 15, traps that are proposed within 2 miles of an active lek would be inventoried by a BLM Biologist to determine if the proposed trap site can be used.

- Herd health and characteristics data including sex and age distribution, condition class information (using the Henneke rating system), color, size and other information may be recorded for all gathered wild horses.

- Monitoring of forage condition and utilization, water availability, aerial surveys of population and animal health of wild horses would continue post-gather as part of the normal BLM wild horse and burro program monitoring activities.

Alternative B: No Action - Although the No Action Alternative does not comply with the WFRHBA of 1971 and does not meet the purpose and need for action in this EA, it is included as a basis for comparison with the Proposed Action. Under the No Action Alternative, water or bait trapping to remove excess wild horses would not be conducted from within or outside the Triple B, Maverick-Medicine, and Antelope Valley HMA utilizing water/bait trapping gather method. However under the existing gather decisions a follow-up helicopter gather could occur during 2013-2014 if necessary to achieve AML. Current wild horse health, water resources and forage concerns would remain unless BLM could schedule a helicopter-drive gather. Although the Antelope Complex and Triple B Complex decisions authorized a follow-up helicopter gather in 2013 or 2014 if necessary to achieve AML, given current budget limitations, other higher priority gathers scheduled for 2013 and proposed for 2014, no follow-up helicopter gather is likely to be scheduled under those existing decisions.

The No Action Alternative would not be in conformance with existing law and regulation which requires the authorized officer to remove wild horses immediately upon determination that excess wild horses are present nor would it meet the legal requirement to manage wild horses in a manner that will achieve and maintain a thriving natural ecological balance. However, the No Action Alternative is required for NEPA analysis to provide a baseline for comparison impact analysis.


TRIPLE B,
MAVERICK-MEDICINE
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PORTION OF ANTELOPE VALLEY HMA
WEST OF U.S. HIGHWAY 93
&
CHERRY SPRINGS
WILD HORSE TERRITORY
BLM
Ely District Office
MAVERICK-MEDICINE HMA
ANTELOPE VALLEY HMA
CHERRY SPRINGS WHT
GOSHUTE CANYON WILDERNESS
TRIPLE B HMA
BRISTLECONE WILDERNESS
Legend
Triple B
Maverick-Medicine
Cherry Springs WHT
West Portion of Antelope Valley HMA
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.
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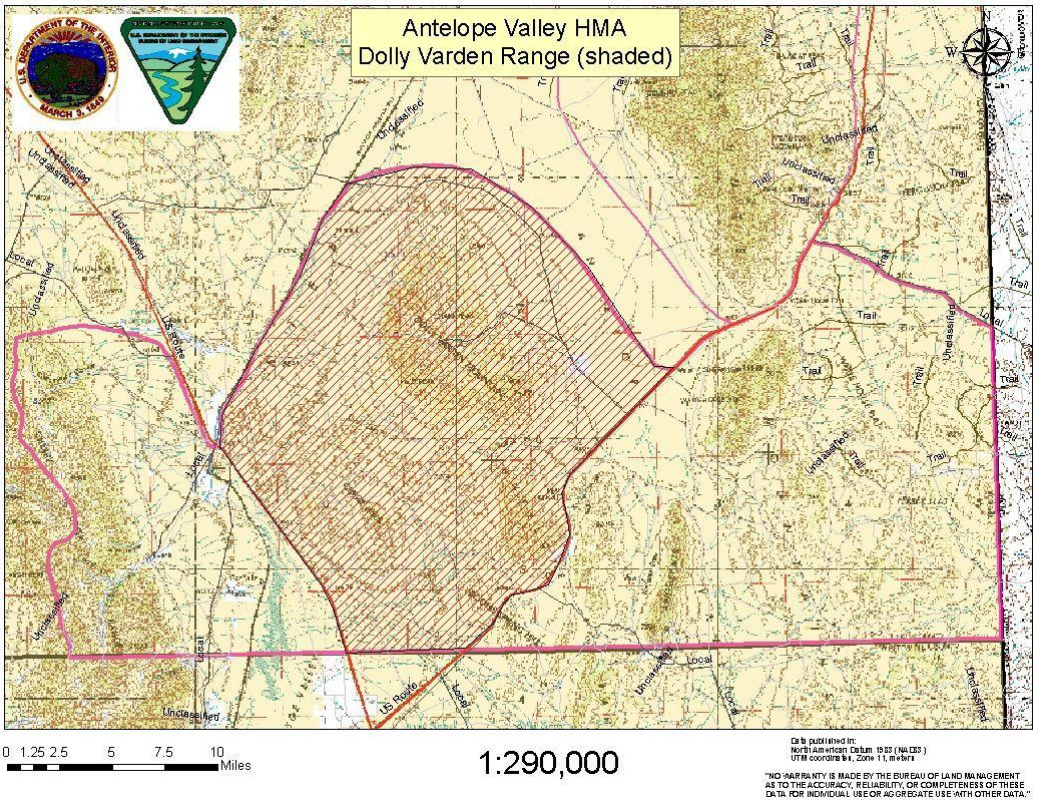


2.2. Alternatives Considered but not Analyzed in Detail

Other considerations, which were not developed or discussed in the 2011 and 2010 EAs are provided below.

1. ***Designate the HMAs to be managed principally for wild horse herds under 43 C.F.R. 4710.3-2.***

   HMAs are areas designated in the Land Use Planning process for the long term management of wild horses. The Elko and Ely Districts administer 14 HMAs but do not administer any designated Wild Horse or Burro Ranges, which under 43 C.F.R. 4710.3-2 are "to be managed principally, but not necessarily exclusively, for wild horse or burro herds." There are currently only four designated Wild Horse or Burro Ranges. This alternative would involve no removal of wild horses and would instead address excess wild horse numbers through removal or reduction of livestock within the HMAs. In essence, this alternative would exchange use by livestock for use by wild horses. Because this alternative would mean converting the HMAs to wild horse ranges and modifying the existing multiple use relationships established through the land-use planning process, it would first require an amendment to the RMP, which is outside the scope of this EA. This alternative was not brought forward for analysis because it is inconsistent with the 1985 Wells RMP, the 1993 Wells RMP Wild Horse Amendment, the 2008 Ely RMP, and the WFRHBA which directs the Secretary to immediately remove excess wild horses where necessary to ensure a thriving natural ecological balance. This alternative is also inconsistent with the BLM's multiple use management mission under FLPMA. Such changes to livestock grazing cannot be made through a wild horse gather decision. Furthermore, even with significantly reduced levels of livestock grazing currently occurring within the gather area relative to the permitted

levels authorized in the

1985 Wells RMP and 2008 Ely RMP, there is insufficient habitat for the current population of wild horses, as confirmed by monitoring data. As a result, this alternative was not analyzed in detail.

2. ***Relocate any horses outside of the HMAs back into the designated area instead of removing them and remedy the conditions that are causing horses to leave the HMAs.***

Relocating wild horses that have taken up residency outside HMA boundaries would not permanently keep those wild horses within the HMAs. These wild horses could return to their "home range" (the area outside an HMA where they are located) shortly after the hazing or gather. Most of the movement by wild horses to areas outside of an HMA is due to a search for forage, water and space or is population size related (too many horses present in relation to available habitat). This alternative was not considered for further detail because it does not meet the purpose and need for the EA.

3. ***Defer Gather; Improve water for wild horses.***

The process to improve water availability for wild horses (by installing wells, etc.) would require site specific NEPA analysis, funding approval and efforts to obtain water rights for water development projects – a process which could take many years to complete, assuming there is water available for appropriation at sites where water developments could occur. This alternative was not considered in detail because it would not met the purpose and need, would not meet the objectives to manage for a thriving natural ecological balance and would not maintain wild horse herd health within the HMAs.

2.3. Conformance

The Proposed Action is in conformance with the 2008 Ely District ROD and Approved RMP (August 2008, pg. 46) and BLM's regulations (43 CFR 1610.5-3(a)) as follows:

- **Goal:** "Maintain and manage healthy, 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."

  > The Interior Board of Land Appeals (IBLA) defined the goal for managing wild horse (or burro) populations in a thriving natural ecological balance as follows: "As the court stated in Dahl v. Clark, supra at 594, the 'benchmark test' for determining the suitable number of wild horses on the public range is 'thriving ecological balance.' In the words of the conference committee which adopted this standard: 'The goal of WH&B management should be to maintain a thriving ecological balance between WH&B populations, wildlife, livestock and vegetation, and to protect the range from the deterioration associated with overpopulation of wild horses and burros.' " (Animal Protection Institute of America v. Nevada BLM, 109 IBLA 115, 1989).

- **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."

The Proposed Action is in conformance with the Wells RMP and the Wells RMPWHA. In the

Wells RMP on page 2-2 under Issue 7: Wild Horses, the following objective is stated:

- **Objective**: "To continue management of the ***six existing wild horse herds…***consistent with other resource uses."

Management Actions 1, 2, and 3 under Issue 7 on pages 2-2 and 2-3 of the Wells RMP direct the management in the project area. The Wells RMPWHA further outlines the level of management for wild horses within the Maverick-Medicine and Antelope Valley HMAs.

2.4. Relationship to Statutes, Regulations and Other Plans

This EA also tiers to the Relationship to Statutes, Regulations, and other Plans stated in 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA Gather EA (pgs. 8 and 9, Section 1.4., and as noted in the Antelope Complex Gather Plan EA (pgs. 5 and 6).

The Proposed Action is consistent with all applicable regulations at Title 43 Code of Federal Regulations (CFR) 4700 and with BLM policies. The Proposed Action is also consistent with the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA), which mandates the Bureau to "prevent the range from deterioration associated with overpopulation" and "remove excess horses in order to preserve and maintain a thriving natural ecological balance and multiple use relationships in that area." Additionally, promulgated Federal Regulations at Title 43 CFR
4700.0-6 (a) state "Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat (emphasis added)."

The Interior Board of Land Appeals (IBLA) in Animal Protection Institute et al., 118 IBLA 75 (1991) found that under the Wild Free-Roaming Horses And Burros Act of 1971 (Public Law 92-195) "excess animals" must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area. Regulations at Title 43 CFR 4700.0-6(a) also direct that wild horses be managed in balance with other uses and the productive capacity of their habitat. The Proposed Action is in conformance with federal statute, regulations and case law.

Chapter 3. Affected Environment

Geographical Setting

The Project Area is located in northwestern White Pine and southern Elko Counties approximately 30 miles northwest of Ely, Nevada, and 70 miles southeast of Elko, Nevada (2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA, Map 1, pg. 7). The area is within the Great Basin physiographic regions, characterized by a high, rolling plateau underlain by basalt flows covered with a thin loess and alluvial mantle. On many of the low hills and ridges that are scattered throughout the area, the soils are underlain by bedrock. Elevations within the HMAs range from approximately 5,000 feet to over 10,000 feet. Precipitation ranges from approximately 5 to 7 inches on the valley bottoms to 16 to 18 inches on the mountain peaks. Most of this precipitation comes during the winter months in the form of snow. Temperatures range from greater than 90 degrees Fahrenheit in the summer months to minus 15 degrees in the winter. The area is also utilized by domestic livestock and numerous wildlife species. The central portion (Dolly Varden Range) of the Antelope Valley HMA is very

dry with very few perennial waters. The majority of the limited water resources are small seeps and springs that are mainly found in the mountains.

2012-2013 Drought

The U.S. Drought Monitor for April 2013 shows that the entire Three HMA Gather Area was in Severe to Extreme drought. Updated information can be found at the following link: http://droughtmonitor.unl.edu/.

The Natural Resources Conservation Service (NRCS) March 1, 2013, Nevada Water Supply Outlook Report states "A second dry year is shaping up to be the case for Nevada The exceptionally wet month of December 2012 turned out to be the exception and not the rule for this winter" (March 1, 2013, NRCS Water Supply Outlook Report).

The current forecast is as shown below and at the following link http://droughtmonitor.unl.edu/

This lack of precipitation and overgrazing by wild horses has greatly impacted winter range that wild horses use.

Management Setting

The 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA (DOI-BLM-NV-L010-2011-004) EA, pgs. 18–48) and the 2010 Antelope Complex Herd Management Areas Wild Horse Gather Plan EA (DOI-BLM-NV-N030-2010-0019 EA, pgs. 23–89) identified and analyzed the effects to the environment. The setting and effects noted in both EAs are not different for the resource values and proposed actions noted in this EA.

Since the passage of the Wild Free-Roaming Horses and Burros Act of 1971, management knowledge regarding wild horse population levels has increased. For example, it has been determined that wild horses are capable of increasing their numbers by 18% to 25% annually, resulting in the doubling of wild horse populations about every 4 years. This has resulted in the BLM shifting program emphasis beyond just establishing appropriate management level (AML) and conducting wild horse gathers to include a variety of management actions that further facilitate the achievement and maintenance of viable and stable wild horse populations and a "thriving natural ecological balance." Management actions resulting from shifting program emphasis include: increasing fertility control, adjusting sex ratio, and collecting genetic baseline data to support genetic health assessments. The AML is defined as the number of wild horses that can be sustained within a designated HMA which achieves and maintains a thriving natural ecological balance.

The Egan RMP (1987 Ely District) designated the Buck and Bald, Butte, and Cherry Creek HMAs for the long-term management of wild horses. These HMAs were later combined into the Triple B HMA in the August 2008 Ely District Record of Decision (ROD) and Approved Resource Management Plan (RMP) due to the interchange between the three HMAs. The HMA is nearly identical in size and shape to the original Herd Areas representing where wild horses were located in 1971. Fences do exist within the HMA but do not restrict wild horse movement due to the fact that the fences are open at the end (open ended to allow for movement by wild horses). Currently, management of HMAs and wild horse populations is guided by the Ely District RMP. The AML range for the Triple B HMA is 250-518 wild horses. The wild horses from this HMA travel back and forth across the Elko and White Pine County line, mixing with the wild horses

from the Maverick-Medicine HMA and western portion of the Antelope Valley HMA. Wild horses from this HMA also travel back and forth throughout the HMA as there is limited fencing which could impede their movement. The population within this HMA may fluctuate depending on the seasons due to the wild horse's migration patterns.

The Wells RMPWHA established a baseline AML of 389 wild horses for the Maverick-Medicine HMA and stated that adjustments would be based on monitoring and grazing allotment evaluations in conformance with BLM policy and case law. The baseline AML for the Maverick-Medicine HMA was adjusted to 166-276 wild horses through a combination of the 1998 Spruce Final Multiple Use Decision, the 1994 Area Manager's Final Multiple Use Decision (FMUD) for the West Cherry Creek Allotment, and the 2001 Final Multiple Use Decision for the Maverick-Medicine Complex. The wild horses from this HMA travel back and forth across the Elko and White Pine County line, mixing with the wild horses from the Triple B HMA. They also mix with wild horses from the west portion of the Antelope Valley HMA west of U.S. Highway 93. The population within the Maverick-Medicine HMA and the western portion of the Antelope Valley HMA (west of U.S. Highway 93) can fluctuate depending on the seasonal movement of the wild horses.

The Antelope Valley HMA is separated into three distinct areas, each one separated by U.S. Highway 93 and Alternate U.S. Highway 93 (see map 2). In 2001, the Nevada Department of Transportation (NDOT) fenced the U.S. Highway 93 Right of Way (ROW) to improve public safety as numerous vehicle/horse collisions had occurred in previous years. This fence separates the western portion of the Antelope Valley HMA from the rest of the HMA. The wild horses in the western portion of the HMA move freely back and forth with wild horses from the adjacent Triple B and Maverick-Medicine HMAs. The Wells RMPWHA established a baseline AML for the entire Antelope Valley HMA of 240 wild horses. The baseline AML for the Antelope Valley HMA was adjusted to 155-259 wild horses in the 1994 Antelope Valley FMUD, 1998 Badlands-Goshute Mountain FMUD, 1998 Spruce FMUD, 2001 Sheep Allotment Complex FMUD and 2001 Maverick/Medicine Complex FMUD.

Only the central portion (Dolly Varden Range) and western portions of Antelope Valley HMA (west of U.S. Highway 93) are included in this analysis. In the western portion of the Antelope Valley HMA the wild horse seasonal movements are between the Maverick-Medicine HMA and Triple B HMA. In the central portion of the Antelope Valley HMA (Dolly Varden Range) the wild horses move regularly between the Goshute and Spruce-Pequop HMAs.

Population inventory flights and counts have been conducted in the project area every two to three years. The inventory flights and counts are in compliance with the BLM IM 2010-057 Wild Horse & Burro Population Inventory and Estimation and the H-4700-1 Wild Horse and Burro Handbook. These population inventory flights have provided information pertaining to population numbers, foaling rates, distribution, and herd health. These population flights have shown the interchange between the HMAs with a large portion of the wild horse population summering on the Maverick-Medicine HMA and spending the fall/winter within the Triple B,

A population inventory was conducted November 2010 in Triple B, Maverick-Medicine and the western portion of the Antelope Valley HMAs and Cherry Springs Wild Horse Territory utilizing a direct count method with 1,832 wild horses were observed throughout the project area. At the time of the 2011 Triple B gather operations, it was estimated that the population within the combined area (Triple B, Complex) was 2,198 wild horses with the 2011 foal crop. The 2011 gather removed 1,265 wild horses, but failed to achieve AML. The current population estimate for the Triple B and Maverick-Medicine HMAs is 1,085 wild horses and the current population estimate for the western portion of the Antelope Valley HMA is 19 wild horses. These wild horses regularly move back and forth and mix with wild horses from the Triple B and Maverick-

Medicine HMAs. March 2012 inventory flights found 426 wild horses around the Dolly Varden Range alone (central portion of the Antelope Valley HMA) as compared to an AML range of 155-259 wild horses for the entire Antelope Valley HMA. Wild horse body condition scores (BCS) within the HMAs range from a score of 2-4 based on the Henneke Body Condition Chart. Wild horses in body condition 2 and 3 are considered to be in poor health. In October 2012 as a result of escalating drought conditions that threatened wild horse health, the BLM removed 45 wild horses from the Deer Spring area.

For this EA the impact analysis is for the Proposed Action and the No Action Alternatives and is designed to only analyze potential impacts associated with conducting a non-helicopter gather. Potential impacts to the resources listed in the following table were evaluated in accordance with criteria listed in the NEPA Handbook H-1790-1 (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 and Elko Districts 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	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. Any increased particulate matter (dust) resulting from the Proposed Action would be short term (temporary) and minimal.
Areas of Critical Environmental Concern (ACEC)	N	Not present in the designated HMA boundaries.
Cultural Resources	Y	Potential impacts for cultural resources are analyzed in Section 4.11 of this EA.
Forest Health	N	The Proposed Action would have a negligible direct, indirect or cumulative impact to forest health. Detailed analysis not required.
Migratory Birds	Y	Potential impacts for migratory birds are analyzed in Section 4.3 of this EA.
Rangeland Standards and Guidelines	N	The Proposed Action would continue to achieve or move towards achievement of Rangeland Health Standards and Guidelines. No detailed analyses necessary.
Native American Religious and other Concerns	N	No potential traditional religious or cultural sites of importance have been identified within the project area.
Wastes, Hazardous or Solid	N	No hazardous or solid wastes exist in the designated HMA boundaries, nor would any be introduced under the Proposed Action.
Water Resources and Riparian/Wetlands	Y	Potential impacts for Water Resources and Riparian/Wetlands are analyzed in Section 4.2 of this EA
Environmental Justice	N	No environmental justice issues were identified in scoping for the proposed action in this EA or for the any of the tiered documents.
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	Some soils within the Triple B HMA have been designated by the Natural Resource Conservation Service as meeting the requirements for prime farmlands. Localized trampling of these soils may occur at the gather Sites. The Proposed Action would not contribute either directly or indirectly to loss of potential farmlands. The effects would be minimal and no further analysis is necessary.

Resource/ Concern	Issue(s) Analyzed? (Y/N)	Rationale for Dismissal from Detailed Analysis or Issue(s) Requiring Detailed Analysis
Threatened and Endangered Species	Y	Potential impacts for Threatened and Endangered Species are analyzed in Section 4.4 of this EA.
Wetlands/ Riparian Zones	Y	Potential impacts for Wetlands/Riparian Zones are analyzed in Section 4.2 of this EA
Non-native Invasive and Noxious Species	Y	Potential impacts for Non-native Invasive and Noxious Species are analyzed in Section 4.7 of this EA
Wilderness/ WSA	Y	Potential impacts for Wilderness/WSA are analyzed in Section 4.6 of this EA
Human Health and Safety	Y	Potential impacts for Human Health and Safety are analyzed in Section 4.10 of this EA
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	Potential impacts for Special Status Animal Species, other than those listed or proposed by the FWS as threatened or Endangered. are analyzed in Section 4.4 of this 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	Potential impacts for 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 are analyzed in Section 4.4 of this EA.
Fish and Wildlife	Y	Potential impacts for Fish and Wildlife are analyzed in Section 4.4 of this EA
Wild Horses	Y	Potential impacts for Wild Horses analyzed in Section 4.1 of this EA
Soils	Y	Potential impacts for Soils/Watershed are analyzed in Section 4.9 of this EA
Mineral Resources	N	There would be no effects on mineral resources through the Proposed Action.
Vegetation Resources	Y	Potential impacts for Vegetation Resources are analyzed in Section 4.8 of this EA
Lands with Wilderness Characteristics	Y	In the Ely District, four units of LWC have been identified.

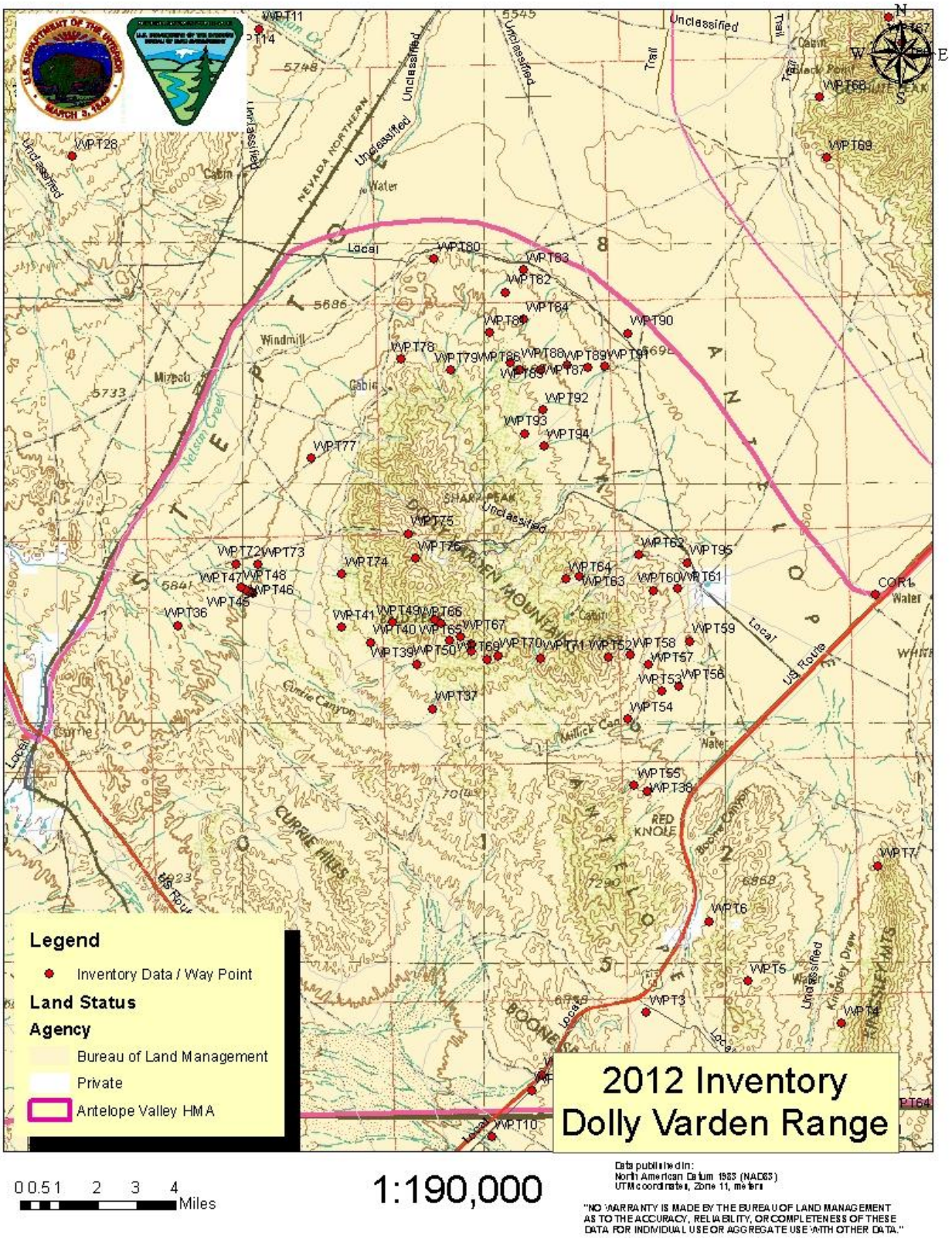
Chapter 4. Environmental Effects

The environmental consequences for this EA are analyzed for a non-helicopter gather of wild horses and associated resources within and adjacent to trap sites. This analysis also tiers to the 2011 and 2010 EA analyses. Population modeling is outlined in Appendix II (pgs. 97-78) in the 2011 EA and Appendix H of the 2010 EA.

4.1. Wild Horses

Affected Environment

Declining water availability in the project area at Deer Spring and Cherry Spring as well as at other water sources has been an issue the last several years and water availability is expected to decrease in the as the drought continues. Heavy to severe forage use has also been documented on winter range. With little if any growth in 2012 and excessive by wild horses many white sage plants had less than an estimated 2" high on a majority of valley range sites (winter range for wild horses) with no residual forage available for the winter and spring. With the limited growth and excessive use by wild horses many of the forage plants will be impacted to the point that they may not recover. Large numbers of wild horses were travelling 8-10 miles from water to feed in winter use areas this past summer, leaving little residual vegetation available in their winter range areas. This spring heavy to severe use by wild horses was documented on the winter ranges. Current monitoring shows that wild horses use the valley areas (identified winter ranges) on a yearlong basis. This use is impacting the long term health and recovery potential of native vegetation communities throughout the Three HMA Gather Area.



Map 3 - Showing inventory points from the March 2012 inventory flights. Waypoints and numbers of wild horse horses per waypoint can be found in Appendix 2.

A horses needs 15–20 gallons per day (Valentine 1980). However more water is generally

consumed when temperatures are high and the forage is dry (Valentine 1980). The flow rates at the springs in the Dolly Varden Range from 10 gallons/hour to no measurable flow. Based on a wild horse using a minimum of 10-15 gallons per day, these springs in the Dolly Varden Range can only support a total of 28–40 wild horses at the most. The current wild horse population in this area exceeds the available water on public lands which is insufficient to support their numbers. Based on the lack of water needed to maintain wild horses in adequate health, these wild horse numbers are considered excess as they exceed what the range can support in a natural thriving ecological balance.

No livestock grazing has occurred around Cherry Spring since 2001. Despite the complete absence of any livestock in this area, current perennial water resources on the public lands are not sufficient to adequately support the growing number of wild horses in the Maverick Springs Range that rely on Cherry Spring as their water source.

Monitoring in 2010 found that there was only enough available water for 40 wild horses in the Dolly Varden Range; however, in March 2012 inventory flights found 426 wild horses around the Dolly Varden Range. Dolly Varden Spring (located on private land) is currently supporting the wild horse population in the Dolly Varden Range. However, the BLM cannot base AML (wild horse numbers at which a thriving natural ecological balance can be maintained) on water that is located on private land, since habitat on the public lands must be sufficient to sustain the wild horse population, and a private landowner has no legal obligation to allow wild horses to access water on his private lands.

Triple B HMA

Utilization data collected for the Triple B HMA in April 2012 represents 2011 winter use and 2012 spring use. The key forage species that utilization was collected on in April 2012 are Indian ricegrass (Achnatherum hymenoides), winterfat/white sage (Krascheninnikovia Lanata), Squirreltail (Elymus elymoides) and Needleandthread (Hesperostipa Comata) using the key forage plant method. Use pattern mapping in April 2012 shows utilization levels for 38 % of the HMA as slight (1-20%), 30% of the HMA as light (21-40%), 12% of the HMA as moderate (41-60%), 6% of the HMA as heavy, and 11% of the HMA as severe (81-100%).

In September and October 2012 utilization data was collected throughout the Triple B HMA. Utilization data collected at key areas within the northern portion of the Triple B HMA showed heavy to severe use on key forage species attributed to wild horses. Utilization data collected at key areas within the southern portion of the Triple B HMA show slight use to heavy use. Although recent rainfall has occurred within the Triple B HMA, monitoring showed there is still limited to no vegetative growth within the north portions of the HMA.

Monitoring observation and utilization data collected during March and April 2013 indicated that the northern portion of the Triple B HMA was heavy to severe use on key forage species attributed to wild horses. Utilization data collected within the southern portion of the Triple B HMA showed slight use to heavy use.

Maverick-Medicine HMA

Rangeland resources have been and are currently being affected within the Maverick-Medicine HMA due to the over-population of wild horses. Monitoring data collected using Range Utilization Key Forage Plant Method during spring 2012 (recorded use from the 2011 and 2012 fall-winter seasons) showed Moderate to Severe utilization attributable to wild horses (BLM was able to determine where use could be attributed to wild horses based on water and animal

distribution.) Use pattern mapping in the Ruby Wash area conducted in April 2012 showed moderate, heavy and severe utilization directly attributable to wild horse has occurred.

Utilization data collected using the Key Forage Plant Method in the Maverick/Ruby #9 Allotment within the Maverick-Medicine HMA was completed in the spring of 2012. Wild horse use was documented at the monitoring site. The key area 4323-02 received 74% (i.e., heavy) use in the Maverick/Ruby #9 Allotment (data read in April 2012). The heavy use levels at key area 4323-02 could be directly attributed to the site's proximity (located about 4 miles from Ruby Wash) to Cherry Spring (wild horses graze in the Ruby Wash area and trail up to Cherry spring to water) and the high concentration of horses in that area due to the scarcity of water during the hot season and inadequate water availability or water sources for the number of wild horses present in the area.

Monitoring to collect Utilization data using the Key Forage Plant Method in the Maverick/Ruby #9 and Valley Mountain Allotments within the Maverick-Medicine HMA was completed in the summer of 2012. Wild horse use was noted at both of the monitoring sites. The key area 4323-01 located in the Maverick/Ruby #9 Allotment (wintering area for wild horses) had received 46% use (August 2012). Key area SP-24 (wintering area for wild horses) had received 52% utilization in the Valley Mountain Allotment (August 2012) pre-livestock turnout dates. However, the allowable use for these key areas is 10% pre-livestock turnout and the monitored utilization was therefore significantly in excess of the forage allocated to wild horses in this area.

In September 2012 utilization and Use Pattern Mapping was completed in the Ruby Wash Area of the Maverick-Medicine HMA. Wild horse use was noted at and around the monitoring site. Key area 4323-02 received 62% use on current year's growth by wild horses. Use Pattern Mapping showed heavy to severe use by wild horses through most of the Ruby Wash Area (winter use area for wild horses). The severe to heavy use levels in Ruby Wash could be directly attributed to the site's proximity to Cherry Spring (wild horses graze in the Ruby Wash area and trail up to Cherry spring to water) and the high concentration of wild horses in that area due to the scarcity of water during the hot season and inadequate water availability and water sources for the number of wild horses present in the area. Despite rainfall in August and September 2012, the plants had undergone senescence (severely stressed and low vigor) as no green up had occurred throughout the Ruby Wash Area. Utilization on Nuttals saltbush in Ruby Wash (winter use area for wild horses was recorded at 48% (i.e. moderate). Utilization data collected at Key Area 4323-02 in mid-March 2013 showed 90% (i.e., severe) use of vegetation by wild horses (see picture below). Use Pattern Mapping in 2013 showed severe use by wild horses through most of the Ruby Wash Area (winter use area for wild horses). With the coming spring and summer wild horses would be expected to continue to further to impact the sites.

Nuttals saltbush in Ruby Wash showing use by wild horses (Sept 2012).

Wild horse stud pile at key area 4323-02 (September 2012)

Severe use on by wild horses white sage at 4323-02 (March 2013)

4323-02 March 2013

Pre-livestock turnout monitoring in the fall of 2012 was also conducted in the Valley Mountain Allotment (winter use area for wild horses). Key area SP-24 is located west of the High Bald Peaks area of the Valley Mountain Allotment. In this portion of the Valley Mountain Allotment no livestock use has occurred in over 20 years due to competition with wild horses the rancher has not turned out livestock in this portion of the allotment. At key area SP-24 use by wild horses on Nuttals saltbush was recorded at 54% and use on white sage was recorded at 50–%.

To the north along the northern boundary of the Maverick-Medicine HMA monitoring at key area SP-05 showed 25% utilization by wild horses. This key area is located a distance from any perennial water and as expected, the use was slight. However, all plants on the site had undergone senescence (severely stressed and low vigor) as no green up had occured. Key area SP-06 received 61% use by wild horses. While some green up had occurred, many of the plants showed no green up. Key area SP-27 received 16% utilization by wild horses. Many of the plants around SP-27 had undergone senescence (severely stressed and low vigor).

Throughout large areas of the Maverick-Medicine HMA wild horses have exceeded use levels (set at 10% through the multiple-use decision making process) allocated to wild horses prior to entry by livestock. While some small areas of green up had occurred, in large portions (winter use areas) of the Maverick-Medicine HMA the plants have undergone senescence and the plants may require years to recover. In March-April 2013 heavy to severe use was recorded by wild horses throughout winter use areas in the Maverick-Medicine HMA. Utilization data collected at key area SP-05 in mid-March 2013 showed 77% use by wild horses on white sage. Utilization data collected at key area SP-06 in mid-March 2013 showed 83% use by wild horses on white sage, 80% on Indian ricegrass and 78% on Nuttals saltbush (See pictures below). Utilization data collected at key area SP-24 showed 90% use on white sage by wild horses. Utilization data collected at key area 4323-01 showed 87% on white sage by wild horses. While the utilization levels attributable to the wild horses are already in the heavy and severe range, with the coming spring and summer wild horses would be expected to continue to further impact the sites and to threaten any potential for recovery of the overgrazed vegetative plant communities.

Severe use by wild horses at SP-06 March 2013

Severe use by wild horses at SP-06 March 2013

Severe use by wild horses at 4323-01 April 2013

Severe use by wild horses at SP-24 April 2013

Large groups of wild horses were observed grazing in valleys this past summer and fall (the valley areas are winter use areas for wild horses). Current monitoring shows that wild horses use the valley areas on a yearlong basis. Heavy to severe forage use has also been documented on winter range. With little if any growth in 2012 and excessive use by wild horses many white sage plants had less than an estimated 2" high on a majority of valley range sites (winter range for wild horses) with no residual forage available for the winter and spring. With the limited growth and excessive use by wild horses many of the forage plants will be impacted to the point that they may not recover. Monitoring showed little available forage and water resources for wild horses for this time of year. The livestock were removed from the winter range portions in early 2012 (with no livestock grazing in the remaining portions (winter range) of the HMA (Maverick Range and Ruby Wash areas) in 2012-2013. Based on the monitoring data and vegetative conditions, there is a high likelihood that the remaining forage resources will not be able to support the existing numbers of wild horses. Heavy to severe use by wild horses continues to impact sites in the Maverick-Medicine HMA.

Antelope Valley HMA

Utilization data collected using the Key Forage Plant Method in the Spruce Allotment (which has been rested from all livestock grazing since 2009) within the Antelope Valley HMA was completed in the spring-fall 2012. Wild horse use was documented at those monitoring sites. The key area SP–14 received 24% use on white sage with the white sage showing poor vigor. At monitoring site AY-02 white sage received 68% use by wild horses while just to the east near Antelope Well) 71% use on white sage was recorded. The heavy use levels at the monitoring sites can be directly attributed to wild horses as a result of the site's proximity to the Dolly Varden Range (wild horses graze on the flats in the late evening and night hours before moving into the trees during the day) and the high concentration of horses in that area due to the scarcity of water and inadequate water availability or water sources for the number of wild horses present in the area. When these sites were visited in August 2012, little to no vegetative growth was observed on either herbaceous or shrub species.

Monitoring data collected near Deer spring conveyance showed heavy use (79% on bluegrass (POA++) and a lack of current year's herbaceous growth. In the Dolly Varden Range use on Bluebunch wheatgrass by wild horses was recorded at 67% near Sharp Peak and 61% just to the east of Sharp Peak.

Monitoring was also conducted in the Spruce (the Spruce Allotment has been rested from livestock use since June 2009) and Valley Mountain Allotments (winter use area for wild horses) in October and November 2012. The key area SP-14 showed 39% utilization by wild horses. Use was also noted on horsebrush (a plant that is of poor forage value) by wild horses. Large areas of native vegetation mortality or die-off were observed on the site. The key area SP-15 received 74% by wild horses with large areas found where the vegetation had been completely removed by excess wild horse use to the point where native vegetation recovery is unlikely. The key area SP-16 received 48% use by wild horses with hedging observed on Artmemesia species on the site. The key area SP-17 received 70% use by wild horses. The key area SP-20 received 58% by wild horses. In the Valley Mountain Allotment wild horse use at key area SP-10 was 38% and at SP-11 use was 31% by wild horses. Some regrowth was observed at key areas SP-10 and SP-11 but was minimal. Throughout the Spruce and Valley Mountains Allotments it was found that large areas had native plant species that had been completely removed by wild horses. Little if any residual forage was observed throughout the areas surrounding the Dolly Varden Range. Heavy to severe use was found around the area surrounding Dolly Varden Spring (located on private land) and very little perennial herbaceous species were observed around Dolly Varden Spring. Many of the plants at the key area sites had undergone senescence (severely stressed and low vigor) as no green up has occurred. Throughout the winter use areas very little if any residual forage was found and large areas of moderate to heavy use by wild horses was documented.

Heavy use on white sage by wild horses at SP-14 March 2013.

In March 2013 use on white sage at SP-14 was recorded at 69% and 62% at SP-16 (see picture left of white sage at SP-14). In Late March use on white sage at SP-15 was recorded at 85% and at SP-17 use on white sage was recorded at 81%. At SP-20 use on white sage was recorded at 82% and at AY-02 use on white sage was recorded at 80%. Heavy to severe use by wild horses continues to impact sites in and around the Dolly Varden Range and threatens the long-term health and recovery potential of the native vegetation communities.

Throughout the HMAs a lack of growth on both herbaceous and shrub plants was observed with little if any residual forage from previous years. The high use levels and the lack of growth are a cause for concern as there would be little if any forage for wild horses during the fall and winter months. Wild horse body condition scores (BCS) throughout the project area range from a score of 2-3 based on the Henneke Body Condition Chart, indicating that wild horse health is being compromised.

Current monitoring shows that wild horses use the valley areas (identified winter ranges) on a yearlong basis. This use is impacting the long term health and recovery potential of native vegetation communities throughout the Three HMA Gather Area.

In general during summer months and dry years, water resources become very limited within these HMAs. As water resources become limited, wild horses tend to concentrate around the limited water sources causing negative effects to riparian resources. Due to the limited water resources within the HMAs on public lands and because many of these sources have insufficient water to supply the current wild horse population, the BLM has been hauling water to certain spring sources within the HMAs. The Egan Field Office hauled water during summer 2010 to Sabala

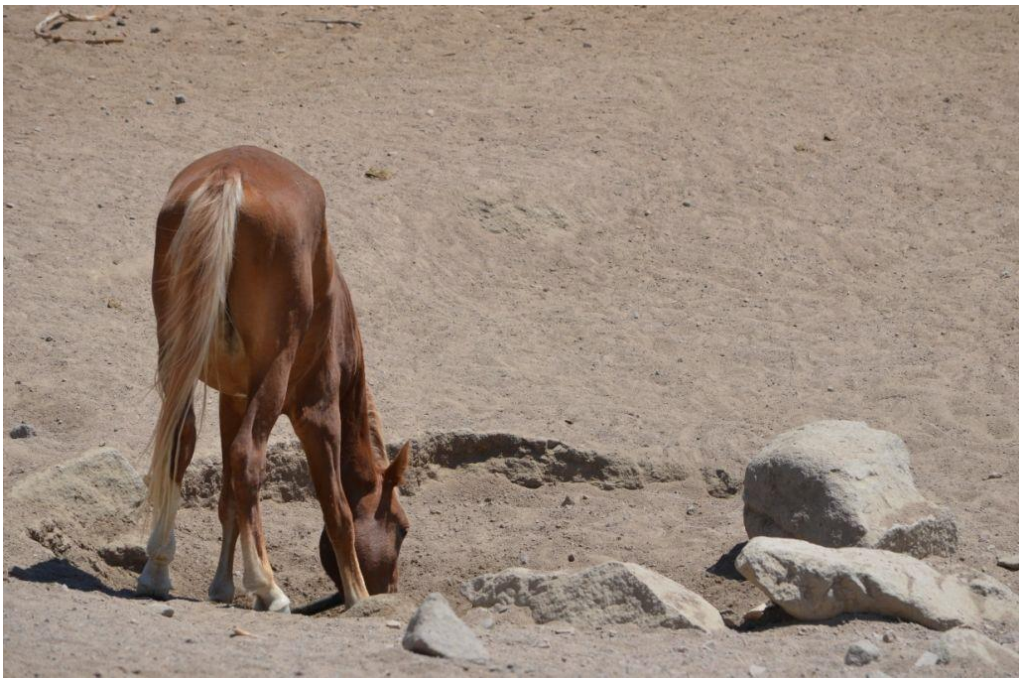
Spring in the Antelope Mountain Range in the southern portion of the Triple B HMA. The Egan Field Office continues to monitor water resources within the Triple B HMA on an annual basis. Water availability at perennial springs fluctuates widely depending on the year and season. The Wells Field Office has hauled water annually during mid-July through mid-October since 2005 to Cherry Springs in the Maverick Springs Range for wild horses in the western portion of the Maverick-Medicine HMA as there remains limited perennial water available for the number of wild horses in the area. No livestock grazing has occurred in this area since 2001.

Since gather operations were completed in 2011 the Elko and Ely District Offices have been monitoring water and vegetative resources throughout the project area. Monitoring conducted in May 2012 determined that there was a lack of water at Cherry Spring, thus BLM began hauling water to there in early June 2012. Since June 2012 escalating drought conditions have warranted including the central portion of the Antelope Valley HMA (Dolly Varden Range) in these water hauling efforts (to Deer Spring). Since June 2012 an estimated 75-100 wild horses have been observed at Deer Spring conveyance. In July 2012 BLM installed a new trough at Deer Spring Conveyance and continued hauling water to the conveyance (and temporary storage tank above the conveyance) at Deer Spring, which was only flowing at approximately 10 gallons/hour. With the limited flow at Deer Spring and the other springs on public lands around the Dolly Varden Range it is expected that there will be very limited water available for wild horses during the summer and fall months.

The Wells Field Office has also hauled water to Deer spring conveyance in 2007, 2008, 2010, 2011 and 2012. In 2011–12 alone, the BLM hauled over 150,000 gallons of water for wild horses in the Triple B Complex and Antelope Valley HMA due to excess numbers of wild horses and a lack of water.

Cherry Spring July 2012. Wild horses in poor condition (BCS #3)

Wild horses waiting to drink at Cherry Spring June 2012.



Wild horse trying to get a drink at Deer Spring Conveyance June 26, 2012. The number of wild horses in the Dolly Varden range currently exceeds the available amount of water on public lands to adequately support them. BLM cannot base AML on water on private lands.

Wild horses waiting for water to flow to the conveyance at Deer Spring June 2012. The spring produces about 10 gallons per hour.

Wild horses waiting for water to flow to the conveyance at Deer Spring June 2012. The spring produces about 10 gallons per hour.

Severe utilization on white sage sites in the Ruby Wash area of the Maverick-Medicine HMA (winter range for wild horses in late June 2012.

Diet/Dietary Overlap with Other Species

Numerous studies identify dietary overlap of preferred forage species and habitat preference between horses, cattle, and wildlife species in the Great Basin ecosystems for all seasons (Ganskopp 1983; Ganskopp et al.. 1986, 1987; McInnis 1984; McInnis et al. 1987; Smith et al. 1982; Vavra et al. 1978). A strong potential exists for exploitative competition between horses and cattle under conditions of limited forage (water and space) availability (McInnis et al. 1987).

Although horses and cattle are often compared as grazers, horses can be more destructive to the range than cattle due to their digestive system and grazing habits. The dietary overlap between wild horses and cattle is much higher than with wildlife, and averages between 60 and 80% (Hubbard and Hansen 1976, R. Hansen, R. Clark, and W. Lawhorn 1977, Hanley 1982, Krysl et al. 1984, McInnis and Vavra 1987). Horses are cecal digesters while most other ungulates including cattle, pronghorn, and others are ruminants (Hanley and Hanley 1982, Beever 2003). Cecal digesters do not ruminate, or have to regurgitate and repeat the cycle of chewing until edible particles of plant fiber are small enough for their digestive system. Ruminants, especially cattle, must graze selectively, searching out digestible tissue (Olsen and Hansen 1977). Horses, however, are one of the least selective grazers in the West because they can consume high fiber foods and digest larger food fragments (Hanley and Hanley 1982, Beever 2003).

Wild horses can exploit the high cellulose of graminoids, or grasses, which have been observed to make up over 88% of their diet (McInnis and Vavra 1987, Hanley 1982). However, this lower quality diet requires that horses consume 20-65% more forage than a cow of equal body mass (Hanley 1982, Menard et al. 2002). With more flexible lips and upper front incisors, both features that cattle do not have, wild horses trim vegetation more closely to the ground (Symanski 1994,

Menard and others 2002, Beever 2003). As a result, areas grazed by horses may retain fewer plant species than areas grazed by other ungulates. A potential benefit of a horse's digestive system may come from seeds passing through system without being digested but the benefit is likely minimal when compared to the overall impact wild horse grazing has on vegetation in general.

Wild horses also compete with wildlife species for various habitat components, especially when populations exceed AML and/or habitat resources become limited (i.e. reduced water flows, low forage production, dry conditions, etc.). Smith (1986) determined that elk and bighorn sheep were the most likely to negatively interact with wild horses. Hanley and Hanley (1982) compared the diets of wild horses, domestic cattle and sheep, pronghorn antelope, and mule deer and found that horse and cattle diets consisted mostly of grasses, pronghorn and mule deer diets consisted mostly of shrubs (>90%) and sheep diets were intermediate. Due to different food preferences, diet overlap between wild horses, deer, and pronghorn rarely reaches above 20% (Hubbard and Hansen 1976, R. Hansen, R. Clark, and W. Lawhorn 1977, Meeker 1979, Hanley and Hanley 1982).

Environmental Impacts

Proposed Action

Under the proposed action, excess wild horses would be captured and removed from the Triple B, Maverick-Medicine and the western and central portions of the Antelope Valley HMAs utilizing a combination of bait and water trapping. Traps would be constructed of portable steel panels typically consisting of 15 to 25 panels, each twelve foot long by six foot high, placed either around a water source (water trapping) or in an area where regular wild horse use occurs (bait trapping). The traps would be constructed in a manner that allows wild horses to initially move freely through them until they are accustomed to their presence. The traps would also have an alley attached for loading captured excess wild horses. The captured/trapped wild horses would be loaded onto horse/stock trailers and pulled behind appropriate motorized vehicles.

Prior to capture, trap sites could be baited before panels are set up to allow for wild horses to become accustomed to coming into an area for feed, salt or other attractant. Once the panels are set up, one or two sides would be left open to allow wild horses to walk through. When trapping occurs one side would be closed off and wild horses would only be allowed to enter one side. That side would have a panel or a gate that would be closed by personnel at the trap after a band of wild horses or an individual wild horse enters the trap. During this acclimation period the horses would experience some stress due to the panels being setup and a perceived restricted access to the water or bait source. Once captured, the wild horse(s) would be immediately loaded in a horse/stock trailer and transported to a temporary holding facility where they would be sorted into the holding pen to await transport.

Water traps would be designed similarly to a bait trap, except only one entrance would be in place with the initial panel setup. A water trap would leave a much wider opening initially to allow wildhorses to enter and drink without creating a situation where the horses are unwilling to drink due to the presence of the panels. As the wild horses become more accustomed to the panels, the mouth or opening would be slowly closed until there is only a gate or one panel for an opening. Once animals are inside the trap, the gate system would be closed. After capture, the impacts to the wild horses would be the same as described above for a bait trap.

Impacts to individual animals could occur as a result of stress associated with the gather, capture, processing, and transportation of animals. The intensity of these impacts would vary by individual and would be indicated by behaviors ranging from nervous agitation to physical distress. Mortality

to individuals from this impact is rare but can occur. Other impacts to individual wild horses include separation of members of individual bands and removal of animals from the population.

Indirect impacts can occur to horses after the initial stress event and could include increased social displacement or increased conflict between studs. These impacts are known to occur intermittently during wild horse gather operations. Traumatic injuries could occur and typically involve biting and/or kicking bruises. Lowered competition for forage and water resources would reduce stress and fighting for limited resources (water and forage) and promote healthier animals. The proposed action would also allow for the continued collection of information on herd characteristics, determination of herd health through direct examination of animals, and collect genetic samples for monitoring of genetic variation.

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

Adherence to the SOPs as well as techniques used by the gather contractor or BLM Staff would help minimize the risks of heat stress if any trapping occurred in the summer.

Through the capture and sorting process, wild horses are examined for health, injury and other defects. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy. BLM Euthanasia Policy IM-2009-041 is used as a guide to determine if animals meet the criteria and should be euthanized (refer to SOPs Appendix 1). Animals that are euthanized for non-gather related reasons include those with old injuries (broken hip, leg) that have caused the animal to suffer from pain or which prevent them from being able to travel or maintain body condition; old animals that have lived a successful life on the range, but now have few teeth remaining, are in poor body condition, or are weak from old age; and wild horses that have congenital (genetic) or serious physical defects such as club foot, or sway back and should not be returned to the range.

Additional analysis of impacts to wild horses from handling activities are addressed on pages 28–31 of the Triple B, Maverick-Medicine and Antelope HMAs Gather EA and pages 35–37 of the Antelope Complex Gather Plan EA.

Wild Horses Remaining in the HMA following Gather

Under the Proposed Action, reducing population size at areas of concern and/or with limited habitat resources (water and forage) would ensure that the remaining wild horses remain healthy and vigorous, and that the wild horses in the HMAs are not at risk of death or suffering as a result of starvation or dehydration due to insufficient forage and/or water as a result of frequent drought conditions.

The wild horses that are not captured may be temporarily disturbed and may move into another area during the gather operations. With the exception of potential minor changes to herd demographics, direct population wide impacts from a gather have proven, over the last 20 years, to be temporary in nature with most if not all impacts disappearing within hours to several days of when wild horses are released back into the HMAs. With the Proposed Action, most of, if not all,

wild horses captured would likely be removed from the HMA. Therefore, stress on wild horses remaining within HMAs would be less than occurs during larger scale helicopter gathers. In those instances here wild horses are relocated some minimal impacts could be expected for wild horses for several days as already described. No observable effects associated with these impacts would be expected within one month of release, except for a heightened awareness of human presence.

As a result of lower density of wild horses across the HMAs following the removal of excess wild horses, competition for resources would be reduced, allowing wild horses to utilize preferred, quality habitat. Confrontations between stallions would also become less frequent, and conflicts among wild horse bands at water sources and or areas of limited forage would also diminish. The primary effects to the wild horse population as a direct result of this proposed gather at selected areas would be to reduce the impacts to riparian or upland sites by wild horses.

The wild horses that remain in the HMAs following the gather would maintain their social structure and herd demographics (age and sex ratios). No observable effects to the remaining population as a result of the trapping activities would be expected except a heightened shyness toward human contact.

Adverse impacts to the rangeland especially around water sources and riparian areas as a result of the current overpopulation of wild horses would be reduced under the Proposed Action. Fighting among stud horses would decrease since they would protect their position at limited water sources less frequently; injuries and death to all age classes of animals would also be expected to be reduced as competition for limited forage and water resources would be decreased.

No Action Alternative

Under the No Action Alternative, water or bait trapping to remove excess wild horses would not be removed from within or outside the Triple B, Maverick-Medicine, and Antelope Valley HMAs utilizing water/bait trapping gather method. However under the existing gather decisions a follow-up helicopter gather could occur during 2013-2014 if necessary to achieve AML. Current wild horse health, water resources and forage concerns would remain unless BLM is able to schedule a helicopter-drive gather. Although the Antelope Complex and Triple B Complex decisions authorized a follow-up helicopter gather in 2013 or 2014 if necessary to achieve AML, given current budget limitations as well as other higher priority gathers scheduled for 2013 and proposed for 2014, no follow-up helicopter gather is likely to be scheduled under those existing decisions.

The wild horse populations would not maintain herd health before another helicopter gather can be conducted and excess concentrations of wild horses would continue to impact site specific areas throughout the HMAs at this time. The animals would not be subject to the individual direct or indirect impacts as a result of a trapping operation. Over the short-term, individual animals in the herd would be subject to increased stress and possible death as a result of increased competition for water and/or forage as the population continues to grow even further in excess of the land's capacity to meet the wild horses' habitat needs. The areas currently experiencing heavy to severe utilization by wild horses would increase over time.

This would be expected to result in increasing damage to rangeland resources throughout the HMAs. Trampling and trailing damage by wild horses in/around riparian and site specific/upland areas would also be expected to increase, resulting in larger, more extensive areas of poor range condition, some of which might be unable to recover even after removal of excess horses. Competition for the available water and forage among wild horses, domestic livestock, and native wildlife would continue and further increase.

Wild horses are a long-lived species with survival rates estimated between 80 and 97%, and may be the determinant of wild horse population increases (Wolfe 1980, L Eberhardt et al 1982, Garrott and Taylor 1990). Predation and disease have not substantially regulated wild horse population levels within or outside the project area. Throughout the HMAs few predators exist to control wild horse populations. Some mountain lion predation occurs but does not appear to be substantial. Coyotes are not prone to prey on wild horses unless they are young, or extremely weak. Other predators such as wolf or bear do not inhabit the area. Being a non-self-regulating species, there would be a steady increase in wild horse numbers for the foreseeable future, which would continue to exceed the carrying capacity of the range. Individual wild horses would be at risk of death by starvation and lack of water as the population continues to grow annually. The wild horses would compete for the available water and forage resources, affecting mares and foals most severely. Social stress would increase. Fighting among stud horses would increase as well as injuries and death to all age classes of animals as the studs protect their position at scarce water sources. Significant loss of the wild horses in the HMAs due to starvation or lack of water would have obvious consequences to the long-term viability of the herd. Allowing wild horses to die of dehydration and starvation would be inhumane treatment and would be contrary to the WFRHBA, which mandates removal of excess wild horses. The damage to rangeland resources that results from excess numbers of wild horses is also contrary to the WFRHBA, which mandates the Bureau to "*protect the range from the deterioration associated with overpopulation*", "*remove excess animals from the range so as to achieve appropriate management levels*", and *"to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area."* Once the vegetative and water resources are at critically low levels due to excessive utilization by an over population of wild horses, the weaker animals, generally the older animals and the mares and foals, are the first to be impacted. It is likely that a majority of these animals would die from starvation and dehydration. The resultant population would be extremely skewed towards the stronger stallions which would lead to significant social disruption in the HMA. By managing the public lands in this way, the vegetative and water resources would be impacted first and to the point that they have limited potential for recovery, as is already occurring in some areas hardest hit by the excess wild horses. This degree of resource impact would lead to management of wild horses at a much lower AML if BLM is able to manage for wild horses at all on the HMA in the future. As a result, the No Action Alternative, by delaying the removal of excess horses from specific areas that are most impacted at this time, would not ensure healthy rangelands that would allow for the management of a healthy wild horse population, and would not promote a thriving natural ecological balance.

As populations increase beyond the capacity of the habitat, more bands of horses would also leave the boundaries of the HMAs in search of forage and water, thereby increasing impacts to rangeland resources outside the HMA boundaries as well. This alternative would result in increasing numbers of wild horses in areas not designated for their use and would not achieve the stated objectives for wild horse herd management areas, namely to "prevent the range from deterioration associated with overpopulation", and "preserve and maintain a thriving natural ecological balance and multiple use relationship in that area."

4.2. Water Resources and Riparian/Wetland Areas

Affected Environment

The affected environment is described and incorporated by reference from pages 34-36 of the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse

Gather Plan EA and pages 47-51 and 55-63 of the 2010 Antelope Complex Wild Horse Gather Plan EA. Those documents adequately address the affected environment for water resources and riparian/wetland areas and this document does not repeat that analysis. Data collected since those documents were completed is presented below.

In addition to the data presented in previous analyses, BLM has collected water quality data at the Deer Spring conveyance which is relevant to management issues regarding wild horses. The water from Deer Spring is conveyed to a small pond which is a principal drinking source for wild horses in the Dolly Varden Mountain Range area. Water quality analysis indicated that bacterial levels of the water is very high. Total coliform and E-coli colony forming units (cfu) per 100 were too numerous to count.

Poor water quality at the Deer Spring conveyance is caused by the high level of wild horse use along with the type of structure in which water is contained. Bacteria in the pond are probably the result of wild horses defecating in or near the pond and tracking fecal matter into the pond when they drink. There have also been several documented cases of wild horses dying in the conveyance and carcasses partially decomposing in the pond water. BLM replaced the pond with a trough in 2012.

Deer Spring Conveyance April 2012

Deer Spring Conveyance with new trough August 2012

Throughout the Dolly Varden Range, springs like Victoria Springs (shown above in 2012) continue to show impacts from excess wild horse use.

Environmental Impacts

Proposed Action

Traps placed at or near springs would not cause new damage to water resources and riparian areas since only locations with already existing heavy use by wild horses would be used. The proposed action would lead to a reduction in the number of wild horses competing for limited water and vegetative resources and a commensurate reduction in the types of negative impacts that wild horses cause to those resources would also occur. These impacts are discussed in detail in the documents incorporated by reference as mentioned above in the Affected Environment.

No Action Alternative

If the proposed gather does not occur the conditions described under the Affected Environment would continue to occur and would increase in intensity as the wild horse population increases and competes for the limited vegetative and water resources available.

4.3. Wildlife Including Migratory Bird

Affected Environment

The affected environment is described and incorporated by reference in pages 36-39 of the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA and in pages 67-72 of the 2010 Antelope Complex Wild Horse Gather Plan EA.

Environmental Impacts

Proposed Action

In contrast to the Alternatives described in The Triple B/Maverick-Medicine/Antelope Valley and Antelope Complex Environmental Assessments, the proposed action consists only of water and/or bait trapping. There would be no disturbance from a helicopter gather, minimal to no fertility control, no selective sorting of horses with some being released at the trap site, and no manipulation of horse sex ratios. Temporary disturbance or displacement would occur to wildlife and migratory birds only during set up of traps and when horses are captured in a trap and transported to temporary holding facilities. Limited, if any, impacts would occur to wildlife habitat since trap sites and temporary holding facilities would be located primarily in already disturbed sites. If a trap is located in intact habitat, the proposed action prescribes monitoring and treating of any established invasive species following trapping, and reseeding of impacted areas, thus reducing or eliminating potential adverse impacts to wildlife and migratory bird habitat.

Trapping could occur during the migratory bird nesting season (April 1-July 30), requiring surveys for migratory bird nests or nesting behavior within the vicinity of the trap site prior to setups and trapping (Appendix 4). Such surveys shall be conducted no more than14 days prior to commencement of surface-disturbing activities in an area. If disturbance does not occur within 14 days of the survey, the site shall be resurveyed. If during any surveys, nests or nesting behavior are documented within 300 feet of the proposed trap site or temporary holding facility, the area must be avoided (i.e. an alternative trap or temporary holding facility would be relocated) until the young have fledged from the nest or the nest fails. This requirement would remove potential impacts to migratory birds.

No Action Alternative

Wildlife (including migratory birds) would not be disturbed or displaced under the No Action alternative. However, competition between wildlife and wild horses for forage and/or water resources would continue in certain areas of concern where resources are limited. Wild horses are aggressive around water sources and some wildlife may not be able to compete, which could lead to the death of individual animals. Wildlife habitat conditions would deteriorate as wild horses continue to exceed AML or concentrate in certain areas and reduce wildlife forage and herbaceous vegetative cover. This concentration and over use of limited resources could also result in lower nest and brood success for Sage-Grouse and/or migratory birds.

4.4. Special Status Plant and Animal Species – Federally listed, proposed, or candidate threatened or endangered species, State listed species, and BLM sensitive species

Affected Environment

The affected environment is described and incorporated by reference from the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA and the 2010 Antelope Complex Wild Horse Gather Plan EA.

Special Status Plants – Nachlinger catchfly (*Silene nachlingerae*), a BLM Sensitive Species, is known to occur on Telegraph Peak in the Egan Range and in the southern Cherry Creek Range. It is designated sensitive because it inhabits ecological refugia, or specialized or unique habitats: generally dry, exposed or somewhat sheltered carbonate (rarely quartzite) crevices in ridgeline outcrops, talus, or very rocky soils on or at the bases of steep slopes or cliffs, on all aspects but predominantly on northwesterly to northeasterly exposures, mainly in the subalpine conifer zone (Nevada Natural Heritage Program 2001).

Special Status Animals - Several special status animal species are found within the project area including bats, raptors, birds, mollusks, and fish. Appendices J and K of the 2010 Antelope Complex Wild Horse Gather Plan EA and Appendices IV and V of the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA provide a detailed description of Special Status Species, outline BLM policy regarding those species, and contain lists of Special Status Species known or likely to occur within the project area.

Greater Sage-Grouse(*Centrocercus urophasianus*)

The Greater Sage-Grouse (Sage-Grouse) is a Candidate Species under the Endangered Species Act of 1970, as amended. As such, it is the focus of numerous conservation efforts aimed at preventing the need to list as Threatened or Endangered. Since completion of the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA and the 2010 Antelope Complex Wild Horse Gather Plan EA, BLM has designated Preliminary Priority Habitat and Preliminary General Habitat for Greater Sage-Grouse within Nevada. Instructional Memorandums 2012-043 and 2012-044 direct the BLM, in part, to consider how proposed projects would affect Sage-Grouse and whether projects lie in Preliminary Priority Habitat, Preliminary General Habitat, or outside of these habitat designations:

Preliminary Priority Habitat (PPH): Areas that have been identified as having the highest conservation value to maintaining sustainable Greater Sage-Grouse populations. These areas would include breeding, late brood-rearing, and winter concentration areas.

Preliminary General Habitat (PGH): Areas of occupied seasonal or year-round habitat outside of priority habitat.

Within the project area there are 796,855 acres of PPH and 266,817 acres of PGH. In general, Sage-Grouse breed, nest, and winter in sagebrush habitats in the valley bottoms, and both genders move to high elevation mountain sagebrush communities during mid-summer through fall. Instruction Memorandum 2012-043 describes the intent of interim management policies and procedures in PPH is to maintain, enhance, or restore conditions for Sage-Grouse and its habitat, and within PGH is to reduce and mitigate adverse effects on Sage-Grouse and its habitat to the extent practical.

Environmental Impacts

Proposed Action

The Proposed Action may have temporary, limited negative effects on Special Status Species, including disturbance and/or displacement when traps are erected and wild horses removed. Sage-Grouse and/or its habitat could be impacted through disturbance and/or displacement. However, removal of excess wild horses would benefit Sage-Grouse in the short-term through improved access to water sources and in the long-term through improved habitat conditions, both at water sources/riparian areas and in upland habitat containing sagebrush. Project design features aimed at removing and/or mitigating adverse effects include locating traps and temporary holding facilities at least two miles from leks during the breeding season (Appendix 4) where possible.

Sites inhabited by Nachlinger catchfly are generally quite inaccessible and would not be used as gather sites. Therefore, there would be no impact from the proposed action.

No Action Alternative

Sensitive or special status species would not be disturbed or displaced by gather operations because they would not occur. However, habitat conditions for all special status animal species would continue to deteriorate at those areas of wild horse concentration as wild horse numbers increase and further reduce herbaceous vegetative cover and increase trampling damage to riparian areas, springs, and stream banks. Some sensitive species could also be displaced or disturbed as a result of the presence of excess numbers of wild horses on the range.

Sites inhabited by Nachlinger catchfly are generally quite inaccessible and dry and are not likely to be used by wild horses. There would be no impact to Nachlinger catchfly under the no action alternative.

4.5. Livestock

Affected Environment

The affected environment is described and incorporated by reference from the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather EA (pgs. 39-42) and the 2010 Antelope Complex Wild Horse Gather Plan EA (pgs. 73-77). These EAs

contain summaries of actual use for the 2002-03 to 2009-10 grazing fee years, permitted use in AUMs, type of permitted livestock, allotment season of use, and percentage of individual allotments in an HMA. Updated actual use for the 2010-11,2011-12 and 2012-2013 grazing fee years for the allotments affected by the Proposed Action is listed in the table below.

Table 4.1. Updated Actual Use for 2011, 2012 and 2013

Allotment	2010–11 (AUMs)	2011–12 (AUMs)	2012-13 (AUMs)		Allotment	2010–11 (AUMs)	2011–12 (AUMs)	2012-13 (AUMS)
Antelope Valley	888	1,781	660		Newark	3,028	3,588	3,356
Badlands	1,079	1,482	1,189		North Butte	Nonuse	Nonuse	Nonuse
Bald Mountain	303	303	246		North Butte Valley	678	1,233	1,233
Becky Creek	185	74	109		North Steptoe	2,121	199	187
Becky Springs	2,099	1,074	319		North Steptoe Trail	534	25	453
Boone Springs	931	882	878		Odgers	vacant	vacant	vacant
Cherry Creek	9,682	9,385	3,544		Ruby #8	1,512	1,587	N/A[4]
Chin Creek	3,987	1,297	3,596		Ruby Valley	396	408	324
Currie	4,669	4,691	2,739		Sampson Creek	1,165	981	837
Deep Creek	3,143	4,657	707		Schellbourne	206	252	Nonuse
Dry Mountain	664	107	605		South Butte	180	560	428
Ferber Flat	992	891	570		Spruce	1,996	Nonuse	Nonuse
Goshute Basin	79	Nonuse	Nonuse		Steptoe	1,666	1,502	1,647
Goshute Mountain[1]	-	-	-		Sugarloaf	851	1,740	785
Gold Canyon	Nonuse	Nonuse	Nonuse		Thirty Mile Spring	7,374	1,017	5,911
Harrison	222	563	444		Tippett	6,446	1,280	1,243
Horse Haven	18	18	18		Tippett Pass	2,153	3273	4,268
Indian Creek	7,423	6,649	3,544		UT/NV South	1,291	1,492	1,270
Lovell Peak	Nonuse	104	Nonuse		Valley Mountain	3,672	3,628	NA[4]
Maverick/Ruby #9	nonuse	nonuse	Nonuse		Warm Spring	4,642	5,862	5,186
Maverick Springs	1,504	1,504	217		Warm Springs Trail	166	408	184
McDermid Creek[2]	-	-	-		West Cherry Creek	1,240	1,386	2,071
Medicine Butte	8,829	926	NA[4]		West White Horse	332	304	155
Moorman Ranch	3,596	1,752	3,028		White Horse	1,741	1,414	1,576

[1] Goshute Mountain is managed and grazed in conjunction with the Badlands Allotment. Goshute Mountain actual use AUMs are included under the Badlands Allotment's AUMs summarized above. [2] McDermid Creek is managed and permitted as a part of the Currie Allotment. McDermid Creek permitted AUMs are included under the Currie Allotment's AUMs summarized above. [4] Actual has not been submitted for the 2012-2013 grazing season.[5] Permittees have not submitted applications to turn out in 2013.

Environmental Impacts

Proposed Action

Wild horse trapping operations have minor, short term, negative direct impacts to cattle and sheep grazing. Livestock located near trapping activities could be temporarily disturbed or displaced by some increased vehicle traffic during the trapping operations, but such disturbance would not be significantly different from vehicular disturbances that are part of regular livestock management activities. Typically livestock would move back into the area once trapping operations cease. It is possible that livestock, if present, could be attracted to water and/or bait trapping sites. Livestock operators would be notified of trapping activities and any livestock that may enter the trap would be released.

Indirect impacts to livestock grazing from the Proposed Action would be an increase in forage availability and improved vegetative resources at certain site specific areas that have been impacted by wild horses and reduced competition for water and forage, and improved vegetative resources. Overall impacts (positive or negative) to livestock from the Proposed Action are expected to be minor in many areas since often the water sources of concern are not being used by livestock. However, impacts may be positive and greater where reduced competition for forage allows livestock grazing operators to utilize their permits.

No Action Alternative

Livestock would not be displaced or disturbed due to trapping operations under the No Action Alternative; however, there would be continued competition with wild horses for limited water and/or forage resources in site specific areas within the HMAs. As wild horse numbers continue to increase, and combined with dry conditions, livestock grazing within the HMAs would continue to be negatively impacted by excess wild horses and livestock grazing may be further reduced in an effort to slow the deterioration of the range to the greatest extent possible.

4.6. Wilderness

Affected Environment

The affected environment is described and incorporated by reference from the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA (pgs. 42-43) and the 2010 Antelope Complex Wild Horse Gather Plan EA (pgs. 77-85).

Environmental Impacts

Proposed Action

No impacts to wilderness character would be anticipated because no traps would be placed in wilderness or wilderness study areas.

No Action Alternative

There would be no direct impacts to wilderness or wilderness study areas because trapping operations would not occur. Impacts to naturalness could be threatened through the continued growth of wild horse populations. Wilderness or wilderness study areas currently receive moderate use by wild horses during certain times of the year. Increasing wild horse populations even further in excess of available capacity would be expected to further degrade the condition of vegetation and soil resources. The sight of heavy horse trails, trampled vegetation and areas of high erosion would continue to detract from the wilderness experience.

4.7. Noxious Weeds and Invasive Non-Native Species

Affected Environment

The affected environment is described and incorporated by reference from the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA (pgs. 33–34) and the 2010 Antelope Complex Wild Horse Gather Plan EA (pgs. 7–8).

Environmental Impacts

Proposed Action

The proposed trapping activities may spread existing noxious or invasive weed species. This could occur if vehicles drive through existing weed infestations and spread seed into previously weed-free areas or inadvertently carry seeds that are attached to the vehicle or equipment. This is of particular concern if a gather crew moves from valley to valley. Black henbane is primarily found in Newark Valley and there is a small amount in Long Valley; however this weed is not currently documented in Butte Valley or Steptoe Valley. The contracting officer's representative or project inspector (COR/PI) would examine proposed gather sites and proposed temporary holding corrals for noxious weeds prior to set-up to eliminate the potential for noxious weed spread to other sites. If invasive or noxious weeds are found, a different location would be selected. Any equipment or vehicles exposed to weed infestations or arriving on site carrying dirt, mud, or plant debris would be cleaned before moving into or within the project area. All gather sites, holding facilities, and contractor camping areas on public lands would be monitored for the presence of noxious and invasive weeds and treated as necessary for five years following use.

Noxious weeds can also spread into disturbed areas such as denuded and degraded areas subject to heavy or severe utilization or to trampling damage. The Proposed Action would help improve vegetative health, reduce disturbed or degraded areas, and reduce the vulnerability of the project area to noxious weed spread by reducing the potential or occurrence of over utilization of vegetation or severe trampling.

Despite some possible short-term impacts, over the long term the reduction in wild horse numbers and the subsequent recovery of the native vegetation would result in fewer disturbed sites that could be susceptible to non-native plant species invasion. The overall outcome for this action would be positive in the long-term for preventing the spread of non-native or noxious weeds.

No Action Alternative

Under this alternative, the wild horse gather would not take place at this time. The likelihood of noxious weeds being spread by limited water or bait trapping gather operations would not exist. However, increased wild horse numbers and continued overgrazing of the present plant communities could lead to an expansion of noxious weeds and invasive non-native species in disturbed and degraded areas of the range. The no action alternative would provide for an overall increased risk for noxious weed invasion in the long-term in site specific areas.

4.8. Vegetation

Affected Environment

The affected environment is described and incorporated by reference from the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA (pgs. 44–45) and the 2010 Antelope Complex Wild Horse Gather Plan EA (pgs. 63–67). These EAs contain descriptions of the plant communities in certain areas that can be found in the areas affected by the Proposed Action, as well as the typical plant species of each community.

2012-2013 Drought Conditions

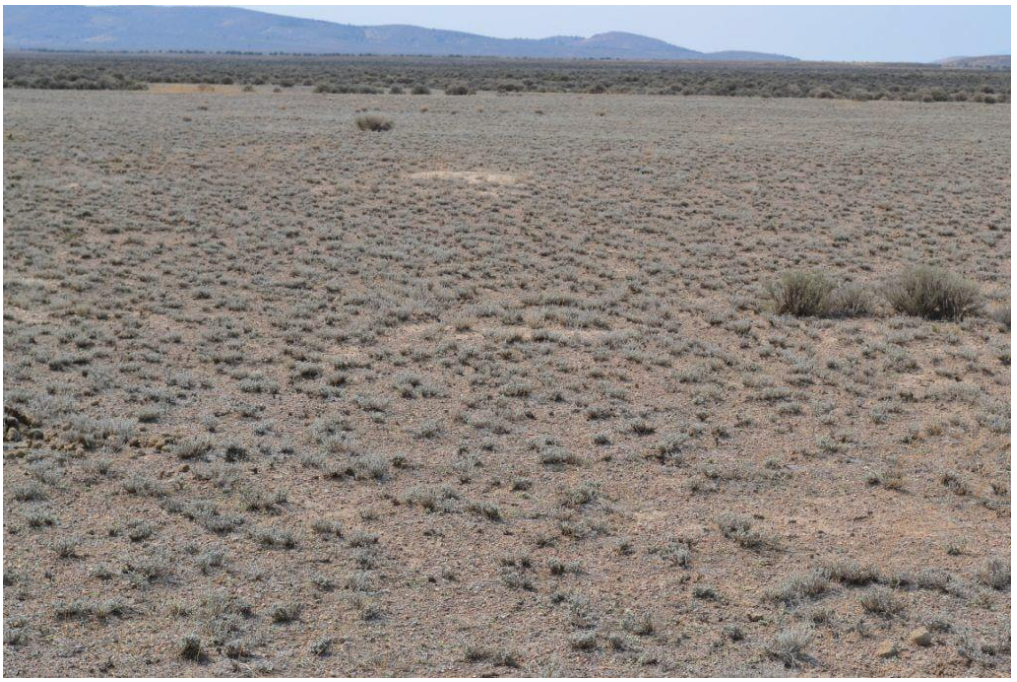
A survey of soil moisture conditions was conducted in the Maverick-Medicine and Antelope Valley HMAs in March and April 2012, using the USDA Guide "Estimating Soil Moisture by Feel and Appearance". Soil moisture throughout the area fell between the driest and second driest categories (but closer to the driest). At that time the available soil moisture was 25%. Available water capacity is the portion of water in soil that can readily be absorbed by plant roots**.** The available water moisture is generally high in the spring time when plants begin to grow. However, in the spring 2012 the available soil moisture was 25% and little if any precipitation fell during the 2012 spring and early summer (active growing period for plants) to offset the lack of soil moisture.

Areas that are regularly subjected to the congregation of animals generally show signs of greater disturbance and grazing utilization than areas with more dispersed use. Over-utilization of plants reduces photosynthetic capability, vigor, reproductive capability, and root structure.

2012 and 2013 fall, winter precipitation did not result in any significant gains to available soil moisture and these low levels would persist as long as drought conditions continue.

Indian ricegrass plant showing limited growth in late June 2012

Utilization on white sage in early 2012



White sage site in August 2012 showing heavy use by wild horses northeast of Deer Spring Conveyance in the central portion of the Antelope Valley HMA.

Heavy use on Indian ricegrass by wild horses in Spruce Allotment, November 2012.

Throughout the HMAs plants exhibited signs of drought stress. Very little current year's growth was observed for a majority of plants, both herbaceous and shrub species.

Recent fall rain and winter snows have made little impact in the ongoing dry conditions. Plants throughout winter use areas continued to show signs of drought stress and could be impacted by over use by wild horses in the spring and summer 2013. This could prolong the time needed for the plants to recover and could lead to decreasing plant vigor and increase the susceptibility of the vegetative community to non-native invasive plants encroaching and establishing throughout wild horse winter use areas in the HMAs.

Environmental Impacts

Proposed Action

The Proposed Action would initially have a negative, short term direct impact on vegetation as a result of trampling and disturbance of vegetation occurring at water trap sites, bait sites and holding locations. Disturbance and trampling of vegetation would occur due to the use of vehicles and concentration of horses in the immediate area of such facilities. The new additional disturbed area would make up less than 2 acres.

Bait sites and holding facilities are usually placed in areas easily accessible to livestock trailers and standard equipment; generally roads, gravel pits or other previously disturbed sites, all accessible by existing roads, are used. Water trap sites would most likely be at locations already disturbed by wild horse and other animal activity. However, the disturbance and trampling that would occur under the Proposed Action is very similar to the disturbance and trampling that is currently taking place. It is expected that under the Proposed Action, trampling and disturbance of vegetation would be reduced in the long term due to reduction of overall trampling and re-seeding of the trap sites and temporary holding facility locations where appropriate.

The Proposed Action of removing wild horses from specific areas of habitual congregation would

have a positive, indirect long term impact on the vegetation in and adjacent to those areas by reducing grazing pressure and hoof action, despite the initial disturbance of trapping activities. The reduction in grazing pressure and hoof action would result in healthier plants, via increased photosynthetic capability, vigor, reproductive capability, and improved root structure.

No Action Alternative

The No Action Alternative would have negative, short and long term impacts on vegetation. Vegetation would continue to deteriorate and be disturbed by wild horse hoof action in areas of habitual congregation. Heavy utilization of forage species by wild horses would continue, resulting in weak plants with reduced photosynthetic capability, vigor, reproductive capability, diminished root structure, and increased plant mortality. Heavy utilization combined with drought conditions would further diminish plant health and reduce the ability of plants to recover from moderate to severe grazing utilization. Sustained heavy utilization would result in a reduced plant population with decreased forage production capability; the carrying capacity of the range would be reduced and rangeland health standards could not be achieved.

The size of the areas impacted would vary from relatively small areas around and near water sources to far more extensive areas, depending on the length and severity of the drought, the number of wild horses competing for limited resources, and the amount of non-use or voluntary reduction in livestock numbers that the permittees continue to take.

4.9. Soils

Affected Environment

The affected environment is described and incorporated by reference from the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA (pgs. 45–47) and the 2010 Antelope Complex Wild Horse Gather Plan EA (pgs. 52–55).

Environmental Impacts

Proposed Action

Project implementation activities would primarily be limited to existing roads, washes and horse trail areas, and only relatively small areas would be used for trapping and holding operations. Horses may be concentrated for a limited period of time in traps. Traps placed on upland areas may result in some new soil disturbance and compaction, but these impacts would be temporary and would not be expected to adversely affect soil quality in the long term. Soil quality may improve in the long term since physical impacts from wild horse use would decrease due to the proposed gather.

No Action Alternative

If the proposed gather does not occur the deteriorating conditions described under the Affected Environment would continue and would increase in intensity as the wild horse population increases, particularly in areas of congregation around water and/or in specific upland areas .

4.10. Public Health And Safety

Affected Environment

The affected environment is described and incorporated by reference from pages 46-47 of the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA and pages 88-89 of the 2010 Antelope Complex Wild Horse Gather Plan EA.

In recent gathers, members of the public have increasingly traveled to the public lands to observe BLM's gather operations. Members of the public can inadvertently wander into areas that put them in the path of wild horses that are being herded or handled during the gather operations, creating the potential for injury to the wild horses and to the BLM employees and contractors conducting the gather and/or handling the horses as well as to the public themselves. Because these horses are wild animals, there is always the potential for injury when individuals get too close or inadvertently get in the way of gather activities. However, the concerns are primarily associated with helicopter use and visitors coming too close to the holding facilities. Because visitors would be limited to viewing wild horses at temporary holding facilities (since human presence at trap sites would prevent wild horses from entering the trap), public safety concerns would be minimal.

Environmental Impacts

Proposed Action

Due to this type of operation (luring wild horses to bait) spectators and viewers would be prohibited as it would directly interfere with the ability to safely capture wild horses. Only essential personnel (COR/PI, veterinarian, contractor, contractor employees, etc.) would be allowed at the trap sites during trapping operations. Visitors would be allowed to view wild horses once they are removed to the temporary holding facilities.

No Action Alternative

There would be no gather related safety concerns for BLM employees, contractors or the general public as no gather activities would occur.

4.11. Cultural Resources

Affected Environment

The affected environment is described and incorporated by reference from the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather Plan EA (pgs. 47–48) and the 2010 Antelope Complex Wild Horse Gather Plan EA (pgs. 95–88).

Environmental Impacts

Proposed Action

All temporary corrals and other associated facilities, in addition to parking, would be placed within previously disturbed areas whenever possible. Prior to disturbing an area, A Class III inventory would first be conducted. A District Archeological Technician (DAT) may conduct the inventory for the purposes of facility placement. If the DAT observes cultural material they would

immediately contact a district archaeologist to discuss avoidance measures. If a water trap site contains undisturbed cultural resources which may be potentially eligible to the National Register of Historic Places (NRHP), the trap location would be relocated. All cultural resources would be avoided to prevent adverse effects to any properties potentially eligible to the NRHP.

No Action Alternative

Wild horses would continue to increase in numbers and the overpopulation of wild horses may adversely impact Cultural Resources, especially at water resource areas and other areas of congregation, and as a result of heavy trailing between water sources or to vegetation.

4.12. Lands with Wilderness Characteristics

Affected Environment

On June 1, 2011, the Secretary of the Department of the Interior issued a memorandum to the BLM Director that in part affirms BLM's obligations relating to wilderness characteristics under Sections 201 and 202 of the Federal Land Management Policy Act. The BLM Released Manuals 6310 and 6320 in March 2012, which provide direction on how to conduct and maintain wilderness characteristics inventories and provides guidance on how to consider whether to update a wilderness characteristics inventory.

The primary function of an inventory is to determine the presence or absence of wilderness characteristics. An area having wilderness characteristics is defined by:

- Size - at least 5,000 acres of contiguous, roadless federal land,
- Naturalness, and
- Outstanding opportunities for solitude or primitive and unconfined types of recreation.
- The area may also contain supplemental values (ecological, geological, or other features of scientific, educational, scenic, or historical values).

The Nevada BLM completed the original wilderness review in 1979, and issued an initial wilderness inventory decision in 1980. In the original wilderness inventory, only 17 units of the 69 that cover the Triple B HMA were intensively inventoried. One was found to possess wilderness character, and was designated as a WSA. The Goshute Canyon WSA was designated as a wilderness in 2006.

In 2011, the Ely and Elko District Offices BLM began updating the lands with wilderness characteristics (LWC) inventory on a project-by-project basis until there is a land use plan revision. Only a small portion of the Ely District that overlaps the Triple B HMA has had a Lands with Wilderness Characteristics Inventory update completed. The 39 units that have had the inventory updated in the Ely District cover less than half of the 1.2 million acre Triple B HMA. Of this, four units were found to possess LWC: three were due to being contiguous with the Goshute Canyon Wilderness; the fourth on its own merits. There has not been a land use plan amendment to determine if or how this unit of LWC would be preserved for its wilderness characteristics. Elko District currently has 46 polygons that need to be updated and inventoried for LWC overlapping these HMAs.

Environmental Impacts

Proposed Action

The proposed action would improve the naturalness of the units by reducing impacts to riparian areas from the current excess population of wild horses. There may be a short term impact to solitude while the trapping is being implemented and people are working in the area. However, there are no anticipated impacts to size, or opportunities for primitive recreation.

No Action Alternative

Under the No Action alternative, there would be continued adverse impacts to riparian areas from the excess horse population. Trampling and trailing damage by wild horses in/around riparian and upland areas would also be expected to increase, resulting in larger, more extensive areas of bare and denuded ground. Competition for the available water and forage between wild horses, domestic livestock, and native wildlife would continue and further increase. All of these adverse effects would impact the naturalness of the units. There are no anticipated impacts to size or opportunities for solitude or primitive recreation.

Chapter 5. Cumulative Impacts and Past, Present and Reasonably Foreseeable Actions

NEPA regulations define cumulative impacts as impacts on the environment that result from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such actions (40 CFR 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The area of cumulative impact analysis is the Triple B Maverick-Medicine HMAs, the western and central portion of the Antelope Valley HMA (i.e. Dolly Varden Range) (Maps 1 and 2).

According to the 1994 BLM *Guidelines for Assessing and Documenting Cumulative Impacts*, the cumulative analysis should be focused on those issues and resource values identified during scoping that are of major importance. Accordingly, the issues of major importance that are analyzed are maintaining rangeland health and achieving and maintaining herd health.

Past, Present, and Reasonably Foreseeable Actions

The past, present, and reasonably foreseeable future actions applicable to the assessment area are identified as the following:

Project -- Name or Description	Status (x)		
	Past	Present	Future
Issuance of multiple use decisions and grazing permits for ranching operations through the allotment evaluation process and the reassessment of the associated allotments and vegetation treatments .	x	x	x
Livestock grazing	x	x	x
Wild horse and burro gathers	x	x	x
Mineral exploration/geothermal exploration/abandoned mine land reclamation/mineral extraction	x	x	x
Recreation	x	x	x
Spring development (including fencing water sources)	x	x	x
Wildlife guzzler construction	x	x	x
Non-native, Invasive and noxious weed inventory/treatments	x	x	x
Wild horse and burro management: issuance of multiple use decisions, AML adjustments and planning	x	x	x

Any future proposed projects (such as water developments) within the Triple B, Maverick-Medicine and Antelope Valley HMAs would be analyzed in an appropriate environmental document following site specific planning. Future project planning would also include public involvement.

Past Actions

In 1971 Congress passed the Wild Free-Roaming Horses and Burros Act which placed wild and free-roaming horses and burros that were not claimed for individual ownership, under the protection of the Secretaries of Interior and Agriculture. In addition herd areas were identified as areas occupied by wild horses at the passing of the Act in 1971. In 1976 the Federal Land Policy and Management Act (FLPMA) gave the Secretary the authority to use motorized equipment in the capture of wild free-roaming horses as well as continued authority to use helicopters in the inventory of wild horses on the public lands. FLMPA sec. 9 {16 U.S.C. 1338a} In administering this act, the Secretary may use or contract for the use of helicopters or, for the purpose of

transporting captured animals, motor vehicles. Such use shall be undertaken only after a public hearing and under direct supervision of the secretary or of a duty authorized official or employee of the Department. In 1978, the Public Range Improvement Act (PRIA) was passed which amended the WFRHBA to provide additional directives for BLM's management of wild free-roaming horses on public lands.

Past actions include establishment of wild horse HMAs, establishment of AML for wild horses, wild horse gathers, vegetation treatment, mineral extraction, oil and gas exploration, livestock grazing and recreational activities throughout the area. Some of these activities have increased infestations of invasive plants, noxious weeds, and pests and their associated treatments.

Triple B HMA

The Ely District Egan MFP (1987) designated the Buck and Bald, Butte, and Cherry Creek HMAs for the long-term management of wild horses. These HMAs were later combined into the Triple B HMA in the Ely District Record of Decision (ROD) and Approved Resource Management Plan (RMP) in August 2008 due to the interchange between the three HMAs. The HMA is nearly identical in size and shape to the original Herd Areas representing where wild horses were located in 1971. Currently, management of the Triple B HMA and wild horse population is guided by the 2008 Ely District ROD and RMP. The AML range for the HMA is 250-518 wild horses. The Land Use Plan analyzed impacts of management direction for grazing and wild horses, as updated through Bureau policies, Rangeland Program direction, and Wild Horse Program direction. Forage was allocated within the allotments for livestock use and range monitoring studies were initiated to determine if allotment objectives were being achieved, or that progress toward the allotment objectives was being made.

Maverick-Medicine and Antelope Valley HMAs

The HMA was established in the late 1980s through the land use planning process as areas where wild horse management was a designated land use. Since the mid-1980s, AMLs have been established on the Elko BLM District HMAs.

In 1993 the Wells RMP Wild Horse Amendment combined the western portion of the Cherry Creek Herd Area with the Maverick-Medicine HMA and eastern portion of the Cherry Creek Herd Area with the Antelope Valley HMA. This established a baseline AML of 389 wild horses for the Maverick-Medicine HMA and an AML of 240 wild horses for the Antelope Valley HMA. The Maverick-Medicine baseline AML was adjusted to 166-276 wild horses through a combination of the 1994 Area Manager's Final Multiple Use Decision for the West Cherry Creek Allotment, the 1998 Spruce Final Multiple Use Decision, and the 2001 Final Multiple Use Decision for the Maverick/Medicine Complex.

In 2001, the NDOT fenced the US Highway 93 Right of Way to improve public safety as numerous vehicles-horse collisions had occurred in previous years. This fence separates the western portion of the Antelope Valley HMA from the rest of the Antelope Valley HMA.

In 2007 the NDOT fenced the Alternate US Highway 93 Right of Way to improve public safety as numerous vehicles-horse collisions had occurred in previous years. This fence separates the Dolly Varden portion of the Antelope Valley HMA from the eastern portion of the Antelope Valley HMA.

Project Area

Currently integrated wild horse management occurs in the Triple B, Maverick-Medicine and Antelope Valley HMAs. Eight gathers have been completed in the past on part or all of the HMAs. Approximately 10,470 wild horses have been removed from the HMAs in the last 25 years. Following each gather, populations have responded with the expected approximate 20% annual increase. Populations have not been negatively impacted by gathers over the long term.

Adjustments in livestock season of use, livestock numbers, and grazing systems were made through the allotment evaluation/multiple use decision process. In addition, temporary closures to livestock grazing in areas burned by wildfires, or due to extreme drought conditions, were implemented to improve range conditions.

The Northeastern Great Basin Resource Area Council (RAC) developed standards and guidelines for rangeland health that have been the basis for assessing rangeland health in relation to management of wild horse and livestock grazing within the Ely and Elko Districts since 1998. Adjustments in numbers, season of use, grazing season, and allowable use have been based on the evaluation of progress made toward reaching the standards.

Several oil and gas exploration wells have been drilled across the Cumulative Effects Study Area; (CESA) however none of these wells have gone into production. The Ely RMP/EIS summarized the history of oil and gas exploration on page 3.18-7 to 3.18-9.

Historical mining activities have occurred throughout the CESA.

Present Actions

Today the Triple B, Maverick-Medicine and the Antelope Valley HMA (west of U.S. Highway 93) have a combined estimated population of 1,085 wild horses (including projected 2012 foal crop). The central portion of the Antelope Valley HMA around the Dolly Varden Range has an estimated population of 426 based on the 2012 inventory flights. Resource damage is occurring at various areas in the HMAs due to excess numbers of wild horses. Program goals have expanded beyond establishing a "*thriving natural ecological balance*" by setting AML for individual herds to now include achieving and maintaining healthy and stable populations.

Current policy and appropriations prohibit the destruction of healthy animals that are removed or deemed to be excess, even though authorized by the WFRHBA. Only sick, lame, or dangerous animals can be euthanized, and destruction of healthy excess wild horses is no longer used as a population control method. A recent amendment to the WFRHBA allows the sale of excess wild horses that are over 10 years of age or have been offered unsuccessfully for adoption three times. BLM is adding additional long-term grassland pastures in the Midwest to care for excess wild horses removed from the public range for which there is no adoption or sale demand.

The BLM is continuing to administer grazing permits and may conduct vegetation treatments to improve watershed health. Within the proposed project area, sheep and cattle grazing occurs on a yearly basis.

The focus of wild horse management has also expanded to place more emphasis on achieving rangeland health as measured against the standards for rangeland health. The Northeastern Great Basin RAC Standards and Guidelines for Rangeland Health are the current basis for assessing rangeland health in relation to management of wild horse and livestock grazing within the Ely and

Elko Districts. Adjustments to numbers, season of use, grazing season, and allowable use are based on evaluating progress toward reaching the standards.

Mineral exploration and mining is on-going in the CESA, occurring primarily in the Buck, Bald, and Cherry Creek Mountain Ranges and the Dolly Varden Range. The Bald Mountain Mine is planning on expanding their current mining and exploration process.

Active oil and gas leases occur throughout the CESA. An oil and gas lease sale was completed for March 2013 and includes several parcels within the CESA.

The Falcon to Gondor Utility Corridor crosses the CESA in Newark Valley north of Highway 50. This is a half mile wide corridor interconnecting with the Ely-to-Utah State Line portion of the Southwest Intertie Project corridor (see Ely RMP, LR-34B).

The Southwest Intertie Project Corridor crosses the CESA in Butte Valley north of Highway 50. This is a three quarter mile wide corridor from the Elko/White Pine County Line to the point where it parallels Highway 93 and the Pahranagat Wildlife Refuge and is a half mile wide from that point to the Clark County line (See Ely RMP, LR-34D).

Reasonably Foreseeable Future Actions

In the future, the BLM would continue to manage these HMAs for wild horses consistent with available habitat, achieving a thriving natural ecological balance, maintaining genetic diversity, age structure, and sex ratios. Current policy is to express wild horse AMLs as a range, to allow for population growth between gathers, as well as better management of populations. The Ely BLM District completed the *Ely Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/EIS, 2007) released in November 2007 which analyzed AMLs expressed as a range and addressed wild horse management on a programmatic basis. Future wild horse management in the BLM's Ely District will focus on an integrated ecosystem approach with the basic unit of analysis being the watershed. Currently the Egan Field Office is completing the Newark Watershed analysis. This process will identify actions associated with habitat improvement within the HMA. The BLM would continue to conduct monitoring to assess progress toward meeting rangeland health standards. Wild horses would continue to be a component of the public lands, managed within a multiple use concept.

Under the Director's proposed new Wild Horse and Burro management strategy (currently in draft), the BLM would place greater emphasis on the use of fertility control, including "catch, treat and release" (CTR) gathers, boost adoptions, establish a comprehensive animal welfare program, and call on the National Academy of Sciences (NAS) to review previous wild horse management studies and make recommendations on how the BLM should proceed in light of the latest scientific research. At the conclusion of the NAS study, the BLM would determine NEPA analysis to analyze the potential impacts of the several wild horse and burro management options – or if changes in federal law are needed in order to place the Wild Horse and Burro Program on a more sustainable track over the long-term.

Fertility control should also become more readily available as a management tool, with treatments that last longer between gather cycles, reducing the need to remove as many wild horses from the public range over time, and possibly extending the time between gathers. The combination of these factors should result in an increase in stability of gather schedules, longer periods of time between gathers and removal of fewer excess wild horses over time.

The proposed water/bait trapping gather area contains a variety of resources and supports a variety of uses. Any alternative course of wild horse management has the opportunity to affect

and be affected by other authorized activities ongoing in and adjacent to the area. Future activities which would be expected to contribute to the cumulative impacts of implementing the Proposed Action include: future wild horse gathers; continuing livestock grazing in the allotments; oil, natural gas, and mineral exploration; new or continuing infestations of invasive plants, noxious weeds, and pests and their associated treatments; and continued native wildlife populations and recreational activities historically associated with them. The significance of cumulative effects based on past, present, proposed, and reasonably foreseeable future actions are determined based on context and intensity.

A wild horse eco-sanctuary has been proposed for the central portion of the Antelope Valley HMAas well as a portion of the Spruce-Pequop and Goshute HMAs.

The Southwest Intertie Project (a major transmission line) has identified a route through the Antelope Valley HMA.

BLM is currently working through the NEPA process for the Ely and Elko District Drought Management Environmental Assessment.

Impacts Conclusion

Past management of wild horses and the high population growth rate has resulted in the current wild horse overpopulation within the Triple B and Maverick-Medicine HMAs and the western and central portions of the Antelope Valley HMA. Wild horse management has contributed to the present at-risk resource conditions within the gather area.

The combination of the past, present, and reasonably foreseeable future actions, along with the Proposed Action, should result in more stable wild horse populations, healthier rangelands, fewer adverse impacts to site specific areas, healthier wild horses, and fewer multiple-use conflicts within the HMAs. Habitat for wildlife including migratory birds and special status plant and animal species would be improved both in the short and long-term. Impacts to site-specific areas that are currently heavily impacted by excessive numbers of wild horses would be lessened, resulting in improvements to riparian, soils, upland vegetation, and cultural resource conservation.

Chapter 6. Mitigation Measures and Suggested Monitoring

Mitigation and monitoring are incorporated into the Proposed Action through SOPs, which have been developed over time. These SOPs (Appendix 1) represent the "best methods" for reducing impacts associated with gathering, handling, and transporting wild horses and collecting herd data.

Chapter 7. Tribes, Individuals, Organizations, or Agencies Consulted:

In addition to the information provide in Section 1.3, BLM also consulted local, county, state, and Federal agencies.

On-going consultation with Resource Advisory Councils, NDOW, USFWS, livestock operators and others, underscores the need for BLM to maintain wild horse populations within AML.

Native American consultation letters were sent on September 11, 2012 to the following individuals and/or tribes.

Tribe/Individual	Date Letter Sent	Date of Meeting
Shoshone-Paiute Tribes of the Duck Valley Indian Reservation	September 11, 2012	None
Carrie Dann / Western Shoshone Defense Council	September 11, 2012	None
Bureau of Indian Affairs / Eastern Nevada Agency	September 11, 2012	None
Yomba Shoshone Tribe	September 11, 2012	None
Duckwater Shoshone Tribe	September 11, 2012	None
Ely Shoshone Tribe	September 11, 2012	None
Te-Moak Tribe of Western Shoshone - Battle Mountain Band Council	September 11, 2012	None
Te-Moak Tribe of Western Shoshone - South Fork Band Council	September 11, 2012	None
Te-Moak Tribe of Western Shoshone	September 11, 2012	None
Te-Moak Tribe of Western Shoshone – Elko Band Council	September 11, 2012	None
Te-Moak Tribe of Western Shoshone – Wells Band Council	September 11, 2012	None
Confederated Tribes of the Goshute Indian Reservation	September 11, 2012	None
Western Shoshone Committee	September 11, 2012	None
Western Shoshone Descendants of Big Smoky	September 11, 2012	None

Chapter 8. List of Preparers

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Emily Simpson	Wilderness Planner	Wilderness
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Leslie Riley	Archaeologist	Cultural Resources
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APPENDIX I

STANDARD OPERATING PROCEDURES

Gathers would be conducted by utilizing contractors from the Wild Horse and Burro Gathers-Western States Contract, or BLM personnel. The following procedures for gathering and handling wild horses and burros would apply whether a contractor or BLM personnel conduct a gather.

Prior to any gathering operation, the BLM will provide for a pre-capture evaluation of existing conditions in the gather area(s). The evaluation will include animal conditions, prevailing temperatures, drought conditions, soil conditions, road conditions, and preparation of a topographic map with wilderness boundaries, the location of fences, other physical barriers, and acceptable gather site locations in relation to animal distribution. The evaluation will determine whether the proposed activities will necessitate the presence of a veterinarian during operations. If it is determined that capture operations necessitate the services of a veterinarian, one would be obtained before the capture would proceed. The contractor will be apprised of all conditions and will be given instructions regarding the capture and handling of animals to ensure their health and welfare is protected.

Gather sites and temporary holding sites will be located to reduce the likelihood of undue injury and stress to the animals, and to minimize potential damage to the natural and cultural resources of the area. Temporary holding sites would be located on or near existing roads.

The primary capture methods used in the performance of gather operations include:

1. Bait Trapping. This capture method involves utilizing bait (water or feed) to lure wild horses and burros into a temporary gather site.

The following procedures and stipulations will be followed to ensure the welfare, safety and humane treatment of wild horses and burros in accordance with the provisions of 43 CFR § 4700.

B. Capture Methods Used in the Performance of Gather Contract Operations

The primary concern of the contractor is the safety of all personnel involved and humane handling of all wild horses and burros captured:

a) Some trap sites will require a staging area (Temporary Holding) as determined by the COR/PI.
b) All trap and staging areas 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 staging facilities not located on public land must have prior written approval of the landowner.

c) The capture attempts may be accomplished by utilizing bait (feed, mineral supplement or water) or sexual attractants (mares in heat) to lure wild horses and burros into a temporary trap.

All capture attempts shall incorporate the following:
1 - All feed bait ingredients, and the formula in that bait will be given to the COR/PI one full week prior to using in the trap.
2 - When using water as the bait, other water sources shall not be cut off in the bait area. If the government determines that cutting off other water sources is the best action to take under this contract, elimination of other water sources shall not last longer than 48 continuous hours.

d) All traps, wings, and staging facilities shall be constructed, maintained and operated to handle the wild horses and burros in a safe and humane manner and be in accordance with the following:

1 - Darting of wild horses and wild burros will not be allowed.
2 - Traps and staging facilities shall be constructed of portable panels or equal material, 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 staging facilities shall be flowing design without corners. All material used will be flush at the top and bottom, no protrusions, sharp areas.
3 - No barbed wire material shall be used in the construction of any traps.
4 - All loading alleys shall be a minimum of 6 feet high for horses and 5 feet high for burros and shall be fully covered on the sides with, tarps, plywood, etc.
5 - All crowding pens including the gates leading to the alleyways shall be covered with a material which serves as a visual barrier,(plywood, burlap, plastic snow fence, tarps 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. Perimeter panels on the staging corrals shall be covered to a minimum height of 5 feet for burros and 6 feet for horses.
6 - Self-latching gates will be used on all pens and alleyways for the movement and handling of wild horses and burros.
7 - 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.
8 - Wild horses and burros trapped at trap sites may need to be sorted into small sorting pens determined by age or sex in order to safely transport them to a BLM preparation facility or a staging area.
9 - Sick and injured wild horses and burros, and strays will be separated as needed. Segregation will be at the discretion of the COR.
10 - Wild horses and burros will not be held in the trap for more than 24 hours.
11 - A staging area will be required away from the trap site for any wild horses and burros that are being held for more than 24 hours.
12 - The contractor shall assure that wet mares and their foal shall not be separated.
13 - Finger gates may be constructed of materials such as, juniper poles, pipe, etc., only with the prior approval and direction of the COR. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc. that may be injurious to wild horses and burros.
14 - All trigger and/or trip gate devices must be approved by the COR prior to capture of wild horses and burros.
15 - Traps shall be checked a minimum of once every 24 hours when traps are “set” to capture

wild horses and burros.
16 - Contractor will report any injuries that resulted from trapping operations as well as pre-existing injuries to the COR and BLM preparation facility.
17 - The COR/PI may assist with the handling of wild horses and burros.
e. At the discretion of the COR/PI the Contractor may be required to delay shipment of horses until the COR/PI inspects the wild horses and burros at the trap site prior to transporting them to the BLM preparation facility.

C. Temporary Holding and Animal Care

The temporary holding facility area will only be used when approved by the COR

a) Sorting pens shall be of sufficient size to minimize (minimal 100 square feet per adult horse and or burro with only having a maximum of 25 wild horses or burros being held at any other time), to the extent possible, injury due to fighting and trampling as well as to allow wild horses and burros to move easily and have adequate access to water and feed.
b) All pens will be capable of expansion on request of the COR. Alternate pens, within the staging facility shall be furnished by the Contractor to separate mares or Jennies with small foals, sick and injured wild horses and burros, and estrays from the other wild horses and burros.
c) The Contractor shall provide wild horses and burros held in the staging area with a supply of fresh clean water at a minimum rate of 10 gallons per animal per day.
d) Wild horses and burros approved to be held by the COR will 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. If the task order notes that weed free hay is to be used for this bait trap gather the contractor will provide certified weed free hay in the amounts stated above. The contractor will have to have documentation that the hay is certified weed free.
e) It is the responsibility of the Contractor to provide security to prevent loss, injury or death of captured wild horses and burros until delivery to final destination. Animals lost from traps shall not be included in payment schedule.
f) It is the responsibility of the Contractor to provide for the safety of the wild horses and burros and personnel working at the trap locations and staging area.
g) The Contractor shall restrain sick or injured wild horses and burros if treatment is necessary in consultation with the COR and/or veterinarian. The contractor in consultation with the COR will determine if injured wild horses and burros must be destroyed and provide for destruction of such wild horses and burros in accordance with the BLM Euthanasia policy. (Section J) The Contractor will have the ability to humanely euthanize wild horses and burros in the field and to dispose of the carcasses in accordance with state and local laws.
h) Separate water troughs shall be provided for each pen where wild horses and burros are being held. Water troughs shall be constructed of such material (e.g., rubber, plastic, fiberglass, galvanized metal with rolled edges, and rubber over metal) so as to avoid injury to the wild horses and burros.
i) The use of solid covered panels or visual barriers in the alley ways keeps the animals from kicking thru the panels.
j) All gates and panels are covered with snow fence for the safety of wild horses and burros.

k) Wild horses and burros will be fed twice a day per a schedule determined by the COR/PI and will have water in every pen.

D. Transportation and Animal Care

a) Wild horses and burros shall be transported to BLM preparation facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances.
b) The Contractor shall schedule shipments of wild horses and burros to arrive at BLM preparation facilities between 7:00 a.m. and 4:00 p.m. unless prior approval has been obtained by the COR. No shipments shall be scheduled to arrive at BLM preparation facilities on Sunday and Federal holidays; unless prior approval has been obtained by the COR.
c) Wild horses and burros shall not be allowed to remain standing on gooseneck or semi-trailers while not in transport for a combined period of greater than three (3) hours.
d) Total drive time from the trap site or staging area to the BLM preparation facilities will not exceed 8 hours.
e) All motorized equipment employed in the transportation of captured wild horses and burros shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of wild horses and burros.
f) All equipment used to transport wild horses and burros will be inspected and accepted by the COR/PI prior to use to avoid any injury to wild horses and burros and shall be in good mechanical condition, of adequate rated capacity, and operated so as to ensure that captured wild horses and burros are transported without undue risk.
g) No open stock trailers shall be allowed for transporting wild horses and burros from trap site(s) or staging area to the BLM preparation facilities.
h) Sides or stock racks of all trailers used for transporting wild horses and burros shall be a minimum height of 6 feet 6 inches from the floor. A minimum of one partition is required in each stock trailer.
i) The rear door(s) of the stock trailers must be capable of opening the full width of the trailer. All partitions and panels the inside of all trailers must be free of sharp edges or holes that could cause injury to the wild horses and burros. The material facing the inside of all trailers must be strong enough so that the wild horses and burros cannot push their hooves through the side.
j) All surfaces of the stock trailers shall be cleaned and a disinfectant used to eliminate the possibility of disease transmittal from domesticated horses to wild horses and burros (WH&B's) prior to the WH&B's under this contract being transported.
k) Floors of stock trailers and loading chutes shall be covered and maintained with anti-slip materials (mats, wood shavings, sand etc.) to prevent wild horses and burros from slipping.
l) Wild horses and burros to be loaded and transported in any size trailer shall be as directed by the COR and may include limitations on numbers according to age, sex, size, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers

1. 12.6 square feet per adult horse (1.8 linear foot in a 7 foot wide trailer)
2. 8.0 square feet per adult burro (1.15 linear foot in a 7 foot wide trailer)
3. 6.0 square feet per horse foal (0.85 linear foot in a 7 foot wide trailer)
4. 4.0 square feet per burro foal (0.57 linear feet in a 7 foot wide trailer)

m) The COR shall consider the condition and size of the wild horses and burros, weather conditions, distance to be transported, or other factors when planning for the movement of captured wild horses and burros. The COR shall provide for any brand and/or inspection services required for the captured wild horses and burros. If wild horses and burros are to be transported over state lines the COR will be responsible work with the receiving state veterinarian to get permission to transport the wild horses and burros without a health certificate or coggins test. If the receiving state does not allow wild horses or burros in their state without a current health certificate or coggins test the COR/PI will obtain them through a local veterinarian prior to shipment.
n) An electric prod, paddle or wild rag may be humanely used to work wild horses and burros during sorting and loading operations.
o) Flagging will be used strategically so not to desensitize the animal(s).
p) When transporting wild horses and burros, drivers shall check for downed animals.
q) The contractor will separate the animals in trailer compartments so animals do not pile up in the rear of the trailer during transport from trap site to staging area/BLM preparation facility. Separation of animals helps prevent animals from falling down and being trampled.
r) All sorting, loading or unloading wild horses and burros will be performed during daylight hours unless supplemental light is provided in the area to facilitate visibility.
s) Provide a visual barrier on panels in the area where the loading is accomplished at the trap site and at the staging area to eliminate holes, gaps, or openings where horses can be injured.
t) The contractor may dig holes at the end of the loading alley so that trailer floor is at ground level to ease the loading horses or burros at the trap site
u) Hot shots should not be used routinely or excessively on wild horses or burros. Use of hot shots should be limited to instances of trying to protect or preserve human or animal safety (such as with animals that are down and reluctant to get up on trailers and in chutes) or as a near final resort for animals that refuse to move or load. Hot shots should only be used as follows:
v) Hotshots should never be applied to 3 areas: the head (defined as everything above the throatlatch), anus and genitals (this includes the vulva, penis, and scrotum as well as the anogenital area which includes the anal recess, underside of the tail and the perineum which is the area between the anus and the vulva)
w) Only unmodified, commercially available hotshots that use DC battery power may be used, batteries should be maintained fresh at all times to avoid the overuse of apparently ineffective devices
x) A hot shot should only be used after 3 other stimuli have failed to successfully encourage forward movement (other options include use of body position and

movement, use of voice or whistle, use of a wild rag to flag an animal, use of a shaker paddle as a visual and auditory stimulus, tapping animal with flag or shaker paddle, use of plastic tarp or bag, and returning animal to the point of origin and starting over.

y) A hot shot should be used to shock an animal not more than 3 times on any single occasion
z) A hot shot should only be used when a path of escape or movement away from the stimulus is available (animals should not be encouraged to "push-up" with or without a hotshot – this too often leads to trampling)

E. Safety and Communication

The BLM/FS reserves the right to remove from service immediately any contractor personnel or contractor furnished equipment which, in the opinion of the contracting officer or COR 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

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 cell/satellite phone at all times during the trapping operations.
b) Contractor will contact the COR/PI prior to loading horses to be delivered to BLM preparation facility.
c) Contractor will contact BLM facility manager to schedule delivery and relay information of wild horses and burros trapped (number of wild horses and burros trapped, sex, approximate age, number of pairs, etc.)
d) Contractor will photo document all horses trapped in a digital image format and digital photos will be delivered to the COR.
e) Contractor will be required to provide State or National Rifle Association certification or equivalent (conceal carry, hunter safety, etc.) for firearm safety.
f) All accidents involving wild horses and burros or people that occur during the performance of any task order shall be immediately reported to the COR/PI.
g) All domestic stock used for or around the bait trap or staging area will have current Coggins documentation and a health certificate. Trailers will be cleaned and have a disinfectant applied after any domestic horses have been hauled in it and before any WH&B's are loaded. This will help prevent transmission of disease into our populations at a BLM Preparation Facility

F. Use of Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the 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.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue

risk or injury.
3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from gather site(s) to temporary holding facilities and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.
4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.
5. Floors of tractor-trailers, stock trailers and loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping.
6. 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).
7. 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.
8. 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.

G. Safety and Communications

1. 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.

a) The proper operation, service and maintenance of all contractor furnished property are 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.

b) The Contractor shall obtain the necessary FCC licenses for the radio system
c) All accidents occurring during the performance of any task order shall be immediately reported to the COR/PI.

H. Public and Media

Due to heightened public interest in wild horse and burro gathers, the BLM/Contractor may expect an increasing number of requests from the public and media to view the operation.

a) Due to this type of operation (luring wild horses and burros to bait) spectators and viewers will be prohibited as it will have impacts on the ability to capture wild horses and burros. Only essential personnel (COR/PI, veterinarian, contractor, contractor employees, etc.) will be allowed at the trap site during operations.
b) Public viewing of the wild horses and burros trapped may be provided at the staging area and/or the BLM preparation facility by appointment.
c) The Contractor agrees that there shall be no release of information to the news media regarding the removal or remedial activities conducted under this contract.
d) All information will be released to the news media by the assigned government public affairs officer.
e) If the public or media interfere in any way with the trapping operation, such that the health and wellbeing of the crew, horses and burros is threatened, the trapping operation will be suspended until the situation is resolved.

I. COR/PI Responsibilities

a) In emergency situations, the COR/PI will implement procedures to protect animals as rehab is initiated, ie. Rationed feeding and watering at trap and or staging area.
b) The COR/PI will authorize the contractor to euthanize any wild horse or burros as an act of mercy.
c) The COR/PI will ensure wild horses or burros with pre-existing conditions are euthanized in the field according to BLM policy.
d) Prior to setting up a trap or staging area on public land, the BLM and/or Forest Service will conduct all necessary clearances (archaeological, T&E, etc.). All proposed sites must be inspected by a government archaeologist or equivalent. Once archaeological clearance has been obtained, the trap or staging area may be set up. Said clearances shall be arranged for by the COR/PI.
e) The COR/PI will provide the contractor with all pertinent information on the areas and wild horses and burros to be trapped.
f) The COR/PI will be responsible to establish the frequency of communicating with the contractor.
g) The COR/PI shall inspect trap operation prior to Contractor initiating trapping.
h) The Contractor shall make all efforts to allow the COR/PI to observe a minimum of at least 25% of the trapping activity.
i) The COR/PI is responsible to arrange for a brand inspector and/or veterinarian to inspect all wild horses and burros prior to transporting to a BLM preparation facility when legally required.

j) The COR/PI will be responsible for the establishing a holding area for administering PZP, gelding of stallions, holding animals in poor condition until they are ready of shipment, holding for EIA testing, etc.
k) The COR/PI will ensure the trailers are cleaned and disinfected before WH&B's are transported. This will help prevent transmission of disease into our populations at a BLM Preparation Facility.

J. Responsibility and Lines of Communication

The Elko/Ely Wild Horse Specialist (COTR) or delegate has direct responsibility to ensure human and animal safety. The Wells or Egan Field Managers will take an active role to ensure that appropriate lines of communication are established between the field, field office, state office, national program office, and BLM holding facility offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times. All publicity and public contact and inquiries will be handled through the Elko District Office and Nevada State Office of Communications. These individuals will be the primary contact and will coordinate with the COR on any inquiries.

The BLM delegate will coordinate with the corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The BLM 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.

K. Resource Protection

Gather sites and holding facilities would be located in previously disturbed areas whenever possible to minimize potential damage to the natural and cultural resources.

Gather sites and temporary holding facilities would not be constructed on wetlands or riparian zones.

Prior to implementation of gather operations, gather sites and temporary holding facilities would be evaluated to determine their potential for containing cultural resources. All gather facilities (including gather sites, gather runways, blinds, holding facilities, camp locations, parking areas, staging areas, etc.) that would be located partially or totally in new locations (i.e. not at previously used gather locations) or in previously undisturbed areas would be inventoried by a BLM archaeologist or district archaeological technician before initiation of the gather. A buffer of at least 50 meters would be maintained between gather facilities and any identified cultural resources.

Gather sites and holding facilities would not be placed in known areas of Native American concern.

The contractor would not disturb, alter, injure or destroy any scientifically important paleontological remains; any historical or archaeological site, structure, building, grave, object or

artifact; or any location having Native American traditional or spiritual significance within the project area or surrounding lands. The contractor would be responsible for ensuring that its employees, subcontractors or any others associated with the project do not collect artifacts and fossils, or damage or vandalize archaeological, historical or paleontological sites or the artifacts within them. Should damage to cultural or paleontological resources occur during the period of gather due to the unauthorized, inadvertent or negligent actions of the contractor or any other project personnel, the contractor would be responsible for costs of rehabilitation or mitigation. Individuals involved in illegal activities may be subject to penalties under the Archaeological Resources Protection Act (16 U.S.C 470ii), the Federal Land Management Policy Act (43 U.S.C 1701), the Native American Graves and Repatriation Act (16 U.S.C. 1170) and other applicable statutes.

Standard Operating Procedures for Population-level Porcine Zona Pellucida Fertility Control Treatments

22-Month Time-Release Pelleted Porcine Zona Pellucida (PZP) Vaccine:
The following implementation and monitoring requirements are part of any Action Alternative which involves the use of PZP:
1. PZP vaccine would be administered only by trained BLM personnel or collaborating research partners.

2. The fertility control drug is administered with two separate injections: (1) a liquid dose of PZP is administered using an 18-gauge needle primarily by hand injection; (2) the pellets are preloaded into a 14-gauge needle. These are delivered using a modified syringe and jab-stick to inject the pellets into the gluteal muscles of the mares being returned to the range. The pellets are designed to release PZP over time similar to a time-release cold capsule.

3. Mares that have never been treated would receive 0.5 cc of PZP vaccine emulsified with 0.5 cc of Freund's Modified Adjuvant (FMA) and loaded into darts at the time a decision has been made to dart a specific mare. Mares identified for re-treatment receive 0.5 cc of the PZP vaccine emulsified with 0.5 cc of Freund's Incomplete Adjuvant (FIA).

4. Delivery of the vaccine would be by intramuscular injection into the gluteal muscles while the mare is restrained in a working chute. With each injection, the liquid or pellets would be injected into the left hind quarters of the mare, above the imaginary line that connects the point of the hip (hook bone) and the point of the buttocks (pin bone).

5. In the future, the vaccine may be administered remotely using an approved long range darting protocol and delivery system if or when that technology is developed.

6. All treated mares would be freeze-marked on the hip or neck HMA managers to positively identify the animals during the research project and at the time of removal during subsequent gathers.

Monitoring and Tracking of Treatments:
1. At a minimum, estimation of population growth rates using helicopter or fixed-wing surveys would be conducted before any subsequent gather. During these surveys it is not necessary to identify which foals were born to which mares; only an estimate of population growth is needed (i.e. # of foals to # of adults).

2. Population growth rates of herds selected for intensive monitoring would be estimated every year post-treatment using helicopter or fixed-wing surveys. During these surveys it is not necessary to identify which foals were born to which mares, only an estimate of population growth is needed (i.e. # of foals to # of adults). If, during routine HMA field monitoring (on-the-ground), data describing mare to foal ratios can be collected, these data should also be shared with the NPO for possible analysis by the USGS.

3. A PZP Application Data sheet would be used by field applicators to record all pertinent data relating to identification of the mare (including photographs if mares are not freeze-marked) and date of treatment. Each applicator would submit a PZP Application Report and accompanying narrative and data sheets would be forwarded to the NPO (Reno, Nevada). A copy of the form and data sheets and any photos taken would be maintained at the field office.

4. A tracking system would be maintained by NPO detailing the quantity of PZP issued, the quantity used, disposition of any unused PZP, the number of treated mares by HMA, field office, and State along with the freeze-mark(s) applied by HMA and date.

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Appendix 2 - 2012 Inventory Waypoint and Wild Horse Numbers Central Portion of the Antelope Valley HMA.

HMA	Way Point	Adult	Foal	Allotment
Antelope Valley Dolly Varden Area	36	9	3	Currie
	37	1	0	Spruce
	38	2	0	Boone Springs
	39	4	0	Valley Mountain
	40	10	0	Valley Mountain
	41	33	0	Valley Mountain
	42	5	2	Valley Mountain
	43	7	0	Valley Mountain
	44	1	0	Valley Mountain
	45	3	1	Valley Mountain
	46	7	2	Valley Mountain
	47	3	1	Valley Mountain
	48	4	1	Valley Mountain
	49	5	0	Valley Mountain
	50	4	1	Spruce
	51	5	0	Boone Springs
	52	2	0	Spruce
	53	6	0	Spruce
	54	9	1	Spruce
	55	6	0	Spruce
	56	3	0	Spruce
	57	6	1	Spruce
	58	5	0	Spruce
	59	2	0	Spruce
	60	2	0	Spruce
	61	7	0	Spruce
	62	2	0	Spruce
	63	10	1	Spruce
	64	3	0	Spruce
	65	5	1	Spruce
	66	46	5	Spruce
	67	13	0	Spruce
	68	3	0	Boone Springs
	69	6	3	Boone Springs
	70	3	1	Boone Springs
	71	6	1	Spruce
	72	9	2	Valley Mountain

	73	10	2	Valley Mountain
	74	6	0	Valley Mountain
	75	3	0	Spruce
	76	6	1	Spruce
	77	9	3	Valley Mountain
	78	4	0	Spruce
	79	4	0	Spruce
	80	2	0	Spruce
	81	5	0	Spruce
	82	3	0	Spruce
	83	12	2	Spruce
	84	12	2	Spruce
	85	5	0	Spruce
	86	2	0	Spruce
	87	11	1	Spruce
	88	7	1	Spruce
	89	3	0	Spruce
	90	8	0	Spruce
	91	5	1	Spruce
	92	1	0	Spruce
	93	5	0	Spruce
	94	4	0	Spruce
	95	2	0	Spruce
Total		386	40	

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Appendix 3: Migratory Birds by Ecotype

Aspen	Mountain Riparian	Mountain Shrub	Sagebrush	Pinyon/Juniper
Obligates*: see Monatane Riparian **Other**:** Northern Goshawk Calliope Hummingbird Flammulated Owl Lewis's Woodpecker Red-naped Sapsucker Mountain Bluebird Orange-crowned Warbler MacGillivray's Warbler Wilson's Warbler	**Obligates:** Wilson's Warbler MacGillivray's Warbler **Other:** Cooper's Hawk Northern Goshawk Calliope Hummingbird Lewis's Woodpecker Red-Naped Sapsucker Orange-crowned Warbler Virginia's Warbler Yellow-breasted Chat	**Obligates:** None **Other:** Black Rosy Finch Black-throated Gray Warbler Calliope Hummingbird Cooper's Hawk Loggerhead Shrike Blue Grosbeak Vesper Sparrow MacGillivray's Warbler Orange-crowned Warbler Swainson's Hawk Western Bluebird	**Obligates:** Sage Grouse **Other:** Black Rosy Finch Ferruginous Hawk Gray Flycatcher Loggerhead Shrike Vesper Sparrow Prairie Falcon Sage Sparrow Sage Thrasher Swainson's Hawk Burrowing Owl Calliope Hummingbird **Other associated species:** Brewer's Sparrow Western Meadowlark Black-throated Sparrow Lark Sparrow Green-tailed Towhee Brewer's Blackbird Horned Lark Lark Sparrow	**Obligates:** Pinyon Jay Gray Vieo **Other:** Ferruginous Hawk Gray Flycatcher Juniper Titmouse Mountain Bluebird Western Bluebird Virginia's Warbler Black-throated Gray Warbler Scott's Oriole **Other Associated Species:** Mountain Quail Scrub Jay Black-billed Magpie Clark's Nutcracker Mountain Chickadee

Salt Desert Scrub	Lakes (Playas)***	Cliffs and Talus
Obligates: None **Other:** Loggerhead shrike Burrowing owl Sage thrasher Sage sparrow **Other Associated Species:** Horned lark Brewer's sparrow Black-throated sparrow Lark sparrow Rock wren	**Obligates (PIF-listed as Wetlands/Lakes):** White-faced Ibis Snowy Plover American Avocet Black Tern **Other (**PIF-listed as Wetlands/Lakes**):** Sandhill Crane Long-billed Curlew Short-eared Owl **Other Associated Species: (Wetlands/Lakes)** American bittern Great Egret Snowy Egret Cattle Egret Black-crowned Night Heron Marsh Wren Common Yellowthroat Yellow-headed Blackbird	**Obligates:** Prairie Falcon Black Rosy Finch **Other:** Ferruginous Hawk **Other Associated Species:** Golden Eagle White-throated Swift Say's Phoebe Common Raven Cliff Swallow Violet-green Swallow Canyon Wren Rock Wren

* "Obligates" are species that are found only in the habitat type described in the section. [Habitat needed during life cycle even though a significant portion of their life cycle is supported by other habitat types]

** "Other" are species that can be found in the habitat type described the Nevada Partners in Flight Bird Conservation Plan.

*** Other Associated (Wetlands/Lakes) Species are predominately associated with wetlands where emergent aquatic vegetation provides cover and foraging areas. Otherwise, snow pond/playas/manmade reservoirs could provide some seasonal habitat for some of the species shown.

Source: Nevada Partners in Flight Bird Conservation Plan

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Apenddix 4

Wildlife stipulations

STIPULATION 1: Greater Sage-Grouse Strutting Grounds (Leks)

The project area contains at least 57 Greater Sage-Grouse leks of unknown or active status and an additional number within two miles of the project boundary. These leks are subject to protection from disturbance during 15 March - May 15. Seasonal restrictions from disturbance apply within two miles of leks. The most current lek data provided by the Nevada Department of Wildlife will be used to delineate active or unknown status leks at the time of trap or holding facility construction and operation.

Authority/Supporting Documentation: Wells RMP ROD (p. 22 – Terrestrial Wildlife Habitat SOP # 10,); Ely District Approved Resource Management Plan 2008.

STIPULATION 2: Raptor Nesting Sites

The project area contains raptor nesting sites which are subject to seasonal and spatial protection from disturbance to avoid displacement and mortality of raptor young. If trapping is to occur during the raptor nesting seasons below, nest surveys will be conducted by a BLM wildlife biologist using current U.S. Fish and Wildlife Service protocols. Such surveys shall be conducted no more than 14 days prior to commencement of trapping activities in an area. If disturbance does not occur within 14 days of the survey, the site shall be resurveyed. If during any surveys, nests or nesting behavior are documented, the area must be avoided by the species-specific distances below until the young have fledged from the nest or the nest fails. Nest results will be determined by the wildlife biologist. For example, if a Cooper's hawk nest is found to exist within 0.25 mile of a trap site or temporary holding facility, no activity would be authorized within a 0.25 mile buffer of the nest from 15 March through 31 August, or from 15 March through the date that young have fledged and are no longer dependent upon the nest, as determined by a BLM biologist.

Species	Seasonal Buffer[1]	Spatial Buffer[2]
Turkey Vulture	2/1[3] – 8/15	0.5 mile[1]
Northern Harrier	4/1 – 8/15	0.25 mile
Cooper's Hawk	3/15 – 8/31	0.25 mile
Sharp-shinned Hawk	3/15 – 8/31	0.25 mile
Northern Goshawk	3/1 – 8/15	0.5 mile
Red-tailed Hawk	3/15 – 8/15	0.33 mile
Swainson's Hawk	3/1 – 8/31	0.25 mile
Ferruginous Hawk	3/1 – 8/1	1.0 mile
Golden Eagle	1/1 – 8/31	0.5 mile
Bald Eagle	1/1 – 8/31	1.0 mile
American Kestrel	4/1 – 8/15	0.125 mile
Prairie Falcon	3/1[3] – 8/31	0.5 mile

Peregrine Falcon	2/1 – 8/31	1.0 mile
Barn Owl	2/1 – 9/15	0.125 mile
Long-eared Owl	2/1 – 8/15	0.125 mile
Short-eared Owl	3/1 – 8/1	0.25 mile
Flammulated Owl	4/1 – 9/30	0.25 mile
Western Screech-owl	3/1 – 8/15	0.125 mile
Great Horned Owl	12/1 – 9/30	0.125 mile
Northern Pygmy Owl	4/1 – 8/1	0.25 mile
Burrowing Owl	3/1 – 8/31	0.25 mile
Northern Saw-whet Owl	3/1 – 8/31	0.125 mile

[1]From Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (USFWS).
[2]From Guidelines for Raptor Conservation in the Western United States, except where noted (USFWS).
[3]From Nevada Raptors: Their Biology and Management (NDOW).

Migratory Birds

The area contains nesting habitat for migratory birds. If trapping activities will take place between 1 April and 30 July migratory bird nesting surveys will be conducted at proposed trap and holding facility sites by a BLM wildlife biologist using current U.S. Fish and Wildlife Service protocols. Any trapping commencing between March 15 – July 31 will require a breeding bird survey for all birds listed at 50 CFR 10.13. If surveys occur between March 15 and May 15, trapping activities must commence within 14 days due to the high proportion of migratory birds nesting during this time. If trapping does not occur within 14 days a new survey is required. If initial surveys occur between May 16 and July 31, a single survey can suffice, the 14-day restriction does not apply, and trapping can commence at any time after survey completion. If during any surveys, nests or nesting behavior are documented, the area must be completely avoided by a 300' buffer until the young have fledged from the nest or the nest fails. Nest results will be determined by the wildlife biologist.

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

TRIPLE B, MAVERICK-MEDICINE, AND ANTELOPE VALLEY HERD MANAGEMENT AREAS
WILD HORSE GATHER

White Pine and Elko Counties, Nevada

On June xx, 2012 a Noxious & Invasive Weed Risk Assessment was completed for this wild horse gather. This weed risk assessment only covers the Triple B HMA, Maverick-Medicine HMA, and Antelope Valley HMA.

Alternative A: Proposed Action– Selective Removal of Excess Animals (Low Point AML); Apply Two-Year Fertility Control, & 60% Male Sex Ratio

The Proposed Action would gather and remove approximately 1,726 excess wild horses within the Triple B, Antelope Valley and Maverick Medicine HMAs. The Proposed Action would also gather a sufficient number of wild horses beyond the excess wild horses to be removed, so as to allow for the application of fertility control (PZP-22) to 22-35% of the mares that will remain in the HMAs and to allow for a remaining population of 60 % studs. Fertility control would be applied to all the released mares to decrease the future annual population growth.

The primary gather technique would be the helicopter-drive trapping method. The use of roping from horseback could also be used when necessary. Multiple gather sites (traps) would be used to gather wild horses both from within and outside the HMAs. Gather sites would be located in previously disturbed areas. All trap sites, holding facilities, and camping areas on public lands would be recorded with Global Positioning System equipment, given to the weed coordinator, and then assigned for monitoring during the next several years for noxious weeds. All gather and handling activities (including gather site selections) will be conducted in accordance with Standard Operating Procedures (SOPs) in Appendix II.

Alternative B is removal to low AML without fertility control or sex ratio adjustment. Alternative C is to gather every two or three years, remove excess wild horses to low AML and apply two-year fertility control (PZP-22) to horses for release and sex ratio adjustment, and No Action Alternative. All of these actions would have the same standard operating procedures for weeds as Alternative A.

No Action Alternative: Under the No Action Alternative, a gather to remove excess wild horses would not occur during summer 2011 or FY 2012. There would be no active management to control the size of the wild horse population at this time. The current wild horse population would continue to increase at a rate of 20-25% per year.

No field weed surveys were completed for this project. Instead the Ely and Elko Districts weed inventory data was consulted. Currently, the following weed species are found within the Triple B HMA, Maverick-Medicine HMA, and Antelope Valley HMA and along roads and drainages leading to the project area:

Acroptilon repens	Russian knapweed
Carduus nutans	Musk thistle
Centaurea stoebe	Spotted knapweed
Cicuta maculata	Water hemlock
Cirsium arvense	Canada thistle
Cirsium vulgare	Bull thistle
Conium maculatum	Poison hemlock
Hyoscyamus niger	Black henbane
Lepidium draba	Hoary cress
Lepidium latifolium	Tall whitetop
Onopordum acanthium	Scotch thistle
Tamarix spp.	Salt cedar

Cynoglossum officinale	Houndstongue

The project area was last inventoried for noxious weeds in 2009. 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 the propose action, the factor rates as Moderate (7) at the present time. Given the concentrated use around capture sites could result in new infestations, specifically at the capture sites and holding pens. Also black henbane is found primarily in Newark Valley. There is a potential for the gather operation to spread this weed into the other valleys in the HMA. However, by removing excess horses, native plant communities should have increased vigor and outcompete with weeds. For Alternative B and C the results would be similar. For the no action alternative, no gather operation would occur to spread weeds, and excess horses would remain on the range, native plants could decrease due to overgrazing and weeds would be more competitive.

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 Moderate (5) at the present time. The project area has several noxious weed infestations, especially along the main roads and in old fires. New weed infestations could spread to the area and then there would be adverse effects to the surrounding native vegetation. An increase in cheatgrass could alter the fire regime in the area. The potential to spread weeds would be limited primarily to identified areas making follow up monitoring and treatment, if necessary, more manageable.

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 (35). 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 **moving to another valley.** 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 or Elko 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.
- Removal and disturbance of vegetation would be kept to a minimum through 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 and holding pens on public lands 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 and Elko District Noxious and Invasive Weeds Coordinators for treatment.

The Ely and Elko Districts 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.

Until such a time as weed free hay is required, the Ely and Elko Districts encourages the contractor to acquire locally produced hay from the valleys nearest to the project area. Although it may not be required to feed weed free hay, by using locally produced hay it would prevent the introduction of weeds from other areas.

Reviewed by:

Natural Resource Specialist — Date

Brian Mulligan — Date
Natural Resource Specialist (Weeds)

Figure 1. Map of Documented Noxious and Invasive Weeds

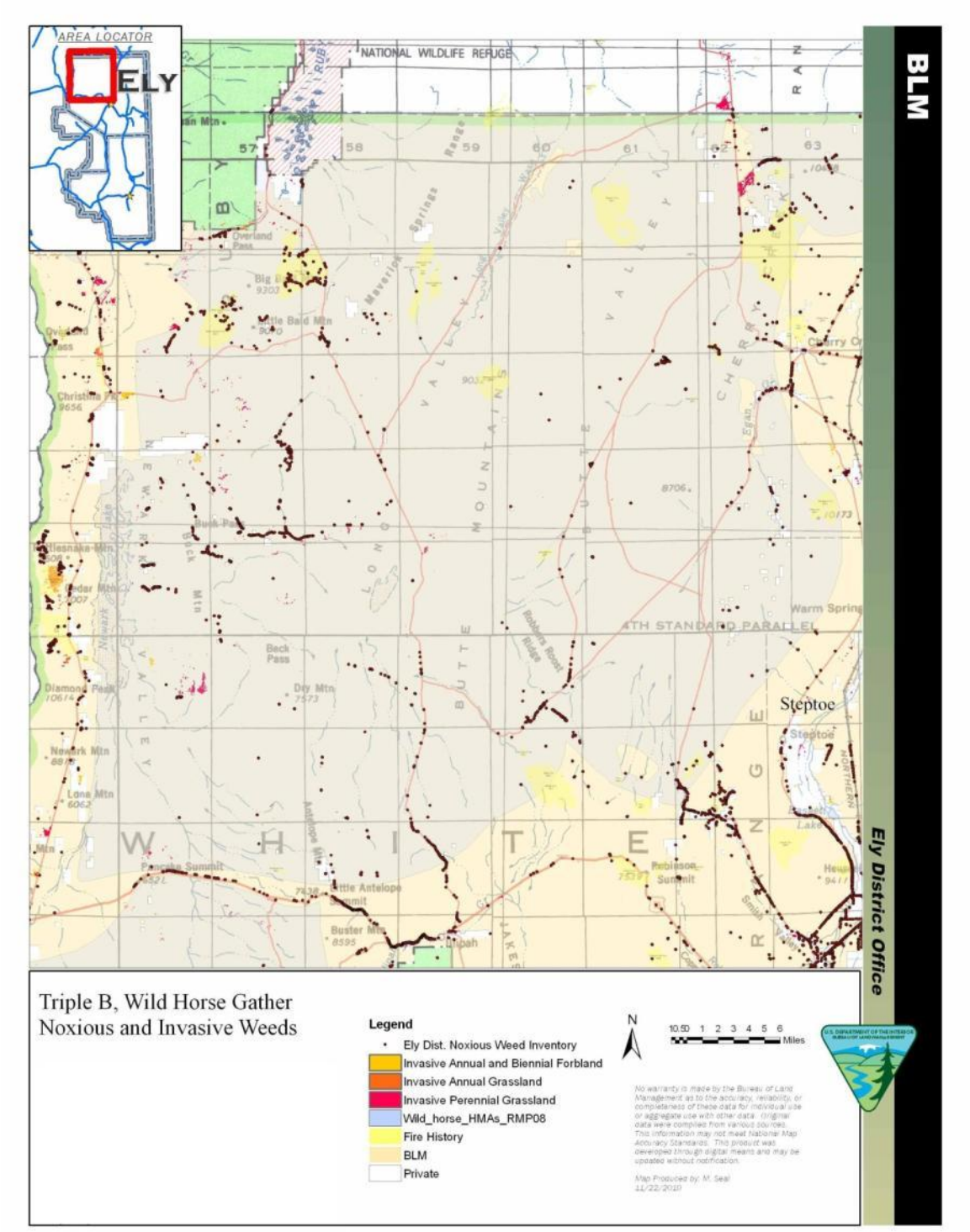
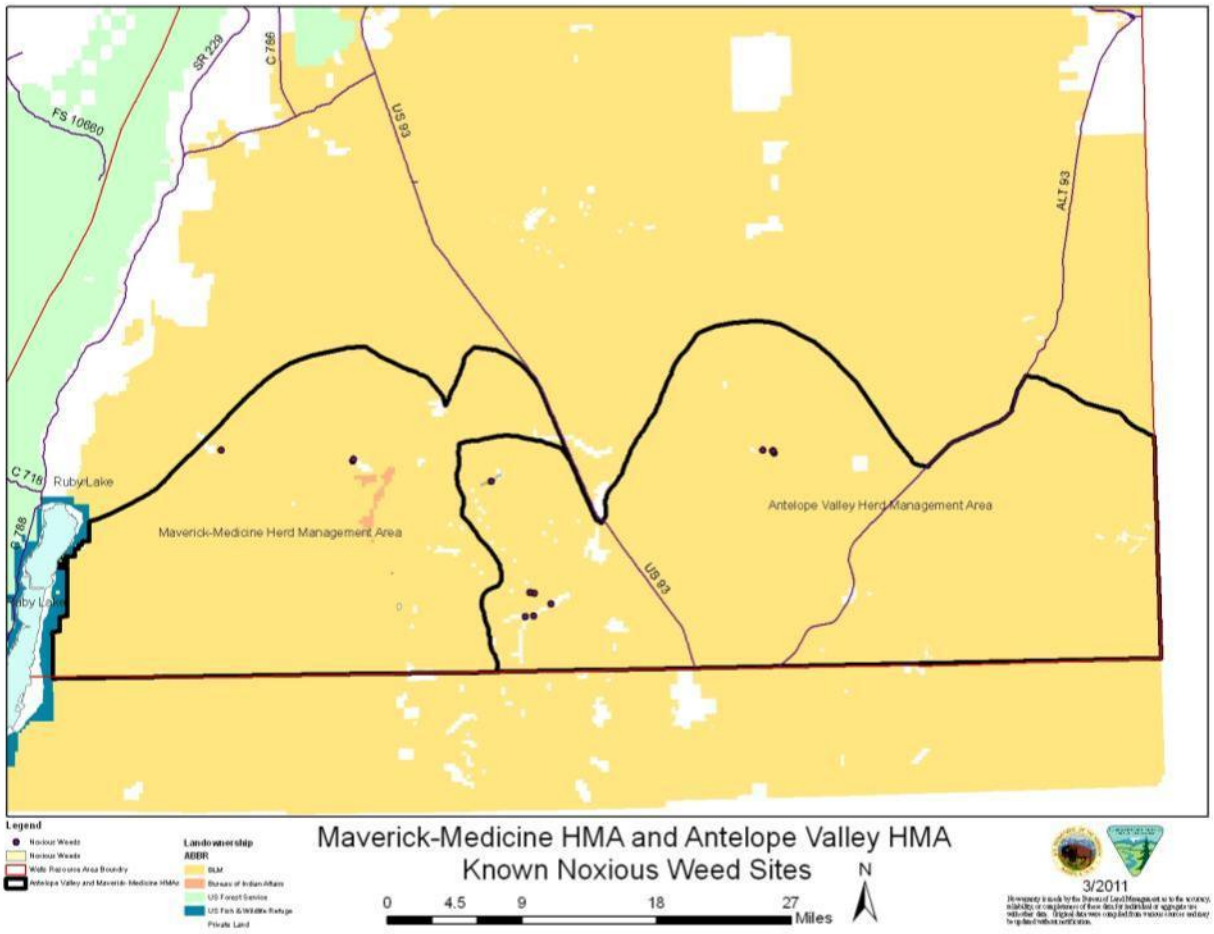


Figure 2 Map of Documented Noxious and Invasive Weeds for Maverick-Medicine and Antelope Valley HMAs



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Appendix 5

Comments and Responses

The Preliminary Three HMA Gather Plan EA, DOI-BLM-NV-L010-2012-0004-EA, was made available to interested individuals, agencies and groups for a public review and comment period that opened September 4, 2012 and closed October 4, 2012. The BLM received over 4,100 comment submissions during the public comment period; more than 4,050 of those submissions were a form letter. Form letters are generated from a singular website from a non-governmental organization, such as an animal advocacy group. Comments identified on the form letters were considered along with the rest of the comments received, but as one collective comment letter. Form letters are not counted as separate comments due to their duplicative nature. However, where individuals added their own comments to the form, the personalized comments were considered as separately submitted comments. All comments received prior to the end of the public comment period were reviewed and considered. Substantive comments were utilized to finalize the EA as appropriate. BLM responses are identified in the table below. Comments received were organized into the following general categories. Similar comments were summarized.

No.	Comment	BLM Response
1.	No specific numbers of horses to be removed during that timeframe. In a normal roundup EA, there is, at minimum, a specified target number of horse numbers given that the agency is planning to remove from the range. While long-term, periodic bait and water trapping is a more temperate method of removal, a five-year period leaves open the possibility of arbitrary and capricious elimination of horses without a clear plan or projection for reducing numbers, based on current range monitoring data or up-to-date population censusing, as time progresses. A five year plan also brings into question the need to gather horses at this time, assuming that only small numbers would be removed at any one time.	Water and bait trapping is a tool that can be used to address specific areas of concern where BLM would need to remove a low number of excess wild horses to address specific areas with resource concerns. Removal numbers would be based on a case by case review of resource concerns and animal concentration numbers. BLM would still manage Herd Management Areas within the Appropriate Management Level (AML). If the HMA population is in excess of low end AML, the trapped horses would be removed. If the population is below low end AML, the trapped horses would be relocated to an area in the HMA with greater water and forage availability.
2.	Reduction in Livestock Grazing: The EA dismissed this alternative without addressing any of the points raised in AWHPC's scoping letter and failing to address the agency's clear authority under your agency's own regulations	This comment falls outside the scope of this analysis. This action is not setting or adjusting livestock grazing levels. However, such alternative is addressed in Chapter 2.5 of the Triple B Complex and Chapter 2.8 of the Antelope Complex EA Alternatives Considered but not Analyzed in Detail - Remove or Reduce Livestock within the Three HMA Gather Area. Livestock grazing can only be reduced or eliminated if the BLM follows regulations

		at 43 CFR § 4100 and must be consistent with multiple use allocations set forth in the land-use plan. Forage allocations are addressed at the planning level. Such changes to livestock grazing cannot be made through a wild horse gather decision, and are only possible if BLM first revises the land-use plans to allocate livestock forage to wild horses and to eliminate or reduce livestock grazing.
3.	While the AWHPC does not wish to see wild horses suffer, due to lack of sufficient or nutritious forage or a dependable and adequate supply of water, the opportunity to relocate animals from those areas especially impacted by drought conditions might be mitigated by the gradual introduction of additional water sources, such as solar-powered wind mills. Water catchments and guzzlers.	See Section 2.
4.	Rang improvements, involving seed dissemination, rest-rotation grazing and other methods that allow range areas in poor condition to recuperate, should also be considered.	Outside the scope of this analysis.. BLM manages wild horses under a free roaming nature and does not manage wild horses in the same manner as domestic livestock, where measures such as rest rotation grazing or non-use can be implemented.
5.	AWHPC fails to comprehend why native PZP (ZonaStat-H), recently registered by the Environmental Protection Agency, and sanctioned by the Humane Society of the United States (HSUS), has not been used in the past and is not being considered for future management of wild horse herds in this complex.	BLM anticipates there will be few, if any, wild horses relocated or released under this action, due to the current wild horse overpopulation numbers. However, the suitability of using PZP would be considered on a case by case basis for relocated or released mares, if appropriate. See Standard Operating Procedures (SOPs) /Fertility Control SOPs in Appendix 1.
6.	We oppose the removal of any horses from this Complex outside a true emergency situation. According to the BLM's own Handbook – drought is not an "unexpected" "emergency" situation, as drought conditions do not develop overnight, and drought situations can often be managed on the range with appropriate proactive actions.	Refer to comment #1. BLM Manual 4720.2 defines "*<u>Escalating Problems.</u> Escalating problems are defined as conditions that deteriorate over time. The Key indicators of escalating problems are a decline in the amount of forage or water available for wild horses or burro use, which results in negative impacts to animal condition and rangeland health. Causal factors are normally drought or animal numbers in excess of AML. These situations can be detected in advance and are managed through the normal gather planning (National Environmental Policy Act (NEPA)) process. The key to addressing escalating problems is early detection and ability to manage within individual state gather priorities on a "most critical first" basis so the situation does not become*

		an emergency." *a. Whenever possible, gathers to remove excess wild horses or burros should be completed before animal and land health conditions develop into emergency situations.*
7.	The EA also fails to consider the fact that horses utilize the environment, including water holes and stream/riparian areas, differently from cattle	See Section 4.1 Wild Horses.
8.	Fails to provide adequate information about water sources on the range	See section 4.1 and 4.2.
9.	Complete listing and maps of water sources available to wild horses within each of the HMAs. Adequate information about water sources on the range, including how fencing and engineering of wells and springs for livestock grazing has impacted water availability for wild horses and other wildlife species. A list and map of all range improvements, such as water restoration and/or enhancements, both completed in the past 5 years and planned	The level of detailed information requested by this commenter (such as fencing and engineering of wells and springs) falls outside the scope of this analysis and is not necessary for purposes of analysis of monitoring and other data demonstrating that there is insufficient water and forage for the current overpopulation of wild horses, and that the excess wild horses are causing resource impacts.
10.	The document omits information about fencing within the three HMAs, including of the impacts of existing fencing on wild horses	Fencing does exist within the HMAs but are open at the end of the fence and do not restrict wild horse movement throughout the HMAs. See Section 2.2 of EA.
11.	The EA fails to consider a reasonable range of alternatives and is devoid of specific range monitoring data (range condition, trend, and utilization), including data that supports the claim that horses, alone, are causing range deterioration.	NEPA directs the BLM to "Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involve unresolved conflicts concerning alternative uses of available resources…" (NEPA Handbook 1790-1 page 49) BLM believes that it has included a reasonable range of alternatives (CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981) See Section 4.1 of the EA.
12.	The Proposed Action does not adhere to the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) Section §1333 (a) which states, "All management activities shall be at the minimal feasible level…" Clearly, removing an indeterminate number of wild horses, over five years, does not fulfill the requirement of "minimal feasible" management when a variety of options for	By law, BLM is required to manage wild horses in a thriving natural ecological balance and multiple use relationship on the public lands and to remove excess immediately upon a determination that excess wild horses exist. Refer to regulations, 43 CFR 4710.4. Also see page # 2-3 of the EA.

	on-the-range management have been dismissed and eliminated.	BLM considers water or bait trapping – which is a low stress approach to gathering excess wild horses – to be fully consistent with the mandates of the WFRHBA.
13.	Fails to provide any scientific justification for the plan to return horses to the range in a 60-40 male/female sex ratio, including analysis of the impact on wild horse behavior, welfare and reproduction.	See Section 4.1 of the EA. BLM's proposed action does not include sex ratio adjustments as a population control technique.
14.	Decreasing or eliminating livestock grazing in affect HMAs pursuant to 43 C.F.R. 4710.5 (a); and Designating such area to be managed principally for wild horse herds under 43 C.F.R. 4710.3-2	Outside the scope of this analysis. This action is not setting or adjusting livestock grazing levels. See Section 2.2 of the EA. By law, BLM is required to manage wild horses in a thriving natural ecological balance and multiple use relationship on the public lands and to remove excess immediately upon a determination that excess wild horses exist. BLM cannot use regulations at 43 CFR 4710.5 to manage wild horses and livestock in a manner that is inconsistent with the RMPs. A land-use plan amendment or revision would be necessary to reallocate use in this manner between livestock and wild horses. Standard Determination Documents have been completed for most of the allotments within the HMAs and have identified wild horses as a contributing factor in not meeting the standards for rangeland health.
15.	Re-evaluating and increasing wild horse AMLs by reassessing and amending plans under BLM's Adaptive Management Policy (established by Interior Secretary Order NO. 3270, March 9, 2007)	Outside the scope of this analysis. This action is not setting or adjusting AMLs. See Section 2.2 of the EA. AMLs were established through prior separate decision-making processes. See Section 1 of the EA, refer to the Purpose and Need Section 1.5 of the EA. Available data confirms that wild horse numbers are currently in excess of the level at which a thriving natural ecological balance can be maintained and the data does not support an increase in the wild horse AMLs.
16.	The EA has failed to establish that: • The low AML's are appropriate for this 1.7 million acre public land area	Data currently available to BLM shows that excess numbers of wild horses are present in the HMAs and that this overpopulation of wild horses is adversely impacting forage and water resources. See Response to Comment #15 The AMLs for Maverick Medicine and Antelope Valley HMAs were established through Final Multiple Use Decisions (FMUDs)

	• Alleged range damage is caused by wild horses as opposed to the far larger numbers of livestock grazing in the area • There is an appropriate and fair distribution of resources between livestock, wild horses and other wildlife species in these federally-designated Herd Management Area. • The removal of horses is necessary and goals cannot be accomplished through alternatives for on-the-range management of wild horses – measures which the BLM has not implemented	issued by the Elko District following completion of Allotment Evaluations or Rangeland Health Assessments and EAs. The AML for the Triple B HMA was established through an in-depth analysis of habitat suitability and monitoring data as set forth in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement, Table 3.8-2 and Page 4.82 (2007) These AMLs were established following the collection, analysis, and interpretation of many years of monitoring data, which included precipitation, use pattern mapping, trend, production, census/inventory, and carrying capacity analysis, and following a public decision-making process. The monitoring methods used are well established and documented within the Technical References used by the BLM as well as other land management agencies for vegetation monitoring and assessment. BLM specialist have collected monitoring data and photographic evidence showing use and impacts by wild horses. Evidence of range degradation has been observed even where there has been no livestock grazing and where over-utilization of forage can be directly attributed to wild horse use. BLM's monitoring data indicates that wild horses are relying on water sources that are producing limited water relative to wild horse population needs, and that wild horses are concentrating at certain water sources and adversely impacting those waters and surrounding forage and vegetation.
17.	We strongly suggest that, If BLM goes through with this removal, they only remove animals that are deemed "adoptable," and leave all older animals on the range.	Outside the scope of this analysis. See comment #1. Given the monitoring evidence and lack of sufficient water and forage, this approach would not be an adequate means of bringing the wild horse population back to the level necessary to achieve a thriving natural ecological balance.
18.	We also recommend BLM Have personnel or interns In the field during the bait trap that can monitor the Horses and record information such as band makeup (size, approx. ages, color, sex, etc) to help make more enlightened decisions regarding wild horse management.	See Section 4.1 of the EA.
19.	We recommend that BLM fully understand the effects of its	See Section 5 of the EA.

	management policies before implementing any future wild horse management decisions.	
20.	We also suggest BLM State where they have been hauling water Within the HMA. Is it an area where water is traditionally hauled, and if so, please list which water sources are filled every year.	See Section 4.1 of the EA.
21.	BLM has the authority to establish a cooperative agreement that would allow wild horses to drink from water in The Ruby Lake National Wildlife Refuge. In some areas the springs are controlled, and can be tapped off or diverted.	This is outside the scope of this analysis since it does not address the availability of water in the areas where the wild horses are residing and where they have concentrated.
22.	We recommend that BLM not allow ranchers to tap off springs or divert the water sources to benefit their livestock.	Outside the scope of this analysis. The BLM does not control water rights and cannot mandate how ranchers use their vested or appropriated water rights.
23.	At this time, we recommend that BLM dart every mare one year and older with the one---year PZP drug.	Outside the scope of this analysis.
24.	We recommend that active steps be taken To work with Fish and Wildlife Services to reduce mountain lion hunting in the HMAs and their surrounding areas in order to reach the cost effective goal of natural management	Outside the scope of this analysis. Hunting is regulated by the State and falls outside BLM's management authorities. The Action Alternatives do not include any hunting or killing of predators, nor does the BLM manage any programs to hunt or kill predators. The BLM is responsible for managing wildlife habitat on public lands in cooperation with state wildlife agencies. The Nevada Department of Wildlife is the state wildlife agency that regulates the hunting and trapping of wildlife species. The United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS) are the agencies for both states that engage in any wildlife or predator control activities.
25.	If BLM decides to include any sex ratio skewing or gelding or any other permanent methods of sterilization, a thorough, scientific analysis of their impacts on the herd society and family band structure must be included.	Outside the scope of this analysis.
26.	The genetic health of these HMAs and their future viability must be analyzed in the EA. BLM should include any genetic information of the herd done in years past. Any reports on the HMA genetics should be included in the appendices.	This issue is addressed as part of the action alternatives. Hair samples would be collected during the proposed gather and sent to Dr. E. Gus Cothran at Texas A&M University for genetics analysis to determine current genetic health of the population. Following analysis of samples collected in 2013, if necessary, both Districts would work with Dr. Gus Cothran's recommendations to develop plans to maintain and further improve genetic health.

		Genetic data is collected during gather operation and sent out for independent analysis. The BLM does have guidance on how and when to increase genetics in a herd. This is located in the BLM Wild Horse and Burro Handbook.
27.	How BLM arrived at the number of excess horses should also be included within the EA with attached monitoring data. Was an aerial survey conducted to count the number of horses on the range, or was some other survey used?	See Section 3 of the EA.
28.	We ask BLM to include the following within the EA: --- All forage allocations Within the HMAs, including a listing of all Livestock allotments And the number of Livestock actually Grazing these units.	See Section 4.5 of the EA. The affected environment is described and incorporated by reference from the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather EA (pgs. 39-42) and the 2010 Antelope Complex Wild Horse Gather Plan EA (pgs. 73-77). These EAs contain summaries of actual use for the 2002-03 to 2009-10 grazing fee years, permitted use in AUMs, type of permitted livestock, allotment season of use, and percentage of individual allotments in an HMA.
29.	Any field monitoring data or range assessment/analyses that have taken place since the last roundup (July 1, 2011) that includes range damage correctly assigned to the proper culprit	See Section 4.1 of the EA.
30.	Any predator--killing Initiatives or activities That have occurred in or around the HMAs in question. --- Any known predation, If any, that has occurred In any of the Complex's HMAs. --- Any oil, gas, mining, or other extractive uses that occur in the area, including how much water they use. --- Information on how water--intensive these practices are should be included.	Outside the scope of this analysis.
31.	The BLM's assertions are not consistent with the facts, and the EA provides no evidence of this supposed drought, or supporting data, relying instead upon conclusory statements, in violation of NEPA's "hard look" requirement and NEPA's requirement to ensure scientific accuracy and integrity.	See Sections 3 and 4 of the EA.
32.	The EA fails to state where and when the water/bait trapping would	See Comment #1.

	occur, and fails to clearly identify which locations within the HMA Complex are experiencing a threat to a thriving natural ecological balance due to wild horses under the Wild and Free-roaming Horses and Burros Act, and are thus in need of removal of excess wild horses.	
33.	If the BLM knows of particular sites actually in need of wild horse removal currently, and can document the need for such removal, why hasn't the agency clearly identified those sites and provided such documentation?	See Section 4.1 of the EA.
34.	After careful review of the alternatives presented in this Preliminary Environmental Assessment (EA), we strongly recommend That BLM choose a modified version of the "No Action" alternative for these three herds—one that contains no multi--year removal or relocation components.	Comment Noted.
35.	Despite severe drought conditions, livestock use in the area has not been significantly reduced. On the contrary, livestock AUMs have seen dramatic increases in some areas. For example, the Warm Spring Allotment (00606), which lies in the heart of the Triple B HMA, saw an increase from 4,462 to 13,122 AUMs between 2010--2011 and 2011--2012. What is the reason for this?	See Section 4.5 of the EA. The actual use has been corrected to show the correct figure for 2012.
36.	It must be noted that by removing wild horses, BLM would reduce the benefits these animals provide to the range and to the other wildlife that share the HMA with them. A significant amount of forage passes undigested through a horse's system, thereby reseeding the land and building nutrient--- rich humus, a critical component of healthy soils. In winter, horses use their hooves to break through ice that has blocked water sources, thereby enabling not only themselves but other wildlife—pronghorn, deer, smaller mammals, birds—to drink. In this same way, they open up seeps that have become clogged during the dry season.	There is no documentation to support this assertion in the existing body of research available to the BLM.
37.	We caution BLM from using water trapping as a method of rounding up wild horses. professional bait trappers recommend that encompassing a water source with a round pen may result in horses avoiding the trap and suffering from dehydration. Instead, bait traps can be erected at a distance close enough to the water source that the bait will be detected, but far enough away that the horses will still come to drink. Distances would be determined by the skiddishness of the population to be	BLM is not restricting the proposed action to just water trapping alone. If bait only locations can be identified BLM would consider utilizing bait trapping to achieve the target removal number. But due to water being a known limiting factor BLM anticipates in most situations it would have more success using water trapping.

	trapped. The bait trap in the high elevations of the Pryor Mountains was only 200 yards or so from water, but in many other populations, we imagine that the trap would need to be farther away.	
38.	One of the main concerns of this EA is the lack of water. BLM cites bacteria levels in Deer spring (before replaced with a trough) were very high and that this was likely due to "wild horses defecating in or near the pond." In 18 years of wild horse observation, I have not seen a wild horse adult defecate or urinate in their water source. Nor do I know of anyone else who has witnessed this. Do you have any photographic proof that this was the reason for the bacteria levels? On the contrary, I have seen cattle defecate in streams and ponds and have seen cow paddies left at the edges of receding water sources.	The EA cites several reasons why water in the Deer Spring pond is of poor quality. BLM did not claim that poor water quality was solely the result of wild horses defecating directly in the pond; however fecal matter was in close enough proximity to the pond that this is a possible vector for the bacteria's presence in this water source. Photo evidence shows fecal piles within about 30 feet of the pond, however the photo's resolution is not detailed enough show actual fecal material saturated in the water. Several BLM employees who have visited the site can attest to the presence of fecal fragments adjacent to the pond which would be saturated by pond water as it rises and falls. Any fecal piles adjacent to or near to the water's source would likely have been pulverized by horse hooves and tracked into the water source since they congregate densely around the source. As the EA discusses, poor water quality is likely the result of a combination of factors including fecal matter getting into the water source, pond structure, heavy use, and dead animals in and near the water. There are no cattle using the water so that is not a possible cause.
39.	We recommend that BLM consider the long--term effects of water usage to ensure water availability into the future —not just for the preservation of wild horses but for all users, be they other wildlife, livestock, or humans.	See the affected environment. The Ely RMP set AML based on forage, cover, water and space.
40.	We strongly recommend that BLM does adopt any multi--year management plans that include the removal or relocation of wild horses.	Comment Noted.
41.	We recommend that any management plans concerning the removal or relocation of wild horses in the Triple B complex be evaluated through the NEPA process in an environment assessment, which allows for comment by the interested public	See Response to Comment #1.
42.	The EA's Proposed Action violates the Wild and Free-roaming Horses and Burros Act by self-granting the BLM authority to conduct wild	By law, BLM is required to manage wild horses in a thriving natural ecological balance and multiple use relationship on the

	horse removals at potentially any time and potentially any location, without providing evidence that wild horses are in excess of a thriving natural ecological balance now or at any time in the future.	public lands and to remove excess immediately upon a determination that excess wild horses exist. BLM's multiple use mandate is further reinforced under the Federal Land Policy and Management Act (FLPMA) and the Taylor Grazing Act (TGA). BLM's monitoring data confirms that excess wild horses are present.
43.	There are escalating drought conditions in the central portion of Antelope Valley. That's funny, because in the Antelope Valley HMA Dolly Varden Range, there are currently about 4 applications with the Nevada Division of Water Resources for Points of Diversion. Where will that water be going? What are they going to divert/transport to another area if no water is there?	Outside the scope of this analysis. All water rights and points of diversion are adjudicated by the State.
44.	This EA lacks basic science because the maps either don't include township and range numbers, or lack readable township and range numbers.	Inapplicable to this analysis.
45.	If the BLM has legitimate "resource concerns" for water in the Triple B Herd Management Area (HMA), the expansion of the Bald Mountain Mine (BMM) shouldn't have been approved by the BLM in 2010, since BMM is WITHIN the Triple B HMA and will now use an additional 250 afa (acre feet annually) of water. Did the BLM prepare 1' or 5' water drawdown maps for this expansion project before approving the expansion (only a year and a half ago)?	Outside the scope of this analysis.
46.	Did the BLM not anticipate droughts in the driest state in the nation when it considered that this additional 250 afa, meant that just this one project would use about 81,462,750 gallons of water each year? BMM plans to mine for another 10 years, so it will use over 800 million gallons of water. Didn't the BLM consider that this might dry up streams in the Triple B HMA?	Outside the scope of this analysis.
47.	When the BLM approved an additional (approximate) 3,418 acres of disturbance on public lands for the BMM expansion, (and all the extra water) did the BLM negotiate with Barrick to make accommodations for, or share, any water for wild horses?	Outside the scope of this analysis.
48.	The Mount Hope Mine, near Eureka, seems to be only about 10-15 miles from the western edge of the Triple B HMA. This mining project will also use a lot of water. There could be a shared aquifer or interflow between aquifers, which could also affect water (and forage) in the Triple B HMA.	Outside the scope of this analysis.

49.	I see from the BLM 2012 June Oil and Gas Lease Sale Nomination Parcel map, that the parcels are just outside the eastern side of the Triple B HMA. These will use water and fracking (risking contamination of water).	Outside the scope of this analysis.
50.	It looks as if a portion of the Triple B HMA and most, if not all, of the Cherry Springs Wild Horse Territory are in the Huntington Valley Hydrographic Basin. Your office should be concerned that this basin seems to have the highest level of mercury deposition "contributions" to watershed in the state of Nevada. What made these "contributions" (Hint: these are near BMM) and how can the BLM "relieve pressure" on springs from this?	Outside the scope of this analysis.
51.	It seems the Environmental Protection Agency (EPA) has had recent concerns about the BLM's lack of protection of water resources from other mining projects in the Elko BLM District: http://www.epa.gov/region9/nepa/letters/emigrant-mine-feis.pdf and http://www.epa.gov/region9/nepa/letters/GenesisMineProjectFEIS.pdf	Outside the scope of this analysis.
52.	Have any extractive "uses" (mining, oil and gas, geothermal) in the Triple B HMA and nearby areas, been asked to curtail water usage during this severe drought?	Outside the scope of this analysis.
53.	Is water from any of BLM's water rights permits in the area being utilized for water for the wild horses?	Wild horses currently utilize available water throughout the HMAs (BLM and Private).
54.	The BLM must re-evaluate the Proposed Action on an annual basis in order to evaluate the need for the action in light of the changing environmental conditions, as well as to provide the public with adequate opportunity to comment on the rationale for planned wild horse removals into the future.	See Comment #1.
55.	The BLM must manage the existing population (which only exceeds the agency's arbitrarily arrived at "high" AML-- which, as discussed above, is already dangerously and arbitrarily low-- by a few hundred wild horses) by using non-hormonal, safe and reversible PZP fertility control to suppress population growth. This alternative was not even considered or analyzed as a means to mitigate the Proposed Action of wild horse removals.	See Response to Comment #5
56.	The BLM must relocate any horses outside of the HMAs back into the designated area instead of removing them, and must remedy the conditions that are causing horses to leave the HMA. The EA also fails	4710.4 "states that management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas. Management shall be at the minimum feasible level necessary to attain the objectives identified in approved land use

	to explain how horses are leaving the HMA and claims that horses would only return to the areas outside the HMA without providing adequate supporting reasons. To fulfill its land use management obligations, the BLM must make a serious scientific effort to investigate and analyze the reasons why horses are leaving the HMA, must propose humane and constructive remedies to this problem, and must evaluate the other possible actions listed here before moving ahead with the instant Proposed Action which is unsound from the fiscal, humane and sound management points of view.	plan and herd management area plans." BLM, because of other management needs, cannot address non-HMA animals but attempts to deal with these animals with the next gather operations when it is more logistically appropriate or when the non-HMA animals are creating a nuisance on private lands, impacting habitat, or creating safety problems. Hazing horses that have taken up residency outside HMA boundaries will not permanently keep those horses within the HMAs, as the hazed horses return to their "home range" outside the HMA boundaries shortly after the hazing so it is not effective. The majority of wild horse movement to take up residence out of an HMA is forage, water, space and population size related. Moving wild horses back into HMAs would not solve the problem of wild horse overpopulation in relation to the available resources of the area.
57.	The EA fails to provide all forage allocations, usage (Animal Unit Months or AUMs) and fails to provide a list of livestock grazing allotments within the HMAs for each of the past three years, and it further fails to include all current grazing and projected grazing for the next 6-12 months.	The affected environment is described and incorporated by reference from the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather EA (pgs. 39-42) and the 2010 Antelope Complex Wild Horse Gather Plan EA (pgs. 73-77). These EAs contain summaries of actual use for the 2002-03 to 2009-10 grazing fee years, permitted use Environmental Assessment 31 in AUMs, type of permitted livestock, allotment season of use, and percentage of individual allotments in an HMA. The BLM cannot project livestock grazing in advance of the yearly applications.
58.	This EA provides no recourse through litigation to address the potential abuse and neglect on the part of the contracting officer, the COR, and the contractor. This provision should be articulated in the EA	BLM will follow Standard Operating Procedures in Appendix 1.
59.	This EA provides for no transparency and should be a part of bait-water trapping and should be specifically articulated.	See Section 4.10 of the EA.
60.	Counting horses with accuracy is difficult to accomplish and unattainable at this time given the current state of technology. Accuracy is compromised by terrain and weather conditions, by large numbers needing to be counted and by vast distances needing to be covered with horses in perpetual movement, and by the very nature of the flight method itself.	See Section 3 of the EA. The BLM has historically employed the "direct count" method for conducting wild horse inventory. It has become well accepted that this method results in observers not seeing and therefore counting all of the horses, due to tree cover, terrain, and overall visibility factors. Without a statistical/scientific way to determine the number of "missed" horses, most BLM offices have not added correction factors to the direct flight results. The flight and gather data has continually shown that direct count flights undercount

		wild horses on the range. The Government Accountability Office (GAO) concluded through their review that "research and experience have shown that BLM's on-the-range population estimates are too low", and stated that "regardless of which method is used, counting wild horses and burros can be challenging, particularly when the animals are obscured by trees or when the rangeland is covered with snow" (GAO 09-77). In order to improve inventory methods and results, the USGS has been working with BLM for many years to study existing and potential methods that could be implemented. The BLM is currently implementing some of the methods developed by USGS. Specifically, the EKDO in 2009 began using the Simultaneous Double Count technique. The results are analyzed by a statistician using multiple parameters that affect the sightability of the horses, and sighting accuracy of the observers. The outcome will be an estimated population range. You can read more about the work of USGS and these methods at this website. http://www.fort.usgs.gov/WildHorsePopulations/Counting.asp The BLM may employ both a direct count and a simultaneous double count method to determine the population of wild horses during helicopter inventory. For the direct counts, the BLM uses no correction factor or extrapolation to correct for any wild horses or area that may have missed. During inventories the BLM maintains Best Management Practices to ensure the highest quality data and most accurate inventory. On most flights, three experienced BLM observers participate, in addition to the pilot, who is also very skilled at completing wild horse inventory. Inventory flights are conducted at low altitude (below 100' at times) and low speeds, with trained WHB Specialists and oftentimes Wildlife Biologists or other Resource Specialists. It is very easy to distinguish wild horses from livestock, and even more so from wildlife. The helicopter pilot records the location of the horses with an onboard GPS, which also records the flight path. The flight area boundaries are also viewed by the pilot on the onboard computer screen to ensure the entire area is covered. The location of previously observed wild horses is also verified on the onboard

		computer screen if needed. BLM staff record wild horses on 1:100,000 maps, and the number and description of bands observed are recorded on data sheets. As the flights progress, natural landforms or barriers are used to ensure movement of wild horses doesn't occur between the areas as they are completed. Observers take great care to document characteristics of groups of horses encountered such as color, leg markings, face markings, and direction of travel, so as to decrease the chance of counting any bands or horses twice.
61.	How many are you taking from the central Antelope Valley HMA?	See Table 1 in the Introduction.
62.	The gathers are to remove pressure caused by wild horses on site specific areas.(p1) a) Is the "pressure" realistic? b) Is the "pressure" caused by the horses or by a lack of management? c) Is the "pressure" caused by competing interests such as mining who want the horses out of their way?	a) See Wild Horse Section b) See Wild Horse Section c) Inapplicable to this analysis.
63.	However, with the way this EA is presented other areas and multiple areas at the same time could be bait or water trapped without any public comment. This appears to be an excess of authority and needs to be addressed.	See Comment #1.
64.	Sabala Springs is in the Triple B HMA. It is cited for its lack of water in the Triple B Complex EA and in the Scoping Letter. In 2010 water was in shortage at that springs but not in 2011 and 2012 Is pressure here realistic?	See Section 4.5 of the EA.
65.	A capped well belonging to a silver mining company is a few feet away from this spring. Why has the BLM not made a cooperative agreement with this mining operation to use the well for the horses. The horses can use the water at the Ruby Marsh nearby.	Outside the scope of this analysis. See Response to Comments 21# and 43 #
66.	Has it really been necessary to haul water to this spring for the horses' survival? Is this "pressure" caused by the horses or by a lack of management	See response to Comment #6.
67.	The question is will bait-water trapping be necessary once this round up of the horses in this area is completed. The question is why does the BLM want to round up these horses? ?	See response to Comment #1.
68.	Is it really to relieve the pressure from this area or is it to accommodate the mining and cattle interests.	Inapplicable to this analysis.

69.	Forage utilization was of concern at that time given the amount of forage availability. Heavy consistent rains have been occurring in August and September of this year with the uplands and valleys greening up. It seems a relook at the forage availability and utilization is needed prior to any gather and removal.	See Section 4.5. of the EA
70.	Areas identified as potential places to gather should foremost, show evidence that the BLM has tried to manage the horses and/or burros as well as the rangelands, not monitored, but managed them for the health of the horses or burros and the rangelands. This WHB program has morphed into a gather and remove program rather than a manage and protect program on the range as was intended by the law of 1971. It is time to get back to the law.	Refer to comment #6.
71.	The public should be allowed to have input into the bait-trap proposal.	A scoping letter was mailed to the public in June 14, 2012 and the Preliminary EA was made available for a 30 day public review September 4, 2012.
72.	The public should be fully appraised of the cost of the program and a cost analysis visa-via alternatives should be considered.	Outside the scope of this analysis.
73.	Bait-water trapping should not be allowed to happen at any time of the year. Weather conditions and foaling seasons should be considered. Road conditions in rain or snow should be taken into account and should not be traversed to avoid dangerous consequences. Also leaving animals in a captured standing position overnite in a freezing weather condition should not be allowed. Contracted employees should have to be at the trap site at all times including overnite to monitor the horses' condition.	See Section 4.1 of the EA and Standard Operating Procedures in Appendix 1.
74.	The district proposing to do the bait-water trapping should be required to show evidence it knows its herd members and gathering and removing should be done on a selective basis to insure continuance of healthy horses and burros and to show diversity and viability.	Refer to Comment #1 and Section 4.1 of the EA
75.	Releasing should also be a part of this bait water trapping. Family bands, bachelor bands and the roles of the various animal members should be considered. The animals need to be removed within 24 hours needs to be real possibility, not just verbiage as stated at the trap and holding sites. This requirement seems unrealistic in the bait-water trapping proposal as well as the possibility of adequate supervision by the COR. These trap sites are in remote areas and are not easily reached.	Refer to comment # 1, refer to the Section 4.1 of the EA and Standard Operating Procedures.
76.	Gelding within a 24 hour period needs to be off the table. If you are	Outside the scope of this analysis.

	going to gather and remove there is no need to geld on the range.	
77.	The contractor should not be paid by the head but by the job to avoid abuse of the animals to make more money.	Outside the scope of this analysis.
78.	This should not be a 5 year program, but a one year to be reviewed for further use on a year to year basis with public input allowed.	See Response to Comment #1.
79.	Multiple trap sites should not be allowed to be set up in an area nor should animals in an area be denied water for 48 hours in order to catch more horses or burros. This is harassment and inhumane cruel treatment.	See Section 4.1 of the EA and Standard Operating Procedures in Appendix 1.
80.	Electric shocks, paddles, and cattle prods should not be allowed to be used by the contracted employees. Helicopter round ups have shown the public some of these employees are unqualified to handle horse and burros.	See Standard Operating Procedures in Appendix 1.
81.	Transparency needs to be addressed. Cameras need to be installed at a minimum at the bait-water trapping sources wherein all the activity of the contractor, employees, COR and others at the trap site are monitored at all times. Observers should be allowed at all holding areas with no appointments necessary, to be placed in a position where they can see the animals and the handling of the animals.	See Section 4.10 of the EA. BLM does not have any approved policy or procedures for the placement or installation of private cameras on government owned or contractor owned equipment. See Response to Comment #59.
82.	Arrangements should be incorporated into this program for litigation should the employees or organization misuse or abuse their obligations and responsibility.	Outside the scope of this analysis.
83.	What time period do these capture actions within this EA include or are valid through what date (example: winter season of 2012 or indefinite time era or ?)	See Response to Comment #1 See Section 4.1 of the EA.
84.	Number of current acres in each HMA (sub-portion of the Complex) and number of acres in each original Herd Area and brief reason for change of acreage. (sold/exchanged/etc). If original HA land is no longer managed for wild horses – please explain when and why, including reason(s) that the proposed captured wild horses cannot be allowed to dwell on those legally designated wild horse herd area lands.	See Section 4.1 of the EA.
85.	Procedures to avoid undo stress to the foals and elders during and following the proposed roundup. Please refer to Dr. Bruce Nock: Wild Horses and the Stress of Captivity" and respond to the points and how the BLM proposes to avoid such stresses.	See Section 4.1 of the EA and Standard Operating Procedures in Appendix 1.

86.	How will the public be told of any future helicopter or other roundups and if so how much in advance? This includes any emergency roundups. With today's high level of communication, even an emergency wildfire roundup can be announced to the public within a matter of an hour after the decision.	Outside the scope of this analysis. BLM will continue to use its available methods to communicate with the public, including BLM's public website and letters mailed to the interested public list.
87.	Please discuss the considerations the BLM uses to designate a drought condition on an HA that would cause an emergency roundup. (example: 3 successive years of precipitation below 50% of "normal")	Outside the scope of this analysis. No bright-line rule exists since emergency situations are determined based on range conditions and/or wild horse health and body condition.
88.	When water/bait trapping is done on these HMAs, when and how will the public be informed of this action? (Start and end dates and results).	See Proposed Action. See Response to Comment #1.
89.	Data of all fertility treatments of mares (or gelding of stallions) that were returned to the range after the last roundup or subsequently for any reason (on-range scientific studies, etc.). Number of horses treated, method of treatment (PZP or Spay-Vac etc.) date of treatment, date horse returned to range, etc. per each of the HMAs.	Inapplicable to this analysis.
90.	Total number and estimated age of mares and total number and age of stallions (or geldings) that were returned to the range since last roundup, per each HMA.	Inapplicable to this analysis.
91.	Please provide an accurate and detailed census chart for the past ten years for each of the herds including: a) pre-roundup population and method and report and map to substantiate b) number (and sex) of animals returned c) subtractions of herd size due to roundup activities (accurate number removed and number of deaths during roundup) d) annual estimated death rate e) annual foaling rate f) number of mares (remaining/returned) given contraception drugs	The BLM relied on the best available data for analysis in this EA. 4700.0-6 (c), "Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior." All available data is maintained by the BLM Field Office and relevant data has been summarized in the EAs.
92.	If any foaling rate (herd size) increase exceeds 20% annually, please explain the reasoning and BLM's explanation of that increase.	See Section 4.1 of the EA
93.	Remove all HMA interior fencing to allow for truly free roaming behavior and to protect wild horses and other wildlife from barbed wire.	See Response to Comment #4 and #10.
94.	Replace, remove or retrofit with "Wild Horse Annie" safety features any/all cattle guards within HMAs to allow horses to cross them without danger in the scenario of a wildfire or other phenomena.	Outside the scope of this analysis.
95.	Protection of predators such as mountain lions that have been proven as	Outside the scope of this analysis. Predators are managed

	a natural limiting factor of wild horse populations and restores ecosystems.	by the State of Nevada and Wildlife Services.
96.	Will the COR/PI be allowed and encouraged to make spontaneous and unannounced inspections at any and all times during the length of the contract for trapping and how will these inspection reports be documented and how and when will they be made available to the public? Immediately after inspection will they be made available online – as with helicopter capture reports? In addition, what are the criteria of the BLM COR that would put a (temporary or permanent) stop to the trapping and/or to reevaluate and possibly dismiss the contractor?	See Section 4.1 of the EA and Standard Operating Procedures in Appendix 1.
97.	Although logical that persons inexperienced with wild horses and/or bait trapping would not be allowed to wander unescorted in the area of the trap, the EA implies that no members of the public or media will be allowed to ever view any of the trapping procedure at any time for the upcoming years of trapping. Is this the plan? What possible reason does the BLM have for not allowing members of the public to view the trapping procedures escorted by the COR/PI during their required (minimum 25%) visitations?	See Section 4.10 of the EA.
98.	If no public observation is allowed, then what accountability will the public have regarding wild horses that have been captured? Will photos and videos of each horse be taken and made available to the public? Will documentation of animals trapped, animals shipped and name and location and dates of these actions be kept and will this documentation be current and available to the public (online) and exactly who will be responsible for this information and its validity? Will there be roads closed to public access for this trapping that is inaccessible to the public and if so details of these road closures must be provided to the public before the approval of this EA can be decided.	See Section 4.10 of the EA. Information on animals gathered will be posted on district website.
99.	BLM cannot rely on the woefully deficient Ely RMP for this action. Plus the Wells RMP is so old and outdated that it fails to provide an adequate current inventory of the public lands, as well. The RMPs fail to	The documents listed are still the guiding documents for the districts.

	adequately balance wild horse and livestock grazing.	
100.	This EIS must fully and fairly balance the carrying capacity, capability, and suitability of lands for wildlife and wild horse use.	See Section 4.1 of the EA.
101.	BLM has failed to require that livestock meet conservative modern day use standards that would provide residual nesting cover for sage-grouse, or to protect the structure of the shrubs required by the pygmy rabbit and many species of sagebrush dependent migratory songbirds. The BLM's segmented and piecemeal EAs have been greatly deficient in fairly addressing ecological issues and conditions of lands, waters, soils, microbiotic crusts, native vegetation composition, function and structure, weed invasion risk, water quality, water quantity, riparian and upland ecological conditions, watershed processes, biodiversity, impacts on wild lands and recreational values, and impacts on sensitive, rare and imperiled species. Instead, cattle and sheep (sometimes with BOTH being grazed on/trailed across the same land area with disastrous results) get the lion's share of every resource. BLM range personnel scapegoat horses for nearly every possible ecological woe – often without a shred of valid or substantial evidence. Livestock impacts are glossed over. There is never any valid analysis of how timing of livestock use interferes with wildlife or wild horse seasonal and resource needs.	See Section 3 of the EA.
102.	How is livestock grazing and trampling disturbance currently adversely impacting (direct, indirect and cumulative impacts) habitats and populations of sage-grouse? Pygmy rabbits? Rare and other migratory birds?	Analysis of impacts of livestock grazing on pygmy rabbits and other sensitive species falls outside the scope of this analysis.
103.	Please identify all livestock water facilities, fences, wells, water haul sites, and other zones of intensive livestock impacts. What monitoring has been conducted in relation to these areas? Please provide a chronology of construction of all livestock facilities, including fencing that may hinder free roaming ability of horses, or through gate closures, ranchers or others can manipulate the intensity of horse use or disrupt band behavior	Outside the scope of this analysis.
104.	What livestock forage seedings have been conducted – over any periods of time? What is their current condition?	Outside the scope of this analysis.
105.	Where in the affected landscape has BLM conducted any vegetation or other "treatments" – and what have been the results? We have observed	Outside the scope of this analysis.

	a profusion of cheatgrass in the BLM Cherry Creek area and other "treatments" conducted by Ely and/or Elko BLM.	
106.	Please provide all existing plans for management of these horse herds. How was any carrying capacity, production, capability or other information used in these uplands collected? How were these factors applied in setting AML?	The affected environment is described and incorporated by reference from the 2011 Triple B, Maverick-Medicine, and Antelope Valley Herd Management Areas Wild Horse Gather EA (Section 4.5) and the 2010 Antelope Complex Wild Horse Gather Plan EA (Section 3.1.7). These EAs contain summaries of actual use for the 2002-03 to 2009-10 grazing fee years, permitted use in AUMs, type of permitted livestock, allotment season of use, and percentage of individual allotments in an HMA. See Section 3 of the EA.
107.	Fresh analysis MUST occur that includes setting a new and fair AML that balances wild horse, and livestock uses based on a full and fair carrying capacity, capability and suitability study.	See response to comment #101.
108.	How is there water for livestock grazing here, and what demand are livestock placing on stressed resources?	Outside the scope of this analysis.
109.	What number of livestock are grazed at each water source? Where are they watered? How much water do they consume, trample, foul with manure, etc.?	Outside the scope of this analysis.
110.	Will BlM truck livestock elsewhere and dump them out if there are too many at a water source? What number would too many be?	Outside the scope of this analysis.
111.	Helicopters may spook and stress wildlife – including big game, sage-grouse, and at times raptors.	Outside the scope of this analysis. Please see Response to Comment #1.
112.	This action impacts wild horse herds adjacent to and immediately north of the Pancake area wild horses. Grazing allotments with greatly inadequate livestock analyses sprawl across into both. It is critical that the full direct, cumulative and indirect effects of livestock grazing – including on all the affected herds, be addressed.	Outside the scope of this analysis.
113.	How much movement may occur between HMAs? This is vast, remote country. This action, as did Pancake, affects a vast and sprawling land area.	See Section 4.1 of the EA.
114.	BLM's EA states specifically that it is tiering to the greatly flawed Ely RMP. That RMP fails to fairly balance and take a site-specific hard look at the impacts of grazing and wild horses on public lands in HMAs and their surroundings. It is essential that an EIS be prepared here.	Outside the scope of this analysis The authorizing officer will make the determination whether there will be any significant impacts that require preparation of an EIS.

115.	How much of a toll does domestic livestock grazing of grass/forbs and browsing of shrubs take on wild horse herd resources and wildlife habitats? Where are all wintering areas for wild horses and wildlife? How can BLM ameliorate and mitigate conflicts by reducing livestock use and disturbance in critical use areas and habitats – especially during "crunch" times? How much forage, browse and water have already been removed from these areas in 2012 by domestic livestock? How much more will be removed under the greatly excessive cattle and often overlapping sheep use? What has the forage production been, and what percentage is being removed by livestock, and/or is projected to be removed by livestock?	The BLM relied on the best available data for analysis in this EA. 4700.0-6 (c), "Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior."
116.	Please provide a detailed map showing where - and in what pattern – all livestock grazing and herding occurs here. An easy and simple way to reduce stress on watersheds, wildlife habitats, and wild horse herds would be for BLM to require sheep and/or cattle be trucked –rather than herded or trailed to destinations. That way, they would not degrade soils, waters, watersheds, and remove "forage" or displace wildlife and wild horses due to the severe disturbance caused by inundating lands with herders, dogs, and thousands of animals stripping and devouring forage in their wake – like herds of hooved locusts – as domestic sheep have been called by some.	Outside the scope of this analysis.
117.	We also stress that some of the livestock herds - domestic sheep – that are imposed on these HMAs also jeopardize the viability of bighorn sheep in areas associated with the herd's grazing on public lands. The full adverse footprint of the domestic sheep and other operations here also impacting horses must be fully examined. It never has been. The greatly inadequate Ely RMP just rubber-stamped AUMs forward – with no analysis really at all. BLM has not current Ecological site Inventory or any other basis for setting livestock stocking and carrying capacities in that greatly flawed RMP. Thus, the RMP cannot have arrived at a valid allocation, and did not conduct a valid allocation process for resources such as forage, water, space - and overall carrying capacity.	There is no established bighorn sheep in the project area. See Section 4.5 of the EA.
118.	BLM removing horses from site-specific areas has the potential to shatter band structure, and speed up population increases. BLM must establish a solid baseline of what bands of horses are located where.	Comments either fall outside the scope of this analysis or are addressed in EA Section xx with respect to potential impacts from the proposed gather.
119.	What land area is actually used by each band?	Outside the scope of this analysis.

120.	What are the available resources?	See Section 4.1 of the EA.
121.	How does livestock grazing affect the availability of these resources, and how can livestock grazing be altered?	Outside the scope of this analysis.
122.	We cannot understand with all the fertility control how BLM possibly gets the numbers it has for horses. Are horses being moved in from other areas?	Fertility control was not applied in the July 2011 Triple B, Maverick-Medicine, and west portion of the Antelope Valley HMAs wild horse gather. Attempts were made during the 2011 gather operations to reduce these areas of concentrated wild horses to achieve appropriate management level (AML) for the HMAs. These efforts were unsuccessful due to vegetation cover, terrain and weather conditions.
123.	BLM is all over the board in how it sets AMLs. The EA fails to clear up this issue and explain what is actually going on. Is BLM claiming that a series of old, long-outdated FMUDs still serve as a valid basis for AMLs in 2012? Those FMUDs were greatly deficient – never addressed many ecological concerns caused by livestock grazing – such as trampling impacts to microbiotic crusts, or cheatgrass and other invasive species spread due to livestock grazing. These documents never adequately balanced grazing and horse use. Nor did the old Elko Horse EA.	The documents listed are still the guiding documents for the districts. Refer to comment # 16.
124.	BLM points backwards, and also tries to hide under the Ely RMP. Didn't the RMP just rubberstamp the old piecemeal, segmented MUD analyses forward, and not conduct any valid or new grazing allocation? Please explain exactly what the RMP is supposed to have done in relation to livestock grazing, wild horses, and both together.	Establishment of the AMLs were addressed in a series of decision making processes and fall outside the scope of this analysis.
125.	Why has not current adequate and accurate FRH analysis been conducted for the HMAs?	The BLM relied on the best available data for analysis in this EA.
126.	We are concerned that private contractors may be free to come and go without scrutiny - leading to horses going into the slaughter pipeline, and/or other abuses and illegal activities. BLM clearly does not have an adequate system to ensure oversight of the activities it is proposing on remote public lands. The helicopter contractors have frequently stressed, harmed and inhumanely treated animals. Will helicopters or other methods be used to drive or pre-position or concentrate hoses into or near these sites? Now here, contractors may come and go and engage in all manner of disturbance activities at any times, and all kinds of abuses may occur. Will BLM in fact, contract with ranchers – as it appears may	Outside the scope of this analysis. BLM is not proposing a helicopter gather and no horses are sent to slaughter.

	be part of what is going on with the deeply flawed Desatoya scheme?	
127.	This activity - occurring at any time over the course of the year - has the potential to greatly disturb wildlife, and severely disturb sensitive species habitats and populations, and harm sensitive cultural and other sites and locales on public lands.	See Section 2 of the EA
128.	This activity should not be allowed during nesting season for migratory birds, or during wintering periods for any wildlife. BLM will concentrate, and confine horses – causing significant impacts – including to fragile cultural sites.	See Sections 4.3, 4.4 and 4.11 of the EA.
129.	BLM has never conducted adequate livestock grazing analyses in the Three HMA areas, and relies on woefully old, outdated and deficient information. In areas where it has done any grazing analysis, it fails to consider current information and conduct integrated analysis of livestock vs. wild horse impacts, including full, fair and science-based land health analyses. The agency greatly fails to ever address how livestock are impacting horses to any degree.	Outside the scope of this analysis. Permitted livestock grazing use continues to be evaluated for achievement of the rangeland health standards and adjustments to livestock grazing are implemented as appropriate in accordance with regulations found at 43 CFR Parts 4100.
130.	The Three HMA Gather also affects the Forest Service lands of the Cherry Creek WHT. When and to what degree has there ever been any NEPA or other analysis conducted that examines the relative effects of horses vs. domestic livestock on lands, soils, waters, watersheds, sensitive species like sage-grouse and pygmy rabbit, and other values of the Forest lands? Please provide us with these documents, as well as any plans for all the affected HMAs.	Outside the scope of this analysis. Cherry Springs Wild Horse Territory (WHT) which is managed by the U.S. Forest Service is not part of the proposed action.
131.	A full analysis of the location and effects of all existing, foreseeable and temporary or other fences, water developments that de-water natural springs or other water sources or that may restrict access to lands, etc. on altering horse use and movement, as well as intensifying livestock damage in areas of HMAs and surroundings, must be provided.	Outside the scope of this analysis. Present and foreseeable future activities have been addressed in EA Section 5 of the EA (cumulative impacts analysis).
132.	Please also examine in an full integrated analysis the effects of climate change and global warming on any continued livestock use and balance this with wild horse use, and examine how the current degree of desertification, and subsequent conditions amplified by climate change will in affect these lands and carrying capacities.	Outside the scope of this analysis.
133.	If BLM claims "voluntary" rancher reductions – where then has BLM counted cows/sheep turned out? With cows/sheep – everything is being left up to the ranchers.	Outside the scope of this analysis.

134.	Where are all previous, ongoing and foreseeable agency fuels, forage or other projects?	See Section 5 of the EA for analysis of cumulative impacts.
135.	Please analyze a full range of alternatives, including alternatives that reduce domestic livestock by ½ the AUMs, by ¾ of the AUMs and allocate some AUMs canceled for livestock to horses, and other actions that may examine a better balancing of use of the public lands.	Outside the scope of this analysis.
136.	A full and detailed analysis of the ground and surface waters, and the demands on them here, must be provided. Please fully examine the distances horses vs. domestic livestock travel to water, and other such effects.	Outside the scope of this analysis. The BLM does not mange water rights.
137.	Secure year round water access and form cooperative agreements with other individuals and agencies, such as those that are formed to favor livestock and big game hunting.	Outside the scope of this analysis. The BLM does not mange water rights.
138.	Manage the existing population (which only exceeds high AML by a few hundred wild horses) by using non-hormonal, safe and reversible PZP fertility control to suppress population growth. This alternative was not even considered or analyzed as a means to mitigate the Proposed Action of wild horse removals.	This alternative was analyzed in the prior EAs and would not meet the purpose and need for the proposed action.
139.	The Association continues to be in support of sustainable, healthy, well-managed herds of wild horses and burros on healthy Nevada rangelands. Furthermore, we support the Bureau of Land Management's goal to maintain a thriving ecological balance between wild horses and burro populations, wildlife, livestock and vegetation and to protect the range from deterioration associated with over population of wild horses and burros.	Comment Noted.
140.	The Association commends the BLM's goal to maintain a thriving ecological balance and protect the range from deterioration, we urge the BLM to manage wild horse populations at previously established appropriate management levels (AML).	Comment Noted.
141.	The proposed gather of the Three HMAs (Triple B, Maverick-Medicine, and Antelope Valley) is needed because AML was not achieved within the Triple B Complex during the gather completed summer 2011 and due to drought conditions; there is increased concern for the health of the horses.	Comment Noted.
142.	We support the BLM's goal to gather wild horses of the Three HMAs of concern because the health of the horses and the range is at risk,	Comment Noted.

	however, we urge the BLM implement a more effective approach to management that will better expand an already limited budget.	
143.	We urge the BLM to assess the effectiveness and budgetary concerns for both gathering by helicopter are a smaller timeframe and gathering by water trapping in a larger timeframe.	Refer to comment # 1.
144.	Furthermore, this gather plan does not clearly define gather objectives per year to achieve AML.	Refer to comment #1.
145.	The Association would also like to stress our concern with water hauling to already overpopulated HMAs.	Comment Noted.
146.	We strongly suggest the BLM implement an approach to management that is not budget driven or limited by holding facility capacity but uses permanent sterilization methods as to decrease necessity to gather to AML.	Comment Noted.
147.	The Elko sub-district supports the removal of excess wild horses from the ranges adjacent to roadways. When the number of horses exceed the ability of the range to adequately support them they pose a potential safety problems to the traveling public. The horses can easily break through standard right-of-way fences when they in search of food or water. When they do, they create a huge liability and extreme risk for the public, as vehicle / horse crashes commonly end with fatalities.	Comment Noted.

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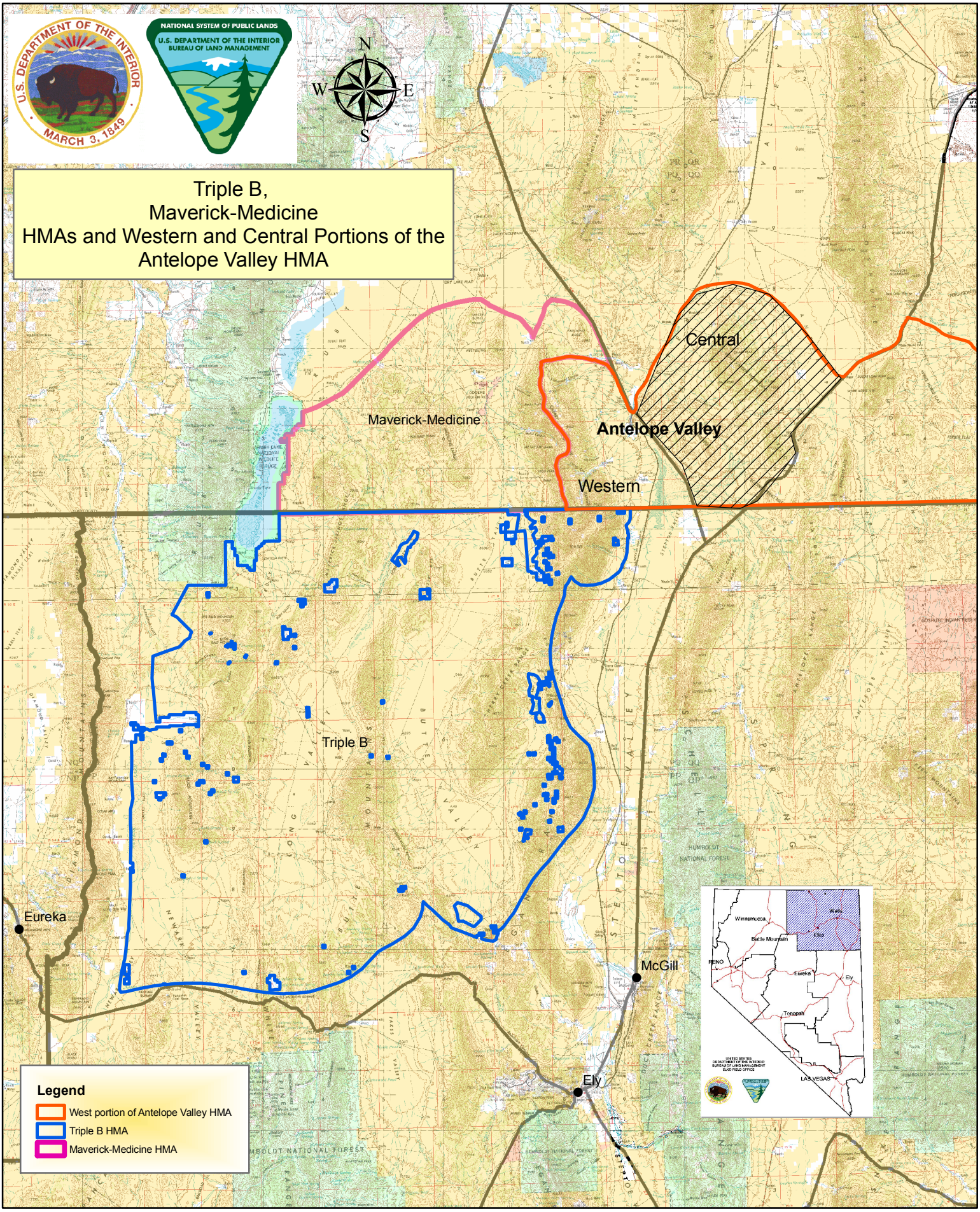

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