



**United States
Department of
Agriculture**

Forest Service

**Humboldt-Toiyabe
National Forest**

October 26, 2012

**REQUEST FOR
COMMENTS/NOTICE OF
PROPOSED ACTION**

**MONTE CRISTO WILD HORSE
TERRITORY PLAN REVISION**

**ELY RANGER DISTRICT
HUMBOLDT-TOIYABE NATIONAL FOREST
WHITE PINE COUNTY, NEVADA**

USDA NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

COMMENTS WELCOME

The Ely Ranger District welcomes your comments on the proposed Monte Cristo Wild Horse Territory (WHT) Plan Revision. The purpose of this comment period is to provide additional opportunity for public participation prior to a decision by the Responsible Official (Ely District Ranger). In addition, submission of comments during this period is required to establish appeal eligibility. We will accept written, facsimile, hand delivered, oral, and electronic comments concerning this action for thirty calendar days following the publication of the Notice of Proposed Action in the Ely Times. For detailed information on how to provide comments, please refer to *Comment Process* section of this document.

SUMMARY

The Ely Ranger District proposes to update and revise the 1977 Monte Cristo Wild & Free Roaming Horses Management Plan as amended in 1982 and 1999. The Territory Management Plan (TMP) would apply to the Monte Cristo WHT on National Forest System lands in the White Pine Range. The scope of this Environmental Assessment does not include management of the Jakes Wash WHT, a small portion of Jakes Wash Herd Area which was acquired in 2006 through land exchange with the Bureau of Land Management under authority of the *White Pine County Conservation, Recreation and Development Act of 2006 (P.L. 105-263 as amended by H.R. 6111, Title III)*. Analysis of that territory will occur during Forest Plan revision.

The Monte Cristo Territory Management Plan would include 1) gather and removal of excess wild horses to the existing Appropriate Management Level (AML) of 72 to 96 adult wild horses within the territory, 2) removal of wild horses outside the territory, and 3) range improvements, where needed, to enhance management within the territory. Future wild horse removals would include both helicopter gathers and bait trapping. The Territory Management Plan would include a strategy to manage the herd, in the future, at AML to achieve a thriving natural ecological balance, and desired rangeland conditions. Additional resource management direction would be applied where applicable as identified in the Ely Westside Rangeland FEIS (2011) and Supplemental EIS (In Process).

LOCATION

The project area is located on National Forest System lands on the Ely Ranger District. The area is located in the White Pine Range in White Pine and Nye Counties, Nevada. The project is located approximately 30 miles west of the town of Ely NV. The enclosed map displays the location of the project area.

PURPOSE AND NEED FOR ACTION

The Wild Free-Roaming Horses and Burros Act of 1971, the Public Rangelands Improvement Act of 1978, and USFS policy (FSM 2260) require management, protection, and control of wild horses. The USFS wild horse objective, simply stated, is “To maintain wild free-roaming horse and burro populations in a thriving [natural] ecological balance in the areas they inhabit on National Forests” (FSM 2260.2, 16 USC § 1333(a)).

Forest Service policy requires establishment of appropriate management levels (AMLs) for wild horse territories (FSM 2260.3). The AML numbers were established for Monte Cristo WHT in the 1986 Humboldt NF LRMP. Forest Service policy (FSM 2261.1 and FSM 1531.11a – MOU on Wild

Free-Roaming Horses and Burros) further requires coordination of all wild horse activities with BLM to reflect similar management objectives. Wild horse complexes are designated when wild horses roam between NFS territories and/or BLM public land HMAs. In the BLM's Egan Record of Decision and Resource Management Plan (2008), Monte Cristo HMA and Sand Springs East HMA were combined into the Pancake HMA; AMLs for those HMAs were confirmed in that decision record. The Pancake HMA/WHT Complex now includes Pancake HMA, Sand Springs East HMA, and Monte Cristo WHT.

The Monte Cristo Wild & Free Roaming Horses Management Plan (1977) established a baseline AML of 72 to 120 wild horses, with an average of 96 head managed for the Monte Cristo WHT. Those numbers were determined from proper use studies conducted on naturally occurring wild horse concentration areas. The baseline AML was adjusted, specific for National Forest System lands at 72 to 96 through the Humboldt National Forest Land & Resource Management Plan in 1986. A verification of those established AMLs will be presented in the environmental assessment to determine their appropriateness based on current conditions and management direction. Range conditions have not improved given the number of wild horses occupying the area. The current estimated population, based on visual observations during the 2012 field season, is 300 to 350 wild horses following the 2012 foal crop. This population estimate is over 3 times the high range of the appropriate management level and 4 times the low range. The population within this territory can fluctuate depending on the seasonal movement of the wild horses. Direction under FSM 2263.1 indicates that TMPs include a section on management population levels, planned removals, and disposal of excess animals. Likewise, Humboldt Forest Plan direction states that wild horses will be managed according to the numbers specified in the approved territory plans (Issue 4, pg III-2; Goal #20, pg IV-6) and numbers will be controlled according to those same plans (Range Management Prescription, pg. IV-180).

The purpose of the Proposed Action is to:

1. revise the 1977 Territory Management Plan to reflect a FS strategy for managing and controlling wild horses within the Monte Cristo WHT;
2. manage the wild horses at the established AML range of 72 to 96 adults with foal within the WHT;
3. allocate 1,382 AUMs of forage to wild horses, within the Monte Cristo WHT, based on an Animal Unit factor of 1.2 for the upper AML of 96 adults with foals during a 12-month occupancy on NFS lands;
4. reduce the wild horse population growth rate in order to prevent undue or unnecessary degradation of NFS lands;
5. protect rangeland resources from deterioration associated with excess wild horses within and outside the WHT;
6. remove excess wild horses from NFS lands, within and outside the Monte Cristo WHT;
7. restore a thriving natural ecological balance and multiple use relationship on the public lands consistent with the provisions of Section 1333 (a) of the Wild Free-Roaming Horses and Burros Act of 1971.

The need for the Proposed Action is to protect rangeland resources and to prevent degradation of NFS lands associated with excess population of wild horses within the Monte Cristo WHT and prevent use of rangeland resources by wild horses outside of the Pancake HMA boundaries.

THE PROPOSED ACTION

The proposed action involves revising the 1977 Monte Cristo Territory Management Plan to collaborate with BLM on present and future management of wild horses within the larger Pancake HMA. This Monte Cristo WHT EA will assist the Humboldt Toiyabe National Forest, Ely Ranger District in project planning, ensuring compliance with the National Environmental Policy Act (NEPA), and make a determination as to whether any significant impacts could result from the analyzed actions. An EA provides analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of “Finding of No Significant Impact” (FONSI).

The Proposed Action for Monte Cristo WHT would correspond to present and future BLM decisions for public lands within the Pancake HMA designed to address large-scale wild horse gathers and attainment of appropriate management levels (AMLs), reduce population growth rates, and trending towards a thriving natural ecological balance on the range.

Primary actions under this proposal include:

- Territory Management Plan Revision - The 1977 Monte Cristo Territory Management Plan would be revised to reflect management specific to Monte Cristo WHT on NFS lands and will complement the BLM in management of the Pancake HMA over the next ten or more years.
- Gather Plan Development – Planned gathers would have an objective of reaching lower AML of 72 head within Monte Cristo WHT, which would count towards the core breeding population of 361 wild horses across the Pancake HMA.
- Excess wild horses - would be gathered on NFS lands, inside and outside the Monte Cristo WHT, down to the low AML of 72 adult wild horses or the equivalent of 1,037 AUMs (using AU Equivalent Factor of 1.20 per FSH 2209.15 direction).
- Scheduled PZP treatments – During “capture-treat-release” (CTR) gathers, adult mares captured from Monte Cristo WHT, would be treated by qualified personnel with fertility control drugs (PZP-22 or most current formulation) and released back onto Pancake Complex. Female weanlings (1st year female yearlings) would be removed during CTR gathers to detour adolescent breeding.
- Sex ratio adjustments - The breeding population, on Monte Cristo WHT, would be managed to achieve a 60:40 male to female sex ratio.
- Implementation of Comprehensive Animal Welfare Program – The Territory Management Plan, related gather plans, and associated contracting services would include Comprehensive Animal Welfare Standard Operating Procedures for Gathers as adopted from the BLM 4710 Instruction Memorandum (In Process).
- Promote conservation of sustainable sage-grouse populations and their habitats - The Territory Management would protect remaining expanses of unfragmented habitats, minimize further loss of fragmented habitat, and enhance and restore habitat conditions to meet sage-grouse life history needs.

No stallions, captured from Monte Cristo WHT and released back onto BLM administered public lands or NFS lands, would be gelded or otherwise sterilized, as part a non-breeding herd component. No mares would be spayed or otherwise sterilized. No sterilization practices are proposed at this time and consideration of such practices is beyond the scope of this analysis.

PROPOSED MITIGATION MEASURES

Mitigation measures have been developed to ensure the project maximizes the benefits and minimizes the risks to resources in the project area.

Wildlife

- Gather trap sites and temporary holding facilities would not be located where sensitive animal and plant species are known to occur nor within crucial intact habitat.

Heritage Properties

- Gather and temporary holding facilities would be placed in previously disturbed areas. Should new, previously undisturbed gather sites or holding facility locations be required, appropriate cultural resource inventories would be conducted to avoid placing gather facilities in areas with cultural resources and to ensure that measures are taken to avoid any cultural resource impacts.

Wilderness

- No gather sites would be set up in Wilderness Areas.

Noxious and invasive weeds

- All hay brought onto NFS lands will be “Certified Weed Free.”
- In the event that no weed free hay is available, the District Ranger may grant an exception.
- All potential gather trap sites, bait trap sites, and temporary holding facilities would be inventoried for noxious weeds prior to construction.
- Any equipment or vehicles exposed to weed infestations or arriving on site carrying dirt, mud, or plant debris would be cleaned before moving into or within the project area.
- All gather sites, holding facilities, and camping areas on National Forest would be recorded with Global Positioning System (GPS) equipment and monitored for weeds during the next several years.
- As needed, control of noxious weeds and invasive species would be conducted under the 1996 Noxious Weed Control Program Environmental Assessment.

Vegetation

- Gather trap sites, temporary holding facilities, and bait/water trap locations would generally be placed in areas easily accessible to livestock trailers and standard equipment, utilizing roads, gravel pits or other previously disturbed sites and accessible by existing system roads.
- No new roads would be created. Any temporary vehicle trails would be restored after gather operations are completed.
- Any ground disturbance would have appropriate survey clearances for sensitive plants.

Range

- The Forest Service would notify and cooperate with any permittee whom might be affected by the timing and location of any trap sites or helicopter gather operations.

Soils/Air/Water

- Project implementation would stay on existing roads, washes and wild horse trail areas, to the greatest extent possible and would disturb relatively small areas used for gather sites, usually less than five acres in size.
- Wild horses would only be concentrated for a limited period of time in traps and corrals to minimize soil compaction.
- Gather corrals and holding locations would not be placed in riparian areas.

Public Safety During Helicopter Gather Operations

- All helicopter operations would be implemented in a safe manner, and comply with FAA regulations (FAR) 91.119, BLM IM No. 2010-164 and FSM 2323.3, 2641
- Public observation sites would be established in locations that reduce safety risks to the public, to the wild horses and to contractors and employees who must remain focused on the gather operations and the health and well-being of the wild horses.
- Roads within the project area would be subject to traffic control and controlled access for the brief time that helicopter operations are in progress.
- Road caution signs would be posted, and notification would be given through public media.

MONITORING

Monitoring is proposed to 1) assess the effectiveness achieving objectives; 2) identify unintended impacts to resources; and 3) determine success in achieving desired vegetation re-establishment.

- Wild Horses – Aerial census would be conducted to track wild horse populations;
- Gather Reports – During helicopter gathers reporting would be done daily and posted on BLM's websites; during bait trap gathers, reporting would be done when wild horses are delivered to short term holding facilities;
- Vegetation – Photo points, annual utilization monitoring and scheduled 5-year vegetation trend studies would measure pre and post vegetative response, particularly within riparian areas;
- Noxious Weeds and Invasive Species – Annual site visits would be conducted within the gather areas and noxious weeds would be treated;
- Forest personnel will monitor gather operations to ensure safe and humane handling of wild horses.

PUBLIC INVOLVEMENT

- This project will be listed in the Humboldt-Toiyabe National Forest Schedule of Proposed Actions.
- The White Pine County Public Land Use Advisory Committee has been briefed on the Proposed Action.

TRIBAL CONSULTATION

- The Ely District Ranger meets Quarterly with the Ely Shoshone and Duckwater Shoshone Tribal Councils to update the Tribes on programs and projects.

PRELIMINARY ISSUES

- Management of wild horses may impact wildlife species and habitats.
- Management of wild horses may impact wilderness areas.
- Proposed action may affect individual wild horses and the social structure of the herds within the Pancake Complex.

COMMENT PROCESS

We will accept written, facsimile, hand-delivered, oral, and electronic comments concerning this action for thirty calendar days following the publication of this notice in the *Ely Times*. The publication date in the newspaper of record is the exclusive means for calculating the comment period for this analysis. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. Regulations prohibit extending the length of the comment period.

Written comments must be submitted to the Responsible Official: District Ranger, Ely Ranger District: 825 Avenue E, Ely, NV 89301, or fax: (775) 289-2132. The telephone number is (775) 289-3031. Office business hours for those submitting hand-delivered comments are 8:00am to 4:30pm, Monday through Friday, excluding holidays.

Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), Acrobat (.pdf), and Word (.doc) to comments-intermt-n-humboldt-ely@fs.fed.us. Comments must have an identifiable name attached, or verification of identity will be required.

Comments must be received by the close of the comment period. Those who provide comments during this comment period are eligible to appeal the decision. Individuals and organizations wishing to be eligible to appeal must provide the information identified in 36 CFR 215, including:

- Name and address,
- Title of the Proposed Action;
- Specific comments (36 CFR 215.2) on the Proposed Action, along with supporting reasons that the Responsible Official should consider in reaching a decision,
- Signature or other verification of identity upon request; identification of the individual or organization who authored the comments(s) is necessary for appeal eligibility,
- For multiple names or multiple organizations, a signature must be provided for the individual authorized to represent each organization, or for each individual that wishes to have appeal eligibility, and
- Individual members of organizations must submit their own comments to meet the requirements of appeal eligibility as an individual, comments received on behalf of an organization are considered as those of the organization only.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record for this project, will be available for public inspection, and released if requested under the Freedom of Information Act.

APPEAL ELIGABILITY

It is the responsibility of persons providing comments to submit them by the close of the comment period. Those who provide comments during this comment period are eligible to appeal the decision under the Federal Code of Regulations (36 CFR 215.6).

For further information, contact Ryan Lind (Rangeland Management Specialist) at 775-289-5123 or Jose Noriega (District Ranger) at 775-289-5100

Map Project Area, Monte Cristo Wild Horse Territory, White Pine Mountain Range

