

**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

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

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

³45 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

Environmental Assessment

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:

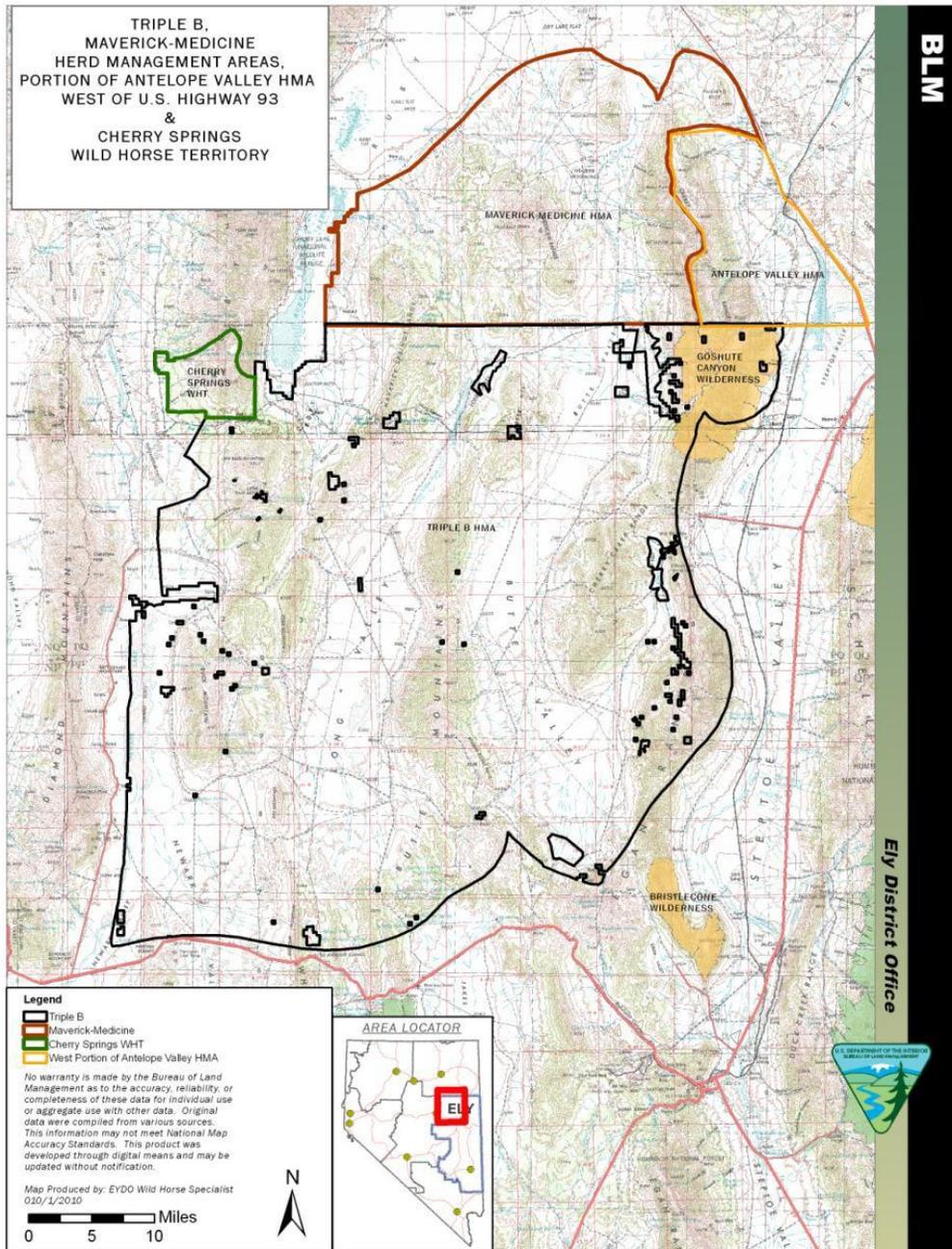
- Existing roads would be used to access the trap sites.
- Multiple trap sites could be used to capture wild horses. The traps would consist of portable panel pens set up either at water sources or areas frequented by wild horses. The pens typically consist of 15–25 panels with each panel being 12 ft. 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

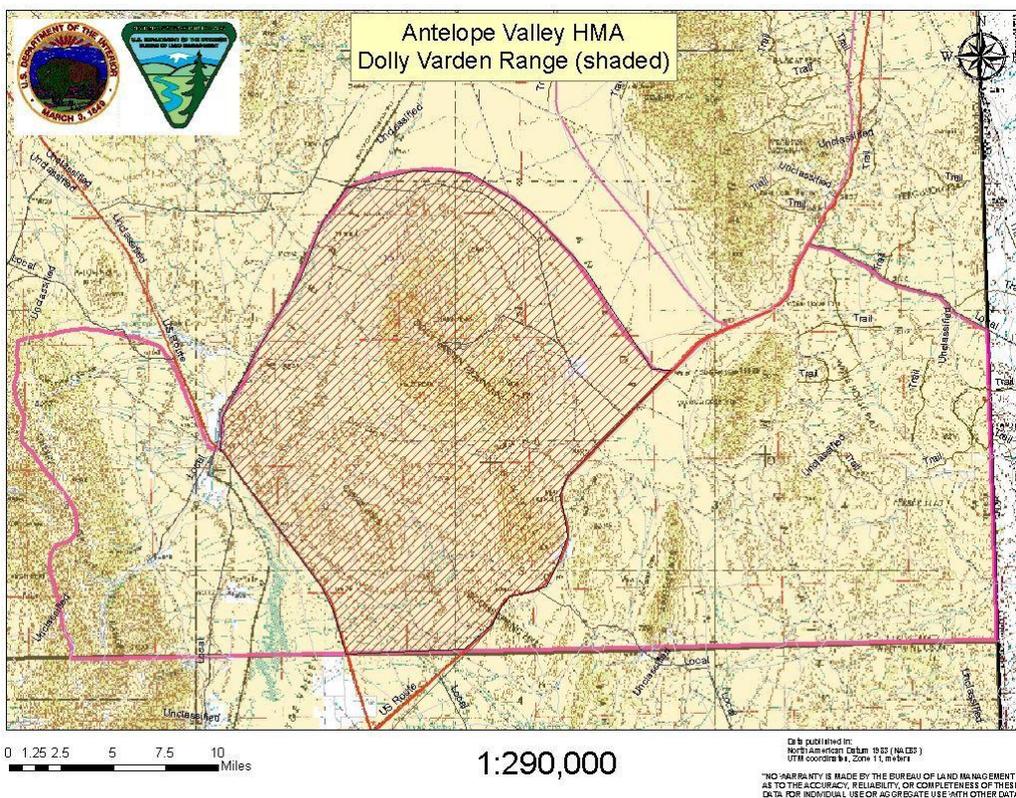
removed from these traps on a daily basis to prevent additional physical damage to soils.

- 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.





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 meet 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.

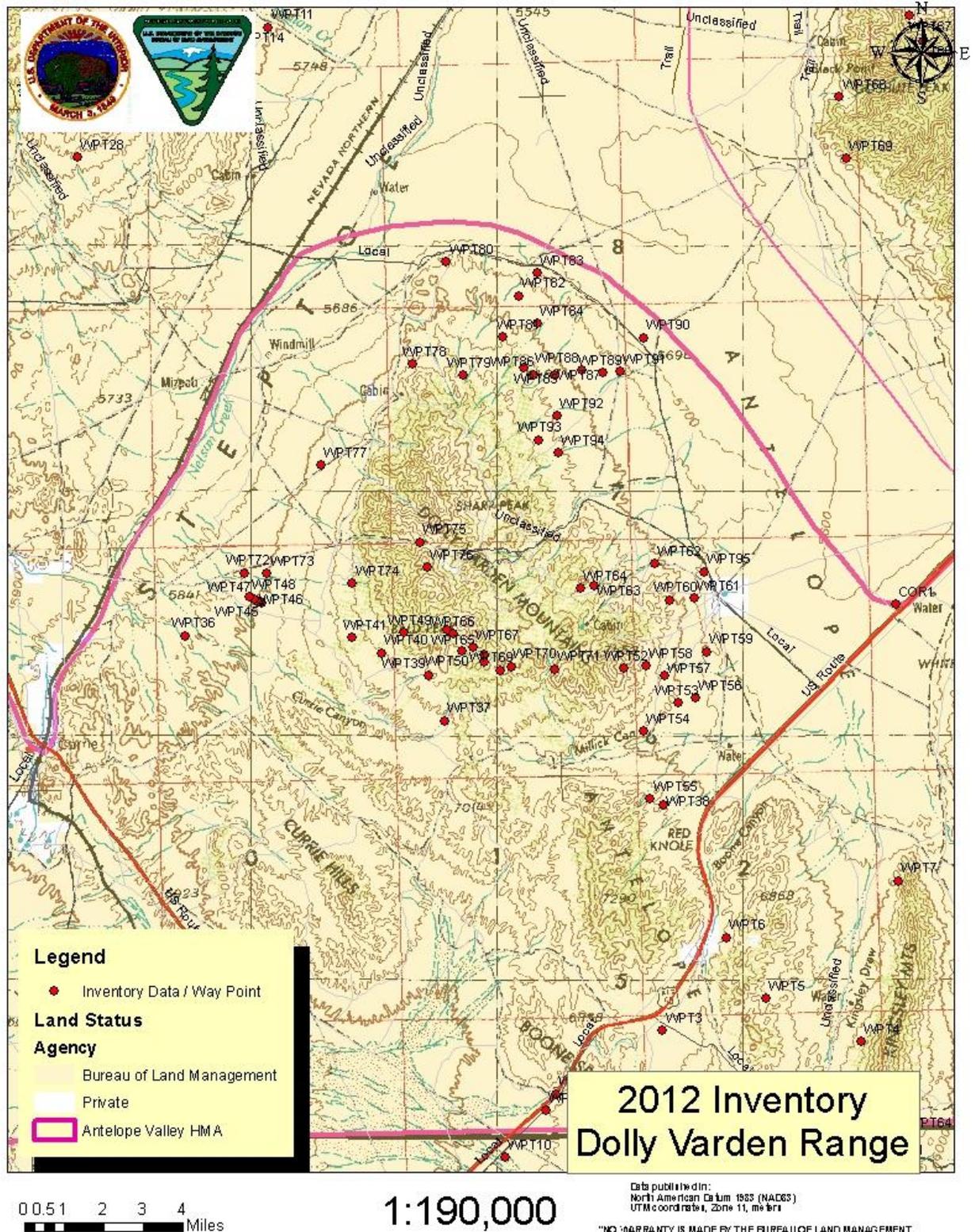
Chapter 4. Environmental Effects

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.



Nuttalls 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 occurred. 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 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 *Artemisia* 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.

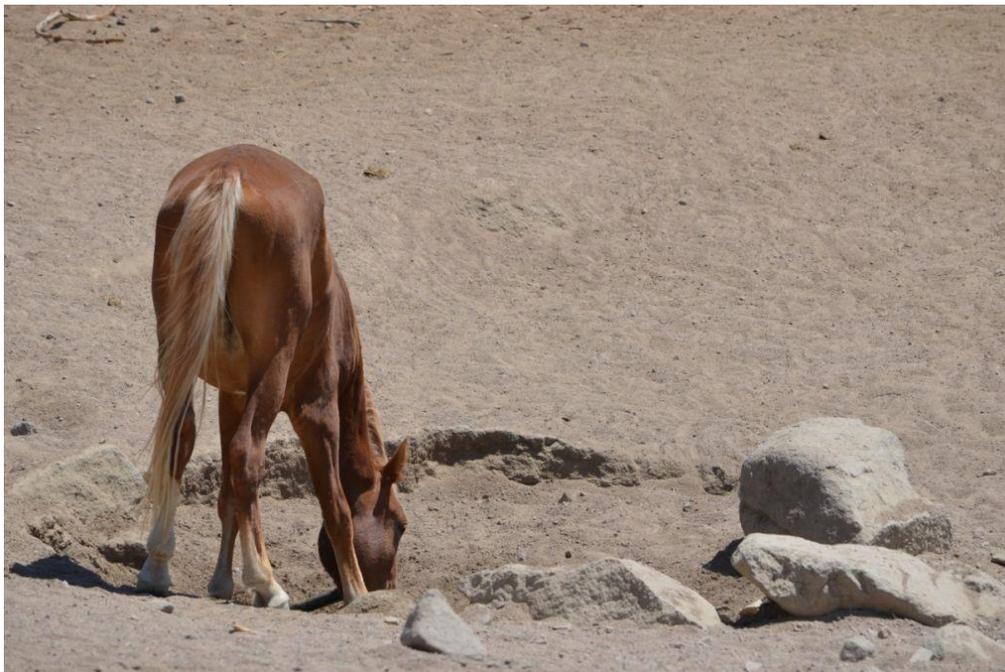
The Wells Field Office has also hauled water to Deer spring conveyance in 2007, 2008, 2010, 2011 and 2012. In 2011–12 alone, the BLM hauled over 150,000 gallons of water for wild horses in the Triple B Complex and Antelope Valley HMA due to excess numbers of wild horses and a lack of water.



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, Beaver 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, Beaver 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 reseeded 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 than 14 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. FLPMA 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 Pahrnagat 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 HMA as 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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