

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: Winnemucca District, Black Rock Field Office

TRACKING NUMBER: DOI-BLM-NV-W030-2024-0011-DNA

CASEFILE/PROJECT NUMBER: 43 CFR 4700

PROPOSED ACTION TITLE/TYPE: Buffalo Hills Herd Management Area (HMA)
Capture, Treat and Release Wild Horse and Burro Gather

LOCATION/LEGAL DESCRIPTION: T 33N, R 21E section 10

APPLICANT (if any): None, this is a BLM-proposed action

A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures.

Background

The Buffalo Hills HMA consists of approximately 125,568 acres (public and private), but the gather or project area consists of approximately 218,000 acres, which encompasses additional lands where wild horses and burros are residing outside of designated HMA. The gather area is located north and west of Gerlach, Nevada within Washoe County. The entire gather area spans a distance of approximately 32 miles long and 17 miles wide. The Buffalo Hills HMA is located approximately 10 miles north of Gerlach, in Washoe County, Nevada. The gather area is within the administrative boundaries of the Bureau of Land Management, Winnemucca District, Black Rock Field Office.

The BLM is proposing to conduct a wild horse and burro gather to remove excess wild horses and burros from the Buffalo Hills Herd Management Area (HMA) and adjacent private and public lands outside the HMA boundaries. BLM has determined that the wild horses over the low Appropriate Management Level (AML) of 188 are in excess because there is insufficient forage due to the 2024 Stockade Canyon Fire. BLM has also determined that all burros in and around the HMA are in excess because the HMA is not designated for the management of any burros, as the AML is set at zero. Based on the current inventory of wild horses and burros, the BLM proposes to remove all the wild burros (up to 33 animals) and up to 32 excess wild horses from the gather area. The BLM also proposes to gather wild horses, apply fertility treatments, and release those treated horses back to the HMA to assist with maintaining population levels.

The BLM has determined that there are excess wild horses and burros that must be removed because of many factors. The most urgent factor is the 2024 Stockade Fire that

burned 18,088 acres, or 14 percent, of the HMA and caused a loss of forage. Another factor is the impact of wild horse grazing on the fire rehabilitation projects. Since the fire, wild horses have moved out of the fire perimeter; however, the wild horses are expected to move back into the burned area once new forage begins to grow. Wild horses that move back into the fire perimeter are anticipated to remain in the areas identified for emergency stabilization and rehabilitation (ES&R) treatments, which would negatively impact fire rehabilitation objectives and the ability of native vegetation to reestablish. Protecting these areas from grazing is necessary to prevent the spread of exotic annual weed species that have the potential for rapid conversion of this vegetation community to a weed dominated community with an entire loss of sagebrush habitat. For these reasons, the authorized officer has determined that an excess of wild horses and burros currently exists within the Buffalo Hills HMA, those excess animals need to be removed, and that action is needed to prevent damage to natural resources.

Proposed Action

The purpose of the Proposed Action is to conduct a helicopter drive trap gather to capture up to 235 wild horses and 33 wild burros from the gather area. Approximately 100 mares will be treated with fertility control drug (Gona-Con Equine) and returned to the HMA along with approximately 103 stallions. Up to 32 excess wild horses and 33 excess wild burros would be removed from the HMA.

The gather area includes the Buffalo Hills HMA and areas outside of the boundaries where wild horses have been displaced by the July 2024 Stockade Canyon wildfire, located on both BLM-administered and private land. The entire gather area is approximately 218,000 acres. This gather would begin as soon as November 15, 2024 and continue until management objectives are met.

The wild horses and burros in the gather area would be gathered utilizing helicopter drive traps. The helicopter drive trapping involves use of a helicopter to herd wild horses and burros into a temporary trap. Traps would be set in an area with high probability of access by the animals using the topography, if possible, to assist with capturing excess wild horses and burros residing within the area. Traps consist of a large catch pen with several connected holding corrals, jute-covered wings and a loading chute. The jute-covered wings are made of material, not wire, to avoid injury to the horses. The wings form an alley way used to guide the horses and burros into the trap. Trap locations are changed during the gather to reduce the distance that the animals must travel. A helicopter is used to locate and herd wild horses and burros to the trap location. The pilot uses a pressure and release system while guiding them to the trap site, allowing them to travel at their own pace. As the herd approaches the trap, the pilot applies pressure and a parada horse is released guiding the wild horses and burros into the trap. Once horses and burros are gathered, they are removed from the trap and transported to a temporary holding facility where they are sorted.

Since helicopter drive-trapping operations are needed to capture the targeted animals, BLM would assure that an Animal and Plant Health Inspection Service (APHIS)

veterinarian or contracted licensed veterinarian is on-site during the gather to examine animals and make recommendations to BLM for care and treatment of wild horses. BLM staff would be present on the gather at all times to observe animal condition, ensure humane treatment of wild horses and burros, and ensure contract requirements are met.

Multiple trap sites will be used to gather wild horses and burros from within and outside HMA boundaries. Selective removals would be the primary method employed to limit additional stress on wild horses and burros within a defined gather area. Wild horses and burros would be gathered and removed regardless of age to reach the post-gather target. Approximately 203 wild horses would be returned to the range and all mares returned to the HMA will be treated with Gona-Con Equine. The gather would remove up to 32 excess wild horses and 33 excess wild burros.

The Poodle Mountain Wilderness Study Area (WSA) is located within the project area. No traps will be located within the WSA; however, traps will be allowed within cherry stem roads.

Proposed removal numbers (approximately 32 excess wild horses and 33 excess wild burros) are based on the assessment of forage, climate, water, rangeland health and the use of the range by wild horses and burros. The goals of this gather operation are the immediate health and welfare of the wild horses and burros, as well as fire rehabilitation objectives. If the BLM does decide to move forward with this action, the BLM will document its rationale in the decision that will be issued prior to commencement of the gather.

The need for this proposed gather operation is to achieve and maintain AML in the Buffalo Hills HMA, as well as to preserve and maintain a thriving natural ecological balance and multiple-use relationship in the area. This action will also ensure that wild horse and burro management does not irreparably impact the range and compromise the BLM's ability to meet the fundamentals of rangeland health and fire rehabilitation efforts.

The proposed action is consistent with the BLM's obligation under Section 3 of the Wild-Free-Roaming Horses and Horses Act (WFRHBA), which requires the BLM to remove excess wild horses and burros when it determines that overpopulation exists and that the excess animals need to be removed. The appropriate management level (AML) for wild horses and burros and the most recent population estimates for wild horses and burros is:

Name of HMA	June 2024 Wild Horse and Burro Population Estimate	Appropriate Management Level for Wild Horses	
		High	Low
Buffalo Hills	315 – Horses 33 - Burros	314 – Horses 0 - Burros	188 – Horses 0 - Burros

Based on BLM's wild horse census flights in June 2024, the BLM has determined that all horses above low AML are excess, and all burros are excess. Aerial and ground surveys

indicate that water and forage resources are at risk of becoming depleted and are not sufficient to provide for the current population of wild horses and wildlife within the area. A wet winter and spring of 2023/24 filled some reservoirs, but with the excess number of wild horses and burros, hot temperatures persisting within the gather area, and the 18,000 acre wildfire it is anticipated that conditions will decline in the near future.

The BLM has monitored the condition of the wild horses and burros in the HMA and based on professional judgment, has determined that the animals are rated a 3 to 3.5 (Thin) on the Henneke body condition scoring system. There is also a growing concern about dust pneumonia and other health complications associated with excessive dust due to over-utilization of vegetation around watering sources. Water sources located within the proposed gather area have heavy trailing coming into them, indicating that wild horses and burros may be exhausting smaller water resources and traveling from farther away to access scarce water. As use increases due to less available water within the HMA and surrounding area, the surface of the trailing routes to the water sources will become dusty and powder-like and increase the likelihood that animals may develop dust pneumonia. As the accessibility to water declines, the body condition of the wild horses and burros within the gather area will deteriorate and an increased mortality rate is expected if no action is taken to remove excess animals from the most impacted areas.

B. Land Use Plan (LUP) Conformance

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

Winnemucca District Resource Management Plan (RMP) Approved: May 2015

WHB-1: Administer HMAs to support healthy populations and achieve land health standards for WHB where a TNEB and multiple-use relationship can be achieved and maintained.

WHB-2: Maintain the free-roaming nature of WHB within HMAs.

WHB 3: Ensure WHB have safe, unencumbered access to water within HMAs

WHB 5: Maintain Appropriate Management Levels within HMAs

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

Smoke Creek Complex Gather Plan EA
DOI-BLM-NV-W030-2015-0001-EA and Finding of No Significant Impact (FONSI)
dated April 18, 2018.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(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 of gathering wild horses and burros is an integral feature of the proposed action analyzed in the 2018 Smoke Creek Complex Wild Horse and Burro Gather Plan EA (Smoke Creek EA). The Smoke Creek EA analyzed gather activities within the Buffalo Hills HMA. The analysis area, geographic area, and resource conditions of the existing NEPA document are the same as the proposed action of this DNA.

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

Yes, the range of alternatives analyzed in the existing NEPA document are appropriate with respect to the new proposed action. Aside from the proposed action, two other alternatives were analyzed in the Smoke Creek EA (reduced removal to mid-AML and No Action) and multiple alternatives were considered but eliminated from detailed analysis.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, 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 is still valid. In 2020, the U.S. Fish and Wildlife Service concluded that listing the Monarch butterfly (*Danaus plexippus*) under the Endangered Species Act (ESA) is “warranted but precluded,” thereby making it a Candidate species. However, there are no legal protections for this species under the ESA and no critical habitat has been designated for this species. Milkweed plants, which are important for the Monarch butterfly, will be avoided by this proposed gather where possible.

On October 2, 2015, the U.S. Fish and Wildlife Service (FWS) determined that the Greater Sage-Grouse (GRSG) did not warrant protection under the Endangered Species Act (ESA); therefore, the GRSG was not listed as Endangered or Threatened and in addition, the FWS withdrew the species from the Candidate Species List. This finding was due to the conservation efforts implemented by Federal, State, and private landowners, including the BLM Nevada and Northern California Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA) and Final Environmental Impact Statement (FEIS), Record of Decision signed September 22, 2015. The 2018

Smoke Creek EA analyzed conducting horse and burro gather activities within GRSG habitat in the Special Status Species sections (pages 51-55 and 78-82).

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 are the same as those presented in the Smoke Creek EA.

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

Yes, the preliminary Smoke Creek EA was provided to the public for review and comment. The BLM reviewed and considered all comments and provided responses in the final Smoke Creek EA. For the current proposed action, the public is being provided a thirty-day review and comment period in accordance with BLM WHB Manual 4720. The BLM is also complying with Section 3 of the WFRHBA by consulting with the United States Fish and Wildlife Service, wildlife agencies of the State of Nevada, individuals independent of Federal and State government as have been recommended by the National Academy of Sciences, and other individuals who have scientific expertise and special knowledge of wild horse and burro protection, wildlife management and animal husbandry as related to rangeland management. The BLM consulted with local tribes during the process of preparing the 2018 Smoke Creek EA and is also currently consulting with the Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Lovelock Paiute Tribe, and the Fallon Paiute-Shoshone Tribe on this proposed action.

E. Persons/Agencies/BLM Staff Consulted

Name /Title	Agency	Signature/Date	Comments
Garrett Swisher WHB Specialist	BLM		
Ellen Brecke Wildlife Biologist	BLM		
Samantha Martinez Rangeland Management Specialist	BLM		
Erin Gillett Cultural Resource Specialist	BLM		
Kathy Torrence NEPA/Wilderness Resources	BLM		

☒ **Conclusion** (If you found that one or more of these criteria is not met, you will not be able to check this box.)

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 requirements of the NEPA.

Signature of Project Lead: Garrett Swisher

Signature of NEPA Coordinator: Kathy Torrence

Signature of the Responsible Official: Bradlee Matthews

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. 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.