

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

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Caliente Herd Area Complex Wild Horse Gather

Lincoln County NV.



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Chapter 1 Introduction

This environmental assessment (EA) has been prepared to analyze the Caliente Field Office (CFO) proposal relative to the Caliente Herd Area (HA) Complex wild horse gather plan. The wild horse gather plan would allow for the initial gather and follow-up gathers to be conducted over the next 10 years from the date of the initial gather to achieve and maintain management goals and objectives. The EA is a site-specific analysis of potential impacts that could result with the implementation of the Proposed Action or alternatives to the Proposed Action.

The EA assists the Bureau of Land Management (BLM) 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. “No Significance” is determined by the responses to the context and intensity in the Finding of No Significant Impact (FONSI) prepared at the conclusion of the analyses. 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, and the Ely District Record of Decision and Approved Resource Management Plan (RMP, 2008).

1.1 Background

The Caliente HA Complex is located within a forty mile radius of the town of Caliente, Nevada, in Lincoln County (see Map 1). The HAs encompass approximately 911,892 acres from the town of Panaca south to the Mormon Mountains at the Lincoln/Clark County line, and from the Delamar Valley east to the Nevada/Utah state line. Under the 2008 Ely District RMP, no wild horses are to be managed within the Caliente HA Complex based on in-depth analysis of habitat suitability and monitoring data. This analysis indicates insufficient forage and water is available to maintain healthy wild horses and rangelands over the long-term. Also refer to the Affected Environment section of this EA for additional information.

Since the passage of the Wild Free-Roaming Horses and Burros Act (WFRHBA) of 1971, BLM has refined its understanding of how to manage wild horse population levels. By law, BLM is required to control any overpopulation, by removing excess animals, once a determination has been made that excess animals are present and removal is necessary. Program goals have always been to establish and maintain a “thriving natural ecological balance,” which requires identifying the Appropriate Management Level (AML) for individual herds within the HMA boundaries. In the past two decades, goals have also explicitly included conducting gathers and applying contraceptive treatments to achieve and maintain wild horse populations within the established AML, so as to manage for healthy wild horse populations and healthy rangelands.

The Ely District ROD and Approved Resource Management Plan (August 2008) at management action WH-5 states: “Remove wild horses and drop herd management area status for those ... as listed in Table 13.” Meadow Valley Mountain, Blue Nose Peak, Delamar Mountains, Clover Mountains, Clover Creek, Applewhite, Little Mountain, and Miller Flat were reverted from Herd Management Area (HMA) to Herd Area (HA) status with this management action and identified the need to have all excess wild horses removed from these HAs (Manage “0” wild horses). The management action of 0 wild horses within the Caliente HA Complex is result of an management evaluation using multi-tiered analysis from the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) table 3.8-2 and page 4.8-2. The EIS (November 2007) evaluated each herd management area within the Ely District for five essential habitat components and herd characteristics: forage, water, cover, space, and reproductive viability. If one or more of these components were missing or there was no potential for a stable shared genetic pool, the herd management area was considered unsuitable. The Caliente HA Complex herd areas failed to meet one or more of the five required habitat components. The Mormon Mountains was dropped from HMA status in the 2000 Approved Caliente Management Framework Plan (MFP) Amendment and Record of Decision for the Management of Desert Tortoise Habitat.

The purpose of this environmental assessment (EA) is to analyze the impacts associated with the BLM’s proposal to remove approximately 1,744 excess wild horses from the identified HAs beginning no sooner than January 2018 in order to implement management action WH-5 and to prevent further damage to the range resulting from the current overpopulation while achieving and maintaining a thriving natural ecological balance and multiple-use relationship within the area.

Since 2009 vehicular accidents on US Highway 93 and State Hwy 318 have increased, four emergency gathers have taken place as well as numerous smaller gathers to trap nuisance horses creating private land issues. Many horses have taken up residency inside private land boundaries as well as outside HA boundaries on public land.

Map 1 Caliente Complex Herd Area

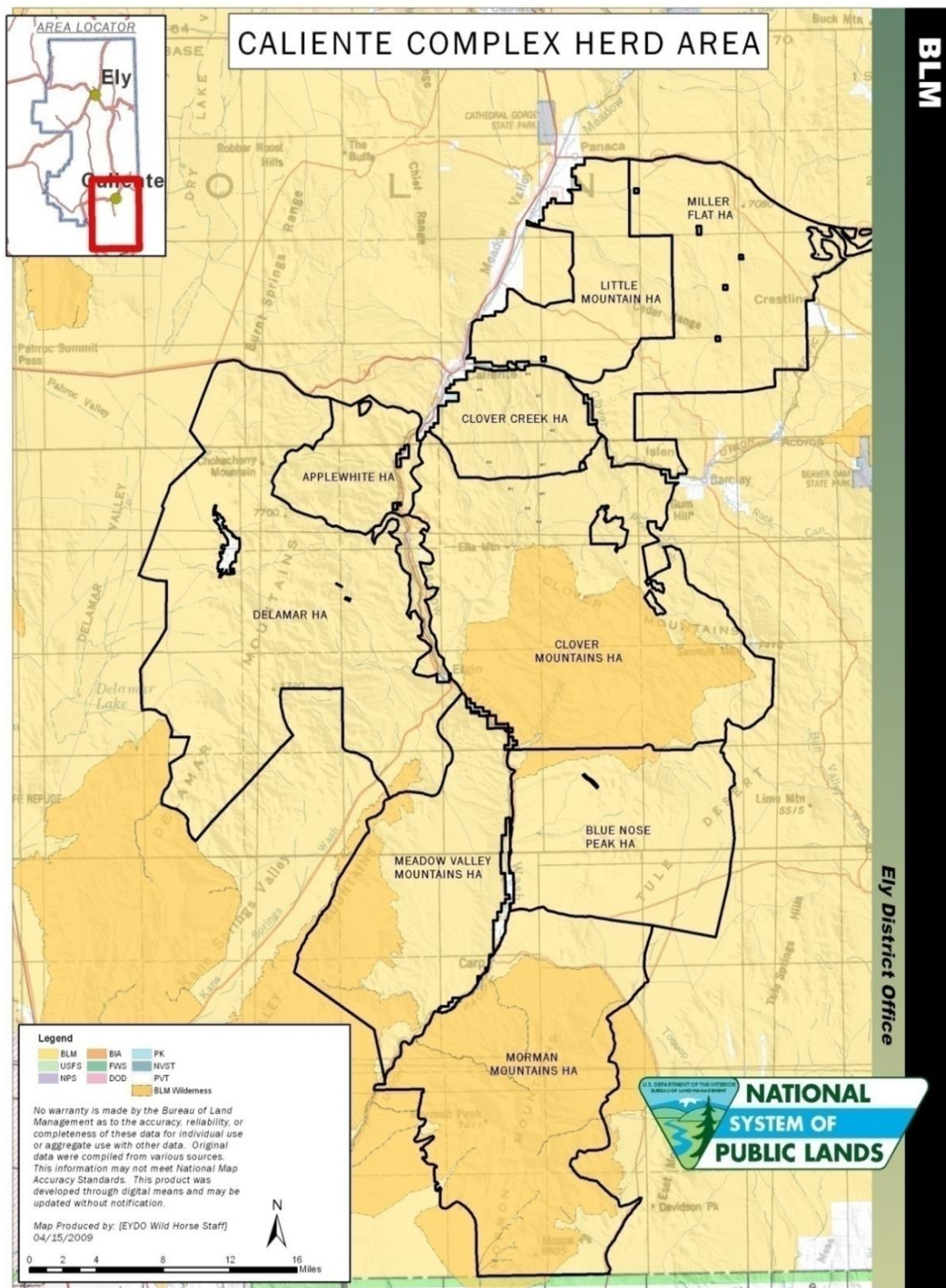


Table 1 Herd Areas in the Caliente HA Complex

Herd Area Number	Herd Area Name	Estimated Total Acres	AML	Population Estimate	Last Gather	Last census
512	Mormon Mountains	175,423	0	0		Mar-16
513	Meadow Valley Mountains	94,521	0	288	Oct-09	Mar-16
514	Blue Nose Peak	84,622	0	82	Oct-09	Mar-16
515	Delamar Mountains	183,558	0	534	Oct-09	Mar-16
516	Clover Mountains	167,998	0	448	Oct-09	Mar-16
517	Clover Creek	33,056	0	127	Oct-09	Mar-16
518	Applewhite	30,297	0	20	Oct-09	Mar-16
519	Little Mountain	53,035	0	31	Oct-09	Mar-16
520	Miller Flat	89,382	0	214	Oct-09	Mar-16
	Total	911,892		1744		

*The Mormon Mountains was dropped from HMA status in the 2000 Approved Caliente Management Framework Plan (MFP) Amendment and Record of Decision for the Management of Desert Tortoise Habitat.

The herd areas in Table 1 have been gathered periodically since the 1971 Wild Free-Roaming Horses and Burros Act was passed. Many gathers have taken place at different times across the Caliente HA Complex from 1985-2016 to remove excess wild horses due to emergency drought conditions, fire, public safety, and nuisance animals.

The Caliente Complex was flown in March 2016, and the inventory was conducted using the Double Simultaneous Count method, in which observers in an aircraft independently observe and record groups of wild horses. Sighting rates are estimated by comparing sighting records of the observers. Sighting probabilities for the observers is then computed from the information collected and population estimated generated. The Caliente Complex has an estimated population of 1,744 (including 2017 foal crop) wild horses. At the time of implementation of the proposed gather operations, the estimated population will increase 20% a year after the 2017 inventory. Flight inventories traditionally take place every 2 to 3 years on the Caliente Complex.

As is true for any estimates of wildlife abundance or herd size, there is always some level of uncertainty about the exact numbers of wild horses or wild burros in any HA/HMA or non-HMA area. The estimates shown here reflect the most likely number of wild horses and burros, based on the best information available to the BLM and may not account for every animal within the HA/HMA. BLM strives to conduct aerial surveys in each HMA once every three years. These surveys result in estimates that statistically account for animals that are not detected by any observer on the flights. In years without surveys, herd size estimates rely on additional information, including known numbers of animals removed and estimated annual population growth rates.

In the 2013 National Academy of Science's (NAS) report "*Using Science to Improve BLM Wild Horse and Burro Program*", the committee's judgment was that the reported annual population statistics are probably underestimates of the actual number of equids on the range inasmuch as most of the individual HMA population estimates are based on the assumption that all animals are detected and counted in population surveys. A large body of scientific literature on techniques for inventorying horses and other large mammals clearly refutes that assumption and suggests that the proportion of animals missed on surveys ranges from 10 to 50 percent. An earlier National Research Council committee and the Government Accountability Office also concluded that reported statistics were underestimates.

Monitoring data collected for the HA's during 2009 - 2017 highlights that utilization by wild horses is moderate to heavy in key areas. Limited herbaceous forage is available within key areas and browse (shrub) species are heavily hedged by wild horses in some areas as the animals search for food. Trampling damage by wild horses is also evident at most locations, including riparian areas. The dominance of woody vegetation not suited to use by wild horses within the HA's has led to lactating mares being very thin and in poor condition, both at the present time and over much of the past two decades. This led to a number of emergency situations or gathers to remove nuisance animals that left the area to find adequate food and water to meet their nutritional needs. Insufficient herbaceous forage within the dominant ecological sites does not support healthy wild horses, and has led to excess utilization and trampling which is currently impacting range conditions and preventing recovery of key sites. Monitoring also indicates wild horses are continuing to routinely move outside the HA boundaries to water on private lands and non-HA areas.

A review of vegetation and population monitoring indicates that the Caliente HA Complex contains insufficient year round habitat and limited water availability and the existing excess wild horses need to be removed in order to prevent further deterioration of the range. As a result, any decision of the authorized officer would be implemented effective upon issuance under authority provided in 43 Code of Federal Regulations (CFR) 4770.3 (a) and (c).

1.1 Purpose and Need for the Proposed Action

The purpose of the Proposed Action is to remove all excess wild horses from areas not designated for their long-term maintenance and to achieve and maintain a thriving natural ecological balance and multiple use relationship on the public lands consistent with the provisions of Section 1333 (a) of the *Wild Free-Roaming Horses and Burros Act of 1971*, Section 302(b) of the Federal Land Policy and Management Act of 1976 and is in conformance with the decision in the 2008 Ely RMP to return these areas to HA status. Implementation of the Proposed Action is needed to improve watershed health and to make "significant progress towards achievement" of Mojave/Southern Great Basin Resource Advisory Council (RAC) Standards for rangeland Health.

1.2 Conformance with BLM Land Use Plan(s)

The Proposed Action is in conformance with the following goal, objective, and management action in the 2008 Ely District ROD and Approved RMP (August 2008):

- **Goal:** “Maintain and manage health, 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.”
- **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.”
- **Action WH-5:** “Remove wild horses and drop herd management area status for those...as listed in Table 13.”

1.3 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.

- United States Department of the Interior Greater Sage-Grouse Approved Resource Management Plan Amendment (2015).
- 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)
- Endangered Species Act – 1973
- National Environmental Policy Act of 1969 (as amended)
- Migratory Bird Treaty Act (1918 as amended) and Executive Order 13186 (1/11/01)
- Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.)
- Public Rangelands Improvement Act (PRIA) of 1978
- National Historic Preservation Act of 1966, as amended
- United States Department of the Interior Manual (910 DM 1.3).

The Proposed Action is consistent with all applicable regulations at Title 43 Code of Federal Regulations (43 CFR) 4700 and 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*”. Also the WFRHBA of 1971 sec 3 (b)(1): “*The purpose of such inventory exists and whether action should be taken to remove*

excess animals; determine appropriate management levels or wild free-roaming horses and burros on these areas of public land; and determine whether appropriate managements should be achieved by the removal or destruction of excess animals, or other options (such as sterilization, or natural control on population levels).” Additionally, federal regulations at 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).*”

4710.4 Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas.

According to 43 CFR 4720.2, upon written request from a private landowner, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable.

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 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 2 Proposed Action And Alternatives

2.1 Introduction

The previous chapter presented the purpose and need of the proposed project, as well as the relevant issues, i.e., those elements that could be affected by the implementation of the proposed project. In order to meet the purpose and need of the proposed project in a way that resolves the issues, the BLM has developed a range of action alternatives. These alternatives, as well as a no action alternative, are presented below. The potential environmental impacts or consequences resulting from the implementation of each alternative are then analyzed in Chapter 3 for each of the identified issues.

2.2 Alternative A - Proposed Action

The BLM CFO proposes to capture 100% of the current population of wild horses (or about 1736 excess wild horses as of 2017), including any horses outside the HA boundaries and return periodically over the next 10 years to gather excess wild horse until managements objects are met of managing of “0” wild horses within HAs. All of the animals gathered would be removed and transported to BLM holding facilities where they would be prepared for adoption and/or sale to qualified individuals or maintained in off-range holding facilities. Due to the rugged terrain, access, and historic gather efficiencies for the area it is estimated that 75-85% or 1302-1476 excess wild horses of the population may be gathered during a initial gather and numerous gathers may occur before management objectives are achieved.

Areas where horses are adjacent to highways 319 and 93 would be a priority to gather in the initial gather to reduce the vehicular accidents in these area. Private lands with wild horses would also be a priority during the initial gather.

All capture and handling activities (including capture site selections) would be conducted in accordance with the Standard Operating Procedures (SOPs) described in Appendix I. Multiple capture sites (traps) may be used to capture wild horses from the HAs. Whenever possible, capture sites would be located in previously disturbed areas. Capture techniques would be the helicopter-drive trapping method and/or helicopter assisted roping from horseback, or bait and water trap methods.

- Gather operations may involve areas beyond the Caliente Complex boundaries due to horses residing outside HA boundaries.
- Gather operations would be conducted in accordance with the Comprehensive Animal Welfare Program (CAWP) for Wild Horses and Burro Gathers, which includes provisions of the Comprehensive Animal Welfare Program (BLM Instructional Memorandum 2015-151). A combination of gather methods may be

- used to complete the management actions and would depend on the needs of the specific actions to which method would be used. This EA and decision would address management needs in regards to public safety, emergency situations and private land issues.
- Trap sites and temporary holding facilities would be located in previously used sites or other disturbed areas whenever possible. Undisturbed areas identified as potential trap sites or holding facilities would be inventoried for cultural resources. If cultural resources are encountered, these locations would not be used unless they could be modified to avoid impacts to cultural resources.
 - Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy (Washington Office Instruction Memorandum 2015-070).
reference:http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2009/IM_2009-041.html
 - A BLM contract Veterinarian, Animal and Plant Health Inspection Service (APHIS) Veterinarian or other licensed Veterinarian would be on call or on site as the gather is started and then as needed for the duration of the helicopter gather to examine animals and make recommendations to the BLM for the care and treatment of wild horses, and ensure humane treatment. Additionally, animals transported to a BLM wild horse facility are inspected by facility staff and the BLM contract Veterinarian, to observe health and ensure the animals have been cared for humanely.
 - Noxious weed monitoring at gather sites and temporary holding corrals would be conducted following the gather by BLM.
 - Monitoring of rangeland forage condition and utilization, water availability, aerial population surveys and animal health would continue until management goals are achieved.
 - A comprehensive post-gather aerial population inventory would occur within 12 months following the completion of the gather operation.

Helicopter

If the local conditions require a helicopter drive-trap operation, the BLM would use a contractor or in-house gather team to perform the gather activities in cooperation with BLM and other appropriate staff. The contractor would be required to conduct all helicopter operations in a safe manner and in compliance with Federal Aviation Administration (FAA) regulations 14 CFR § 91.119 and BLM IM No. 2010-164.

Helicopter drive trapping involves use of a helicopter to herd wild horses into a temporary trap. The CAWP outlined would be implemented to ensure that the gather is conducted in a safe and humane manner, and to minimize potential impacts or injury to the wild horses. Traps would be set in an area with high probability of access by horses using the topography, if possible, to assist with capturing excess wild horses 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 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 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 prada horse is released guiding the wild horses into the trap. Once horses are gathered they are removed from the trap and transported to a temporary holding facility where they are sorted.

If 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 ensure contract requirements are met.

Bait/Water Trapping

Bait and/or water trapping may be used if circumstances require it or best fits the management action to be taken. Bait and/or water trapping generally require a longer window of time for success than helicopter drive trapping. 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, time 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 in an active wild horse area, 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. When the wild horses fully adapt to the corral, it is fitted with a gate system. The acclimation of the horses creates a low stress trapping method. During this acclimation period the horses would experience some stress due to the panels being setup and perceived access restriction to the water/bait source.

When actively trapping wild horses, the trap would be staffed or checked on a daily basis by either BLM personnel or authorized contractor staff. Horses would be either removed immediately or fed and watered for up to several days prior to transport to a holding facility. Existing roads would be used to access the trap sites.

Gathering excess horses using bait/water trapping could occur at any time of the year and traps would remain in place until the target number of animals are removed. 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 horses at a given location, which can also relieve the resource pressure caused by too many horses. As the proposed bait and/or water trapping in this area is a low stress approach to gathering wild horses, such trapping can continue into the foaling season without harming the mares or foals.

Gather Related Temporary Holding Facilities (Corrals)

Wild horses that are gathered would be transported from the gather sites to a temporary holding corral in goose-neck trailers. At the temporary holding corral, wild horses would be sorted into different pens based on sex. The horses would be aged and provided good quality hay and water. Mares and their un-weaned foals would be kept in pens together. At the temporary holding facility, a veterinarian, when present, would provide recommendations to the BLM regarding care and treatment of the recently captured wild horses. Any animals affected by a chronic or incurable disease, injury, lameness or serious physical defect (such as severe tooth loss or wear, club foot, and other severe congenital abnormalities) would be humanely euthanized using methods acceptable to the American Veterinary Medical Association (AVMA).

Transport, Off-range Corrals, and Adoption Preparation

All gathered wild horses would be removed and transported to BLM holding facilities where they would be inspected by facility staff and if needed a contract veterinarian to observe health and ensure the animals are being humanely cared for.

Those wild horses that are removed from the range and are identified to not return to the range would be transported to the receiving off-range corrals (ORC, formerly short-term holding facility) in a goose-neck stock trailer or straight-deck semi-tractor trailers. Trucks and trailers used to haul the wild horses would be inspected prior to use to ensure wild horses can be safely transported. Wild horses would be segregated by age and sex when possible and loaded into separate compartments. Mares and their un-weaned foals may be shipped together. Transportation of recently captured wild horses is limited to a maximum of 12 hours.

Upon arrival, recently captured wild horses are off-loaded by compartment and placed in holding pens where they are provided good quality hay and water. Most wild horses begin to eat and drink immediately and adjust rapidly to their new situation. At the off-range corral, a veterinarian provides recommendations to the BLM regarding care, treatment, and if necessary, euthanasia of the recently captured wild horses. Wild horses in very thin condition or animals with injuries are sorted and placed in hospital pens, fed separately and/or treated for their injuries.

After recently captured wild horses have transitioned to their new environment, they are prepared for adoption, sale, or transport to long-term grassland pastures. Preparation involves freeze-marking the animals with a unique identification number, vaccination

against common diseases, castration, and de-worming. At ORC facilities, a minimum of 700 square feet of space is provided per animal.

Adoption

Adoption applicants are required to have at least a 400 square foot corral with panels that are at least six feet tall. Applicants are required to provide adequate shelter, feed, and water. The BLM retains title to the horse for one year and inspects the horse and facilities during this period. After one year, the applicant may take title to the horse, at which point the horse becomes the property of the applicant. Adoptions are conducted in accordance with 43 CFR Subpart 4750.

Sale with Limitations

Buyers must fill out an application and be pre-approved before they may buy a wild horse. A sale-eligible wild horse is any animal that is more than 10 years old or has been offered unsuccessfully for adoption at least three times. The application also specifies that buyers cannot sell the horse to slaughter buyers or anyone who would sell the animals to a commercial processing plant. Sales of wild horses are conducted in accordance with the 1971 WFRHBA and congressional limitations.

Off-Range Pastures

When shipping wild horses for adoption, sale, or Off-Range Pastures (ORPs) the animals may be transported for up to a maximum of 24 hours. Immediately prior to transportation, and after every 24 hours of transportation, animals are offloaded and provided a minimum of 8 hours on-the-ground rest. During the rest period, each animal is provided access to unlimited amounts of clean water and two pounds of good quality hay per 100 pounds of body weight with adequate space to allow all animals to eat at one time.

Mares and sterilized stallions (geldings) are segregated into separate pastures, except at one facility where geldings and mares coexist. Although the animals are placed in ORP, they remain available for adoption or sale to qualified individuals; and foals born to pregnant mares in ORP are gathered and weaned when they reach about 8-12 months of age and are also made available for adoption. The ORP contracts specify the care that wild horses must receive to ensure they remain healthy and well-cared for. Handling by humans is minimized to the extent possible although regular on-the-ground observation by the ORP contractor and periodic counts of the wild horses to ascertain their well-being and safety are conducted by BLM personnel and/or veterinarians.

Euthanasia or Sale without Limitations

Under the WFRHBA, healthy excess wild horses can be euthanized or sold without limitation if there is no adoption demand for the animals. However, while euthanasia and

sale without limitation are allowed under the statute, these activities have not been permitted under current Congressional appropriations for over a decade and are consequently inconsistent with BLM policy. If Congress were to lift the current appropriations restrictions, then it is possible that excess horses removed from the Complex over the next 10 years could potentially be euthanized or sold without limitation consistent with the provisions of the WFRHBA.

Any old, sick or lame horses unable to maintain an acceptable body condition (greater than or equal to a Henneke BCS of 3) or with serious physical defects would be humanely euthanized either before gather activities begin or during the gather operations. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy (Washington Office Instruction Memorandum (WO IM) 2015-070 or most current edition). Conditions requiring humane euthanasia occur infrequently and are described in more detail in Washington Office Instruction Memorandum 2009-041.

Public Viewing Opportunities

Opportunities for public observation of the gather activities on public lands would be provided, when and where feasible, and would be consistent with WO IM No. 2013-058 and the Visitation Protocol and Ground Rules for Helicopter WH&B Gathers. This protocol is intended to establish observation locations that reduce safety risks to the public during helicopter gathers (see Appendix II). Due to the nature of bait and water trapping operations, public viewing opportunities may only be provided at holding corrals.

2.3 Alternative B - No Action

Under the No Action Alternative, a gather to remove excess wild horses would not occur. There would be no active management to control the size of the wild horse population. Although the No Action Alternative does not comply with the WFRHBA of 1971, regulations, Approved Ely District Resource Management Plan (August 2008) 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.

2.4 Alternatives Considered, but Eliminated from Further Analysis

Use of Bait and/or Water Trapping Only

An alternative considered but eliminated from detailed analysis was use of bait and/or water trapping as the sole gathering method. The use of bait and water trapping, though effective in specific areas and circumstances, would not be timely, cost-effective or

practical as the sole gather method for Caliente Complex. However, water or bait trapping may be used as a supplementary approach to achieve the desired goals of Alternative A if gather efficiencies are too low using a helicopter or a helicopter gather cannot be timely scheduled. The use of only bait and/or water trapping was dismissed from detailed analysis as it was determined this method would not fully meet the purpose and need for action as there is a lack of adequate road access or ability for cross country motorized travel. This would make it technically infeasible to construct traps and safely transport capture wild horses from these areas. This alternative was dismissed from detailed study as a primary or sole gather method for the following reasons:

1. The project area is too large to effectively use this gather method as the primary or sole method;
2. Road access for vehicles to potential trapping locations necessary to get equipment in/out as well as safely transport gathered wild horses is limited.
3. The large numbers of horses proposed to be gathered would make water or bait trapping as a sole means impossible within a reasonable time frame.

Field Darting PZP Treatment to Reduce Population

Field Darting PZP treatment to reduce population would not meet the purpose and need to remove all the horses from the Caliente Complex. BLM would administer PZP in the one year liquid dose inoculations by field darting the mares. This method is currently approved for use and is being utilized by BLM in other HMAs. This alternative was dismissed from detailed study for the following reasons: (1) Field Darting would only allow the decrease of population through attrition which could take decades. (2) the size of the area at 911,892 acres is too large to use this method; (3) a good portion of the area is Wilderness Area with no roads or access for miles to some of the water sources and areas where horses reside.; and (4) the presence of water sources on both private and public lands inside and outside the Complex would make it almost impossible to restrict wild horse access to only water trap sites to the extent needed to effectively gather and remove the excess animals. For these reasons, this alternative was determined to not be an effective or feasible method for gathering wild horses from the Caliente Complex.

Control of Wild Horse Numbers by Natural Means

This alternative would use natural means, such as natural predation and weather, to control the wild horse population. This alternative was eliminated from further consideration because it would be contrary to the WFRHBA which requires the BLM to protect the range from deterioration associated with an overpopulation of wild horses. The alternative of using natural controls to achieve a desirable AML has not been shown to be feasible in the past so is unlikely to achieve complete removal of wild horses from the Complex. Wild horse populations in the Caliente Complex HA are not substantially regulated by predators, as evidenced by the 15-25% annual increase in the wild horse populations. In addition, wild horses are a long-lived species with documented foal

survival rates exceeding 95% and are not a self-regulating species. This alternative would allow for a steady increase in the wild horse populations which would continue to exceed the carrying capacity of the range and would cause increasing damage to the rangelands until severe range degradation or natural conditions that occur periodically – such as blizzards or extreme drought – cause a catastrophic mortality of wild horses in the HA.

Raising the Appropriate Management Levels for Wild Horses

An in-depth analysis was conducted through the 2007 EIS/2008 approved Ely District RMP finding that these HAs are not suited for long-term management of wild horses due to inadequate habitat to sustain and manage for healthy wild horses.

Remove or Reduce Livestock within the Caliente Complex

This alternative would involve no removal of wild horses and would instead address the excess wild horse numbers through the removal of livestock or reductions in livestock grazing allocations within the Caliente Complex HA. This alternative was not brought forward for analysis because it would be inconsistent with the current land use plan. This gather document and subsequent Decision Record is not the appropriate mechanism for adjusting the authorized livestock use within the allotments associated with the Complex in order to reallocate forage to wild horses.

The proposal to reduce livestock would not meet the purpose and need for action identified in Chapter 1.1 Purpose and Need for Action: “to remove all excess wild horses from areas not designated for their long-term maintenance and to achieve and maintain a thriving natural ecological balance and multiple use relationship on the public lands consistent with the provisions of Section 1333 (a) of the *Wild Free-Roaming Horses and Burros Act of 1971*, Section 302(b) of the Federal Land Policy and Management Act of 1976 and is in conformance with the decision in the 2008 Ely RMP to return these areas to HA status. Implementation of the Proposed Action is needed to improve watershed health and to make “significant progress towards achievement” of Mojave/Southern Great Basin Resource Advisory Council (RAC) Standards for rangeland Health.”

This alternative would also be inconsistent with the WFRHBA, which directs the Secretary to immediately remove excess wild horses. Livestock grazing can only be reduced or eliminated if BLM follows regulations at 43 CFR § 4100 and must be consistent with multiple use allocations set forth in the land-use plan. Such changes to livestock grazing cannot be made through a wild horse gather decision, and are only possible if BLM first revises the land-use plans to re-allocate livestock forage to wild horses and to eliminate or reduce livestock grazing.

Furthermore, re-allocation of livestock AUMs to increase the wild horse AMLs would not achieve a thriving natural ecological balance due to differences in how wild horses and livestock graze. Unlike livestock which can be confined to specific pastures, limited

periods of use, and specific seasons-of-use so as to minimize impacts to vegetation during the critical growing season or to riparian zones during the summer months, wild horses are present year-round and their impacts to rangeland resources cannot be controlled through establishment of a grazing system, such as for livestock. Thus, impacts from wild horses can only be addressed by limiting their numbers to a level that does not adversely impact rangeland resources and other multiple uses.

While the BLM is authorized to remove livestock from HAs “if necessary to provide habitat for wild horses or burros, to implement herd management actions, or to protect wild horses or burros from disease, harassment or injury” (43 CFR§ 4710.5), this authority is usually applied in cases of emergency and not for general management of wild horses since it cannot be applied in a manner that would be inconsistent with the existing land-use plans. (43 CFR § 4710.1)

For the reasons stated above, this alternative was dropped from detailed analysis. For modifications in long-term multiple use management, changes in forage allocations between livestock and wild horses would have to be re-evaluated and implemented through the appropriate public decision-making processes to determine whether a thriving natural ecological balance can be achieved at a higher AML and in order to modify the current multiple use relationship established in the land-use plans.

Make Individualized Excess Wild Horse Determinations Prior to Removal

An alternative whereby BLM would make on-the-ground and individualized excess wild horse determinations prior to removal of wild horses from any HA has been advocated by some members of the public. Under the view set forth in some comments during public commenting for wild horse gathers nationwide, a tiered or phased removal of wild horses from the range is mandated by the WFRHBA. Specifically, this alternative would involve a tiered gather approach, whereby BLM would first identify and remove old, sick or lame animals in order to euthanize those animals on the range prior to gather. Second, BLM would identify and remove wild horses for which adoption demand exists, e.g., younger wild horses or wild horses with unusual and interesting markings. Under the WFRHBA(1333(b)(2)(iv)(C)), BLM would then destroy any additional excess wild horses for which adoption demand does not exist in the most humane and cost effective manner possible, although euthanasia has been limited by Congressional appropriations.

This proposed alternative could be viable in situations where the project area is contained, the area is readily accessible and wild horses are clearly visible, and where the number of wild horses to be removed is so small that a targeted approach to removal can be implemented. However, under the conditions present within the gather area and the significant number of excess wild horses both inside and outside of the Complex, this proposed alternative is impractical, if not impossible, as well as less humane for a variety of reasons.

First, BLM does euthanize old, sick or lame animals on the range when such animals have been identified. This occurs on an on-going basis and is not limited to wild horse gathers. During a gather, if old, sick or lame animals are found and it is clear that an animal's condition requires the animal to be put down, that animal is separated from the rest of the group that is being herded so that it can be euthanized on the range. However, wild horses that meet the criteria for humane destruction because they are old, sick or lame usually cannot be identified as such until they have been gathered and examined up close, e.g., so as to determine whether the wild horses have lost all their teeth or are club footed. Old, sick and lame wild horses meeting the criteria for humane euthanasia are also only a small fraction of the total number of wild horses to be gathered, comprising on average about 0.5% of gathered wild horses. Thus, in a gather of over 1,000 wild horses, potentially about five of the gathered wild horses might meet the criteria for humane destruction over an area of over three quarters of a million acres.

Due to the size of the gather area, access limitations associated with topographic and terrain features and the challenges of approaching wild horses close enough to make an individualized determination of whether a wild horse is old, sick or lame, it would be virtually impossible to conduct a phased culling of such wild horses on the range without actually gathering and examining the wild horses. Similarly, rounding up and removing wild horses for which an adoption demand exists, before gathering any other excess wild horses, would be both impractical and much more disruptive and traumatic for the animals. Recent gathers have had success in adopting out approximately 30% of excess wild horses removed from the range on an annual basis. The size of the gather area, terrain challenges, difficulties of approaching the wild horses close enough to determine age and whether they have characteristics (such as color or markings) that make them more adoptable, the impracticalities inherent in attempting to separate the small number of adoptable wild horses from the rest of the herd, and the impacts to the wild horses from the closer contact necessary, makes such phased removal a much less desirable method for gathering excess wild horses. This approach would create a significantly higher level of disruption for the wild horses on the range and would also make it much more difficult to gather the remaining excess wild horses.

Furthermore, making a determination of excess as to a specific wild horse under this alternative, and then successfully gathering that individual wild horse would be impractical to implement (if not impossible) due to the size of the gather area, terrain challenges and difficulties approaching the wild horses close enough to make an individualized determination. This tiered approach would also be extremely disruptive to the wild horses due to repeated culling and gather activities over a short period of time. Gathering excess wild horses under this alternative would greatly increase the potential stress placed on the animals due to repeated attempts to capture specific animals and not others in the band. This in turn would increase the potential for injury, separation of mare/foal pairs, and possible mortality.

This alternative would be impractical to implement (if not impossible), would be cost-prohibitive, and would be unlikely to result in the successful removal of excess wild horses or application of population controls to released wild horses. This approach would also be less humane and more disruptive and traumatic for the wild horses. This alternative was therefore eliminated from any further consideration.

Use of Alternative Capture Techniques Instead of Helicopter Capture

An alternative using capture methods other than helicopters to gather excess wild horses has been suggested by some members of the public. As no specific alternative methods were suggested, the BLM identified chemical immobilization, net gunning, and wrangler/horseback drive trapping as potential methods for gathering wild horses. Net gunning techniques normally used to capture big game animals also rely on helicopters. Chemical immobilization is a very specialized technique and strictly regulated. Currently the BLM does not have sufficient expertise to implement either of these methods and it would be impractical to use given the size of the project area, access limitations, and difficulties in approachability of the wild horses.

Use of wrangler on horseback drive-trapping to remove excess wild horses can be fairly effective on a small scale. However, given the number of excess wild horses to be removed, the large geographic size of the Caliente Complex gather area, access limitations, and difficulties in approaching the wild horses this technique would be ineffective and impractical. Horseback drive-trapping is also very labor intensive and can be very dangerous to the domestic horses and the wranglers used to herd the wild horses. Domestic horses can easily be injured while covering rough terrain and the wrangler could be injured if he/she falls off. For these reasons, this alternative was eliminated from further consideration.

Chapter 3 Affected Environment and Environmental Effects

3.1 General Setting

The approximately 911,892-acre Caliente Herd Area Complex is located within a 35-mile radius of Caliente, in southern Lincoln County, Nev. The Complex consists of nine Herd Areas (HAs). They are Applewhite, Blue Nose Peak, Clover Creek, Clover Mountains, Delamar Mountains, Little Mountain, Meadow Valley Mountains, Miller Flat and Mormon Mountains. The BLM manages the HAs for zero horses in accordance with the 2008 Ely Resource Management Plan, which determined through analysis that insufficient forage and water is available to maintain healthy wild horses and rangelands over the long-term. The Mormon Mountains was determined an HA in the 2000 Approved Caliente Management Framework Plan (MFP) Amendment and Record of Decision for the Management of Desert Tortoise Habitat. The Complex's current wild horse population is 1,744.

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 Caliente Complex range from approximately 4,000 feet to 9,500 feet. Annual precipitation ranges from approximately 7 inches on some of the valley bottoms to 20 inches on the mountain peaks. Most of this precipitation comes during the winter and spring months in the form of snow, supplemented by localized thunderstorms during the summer months. Temperatures range from greater than 100 degrees Fahrenheit in the summer months to minus 20 degrees in the winter. The area is also utilized by domestic livestock under terms and conditions outlined in grazing permits and by numerous wildlife species.

Table 2 summarizes which of the critical elements of the human environment and other resources of concern within the project area are present, not present or not affected by the proposed action.

3.2 Identification of Issues

Internal scoping was conducted by an interdisciplinary (ID) team on August 8, 2017 that analyzed the potential consequences of the Proposed Action. Potential impacts to the following resources/concerns were evaluated in accordance with criteria listed in the H-1790-1 NEPA Handbook (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 CFO in particular.

Table 2.

Resource/Concern	Issue(s) Analyzed? (Y/N)	Rationale for Dismissal from Detailed Analysis or Issue(s) Requiring Detailed Analysis
Air Quality	N	There would be temporary increased particulate matter (dust) resulting from the Proposed Action. 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. Direct, indirect or cumulative impacts do not approach a level of significance. Detailed analysis is not required.
Cultural Resources	N	Cultural sites would be avoided when setting up traps.
Forest Health	N	Project does not meet HFRA criteria.
Migratory Birds	N	Given the time of year and the use of previously disturbed areas, no impacts to individuals, populations, or migratory bird habitat are anticipated for this project.
Rangeland Standards and Guidelines	N	Beneficial impacts to rangeland standards and health are consistent with the need and objectives for the Proposed Action. Detailed analysis is not necessary.
Native American Religious and other Concerns	N	No potential traditional religious or cultural sites of importance are identified in the project area according to the Ely District RMP Ethnographic report (2003).
Wastes, Hazardous or Solid	N	No hazardous or solid wastes exist on the permit renewal area, nor would any be introduced.
Water Quality, Drinking/Ground	N	There would be no direct or indirect effects to water quality. No CWA section 303(d) impaired water bodies are found in the project area.
Environmental Justice	N	No environmental justice issues are present at or near the project.
Floodplains	N	Floodplains as defined in Executive Order 11988 may exist in the area, but would not be affected by the Proposed Action.

Caliente Herd Area Complex Wild Horse Gather
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Farmlands, Prime and Unique	N	Prime and Unique Farmlands would not be affected by the Proposed Action.
Livestock Grazing	Y	Analysis in EA
Wetlands/Riparian Zones	N	Gathers would not focus on riparian areas and trap sites would not be located in riparian areas.
Invasive Non-native Species	Y	Analysis in EA
Wilderness/WSA	N	No actions are proposed within wilderness or Wilderness Study Areas.
Human Health and Safety	N	It is unlikely that the Proposed Action would have effect Human Health and Safety.
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	Analysis in 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.	N	Some special status plant species are present within the project area, however these species are not anticipated to be impacted by this action as the trap sites would be placed in previously disturbed areas.
Fish and Wildlife	Y	Analysis in EA
Wild Horses	Y	Analysis in EA
Water Resources (Water Rights)	N	Water resources and water rights would not be affected by Proposed Action.
Vegetative Resources	Y	Analysis in EA.
Wetlands-Riparian Zones	N	Analysis in EA
VRM	N	No long-term effects expected as a result of Proposed Action.
Transportation/ Access	N	Temporary access to some minor roads may be affected during gather.

Socioeconomics	N	No effects due to the Proposed Action are expected.
Paleontological Resources	N	Paleontological sites would be avoided when setting up traps.
Mineral Resources	N	No effects likely due to the Proposed Action.
FWS Listed or proposed for listing Threatened or Endangered Species or critical habitat.	Y	Analysis in EA

3.2 Resources Analyzed

3.2.1 Wild Horses

Affected Environment

Wild horses are introduced species within North America and have few natural predators. Few natural controls act upon wild horse herds making them very competitive with native wildlife and other living resources managed by the BLM. Population inventory flights have been conducted in the Caliente Complex every two to three years. These population inventory flights have provided information pertaining to population numbers, foaling rates, distribution, and herd health. A population inventory was conducted in February 2016 on the Complex using a Double Simultaneous Count Method. The current estimated wild horse population of 1736 wild horses. Of these, the wild horses residing outside the Complex are located along Hwy 93 and 319 are causing public safety concerns, as well as many private land issues. Numerous reports have been brought to the Ely District attention about horses being hit or spotted on the highways. BLM has conducted numerous removals of excess wild horses that are causing public safety concerns along Hwy 93, 319 and private property issues. However as the wild horse population continue to increase, groups of horses would continue to leave the complex in search of forage and water resources with the potential of causing safety concerns along Hwy 93, 319 and private property issues.

Environmental Impacts

Proposed Action

The Proposed Action is to achieve zero (0) wild horse within the Caliente HA Complex and surrounding areas within 10 years. The first portion of the proposed action would be to gather approximately 90 percent of the total wild horse population and remove excess wild horses. However, considering the terrain and anticipated gather efficiency, the post-gather population of wild horses would be about 150-350 wild horses. Follow up gathers

would be needed to remove all excess wild horses within these HA's and effectively return them to HA status.

Helicopter/ Bait and water trap impacts to wild horses

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. Horses may potentially strike or kick gates, panels or the working chute while in corrals or trap which may cause injuries. Lowered competition for forage and water resources would reduce stress and fighting for limited resources (water and forage) and promote healthier animals. Indirect individual impacts are those impacts which occur to individual wild horses after the initial stress event, and may include spontaneous abortions in mares. 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.

Spontaneous abortion events among pregnant mares following capture is also rare, though poor body condition at time of gather can increase the incidence of spontaneous abortions. Given the two different capture methods proposed, spontaneous abortion is not considered to be an issue for either of the two proposed gather methods, since helicopter/drive trap method would not be utilized during peak foaling season (March 1 thru June 30), unless an emergency exists, and the water/bait trapping method is anticipated to be low stress.

Foals are often gathered that were orphaned on the range (prior to the gather) because the mother rejected it or died. These foals are usually in poor, unthrifty condition. Orphans encountered during gathers are cared for promptly and rarely die or have to be euthanized. It is unlikely that orphan foals would be encountered since majority of the foals would be old enough to travel with the group of wild horses. Also depending on the time of year the current foal crop would be six to nine months of age and may have already been weaned by their mothers.

Gathering wild horses during the summer months can potentially cause heat stress. Gathering wild horses during the fall/winter months reduces risk of heat stress, although this can occur during any gather, especially in older or weaker animals. Adherence to the SOPs and techniques used by the gather contractor or BLM staff would help minimize the risks of heat stress. Heat stress does not occur often, but if it does, death can result. Most temperature related issues during a gather can be mitigated by adjusting daily

gather times to avoid the extreme hot or cold periods of the day. The BLM and the contractor would be pro-active in controlling dust in and around the holding facility and the gather corrals to limit the horses' exposure to dust.

The BLM has been gathering excess wild horses from public lands since 1975, and has been using helicopters for such gathers since the late 1970's. Refer to Appendix I for information on the methods that are utilized to reduce injury or stress to wild horses and burros during gathers.

Since 2006, BLM Nevada has gathered over 40,000 excess animals. Of these, gather related mortality has averaged only 0.5%, which is very low when handling wild animals. Another 0.6% of the animals captured were humanely euthanized due to pre-existing conditions and in accordance with BLM policy. This data affirms that the use of helicopters and motorized vehicles are a safe, humane, effective and practical means for gathering and removing excess wild horses and burros from the range. BLM policy prohibits gathering wild horses with a helicopter (unless under emergency conditions) during the period of March 1 to June 30 which includes and covers the six weeks that precede and follow the peak of foaling period (mid-April to mid-May).

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 2015-070 is used as a guide to determine if animals meet the criteria and should be euthanized. 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.

Temporary Holding Facilities During Gathers

Wild horses gathered would be transported from the trap sites to a temporary holding corral within the HMA in goose-neck trailers or straight-deck semi-tractor trailers. At the temporary holding corral, the wild horses would be aged and sorted into different pens based on sex. The horses would be provided ample supply of good quality hay and water. Mares and their un-weaned foals would be kept in pens together.

At the temporary holding facility, a veterinarian, would provide recommendations to the BLM regarding care, treatment, and if necessary, euthanasia of the recently captured wild horses. Any animals affected by a chronic or incurable disease, injury, lameness or serious physical defect (such as severe tooth loss or wear, club foot, and other severe congenital abnormalities) would be humanely euthanized using methods acceptable to the American Veterinary Medical Association (AVMA).

Transport, Short Term Holding, and Adoption Preparation

Wild horses removed from the range as excess would be transported to the receiving short-term holding facility in a goose-neck stock trailer or straight-deck semi-tractor trailers. Trucks and trailers used to haul the wild horses would be inspected prior to use to ensure wild horses can be safely transported and that the interior of the vehicle is in a sanitary condition. Wild horses would be segregated by age and sex when possible and loaded into separate compartments. Mares and their un-weaned foals may be shipped together. Transportation of recently captured wild horses is limited to a maximum of 8 hours. During transport, potential impacts to individual horses can include stress, as well as slipping, falling, kicking, biting, or being stepped on by another animal. Unless wild horses are in extremely poor condition, it is rare for an animal to die during transport.

Upon arrival, recently captured wild horses are off-loaded by compartment and placed in holding pens where they are fed good quality hay and water. Most wild horses begin to eat and drink immediately and adjust rapidly to their new situation. At the short-term holding facility, a veterinarian provides recommendations to the BLM regarding care, treatment, and if necessary, euthanasia of the recently captured wild horses. Any animals affected by a chronic or incurable disease, injury, lameness or serious physical defect (such as severe tooth loss or wear, club foot, and other severe congenital abnormalities) that was not diagnosed previously at the temporary holding corrals at the gather site would be humanely euthanized using methods acceptable to the AVMA. Wild horses in very thin condition or animals with injuries are sorted and placed in hospital pens, fed separately and/or treated for their injuries. Recently captured wild horses, generally mares, in very thin condition may have difficulty transitioning to feed. A small percentage of animals can die during this transition; however, some of these animals are in such poor condition that it is unlikely they would have survived if left on the range.

After recently captured wild horses have transitioned to their new environment, they are prepared for adoption or sale. Preparation involves freeze-marking the animals with a unique identification number, vaccination against common diseases, castration, and deworming. During the preparation process, potential impacts to wild horses are similar to those that can occur during transport. Injury or mortality during the preparation process is low, but can occur.

At short-term corral facilities, a minimum of 700 square feet is provided per animal. Mortality at short-term holding facilities averages approximately 5% (GAO-09-77, Page 51), and includes animals euthanized due to a pre-existing condition, animals in extremely poor condition, animals that are injured and would not recover, animals which are unable to transition to feed; and animals which die accidentally during sorting, handling, or preparation.

Adoption

Adoption applicants are required to have at least a 400 square foot corral with panels that are at least six feet tall. Applicants are required to provide adequate shelter, feed, and

water. The BLM retains title to the horse for one year and the horse and facilities are inspected. After one year, the applicant may take title to the horse at which point the horse become the property of the applicant. Adoptions are conducted in accordance with 43 CFR § Subpart 4750.

Sale with Limitation

Buyers must fill out an application and be pre-approved before they may buy a wild horse. A sale-eligible wild horse is any animal that is more than 10 years old; or has been offered unsuccessfully for adoption at least 3 times. The application also specifies that all buyers are not to sell to slaughter buyers or anyone who would sell the animals to a commercial processing plant. Sale of wild horses are conducted in accordance with the 1971 WFRHBA and congressional limitations.

Off-range Pastures

During the past 5 years, the BLM has removed approximately 19,000 excess wild horses or burros from the Western States. Most animals not immediately adopted or sold have been transported to Off-Range pastures in the Midwest given current Congressional prohibitions on selling excess animals without limitations, or on euthanizing healthy animals for which no adoption or sale demand exists as required by the WFRHBA.

Potential impacts to wild horses from transport to adoption, sale or Off-range Pastures (ORP) are similar to those previously described. One difference is that when shipping wild horses for adoption, sale or ORP, animals may be transported for a maximum of 24 hours. Immediately prior to transportation, and after every 24 hours of transportation, animals are offloaded and provided a minimum of 8 hours on-the-ground rest. During the rest period, each animal is provided access to unlimited amounts of clean water and 2 pounds of good quality hay per 100 pounds of body weight with adequate bunk space to allow all animals to eat at one time. The rest period may be waived in situations where the anticipated travel time exceeds the 24-hour limit but the stress of offloading and reloading is likely to be greater to the animals than the stress involved in the additional period of uninterrupted travel.

Off-range pastures are designed to provide excess wild horses with humane, and in some cases life-long care in a natural setting off the public rangelands. There wild horses are maintained in grassland pastures large enough to allow free-roaming behavior (i.e., the horses are not kept in corrals) and with the forage, water, and shelter necessary to sustain them in good condition. About 33,429 wild horses that are in excess of the current adoption or sale demand (because of age or other factors such as economic recession), are currently located on private land pastures in Oklahoma, Kansas, South Dakota Iowa, Missouri, Montana, and Utah. Establishment of an ORP is subject to a separate NEPA and decision-making process. Located in mid or tall grass prairie regions of the United States, these ORPs are highly productive grasslands compared to the more arid western rangelands. These pastures comprise about 256,000 acres (an average of about 10-11

acres per animal). Of the animals currently located in ORP, less than one percent is age 0-4 years, 49 percent are age 5-10 years, and about 51 percent are age 11+ years.

Mares and sterilized stallions (geldings) are segregated into separate pastures except at one facility where geldings and mares coexist. Although the animals are placed in ORP, they remain available for adoption or sale to qualified individuals; and foals born to pregnant mares in ORP are gathered and weaned when they reach about 8-12 months of age and are also made available for adoption. The ORP contracts specify the care that wild horses must receive to ensure they remain healthy and well-cared for. Handling by humans is minimized to the extent possible, although regular on-the-ground observation by the ORP contractor and periodic counts of the wild horses to ascertain their well-being and safety are conducted by BLM personnel and/or veterinarians. A very small percentage of the animals may be humanely euthanized if they are in very poor condition due to age or other factors. Natural mortality of wild horses in ORP averages approximately 8% per year, but can be higher or lower depending on the average age of the horses pastured there (GAO-09-77, Page 52). Wild horses residing on ORP facilities live longer, on the average, than wild horses residing on public rangelands,

Euthanasia and Sale Without Limitation

Under the WFRHBA, healthy excess wild horses can be euthanized or sold without limitation if there is no adoption demand for the animals. However, while euthanasia and sale without limitation are allowed under the statute, these activities have not been permitted under current Congressional appropriations for over a decade and are consequently inconsistent with BLM policy. If Congress should remove this prohibition, then excess horses removed from the HMA could potentially be sold without limitations or humanely euthanized, as required by statute, if no adoption or sale demand exists for some of the removed excess horses.

Wild Horse Remaining Following Gather

The wild horses that are not captured may be temporarily disturbed and move into another area during the gather operations. With the exception of changes to herd demographics, direct population wide impacts have proven, over the last 20 years, to be temporary in nature with most if not all impacts disappearing within hours to several days. 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 complex following the removal of excess horses, competition for resources would be reduced, allowing wild horses to utilize preferred, quality habitat. Confrontations between stallions would also become less frequent, as would fighting among wild horse bands at water sources. Achieving the AML and improving the overall health and fitness of wild horses could also increase foaling rates and foaling survival rates over the current conditions.

The primary effects to the wild horse population that would be directly related to this proposed gather would be to herd population dynamics, age structure or sex ratio, and subsequently to the growth rates and population size over time.

The remaining wild horses not captured would maintain their social structure and herd demographics (age and sex ratios). No observable effects to the remaining population associated with the gather impacts would be expected except a heightened shyness toward human contact.

Impacts to the rangeland 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 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 is decreased.

Indirect individual impacts are those impacts which occur to individual wild horses after the initial stress event, and may include spontaneous abortions in mares, and 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 older studs following sorting and release into the stud pen, which lasts less than two 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.

Spontaneous abortion events among pregnant mares following capture is also rare, though poor body condition can increase the incidence of such spontaneous abortions. Given the timing of this gather, spontaneous abortion is not considered to be an issue for the proposed gather.

A few foals may be orphaned during gathers. This may occur due to:

- The mare rejects the foal. This occurs most often with young mothers or very young foals,
- The foal and mother become separated during sorting, and cannot be matched,
- The mare dies or must be humanely euthanized during the gather,
- The foal is ill, weak, or needs immediate special care that requires removal from the mother,
- The mother does not produce enough milk to support the foal.

Most foals that would be gathered would be over four months of age and some would be already weaned from their mothers. In private industry, domestic horses are normally weaned between four and six months of age.

Gathering the wild horses during the fall reduces risk of heat stress, although this can occur during any gather, regardless of season, especially in older or weaker animals. Adherence to the SOPs as well as techniques used by the gather contractor help minimize the risks of heat stress. Heat stress does not occur often, but if it does, death can result.

During summer gathers, roads and corrals may become dusty, depending upon the soils and specific conditions at the gather area. The BLM ensures that contractors mitigate any potential impacts from dust by slowing speeds on dusty roads and watering down corrals and alleyways. Despite precautions, it is possible for some animals to develop complications from dust inhalation and contract dust pneumonia. This is rare, and usually affects animals that are already weak or otherwise debilitated due to older age or poor body condition. Summer gathers pose increased risk of heat stress so Contractors use techniques that minimize heat stress, such as conducting gather activities in the early morning, when temperatures are coolest, and stopping well before the hottest period of the day. The helicopter pilot also brings in the horses at an easy pace. If there are extreme heat conditions, gather activities are suspended during that time. Water consumption is monitored, and horses or burros are often lightly sprayed with water as the corrals are being sprayed to reduce dust. The wild horses and burros appear to enjoy the cool spray during summer gathers. Individual animals are also monitored and veterinary or supportive care administered as needed. Electrolytes can be administered to the drinking water during gathers that involve animals in weakened conditions or during summer gathers. Additionally, BLM Wild Horse and Burro staff maintains supplies of electrolyte paste if needed to directly administer to an affected animal. As a result of adherence to SOPs and care taken during summer gathers, potential risks to wild horses associated with summer gathers can be minimized or eliminated.

During winter gathers, wild horses and burros are often located in lower elevations, in less steep terrain due to snow cover in the higher elevations. Subsequently, the animals are closer to the potential gather corrals, and need to maneuver less difficult terrain in many cases. However, snow cover can increase fatigue and stress during winter gathers, therefore the helicopter pilot allows horses to travel slowly at their own pace. The Contractor may plow trails in the snow leading to the gather corrals to make it easier for animals to travel to the gather site and to ensure the wild horses can be safely gathered.

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. Animal Health Maintenance Evaluation and Response WO IM-2015-070 is used as a guide to determine if animals meet the criteria and should be euthanized (refer to SOPs Appendix I). 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.

Impacts of Alternative B -- No Action Alternative

Under the No Action Alternative, wild horses would not be removed from the Caliente HA Complex at this time. Individual horses, as well as the herd, would not be subject to any individual direct or indirect impacts that may result during a gather operation as described in the Proposed Action. However, the current population of 1736 wild horses would continue to increase at rates of 18-22% annually and would be allowed to regulate their numbers naturally through predation, disease, forage, water and space availability. Existing management, including monitoring, would continue.

The BLM would be out of conformance with the Ely District ROD and Approved RMP (August 2008) at management action WH-5.

The No Action Alternative would not comply with 1971 WFRHBA or with applicable regulations and Bureau policy, nor would it comply with the Mojave/Southern Great Basin RAC Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations. However, it is included as a baseline for comparison with Proposed Action, as required under the 1969 National Environmental Policy Act (NEPA).

As populations increase beyond the capacity of the available habitat, more bands of horses would leave the boundaries of the Caliente Complex in search of forage and water. As the wild horse population continue to increase; groups of horses would continue to leave the complex in search of forage and water resources with the potential of causing safety concerns along Hwy 93, 319 and private property issues.

This alternative would result in increasing numbers of wild horses in areas not designated for their use, would be contrary to the Wild Free-Roaming Horse and Burro Act and would not achieve the stated objectives for wild horse herd management areas, 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”.

3.2.2 Vegetation Resources

Affected Environment

The Caliente HA Complex consist of sites dominated by pinyon-juniper woodland in the mountains and salt desert shrub communities in the valleys. The salt desert shrub community is composed of two major vegetative zones: the shadscale and the sagebrush.

The pinyon-juniper zone is scattered throughout the area, and generally occurs above 5,500 feet within and surrounding the mountain ranges. Stands of these pinyon pine and

juniper trees vary in density from scattered to closed (solid) stands. A few isolated and ancient ponderosa pine stands and several aspen groves dot the higher elevations. The shadscale zone is found mostly in the bottoms of the valleys. Plants have adapted to the very arid saline soils of the valleys. Important plants in this zone are shadscale, winterfat, black sagebrush and black greasewood.

The sagebrush zone is scattered throughout the area, and occurs between 5,500 feet and 7,000 feet where soils are less salty and more gravelly in nature.

The only water available for wild horse use is provided by springs which have seasonal and marginal flow. Limited riparian habitat and their associated plant species occur in association with the springs.



Miller Flat (2015)

Monitoring data collected for the HA in fiscal years 2011-2017 indicates utilization by wild horses is moderate to heavy in established key areas. Trampling damage by wild horses is evident at most locations. Insufficient herbaceous forage within the dominant ecological sites does not support healthy wild horses, and has led to excess utilization and trampling which is currently impacting range conditions and preventing recovery of key sites.



Crestline Burn Little Mtn HMA. (2015)



Ella Spring (2015)

Environmental Effects

Proposed Action

Lower wild horse numbers would result in decreased grazing pressure on vegetation resources, including riparian areas. These areas would be expected to improve in the absence of over-utilization by wild horses, which would lead to healthier, more vigorous forage plants. Over the long-term, improving range conditions would be expected to result in increased vegetation density, reproduction and productivity and an increase in the amount of vegetation available for use as forage, this could take numerous years (may take 20+ years in some areas) in the harsh Mojave Desert environment. Impacts of hoof action on the soil around unimproved springs would also be reduced, which should lead to increased bank stability and improved riparian habitat conditions. There would also be a reduction in hoof action on upland habitats and reduced competition among individual wild horses for available water sources.

Some temporary impacts to vegetation could result with implementation of the Proposed Action. Included would be disturbance of native vegetation immediately in and around temporary trap sites or holding facilities. Direct impacts could result from vehicle traffic or the hoof action of penned horses, and could be locally severe in the immediate vicinity of the trap sites or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Since most trap sites or holding facilities would be re-used during future wild horse gather operations, any impacts would be expected to be localized and isolated in nature. In addition, most trap sites or holding facilities are selected to enable easy access by transportation vehicles and logistical support equipment and would generally be adjacent to or on roads, pullouts, water haul sites, or other flat spots that have been previously disturbed. By adhering to the SOPs, adverse impacts to soils as a result of capture operations would be minimized.

Alternative B -- No Action Alternative

Under the No Action Alternative, a wild horse removal would not occur at this time. As a result, the potential for localized trampling or vegetation/soil disturbance associated with the trap sites and temporary holding facilities needed to conduct a gather operation would not occur. However, as wild horse populations continue to grow, continued heavy to excessive utilization would result in further decreases in vegetation cover and lead to increased soil erosion throughout the HAs as well as areas outside the HAs boundaries where wild horses are currently living.

Over the long term, increased use by wild horses on the shallow soils typical of this region would be expected to reduce plant vigor and abundance. Over time, decreasing soil and vegetation health has potential to subject the range to invasion by non-native plant species or noxious weeds. A shift in plant composition to weedy species would result in a less vegetation available for use as forage, loss of topsoil through increased

erosion, and decreased productivity. These impacts would also be seen outside the HAs, and could affect even larger geographic areas as wild horses forage further from the HA.

3.2.3 Fish and Wildlife

Affected Environment

The proposed gather area includes general habitat for small mammals, reptiles, and big game, such as pronghorn antelope (*Antilocapra americana*), mule deer (*Odocoileus hemionus*), and Rocky Mountain elk (*Cervus Canadensis*). Miller Flat and Little Mountain herd areas contain crucial winter mule deer habitat.

Environmental Effects

Proposed Action

Wildlife would be temporarily displaced during capture operations, a result of increased activity associated with trap setup, helicopters and vehicle traffic. Removing all excess wild horses would result in decreased competition between wild horses and wildlife for available forage and water resources as soon as the gather is completed. Over the long-term, both riparian and upland habitat conditions (forage quantity and quality) for wildlife would improve.

Alternative B -- No Action Alternative

Under the No Action (no removal) alternative, wildlife would not be temporarily displaced or disturbed. However, as wild horse numbers continued to grow, competition between wild horses and wildlife for limited water and forage resources would increase. As competition increases, some wildlife species may not be able to compete successfully, leading to increased stress and possible dislocation or death of native wildlife species over the long-term.

3.2.4 Special Status Species, other than those listed or proposed by the USFWS as Threatened or Endangered

Affected Environment

The Caliente Herd Area Complex includes habitat for several special status species. See Table 3.1 for a list of special status species that are likely to occur in the project area.

Table 3.1 Special Status Species likely to occur within the project area

Common Name	Scientific Name
Birds	

Bald eagle	<i>Haliaeetus leucocephalus</i>
Ferruginous hawk	<i>Buteo regalis</i>
Golden eagle	<i>Aquila chrysaetos</i>
Greater sage-grouse ¹	<i>Centrocercus urophasianus</i>
Northern goshawk	<i>Accipiter gentilis</i>
Pinyon jay	<i>Gymnorhinus cyanocephalus</i>
Fish	
Meadow Valley speckled dace	<i>Rhinichthys osculus ssp. 11</i>
Meadow Valley Wash desert sucker	<i>Catostomus clarkii ssp. 2</i>
Mammals	
Big brown bat	<i>Eptesicus fuscus</i>
Brazilian free-tailed bat	<i>Tadarida brasiliensis</i>
California myotis	<i>Myotis californicus</i>
Fringed myotis	<i>Myotis thysanodes</i>
Pallid bat	<i>Antrozous pallidus</i>
Western pipistrelle	<i>Pipistrellus hesperus</i>
Bighorn sheep	<i>Ovis canadensis</i>
Reptiles	
Banded gila monster	<i>Heloderma suspectum cinctum</i>
Plants	
Antelope Canyon goldenbush	<i>Ericameria cervina</i>
Long-calyx eggvetch	<i>Astragalus oophorus var. lonchocalyx</i>
Needle Mountains milkvetch	<i>Astragalus eurylobus</i>
Pioche blazingstar	<i>Mentzelia argillicola</i>
Veyo milkvetch	<i>Astragalus ensiformis var. gracilior</i>

¹ Although mapped General Habitat overlaps the project area, greater sage-grouse are not known to occur within the area.

Environmental Effects

Proposed Action

Wildlife would be temporarily displaced during capture operations, a result of increased activity associated with trap setup, helicopters and vehicle traffic. Removing all excess wild horses would result in decreased competition between wild horses and wildlife for available forage and water resources as soon as the gather is completed. Over the long-term, both riparian and upland habitat conditions (forage quantity and quality) for wildlife would improve. Special status plant species are not anticipated to be impacted by this action as the trap sites would be placed in previously disturbed areas.

Alternative B -- No Action Alternative

Under the No Action (no removal) alternative, wildlife would not be temporarily displaced or disturbed. However, as wild horse numbers continued to grow, competition between wild horses and wildlife for limited water and forage resources would increase.

As competition increases, some wildlife species may not be able to compete successfully, leading to increased stress and possible dislocation or death of native wildlife species over the long-term.

3.3.5 U.S. Fish and Wildlife Service Listed or proposed for listing Threatened or Endangered Species or critical habitat

Affected Environment

Species within the Herd Areas proposed for the gather include the federally threatened desert tortoise (*Gopherus agassizii*), federally endangered Southwestern willow flycatcher (*Empidonax traillii extimus*), and the federally threatened yellow-billed cuckoo (*Coccyzus americanus*). The Meadow Valley Mountains, Mormon Mountains, and Blue Nose Peak Herd Areas are in desert tortoise habitat. The Mormon Mountains Herd Area contains the Mormon Mesa desert tortoise critical habitat and Area of Critical Environmental Concern (ACEC). Six out of nine Herd Areas overlap the Lower Meadow Valley Wash ACEC.

Environmental Effects

Proposed Action

Given that the Herd Areas planned for the Caliente Complex gathers encompass many acres, the desert tortoise habitat is highly variable. Any trap sites located in desert tortoise habitat (not in ACEC or critical habitat) would be placed in previously disturbed areas, roads, or washes and would be cleared by a qualified biologist before being set up. The holding facility for gathers would be located outside of tortoise habitat. The appropriate minimization measures for desert tortoise have been incorporated such that the Proposed Action “may affect, but is not likely to adversely affect” the desert tortoise and would not disturb or destroy any critical habitat for the desert tortoise. A potential effect of this project would be less desert tortoise habitat disturbance in the future due to the removal of wild horses.

The proposed project is not anticipated to impact riparian species as gathers would not focus on riparian areas and trap sites would not be located in riparian areas. Therefore, there would be no effect on the Southwestern willow flycatcher or yellow-billed cuckoo.

Alternative B -- No Action Alternative

Under the No Action (no removal) alternative, wildlife would not be temporarily displaced or disturbed. However, as wild horse numbers continued to grow, competition between wild horses and wildlife for limited water and forage resources would increase. As competition increases, some wildlife species may not be able to compete successfully, leading to increased stress and possible dislocation or death of native wildlife species over the long-term.

3.2.6 Non-native Invasive Species Including Noxious Weeds

Affected Environment

The BLM defines a weed as a nonnative plant that disrupts or has the potential to disrupt or alter the natural ecosystem function, composition and diversity of the site it occupies. A weeds presence deteriorates the health of the site, it makes efficient use of natural resources difficult, and it may interfere with management objectives for that site. It is an invasive species that requires a concerted effort (manpower and resources) to remove from its current location, if it can be removed at all. "Noxious" weeds refer to those plant species which have been legally designated as unwanted or undesirable. This includes national, state and county or local designations.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. For a complete list of the weed infestations currently documented within each HA see the Noxious and Invasive Weed Risk Assessment in Appendix II. It should be noted that the Mormon Mountain and Miller Flat HAs occur near or on the Ely District boundary with other BLM districts. Weed inventory data for these districts is not available. While not officially documented the following non-native invasive weeds probably occur in or around the project area:

<i>Bromus diandrus</i>	Ripgut brome	<i>Erodium cicutarium</i>	Filaree
<i>Bromus rubens</i>	Red brome	<i>Halogeton glomeratus</i>	Halogeton
<i>Bromus tectorum</i>	Cheatgrass	<i>Marrubium vulgare</i>	Horehound
<i>Ceratocephala testiculata</i>	Bur buttercup	<i>Salsola kali</i>	Russian thistle
<i>Convolvulus arvensis</i>	Field bindweed	<i>Sysimbrium altissimum</i>	Tumble mustard
<i>Elaeagnus angustifolia</i>	Russian olive	<i>Verbascum thapsus</i>	Common mullein

Environmental Effects

Proposed Action

A Noxious and Invasive Weed Risk Assessment was completed for this project (Appendix IV) and the Risk Factor rating is currently moderate. Given the concentrated use around capture sites and the use of non-certified forage, it is likely that project activities would result in new infestations, specifically at the capture sites. Aside from along major roads and drainages, such as Meadow Valley Wash and Clover Creek, these HAs are relatively weed free. If new weed infestations spread to the area there would be adverse effects to the surrounding native vegetation. Any increase in cheatgrass or red brome could alter the fire regime in the area.

The Ely District normally requires that all hay, straw, and hay/straw products use in project be free of plant species listed on the Nevada noxious weed list. However, this gather is being implemented through the National Wild Horse & Burro Gather Contract and there are no stipulations in this national contract that require the contractor to provide certified weed-free forage.

Alternative B -- No Action Alternative

Under the No Action Alternative, a wild horse removal would not occur at this time. As a result, the potential for localized trampling and vegetation/soil disturbance associated with the trap sites and temporary holding facilities needed to conduct a gather operation would not occur. However, as wild horse populations continue to grow, continued heavy to excessive utilization would result in further decreases in vegetation cover. Over the long term, increased use by wild horses on the shallow soils typical of this region would be expected to reduce plant vigor and abundance. Over time, decreasing soil and vegetation health has potential to subject the range to invasion by non-native plant species or noxious weeds.

3.2.7 Livestock grazing

Affected Environment

The Caliente HA Complex includes portions of the Applewhite, Buckboard, Clover Creek, Cottonwood, Delamar, Garden Spring, Henrie Complex, Little Mountain, Lower Riggs, Mustang Flat, Oak Springs, Oak Wells, Panaca Cattle, Peck, Pennsylvania, Rabbit Spring, Rainbow, Roadside, Sand Hills, Sawmill Canyon, Schlarman, Sheep Flat, Sheep Spring, Uvada, White Hills, and White Rock allotments (Appendix V).

Over the past ten years (2007 – 2016), due to inadequate forage and water, some of the permittees have put their AUMs in Voluntary Non-use (Table 3.2).

Table 3.2 Grazing Allotments Associated with the Caliente Herd Area Complex

Allotment Name	Allotment No.	Season of Use	Type of Livestock	AUMs	Average Over Ten Years Active Use	Percent of Permit Use
Applewhite	NV21001	3/1 to 2/28	Cattle	562	161	29%
Buckboard	NV21011	3/1 to 2/28	Cattle	263	Voluntary Non-use	- - - -
Clover Creek	NV21015	9/1 to 12/31	Cattle	613	100	16%
Cottonwood	NV21021	5/1 – 10/31	Cattle	2,245	130	10%
Delamar	NV01083	3/1 to 2/28	Cattle	5,558	1220	22%
Garden Spring	NV01065	11/1 to 4/30	Cattle & Domestic Horses	2,809	1,250	74%
Henrie Complex	NV11034	11/1 to 4/30	Cattle	1,380	769	56%
Little Mountain	NV00414	5/1 to 10/31	Cattle	399	Voluntary Non-use	- - - -
Lower Riggs	NV01087	3/1 to 2/28	Cattle	1,408	313	22%
Mustang Flat	NV01048	9/1 to 12/31	Cattle	147	41	28%
Oak Springs	NV01050	3/1 to 2/28	Cattle	9,268	3052	33%
Oak Wells	NV01051	3/1 to 2/28	Cattle	551	332	65%
Panaca Cattle	NV01053	3/1 to 2/28	Cattle	453	Voluntary Non-use	- - - -
Peck	NV01055	3/1 to 2/28	Cattle	397	158	40%
Pennsylvania	NV01056	10/1 to 2/28	Cattle	1,205	Voluntary Non-use	- - - -

Caliente Herd Area Complex Wild Horse Gather
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Rabbit Spring	NV01057	6/1 to 3/15	Cattle & Sheep	884	22	2%
Rainbow	NV11028	10/1 to 4/30	Cattle	665	120	18%
Roadside	NV01061	12/1 to 2/28	Cattle	32	Voluntary Non-use	- - - -
Sand Hills	NV01088	6/1 to 10/31	Cattle	229	Voluntary Non-use	- - - -
Sawmill Canyon	NV01067	3/1 to 2/28	Cattle	189	33	18%
Schlarman	NV01068	10/1 to 4/30	Cattle	240	81	34%
Sheep Flat	NV01069	6/1 to 9/30	Cattle	1,977	1,018	51%
Sheep Spring	NV01070	6/1 to 3/15	Cattle	409	68	17%
Uvada	NV01079	5/1 to 10/31	Cattle	463	331	71%
White Hills	NV01082	12/1 to 2/28	Cattle	101	Voluntary Non-use	- - - -
White Rock	NV01078	11/1 to 4/30	Cattle	7,473	657	38%

Environmental Effects

Proposed Action

Livestock located near gather activities would be disturbed by the helicopter and increased vehicle traffic during the gather operation. This displacement would be temporary, and the livestock would move back into the area once gather operations either moved or ceased. Past experience has shown that gather operations have little impacts to grazing cattle. With the removal of all excess wild horses, forage conditions (quality and quantity) would be improved to allow progress towards achieving RAC standards (also see Rangeland Standards and Guidelines in the 1.6 Identification of Issues). No increases in permitted livestock use would occur as a result of the Proposed Action.

Alternative B -- No Action Alternative

Livestock would not be displaced or disturbed due to gather operations under the No Action Alternative. Forage conditions (quality and quantity) would continue to deteriorate on the range. This impact would spread even further as wild horses expand their range in search of forage and living space.

Chapter 4 Cumulative Impacts

4.1 Introduction

As required under NEPA and the regulations implementing NEPA, this section analyzes potential cumulative impacts from past, present, and reasonably foreseeable future actions combined with the Proposed Action within the area analyzed for impacts in Chapter 3 specific to the resources for which cumulative impacts may be anticipated. A cumulative impact is defined as “the impact which results from the incremental impact of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 Code of Federal Regulations 1508.7). The cumulative effects study area (CESA) for the Proposed Action is identified as the Escalante Desert, Panaca Valley, Clover Creek North, Clover Creek South, Delamar Valley Meadow Valley Wash North, Meadow Valley Wash South, Tule Desert, Kane Springs, and Beaver Dam Wash Watersheds.

4.2 Past Present and Reasonably Foreseeable Future Actions

4.2.1 Past Actions

Herd Areas (HAs) were identified in 1971 as areas occupied by wild horses. Herd Management Areas (HMAs) were established in the late 1980s through the land use planning process as areas where wild horse management was an approved multiple-use. These plans (which include the Caliente Grazing EIS, the Schell Grazing EIS and the Egan RMP/EIS) identified the long-term management direction for domestic livestock grazing, wildlife and wild horses and analyzed the associated environmental impacts. The Mormon Mountains was dropped from HMA status in the 2000 Approved Caliente management FMP Amendment and Record of Decision for the Management of Desert Tortoise Habitat.

Removal of excess wild horses from the Caliente HA Complex has not occurred on a regular basis. However, portions of the Caliente HA Complex have been gathered from 1985-2008 to remove wild horses due to emergency drought conditions, fire and nuisance animals. Since 1985, 1,122 wild horses have been removed from the Caliente HA Complex.

4.2.2 Present Actions

Today the Caliente HA Complex have an estimated population of 1736 wild horses. Resource damage is occurring both within and outside the HA due to this overpopulation of wild horses.

Current BLM policy is to implement the Ely District ROD and Approved RMP (August 2008) at management action WH-5 states: “Remove wild horses and drop herd management area status for those ... as listed in Table 13.” The Meadow Valley Mountain, Blue Nose Peak, Delamar Mountains, Clover Mountains, Clover Creek, Applewhite, Little Mountain, and Miller Flat HAs were dropped from HMA status with this management action and need to have all wild horses removed from these HA’s. The Mormon Mountains was dropped from HMA status in the 2000 Approved Caliente MFP Amendment and Record of Decision for the Management of Desert Tortoise Habitat.

4.2.3 Reasonably Foreseeable Future Actions

The WFRHBA has been amended three times since 1971 (i.e. the Act was amended in 1976, 1978, and again in 2004). Therefore, future changes to the WFRHBA are possible as a reasonably foreseeable future action. Any changes could affect wild horse and burro management.

Improvements to rangeland management associated with livestock grazing are also expected to continue within the project area. These improvements could include installation of fences, water locations, and cattle guards. Range allotments also undergo a review of the grazing permits and practices every 10 years through which the health of the range is assessed to determine what, if any, improvements are to be made to meet rangeland health standards.

4.3 Cumulative Impact Analysis

No cumulative effects are expected from the gather activities analyzed in this document because the actions associated with the gathers are proposed to occur on previously disturbed sites.

Management of livestock and grazing within the Caliente Herd complex may include installing range improvements such as water troughs, fences, and cattle guards designed to alter cattle behavior and use of certain areas. If horses are removed from the entire complex area, vegetation and soil conditions may improve greatly when combined with reduction of cattle grazing. Similarly, impacts from removing horses and managing livestock distribution or number of AUMs within grazing allotments could include continued improvement of vegetation and riparian-wetland conditions, which would in turn impact native wildlife as forage quantity and quality is improved over the current level.

Chapter 5 Consultation And Coordination

5.1 Introduction

The issue identification section of Chapter 1 provides the rationale for issues that were considered but not analyzed further and identifies those issues analyzed in detail in Chapter 3. The issues were identified through the public and agency involvement process described below.

5.2 Public Interest and Consultation

Public hearings are held annually on a state-wide basis regarding the use of motorized vehicles, including helicopters and fixed-wing aircraft, in the management of wild horses (or burros). During these meetings, the public is given the opportunity to present new information and to voice any concerns regarding the use of the motorized vehicles.

The Ely District Office held the state-wide meeting on June 27, 2017; two public participants attended and their comments were entered into the record for this hearing. Specific concerns included: (1) whether Most were in support of the use of helicopters and the gathering of excess wild horses. Standard Operating Procedures (SOP) were reviewed in response to these concerns and no changes to the SOPs were indicated based on this review.

5.2 Individuals, Organizations, and Tribes Consulted

Informal consultation between the CFO and the U.S. Fish and Wildlife Service (Service) was initiated on August 22, 2017 for gather activities within critical desert tortoise habitat. The Service concurred with the CFOs “May effect, but is not likely to adversely affect” determination on September 21, 2017.

The Confederated Tribes of the Goshute Reservation, the Duckwater Shoshone tribe, The Ely Shoshone Tribe, and the Yomba Shoshone tribe were notified of the the EA on November 9th, 2017. A certified letter inviting the tribes to initiate Government to Government Consultation was sent on November 13, 2017. At this time, none of the tribes have expressed a desire to enter into formal consultation, although the opportunity is ongoing. The main concern consistently identified by tribes is protection of and access to natural, medicinal, and sacred resources, traditional use areas, and sacred sites. Each tribe also maintains a general concern for the welfare of plants, animals, air, landforms, and water.

Chapter 6 List of BLM Preparers

Name	Title	Responsible for the Following Section(s) of this Document
Ben Noyes	Wild Horse Specialist	Project Lead/ Wild Horse
Jessicca Patterson	Wildlife Biologist	Wildlife, Migratory Birds, Special Status Species
Cameron Boyce	Noxious & Invasive Weeds Specialist	Non-native Invasive Species Including Noxious Weeds
Jon Prescott	Environmental Coordinator	Reviewer, NEPA compliance
Cameron Boyce	Rangeland Management Specialist	Livestock Grazing
Harry Konwin	Archaeologist	Cultural Resources
Elizabeth Seymour	Native American Coordinator	Native American Religious Concerns

Chapter 7 References And Acronyms

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7.2 Acronyms

AAEP—American Association of Equine Practitioners
AHPA—American Horse Protection Association
AML—Appropriate Management Level
BCS—Body Condition Score
BLM—Bureau of Land Management
BSU—Biological Significant Unit
CESA—Cumulative Effect Study Area
CFR—Code of Federal Regulations
CFO—Caliente Field Office
DR—Decision Record
EA—Environmental Assessment
EIS—Environmental Impact Statement
FAA—Federal Aviation Administration
FLPMA—Federal Land Policy and Management Act

FONSI—Finding of No Significant Impact
FWS—U.S. Fish and Wildlife Service
GAO—Government Accountability Office
HA—Herd Area
HMA—Herd Management Area
HSUS—Humane Society of the United States
IBLA—Interior Board of Land Appeals
ID—Interdisciplinary
IM—Instructional Memorandum
KFPM—Key Forage Plant Method
MLRA—Major Land Resource Area
NAS—National Academy of Sciences
NDOW—Nevada Department of Wildlife
NEPA—National Environmental Policy Act
NNHP—Nevada Natural Heritage Program
NRCS—Natural Resource Conservation Service
OIG—Office of Inspector General
ORP—Off Range Pasture
PGS—Population Growth Suppression
PZP—Porcine Zona Pellucida
RAC—Resource Advisory Council
RFS—Reasonably Foreseeable Future Action
RMP—Resource Management Plan
SOP—Standard Operating Procedures
WFRHBA—Wild Free-Roaming Horses and Burros Act

Appendix I

Gather Operations Standard

Operating Procedures

Gathers would be conducted by utilizing contractors from the Wild Horse Gathers-Western States Contract, or BLM personnel. The following procedures for gathering and handling wild horses would apply whether a contractor or BLM personnel conduct a gather. For helicopter gathers conducted by BLM personnel, gather operations will be conducted in conformance with the *Wild Horse Aviation Management Handbook* (January 2009), as well as the Comprehensive Animal Welfare Program (CAWP) IM 2015-151.

Prior to any gathering operation, the BLM will provide for a pre-gather evaluation of existing conditions in the gather area(s). The evaluation would include animal conditions, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with wilderness boundaries, the location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation would determine whether the proposed activities would necessitate the presence of a veterinarian during operations. If it is determined that a large number of animals may need to be euthanized or gather operations could be facilitated by a veterinarian, these services would be arranged before the gather would proceed. The contractor would be apprised of all conditions and would be given instructions regarding the gather and handling of animals to ensure their health and welfare is protected.

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

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

1. Helicopter Drive Trapping. This gather method involves utilizing a helicopter to herd wild horses into a temporary trap.
2. Helicopter Assisted Roping. This gather method involves utilizing a helicopter to herd wild horses or burros to ropers.
3. Bait Trapping. This gather method involves utilizing bait (e.g., water or feed) to lure wild horses into a temporary trap.

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

A. Gather Methods used in the Performance of Gather Contract Operations

1. The primary concern of the contractor is the safe and humane handling of all animals gathered. All gather attempts shall incorporate the following:

All trap and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (PI) prior to construction. The Contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

2. The rate of movement and distance the animals travel shall not exceed limitations set by the COR who would consider terrain, physical barriers, access limitations, weather, extreme temperature (high and low), condition of the animals, urgency of the operation (animals facing drought, starvation, fire rehabilitation, etc.) and other factors. In consultation with the contractor the distance the animals travel would account for the different factors listed above and concerns with each HMA.
3. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:

- a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.

- b. All loading chute sides shall be a minimum of 6 feet high and shall be fully covered, plywood, metal without holes larger than 2"x4".

- c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.

- d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, plastic snow fence, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses

- e. All pens and runways used for the movement and handling of

animals shall be connected with hinged self-locking or sliding gates.

4. No modification of existing fences would be made without authorization from the COR/PI. The Contractor shall be responsible for restoration of any fence modification which he has made.
5. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to wet down the ground with water.
6. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, estrays or other animals the COR determines need to be housed in a separate pen from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government would require that animals be restrained for the purpose of determining an animal's age, sex, or other necessary procedures. In these instances, a portable restraining chute may be necessary and would be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the gather area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation would be at the discretion of the COR.
7. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day. The contractor would supply certified weed free hay if required by State, County, and Federal regulation.
 - a. An animal that is held at a temporary holding facility through the night is defined as a horse/burro feed day. An animal that is held for only a portion of a day and is shipped or released does not constitute a feed day.
8. It is the responsibility of the Contractor to provide security to prevent loss, injury or death of gathered animals until delivery to final destination.
9. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI would determine if animals must be euthanized and provide for the destruction of such animals. The Contractor may be required to humanely euthanize animals in the field and to dispose of the carcasses as directed by the

COR/PI.

10. Animals shall be transported to their final destination from temporary holding facilities as quickly as possible after gather unless prior approval is granted by the COR for unusual circumstances. Animals to be released back into the HMA following gather operations may be held up to 21 days or as directed by the COR. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR. The Contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the COR. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours in any 24 hour period. Animals that are to be released back into the gather area may need to be transported back to the original trap site. This determination would be at the discretion of the COR/PI or Field Office horse specialist.

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

1. Gather attempts may be accomplished by utilizing bait (feed, water, mineral licks) to lure animals into a temporary trap. If this gather method is selected, the following applies:
 - a. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.
 - b. All trigger and/or trip gate devices must be approved by the COR/PI prior to gather of animals.
 - c. Traps shall be checked a minimum of once every 10 hours.
2. Gather attempts may be accomplished by utilizing a helicopter to drive animals into a temporary trap. If the contractor selects this method the following applies:
 - a. A minimum of two saddle-horses shall be immediately available at the trap site to accomplish roping if necessary. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one half hour.
 - b. The contractor shall assure that foals shall not be left behind, and orphaned.
3. Gather attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If the contractor, with the approval of the COR/PI, selects this method the following applies:

- a. Under no circumstances shall animals be tied down for more than one hour.
- b. The contractor shall assure that foals shall not be left behind, or orphaned.
- c. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who would consider terrain, physical barriers, weather, condition of the animals and other factors.

C. Use of Motorized Equipment

1. All motorized equipment employed in the transportation of gathered animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the COR/PI, if requested, with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that gathered animals are transported without undue risk or injury.
3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have at least two (2) partition gates providing at least three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing at least two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.
4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.

5. Floors of tractor-trailers, stock trailers and loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping as much as possible during transport.
6. Animals to be loaded and transported in any trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers:
 - 11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);
 - 8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
 - 6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
 - 4 square feet per burro foal (.50 linear feet in an 8 foot wide trailer).
7. The COR/PI shall consider the condition and size of the animals, weather conditions, distance to be transported, or other factors when planning for the movement of gathered animals. The COR/PI shall provide for any brand and/or inspection services required for the gathered animals.
8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor would be instructed to adjust speed.

D. Safety and Communications

1. The Contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the gather of wild horses utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government would take steps necessary to protect the welfare of the animals.
 - a. The proper operation, service and maintenance of all contractor furnished property is the responsibility of the Contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the Contractor would be notified in writing to furnish replacement personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative.
 - b. The Contractor shall obtain the necessary FCC licenses for the radio system

- c. All accidents occurring during the performance of any task order shall be immediately reported to the COR/PI.
- 2. Should the contractor choose to utilize a helicopter the following would apply:
 - a. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State in which the gather is located.
 - b. Fueling operations shall not take place within 1,000 feet of animals.

G. Site Clearances

No personnel working at gather sites may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage or otherwise alter or deface any archaeological resource located on public lands or Indian lands.

Prior to setting up a trap or temporary holding facility, BLM would conduct all necessary clearances (archaeological, T&E, etc). All proposed site(s) must be inspected by a government archaeologist. Once archaeological clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.

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

H. Animal Characteristics and Behavior

Releases of wild horses would be near available water when possible. If the area is new to them, a short-term adjustment period may be required while the wild horses become familiar with the new area.

I. Public Participation

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

J. Responsibility and Lines of Communication

Contracting Officer's Representative/Project Inspector

Ruth Thompson, Wild Horse and Burro Specialist, Ely District

Ben Noyes, Wild Horse and Burro Specialist, Ely District

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. All employees involved in the gathering operations would keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquiries would be handled through the Field Manager and/or the Supervisory Natural Resource Specialist and Field Office Public Affairs. These individuals would be the primary contact and would coordinate with the COR/PI on any inquiries.

The COR would coordinate with the contractor and the BLM Corrals to ensure animals are being transported from the gather site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after gather of the animals. The specifications would be vigorously enforced.

Should the Contractor show negligence and/or not perform according to contract stipulations, he would be issued written instructions, stop work orders, or defaulted.

Water and Bait Trapping Standard Operating Procedures

Gathers would be conducted by utilizing contractors from the Wild Horse and Burro Gathers-Western States Contract, or BLM personnel. The following procedures for gathering and handling wild horses and burros would apply whether a contractor or BLM personnel conduct a gather.

Prior to any gathering operation, the BLM would provide for a pre-capture evaluation of existing conditions in the gather area(s). The evaluation would include animal conditions, prevailing temperatures, drought conditions, soil conditions, road conditions, and preparation of a topographic map with wilderness boundaries, the location of fences, other physical barriers, and acceptable gather site locations in relation to animal distribution. The evaluation would determine whether the proposed activities would necessitate the presence of a veterinarian during operations. If it is determined that capture operations necessitate the services of a veterinarian, one would be obtained before the capture would proceed. The contractor would be apprised of all conditions and would be given instructions regarding the capture and handling of animals to ensure their health and welfare is protected.

Gather sites and temporary holding sites would be located to reduce the likelihood of undue injury and stress to the animals, and to minimize potential damage to the natural and cultural resources of the area. Temporary holding sites would be located on or near existing roads.

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

1. Bait Trapping. This capture method involves utilizing bait (water or feed) to lure wild horses and burros into a temporary gather site.

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

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

The primary concern of the contractor is the safety of all personnel involved and humane handling of all wild horses and burros captured:

- a) Some trap sites would require a staging area (Temporary Holding) as determined by the COR/PI.
- b) All trap and staging areas locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (PI) prior to construction. The Contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and staging facilities not located on public land must have prior written approval of the landowner.
- c) The capture attempts may be accomplished by utilizing bait (feed, mineral supplement or water) or sexual attractants (mares in heat) to lure wild horses and burros into a temporary trap.

All capture attempts shall incorporate the following:

- 1 - All feed bait ingredients, and the formula in that bait would be given to the COR/PI one full week prior to using in the trap.
 - 2 - When using water as the bait, other water sources shall not be cut off in the bait area.
- If the government determines that cutting off other water sources is the best action to take

under this contract, elimination of other water sources shall not last longer than 48 continuous hours.

- d) All traps, wings, and staging facilities shall be constructed, maintained and operated to handle the wild horses and burros in a safe and humane manner and be in accordance with the following:

- 1 - Darting of wild horses and wild burros would not be allowed.
- 2 - Traps and staging facilities shall be constructed of portable panels or equal material, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and staging facilities shall be flowing design without corners. All material used would be flush at the top and bottom, no protrusions, sharp areas.
- 3 - No barbed wire material shall be used in the construction of any traps.
- 4 - All loading alleys shall be a minimum of 6 feet high for horses and 5 feet high for burros and shall be fully covered on the sides with, tarps, plywood, etc.
- 5 - All crowding pens including the gates leading to the alleyways shall be covered with a material which serves as a visual barrier, (plywood, burlap, plastic snow fence, tarps etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses. Perimeter panels on the staging corrals shall be covered to a minimum height of 5 feet for burros and 6 feet for horses.
- 6 - Self-latching gates would be used on all pens and alleyways for the movement and handling of wild horses and burros.
- 7 - No modification of existing fences would be made without authorization from the COR/PI. The Contractor shall be responsible for restoration of any fence modification which he has made.
- 8 - Wild horses and burros trapped at trap sites may need to be sorted into small sorting pens determined by age or sex in order to safely transport them to a BLM preparation facility or a staging area.
- 9 - Sick and injured wild horses and burros, and strays would be separated as needed. Segregation would be at the discretion of the COR.
- 10 - Wild horses and burros would not be held in the trap for more than 24 hours.
- 11 - A staging area would be required away from the trap site for any wild horses and burros that are being held for more than 24 hours.
- 12 - The contractor shall assure that wet mares and their foal shall not be separated.
- 13 - Finger gates may be constructed of materials such as, juniper poles, pipe, etc., only with the prior approval and direction of the COR. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc. that may be injurious to wild horses and burros.
- 14 - All trigger and/or trip gate devices must be approved by the COR prior to capture of wild horses and burros.
- 15 - Traps shall be checked a minimum of once every 24 hours when traps are "set" to capture wild horses and burros.
- 16 - Contractor would report any injuries that resulted from trapping operations as well as pre-existing injuries to the COR and BLM preparation facility.
- 17 - The COR/PI may assist with the handling of wild horses and burros.

e. At the discretion of the COR/PI the Contractor may be required to delay shipment of horses until the COR/PI inspects the wild horses and burros at the trap site prior to transporting them to the BLM preparation facility.

C. Temporary Holding and Animal Care

The temporary holding facility area would only be used when approved by the COR

- a) Sorting pens shall be of sufficient size to minimize (minimal 100 square feet per adult horse and or burro with only having a maximum of 25 wild horses or burros being held at any other time), to the extent possible, injury due to fighting and trampling as well as to allow wild horses and burros to move easily and have adequate access to water and feed.
- b) All pens would be capable of expansion on request of the COR. Alternate pens, within the staging facility shall be furnished by the Contractor to separate mares or Jennies with small foals, sick and injured wild horses and burros, and estrays from the other wild horses and burros.
- c) The Contractor shall provide wild horses and burros held in the staging area with a supply of fresh clean water at a minimum rate of 10 gallons per animal per day.
- d) Wild horses and burros approved to be held by the COR would be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day. If the task order notes that weed free hay is to be used for this bait trap gather the contractor would provide certified weed free hay in the amounts stated above. The contractor would have to have documentation that the hay is certified weed free.
- e) It is the responsibility of the Contractor to provide security to prevent loss, injury or death of captured wild horses and burros until delivery to final destination. Animals lost from traps shall not be included in payment schedule.
- f) It is the responsibility of the Contractor to provide for the safety of the wild horses and burros and personnel working at the trap locations and staging area.
- g) The Contractor shall restrain sick or injured wild horses and burros if treatment is necessary in consultation with the COR and/or veterinarian. The contractor in consultation with the COR would determine if injured wild horses and burros must be destroyed and provide for destruction of such wild horses and burros in accordance with the BLM Euthanasia policy. (Section J) The Contractor would have the ability to humanely euthanize wild horses and burros in the field and to dispose of the carcasses in accordance with state and local laws.
- h) Separate water troughs shall be provided for each pen where wild horses and burros are being held. Water troughs shall be constructed of such material (e.g., rubber, plastic, fiberglass, galvanized metal with rolled edges, and rubber over metal) so as to avoid injury to the wild horses and burros.
- i) The use of solid covered panels or visual barriers in the alley ways keeps the animals from kicking thru the panels.
- j) All gates and panels are covered with snow fence for the safety of wild horses and burros.
- k) Wild horses and burros would be fed twice a day per a schedule determined by the COR/PI and would have water in every pen.

D. Transportation and Animal Care

- a) Wild horses and burros shall be transported to BLM preparation facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances.
- b) The Contractor shall schedule shipments of wild horses and burros to arrive at BLM preparation facilities between 7:00 a.m. and 4:00 p.m. unless prior approval has been obtained by the COR. No shipments shall be scheduled to arrive at BLM preparation facilities on Sunday and Federal holidays; unless prior approval has been obtained by the COR.
- c) Wild horses and burros shall not be allowed to remain standing on gooseneck or semi-trailers while not in transport for a combined period of greater than three (3) hours.
- d) Total drive time from the trap site or staging area to the BLM preparation facilities would not exceed 8 hours.
- e) All motorized equipment employed in the transportation of captured wild horses and burros shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of wild horses and burros.
- f) All equipment used to transport wild horses and burros would be inspected and accepted by the COR/PI prior to use to avoid any injury to wild horses and burros and shall be in good mechanical condition, of adequate rated capacity, and operated so as to ensure that captured wild horses and burros are transported without undue risk.
- g) No open stock trailers shall be allowed for transporting wild horses and burros from trap site(s) or staging area to the BLM preparation facilities.
- h) Sides or stock racks of all trailers used for transporting wild horses and burros shall be a minimum height of 6 feet 6 inches from the floor. A minimum of one partition is required in each stock trailer.
- i) The rear door(s) of the stock trailers must be capable of opening the full width of the trailer. All partitions and panels the inside of all trailers must be free of sharp edges or holes that could cause injury to the wild horses and burros. The material facing the inside of all trailers must be strong enough so that the wild horses and burros cannot push their hooves through the side.
- j) All surfaces of the stock trailers shall be cleaned and a disinfectant used to eliminate the possibility of disease transmittal from domesticated horses to wild horses and burros (WH&B's) prior to the WH&B's under this contract being transported.
- k) Floors of stock trailers and loading chutes shall be covered and maintained with anti-slip materials (mats, wood shavings, sand etc.) to prevent wild horses and burros from slipping.
- l) Wild horses and burros to be loaded and transported in any size trailer shall be as directed by the COR and may include limitations on numbers

according to age, sex, size, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers

1. 12.6 square feet per adult horse (1.8 linear foot in a 7 foot wide trailer)
 2. 8.0 square feet per adult burro (1.15 linear foot in a 7 foot wide trailer)
 3. 6.0 square feet per horse foal (0.85 linear foot in a 7 foot wide trailer)
 4. 4.0 square feet per burro foal (0.57 linear feet in a 7 foot wide trailer)
-
- m) The COR shall consider the condition and size of the wild horses and burros, weather conditions, distance to be transported, or other factors when planning for the movement of captured wild horses and burros. The COR shall provide for any brand and/or inspection services required for the captured wild horses and burros. If wild horses and burros are to be transported over state lines the COR would be responsible work with the receiving state veterinarian to get permission to transport the wild horses and burros without a health certificate or coggins test. If the receiving state does not allow wild horses or burros in their state without a current health certificate or coggins test the COR/PI would obtain them through a local veterinarian prior to shipment.
 - n) An electric prod, paddle or wild rag may be humanely used to work wild horses and burros during sorting and loading operations.
 - o) Flagging would be used strategically so not to desensitize the animal(s).
 - p) When transporting wild horses and burros, drivers shall check for downed animals.
 - q) The contractor would separate the animals in trailer compartments so animals do not pile up in the rear of the trailer during transport from trap site to staging area/BLM preparation facility. Separation of animals helps prevent animals from falling down and being trampled.
 - r) All sorting, loading or unloading wild horses and burros would be performed during daylight hours unless supplemental light is provided in the area to facilitate visibility.
 - s) Provide a visual barrier on panels in the area where the loading is accomplished at the trap site and at the staging area to eliminate holes, gaps, or openings where horses can be injured.
 - t) The contractor may dig holes at the end of the loading alley so that trailer floor is at ground level to ease the loading horses or burros at the trap site
 - u) Hot shots should not be used routinely or excessively on wild horses or burros. Use of hot shots should be limited to instances of trying to protect or preserve human or animal safety (such as with animals that are down and reluctant to get up on trailers and in chutes) or as a near final resort for animals that refuse to move or load. Hot shots should only be used as follows:
 - v) Hotshots should never be applied to 3 areas: the head (defined as everything above the throatlatch), anus and genitals (this includes the vulva, penis, and scrotum as well as the anogenital area which includes the

anal recess, underside of the tail and the perineum which is the area between the anus and the vulva)

- w) Only unmodified, commercially available hotshots that use DC battery power may be used, batteries should be maintained fresh at all times to avoid the overuse of apparently ineffective devices
- x) A hot shot should only be used after 3 other stimuli have failed to successfully encourage forward movement (other options include use of body position and movement, use of voice or whistle, use of a wild rag to flag an animal, use of a shaker paddle as a visual and auditory stimulus, tapping animal with flag or shaker paddle, use of plastic tarp or bag, and returning animal to the point of origin and starting over.
- y) A hot shot should be used to shock an animal not more than 3 times on any single occasion
- z) A hot shot should only be used when a path of escape or movement away from the stimulus is available (animals should not be encouraged to “push-up” with or without a hotshot – this too often leads to trampling)

E. Safety and Communication

The BLM/FS reserves the right to remove from service immediately any contractor personnel or contractor furnished equipment which, in the opinion of the contracting officer or COR violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the Contractor would be notified in writing to furnish replacement personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative

- a) The Contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the capture of wild horses and burros utilizing a cell/satellite phone at all times during the trapping operations.
- b) Contractor would contact the COR/PI prior to loading horses to be delivered to BLM preparation facility.
- c) Contractor would contact BLM facility manager to schedule delivery and relay information of wild horses and burros trapped (number of wild horses and burros trapped, sex, approximate age, number of pairs, etc.)
- d) Contractor would photo document all horses trapped in a digital image format and digital photos would be delivered to the COR.
- e) Contractor would be required to provide State or National Rifle Association certification or equivalent (conceal carry, hunter safety, etc.) for firearm safety.
- f) All accidents involving wild horses and burros or people that occur during the performance of any task order shall be immediately reported to the COR/PI.
- g) All domestic stock used for or around the bait trap or staging area would have current Coggins documentation and a health certificate. Trailers would be cleaned and have a disinfectant applied after any domestic horses have been hauled in it and before any WH&B's are loaded. This

would help prevent transmission of disease into our populations at a BLM Preparation Facility

F. Use of Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the COR/PI with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.
3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from gather site(s) to temporary holding facilities and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.
4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.
5. Floors of tractor-trailers, stock trailers and loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping.
6. Animals to be loaded and transported in any trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers: 11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer); 8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer); 6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer); 4 square feet per burro foal (.50 linear feet in an 8 foot wide trailer).
7. The COR/PI shall consider the condition and size of the animals, weather conditions, distance to be transported, or other factors when planning for the movement of captured animals. The COR/PI shall provide for any brand and/or inspection services required for the captured animals.

8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor would be instructed to adjust speed.

G. Safety and Communications

1. The Contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the capture of wild horses and burros utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government would take steps necessary to protect the welfare of the animals.

- a) The proper operation, service and maintenance of all contractor furnished property are the responsibility of the Contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the Contractor would be notified in writing to furnish replacement personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative.
- b) The Contractor shall obtain the necessary FCC licenses for the radio system
- c) All accidents occurring during the performance of any task order shall be immediately reported to the COR/PI.

H. Public and Media

Due to heightened public interest in wild horse and burro gathers, the BLM/Contractor may expect an increasing number of requests from the public and media to view the operation.

- a) Due to this type of operation (luring wild horses and burros to bait) spectators and viewers would be prohibited as it would have impacts on the ability to capture wild horses and burros. Only essential personnel (COR/PI, veterinarian, contractor, contractor employees, etc.) would be allowed at the trap site during operations.
- b) Public viewing of the wild horses and burros trapped may be provided at the staging area and/or the BLM preparation facility by appointment.
- c) The Contractor agrees that there shall be no release of information to the news media regarding the removal or remedial activities conducted under this contract.
- d) All information would be released to the news media by the assigned government public affairs officer.
- e) If the public or media interfere in any way with the trapping operation, such that the health and wellbeing of the crew, horses and burros is threatened, the trapping operation would be suspended until the situation is resolved.

I. COR/PI Responsibilities

- a) In emergency situations, the COR/PI would implement procedures to protect animals as rehab is initiated, ie. Rationed feeding and watering at trap and or staging area.
- b) The COR/PI would authorize the contractor to euthanize any wild horse or burros as an act of mercy.
- c) The COR/PI would ensure wild horses or burros with pre-existing conditions are euthanized in the field according to BLM policy.
- d) Prior to setting up a trap or staging area on public land, the BLM and/or Forest Service would conduct all necessary clearances (archaeological, T&E, etc.). All proposed sites must be inspected by a government archaeologist or equivalent. Once archaeological clearance has been obtained, the trap or staging area may be set up. Said clearances shall be arranged for by the COR/PI.
- e) The COR/PI would provide the contractor with all pertinent information on the areas and wild horses and burros to be trapped.
- f) The COR/PI would be responsible to establish the frequency of communicating with the contractor.
- g) The COR/PI shall inspect trap operation prior to Contractor initiating trapping.
- h) The Contractor shall make all efforts to allow the COR/PI to observe a minimum of at least 25% of the trapping activity.
- i) The COR/PI is responsible to arrange for a brand inspector and/or veterinarian to inspect all wild horses and burros prior to transporting to a BLM preparation facility when legally required.
- j) The COR/PI would be responsible for the establishing a holding area for administering PZP, gelding of stallions, holding animals in poor condition until they are ready of shipment, holding for EIA testing, etc.
- k) The COR/PI would ensure the trailers are cleaned and disinfected before WH&B's are transported. This would help prevent transmission of disease into our populations at a BLM Preparation Facility.

J. Responsibility and Lines of Communication

The Ely Wild Horse Specialist (COTR) or delegate has direct responsibility to ensure human and animal safety. The Caliente Field Manager would take an active role to ensure that appropriate lines of communication are established between the field, field office, state office, national program office, and BLM holding facility offices. All employees involved in the gathering operations would keep the best interests of the animals at the forefront at all times.

All publicity and public contact and inquiries would be handled through the Ely District Office and Nevada State Office of Communications. These individuals would be the primary contact and would coordinate with the COR on any inquiries.

The BLM delegate would coordinate with the corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The BLM require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications would be vigorously enforced.

K. Resource Protection

Gather sites and holding facilities would be located in previously disturbed areas whenever possible to minimize potential damage to the natural and cultural resources.

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

Prior to implementation of gather operations, gather sites and temporary holding facilities would be evaluated to determine their potential for containing cultural resources. All gather facilities (including gather sites, gather runways, blinds, holding facilities, camp locations, parking areas, staging areas, etc.) that would be located partially or totally in new locations (i.e. not at previously used gather locations) or in previously undisturbed areas would be inventoried by a BLM archaeologist or district archaeological technician before initiation of the gather. A buffer of at least 50 meters would be maintained between gather facilities and any identified cultural resources.

Gather sites and holding facilities would not be placed in known areas of Native American concern.

The contractor would not disturb, alter, injure or destroy any scientifically important paleontological remains; any historical or archaeological site, structure, building, grave, object or artifact; or any location having Native American traditional or spiritual significance within the project area or surrounding lands. The contractor would be responsible for ensuring that its employees, subcontractors or any others associated with the project do not collect artifacts and fossils, or damage or vandalize archaeological, historical or paleontological sites or the artifacts within them. Should damage to cultural or paleontological resources occur during the period of gather due to the unauthorized, inadvertent or negligent actions of the contractor or any other project personnel, the contractor would be responsible for costs of rehabilitation or mitigation. Individuals involved in illegal activities may be subject to penalties under the Archaeological Resources Protection Act (16 U.S.C 470ii), the Federal Land Management Policy Act (43 U.S.C 1701), the Native American Graves and Repatriation Act (16 U.S.C. 1170) and other applicable statutes.

I. Public Participation

Opportunities for public viewing (i.e. media, interested public) of gather operations would be made available to the extent possible; however, the primary considerations would be to protect the health, safety and welfare of the animals being gathered and the personnel involved. The public must adhere to guidance from the on-site BLM representative. It is BLM policy that the public would not be allowed to come into direct

contact with wild horses or burros being held in BLM facilities. Only authorized BLM personnel or contractors may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at anytime or for any reason during BLM operations.

J. Responsibility and Lines of Communication

Contracting Officer's Representative/Project Inspector

Ben Noyes, Wild Horse and Burro Specialist

Ruth Thompson, Wild Horse and Burro Specialist

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Caliente Field Office Managers would take an active role to ensure the appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, and BLM Holding Facility offices. All employees involved in the gathering operations would keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquiries would be handled through the Assistant Field Managers for Renewable Resources and Field Office Public Affairs. These individuals would be the primary contact and would coordinate with the COR/PI on any inquiries.

The COR would coordinate with the contractor and the BLM Corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications would be vigorously enforced.

Should the Contractor show negligence and/or not perform according to contract stipulations, he would be issued written instructions, stop work orders, or defaulted.

Appendix II



Visitation Protocol and Ground Rules for Helicopter WH&B Gathers within Nevada



BLM recognizes and respects the right of interested members of the public and the press to observe the wild horse and burro gathers. At the same time, BLM must ensure the health and safety of the public, BLM's employees and contractors, and America's wild horses. Accordingly, BLM developed these rules to maximize the opportunity for reasonable public access to the gather while ensuring that BLM's health and safety responsibilities are fulfilled. Failure to maintain safe distances from operations at the gather and temporary holding sites could result in members of the public inadvertently getting in the path of the wild horses or gather personnel, thereby placing themselves and others at risk, or causing stress and potential injury to the wild horses and burros.

The BLM and the contractor's helicopter pilot must comply with 14 CFR Part 91 of the Federal Aviation Regulations, which determines the minimum safe altitudes and distance people must be from the aircraft. To be in compliance with these regulations, the viewing location at the gather site and holding corrals must be approximately 500 feet from the operating location of the helicopter at all times. The viewing locations may vary depending on topography, terrain and other factors.

General Daily Protocol

- A Wild Horse Gather Info Phone Line would be set up prior to the gather so the public can call for daily updates on gather information and statistics. Visitors are strongly encouraged to check the phone line the evening before they plan to attend the gather to confirm the gather and their tour of it is indeed taking place the next day as scheduled (weather, mechanical issues or other things may affect this) and to confirm the meeting location.
- Visitors must direct their questions/comments to either their designated BLM representative or the BLM spokesperson on site, and not engage other BLM/contractor staff and disrupt their gather duties/responsibilities - professional and respectful behavior is expected of all. BLM may make the BLM staff available during down times for a Q&A session on guided public-observation days. However, the contractor and its staff will not be available to answer questions or interact with visitors.
- Observers must provide their own 4-wheel drive high clearance vehicle, appropriate shoes, winter clothing, food and water. Observers are prohibited from riding in government and contractor vehicles and equipment.

- Gather operations may be suspended if bad weather conditions create unsafe flying conditions.
- BLM will establish one or more observation areas, in the immediate area of the gather and holding sites, to which individuals will be directed. These areas will be placed so as to maximize the opportunity for public observation while providing for a safe and effective horse gather. The utilization of such observation areas is necessary due to the use and presence of heavy equipment and aircraft in the gather operation and the critical need to allow BLM personnel and contractors to fully focus on attending to the needs of the wild horses and burros while maintaining a safe environment for all involved. In addition, observation areas will be sited so as to protect the wild horses and burros from being spooked, startled or impacted in a manner that results in increased stress.
- BLM will delineate observation areas with yellow caution tape (or a similar type of tape or ribbon).
- Visitors will be assigned to a specific BLM representative and must stay with that person at all times.
- Visitors are NOT permitted to walk around the gather site or temporary holding facility unaccompanied by a BLM representative.
- Observers are prohibited from climbing/trespassing onto or in the trucks, equipment or corrals, which is the private property of the contractor.
- When BLM is using a helicopter or other heavy equipment in close proximity to a designated observation area, members of the public may be asked to stay by their vehicle for some time before being directed to an observation area once the use of the helicopter or the heavy machinery is complete.
- When given the signal that the helicopter is close to the gather site bringing horses in, visitors must sit down in areas specified by BLM representatives and must not move or talk as the horses are guided into the corral.
- Individuals attempting to move outside a designated observation area will be requested to move back to the designated area or to leave the site. Failure to do so may result in citation or arrest. It is important to stay within the designated observation area to safely observe the wild horse gather.
- Observers will be polite, professional and respectful to BLM managers and staff and the contractor/employees. Visitors who do not cooperate and follow the rules will be escorted off the gather site by BLM law enforcement personnel, and will be prohibited from participating in any subsequent observation days.
- BLM reserves the right to alter these rules based on changes in circumstances

that may pose a risk to health, public safety or the safety of wild horses (such as weather, lightening, wildfire, etc.).

Public Outreach and Education Day-Specific Protocol

- A public outreach and education day provides a more structured mechanism for interested members of the public to see the wild horse gather activities at a given site. On this day, BLM attempts to allow the public to get an overall sense of the gather process and has available staff who can answer questions that the public may have. The public rendezvous at a designated place and are escorted by BLM representatives to and from the gather site.

Appendix III

Desert Tortoise Minimization Measures From the Ely District Record of Decision and Approved Resource Management Plan:

WH-9: Implement the following management actions for desert tortoise habitat (also refer to the discussion on Special Status Species). The Ely District Office does not plan to manage for any wild horses in desert tortoise habitat and this management only will be used if emergency gathers are needed in the future should wild horses reenter the area.

- For gathers: Trap sites should be located at previous trap site locations or in previously disturbed areas, where possible. All trap and holding sites, and access routes will be cleared by a qualified tortoise biologist before the trap and holding facilities are set up. The parcel will be surveyed for desert tortoise using survey techniques that provide 100 percent coverage.
- For gathers: Holding facilities will not be located inside ACECs. If possible, they should be located outside of desert tortoise habitat. If they cannot be located outside of desert tortoise habitat, they should be placed in previously disturbed areas.
- For gathers: All vehicle use in desert tortoise habitat will be restricted to existing roads and trails and within surveyed areas. Vehicles will not exceed 25 mph.
- For gathers: Trash and garbage will be contained in a covered, raven-proof trash receptacle and disposed of off-site in a designated facility. No trash or garbage will be buried at the sites.
- For gathers: Use of hay or grains as enticements into the traps will not occur within desert tortoise habitat to avoid the introduction of nonnative plant species. The feeding of hay or grains to animals will not be allowed within ACECs. The feeding of hay or grains to animals at holding facilities on public land within desert tortoise habitat will be avoided when possible

SS-32: Where appropriate, restrict permitted activities from March 1 through October 31 within desert tortoise habitat.

From the Programmatic Biological Opinion for the Bureau of Land Management's Ely District Resource Management Plan (Service File No. 84320-2008-F-0078):

2.a. Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be onsite, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed

limits; the terms and conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or noncompliance with this biological opinion.

2.e. A litter-control program shall be implemented to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from project areas to the trash receptacles following the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the site. The litter-control program will apply to all actions. A litter-control program will be implemented by the responsible federal agency or their contractor, to minimize predation on tortoises by ravens and other predators drawn to the project site.

Appendix IV

RISK ASSESSMENT FOR NOXIOUS & INVASIVE WEEDS

Caliente HA Complex Gather Lincoln County, Nevada

On April 22, 2009 a Noxious & Invasive Weed Risk Assessment was completed for the wild horse gather for the Caliente Complex of Herd Areas (HAs) including: Applewhite, Blue Nose Peak, Clover Creek, Clover Mountains, Delamar Mountains, Little Mountain, Meadow Valley Mountain, Miller Flat, and Mormon Mountains. These areas will be gathered using a helicopter drive trap. The gather would start approximately October 1st and run about 15 days. 10-12 trap site locations may be used, typically in previously disturbed areas roads or washes, trap sites are determined with the contractor and BLM personnel during the time of the gather. Vegetation and population monitoring of the Caliente HA Complex have determined that current wild horse population levels are exceeding the range's ability to sustain wild horse use over the long term. Resource damage is occurring and is likely to continue to occur without immediate action. No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. Currently, the following weed species are found within the Applewhite HA:

<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

The Applewhite HA was last inventoried for noxious weeds in 2008. Currently, the following weed species are found within the Blue Nose Peak HA:

<i>Lepidium latifolium</i>	Tall whitetop
<i>Tamarix spp.</i>	Salt cedar

The Blue Nose Peak HA was last inventoried for noxious weeds in 2005. Currently, the following weed species are found within the Clover Creek HA:

<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium latifolium</i>	Tall whitetop
<i>Tamarix spp.</i>	Salt cedar

The Clover Creek HA was last inventoried for noxious weeds in 2007. Currently, the following weed species are found within the Clover Mountains HA:

<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

The Clover Mountains HA was last inventoried for noxious weeds in 2005. Currently, the following weed species are found within the Delamar Mountains HA:

<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

The Delamar Mountains HA was last inventoried for noxious weeds in 2008. Currently, the following weed species are found within the Little Mountain HA:

<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

The Little Mountain HA was last inventoried for noxious weeds in 2008. Currently, the following weed species are found within the Meadow Valley Mountains HA:

<i>Brassica tournefortii</i>	Sahara mustard
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

The Meadow Valley Mountains HA was last inventoried for noxious weeds in 2008. Currently, the following weed species are found within the Miller Flat HA:

<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

The Miller Flat HA was last inventoried for noxious weeds in 2008. Currently, the following weed species are found within the Mormon Mountains HA:

<i>Brassica tournefortii</i>	Sahara mustard
<i>Cirsium vulgare</i>	Bull thistle
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

The Mormon Mountains HA was last inventoried for noxious weeds in 2008. The following noxious and non-native, invasive species are found along roads and drainages leading to all HAs:

<i>Acroptilon repens</i>	Russian knapweed
<i>Ailanthus altissima</i>	Tree of heaven
<i>Brassica tournefortii</i>	Sahara mustard
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

It should be noted that the Mormon Mountain and Miller Flat HAs occur near or on the Ely District boundary with other BLM districts. Weed inventory data for these districts is not available. While not officially documented the following non-native invasive weeds probably occur in or around the project area:

<i>Bromus diandrus</i>	Ripgut brome	<i>Erodium cicutarium</i>	Filaree
<i>Bromus rubens</i>	Red brome	<i>Halogeton glomeratus</i>	Halogeton
<i>Bromus tectorum</i>	Cheatgrass	<i>Marrubium vulgare</i>	Horehound
<i>Ceratocephala testiculata</i>	Bur buttercup	<i>Salsola kali</i>	Russian thistle
<i>Convolvulus arvensis</i>	Field bindweed	<i>Sysimbrium altissimum</i>	Tumble mustard
<i>Elaeagnus angustifolia</i>	Russian olive	<i>Verbascum thapsus</i>	Common mullein

Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as Moderate (5) at the present time. Given the concentrated use around capture sites and the use of non-certified forage it is likely that project activities will results in new infestations, specifically at the capture sites.

Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

This project rates as High (8) at the present time. Aside from along major roads and drainages, such as Meadow Valley Wash and Clover Creek, these HAs are relatively weed free. If new weed infestations spread to the area there would be adverse effects to the surrounding native vegetation. Any increase in cheatgrass or red brome could alter the fire regime in the area.

The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.
Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is Moderate (40). This indicates that the project can proceed as planned as long as the following measures are followed:

- Gather capture sites will be chosen in previously disturbed areas which are free from noxious weed infestations, to the greatest extent possible.
- Where appropriate, vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. Vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global positioning systems or other mutually acceptable equipment and provided to the Ely District Office Weed Coordinator or designated contact person.
- Prior to entry of vehicles and equipment to a planned disturbance area, a weed scientist or qualified biologist will identify and flag areas of concern. The flagging will alert personnel or participants to avoid areas of concern.
- Keep removal and disturbance of vegetation would be kept to a minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)
- Monitoring of the capture sites will be conducted for at least three years and will include weed detection. Any newly established populations of noxious/invasive weeds discovered will be communicated to the Ely District Noxious and Invasive Weeds Coordinator for treatment.

The Ely District normally requires that all hay, straw, and hay/straw products use in project be free of plant species listed on the Nevada noxious weed list. However, this gather is being implemented through the National Wild Horse & Burro Gather Contract

Caliente Herd Area Complex Wild Horse Gather
Environmental Assessment DOI-NV-L030-2009-0037-EA

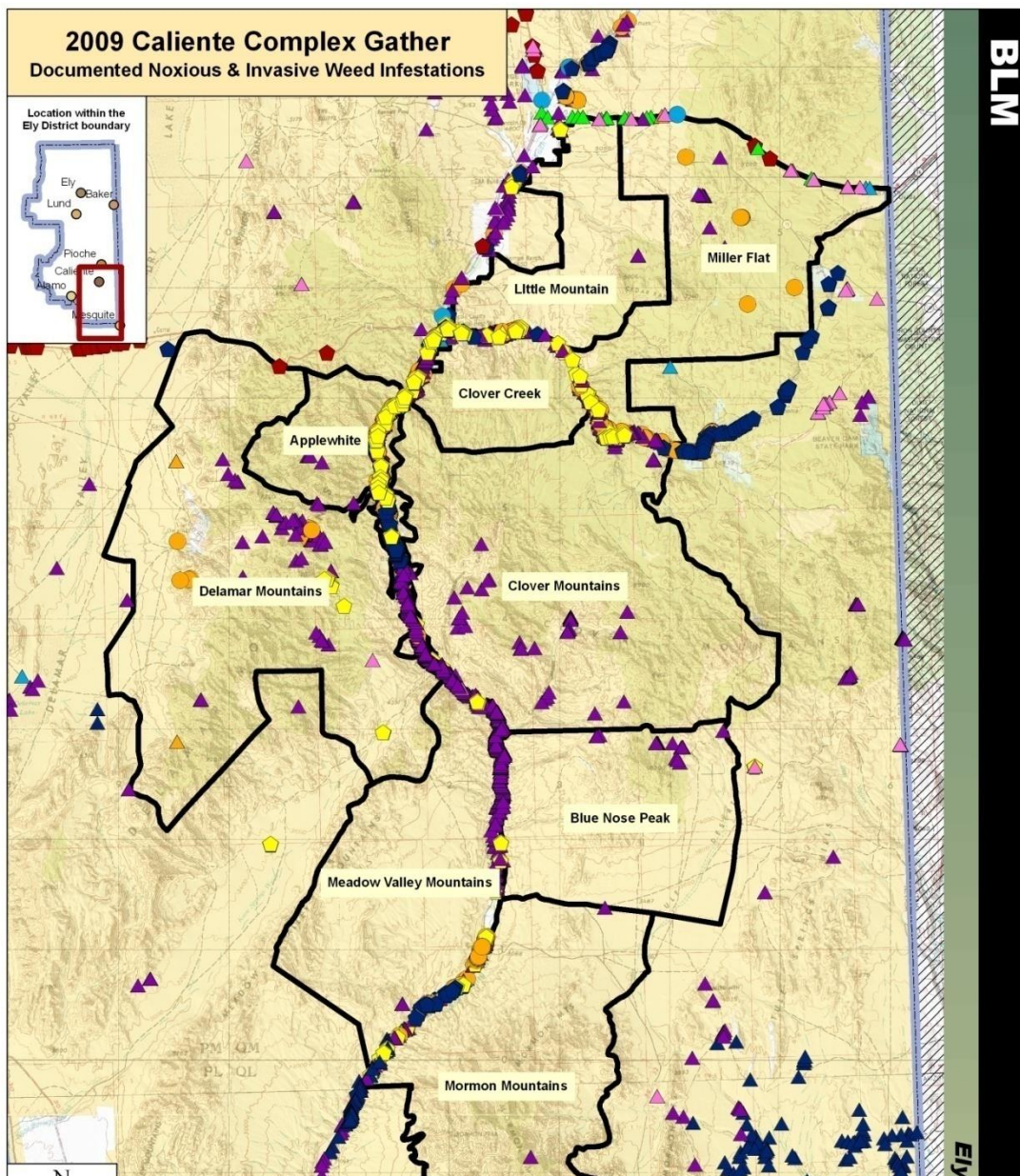
and there are no stipulations in this national contract that require the contractor to provide certified weed-free forage.

Reviewed
by:

/s/Bonnie M. Million

Bonnie M. Million
Ely District Noxious & Invasive Weeds Coordinator

04/22/2009
Date



Allotments found within the Caliente Complex Herd Areas

