

ROD

INTRODUCTION

This decision is being issued to gather and remove approximately 318 wild horses from the South Shoshone HMA administered by the Battle Mountain Field Office (BMFO), and removal of wild horses residing outside of HMA boundaries.

On April 17, 2007, the BMFO issued the Shoshone Complex Wild Horse Gather Environmental Assessment (EA) # NV062-EA07-104 for public review. Refer to Attachment 4 for the interested public mailing list. The Shoshone Complex originally included the South Shoshone and Bald Mountain HMAs, and at the time, the gather was scheduled to be completed in July 2007. Due to emergency wild horse gathers that became necessary within Nevada and lack of available holding space, the proposed gather of the South Shoshone HMA was delayed to January 2008, and the Bald Mountain HMA gather rescheduled to coincide with the next gather of the Callaghan HMA in fiscal year 2009 (winter 2008-2009).

Written comments were received from the Nevada State Historic Preservation Office, Nevada Division of State Lands, and Cindy McDonald. Comments received have been reviewed and it has been determined that no changes or significant modifications to the EA are warranted. The Proposed Action and analysis of environmental consequences detailed within the EA for the South Shoshone HMA is still applicable to the South Shoshone HMA gather, and delay of the gather to winter 2008 will have no additional environmental consequences that have not previously been analyzed. Comments have been addressed in Attachment 3.

Upon analyzing the impacts of the Proposed Action and Alternatives, and following issuance of the EA for public review, I have determined that the Proposed Action will not have a significant impact to the human environment, and that an Environmental Impact Statement will not be prepared. Please refer to Attachment 2, Finding of No Significant Impact (FONSI).

DECISION

It is my decision to implement the Proposed Action in accordance with the South Shoshone HMA Wild Horse Gather EA # NV062-EA07-104 as follows:

The following constitutes the rationale for issuing this decision effective upon issuance:

(a) Potential Impacts to Animal Health.

Native perennial vegetation species are lacking throughout the lower elevations of the HMA due to current range condition, continuing drought and past wildfires; and waters are limited in portions of the HMA. Wild horse health is at risk under the current situation, and unless the populations of wild horses within the HMA are reduced through the proposed removals, wild horse body condition will decline through the winter. In the absence of wild horse removals death due to starvation and dehydration may occur.

(b) Potential Damage to Rangeland and Riparian Resources.

As documented in EA# NV062-EA07-104 the condition of the rangeland vegetation throughout the HMA varies considerably, and has been negatively impacted by current and historic levels of wild horses and past use by livestock. The Carico Lake Allotment Conformance Determination (2005) concluded that many of the Resource Advisory Council (RAC) Standards for Rangeland Health are not being met and that wild horse populations are contributing to standards not being met in many cases. Resources will continue to deteriorate if the established AML is not achieved. Riparian areas and Aspen stands are being negatively impacted where wild horses are concentrating use. Continued over population of wild horses will result in overutilization of remaining forage and further degradation of habitat utilized by wild horses, wildlife and livestock.

In accordance with 43 CFR 4720.1, upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts detailed in Environmental Assessment NV062-EA07-104, I have determined that the impacts associated with the Proposed Action are not significant. Therefore, preparation of an environmental impact statement is not required.

RATIONALE

The Proposed Action identified in the accompanying Decision would, as best as can be determined, prevent unnecessary or undue degradation of public land resources. Resource review and analyses have been coordinated with other federal and state agencies. Resources determined to be potentially impacted were analyzed in the EA specific to the Proposed Action. Based on the analysis, impacts, including cumulative impacts, to these resources are considered insignificant (see definition of significance in 40 CFR 1508.27).

The wild horse removal proposed in the EA involves removing approximately 318 excess wild horses from within and outside of the boundaries of the South Shoshone HMA, to result in a post gather population of approximately 60 wild horses. Achievement of the established AML, would prevent the wild horse population from exceeding the upper range of AML for 3-4 years, promote recovery of drought stressed rangeland vegetation communities, avoid further degradation to the range, and prevent deteriorating health of the wild horse population. The gather area is administered by the Bureau of Land Management's Battle Mountain Field Office, and is located approximately 30 miles south of Battle Mountain in Lander County.

INTENSITY

1) Impacts that may be both beneficial and adverse. The Environmental Assessment considered both beneficial and adverse impacts of the gather and removal of wild horses across the identified HMA. Removing excess wild horses from within the HMA and from areas not within designated Herd Management Area boundaries would reduce the level of use endured by rangeland and riparian vegetation, and help alleviate competition for resources between wildlife, livestock, and wild horses. Removal of excess wild horses will allow for the recovery of natural resources, such as soils, vegetation, watersheds, wildlife, fisheries and wild horse habitat.

2) ***The degree to which the proposed action affects public health or safety.*** The Wild Horse and Burro Standard Operating Procedures (EA, Appendix A) would be used to conduct the gather and are designed to protect human health and safety, as well as the health and safety of the wild horses and burros. The Proposed Action would have minimal affects to public health or safety.

4) ***The degree to which the effects on the quality of the human environment are likely to be highly controversial.*** It was determined that the implementation of the proposed action would not be highly controversial in terms of the effects on the quality of the human environment. Few public comments were received following issuance of the Gather Plan/EA on April 17, 2007.

5) ***The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*** The Proposed Action has no known effects on the human environment which are considered highly uncertain or involve unique or unknown risks. This is demonstrated through the effects analysis in the EA.

10) ***Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*** The Proposed Action would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The Proposed Action is in conformance with all applicable 43 CFR (Code of Federal Regulations). The Proposed Action would not violate the Migratory Bird Treaty Act or Endangered Species Act.

The Proposed Action detailed in the EA and FONSI have led to my decision that all practicable means to avoid or minimize environmental harm and unnecessary or undue degradation of the public land have been adopted.



Question 4

Response: The Battle Mountain Field Office conducted “trapsite” adoptions in the Eureka area in 2001 and 2005. During the preparation and adoption of these animals, it was observed that the wild horses adjusted quickly to the human presence, and were not overly affected by the recent gather. Within days of the gather, staff and the public were able to hand feed and pet many of the horses through the fences. Through follow-up compliance inspections, it was observed that the adopted horses quickly bonded with the adopters, and were gentled and trained easily. All horses adopted at trapsite events are vaccinated, de-wormed and Coggins tested. In the case of the proposed 2007 gathers, the objective would be to freemark, vaccinate, and de-worm the horses while being haltered in the chute prior to loading into the

adopters trailer. Unadopted wild horses would not be freeze-marked or vaccinated at that time, and would be unaffected.

The use of trap-site adoptions prevents the wild horses from having to be shipped 2-8 hours to a maintenance facility, mixed with new animals, sorted, freeze-marked, vaccinated, and revaccinated. Most of the horses gathered in Nevada are loaded again to be transported across the United States to be off-loaded, resorted, re-worked and transported to multiple adoption events. The trap-site adoptions not only save the additional expense, but avoid additional handling stress that the wild horses would encounter if transported to a maintenance facility. All activities conducted at the trap-site events are planned to minimize the stress to the wild horses and facilitate a pleasant transition to their new adoptive home. Trap-site adoptions allow the wild horse to go directly from the gather site to their new home. There is not a period of time when the horses get used to different maintenance facilities and animals only to be sorted and transported to other locations before finally being adopted. Many times, a wild horse will have resided at as many as 4-5 facilities and been to several adoption events before actually being adopted.

As with regularly scheduled adoption events, adoptions conducted through trap-site events require approved applications and adequate pre-screening of potential adopters. Compliance inspections are also conducted as with regular adoptions, and compliance issues addressed when necessary. There has never been any indication that trap-site adoption events involve higher potential for improper treatment of the adopted wild horses. In fact, the opposite appears to be true, in that many of the horses are adopted to local individuals that have experience with horses, that utilize their wild horses for pleasure riding, and ranch work. These horses are cared for no differently than the domestic horses in their care, and lead quality lives.

Preliminary EA

Section 1.1, Page 4

2. 2007 populations are based on the results from the March 2005 helicopter census and estimated 12% average annual increase for Bald Mountain and South Shoshone HMAs.

Section 1.2 Issues

One response was received from the Nevada State Clearinghouse, stating support for the proposed gather from the Division of State Lands and the State Historic Preservation Office.

Through the evaluation process and consultation with the interested public, the following issues have been identified:

- 1 ♦ Current population levels of wild horses are causing damage to rangeland vegetation and riparian areas within the Complex.
- 2 ♦ The current population of wild horses exceeds the established AMLs.
- 3 ♦ Distribution within both HMAs is not uniform, and concentrations of wild horses exist in certain areas.

1.4. Relationship to Statutes, Regulations, Policy, Plans or Other Environmental Analysis Page 5

The Proposed Action is in conformance with the Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195, as amended) the Code of Federal Regulations (CFR) at 43 CFR §4700, and policies.

Section 2 (f) of the Wild Free-Roaming Horses and Burros Act defines excess animals as follows: *"excess animals" means wild free-roaming horses or burros (1) which have been removed from an area by the Secretary pursuant to application law or, (2) which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.*

Furthermore, 3 (b) (2) of the Act states:

"Where the Secretary determines on the basis of (i) the current inventory of lands within his jurisdiction; (ii) information contained in any land use planning completed pursuant to section 202 of the Federal Land Policy and Management Act of 1976; (iii) information contained in court ordered environmental impact statements as defined in section 2 of the Public Rangelands Improvement Act of 1978; and (iv) such additional information as becomes available to him from time to time, including that information developed in the research study mandated by this section, or in the absence of the information contained in (i-iv) above on the basis of all information currently available to him, that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken . . . until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation".

CFR 4720.1 Removal of excess animals from public lands.

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately in the following order.

- 1 a. Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title;*
- 2 b. Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title; and*

This EA analyzes the impacts of gathering wild horses, which has been analyzed previously through numerous Gather Plan/Environmental Assessments issued by the Battle Mountain

Field Office. In addition, Multiple Use Evaluations, Rangeland Health Assessments, and EAs have been completed in the process of establishing AML for wild horses. This EA tiers to these existing documents and will incorporate relevant portions of the EAs,

Gather Plans and Evaluations, Final Multiple Use Decisions (FMUDs) by reference, where applicable. These documents include the following:

- 1 ♦ *Carico Lake Allotment Final Multiple Use Decision, September, 2005,*
- 2 ♦ *Carico Lake Allotment Rangeland Health Assessment, EA #NV062-05-61, September, 2005,*
- 3 ♦ *Carico Lake Allotment Conformance Determination, September, 2005,*
- 4 ♦ *Carico Lake Allotment Rangeland Health Assessment, July, 2005,*
- 5 ♦ *Callaghan Herd Management Area Wild Horse Gather Plan and Environmental Assessment # NV062-02-41, May, 2002,*
- 6 ♦ *Multiple Use Decision for the Austin Allotment, January, 1995.*

The No Action Alternative is in violation of the Wild Free-Roaming Horses and Burros Act, of 1971 (PL-195, as amended) and is not in conformance with BLM wild horse and burro management requirements contained in 43 CFR §4700. The No Action Alternative would not achieve the identified Purpose and Need, however, it is provided as a basis for comparison with the two action alternatives, and to assess the affects of not conducting a gather at this time.

2.1. Actions common to the Proposed Action and Alternative 1

The Battle Mountain Field Office proposes to complete a wild horse gather to achieve the established AMLs in accordance with this EA, Wild Horse Gather Plan, and Standard Operating Procedures.

- 1
- 2 Excess wild horses removed from the range would be transported to BLM wild horse and burro facilities to be prepared for the National Wild Horse and Burro Adoption Program or for long-term holding.

Most foals would be removed from the range and transported to BLM wild horse and burro facilities with their mothers.

2.2. Actions that differ among the Proposed Action and Alternative

page 9

2.2.1. Proposed Action: Gather the Complex to low range of the AML

Under the Proposed Action, wild horses would be captured through helicopter drive trapping and helicopter-assisted roping according to the Gather Plan and SOPs identified in Appendix A. Released animals could be implanted with an electronic microchip and corresponding freezemarked brand on the hip for future identification from the ground and during future census flights and gathers. The objective would be for a post gather population of 60 wild horses within the South Shoshone HMA and 129 wild horses within the Bald Mountain HMA. The desired sex ratio of the animals remaining on the range would be 50% mares and 50% studs. Following the gather, populations would increase at the average estimated rate of 12% until the next scheduled gather in

approximately three to four years depending upon funding, population growth increases, and site-specific qualifiers.

Appendix A

I. Gather Plan

The purpose of the gather plan is to outline the methods and procedures for capturing approximately 682 wild horses from public lands administered by the Battle Mountain Field Office (BMFO). Achievement of the Appropriate Management Level (AML) would require the removal of approximately 529 wild horses and release of 153 wild horses back to the HMAs. A trap-site adoption event could also be scheduled to coincide with the gather activities (refer to Section E).

A. Gather Area

The gather area encompasses approximately 480,000 acres of public lands. The gather areas include the Bald Mountain and South Shoshone HMAs, as well as areas located adjacent to but outside of the HMA boundaries, which includes areas not designated for horse use. Refer to Map 1 and 2, which display the HMAs, grazing allotments and the gather area.

Page 54/55

E. Trapsite Wild horse Adoption

Interest has been received from the public for an adoption to be planned in conjunction with this proposed gather. Scheduling of an event would be contingent upon continued interest received, available budget, and personnel. A trapsite wild horse adoption would be completed in accordance with IM NV-2001-041, which outlines requirements for adoptions during gather operations.

Prior to the beginning of the gather, the BMFO would issue news releases and send flyers to previous adopters and the interested public announcing the proposed event. The event would also be posted on the National Wild Horse and Burro webpage. Coordination would take place with the gather contractor in advance to prevent conflicts. Applications for adoption would be accepted by the BMFO until the day of the planned event. BMFO would evaluate applications received by potential adopters, and determine qualification to adopt. Adopters that do not submit applications by the event date would not have first priority for selection of animals. A public or viewing day may be scheduled the day before or the day of the event. The event type (first-come, first-served, competitive or lottery) would be based upon the interest received from potential adopters.

BLM staff would freezemark, de-worm and vaccinate all wild horses adopted. A veterinarian would be on-site to draw blood for coggins testing and complete health certificates. Adopted wild horses would be brand inspected by a qualified brand inspector. BLM staff would halter and load wild horses into approved stock trailers, and follow-up with compliance inspections and assistance as needed after the event.