



## United States Department of the Interior



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In Reply Refer To:  
4720 (NVL02000)

Dear Reader:

Enclosed for your review and comment is the preliminary environmental assessment (EA) for the Moriah Herd Area (HA) Wild Horse Gather (DOI-BLM-NV-L020-2010-0032-EA).

This Environmental Assessment (EA) has been prepared to analyze the Bureau of Land Management (BLM) Schell Field Office proposal to gather and remove approximately 72 excess wild horses from within and outside the Moriah Herd Area (HA) beginning in about August 2010.

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

Comments on the Moriah Herd Area Preliminary Environmental Assessment DOI-BLM-NV-L020-2010-0032-EA will be accepted for 30 days until June 18, 2010. Interested individuals should may mail written comments to the BLM Ely District Office, HC 33 Box 33500, Ely, NV 89301 attn: Mary D’Aversa, Schell Field Manager or send an e-mail to: [MoriahHA@blm.gov](mailto:MoriahHA@blm.gov). The Preliminary EA is also posted at [www.nv.blm.gov/ely](http://www.nv.blm.gov/ely). Comments need to be post marked, faxed, or emailed to [MoriahHA@blm.gov](mailto:MoriahHA@blm.gov) no later than 6-18-2010.

If you have any questions on this matter, please contact Ben Noyes, BLM Ely District Wild Horse and Burro Specialist, at (775) 289-1800.

Sincerely,

Mary D’Aversa  
Field Manager  
Schell Field Office

Enclosure

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

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**Preliminary Environmental Assessment  
DOI-BLM-NV-L020-2010-0032-EA  
May 12, 2010**

**Moriah Herd Area Wild Horse Gather**

White Pine County, NV.

U.S. Department of the Interior  
Bureau of Land Management  
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## **1.0 INTRODUCTION**

This Environmental Assessment (EA) has been prepared to analyze the Bureau of Land Management (BLM) Schell Field Office proposal to gather and remove approximately 72 excess wild horses from within and outside the Moriah Herd Area (HA) beginning on or about August 1, 2010.

This 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 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 FONSI.

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

### **1.1 Background:**

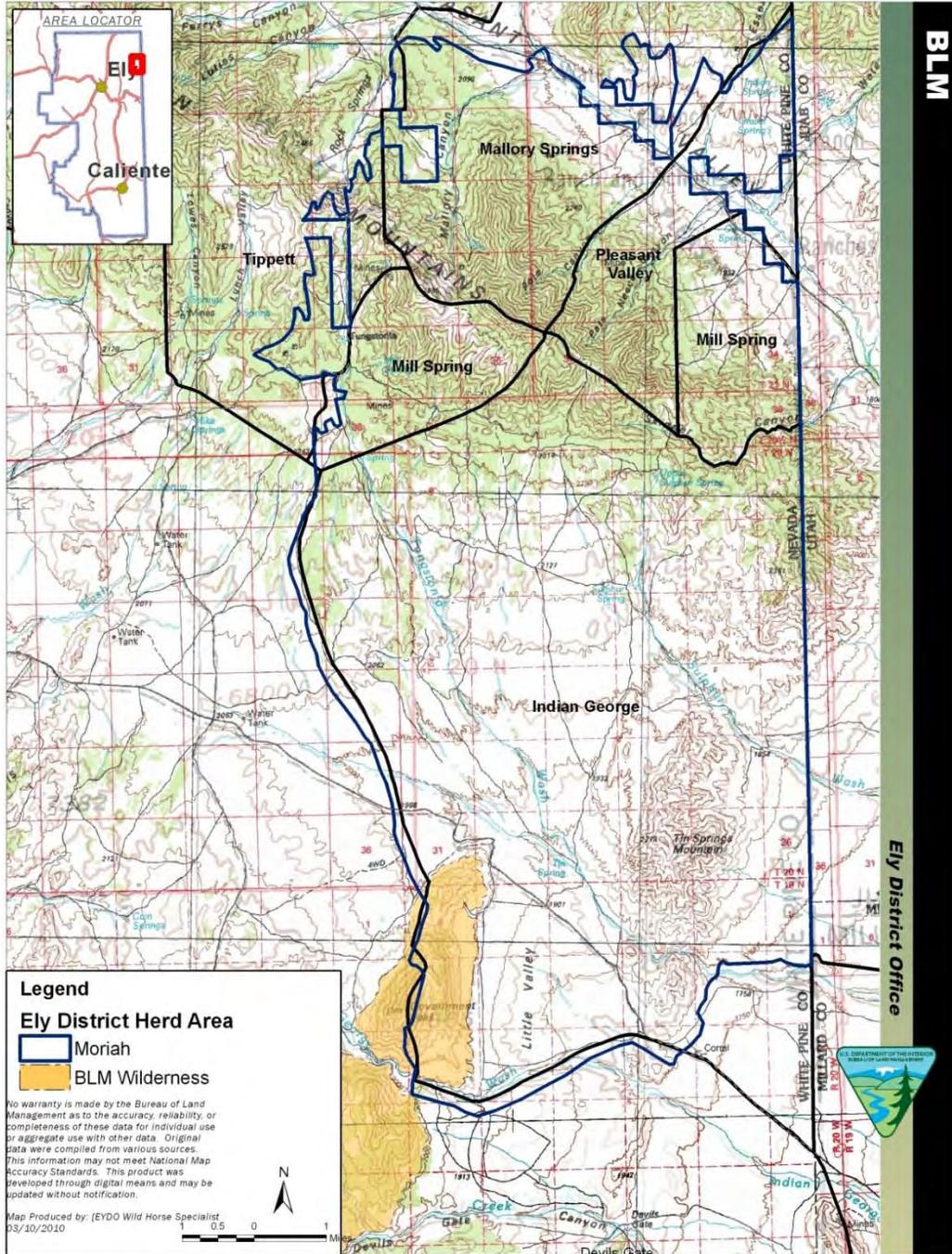
The Ely District Record of Decision and Approved Resource Management Plan (RMP) (August 2008) management action WH-5 states: “Remove wild horses and drop herd management area status for those areas that do not provide sufficient habitat resources to sustain healthy populations as listed in Table 13.” Under the RMP, the Moriah HMA was reverted back to Herd Area (HA) status and is no longer being managed for wild horses because it is unable to sustain healthy horse populations. This necessitates the removal of all excess wild horses in order to comply with the RMP (i.e., remove all wild horses and manage for “0” wild horses). The purpose of this EA is to analyze the impacts associated with the BLM’s proposal to remove approximately 72 excess wild horses from the identified HA beginning in August 2010. The proposed action would implement management action WH-5 and prevent further damage to the range resulting from the current overpopulation of wild horses, as removal of all horses from the HA is necessary to achieve and maintain a thriving natural ecological balance and multiple-use relationship within the area.

The Moriah HA is located 48 miles northeast of Ely, within White Pine County, Nevada. The HA is 55,300 acres in size. The eastern boundary of the HA is the Nevada/Utah state line (Figure 1). Under the RMP, no wild horses are to be managed within the Moriah HA based on in-depth analysis of habitat suitability and monitoring data. This analysis indicates insufficient water, space, and cover is available to maintain healthy wild horses

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and rangelands over the long-term. Also refer to the Affected Environment section of this EA for additional information.

Figure 1 Moriah Herd Area.



- \*Black line represents grazing allotment boundary.
- \* Blue line represents Moriah HA boundary.

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**Table 1** Moriah Herd Area

Herd Area Number	Herd Area Name	Estimated Total Acres	Population Estimate	Removal
413	Moriah	53,300	72	72

Prior to the 2008 RMP, the AML for the Moriah HMA was established at a population range of 1-29 wild horses. The Moriah HA was last gathered in September 2007 with a removal of 68 excess wild horses, of which 34 excess wild horses were gathered outside the HA boundaries.

In March 2009 an aerial inventory was conducted with a direct count of 50 wild horses, not including the 2009 foal crop. Wild horse numbers within this area have increased at an average of 20% annually. The 2010 population estimate is 72 excess wild horses including the projected 2010 foal crop. Approximately half of these 72 excess horses regularly move or reside outside the HA in search of forage, water and space.

Livestock use has remained at or below permitted use levels. Livestock use has also been in compliance with the grazing systems outlined in the Final Multiple Use Decisions, Agreements, and Term Permit conditions which provide for periodic rest and deferment of key range sites.

Monitoring data collected for the HA during the years 2007 through 2009 indicates that vegetative utilization by wild horses is heavy in established key grazing areas. Insufficient water, space, and cover within dominant ecological sites does not support healthy wild horses, and this situation has led to excess utilization and trampling that directly impacts range conditions and prevents vegetative recovery of key sites. Horses currently routinely move outside the HA in search of habitat components.

Vegetation and population monitoring data indicate that the Moriah HA contains insufficient year round wild horse habitat and the area should not be managed for wild horses. The excess wild horses present within and outside of the Moriah HA are therefore proposed for removal in order to prevent further deterioration of the range and to achieve and maintain a thriving natural ecological balance and multiple use relationship.

**1.2 Purpose and Need for the Proposed Action:**

The purpose and need of the Proposed Action is to remove all wild horses in excess of the established management levels from areas not designated for their long-term maintenance so as to achieve and maintain a thriving natural ecological balance and multiple use relationship as required under Section 3(b) (2) of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) and Section 302(b) of the Federal Land Policy and Management Act of 1976 and in conformance with the decision in the 2008 Ely RMP to no longer manage these public lands as an HMA. Removal of excess wild horses is also needed to improve watershed health and to make “significant progress

towards achievement” of Northeastern Great Basin Resource Advisory Council (RAC) Standards for Rangeland Health.

In 2008, BLM issued the Ely District ROD and Approved Resource Management Plan (RMP). The Ely District ROD and Approved RMP management action WH-5 states: “Remove wild horses and drop herd management area status for those areas that do not provide sufficient habitat resources to sustain healthy populations as listed in Table 13.” The Moriah herd area was dropped from HMA status and returned to HA status (manage for “0” wild horses) under this land-use plan management action. The decision to remove wild horses and to manage for 0 wild horses within the Moriah HA reflects the recent evaluation using multi-tiered analysis from the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) RMP/EIS table 3.8-2 and page 4.8-2. The RMP/EIS (November 2007) evaluated each herd management area 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 for wild horses. The Moriah HMA failed to meet one or more of the five required habitat components resulting in the decision to drop its HMA status.

Because wild horses are a long-lived species with documented survival rates exceeding 92% for all age classes (except foals), predation and disease do not substantially regulate wild horse population levels. As a result, wild horse numbers would be expected to continue to increase, which in turn would continue to exceed the carrying capacity of the range. Over time, wild horse numbers in excess of AML would continue to impact range condition to the point that horse herd health is placed at risk. Individual horses would be at risk of death by starvation and lack of water.

### **1.3 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 healthy, 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 areas that do not provide sufficient habitat resources to sustain healthy populations as listed in Table 13.”

#### **1.4 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.

- White Pine County Portion (Lincoln/White Pine Planning Area) Sage Grouse Conservation Plan (2004).
- State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada Historic Preservation Office (1999).
- Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (February 12, 1997).
- Endangered Species Act-1973
- Wilderness Act-1964
- Migratory Bird Treaty Act (1918 as amended) and Executive Order 13186 (1/11/01)

The Proposed Action is also consistent with all applicable regulations at 43 CFR (Code of Federal Regulations) 4700 and policies, as well as the 1971 WFRHBA. More specifically, this action is designed to remove excess wild horses consistent with the following regulations:

- 43 CFR § 4710.1: *“Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant to part 1600 of this title.”*
- 43 CFR § 4710.3-1: *“Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4.”*
- 43 CFR § 4720.1: *“Upon examination of current information and a determination that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately...”*
- 43 CFR § 4710.4: *“Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas.”* The Interior Board of Land Appeals (IBLA) has interpreted this to mean that the animals’ distribution should be limited to established HMAs (refer to 118 IBLA 24).

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

### **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, 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 Schell Field Office proposes to capture 100% of the current population of wild horses (or about 72 excess wild horses), including any horses outside the HA boundaries. 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 placed into long term pastures. This gather is proposed to start in August and may continue until management objectives for this HA are achieved. Due to historic gather efficiencies in this area the estimated population remaining on the range following the gather would be about 10-15 wild horses. To achieve management objectives additional gathers may be needed to achieve an AML of zero 0 wild horses.

All capture and handling activities (including capture site selections) would be conducted in accordance with the Standard Operating Procedures (SOPs) described in Appendix I and the Weed Risk Assessment preventive measures in Appendix II. 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 to be used in the initial gather operations would be helicopter-drive trapping and/or helicopter assisted roping from horseback. Follow-up gather operations utilizing helicopters as well as bait/water trapping may be needed to capture all existing excess wild horses.

## **2.3 Alternative B - No Action:**

Under the No Action Alternative, a gather to remove all excess wild horses in the Moriah HA would not take place beginning in about August 2010. There would be no active management to control the size of the wild horse population at this time. The current population of about 72 wild horses would continue to increase at a rate of 20% annually and would be allowed to regulate their numbers naturally through predation, disease, and forage, water and space availability. Horses would continue to move outside the HA in increasing numbers in search of habitat components. Existing management, including monitoring, would continue.

The No Action Alternative is not in conformance with The Ely District ROD and Approved RMP (August 2008) management action WH-5.

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

## 2.4 Alternatives Considered, but Eliminated from Further Analysis

- **Use of bait or water trapping** as compared to helicopter drive trap method as the principal gather method. The topography of the Moriah HA is very rugged and steep; access to spring sources is limited in many areas which would make water or bait trapping very difficult and time consuming. To trap 72 wild horses from this HA would likely take more than a year and would not meet the purpose and need for the proposed action. Following this gather some bait or water trapping may be used to trap a few remaining animals.
- **Implementing habitat restoration** activities that would allow wild horses to have the food and water they need (prescribed fire, chaining, etc to increase the herbaceous component). Habitat restoration projects are very expensive and many take 5-10 years to improve habitat conditions. Water developments could be implemented but can become problematic and put the horses at risk of depending on an unreliable source for water. This alternative was eliminated because it would not meet the need for the proposed action.
- **Remove or Reduce Livestock within the HMAs**  
This alternative would involve no removal of wild horses and instead address the excess wild horse numbers through the removal or reduction of livestock within the HA. This alternative was not brought forward for detailed analysis because it is outside of the scope of the analysis, and is inconsistent with the 2008 Ely District ROD Approved RMP (August 2008) and the WHBA which directs the Secretary to immediately remove excess wild horses, and is inconsistent with multiple use management. Livestock grazing can only be reduced or eliminated following the process outlined in the regulations found at 43 CFR Part 4100. Such changes to livestock grazing cannot be made through a wild horse gather decision.

Final Multiple Use Decisions (FMUDs) were issued for the allotments within the Moriah HA. These decisions established stocking rates for wild horses and livestock, the decisions also established seasons of use, areas of use, kind and class of livestock and management actions to improve livestock distribution, these management actions included, the establishment of grazing systems, allowable use levels, salting and herding practices. Livestock reductions through the Multiple Use Decision process were implemented on allotments within the Moriah HA.

Livestock grazing continues to be evaluated for allotments and use areas within the Moriah HA. Monitoring and evaluation of livestock grazing is in accordance with the Ely District Record of Decision and Approved Resource Management Plan dated August 20, 2008. This action is specifically provided for in Management Decisions LG-4 and LG-5.

The goals and objectives for livestock grazing found in the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, states, "Manage livestock grazing on public lands to provide for a level of livestock grazing

consistent with multiple use, sustained yield, and watershed function and health.” In addition, “To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health (p 85-86).”

Management Action LG-4 states, “Continue to monitor and evaluate allotments to determine if they are continuing to meet or are making significant progress toward meeting the standards for rangeland health. Table 4 shows the current grazing preference, season-of-use, and kind of livestock for those allotments that currently are evaluated for meeting standards, are making progress toward achieving the standards, or are in conformance with the policies as determined either through the allotment evaluation process or associated with fully processed term permit renewals. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, kind of livestock. Such changes will continue to meet the RMP goals and objectives, including the standards for rangeland health.”

Management Action LG-5 states, “Maintain the current grazing preference, season-of-use, and kind of livestock until the allotments that have not been evaluated for meeting or making progress toward meeting the standards or are in conformance with the policies are evaluated. Depending on the results of the standards assessment, maintain or modify grazing preference, seasons-of-use, kind of livestock and grazing management practices to achieve the standards for rangeland health. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Ensure changes continue to meet the RMP goals and objectives, including the standards for rangeland health.”

### **3.0 AFFECTED ENVIRONMENT/ENVIRONMENTAL EFFECTS**

#### **3.1 General Setting**

The Moriah HA ranges in elevation from approximately 5400 feet above sea level (asl) to approximately 9500 feet asl. The annual precipitation varies from 5 inches in the valley bottoms to 19 inches in the higher elevations. The area lies about 50 air miles northeast of Ely, Nevada and is entirely within White Pine County. The HA is 55,300 acres and is dominated by sagebrush, and pinyon-juniper with topography ranging from wide open valley bottoms to surrounding gently sloping hills to steep escarpments. Wild horses routinely move outside the HA to the east for winter habitat.

**Identification of Issues:**

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.

Internal scoping was conducted by an interdisciplinary (ID) team on February 22, 2010, that analyzed the potential resource concerns of this project. 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 Ely District BLM in particular.

**Table 2. Summary of Critical and Other Elements of the Human Environment**

Resource/Concern	Issue(s) Analyzed? (Y/N)	Rationale for Dismissal from Detailed Analysis or Issue(s) Requiring Detailed Analysis
Air Quality	Y	Analysis in EA
Areas of Critical Environmental Concern (ACEC)	N	Not present in the designated HA boundaries.
Cultural Resources	N	A Class III intensive cultural resource inventory was or will be conducted on all possible ground disturbing portions of this project. All known cultural resource sites eligible for the National Register of Historic Places will be avoided. If any cultural resource sites are discovered during the implementation of this project, all work will cease within 100 yards of the site and the BLM Archaeologist will be contacted immediately.  All known vertebrates, rare invertebrates and plant paleontological resource will be avoided. If any are discovered during the implementation of this project, all work in the vicinity will cease and the BLM Archaeologist/Paleontologist will be contacted immediately.
Forest Health	N	Project has a negligible impact directly, indirectly and cumulatively to forest health. Detailed analysis not required.

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Migratory Birds	N	The Proposed Action would be implemented outside of migratory bird nesting season. Should implementation take place within the migratory bird nesting season, the area would be cleared by a wildlife biologist prior to work to verify no nesting birds are present. Impact to migratory birds is negligible.
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	Y	Analysis in EA
Environmental Justice	N	No environmental justice issues are present at or near the project.
Floodplains	N	No floodplains have been identified by HUD or FEMA. Floodplains as defined in Executive Order 11988 may exist in the area, but would not be affected by the Proposed Action.
Farmlands, Prime and Unique	Y	Analysis in EA
Livestock Grazing	Y	Analysis in EA
Wetlands/Riparian Zones	Y	Analysis in EA
Noxious and Invasive Non-native Species	Y	Analysis in EA
Wilderness/WSA	Y	Analysis in EA
Human Health and Safety	N	Risks have been assessed to mitigate any safety hazards in the form of safety plans and risk management worksheets.
Wild and Scenic Rivers	N	Not Present
Special Status Animal Species, other than those listed or	Y	Analysis in EA

proposed by the FWS as threatened or Endangered.		
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.	Y	Analysis in EA
Fish and Wildlife	Y	Analysis in EA
Wild Horses	Y	Analysis in EA
Water Rights	N	Water rights would not be affected by Proposed Action. The proposed action is expected to have no affect to existing water rights in the project area.
Vegetative Resources	Y	Analysis in EA
Soils/Watershed	Y	Analysis in EA
Visual Resource Management	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.	N	No threatened or endangered species are present within the project area

### 3.2 Resources/Concerns Analyzed

#### 3.2.1 Wild Horses

##### 3.2.1.1 Affected Environment

Following the passage of the 1971 WFRHBA, BLM delineated the Moriah Herd Area (HA) of which 53,300 acres was BLM. Through land use planning (the 1983 Schell Management Framework Plan (MFP)), the entire HA (100%) was designated as a herd management area suitable for long-term management of wild horses. The 1983 Schell MFP also established the interim AML for the HMA as 25 wild horses.

In November 2003, AML was set at 1-29 wild horses through issuance of a “Wild Horse Management Decision and Finding of No Significant Impact (FONSI) for the Establishment of Appropriate Management Levels for Twelve Wild Horse Herd Management Areas with the Ely District.” The decision was based on in-depth analysis documented in Environmental Assessment (EA) NV-04-03-036. EA#NV-040-03-036 recommended establishing the AML for the Moriah HMA as “0” wild horses and returning the HMA to HA status due to insufficient forage and water to support a population size adequate to avoid inbreeding over the long-term.

In 2008, BLM issued the Ely District ROD and Approved Resource Management Plan (RMP). The Ely District ROD/Approved RMP management action WH-5 states: “Remove wild horses and drop herd management area status for those areas that do not provide sufficient habitat resources to sustain healthy populations as listed in Table 13.” As a result of the RMP, the Moriah HMA was returned to HA status with the directive to manage the HA for “0” wild horses. This management decision for the Moriah HA reflects the recent evaluation and determination of the non-suitability of this area for wild horses 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 the herd management area 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 Moriah HMA failed to meet one or more of the five required habitat conditions.

At the present time, an estimated 72 excess wild horses (including the projected 2010 foal crop) are present within the Moriah HA. Documented heavy utilization of key forage species by wild horses at key areas, together with trampling/trailing, bare ground, and limited water sources is contributing to rangeland damage and preventing attainment of rangeland health standards.

Wild horses in the Moriah HA are currently in moderately thin body condition or a body condition score (BCS) class 4 on the Henneke BCS chart. Insufficient herbaceous forage is present within the dominant ecological sites to support healthy wild horses, and has led to heavy and excessive utilization and trampling in key areas, which is adversely impacts range health and prevents recovery of the native vegetative communities at the key sites. Monitoring also indicates wild horses are routinely moving and residing outside the HA boundaries in their search for food and water.

### **3.2.1.2 Environmental Effects**

#### **Impacts of Alternative A -- Proposed Action**

Under the Proposed Action, and considering the terrain and anticipated gather efficiency, the post-gather population of wild horses after the summer 2010 helicopter gather would be about 10-15 animals. More than one gather would likely be needed to remove all excess wild horses within the HA and effectively return them to HA status. However,

reducing population size would ensure that wild horses are not at risk of death or suffering from starvation due to insufficient habitat coupled with the effects of below average precipitation in 3 of the past 5 years (lack of forage and water).

Impacts to the rangeland as a result of the current population of wild horses would be reduced; with the removal of all excess wild horses as forage conditions (quality and quantity) improve, thereby allowing progress towards achieving RAC standards (also see Rangeland Standards and Guidelines above (1.6 Identification of Issues)). Monitoring data currently shows key forage areas are being heavily impacted due to horse use. Removal of excess wild horses will also eliminate the declines in wild horse condition due to the lack of resources on the range to sustain health for any horses remaining after the initial gather operations.

Overall, injuries and death are not frequent and usually average less than 0.5% of gathered horses. Direct impacts include injuries sustained by wild horses during gathers, such as nicks and scrapes to legs, face, or body from brush or tree limbs while being herded to the trap corrals by the helicopter. Rarely, wild horses will encounter barbed wire fences and will receive wire cuts. These injuries are not fatal and are treated with medical spray at the holding corrals until a veterinarian can examine the animal. During the actual herding of wild horses with a helicopter, injuries are rare, and consist of scrapes and scratches from brush, or on rare occasions broken legs from wild horses stepping into a rodent hole.

Most injuries are sustained once the wild horse has been captured and is either within the trap corrals or holding corrals, or during transport between the facilities and during sorting. These injuries result from kicks and bites, and from animals making contact with corral panels or gates. Transport and sorting is completed as quickly and safely as possible to reduce the occurrence of fighting and so as to move the wild horses into the large holding pens where they can settle in with hay and water. Injuries received during transport and sorting consist of superficial wounds of the rump, face, or legs. Despite precautions, occasionally a wild horse will rear up or make contact with panels hard enough to sustain a fatal neck break, though such incidents are rare. There is no way to reasonably predict any of these types of injuries. On many gathers, no wild horses are injured or die. On some gathers, due to the genetic background of the wild horses, they are not as calm and injuries are more frequent.

Gathering wild horses may cause direct impacts to individual animals such as stress, fear or confusion as a result of handling associated with the gather. Although this gather would occur in August when heat may increase stress, gather activities would occur in the morning to early afternoon hours avoiding the heat of the later afternoon.

Through the capture and sorting process, wild horses are examined for health, injury and other defect. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy. BLM Euthanasia Policy IM-2009-041 is used as a guide to determine if animals meet the criteria and should be euthanized (refer to SOPs Appendix A). 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 would not be successfully adopted, or should not be returned to the range.

Oftentimes, foals are gathered that were already orphans 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. Nearly all foals that would be gathered during the summer season would be about three to five months of age and some would be ready for weaning from their mothers. In private industry, domestic horses are normally weaned between four and six months of age.

The occurrence of spontaneous abortion events among mares following capture does occur but are generally rare, because this gather is scheduled for the summer most mares will be in early stages of pregnancy or open.

#### Temporary Holding Facilities During Gathers

Wild horses gathered would be transported from the trap sites to a temporary holding corral within the HMAs in goose-neck trailers. At the temporary holding corral wild horses will be sorted into different pens based on sex. The horses will be aged and fed good quality hay and water. Mares and their un-weaned foals will be kept in pens together.

At the temporary holding facility, a veterinarian, when present, will 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 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 will be inspected prior to use to ensure wild horses can be safely transported. Wild horses will 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) 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 § 5750.

#### 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. Sales of wild horses are conducted in accordance with the 1971 WFRHBA and congressional limitations.

#### Long Term Pastures

During the past 3 years, the BLM has removed 19,414 excess wild horses or burros from the Western States. Most animals not immediately adopted or sold have been transported to long-term grassland pastures in the Midwest.

Potential impacts to wild horses from transport to adoption, sale or Long Term Pastures (LTP) are similar to those previously described. One difference is that when shipping wild horses for adoption, sale or LTP, 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 than the stress involved in the additional period of uninterrupted travel.

Long-term grassland 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 and with the forage, water, and shelter necessary to sustain them in good condition. About 22,700 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, and South Dakota. Establishment of LTP was subject to a separate NEPA and decision-making process. Located in mid or tall grass prairie regions of the United States, these LTP are highly productive grasslands compared to 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 LTP, 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 LTP, they remain available for adoption or sale to qualified individuals; and foals born to pregnant mares in LTP are gathered and weaned when they reach about 8-12 months of age and are also made available for adoption. The LTP 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 LTP 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. Although horse residing on LTP facilities live longer, on the average, than wild horses residing on public rangelands, natural mortality of wild horses in LTP 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).

#### Euthanasia and Sale Without Limitation

While euthanasia and sale without limitation has been limited by Congressional appropriations, it is allowed under the WFRHBA. Neither option is available for horses under the Department of the Interior's fiscal year 2010 budgetary appropriations.

### **Impacts of Alternative B -- No Action Alternative**

Under the No Action Alternative, wild horses would not be removed from the Moriah HA 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 72 wild horses would continue to increase at rates of 20% annually and their numbers would be regulated only through natural means such as predation, disease, and limited 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 Northeastern Great Basin Area 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).

Because wild horses are a long-lived species with documented survival rates exceeding 92% for all age classes (except foals), predation and disease do not substantially regulate wild horse population levels. As a result, wild horse numbers would be expected to continue to increase, which in turn would continue to exceed the carrying capacity of the range. Over time, excess wild horse numbers would continue to impact range condition to the point that horse herd health is placed at risk. Individual horses would be at risk of death by starvation and lack of water. Competition among wild horses for the available forage and water would increase, affecting mares and foals most severely. Social stress would increase. Fighting among stud horses would increase as they protect their position at scarce water sources. As populations continue to increase beyond the capacity of the habitat, more bands of horses would be expected to leave the boundaries of the HA seeking forage and water. This would lead to negative impacts to range conditions and other range users (i.e. native wildlife) outside the HA boundaries, in addition to within the HA boundaries.

## **3.2.2 Wilderness**

### **3.2.2.1 Affected Environment**

The Moriah HA contains portions of the Government Peak Wilderness Area (see map 1). The Government Peak Wilderness lies off the northern end of the Snake Range in eastern Nevada. Vegetation includes mostly desert brush and grass at the lower elevations to a scattering of pinyon and juniper stands on the slopes of the Government Peak and surrounding hills. Bare rock cliffs jut skyward on the eastern side of the area. Paintbrush is the most common wildflower, along with the blooms of cactus. The wilderness area receives occasional wild horse use during certain times of the year.

### **3.2.2.2 Environmental Effects**

#### **Impacts of Alternative A - Proposed Action**

Impacts to opportunities for solitude could occur during gather operations due to the possible noise of the helicopter and increased vehicle traffic around the wilderness. Those impacts would be temporary and would cease when the gather was completed. No surface impacts within wilderness are anticipated to occur during the gather since all trap sites and holding facilities would be placed outside wilderness. Wilderness values of naturalness after the gather would be enhanced by a reduction in wild horse numbers as a result of an improved ecological condition of the plant communities and other natural resources.

#### **Impacts of Alternative B - No Action Alternative**

No impacts to wilderness due to gather operations would occur. Impacts to wilderness values of naturalness could be threatened through the continued increase in the population of wild horses. Although the area currently has very little wild horse use, degradation of vegetative and soil resources by wild horses would be expected if higher numbers of wild horses are present in the Moriah HA. To some, the sight of heavy horse trails, trampled vegetation and areas of high erosion detract from the wilderness experience.

### **3.2.3 Riparian/Wetland Areas and Surface Water Quality**

#### **3.2.3.1 Affected Environment**

Small riparian areas and their associated plant species occur throughout the HA near seeps and springs. Riparian areas are currently experiencing trampling damage from wild horses. Monitoring data collected in the HA highlights that utilization by wild horses is heavy in established key areas. Trampling damage by wild horses is also evident at most key areas, including upland and riparian sites. The area outside the HA to the East is lower elevation sagebrush vegetation, with several small riparian areas. This area is also being impacted through increased grazing utilization by wild horses. Utilization and trampling in key areas is currently impacting range conditions and preventing recovery of key sites.

#### **3.2.3.2 Environmental Effects**

##### **Impacts of Alternative A – Proposed Action**

Riparian areas would improve with the removal of the wild horse population, which would lead to healthier, more vigorous vegetative communities. Hoof action on the soil around unimproved springs and stream banks would be lessened, which would lead to increased stream bank stability. Improved vegetation around riparian areas would dissipate stream energy associated with high flows, and filter sediment that would result in some associated improvements in water quality. The proposed action would make progress towards achieving and maintaining proper functioning condition at riparian areas.

### **Impacts of Alternative B – No Action Alternative**

Wild horse populations would continue to grow. Increased wild horse use throughout the Moriah HA and outside the HA boundary would adversely impact riparian resources and their associated surface waters. As native plant health deteriorates and plants are lost, soil erosion would increase. This alternative would not make progress towards achieving and maintaining a thriving natural ecological balance and proper functioning condition at riparian areas.

#### **3.2.4 Soil Resource/Watershed**

##### **3.2.4.1 Affected Environment**

Soils within the HA are typical of the Great Basin, and vary with elevation. Soils range in depth and type and are typically coarse textured (gravelly loams and sandy loams). Impacts to soil based on the removal of wild horses from this herd area were analyzed on pages 4.4-3-12 and pages 4.19-5-14 of the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007). The proposed action would impact soil temporarily with trampling and disturbance occurring at trap sites and holding facilities. The effects would be minimal, and would not directly, indirectly, or cumulatively approach a level of significance as the project would be implemented by staying on existing roads, and relatively small areas would be used for gathering and holding operations.

##### **3.2.4.2 Environmental Impacts**

###### **Impacts of Alternative A – Proposed Action**

Horses may be concentrated for a limited period of time in the trap sites. Potential for soil compaction would occur but would be minimal and temporary. As such, the Proposed Action is not expected to adversely impact soil or hydrologic function. Long term impacts are likely to be an improvement in soil resources within the area due to less soil compaction from trailing.

###### **Impacts of Alternative B – No Action Alternative**

Potential effects on soil resources would increase as wild horse populations continue to grow. Heavy trailing and trampling around water sources would occur, causing soil compaction, Soil compaction around springs may impede water movement and decrease water infiltration which may affect the flow of water.

#### **3.2.5 Vegetation Resource**

##### **3.2.5.1 Affected Environment**

Vegetation within the Moriah HA varies with elevation, soil type, and precipitation. Along the valley bottoms, salt desert shrub species can be found. However, the more common shrub species is sagebrush. As elevation increases from valley bottom to foothills, sagebrush gives way to pinyon-juniper woodlands. At the highest elevations, mountain mahogany and mountain sagebrush dominate, with small pockets of aspen and fir trees.

The impacts to vegetation based on the removal of wild horses from the Moriah HA and outside the HA boundary were analyzed on pages 4.5-7-27 of the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007). The proposed action would impact vegetation temporarily with trampling and disturbance of vegetation occurring at trap sites. The effects would be minimal, and would not directly, indirectly, and cumulatively approach a level of significance.

Monitoring data collected for the HA in years 2007-2010 indicates utilization by wild horses is 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.

### **3.2.5.2 Environmental Effects**

#### **Impacts of Alternative A -- Proposed Action**

Lower wild horse numbers would result in decreased grazing pressure on vegetation resources, including those found in riparian areas. These areas would be expected to improve in the absence of utilization by wild horses, which would lead to healthier, more vigorous 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 or habitat; this could take numerous years (20+ years in some areas) in the Great Basin environment. Impacts of hoof action on the soil around 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 ephemeral (and mostly 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 and would utilize previously disturbed areas. 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 Standard Operating Procedures (SOPs see appendix I), adverse impacts to soils as a result of capture operations would be minimized.

#### **Impacts of 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, wild horses would continue to heavily utilize vegetative resources, which would result in further decreases in vegetation cover and in increased soil erosion throughout the HA as well as areas outside the HA boundary where wild horses are currently found.

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. Decreased soil and vegetation health has the potential to subject the range to invasion by non-native plant species or noxious weeds. A shift in plant composition to undesirable species would result in less vegetation available for use as forage (by all herbivores), loss of topsoil through increased erosion, and decreased vegetative productivity. These impacts would also be seen outside the HA, and could affect even larger geographic areas as wild horses forage further from the HA as wild horse numbers continue to increase.

### **3.2.6 Wildlife, Migratory Birds, and Special Status Species**

#### **3.2.6.1 Affected Environment**

According to the Ely District Record of Decision and Approved Resource Management Plan (BLM 2008) and the Nevada Natural Heritage Database (State of Nevada 2007), the species listed in Table 3 in this section may occur within the project area. These data are not exhaustive, and additional species not listed here may be present within the project area.

Wildlife in the proposed gather area includes pronghorn antelope (*Antilocapra americana*), with mule deer (*Odocoileus hemionus*) and Rocky Mountain Elk (*Cervus canadensis*) in higher elevations with tree cover. Other wildlife species common to the Great Basin environment include mountain lions (*Felis concolor*), coyotes (*Canis latrans*), bobcats (*Lynx rufus*), and blacktail jackrabbits (*Lepus californicus*).

The BLM 6840 Manual (2008) describes special status species as: 1) species listed or proposed for listing under the Endangered Species Act (ESA), and 2) species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the ESA, which are designated as Bureau sensitive by the State Director(s). All Federal candidate species, proposed species, and delisted species in the 5 years following delisting will be conserved as Bureau sensitive species. Data pertaining to special status species occurrence in Nevada are maintained by the BLM, U.S. Fish and Wildlife Service (FWS), Nevada Department of Wildlife (NDOW), and Nevada Natural Heritage Program (NNHP).

Table 3 identifies BLM special status species that may potentially occur within the Moriah HA. Some of the more common species that may occur are sage grouse, pygmy rabbits, bald eagles, and ferruginous hawks. There is summer brood rearing, nesting, and winter sage-grouse habitat within the Moriah HA. There are no known active sage-grouse leks within the HA. Pygmy rabbits inhabit predominately sagebrush habitat with soils suitable for burrowing. Bald eagles are a winter resident of this area of Nevada and

can be observed from November thru May. Two ferruginous hawk nests have been documented within the HA. Ferruginous hawks are year round residents frequently nesting in juniper stringers. There are no known special status plant species found within the Moriah HA.

**Table 3. BLM Special Status Species that may occur within the HA**

Common Name	Scientific Name
<i>Birds</i>	
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Black Rosy-finch	<i>Leucosticte atrata</i>
Burrowing Owl	<i>Athene cunicularia</i>
Ferruginous Hawk	<i>Buteo regalis</i>
Flammulated Owl	<i>Otus flammeolus</i>
Golden Eagle	<i>Aquila chrysaetos</i>
Gray Vireo	<i>Vireo vicinior</i>
Greater Sage-grouse	<i>Centrocercus urophasianus</i>
Juniper Titmouse	<i>Baeolophus griseus</i>
Lewis's Woodpecker	<i>Melanerpes lewis</i>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Long-billed Curlew	<i>Numenius americanus</i>
Long-eared Owl	<i>Asio otus</i>
Northern Goshawk	<i>Accipiter gentilis</i>
Peregrine Falcon	<i>Falco peregrinus</i>
Pinyon Jay	<i>Gymnorhinus cyanocephalus</i>
Prairie Falcon	<i>Falco mexicanus</i>
Red-naped Sapsucker	<i>Sphyrapicus nuchalis</i>
Short-eared Owl	<i>Asio flammeus</i>
Swainson's Hawk	<i>Buteo swainsoni</i>
Vesper Sparrow	<i>Pooecetes gramineus</i>
Yellow-breasted Chat	<i>Icteria virens</i>
<i>Mammals</i>	
Pygmy Rabbit	<i>Brachylagus idahoensis</i>
<i>Reptiles</i>	
Short-horned lizard	<i>Phrynosoma douglassii</i>
Sonoran Mountain Kingsnake	<i>Lampropeltis pyromelana</i>

### 3.2.6.2 Environmental Effects

#### Impacts of Alternative A -- Proposed Action

Wildlife would be temporarily displaced during capture operations, a result of increased activity associated with trap setup, helicopters and vehicle traffic. Important habitat used for sage-grouse strutting grounds and pygmy rabbit colonies would be avoided and would not be used for trap sites. 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.

Given the time of year (outside the migratory or breeding season) and the use of previously disturbed areas, no impacts to individuals, populations, or migratory bird habitat are anticipated for this project.

The proposed project is not anticipated to impact riparian species as the gather would not focus on riparian areas and trap sites would not be located in riparian areas. Riparian areas throughout the HMA would be avoided by vehicular traffic from the gather. It is anticipated horses herded by the helicopter would also avoid these areas.

### **Impacts of 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, potentially leading to increased stress and possible dislocation or death of native wildlife species over the long-term.

### **3.2.7. Non-native Invasive Species Including Noxious Weeds**

#### **3.2.7.1 Affected Environment**

The BLM defines a weed as a non-native plant that disrupts or has the potential to disrupt or alter the natural ecosystem function, composition and diversity of the site it occupies. A weed's presence deteriorates the health of the site, makes efficient use of natural resources difficult, and may interfere with management objectives for that site. Weeds are invasive species that require a concerted effort (manpower and resources) to remove from their current location, if they 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.

Four occurrences of salt cedar (*Tamarix spp.*) are documented within in the Moriah HA. Salt cedar is also found along roads and drainages leading to the project area. The Moriah HA was last inventoried for noxious weeds in 2004. While not currently documented as present in the HA, the following non-native invasive weeds may occur in or around the project area:

<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>Halogeton glomeratus</i>	Halogeton	<i>Verbascum thapsus</i>	Common mullein

### 3.2.7.2 Environmental Effects

#### Impacts of Alternative A -- Proposed Action

Salt cedar is not usually spread by animals, so no increases would be expected. Some of the non-native weeds, such as cheatgrass and bur buttercup can be spread by animals. Given the concentrated use around capture sites and the use of non-certified forage, the project activities could result in new infestations, specifically at the capture sites and holding pens. The potential to spread weeds would be limited primarily to trap and holding areas, making follow-up monitoring and treatment, if necessary, more manageable and effective. (See Appendix II Weed Risk Assessment).

#### Impacts of 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, reducing native plant vigor and abundance and increasing the potential for invasion by non-native plant species or noxious weeds.

### 3.2.8. Livestock grazing

#### 3.2.8.1 Affected Environment

The Moriah HA includes portions of five livestock grazing allotments (see Figure 1). Permitted livestock grazing use in the HA includes both cattle and sheep. Some livestock grazing occurs during all seasons. Rangeland health assessments and renewal of term permits have been completed for two of the five allotments (Table 5). Permitted livestock grazing use has generally been reduced in recent years in a majority of the allotments (Table 4). Through the issuance of renewed term grazing permits, BLM has analyzed livestock stocking levels, established deferred seasons of grazing, rotated grazing areas, and established water hauling areas that result in more effective distribution of livestock grazing. Since the last gather, licensed livestock use, or actual use, has generally been less than permitted use for each of the grazing allotments, in part due to persistent drought (Table 4).

Table 4. Moriah Herd Area

Allotment	Season of Use	Permitted Use as Animal Unit Months (AUMs)	Ten Year Average Actual AUM Use	Percent of Permit Use	% of allotment Within HA
Indian George	10/16 to 4/15	2,860	1555	54	95 %
Mallory Spring	Cattle: 6/1 to 7/15 Cattle: 11/01 to 12/15 Sheep: 9/1 to 05/31	940	461	49	57%

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Mill Spring	Cattle: 06/01 to 07/15	341	88	26	97%
Pleasant Valley	Cattle 04/15 to 09/30	405	389	96	86%
Tippett	Cattle: 3/1 to 2/28; Sheep: 4/16 to 12/15	12,800	3959	31	.8%

Table 5. Rangeland Health Conditions

Allotment	Rangeland Health Standards	Evaluation in Progress	Evaluation Completion Year
Mallory Spring	<b>Standard 1: Soils;</b> Achieving the Standard		2007
	<b>Standard 2: Ecosystem Components;</b> Achieving the Standard		
	<b>Standard 3: Habitat and Biota;</b> not Achieving the Standard		
Mill Spring	<b>Standard 1: Soils;</b> Achieving the Standard		2009
	<b>Standard 2: Ecosystem Components;</b> Achieving the Standard		
	<b>Standard 3: Habitat and Biota;</b> Not Achieving the Standard		
Pleasant Valley	<b>Standard 1: Soils;</b>	X	
	<b>Standard 2: Ecosystem Components;</b>		
	<b>Standard 3: Habitat and Biota;</b>		
Indian George	<b>Standard 1: Soils;</b>	X	
	<b>Standard 2: Ecosystem Components;</b>		
	<b>Standard 3: Habitat and Biota;</b>		
Tippett	<b>Standard 1: Soils;</b>	X	
	<b>Standard 2: Ecosystem Components;</b>		
	<b>Standard 3: Habitat and Biota;</b>		

**3.2.8.2 Environmental Effects**

**Impacts of Alternative A -- Proposed Action**

Livestock located near gather activities would be disturbed by the helicopter and the increased vehicle traffic during the gather operation. This displacement would be temporary; and the livestock would move back into the area once gather operations moved. Past experience has shown that gather operations have little impact on grazing cattle. No increases in permitted livestock use would occur as a result of the Proposed Action.

### **Impacts of Alternative B -- No Action Alternative**

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

### **3.2.9. Farmlands/Prime and Unique**

#### **3.2.9.1 Affected Environment**

There are soils that have been designated by the Natural Resource Conservation Service as meeting the requirements to be considered prime farmlands.

#### **3.2.9.2 Environmental Effects**

##### **Impacts of Alternative A – Proposed Action**

Localized trampling of these soils may occur at the trap sites. The proposed action will not contribute either directly or indirectly to loss of these potential farmlands. The effects would be minimal and would not directly or indirectly approach any level of significance.

##### **Impacts of Alternative B – No Action Alternative**

No impacts to prime and unique farmlands would occur.

### **3.2.10 Air Quality**

#### **3.2.10.1 Affected Environment**

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.

#### **3.2.10.2 Environmental Effects**

##### **Impacts of Alternative A – Proposed Action**

Some dust would be created by the helicopter and horses when the animals are brought to the trap sites. Any particulate suspension in the area would be temporary.

##### **Impacts of Alternative B – No Action Alternative**

No changes in air quality would occur

### **3.2.11. Water Quality/Drinking/Ground**

#### **3.2.11.1 Affected Environment**

Water development projects are present in the area. A water development may be used as a trap location in order to facilitate gather efficiencies.

#### **3.2.11.2 Environmental Impacts**

##### **Impacts of Alternative A – Proposed Action**

No effects to water quality are expected. Temporary disturbance in these areas may occur at some trap sites. Actions would not affect surface or ground water quality.

### **Impacts of Alternative B – No Action Alternative**

No impacts to water quality would occur.

## **4.0 CUMULATIVE IMPACTS**

### **4.1 Introduction**

The National Environmental Policy Act (NEPA) regulations define cumulative impacts as impacts on the environment that result from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such actions (40 CFR § 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Cumulative impacts are impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

According to the 1994 BLM *Guidelines for Assessing and Documenting Cumulative Impacts*, the cumulative analysis should be focused on those issues and resource values identified during scoping that are of major importance. Accordingly, the issues of major importance that are analyzed are maintaining rangeland health and achieving and maintaining appropriate management level.

### **4.2 Past Present and Reasonably Foreseeable Future Actions**

#### **4.2.1 Past Actions**

The Schell (1983) MFP (Ely District) designated the Moriah HMA for the long-term management of wild horses. The HMA was later recommended to be dropped from HMA status in the 2003 Environmental Assessment NV-04-03-036 due to a finding that one or more components of the habitat needs for a healthy wild horse population are lacking, and a determination that management for healthy populations within the HMA is therefore not possible. The recommendation to drop the HMA status for this area was carried forward through the Ely *Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/EIS, 2007) released in November 2007 and was adopted by the Ely District Record of Decision (ROD) and Approved Resource Management Plan (RMP) in August 2008. The EISs analyzed impacts of the Land Use Plan's management direction for grazing and wild horses, as updated through Bureau policies, Rangeland Program direction, and Wild Horse Program direction.

The Moriah HA was last gathered in September 2007 when it was still an HMA with an AML range of 1-29 wild horses, and before the decision was made to manage this area for zero wild horses. The 2007 gather resulted in the removal of 68 excess wild horses, which included 34 excess wild horses gathered outside the HMA boundaries.

#### **4.2.2 Present Actions**

Today the Moriah HA (which is to be managed for zero wild horses) has an estimated population of 72 excess wild horses including the projected 2010 foal crop. Resource damage is occurring both within and outside the HA due to the presence of these wild horses.

Current BLM policy is to implement the Ely District ROD and Approved RMP (August 2008) as directed by management action WH-5, which states: "Remove wild horses and drop herd management area status for those areas that do not provide sufficient habitat resources to sustain healthy populations as listed in Table 13." The Moriah HA was dropped from HMA status with this management action thereby requiring that all wild horses be removed from the former Moriah HMA.

Congressional appropriations over the past decade and most recently for the 2010 budget year prohibits the destruction of healthy animals that are removed or deemed to be excess. BLM policy is consistent with these appropriations provisions such that only sick, lame, or dangerous animals can be euthanized, and destruction is no longer used as a population control method. Nor does BLM sell excess animals for slaughter; rather BLM makes every effort to place excess animals with private citizens who can provide the animals with a good home.

Public interest in the welfare and management of wild horses continues to be very high. There are many different values pertaining to wild horse management from the public's perceptions. Some view wild horses as nuisances, while others strongly advocate management of wild horses as living symbols of the pioneer spirit.

An assessment for conformance with Rangeland Health Standards is currently ongoing for the Moriah HA associated livestock grazing allotments. Portions of the HA have been monitored intensely over the past several years due to problems with drought, vegetation condition and combined use by wild horses and domestic livestock. Upon completion of these evaluations, additional adjustments in livestock season of use, livestock numbers, and grazing systems may be made through the allotment evaluation process.

The Proposed Action analyzed in this environmental assessment would result in reducing the current wild horse population size to zero. By removing wild horses, competition between wild horses and other users (i.e. native wildlife and domestic livestock) for limited forage and water resources would decrease. Direct improvement in soils and riparian-wetland condition would be expected in the short term, which should benefit wildlife, and result in fewer multiple-use conflicts within and adjacent to the Moriah HA. Over the long-term, improving the range would further benefit all users and the resources they depend on for forage and water.

Under the No Action (no removal) alternative, the current overpopulation of wild horses would not be reduced because a gather would not occur at this time. Competition between wild horses, native wildlife, and domestic livestock for limited forage and water would increase, and riparian-wetland conditions would continue to deteriorate. Over the longer-term, the health of wild horses and native wildlife would be expected to suffer as rangeland productivity further declines.

#### **4.2.3 Reasonably Foreseeable Future Actions**

In the future, the BLM would manage wild horses within HMAs that have suitable habitat for a population range, while maintaining genetic diversity, age structure, and sex ratios. Current policy is to express all future wild horse AMLs as a range, to allow for regular population growth, as well as better management of populations rather than individual HMAs. The Ely BLM District completed the *Ely Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/EIS, 2007) released in November 2007 which analyzed AMLs expressed as a range and addressed wild horse management on a programmatic basis. Future wild horse management would focus on an integrated ecosystem approach with the basic unit of analysis being the watershed. The BLM would continue to conduct monitoring to assess progress toward meeting rangeland health standards. Wild horses would continue to be a component of the public lands, managed within a multiple use concept on approximately 3.7 million acres managed as consolidated herd management areas by the Ely District.

As the BLM achieves AML on a Bureau wide basis, gathers for the remaining HMAs should become more predictable due to facility space. This should increase stability of gather schedules. Fertility control should also become more readily available as a management tool, with treatments that last between gather cycles, reducing the need to remove as many wild horses, and possibly extending the time between gathers.

Future actions have noxious and invasive weed prevention stipulations and required weed treatment requirements associated with each project. This in combination with the active BLM Ely District Weed Management Program will minimize the spread of weeds throughout the watershed. Livestock grazing would likely continue in the area.

Blue Mass/ Kern Mountain habitat restoration project is scheduled for implementation in the future. This project may involve mechanical and chemical treatments to improve habitat.

#### **4.3 Cumulative Impact Analysis**

Cumulative beneficial effects from the Proposed Action are expected, and would include continued improvement of vegetation and riparian-wetland conditions, which would in

turn positively impact native wildlife and domestic livestock as forage quantity and quality is improved over the current level.

Establishment of non-native, invasive species could occur under the Proposed Action and other interrelated projects. However, the spread of noxious weeds would be minimized through the stipulations listed in the Weed Risk Assessment (Appendix II) incorporated into the Proposed Action along with follow up monitoring and treatment at capture sites as needed.

Direct cumulative impacts of the No Action alternative coupled with impacts from past, present and reasonably foreseeable future actions would prevent or impede BLM's ability to improve watershed health. The No Action Alternative, in conjunction with many of the past, present and reasonably foreseeable future actions would result in non-attainment of RMP.

The combination of the past, present, and reasonably foreseeable future actions, along with implementation of the Proposed Action, should result in healthier rangelands and fewer multiple-use conflicts within and adjacent to the Moriah HA.

## **5.0 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 in sections 5.2 and 5.3 below.

### **5.2 Persons, Groups and Agencies Consulted**

#### **•Nevada Department of Wildlife**

•Steve Foree

#### **•Tribal Consultation**

• Tribal Coordination Letters were sent May 11, 2010. The proposed action will be presented at the tribal coordination meeting on May 20, 2010.

### **5.3 Summary of Public Participation**

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 Nevada BLM State Office held a meeting on May 20, 2009; numerous written comments were entered into the record for this hearing. Specific concerns included: (1) the use of helicopters and motorized vehicles is inhumane and results in injury or death to significant numbers of wild horses and burros; (2) census methods using helicopters and fixed wing aircraft; (3) reported reproduction and mortality rates; (4) providing the public with pertinent information regarding gather plans at site-specific locations; (5) statistics

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or statements relating to impacts of helicopter driving, distances, terrain, etc. on wild burro herds; (6) studies on impacts to wild horses and burros on the use of helicopters and helicopter driving during gather. Standard Operating Procedures were reviewed in response to these concerns and no changes to the SOPs were indicated based on this review.

The use of helicopters and motorized vehicles has proven to be a safe, effective and practical means for the gather and removal of excess wild horses and burros from the range. Since July 2004, Nevada has captured 26,000 animals with a total mortality of 1.3% (of which .5% was gather related) which is very low when handling wild animals. BLM also avoids gathering wild horses prior to or during the peak foaling season and as a result does not conduct helicopter removals of wild horses from March 1 through June 30.

The Ely District BLM has coordinated with Nevada Department of Wildlife (NDOW) on this gather during the yearly coordination meeting.

On May 11, 2010 the Ely District sent a Notice of Proposed Action (NOPA) to the Wilderness and Wilderness Study Area interested public mailing list notifying them of the action taking place in Wilderness.

Comments on the Moriah Herd Area Preliminary Environmental Assessment DOI-BLM-NV-L020-2010-0032-EA will be accepted for 30 days until June 18, 2010. Interested individuals should may mail written comments to the BLM Ely District Office, HC 33 Box 33500, Ely, NV 89301 attn: Mary D'Aversa, Schell Field Manager or send an e-mail to: [MoriahHA@blm.gov](mailto:MoriahHA@blm.gov). The Preliminary EA is also posted at [www.nv.blm.gov/ely](http://www.nv.blm.gov/ely). Comments need to be post marked, faxed, or emailed to [MoriahHA@blm.gov](mailto:MoriahHA@blm.gov) no later than 6-18-2010.

## 5.4 List of Preparers

### 5.4.1 BLM:

Name	Title	Responsible for the Following Section(s) of this Document
Ben Noyes	Wild Horse Specialist	Project Lead/ Wild Horse
Nancy Williams	Wildlife Biologist	Wildlife, Migratory Birds, Special Status Species
Mindy Seal	Natural Resource Specialist	Non-native Invasive Species Including Noxious Weeds
Zach Peterson	Forester	NEPA
Melanie Peterson	Environmental Protection Specialist	Human Health and Safety, Hazardous Wastes
Dave Jacobson	Wilderness Planner	Wilderness
Mark D'Aversa	Hydrologist	Soil, Water, Wetlands and Riparian/Flood Plans
Craig Hoover	Rangeland Management Specialist	Livestock Grazing
Shawn Gibson	Archaeologist	Cultural Resources
Elvis Wall	Native American Coordinator	Native American Religious Concerns

## 6.0 REFERENCES, GLOSSARY AND ACRONYMS

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## APPENDIX I 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).

Prior to any gathering operation, the BLM will provide for a pre-capture evaluation of existing conditions in the gather area(s). The evaluation will 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 will determine whether the proposed activities will necessitate the presence of a veterinarian during operations. If it is determined that a large number of animals may need to be euthanized or capture operations could be facilitated by a veterinarian, these services would be arranged before the capture would proceed. The contractor will be apprised of all conditions and will be given instructions regarding the capture and handling of animals to ensure their health and welfare is protected.

Trap sites and temporary holding sites will 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 capture methods used in the performance of gather operations include:

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

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

### **A. Capture 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 captured. All capture 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

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- 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/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors. Under normal circumstances this travel should not exceed 10 miles and may be much less dependent on existing conditions (i.e. ground conditions, animal health, extreme temperature (high and low)).
  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 will 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 will 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 will 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 capture 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 will 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 will supply certified weed free hay if required by State, County, and Federal regulation.

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 captured animals until delivery to final destination.

9. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI will 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 capture 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 capture area may need to be transported back to the original trap site. This determination will be at the discretion of the COR/PI or Field Office horse specialist.

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

1. Capture attempts may be accomplished by utilizing bait (feed, water, mineral licks) to lure animals into a temporary trap. If this capture 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 capture of animals.
  - c. Traps shall be checked a minimum of once every 10 hours.
2. Capture 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. Capture 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 will 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 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, 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 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 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 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 will 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 capture of wild horses utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government will 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 will 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 will 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 will 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. 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 will be made available to the extent possible; however, the primary considerations will 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 will 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

Alan Shepherd, Wild Horse and Burro State Lead

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 Schell Field Office Managers will 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

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involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

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

The COR will 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 will be vigorously enforced.

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



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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 the project activities could result in new infestations, specifically at the capture sites and holding pens. However, no animals will be released back on to public lands thus preventing weeds from spreading through animal movements.

**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 Moderate (7) at the present time. The Moriah HA is relatively free from noxious weed infestations. If new weed infestations spread to the area there would be adverse effects to the surrounding native vegetation. Any increase in cheatgrass could alter the fire regime in the area. The potential to spread weeds would be limited primarily to identified areas making follow up monitoring and treatment, if necessary, more manageable.

**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 (35). 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.

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

When feeding animals on public lands the contractor should be encouraged to acquire locally produced hay from the valleys nearest to the Moriah HA. Although it may not be required to feed weed free hay, by using locally produced hay it would prevent the introduction of weeds from other areas.

Reviewed by: /s/Mindy Seal

Mindy Seal  
Natural Resource Specialist

3/17/2010

Date

