

## **1.0 Introduction**

This Environmental Assessment (EA) has been prepared to analyze the Bureau of Land Management (BLM) Schell Field Office (SFO) and Caliente Field Office (CFO) proposal to gather and remove 546 excess wild horses from within and outside the Silver King Herd Management Area (HMA) in September 2010.

This EA is a site-specific analysis of the potential impacts that could result with the implementation of the Proposed Action or alternatives to the Proposed Action. The EA assists the BLM Schell and Caliente Field Offices in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any “significant” impacts could result from the analyzed actions. An EA provides evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of “Finding of No Significant Impact” (FONSI).

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

## **1.1 Background**

The Silver King HMA is located approximately 70 miles south of Ely, Nevada, and 16 miles north of Caliente, Nevada, within Lincoln County (Figure 1). The Silver King HMA is approximately 606,000 acres in size. Table 1 shows the acres, wild horse population estimate and Appropriate Management Levels (AML) within the HMA.

## **1.2 Appropriate Management Level (AML)**

The 2008 Ely District Record of Decision and Approved Resource Management Plan (“Ely RMP”), combined three existing HMAs (the Dry Lake HMA, portions of the Rattlesnake HMA, and Highland Peak HMA) into the Silver King HMA. The decision to combine all or portions of the three HMAs was due to the historical interchange of wild horses between the three HMAs and was also based on an in-depth analysis of habitat suitability and monitoring data as set forth in the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) (“EIS”) table 3.8-2 and page 4.8-2. The 2007 EIS evaluated each herd management area for five essential habitat components and herd characteristics: forage, water, cover, space, and reproductive viability. Through this analysis and subsequent Record of Decision (ROD) and Environmental Impact Statement (EIS), the boundaries of the Silver King HMA were established to ensure sufficient habitat for wild horses and an AML was set that would achieve a thriving natural ecological balance and rangeland health.

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

Herd	Total Acres Public land	Appropriate Management Level	Estimated Population	Removal	% of AML
Silver King HMA	606,000	60-128	606	546	473-1010

The Appropriate Management Level (AML) is defined as the number of wild horses that can be sustained within a designated HMA which achieves and maintains a thriving natural ecological balance in keeping with the multiple-use management concept for the area. The range of AML for the Silver King HMA is 60-128 wild horses. This population range was established based on monitoring data and an in-depth analysis of habitat suitability for maintaining healthy wild horses and rangelands over the long-term, and was established through the Record of Decision (ROD) and Approved Ely District Resource Management Plan (August 2008).

There have been several prior gathers in the past 10 years from the HMAs that were combined in 2008 to form the Silver King HMA. In August 2008, BLM removed 67 wild horses from within and outside the Highland Peak HMA. In December 2006, wild horses from the Dry Lake Complex (Dry Lake Rattlesnake and Highland Peak HMAs) were gathered and 200 excess wild horses were removed from the HMAs at that time. In 2003, 323 excess wild horses were removed from the Dry Lake HMA. The Highland Peak HMA had an emergency gather in the fall 2002 due to drought. Rattlesnake HMA historically has been included within the Dry Lake gathers due to the wild horses utilizing the northern portion of the HMA.

An aerial direct count population inventory of the Silver King HMA in April 2010 observed 505 adult wild horses. Wild horse numbers within this area have increased at an average of 20-25% annually. The 2010 population estimate is 606 wild horses including the projected 2010 foal crop. Currently the Silver King HMA wild horse population is more than 10 times the low limit of the AML range. Approximately 191 of the 505 wild horses observed during the April 2010 population inventory were located outside the HMA boundary and utilization in this area was heavy.

Rangeland resources and wild horse health have been and are currently being affected within the Silver King HMA. Utilization data using Range Utilization Key Forage Plant Method (KFPM) over the last three years has indicated moderate (41-60%) and heavy (61-80%) utilization attributable to wild horses. Monitoring in April 2010 shows that wild horse use has resulted in moderate (41-60%) utilization of vegetation on 36% of the HMA, heavy utilization (61-80%) in 36% of the HMA, and severe (81-100%) utilization in 10% of the HMA. In 2006, during the first year of the Kixmiller Fire Emergency Stabilization and Rehabilitation project, although livestock were entirely excluded from the area under a three-year closure agreement, utilization of key forage species was still found to be in the moderate range due to wild horses and elk. Utilization levels have been light to moderate within other areas of the HMA that are not key wild horse use areas due to lack of suitable habitat. Multiple rangeland health evaluation and riparian write-ups identify wild horses as one of the contributing factors in non-achievement of rangeland health

Silver King Herd Management Area Wild Horse Gather  
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management objectives. These evaluations and write-up are available at the SFO and CFO Offices.



Photograph showing Winterfat site Dry Lake Valley (severe horse use) 4-8-2010



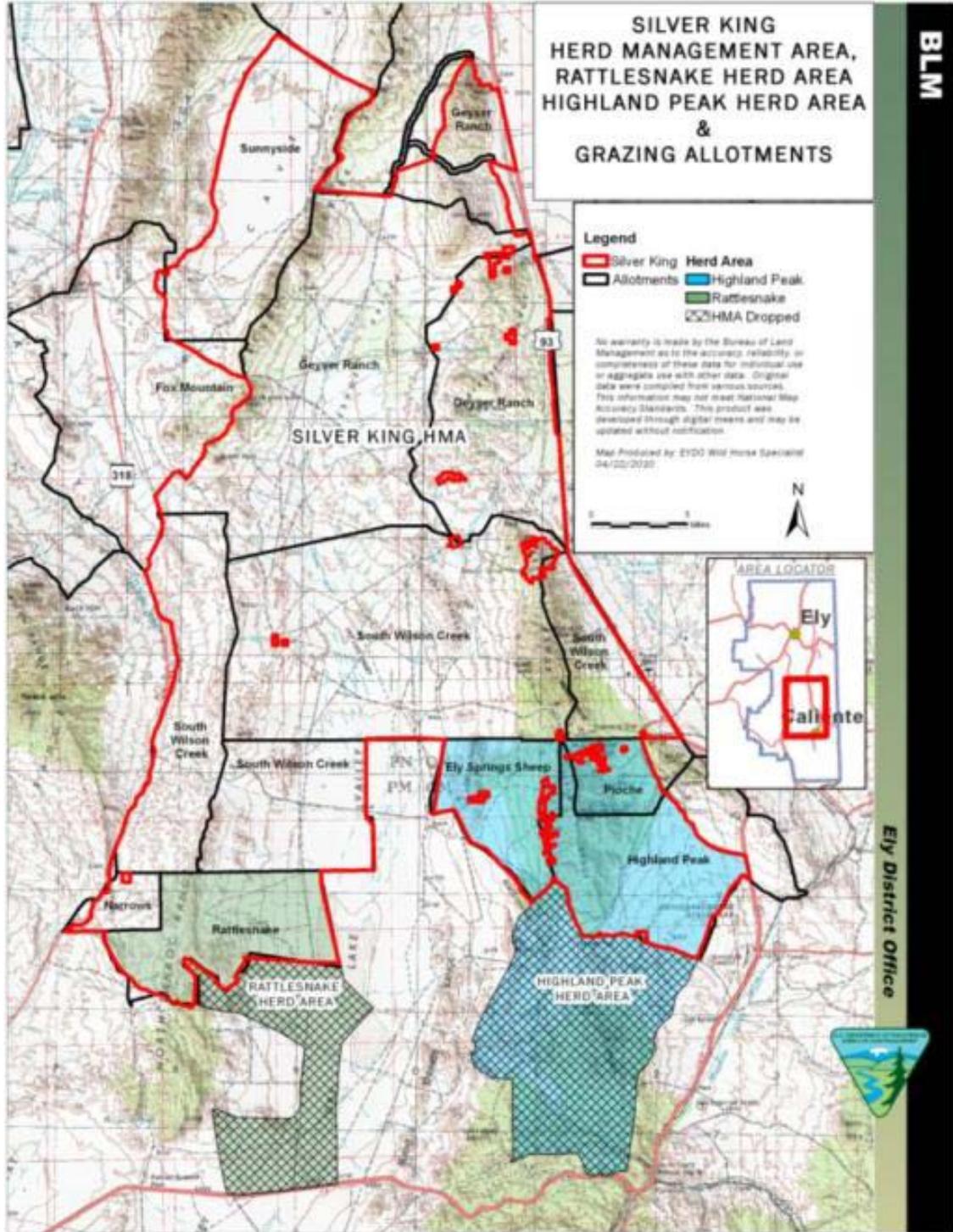
Photograph showing Kixmiller fire rehabilitation area  
4-18-2010(heavy/severe horse use).

Based upon all information available at this time, the BLM has determined that 546 excess wild horses exist within this HMA and need to be removed in order to achieve the established AML,

restore a thriving natural ecological balance and prevent further degradation of rangeland resources resulting from the current overpopulation of wild horses. This assessment is based on factors including, but not limited to the following rationale:

- The 2010 population estimate is 606 wild horses including the 2010 foal crop. Wild horses are 546 in excess of the low range of AML.
- Silver King's direct count of 505 adult wild horses in April 2010, showed 445 horses in excess of the low range of AML. The April 2010 direct count excludes the 2010 foal crop.
- Moderate to heavy utilization is evident on key forage species
- Excess horse numbers have resulted in horses permanently residing outside HMA boundaries
- The excess wild horse population is adversely impacting fire rehabilitation efforts
- The excess wild horse population poses public safety risks along HWY 93
- BLM is not able to achieve the rangeland health standards for the public lands in and around the Silver King HMA or ensure a thriving natural ecological balance without removing the excess wild horses

Map I



### 1.3 Purpose and Need

The purpose and need of the Proposed Action is to remove excess wild horses from within the Silver King HMA and to remove all wild horses that have moved outside the HMA. This action is needed in order to achieve a population size within the established AML, protect rangeland resources from further deterioration or impacts associated with excess wild horses within the HMA, and restore a thriving natural ecological balance and multiple use relationship in the area consistent with the provisions of Section 3(b) (2) of the *Wild Free-Roaming Horses and Burros Act of 1971* (1971 WFRHBA).

The need for the action is to prevent unnecessary or undue degradation of the public lands and to protect rangeland resources from deterioration associated with excess populations of wild horses within the HMA and use of rangeland resources by horses outside the HMA boundaries.

The Proposed Action would help achieve objectives identified through the Record of Decision (ROD) and Approved Ely District Resource Management Plan (August 2008): WH-4 Manage wild horses within six herd management areas designated from herd areas.... WH-5 Remove wild horses and drop herd management area status for those areas that do not provide sufficient habitat resources to sustain healthy populations...

### 1.4 Conformance with BLM Land Use Plan(s)

The Proposed Action is in conformance with the 2008 Ely District ROD and Approved RMP (August 2008) as required by regulation (43 CFR 1610.5-3(a)) as follows:

- **Goal:** “Maintain and manage healthy, self-sustaining wild horse herds inside herdmanagement areas within appropriate management levels to ensure a thriving natural ecological balance while preserving a multiple-use relationship with other uses and resources.”
- **Objective:** “To maintain wild horse herds at appropriate management levels within herd management areas where sufficient habitat resources exist to sustain healthy populations at those levels.”

### 1.5 Relationship to Statutes, Regulations, or other Plans

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

- Lincoln County Portion (Lincoln/White Pine Planning Area) Sage Grouse Conservation Plan (2004)
- State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada Historic Preservation Office (1999)
- Mojave/Southern Great Basin Resource Advisory Council (RAC) Standards and

Guidelines (February 12, 1997)

- Lincoln County Elk Management Plan (2006 revision)
- Endangered Species Act – 1973
- Wilderness Act – 1964
- National Environmental Policy Act of 1969 (as amended)
- Migratory Bird Treaty Act (1918 as amended) and Executive Order 13186 (1/11/01)
- Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.)
- Lincoln County Public Land and Natural Resource Management Plan as adopted by the Board of County Commissioners of Lincoln County (December 5, 1997).
- Taylor Grazing Act (TGA) of 1934
- Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.)
- Public Rangelands Improvement Act (PRIA) of 1978
- Title 43 CFR 4100 Grazing Administration-Exclusive of Alaska  
American Indian Religious Freedom Act of 1979
- Archaeological Resource Protection Act of 1979
- National Historic Preservation Act of 1966, as amended
- Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001)
- United States Department of the Interior Manual (910 DM 1.3).
- Fundamentals of Rangeland Health (43 CFR 4180)

The Proposed Action is consistent with all applicable regulations at 43 CFR (Code of Federal Regulations) 4700 and policies. The proposed action is also consistent with the Wild Free Roaming Horse and Burro Act of 1971, 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 proposed action is in conformance with both statute and regulations.

## **2.0 DESCRIPTION OF ALTERNATIVES, INCLUDING PROPOSED ACTION**

### **2.1 Introduction:**

### **2.2 Alternative A: Proposed Action – Selective Removal of Excess Animals to Low Range AML; Apply Two-Year Fertility Control and Adjust Sex Ratio**

The Proposed Action would gather and remove approximately 85-88% of the current population or approximately 546 excess wild horses which includes the 2010 foal crop within the Silver King HMA and apply population controls for up to 20 wild horses to be released back into the HMA. If gather efficiencies exceed 546 wild horses, selective removal criteria would be used to return horses to the range. Of the horses that would be released, about 60% would be studs, with