

**United States Department of the Interior
Bureau of Land Management**

**Pryor Mountain Wild Horse Range Non-Helicopter Gather
Preliminary
Environmental Assessment November 2012
DOI-BLM-MT-0010-2012-0001-EA
Tiered to the
Pryor Mountain Wild Horse Range Environmental Assessment
MT-010-08-24
And Herd Management Area Plan May 2009**



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BLM/MT/PL-08/12

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1.0 BACKGROUND INFORMATION

1.1 Introduction

The Bureau of Land Management (BLM) Billings Field Office (BiFO) proposes to gather and remove excess wild horses from the Pryor Mountain Wild Horse Range (PMWHR) using non-helicopter gather techniques. The BLM has measured heavy and severe utilization of vegetation forage species and has determined excess wild horses are present on the range. The gather would begin as soon as the Environmental Assessment (EA) process is complete and environmental conditions allow in calendar year 2012. The proposed action and alternative are designed to protect rangelands from deterioration from an overpopulation of wild horses and help maintain a thriving natural ecological balance and multiple-use relationships. The method of capture would be water and bait-trapping or bait trapping alone using temporary traps of portable panels throughout selected sites within the PMWHR. After capture in the trap, excess wild horses would be sorted off from their band and transported to the Britton Springs administrative site where they would be prepared and offered for adoption.

After review and analysis of comments provided by the public during the 30-day scoping period in August of 2011, development of this preliminary EA is designed in part from input from members of the public, along with a BLM interdisciplinary team.

This EA is tiered to the 2009 Pryor Mountain Wild Horse Range/Territory EA (MT-010-08-24) and Herd Management Area Plan (HMAP) in accordance with the Council on Environmental Quality (CEQ) regulations, 40 CFR 1502.2, and incorporates by reference all the descriptions of the affected environment and impacts analyzed in the 2009 HMAP and EA and subsequent Finding of No Significant Impact (FONSI) and Decision Record (DR). This EA also incorporates by reference Pryor Mountain Wild Horse Range Fertility Control Tiered Environmental Assessment December 2010 DOI-BLM-MT-010-2011-004-EA that was tiered to the 2009 PMWHR and HMAP EA. This EA has been prepared to analyze the impacts associated to wild horses and other identified resources from conducting a non-helicopter gather operation. The HMAP and EA with FONSI and DR along with the tiered Fertility Control EA with FONSI and DR are available on the Bureau of Land Management (BLM), Billings Field Office (BiFO) website at: http://www.blm.gov/mt/st/en/fo/billings_field_office/wildhorses/pryorherd.html

Incorporation by reference and tiering provide opportunities to reduce paperwork and redundant analysis in the National Environmental Policy Act (NEPA) process. When incorporating by reference, the author refers to other available documents that cover similar issues, effects, and/or resources considered in the NEPA analysis that is being prepared. Incorporation by reference allows brief summarizations of relevant portions of other documents rather than repeating them.

Tiering is a form of incorporation by reference that refers to previous EAs or Environmental Impact Statements (EIS). Incorporation by reference is a necessary step in tiering, but tiering is not the same as incorporation by reference. Tiering allows for narrowing the scope of the subsequent analysis and focuses on issues that are ripe for decision-making, while incorporation by reference does not. Only EAs or EISs may be tiered to, whereas one may incorporate by reference from any type of document.

Tiering uses the coverage of general matters in broader NEPA documents in subsequent, narrower NEPA documents (40 CFR 1508.28, 40 CFR 1502.20). This allows the tiered NEPA document to narrow the range of alternatives and concentrate solely on the issues not already addressed. Tiering is appropriate when the analysis for the proposed action will be a more site-specific or project-specific refinement or extension of the existing NEPA document.

The author may tier to a NEPA document for a broader action when the narrower action is clearly consistent with the

decision associated with the broader action. In the tiered document, there is no need to reexamine alternatives analyzed in the broader document. The tiered document is focused on those issues and mitigation measures specifically relevant to the narrower action but not analyzed in sufficient detail in the broader document.

After analyzing the monitoring data collected since the 2009 PMWHR gather, the BLM has determined that excess wild horses are present in the PMWHR. The BLM’s monitoring data further reaffirms the current AML of 90 to 120 wild horses (excluding current year’s foals) as determined in the 2009 EA and HMAP and subsequent FONSI and DR . With the continued use patterns, no more than 120 wild horses are needed to ensure and achieve a thriving natural ecological balance. The HMAP DR stated, “The population will not be taken to the low range of AML when fertility control is utilized.” Currently, a fertility control program is being administered through 2015 as part of the HMAP. This means that the BLM is managing for 120 wild horses (excluding current year’s foals). The proposed action and alternative is designed to protect rangelands from deterioration and maintain a thriving natural ecological balance and multiple-use relationships, as described in the HMAP. The method of gather techniques would be described and analyzed in two action alternatives based upon public input obtained during the scoping process.

Implementation of the HMAP continues to occur as nine water catchment sites consisting of 12 guzzlers are installed and collecting water, along with one catchment trough system on Sykes Ridge. Another catch pond has been completed on Burnt Timber Ridge south of Cheyenne Flat. One seep was developed on Bad Pass road to ensure year-round water, and two riparian protection and water enhancement projects were completed at Cottonwood Spring and Little Sykes riparian areas. Fertility control is in place through 2015, with 53 mares treated in 2011 and an expected 70-85% of the mares treated each year (depending on demographics).

Two separate EAs completed in 2008 and 2006 analyzed the impacts of bait trapping wild horses within the PMWHR. In 2008, EA-MT-08-33 analyzed the impacts and determined a FONSI from that type of action. In 2006, EA#BLM-MT-010-FY-06-19 analyzed the impacts of bait trapping and determined a FONSI that resulted in the removal of 22 excess wild horses. .

Forage utilization monitoring data measured some heavy use in 2010 when the population was close to the high range of AML (120 horses), but mostly light and moderate forage utilization was made by wild horses (see photo 1). In 2011, heavy and severe utilization was measured (see photo 2) after a population increase. This monitoring data indicates that the AML of 120 wild horses is appropriate based upon current wild horse use patterns. Table one summarizes key forage plant range utilization data (post 2009 gather).

Table 1

Date Collected	Measured use	Location
3/8/2010	24%	Key Area C-23 Mustang Flat
3/8/2010	21%	East of C-23 Mustang Flat
3/8/2010	40%	Mustang Flat E. of Highway
3/17/2010	48%	Middle Turkey Flat
3/17/2010	34%	Key Area C-20 Turkey Flat
3/17/2010	78%	Big Coulee- Wyoming
3/17/2010	62%	South Turkey Flat
4/16/2010	52%	Key Area C-18 Burnt Timber
4/16/2010	50%	Chino’s Corner
4/16/2010	60%	Cheyenne Flat-BLM
4/16/2010	54%	Cheyenne Flat F.S.

4/20/2010	62%	Bat Cave Cage-Sykes
4/20/2010	58%	Sykes
4/20/2010	No apparent wild horse use	Key Area C-21
9/16/2010	50%	Key Area C-19 Lone Pine
9/16/2010	58%	South B.T. Pens
9/16/2010	54%	Area Q F.S.
9/16/2010	64%	Pen's Meadow
5/3/2011	68%	Key Area C-20 Turkey Flat
5/3/2011	58%	Middle Turkey Flat
5/3/2011	83%	South Turkey Flat
5/3/2011	82%	Big Coulee
5/17/2011	64%	Key Area C-18 Burnt Timber
10/4/2011	72%	Key Area C-19 Lone Pine
10/4/2011	66%	Area Q F.S.
10/4/2011	89%	Pens Meadow
10/4/2011	74%	South B.T. Pens

Photo 1



2010 Moderate Utilization C-19

Photo 2

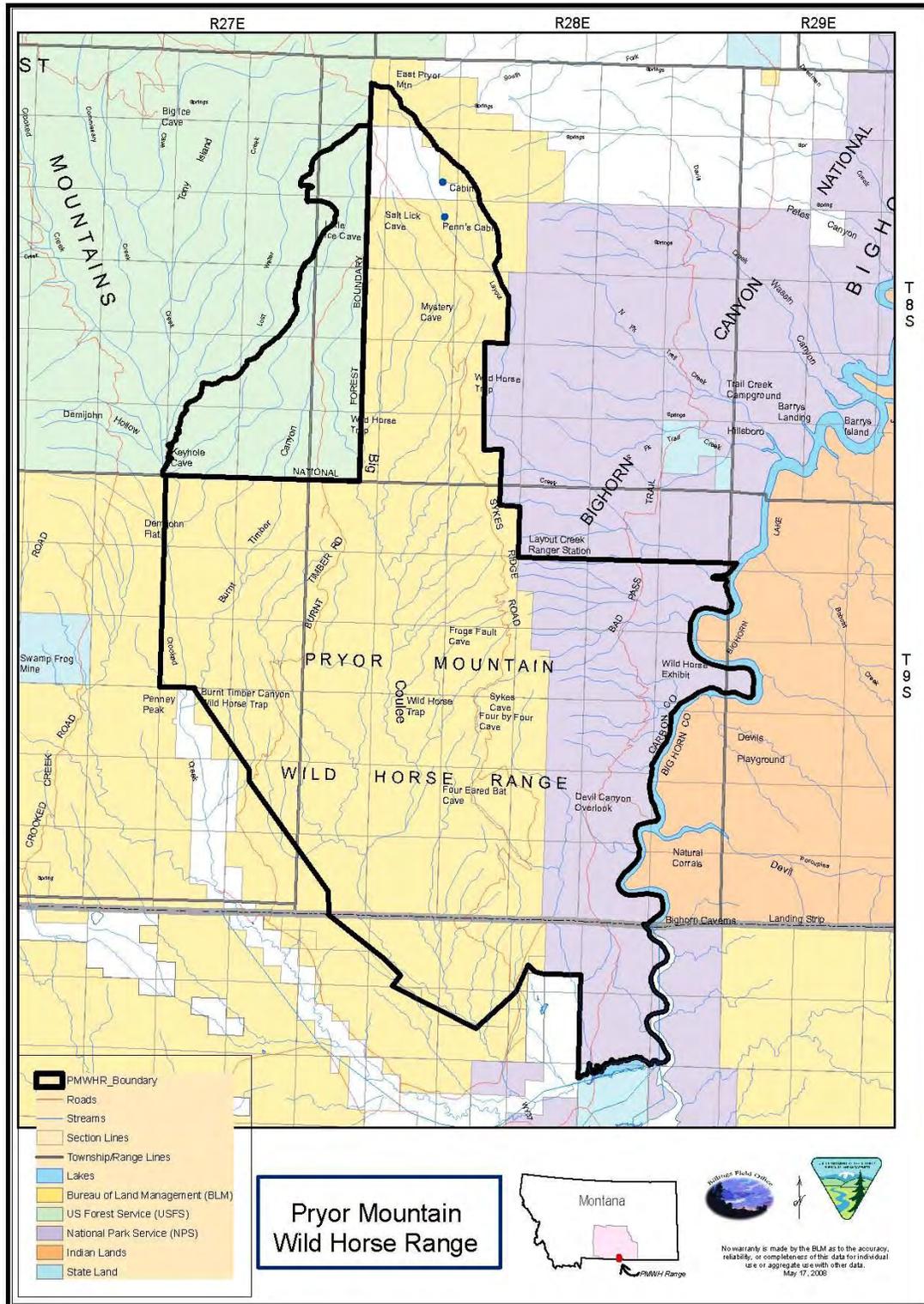


2011 Heavy Utilization C-19

1.2 Location

The project area is located in southeastern Carbon County, Montana, and northern Big Horn County, Wyoming, in the PMWHR (see Map 1). The area is approximately 50 to 70 miles south of Billings, Montana, and 10 miles north of Lovell, Wyoming. Elevations range from 3,850 feet to 8,750 feet above sea level.

Map 1. Pryor Mountain Wild Horse Range



1.3 Purpose and Need for the Proposal

The purpose of the Proposed Action is to further implement the 2009 PMWHR HMAP through the maintenance of the AML. The action is needed because BLM has determined excess wild horses are present on the range. The current population of wild horses is approximately 150 adults and 17 foals. The anticipated population in 2012 (based upon historical death loss) is expected to be 150-160 wild horses over one year old. The BLM has measured heavy and severe utilization of vegetation forage species from wild horse grazing. The HMAP identified the AML at 90-120 wild horses as the carrying capacity in order to maintain ecological stability of the range. The Proposed Action in this EA is needed to help maintain wild horse herd numbers at levels consistent with the AML, to make progress toward standards of rangeland health, and to achieve objectives and decisions authorized in the 2009 PMWHR EA and HMAP. The Proposed Action is needed to maintain the population in a thriving natural ecological balance by maintaining wild horse population within the confines of their habitat because BLM has re-affirmed the AML. The need is also to analyze the impacts to wild horses and other resources and values associated with bait and or water trapping, or some herding.

Decision to be made through EA: The BLM will decide whether or not to gather and remove excess wild horses from the PMWHR in order to maintain the appropriate management level (AML) of 90-120 wild horses through water and bait trapping with herding, or bait trapping only.

1.4 Relationship to Planning

The proposed population control is in conformance with the Billings Resource Management Plan Final EIS (1984) Record of Decision (ROD) objectives to manage for a balance between a healthy population of wild horses and improvements in range condition, wildlife habitat, and watershed condition.

The 2009 Pryor Mountain Wild Horse Range Environmental Assessment (MT-010-08-24) and Herd Management Area Plan and Finding of No Significant Impact (FONSI) Decision Record (May 2009) analyzed and documented the need to manage the wild horse population between 90-120 wild horses. The HMAP states “manage the herd within AML either through removals, fertility control, natural means, or a combination of methods.” The Decision Record states: “The population will not be taken to the low range of AML when fertility control is utilized.” The HMAP was affirmed by the Interior Board of Land Appeals in January 2010 after ruling on an appeal.

The proposed action is in conformance with the Wild Free-Roaming Horses and Burros Act of 1971 (PL 92-195 as amended) and with all applicable regulations at 43 CFR (Code of Federal Regulations) 4700, 36 CFR 222, and policies outlined by the BLM and USFS. The BLM is the lead agency for coordinating and implementing wild horse management in the Pryor Mountains.

The Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195) as amended, Section 1333 (b) (1), states that the Secretaries of the Interior and Agriculture shall “determine appropriate management levels of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels).” According to 43 CFR 4700.0-6, “Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.” In addition, 36 CFR 222.21 states that wild horses within USFS territories be administered to “maintain a thriving ecological balance considering them an integral component of the multiple-use resources, and regulating their population and accompanying need for forage and habitat in correlation with uses recognized under the Multiple-Use Sustained Yield Act of 1960.”

1.5 Scoping

On July 28, 2011, the BLM issued a Scoping Notice “For Capturing and Removal of Wild Horses in the Pryor Mountains.” The public was asked to provide input that would help the BLM develop a proposed action and alternatives, further identify issues, potential environmental consequences, mitigation opportunities, monitoring or provide information, data, or analysis to be used in development of an EA. The scoping comments and information provided by the public were used to further develop the proposed action, alternatives and analysis and mitigation related to the potential effects of a wild horse gather. No issues were identified that have not already been addressed in the 2009 PMWHR HMAP. All public scoping comments are available upon request.

2.0 PROPOSED ACTION and ALTERNATIVES

This EA focuses on the Proposed Action, Alternative A, and a No Action alternative. There are no issues to resolve through other action alternatives since no unresolved issues have been identified. The No Action alternative is considered and analyzed to provide a baseline for comparison of the impacts from the Proposed Action and Alternative A.

2.1 Proposed Action

The BLM proposes to capture numerous individual horses and bands; then, selectively remove any excess wild horses above 120 wild horses in accordance with the PMWHR HMAP, beginning in 2012. The proposed action would consist of removing excess animals targeting the 1-3 year old cohorts through a combination of bait and water trapping, along with some possible herding to move congregated animals away from or towards traps. The removal would be conducted consistent with the removal considerations identified in the HMAP.

Herd health and characteristics data would be collected as part of continued monitoring of the wild horse herd. Genetic samples would be taken from any animals born after 2009, or those not sampled during the 2009 gather as part of the continued monitoring of herd health and to track genetic variation.

Multiple trap sites would be used to capture the wild horses. The traps would consist of portable panel pens set up either at water sources or areas frequented by wild horses. Hay or other attractants (such as mineral or processed cubes) would be used to lure horses to the area. Prior to any wild horses being captured, the trap or bait may be in place to accustom wild horses to their presence. When a band of horses or individuals enters the trap, the gate would be closed by BLM or other government personnel. Animals identified for removal would be sorted at the trap site and transported to Britton Springs Administrative site and corrals with horse or stock trailers pulled behind trucks. Any animals not identified for removal would be released back onto the range. When an animal is captured and must be held for the day before being transported to Britton Springs, the animal(s) would be provided with feed and water at the trap site. Trap sites would most likely be placed at Cottonwood spring, Sykes Spring, Bad Pass Seep, Near Krueger Pond, and with clearance from NPS, on Mustang Flat and Crooked Creek Bay. Other sites may be used as necessary based upon flow and success of the operation in an adaptive management manner.

Appropriate site-specific clearance and review for cultural resources and species of concern would be conducted at each trap site prior to set up (if an area is not previously utilized or is without developments on site). The trap sites would be located in previously disturbed areas. The areas would be monitored for noxious weeds over the next several years. All sites would be assessed for post gather reseeding. All capture and handling activities

(including capture site selection) would be conducted in accordance with the standard operating procedures (SOPs) found in Appendix I.

2.2. Alternative A

This alternative is bait trapping only. This would be the same as the proposed action except under this alternative no sites with water facilities would be used to conduct trapping operations. No horseback herding would be used to manage wild horses around trap sites or towards trap sites. No trapping operation within any Wilderness Study Area (WSA) at Cottonwood Spring would occur.

2.3. No Action Alternative

The no action alternative is required by the National Environmental Policy Act (NEPA) to provide a baseline for impact analysis.

Under this alternative, a gather to remove excess wild horses would occur at a later date and fertility control would continue (unless the 2009 PMWHR HMAP is set aside by the Federal Courts). Under this alternative, the current fertility treatment program would continue in order to further implement the 2009 PMWHR HMAP. The program began in 2011 and is scheduled to last through 2015. The fertility control program consists of the administration of native porcine zona pellucid (PZP) applied through remote darting in the one year liquid dose. The program is designed to treat mares ages 2, 3, 4, and ages 11 through 20+. Mares ages 5-10 are not treated. The no action alternative is incorporated by reference from the Pryor Mountain Wild Horse Range Fertility Control Environmental Assessment December 2010 DOI-BLM-MT-010-2011-004-EA that was tiered to the 2009 PMWHR and HMAP EA. The proposed action of the Fertility Control EA is the no action for this EA.

2.4 Alternative Considered but Eliminated from Further Analysis

2.4.1 An Alternative to Remove Only Ten Horses Per Year Until Fertility Control and Natural Mortality Balance.

This alternative was suggested by many members of the public during scoping. This is one item that could not be addressed through the Proposed Action, Alternative A or the No Action Alternative. This alternative consists of initially removing ten wild horses and re-assessing every year until the recruitment rate is equal to the natural mortality. This alternative was considered but eliminated from further analysis because it does not meet the purpose and need of the EA since it would not result in a thriving natural ecological or maintain multiple use relationships. Also, although much of the PMWHR wild horse population is “old” not enough fertility control is prescribed to ever bring a reduction to the population. In order for this alternative to be considered, more fertility control would need to be prescribed. The public (with exception of Dr. Jay Kirkpatrick and the Humane Society of the United States) was not supportive of fertility treatment of 90% or more of the mares when a five year program was proposed and a preliminary EA was issued. Thus, the current program in place now is 10-15% less treatment than originally proposed which is designed to stabilize recruitment with death loss, rather than slowly reduce it through 2015.

3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This chapter describes the affected environment and analyzes impacts to the components of the human environment either affected or potentially affected by the Proposed Action, Alternative A and the No Action alternative.

The 2009 PMWHR EA and HMAP identified and analyzed the effects to the environment. For a complete description of the affected environment and environmental consequences, see pages 44-85 of the Pryor Mountain Wild Horse Range/Territory Environmental Assessment and Herd Management Area Plan May 2009. http://www.blm.gov/mt/st/en/fo/billings_field_office/wildhorses/pryorherd.html

For this EA, the impact analysis for the Proposed Action and Alternative A are designed to only analyze potential impacts associated with conducting a non-helicopter gather.

3.1 Critical Elements of the Human Environment

Certain resources are protected by specific laws, regulations, or policies (e.g., Executive Orders). BLM refers to these resources as “Critical Elements of the Human Environment” and addresses them in all EAs. Those Critical Elements that are identified below as being present and potentially affected would be analyzed further in this chapter. The affected environment and environmental impacts are described for all resources, including Critical Elements, which are potentially affected by the proposed action.

Determination*	Resource	Rationale for Determination
NI	Air Quality	The proposed action would have no impact on these values.
PI	Areas of Critical Environmental Concern	The East Pryor Mountains were designated as an ACEC in March 1999 to conserve the area for wild horses, paleontological values, recreational use, and fish and wildlife habitat. The proposed action should have no impact on these values.
PI	Cultural Resources	The proposed action could impact these resources; however, a cultural survey would be conducted on any trap sites not previously inventoried.
NP	Environmental Justice	The proposed action would have no effect on minority or economically disadvantaged people or populations.
NP	Farmlands (Prime or Unique)	There are no prime or unique farmlands within the area.
NP	Floodplains	There are no floodplains within the area.
PI	Invasive, Non-native Species	The proposed action has the potential to create soil disturbance allowing for establishment of invasive or noxious plants.
NP	Native American Religious Concerns	The proposed action would have no impact on these values.
PI	Threatened, Endangered or Candidate Plant Species	Areas with these plants would be avoided or trap sites modified.
NP	Threatened, Endangered or Candidate Animal Species	The proposed action would have no impact on these values.
NP	Wastes (hazardous or solid)	There are no hazardous or solid wastes located within the planning area.
NP	Water Quality (drinking/ground)	The proposed action would have no effect on ground or drinking water.
NI	Wetlands/Riparian Zones	The proposed action would have no impact on these values as no trapping would occur within riparian areas.
NP	Wild and Scenic Rivers	There are no Wild and Scenic Rivers located within the project area.

Table 1 - Critical Elements CRITICAL ELEMENTS		
Determi- nation*	Resource	Rationale for Determination
PI	Wilderness	The BLM is prohibited from taking any actions within or adjacent to Wilderness Study Areas that would impair the wilderness characteristics or prevent an area from potentially being designated Wilderness. Actions could have minor, short-term impacts on wilderness attributes but the effects would not be irreversible or irretrievable.
* NP = not present in the area impacted by the proposed or alternative actions NI = present, but not affected to a degree that detailed analysis is required PI = present with potential for impact.		

3.2 Wild Horses

Affected Environment

The affected environment is described and incorporated by reference from the 2009 PMWHR EA and HMAP and the tiered Fertility Control EA of 2010 (Note: please see definition of “by reference” on page 4). New impacts that would occur from this action are to the wild horses themselves and associated resources within and adjacent to trap sites. This section only analyzes the impacts from conducting a non-helicopter gather as the 2009 PMWHR EA and HMAP already disclosed the impacts of management utilizing a combination of methods including removals. Population modeling occurred within the HMAP and is incorporated by reference. The model shows the effects of managing for 90-120 wild horses within the 2009 HMAP won’t cause a population “crash”. Potentially, nearly 60 wild horses between 1-3 years old may be present (depending on winter) at the time of a gather. Approximately half of to two thirds of the 1-3 year olds cohort would most likely be removed.

Environmental Impacts

Assumptions for analysis: This impact analysis assumes that a 100 percent capture rate would be attained for removal purposes. Only the impacts to wild horses from gathering are analyzed as all other population impacts have been analyzed in the 2009 HMAP and are incorporated by reference. The proposed action would utilize herd characteristics objectives and the removal considerations from the 2009 HMAP (page 27) when removing individual animals. Animals within the ages 1-3 year olds would be the target population including any foals that may be with a mare in this age class. The current population of 150 adults would be nearly the same post winter due to natural mortality. Herd characteristic objectives have previously been analyzed in the 2009 HMAP and are incorporated by reference. The Standard Operating Procedures (Appendix I) for handling are incorporated as part of the Proposed Action and Alternative A.

Proposed Action – Under the proposed action, excess wild horses would be captured and removed from the PMWHR utilizing a combination of bait and water trapping. Herding could be used in conjunction with the two techniques but not for actual capture off of horseback, rather for moving congregated animals away from trap sites, herding animals toward trap sites, or locating animals. Traps would be constructed of portable steel panels typically consisting of 15 to 25 twelve foot long by foot six foot high placed either around a water trough (water trapping) or in an area with regular wild horse use for 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 could be designed either in the shape of a “key hole”, the letter “Q”, or the letter “P” with a side pen to hold captured wild horses until ready for transport to Britton Springs Corrals for adoption preparation. The traps would also have an alley attached for loading captured excess wild horses. The excess wild horses would be loaded onto horse/stock trailers and pulled behind appropriate motorized vehicles.

Prior to capture e trap sites could be baited before panels are set up to allow for wild horses to become accustom to coming into an area for feed, salt or other attractant. Wild horses identified for removal could be paint marked via livestock marking grade paint ball gun in order to allow various personnel to conduct capture.. Once the panels are set up, two sides would be left open to allow wild horses to walk through or not completely closed with one side open. 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 as a wild horse identified for removal enters, or a band with a member(s) in it identified for removal enters. Once captured the wild horse(s) identified as excess would be sorted from other wild horses and either immediately loaded in a horse/stock trailer and transported to Britton Springs, or sorted into the holding pen to await transport.

Water trapping would occur in the low elevation areas of the wild horse range. Water traps would be designed similar 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 wild horses 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 accustom to the panels the mouth or opening would be slowly closed until there is only a gate or one panel for an opening. Once an identified animal is inside the trap, the gate would be closed by personnel tending the trap. After capture, the impacts would be the same as described above for a bait trap.

During the initial setup, game cameras would be placed on each trap to help monitor wild horse use and determine when to begin capture operations. The use of a saddle horse or horses to locate wild horses (especially in the low country) and/or herd wild horses away from bait sites would be a minimally used tool. Based upon past experience by BLM personnel through monitoring on horseback or herding animals back to the PMWHR, wild horses are responsive to a saddle horse but not agitated nor flighty. This tool would be utilized as needed.

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 infrequent but can occur. Other impacts to individual wild horses include separation of members of individual bands and removal of animals from the population.

Population-wide impacts could occur during or immediately following implementation of the proposed action. Potential impacts include the displacement of bands during capture and the associated re-dispersal, modification of herd demographics (age and sex ratios), temporary separation of members of individual bands of horses, reestablishment of bands following release, and the removal of animals from the population. With the exception of changes to herd demographics (removed individuals), direct population-wide impacts would be temporary in nature with most, if not all, impacts disappearing with release.

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.

Less competition for forage and water resources would reduce stress 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. The action would bring the population within the AML.

Alternative A – Under this alternative, only bait trapping would be utilized as described under the proposed action. This would work well in the high elevation portion of the wild horse range, but may be less effective in the low country as the wild horses tend to be more scattered. This alternative would result in a longer gather operation than the proposed action and possibly cause more stress to wild horses as they would be subject to capture operations and being concentrated by bait for a longer timeframe.

No Action Alternative – Under the no action alternative, excess wild horses would not be removed from the PMWHR at this time. The animals would not be subject to the individual direct or indirect impacts as a result of a gather operation. The population would remain above the AML, though most likely relatively stable at the current population with the current fertility control program in effect.

This alternative alone would not protect the range from deterioration associated with overpopulation, and preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.

3.3 Rangeland Health, Vegetation, and Soils

Affected Environment

The affected environment is described and incorporated by reference from the 2009 PMWHR HMAP.

Environmental Impacts

Proposed Action – Removing excess wild horses to maintain the AML at 120 wild horses would bring the population in balance with multiple-use relationships and achieve a thriving natural ecological balance. It would reduce stress on vegetative communities and be in compliance with the Wild Free-Roaming Horses and Burros Act, Standards for Rangeland Health, and land use plan management objectives. Rangeland health and vegetative resources would stabilize with the reduced population. Vegetative species would experience a smaller area of over-utilization by wild horses, which would lead to healthier, more vigorous forage plants and plant communities. This would result in an increase in forage availability, vegetation density, vigor, productivity, cover, and plant reproduction. Plant communities would become more resilient to disturbances such as wildfire, drought, and grazing.

Overall, soil conditions would improve if wild horse numbers were reduced on a landscape level. Less compaction would occur in riparian areas where the soils are most susceptible. Compression impacts to biological soil crusts from horses would be lessened over the area, and crust cover on the highly calcareous soils would increase. Following wild horse removal, increased vegetative and biological soil crust cover would reduce wind and water erosion.

Impacts to vegetation and soils with implementation of the proposed action would include disturbance of native vegetation immediately in and around temporary trap sites. Impacts would be by vehicle traffic and the hoof action of penned horses and would be locally severe in the immediate vicinity of the corrals or holding facilities. Generally, the activity sites would be small (less than one-half acre) in size. Soil compaction, localized wind erosion, and destruction of biological soil crusts, where present, would occur at the trap sites.

Since most trap sites and holding facilities would be re-used during recurring wild horse gather operations, any impacts would remain site-specific and isolated in nature. In addition, most trap sites would be selected to enable easy access by transportation vehicles and logistical support equipment and would generally be adjacent to or on roads, pullouts, water developments, or other flat spots that were previously disturbed. Vehicles used in the horse gather would also cause soil compaction and increased erosion in a small area. By adhering to the SOPs (Appendix II), adverse impacts to soils would be minimized.

Alternative A –The impacts under this alternative would be similar to the proposed action, except no impacts from water trapping or herding would occur. The area impacted around each trap site most likely would be a larger area as it would take more time to complete the gather, thus more wild horse use would occur as baiting goes forward.

No Action Alternative – Under the no action alternative, wild horse population would stabilize about the current population or have slight growth until a gather is conducted. Wild horse use throughout the PMWHR would adversely impact soils and vegetation health under current use patterns. As native plant health deteriorates and plants are lost, soil erosion would increase. Continued heavy forage utilization by wild horses, would cause further compaction, reduced infiltration, increased runoff and erosion, and loss of biological soil crusts. Compaction caused impacts would be greatest on moist soils and soils with few surface coarse fragments. The greatest disturbance impacts to crusts would occur when the soils are dry and on highly calcareous sites. The shallow soils typical of this region cannot tolerate much loss without losing productivity and reducing the ability to be re-vegetated with native plants. Invasive, non-native plant species would increase and invade new areas following increased soil disturbance and reduced native plant vigor and abundance. Wild horses likely transport weed propagules, and this transport would increase as horse numbers increase. This would lead to both a shift in plant composition towards weedy species and an irreplaceable loss of topsoil and productivity due to erosion. With the no action alternative, the severe localized trampling associated with trap sites would not occur, but this alternative would not make progress towards achieving and maintaining a thriving natural ecological balance.

3.4 Noxious and Invasive Plants

Affected Environment

Noxious weeds known to exist within the area are Russian knapweed along the Burnt Timber road and tamarisk (salt cedar) along low elevation coulees and riparian zones.

Invasive plants include cheatgrass, mustards, and halogeton. These plants occur primarily in the low elevation areas and in isolated occurrences on mid-slope areas.

Environmental Impacts

Proposed Action – The proposed gather could promote the spread of existing noxious or invasive weed species. This could occur if vehicles drive through infestations and spread seed into previously weed-free areas. Certified weed-free hay would be used for bait-trapping and feeding captured horses. If noxious weeds are found, the facilities would be moved to another location. Any off-road equipment exposed to weed infestations would be cleaned before moving into weed-free areas. All trap sites, or other areas used for support of the gather on public lands would be monitored for weeds during the next several years.

Alternative A –The impacts from this alternative would be similar to the proposed action.

No Action Alternative – Under this alternative, the wild horse gather would not take place. The likelihood of noxious weeds being spread by gather operations would not exist. However, continued overgrazing of the present plant communities could lead to an expansion of noxious weeds and invasive non-native species due to an excessive population of wild horses on the PMWHR.

3.5 Wildlife, Including Migratory Birds

Affected Environment

The primary big game species found in the PMWHR are mule deer, Rocky Mountain bighorn sheep, elk, and black bear. Mule deer are the most abundant of these species and most widely distributed. The sagebrush, juniper/mountain mahogany belt at lower elevations in the southern foothills is considered crucial mule deer winter range. The bighorn sheep population declined during the mid-1990's from a peak of about 211 animals to ~100 animals at present. (Wockner et al. 2004). According to BLM and Montana Fish, Wildlife, and Parks observations, elk do not utilize the area on a regular basis. The elk primarily utilize the national forest to the west and north, but have occasionally been observed in the spring and summer on the meadows on the north end of PMWHR. Black bear are abundant in the north central portions of PMWHR where the terrain is rugged and forested.

Mountain lions have also been observed on the PMWHR.

The Pryor Mountains support the most diverse bat fauna in Montana. Ten bat species have been documented and the potential exists for the presence of additional species (Hendricks, P., C. Currier and J. Carlson, 2004), (Bats of the Billings Field Office in south-central Montana, with Emphasis on the Pryor Mountains), and (Montana Natural Heritage Program, Helena, MT 19 pp. and appendices.)

The gray wolf has been reported in the area north of the PMWHR.

Upland game birds include blue grouse, greater sage-grouse, and ring-necked pheasant. Blue grouse occur in the timbered portions of the PMWHR. Greater sage-grouse may occur in the southern and eastern part of the PMWHR. There are no greater sage-grouse lek (display/ breeding) sites documented on PMWHR from BLM and Montana Fish, Wildlife, and Parks inventories. Pheasants occur in the southern area near cultivated fields. None of these species are considered abundant.

Neotropical migratory bird use is heaviest during spring and summer months. Nesting usually occurs in late May, June, and early July, depending on elevation.

Environmental Impacts

Proposed Action – Individual animals of all species could be disturbed or displaced during gather operations, especially using water traps. Small mammals, birds, and reptiles would be displaced at trap sites, but this would only be for short windows of time. No impact to animal populations exists as a result of gather operations.

Removing excess wild horses from the PMWHR would result in reduced competition between wild horses and wildlife, especially large mammals, for available forage, cover, and water resources. Managing wild horses at the AML would result in improved habitat conditions for all species of wildlife by increasing herbaceous vegetative cover in the uplands and improving riparian vegetation and water quality at springs and seeps. During water trapping operations, the presence of activity and new temporary features, such as panels, could

make wildlife wary and not come to water. This could lead to wildlife stress.

Alternative A – Under this alternative the impacts would be similar to the proposed action, except no opportunities for stress to wildlife from water trapping would occur. Additional stress could occur as gather operations would be extended with bait trapping only.

No Action Alternative – Individual animals would not be disturbed or displaced under the no action alternative. Competition between terrestrial big game wildlife and wild horses for forage is minimal. Competition at water resources would remain the same as wild horses exceed the AML. Wild horses are aggressive around water sources and some wildlife may not be able to compete. Other wildlife habitat would deteriorate as wild horse numbers above AML reduce herbaceous vegetative cover. This could result in lower nesting success for ground nesting migratory birds and blue grouse.

3.6 Special Status Plant and Animal Species (federally listed, proposed, or candidate threatened or endangered species; State listed species; and BLM sensitive species)

Affected Environment

Timbered areas within the national forest boundary in the Pryor Mountains are designated as unoccupied Canada lynx habitat. The proposed gather does not include any designated or proposed lynx critical habitat. There are no known threatened and endangered (T&E) species or their habitat in the Pryor Mountains. Recently, the peregrine falcon has been delisted from the T&E species status.

Several BLM and Montana state sensitive species occur in the area. These include the peregrine falcon, a possible gray wolf occurrence, Yellowstone cutthroat trout in Crooked Creek, spotted bat (*Euderma maculatum*), pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Plecotus townsendi*). USFS sensitive species include long-eared myotis (*Myotis erotis*) and Baird's sparrow (*Ammondromus bairdii*).

Resource decisions from this project, in combination with other past, present, and reasonably foreseeable actions to produce cumulative impacts to threatened, endangered, or sensitive wildlife species are not likely to result in any cumulative impacts to sensitive species.

Fifteen special status species plants occur in the PMWHR. This list of plants has not changed since the PMWHR HMAP and is incorporated by reference. All are categorized as Bureau Sensitive Species and one species as both BLM and USFS sensitive (*Shoshonea*). There are no known or suspected federally listed plant species in the horse range.

Environmental Impacts

Proposed Action – Trap sites and holding corrals would not be located where sensitive plant and animal species are known to occur. There would be no impact to populations of special status species as a result of gather operations.

Removing excess wild horses from the PMWHR and managing wild horses at AML would result in improved habitat conditions for all special status animal species by increasing herbaceous vegetative cover in the uplands and improving riparian vegetation and water quality in springs and seeps.

Alternative A – Same as the Proposed Action.

No Action Alternative – Individual animals would not be disturbed or displaced because gather operations would not occur under the no action alternative. Habitat conditions for all special status animal species would continue to deteriorate as wild horse numbers above the AML reduce herbaceous vegetative cover.

3.7 Wilderness

Affected Environment

Three BLM areas and one NPS area partially within the wild horse range were recommended for wilderness in August 1991 and December 1981. The recommendations followed a wilderness study process that considered resource values, present and projected future uses, public input, manageability as wilderness, environmental consequences of designating or not designating the areas as wilderness, and mineral surveys. As a result, the following wilderness study areas (WSAs) continue to be managed so as not to impair the wilderness values identified in the study: Burnt Timber Canyon WSA, Pryor Mountain WSA, Big Horn Tack-On WSA, and Bighorn Canyon National Recreation Area WSA. WSA designation automatically defaults to a Class I visual resource management (VRM) classification. Class I VRM does not allow for management actions that would impair the viewshed.

There are 3,430 acres within the Burnt Timber Canyon WSA recommended as suitable for wilderness designation. The WSA is bounded by USFS lands on the north, and it adjoins the USFS 9,520-acre Lost Water Canyon WSA. The area encompasses an extremely rugged and isolated portion of Crooked Creek Canyon, which has remained relatively free of modern human influences. The WSA is predominantly natural and offers outstanding opportunities for solitude and primitive recreation.

Burnt Timber Canyon WSA exhibits unique outstanding geologic and scenic values. The major canyon and rugged side canyons cut through several hundred feet to the Pryor Mountain limestone strata. These deep canyons contain numerous caves, rock overhangs, and natural alcoves that provide ample opportunities for exploration.

Canyon bottoms are deep and profusely vegetated. They are difficult to traverse but offer outstanding opportunities for solitude and isolation. The ridges and canyon rims are open and sparsely vegetated. These ridge tops constitute about 10 percent of the total WSA area. The ruggedness of the area provides a real challenge to the foot traveler. Dense canyon-bottom vegetation, steep talus slopes, and steep canyon walls make foot traffic difficult. The WSA has outstanding opportunities for photography, rock climbing, nature study, backpacking, spelunking, and hiking.

The major drainage, Crooked Creek, supports a genetically pure strain of native cutthroat trout. The creek is not considered an outstanding fishery because the trout are small, and dense brush restricts ready stream access; however, the native trout species have a very high intrinsic value. The BLM installed a fish barrier in the upper reaches of Crooked Creek in the summer of 2007 to protect this species.

All but 430 acres of the Burnt Timber WSA lies within the Pryor Mountain Wild Horse Range (PMWHR). The WSA also is inhabited by bighorn sheep, mule deer and black bear, though big game hunting is quite restricted by topography and dense vegetation.

A portion of the Burnt Timber WSA, the Demi-John Flat Archeological District, is noted for its numerous stone rings and rock cairn alignments, the Tillet Fossil Area/Crooked Creek Natural Area, has been evaluated as having outstanding interpretive potential and picturesque geologic formations created by the Crooked Creek

drainage.

The rough broken topography precludes most uses, and timber harvesting is not allowed in land-use plan decisions. The decision to protect timber in the WSA is primarily due to topography and limited production. The WSA is rated for having low potential for mineral development, and is rated low to moderate for energy resource potential. No development is projected due to low potential and other resource considerations.

The Pryor Mountain WSA (12,575 acres) includes 4,352 acres in Wyoming. This WSA contains some of the most rugged, isolated portions of the Pryor Mountain Range. The wide expanses and topographic screening in this area offer outstanding wilderness values. This unit is in the heart of the PMWHR, and the supplemental attribute of the free-roaming wild horse herd enhances the wilderness characteristics of the area. Human activity is well-distributed throughout the WSA. Vegetation and topographic screening significantly limit any detractor from the WSA's extensive natural setting.

Topographic features are rough, broken, highly varied, and provide excellent opportunities for isolation and solitude. Elevation changes rapidly within the Pryor Mountain WSA, dropping from 8,400 to 3,800 feet in less than 13 miles. The southern aspect provides a vast panorama. Opportunities for nature photography, rock climbing, hiking, backpacking, nature study, and viewing a variety of multi-colored erosional geologic features are outstanding. The WSA contains a wide spectrum of geologic and biotic features, ranging from elements typical of desert environments to those found only in sub-alpine mountainous settings.

Conflicts with other resource uses in the Pryor Mountain WSA are minimal. Topography severely limits any potential cross country vehicle travel. Commercial timber harvesting in the WSA is not allowed. No livestock use is authorized in the WSA, nor any oil and gas leases. The development potential for petroleum resources is rated low to moderate.

The Big Horn Tack-On WSA and Bighorn Canyon National Recreation Management Area WSA is a narrow strip of land averaging nine miles in length and less than one to two miles in width. It is located between the Sykes Ridge Road on the west and the Bighorn Canyon National Recreation Area power line access road to the east. On BLM land, the area is 2,470 acres with an additional 353 acres in Wyoming. In the BCNRA, the area is 8,101 acres; less than half of that is within the PMWHR.

This WSA is primarily in a natural state with a few dispersed, but fairly well-screened, human intrusions. These consist of uranium exploration pits, a wild horse trap in the northern portion along the west boundary road, vehicle ways, one in the north and one in the south, and the power line on the southeast.

Environmental Impacts

Proposed Action – Temporary impacts to opportunities for solitude could occur during gather operations due to the possible noise of increased vehicle traffic and activity around the WSAs. Those impacts would cease when the gather was completed. No surface impacts within wilderness are anticipated to occur during the gather since all trap sites and holding facilities would be placed outside WSAs, except possibly Cottonwood Spring. Access to Cottonwood Spring would be along Big Coulee. Vehicles would not drive outside the active wash for access and gather operations. The trap would be made with portable panels adjacent to the old corrals and riparian enclosure at the water trough. No new surface disturbance or permanent features would occur as the area has an active erosion cycle down the coulee. Repeated traffic from Big Coulee to Cottonwood Spring could impact a visitor's experience of solitude during gather operations.

Alternative A – Under this alternative, since there is no water trapping, no operations would occur within the WSA.

No Action Alternative – No impacts would occur to wilderness due to gather operations; however, impacts to wilderness values of naturalness could be threatened through the continued population growth of wild horses. These impacts would result in long-term degradation to the natural environment. To some, the sight of heavy horse trails, trampled vegetation, and areas of high erosion detract from the wilderness experience.

3.8 Cultural Resources/Paleontological Resources

Affected Environment

The Pryor Mountains contain a rich prehistoric and historic archaeological record. The prehistoric archaeological types of sites located in the Pryor Mountains include, but are not limited to: quarry sites, rock art sites, rock shelter/cave sites, vision quest sites, lithic scatters, rock cairns/rock alignments, tipi rings, drive sites, wooden structure habitation sites, occupation sites, and hunting related sites. The historic archaeological types of sites located in the Pryor Mountains include, but are not limited to: rail lines, lime kilns, ranching-related sites, wooden structure habitation sites (cabins), historic trails, horse traps, homesteads, etc. Traditional cultural properties (TCP) are found throughout the area. The Dryhead Overlook and Sykes Ridge are the primary areas for TCP within the affected environment. These areas have been used for generations by Crow tribal members for traditional uses, ceremonies, and vision quest sites.

Direct impacts that could occur where wild horses concentrate include trampling, chiseling, and churning of site soils, cultural features, and artifacts; artifact breakage; and impacts from standing, leaning, and rubbing against above-ground features, structures, and rock art. Indirect impacts could include soil erosion, gullying, and increased potential for unlawful collection and vandalism. In areas where cultural site presence coincides with areas of wild horse concentration, continued grazing could contribute to substantial ground disturbance and cause cumulative, long-term, irreversible adverse effects to historic properties.

Environmental Impacts

Proposed Action – No impacts to cultural/paleontological resources would be anticipated to occur from gather operations since all trap sites and holding facilities would be inventoried to Class III intensive inventory standards for cultural resources prior to setup. Trap sites and holding facilities would be located on previously disturbed areas. If cultural resources are encountered at proposed trap sites or holding facilities, those locations would not be utilized unless it could be modified to avoid impacts to cultural resources. Once the gather is completed, reduced horse numbers would result in less hoof action around riparian spring areas where cultural resources tend to occur in higher frequency. This could lead to decreased damage to cultural resources by wild horses.

Alternative A – Same as the proposed action.

No Action Alternative – Under this alternative, the wild horse gather would not take place and therefore, no trap sites or holding facilities would be constructed. There would be no possibility that cultural resources would be damaged as a result of horse gather operations; however, higher numbers of wild horses above the AML could cause damage to cultural resources due to trampling, especially around water sources where the occurrence of cultural resources can often be high.

3.9 Recreation

Affected Environment

Recreation-related visitation has been increasing in the Pryor Mountains over the last several years and that trend is expected to continue. The area is composed of USFS, BLM, and NPS lands. Visitor logs at Penn's Cabin, located on the top of East Pryor Mountain, indicate an increase in visitor use, especially in the past five years. The logs also show an increase in both foreign and domestic visitors. Wild horses can often be seen near the cabin in the summer through early fall.

Recreation opportunities are primarily wild horse viewing during the warmer months of the year, especially during foaling season. Other opportunities include, but are not limited to, bear, deer and small game hunting, hiking, and snowmobiling. Motorized use is limited to designated roads. The area is largely managed for dispersed recreation. Hiking opportunities in the Pryor Mountains are excellent. However, there are no maintained trails for hiking or off-highway vehicle use. Other uses include camping, horseback riding, photography, sightseeing and wildlife viewing. There are several caves, some of which are large enough to explore.

Special recreation permits are becoming more prevalent as more people wish to pay for the opportunity to participate in guided or organized activities on public lands. Wild horse photography tours, viewing tours, and cattle drives are the primary recreation-permitted activities. These activities provide a gateway for future visitation by an ever growing segment of the public.

Environmental Impacts

Proposed Action - Opportunities to view and photograph wild horses would be slightly diminished because excess wild horses would be removed from the range. Opportunities from other recreation activities would be expected to be unchanged. Gather operations should be completed prior to the rifle hunting season, thus eliminating any potential conflicts with sportsmen. However, if operations are not complete, there would be minimal disruption of hunting activities since most trapping would occur in areas with more human use and activity.

Alternative A – Impacts are the same as the proposed action.

No Action - There would be no impacts to recreational wild horse observation under this alternative. However, the view-shed may become diminished over time as vegetative and riparian areas became more degraded from excess wild horse use.

4.0 CUMULATIVE IMPACTS

The cumulative impacts of implementing the 2009 PMWHR EA and HMAP and subsequent FONSI and DR, along with the Tiered Fertility Control EA have been analyzed and are incorporated by reference. Therefore, only the cumulative impacts from a non-helicopter gather are discussed.

Cumulative impacts are impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively

significant actions taking place over a period of time. 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 proper management of wild horses within the established boundaries of the PMWHR.

Past, present, and reasonably foreseeable activities that may contribute to the cumulative impacts of implementing the proposed action or alternatives would include past, present and future wild horse selective removals, fertility control treatments, natural mortality including variable predation, disturbance due to recreation and hunting, and increased or decreased size and quality of rangeland available for wild horse use. BLM would identify these impacts as they occur and mitigate them as needed on a project specific basis to maintain a thriving natural ecological balance and maintain acceptable levels of herd health. The Proposed Action would contribute to the cumulative impacts of future actions by maintaining the wild horse population nearer to the AML. Monitoring and management actions would establish a process whereby biological and/or genetic issues would be identified and resolved over time.

The cumulative impacts of the Proposed Action and Alternative A, including foal production and herd size and growth over the next five years is discussed in the 2009 EA and HMAP and incorporated by reference. In addition, the Proposed Action has been evaluated for cumulative impacts to the demographics (size, age structure, sex ratio) of the herd over time using WinEquus. Parameters and output for these population modeling runs are in the 2009 HMAP. Modeling efforts forecast that the cumulative impacts for the Proposed Action would not be expected to reduce herd growth rates below a sustainable level under conditions of average natural mortality. In addition, the average adult herd size would not fall below the existing AML of 120 adult horses, an important consideration in terms of maintaining genetic diversity within the Pryor herd. Additionally, according to Eggert et al. 2010 “the higher the N_e/N ratio for the inbreeding effective size may indicate an avoidance of inbreeding.”

Due to the relatively long time between generation (~10 years) and the long reproductive life-span of individual horses, the loss of genetic material from the herd is relatively slow and able to be monitored and mitigated by management. There would be minimal impact to herd genetic diversity by restricting first time births to later in a mare’s life and reducing the lifetime contribution of older mares. Given the current levels of genetic diversity in the Pryor horses, suppressing herd growth rates over a five year period, in combination with small-scale removals to reduce herd size, would not result in damaging cumulative genetic impacts. According to Cothran 2010 “Genetic similarity results suggest a herd with mixed ancestry that includes Spanish blood.” The mix of breeds and historically introduced horses is directly responsible for the high level of genetic variation.

5.0 MITIGATION AND SUGGESTED MONITORING

Proven mitigation and monitoring are incorporated into the Proposed Action and also through standard operating procedures (SOP), which have been developed over time. These SOPs (Appendix I) represent the best methods for reducing impacts associated with this type of gathering. Additional mitigation could include marking identified wild horses for removal with remote delivery livestock paint, in order to ensure no misidentification or any unnecessary handling needs to occur, monitoring for invasive and/or noxious plants post gather, and re-seeding gather sites where appropriate.

6.0 CONSULTATION AND COORDINATION

On January 24, 2011, the BLM mailed out notices asking people to respond by February 25, 2011, regarding their desire to be included in the annual Montana wild horse and burro mailing list for participation in wild horse management activities that would begin by March 1, 2011. A lack of response did not preclude any interested party from being added at a later date. Interested parties are added throughout the year per request.

On July 28, 2011, the BLM issued a Scoping Notice “For Capturing and Removal of Wild Horses in the Pryor Mountains.” The BLM asked the public to provide input that would assist in the development of a proposed action and alternatives, further identify issues, potential environmental consequences, mitigation opportunities, monitoring or provide information, data, or analysis to be used in development of an EA.

No new information or studies were provided that the BLM was not aware. No new issues were identified that had not already been addressed and analyzed in the 2009 HMAP and EA.

A hearing for the use of motorized equipment for the management of wild horses would be held if a potential gather operation could occur.

7.0 REFERENCES

Bureau of Land Management 2010. BLM Handbook 1790-1 National Environmental Policy Act

Bureau of Land Management 2010. BLM Handbook 4700 Wild Horse and Burro Management

Bureau of Land Management 2010. BLM Manual 4700 Wild Free-Roaming Horse and Burros Management

Bureau of Land Management 1984. Billings Resource Area Resource Management Plan and subsequent Record of Decision. Billings MT.

BLM, BiFO (April 2006) Environmental Assessment, Pryor Mountain Wild Horse Range, FY06 Pryor Mountain Wild Horse Range Population Control. EA# BLM MT-010-06-19

BLM, BiFO (September 2008) Environmental Assessment, Pryor Mountain Wild Horse Range 2008 Gather Plan MT-010-08-33.

BLM, BiFO (May 2009, Affirmed January 2010) 2009 Pryor Mountain Wild Horse Range/Territory Environmental Assessment MT-010-08-24 and Herd Management Area Plan.

BLM, BiFO (December 2010, Decision January 2011) Pryor Mountain Wild Horse Range Fertility Control Tiered Environmental Assessment DOI-BLM-MT-010-2011-004-EA

Code of Federal Regulations 2007. CFR part 4700-Protection, Management, and Control of Wild Free-Roaming Horses and Burros.

Code of Federal Regulations 2007. 36 CFR Subpart B - 222.20-36. Management of Wild Free-Roaming Horses and Burros.

Cothran, Gus E, 2010. Genetic Analysis of the Pryor Mountains HMA, MT. Department of Veterinary Integrative Bioscience, Texas A&M University

Genetic Analysis of BLM Wild Horse Herd Montana 2010, Veterinary Genetics Laboratory, University of California, Davis

Wockner, Gary, Francis Singer, Kate Shoenecker, “An Animal Location-Based Habitat Suitability Model for Bighorn Sheep and Wild Horses in Bighorn Canyon National Recreation Area and the Pryor Mountain Wild Horse Range, Montana and Wyoming”, Natural Resource Ecology Lab, Colorado State University, Fort Collins, CO, June 1, 2004.

Appendix I

Standard Operating Procedures for Wild Horse Gathers

The following procedures for gathering and handling wild horses 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 a topographic map with wilderness boundaries, the location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine whether the proposed activities will necessitate the presence of a veterinarian during operations.

Trap sites and temporary holding sites will be located to reduce the likelihood of injury and stress to the animals, and to minimize potential damage to the natural resources of the area. These sites would be located on or near existing roads when feasible.

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

1. Bait Trapping. This capture method involves utilizing bait (feed, supplement, mineral, etc.) to lure wild horses into a temporary trap.
2. Water Trapping. This method involves utilizing water sources to trap wild horses as they come to drink.

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

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

1. The primary concern is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:
 - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and the bottom rail that shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.
 - b. All loading chute sides shall be a minimum of six feet high and shall be fully covered with plywood or metal without holes larger than two by four inches.
 - c. All runways shall be a minimum of 30 feet long and a minimum of six feet high for horses and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of one to five feet above ground level for burros and one to six feet for horses. The location of the government-furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the gather crew.
 - d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, plastic snow fence, etc.) and shall

be covered a minimum of one to five feet above ground level, two to six feet for horses.

- e. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking or sliding gates.
2. No modification of existing fences will be made without authorization from the agency of jurisdiction.
3. When dust conditions occur within or adjacent to the trap or holding facility, the BLM will wet down the ground with water.
4. Alternate pens within the holding facility to separate mares' small foals, sick and injured animals, strays, or other animals determined to need separate pens from the other animals. Animals shall be sorted according to age, number, size, temperament, sex, and condition when in the holding facility to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government will require that animals be restrained for the purpose of determining an animal's age or sex, or for other necessary procedures. In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, additional holding pens will be provided to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the BLM.
5. A continuous supply of fresh, clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of no less than two pounds of hay per 100 pounds of estimated body weight per day. An animal held at a temporary holding facility through the night is defined as a horse/burro feed day.
6. If there is a contractor, it is the responsibility of the contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
7. Animals shall be transported to their final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted for unusual circumstances. Animals to be released back into the herd management area following gather operations may be held up to 21 days or as directed by the cognizant employee. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three hours in any 24 hour period. Animals that are to be released back into the capture area may need to be transported back to the original trap site.

B. Capture Methods That May Be Used in the Performance of a Gather

1. Capture attempts may be accomplished by utilizing bait (feed, water, mineral licks) to lure animals into a temporary trap. The following applies:
 - a. Gates shall be either a swinging panel or a regular metal gate that is intended for use with the portable panel system.
 - b. All traps will be manned when actively capturing wild horses.
 - c. Traps shall be left open in manner that won't inadvertently trap a wild horse or wildlife when not

actively trapping.

C. 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.
2. All motorized equipment, including horse 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 horse or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of six feet six inches from the floor.
4. The rear door(s) of horse 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
5. Floors of horse and stock trailers and loading chutes shall be covered and maintained with wood shavings or other non-slip material to prevent the animals from slipping.
6. Animals to be loaded and transported in any trailer 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);
 - 6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
7. The BLM 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 BLM shall provide for any brand and/or inspection services required for the captured animals.

D. Safety and Communications

1. The Agencies involved shall have the means to communicate with all personnel engaged in the capture of wild horses 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. All accidents occurring during the performance of any task order shall be immediately reported to the field office.

E. Site Clearances

Personnel working at gather sites will be advised of the illegality of collecting artifacts.

Prior to setting up a trap or temporary holding facility, the BLM will conduct all necessary clearances

(archaeological, T&E, etc.). The proposed site(s) must be inspected by a government archaeologist. Once archaeological clearance has been obtained, the trap or temporary holding facility may be setup.

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

F. Animal Characteristics and Behavior

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

G. Public Participation

Opportunities for public viewing (e.g., media, interested public) of gather operations will be made available to the extent possible; however, the primary considerations will be to protect the health, safety and welfare of the animals being gathered and the personnel involved. The public must adhere to guidance from the on-site BLM representative. It is BLM policy that the public will not be allowed to come into direct contact with wild horses or burros being held in BLM facilities. Only authorized BLM personnel or contractors may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at anytime or for any reason during BLM operations.

H. Responsibility and Lines of Communication

Jared Bybee or delegate has direct responsibility to ensure human and animal safety. Billings Field Manager Jim Sparks 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 Billings Field Manager and Montana 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.

G. Additional requirements for personnel conducting gather operations also include:

1. Electric prods (hotshots) will not be used routinely on horses. They can be used when animal or human safety is in jeopardy or as a last resort. Handlers do not constantly carry prods. Prods are picked up only when necessary and then put away. Electric prods are never applied to sensitive areas such as the eyes.
2. Electric prod use will not be disguised, but used openly and transparently.
3. Handling aids, including electric prods and flags will not be used abusively.

4. Flagging will be used strategically, as excessive flagging desensitizes the animal and becomes useless if used too much.
5. Gates and doors will not be deliberately slammed or shut on horses or burros passing through.
6. Excessive yelling and unnecessary noises will not be utilized in the loading and unloading process.
7. There will be no hitting, kicking, striking or beating a horse.
8. Loading or unloading of transport vehicles is performed during daylight hours, or supplemental light is provided in the area to facilitate visibility.
9. Holes, gaps, or openings will be eliminated in the loading/unloading area to avoid injury.
10. Transport vehicles will be properly aligned with the loading/unloading ramps or docks. No gaps will exist between the unloading/loading docks or ramps and the bottom or floor of the trailer's exit. No gaps exist between the trailer and the side walls of the unloading area, whereby a horse's limbs or head can become stuck or injured.