

**U.S. Department of the Interior
Bureau of Land Management**

Determination of NEPA Adequacy (DNA)

**Wood Hills Area Water/Bait Trapping Gather
DOI-BLM-NV-E030-2015-0015-DNA**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
3900 East Idaho Street
Elko, NV 89801
775-753-0200



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**Prepared by
U.S. Department of the Interior
Bureau of Land Management
Wells Field Office
Elko, NV**

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Chapter 1. Determination of NEPA Adequacy (DNA)

Wood Hills Area Water/Bait Trapping Gather Worksheet

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U.S. Department of the Interior
Bureau of Land Management

OFFICE:: Wells Field Office, LLNVE0300

TRACKING NUMBER: DOI-BLM-NV-E030–2015–0015–DNA

CASEFILE/PROJECT NUMBER:

PROPOSED ACTION TITLE/TYPE: Wood Hills Area Water/Bait Trapping Gather

LOCATION/LEGAL DESCRIPTION: Wood Hills area, Elko County, Nevada. The area is located in the following legal land descriptions: Mt. Diablo Base and Meridian T. 35 N through T 37 N; R 63 E though R 65 E. The Wood Hills Area is located in Elko County approximately 11 miles southeast of Wells, NV.

APPLICANT (if any):

A. Description of Proposed Action and any applicable mitigation measures

The Proposed Action is to gather and remove all excess wild horses from the Wood Hills Area over a period of five years and reach a population of zero utilizing bait and water trapping. The primary gather site is proposed to be at an unnamed spring located on public land in T. 36N, R. 64E, Section 4. Additional sites, on both public and private lands, may be utilized as necessary to complete the proposed action. All gather sites, temporary holding corrals, and activity sites would be assessed following the procedures analyzed in the Section 2.1 of the 2013 Three HMA Water/Bait Trapping Gather EA (“Three HMA Gather EA”) and Gather plan. Due to holding space and funding limitations, it is proposed to initially remove approximately 150-175 excess wild horses, with follow-up gather activities to remove all remaining excess animals from the area until the desired population of zero is achieved or a period of five years passes, whichever is first. No population control measures would be implemented as part of the Proposed Action and gather dates and numbers would be posted on the BLM National Gather Schedule.

The need for the Proposed Action is the excess wild horses inhabit an area outside of a designated Herd Management Area (HMA) or Herd Area (HA); the limited and declining water resources in the area; the decline of the range and riparian conditions due to drought and unauthorized wild horse use. The purpose of the Proposed Action is to remove all excess wild horses in the Wood Hills Area. Removal of these horses is in compliance with the Wild Free-Roaming Horses And Burros Act (WFRHBA), 43 CFR 4710.4 and 4720.2-1, the 1983 Wells Resource Management Plan (RMP), the 1985 Wells RMP Record of Decision (ROD), and the August 1993 Wells RMP Wild Horse Amendment and Decision Record. This action would protect the range during drought conditions, decrease and eliminate utilization on and impacts to range resources by wild horses residing in an area not identified for wild horse use or management within Land Use Plan (LUP).

Generally, bait/water trapping is most effective when a specific resource is limited, such as water during the summer months or periods of drought. For example, in some areas, a group of wild horses may congregate at a given watering site during the summer or periods of low water availability because few perennial water resources are available nearby. Under those circumstances, water trapping could be a useful means of reducing the number of wild horses at a given location, which can also relieve the resource pressure caused by too many wild horses.

As the proposed bait and/or water trapping in this area is a low stress approach to gathering of wild horses, such trapping can continue into the foaling season without harming or putting additional stress on the mares or foals.

Although the trap would be set in a high probability area/site 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 are actively entering and leaving the corral, it would be fitted with a gate system. The acclimatization of the horses creates a low stress trap. During this acclimation period the horses would experience some stress due to the panels being set up and a perceived restricted access to the water/bait source.

When actively trapping wild horses, the trap would be manned or checked on a daily basis by BLM personnel or gather contractor. All trapped wild horses would be removed from the trap immediately. All animals would be transported to a temporary holding facility nearby or an adoption preparation facility such as Palomino Valley Center at Sparks, NV. All horses removed would be prepared for adoption or sale to qualified individuals or placed in off-range pastures (ORPs). During their placement in a temporary holding facility they would be fed and watered.

Management actions (i.e. gathering, handling, transporting, etc.) would be consistent with those described and analyzed in the Three HMA Gather EA and the Antelope HMA Complex Gather EA.

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 the 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. All capture and handling activities (including capture site selection) would be conducted in accordance with the standard operating procedures (SOPs) found in Appendix 1 of the Three HMA Gather EA.
- Vehicles would be limited to existing roads except where gather sites are established, where some off-road travel may be necessary. Gather sites 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 the regular duties of the Weeds Program.

- All temporary corrals and other affiliated facilities, in addition to parking, would be placed within previously disturbed areas whenever possible. 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.
- 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.
- 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.

The removal of wild horses from the Wood Hills area is proposed because (1) the subject area was not designated through the land use planning as an area for long-term wild horse management (non- HMA); (2) the concentration of wild horses in the Wood Hills area is causing damage to the ecological environment; and (3) limited and declining water resources within the area put individual wild horses within certain bands at risk suffering and declining health. The Wells Field Office proposes to initially remove up to 150-175 excess wild horses from this area. Follow-up gather activities will be used to remove additional excess wild horses as additional holding space and budget comes available. Due to gather efficiency constraints, funding, and holding space limitations, it may take multiple gathers over a five-year period after the initial gather to achieve the desired population of zero. Future gather dates will be posted on the BLM National Gather Schedule and gather results will be posted on the NV BLM website.

No population control measures would be implemented during any of the phases of this gather operation, which would be limited to removal of a targeted number of excess wild horses only.

Background

The Wood Hills area is located in Elko County just southeast of Wells, Nevada (See Map in Appendix A below) and ten miles north of the Spruce-Pequop Herd Management Area (HMA). This area is located within the Independence Valley Pasture of the West Big Springs Allotment. The season of use for authorized livestock grazing in this pasture runs from September 1 through June 30, annually.

The excess wild horses proposed for gather and removal from the Wood Hills area are outside any designated HMA or Herd Area (HA). The Wood Hills area was not identified as habitat used by wild horses at the time the Wild Free-Roaming Horses And Burros Act (WFRHBA) was passed

on December 15, 1971. It was similarly not identified in the 1985 Wells Resource Management Plan (RMP) or the 1993 Wells RMP Wild Horse Amendment and Decision Record as wild horse habitat and is not managed for wild horse use. “The management of wild horses begins at initial herd size and will be maintained only in designated HMAs” (1993 Wells RMP Amendment and Decision Record). The Secretary shall manage wild free-roaming horses and burros in a manner that is designated to achieve and maintain a thriving natural ecological balance on the public lands as required under Section 1333(a) of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) and Section 302(b) of the Federal Land Policy and Management Act of 1976.”

The current estimated wild horse population based on the 2015 inventory flight is estimated to be 227 adult wild horses. This does not include any foals of the year. Current environmental conditions threaten the health and welfare of these excess wild horses in the area, making prompt removal of at least a portion of the excess wild horses necessary to prevent the potential for individual animal death or suffering.

The only substantial water source for these horses on public lands is at the Warm Springs complex on the east side of the Wood Hills area. Most of this water is on fenced private land except for one unnamed spring located just outside the fence in T. 36N, R. 64E, Section 4. This area lies within the “checkerboard” of alternating public and private land sections.

Wildlife cameras and on-the-ground observations by BLM staff in 2014 revealed approximately 100-120 excess wild horses using the unnamed spring. Based upon these observations by staff and analysis of photographs, the BLM concluded: 1) that excess wild horses are present on the public lands in the Wood Hills area which are not designated for their long-term management, 2) that excess wild horses were present on the public lands in the Wood Hills area that contain insufficient habitat resources (water) to sustain them, and 3) that conditions around the only water source had deteriorated to the point that the wild horses were getting stuck in the mud around the spring resulting in the death of some horses; and 4) long-term resource damage is occurring to the riparian resource. By statute and policy, BLM must ensure rangeland health, including protection of the range during drought conditions, and the WFRHBA requires BLM to limit its management of wild horses to the boundaries of established HMAs.

Due to the drought conditions and limited water availability, BLM staff has actively monitored the conditions in the Wood Hills area since early summer 2014. Water availability and conditions at the unnamed spring quickly deteriorated in early July 2014 as a result of drought. Many wild horses in poor body condition became mired in the drying spring unable to remove themselves (see Figure 1-4).

Information on the current drought can be found at the following link: <http://droughtmonitor.unl.edu/>.

On July 30, 2014, BLM began hauling water to troughs placed just south of the spring. However, the wild horses continued to attempt to drink from the unnamed spring and avoided the troughs. On August 4, 2014 the permittee informed BLM that he was pumping a well on his private land about five miles north of the spring to alleviate some of the impacts caused by wild horses on the unnamed spring and to provide the wild horses water so as to alleviate potential wild horse suffering or death.

Wild horse movement out of the Spruce-Pequop HMA into the Wood Hills Area is primarily due to increased population size and limited resources (forage, water, space, etc.) as population grows. “Upon examination and determination by the authorized officer that an excess of wild

horses and burros exist, the authorized officer shall remove the excess animals immediately.” (CFR 4720.1). Upon written request from the private landowner to any representative of the Bureau of Land Management, the authorized officer shall remove horses and burros from private lands as soon as practical.” (CFR 4720.2-1). The wild horses within the Wood Hills Area have established a new “home range” outside the HMA boundary. Gathering the excess wild horses and removing them from the area will prevent further resource degradation and allow the range to recover from wild horse impacts.

The permittee has been unable to use substantial portions of the Independence Valley pasture over the last several years due to a lack of forage caused by drought and the large number of excess wild horses that have moved outside the HMA. The permittee made only incidental use of the public parts of the land last year and has applied for only 30 days of use in the pasture this year, limited to trailing and/or incidental use at the far northern end of the pasture prior to placing livestock on fenced private land for the winter.

The landowner has requested that wild horses be removed from all private lands in the Wood Hills Area.

B. Land Use Plan Conformance

LUP Name*	<u>Wells Resource Management Plan</u>	Date Approved:	<u>1983</u>
Other Document	<u>Wells Resource Management Plan Record of Decision</u>	Date Approved:	<u>1985</u>
Other Document	<u>Wells RMP Wild Horse Amendment and Decision Record</u>	Date Approved:	<u>1993</u>

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto*

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

Wells RMP Wild Horse Amendment and Decision Record specifically provided for the following action:

“Remove wild horses from checkerboard areas, which include all of the Toano Herd Area and portions of the Goshute and Spruce-Pequop Herd Areas and manage them as wild horse free areas” (Page 3 of the Approved Wild Horse Amendment and Decision Record).

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

N/A

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

- Antelope Complex Wild Horse Gather Plan EA (DOI-BLM-NV-N030-2010-0019-EA)
- Three HMA Water/Bait Trapping Gather DOI-BLM-NV-L010-2012-0004-EA.

List by name and date other documentation relevant to the proposed action (e.g. biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

N/A

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The proposed Action is a feature of and essentially substantially similar to the actions analyzed within the existing NEPA document listed above. Section 2 of the Three HMA Gather EA specifically analyzed alternatives to, and the impacts of, water and bait trapping wild horses. The geographic and resource conditions (e.g., greasewood and sagebrush) in the project area are sufficiently similar or overlap with those analyzed in the existing NEPA document as well as the Decision Record (DR). The gather locations analyzed in the Three HMA Water/Bait Gather EA and used for implementation are part of the Antelope Valley and Maverick-Medicine HMAs and has the same resource conditions as analyzed e.g. greasewood and sagebrush in the referenced EA. Issues and resource concerns would be similar to those already identified and analyzed in the Three HMA Gather EA. The proposed action is similar to an alternative in the 2010 Antelope Complex EA and has the same geographic location.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource value?

Yes. The range of alternatives analyzed within the 2013 Three HMA Gather EA is appropriate given the current conditions. The EA was developed in response to issues identified through internal and external scoping of the project, including Proposed Action and the No Action Alternative. No other issues were raised that would suggest the need for additional alternatives. There is no information or circumstance for the proposed action that would indicate the need for additional alternatives beyond those previously analyzed.

Three alternatives considered but eliminated from detailed analysis in the EA (Section 2.2 of the Three HMA Gather EA) remain impractical or infeasible. For example, the “Let Nature Take Its Course” Alternative would be inhumane treatment of the wild horses, would allow continued detrimental impacts to vegetative and water resources in contravention of BLM’s statutory and regulatory mandates, and would be contrary to the WFRHBA, which mandates removal of excess wild horses. This alternative would allow vegetative and water resources to be impacted to the point that they have low (or no) potential for recovery. At this point, wild horses are beginning to show signs of malnutrition and starvation. When these resources are at critically low levels due to

excessive utilization by excess wild horses (and exacerbated by drought conditions), the weaker animals (generally the old, mares, and foals) are the first to be impacted. It is likely that a majority of these weaker animals would die from starvation and/or dehydration.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes, the existing analysis remains valid. There is no new information or circumstance that would alter the analysis of the impacts associated with the proposed action. The impacts to Great Sage grouse were analyzed in Section 4.4 of the Three HMA Gather EA after the U.S. Fish and Wildlife Service concluded in 2010 that the Greater Sage-Grouse (*Centrocercus urophasianus*) is warranted for listing under the Endangered Species Act, but precluded at this time for listing by higher priority species, and that analysis remains applicable to the proposed action. The proposed project area does occur in Preliminary Priority Habitat (PPH), Preliminary General Habitat (PGH) and Mapped and Non-Habit sage-grouse habitat. The unnamed spring is located in Mapped sage-grouse habitat. There are three leks in the project area, the nearest lek (of unknown status) is over six miles south of the unnamed spring. Conducting the gather during the summer or fall will greatly reduce the chances of affecting any sage grouse using necessary habitat. However, bait/water trapping could occur at any time of the year and would continue until the target numbers of animals are removed.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The direct, indirect and cumulative effects would be the same as those analyzed within the Three HMA Gather EA for Alternative A.

5. Are there public involvement and interagency reviews associated with existing NEPA document(s) adequate for the current proposed action?

Yes. It has been determined that no additional public involvement is necessary for the Wood Hills Area Gather Determination of NEPA Adequacy (DNA, DOI-BLM-NV-E030-2015-0015-DNA) because the action is within the scope of actions previously analyzed and publicly reviewed. The public involvement process discussed below for the 2013 Three HMA Water/Bait Trapping Gather EA adequately covered the need for such involvement for the Wood Hills Area Gather as no new management alternatives are considered. The Three HMA Water/Bait Trapping Gather EA was made available to interested individuals, agencies and groups and posted on the Elko District website for a 30 day public review and comment period that opened on September 2, 2012. Submissions (both written and emailed) for Three HMA Water/Bait Gather EA were received from over 4,100 individuals/groups. Most of the comments were form letters from a non-governmental organization. Comments were also received from the Nevada Department of Wildlife. Many of these comments contained overlapping issues/concerns which were consolidated into 147 distinct comments. Refer to the Three HMA Water/Bait Trapping Gather Appendix 5 for a detailed summary of the comments received for each EA and how BLM incorporated these comments in preparing the final environmental assessments. It has been determined the public involvement for the Three HMA Gather EA is adequate for the Wood Hills Area Water/Bait Trapping Gather DNA.

A public notification for the Wood Hills Area Gather and availability of the Decision Record (DR) will be mailed to the interested public and posted on the <http://on.doi.gov/1dMOB2a>.

E. Persons/Agencies/BLM Staff Consulted

Table 1.1. List of Preparers

Name	Role	Discipline
Bruce Thompson	Team Lead, Wild Horse and Burro Specialist	Wild Horses and Burros
Terri Dobis	Planning and Environmental Coordinator	NEPA and LUP Compliance
Jeff Moore	Rangeland Management Specialist	Livestock Grazing, Vegetation
Cam Collins	Wildlife Biologist	Wildlife, Migratory Birds, Special Status Species
Norm Henrickson	Archeologist	Cultural Resources
Richard Adkins	Native American Coordinator	Native American Religious Concerns

Note

Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirement of NEPA.

/s/ Bruce W. C. Thompson 6/5/2015

Signature of Project Lead

/s/ Terrell K. Dobis 6/5/2015

Signature of NEPA Coordinator

/s/ Melanie Mirati, acting for

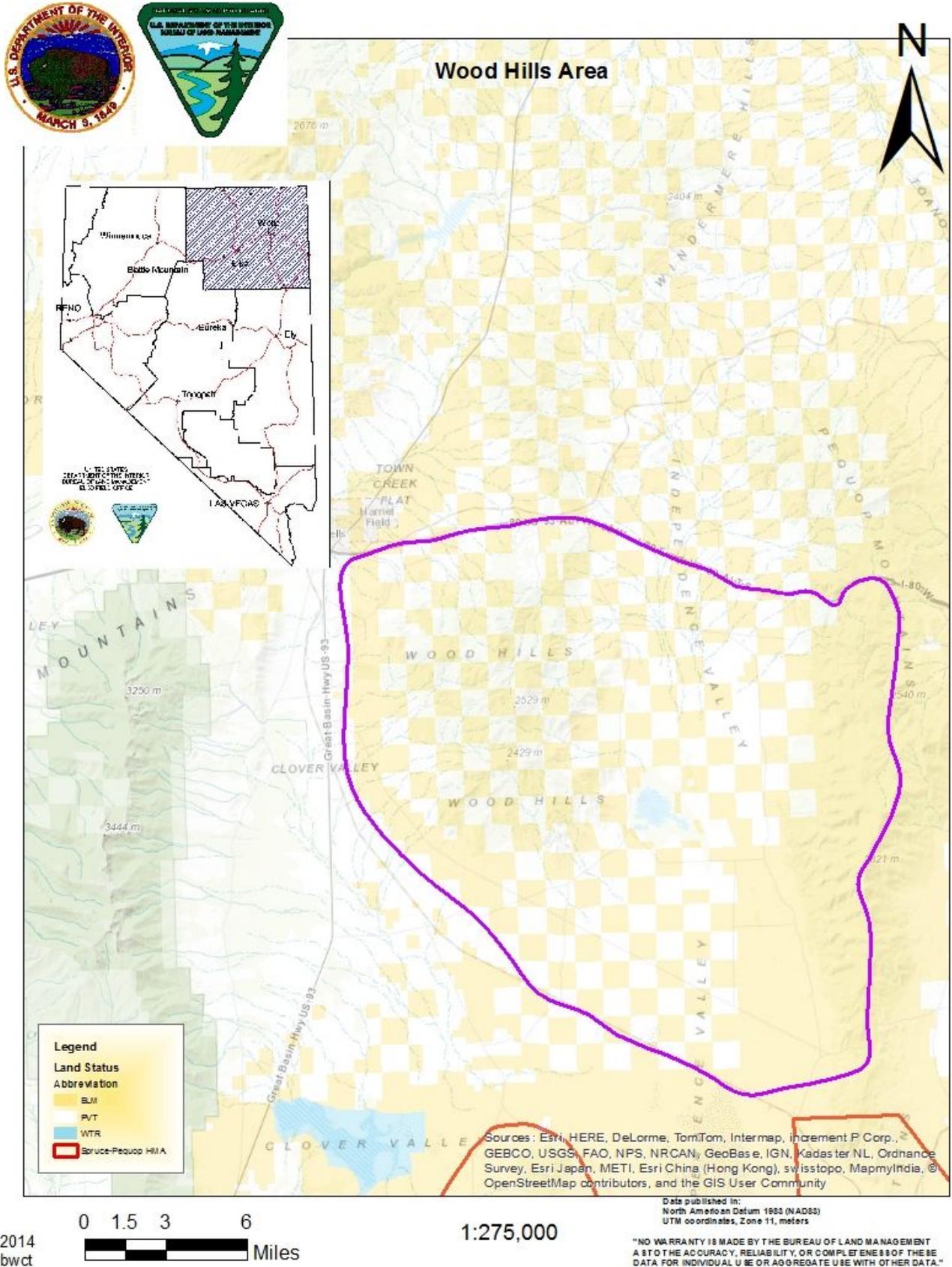
Signature of the Authorized Officer

6/5/2015

Date

Note:

The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.



Map 1.1. Wood Hills Area
Chapter 1 Determination of NEPA Adequacy (DNA)
Conclusion



Wild horse mired in mud in the Wood Hills in 2014.

Figure 1.1. Wild horse mired in mud at spring in the Wood Hills in 2014



Same wild horse after self extraction from same spring in the Wood Hills in 2014.

Figure 1.2. Same wild horse after self extraction in 2014



Wild horses around spring in Wood Hills in 2014.

Figure 1.3. Wild horses around spring in the Wood Hills in 2014



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Figure 1.4. Spring impacted by wild horses in Wood Hills in 2014