

**PROPOSED ACTION**  
**Cooperative Horse Removal**  
**with**  
**Fort McDermitt Paiute-Shoshone Tribe**

**Proposed Action**

The Santa Rosa Ranger District of the Humboldt-Toiyabe National Forest is proposing to remove all unauthorized domestic tribal horses from portions of South and East Forks of Quinn River, Eight-mile Creek, and North Fork Little Humboldt River watersheds of the Santa Rosa Ranger District, adjoining Fort McDermitt Paiute-Shoshone Tribal lands, and associated public lands administered by the Bureau of Land Management. The project area is located in Humboldt County, 75 miles north of Winnemucca, Nevada off Highway 95. The project area includes approximately 760,000 acres of lands administered by the US Forest Service, Bureau of Land Management, and the Fort McDermitt Paiute-Shoshone Tribe (Figure 1).

It is currently estimated there are around 1,200 or more domestic tribal horses in the proposed gather area. This project would be conducted in partnership with the Fort McDermitt Paiute-Shoshone Tribe (tribe) as set forth in the *2015 Challenge Cost Share Agreement Between the Fort McDermitt Tribal Council and the USDA Forest Service Humboldt-Toiyabe National Forest* (in process).

The gather would consist of a helicopter operation over several intermittent 4-8 day periods in which domestic horses would be herded off the public and tribal rangelands to designated trap sites located on tribal lands. The use of roping from horseback may also be used when approved by the Contracting Officer Representative.

The tentative locations of trap sites, on tribal lands, are shown on the project area map (Figure 1). Exact locations would be determined by the Tribal resource manager, Forest Service resource advisor and contractor. No trap sites would be located on National Forest or BLM-administered public lands.

In the event that horses are herded from remote sections of the project area, a gathering or holding pasture, located on National Forest lands as shown on Figure 1, may be used to rest and water the horses before moving them to a trap site on tribal lands or to the tribal holding facility.

From trap sites domestic horses would be moved by truck and trailer to the Fort McDermitt Reservation Rodeo Grounds which would be configured as the holding facility. The helicopter staging/fueling area would be located off National Forest lands at either the McDermitt State Airport, a remote access Category V airport on the Oregon-Nevada border, one-half mile north of McDermitt, Nevada or other private lands outside Fort McDermitt Reservation. Support vehicles would be confined to state and county roads, Forest Service and BLM system roads, and established roads on Tribal lands.

The tribal holding facility would be a temporary facility configured using portable livestock panels to augment the existing facilities at the Rodeo Grounds on tribal lands. These livestock panels would be dismantled and removed after the gather operation is completed.

Once the unauthorized domestic livestock have been delivered to the holding facility, the Forest Service will relinquish control of the animals to the tribe. The Forest Service will not be responsible for disposition of the livestock back to the determined owners, arrangement of sales, or transport of livestock off tribal lands.

The following design criteria and operational controls are included as part of the proposed action to address concerns as identified by interdisciplinary team members and the public.

- While there are no documented historic or known current populations of wild horses located within the project area, a cooperative agreement has been approved between the Fort McDermitt Tribal Council, Forest Service and BLM which identifies management practices, safeguards and animal inspection criteria that would be used before and during the gather operation to ensure no wild horses or burros are inadvertently gathered during the removal of the tribal domestic horses.
- From March 1 to August 31, helicopters must stay 1,000 Above Ground Level from active raptor nests and a 200-meter horizontal buffer for on-the-ground activity
- No activity between March 1 and May 15 to protect Greater Sage-grouse lekking and for pygmy rabbit breeding season.
- Avoid activity during the peak breeding bird season from May 1 to July 15, limiting vehicles to existing roads, and keeping vehicle speed limits to 20 mph.
- Helicopter flight patterns would avoid air space over the Santa Rosa-Paradise Peak Wilderness, which is approximately 20 miles south of the gather area.
- The Comprehensive Animal Welfare procedures being used are adopted from BLM procedures described and set forth in *Instruction Memo 2013-059 Wild Horse and Burro Gathers: Comprehensive Animal Welfare Policy* (USDI BLM 2013) and *Comprehensive Animal Welfare Program for Wild Horse and Burro Gathers, Standards* (USDI BLM; in Process). Additionally, the Challenge Cost Share Agreement includes requirements for safe and humane treatment by the tribe while horses are in the holding facility. Throughout transporting and handling, standard humane practices will be implemented by the Forest Service contractor and personnel to ensure a low stress and safe experience for the horses.

Public observation of the gather activities on public lands would be allowed, but would be subject to observation protocols intended to minimize potential for harm to members of the public, to government and contractor staff, and to the horses being gathered. Public observation sites would be established in locations that reduce safety risks to the public (e.g., from helicopter-related debris or from the rare helicopter crash landing, or from the potential path of gathered domestic horses); to the horses by ensuring observers would not be in the line of vision of horses being moved to the gather site; and to contractors or employees who must remain focused on the gather operations and the health and well-being of the horses. Any public viewing on tribal lands is subject to approval by the Tribal Council and beyond the scope of the authority of the Forest Service to address.

Due to the estimated domestic horse population and the limited capacity of the tribal holding facility, multiple removal efforts are expected to be needed in order to remove all tribal horses from federal lands. During a four to eight day removal effort, approximately 500 horses may be

gathered and relinquished to the tribe. Based on the estimated population of 1,200 or more horses, three or more separate removal efforts may be needed. The removal efforts are expected to begin in August 2015, with additional removal efforts conducted as needed after that as constrained by the design features specified above.

### **Purpose and Need**

The number of tribal horses on National Forest and other public lands surrounding the Fort McDermitt Indian Reservation has steadily increased over the past 30 years. Previous efforts to remove the unauthorized horses were not successful and strained relationships between the Forest Service and the tribal members. In a constant search for forage and water, the horses have degraded riparian areas and other fragile ecosystems on the forest, public lands managed by the Bureau of Land Management, and tribal lands. The unauthorized grazing and degraded rangeland conditions have impacted permitted livestock operations.

The tribe participated with the HTNF in a cooperative horse removal in August 2013, in which several hundred tribal, domestic horses were removed from Tribal Lands and BLM administered public lands. Other cooperators included the Nevada Department of Agriculture Brand Inspectors Office, Bureau of Land Management, Western Nevada Agency Bureau of Indian Affairs, Humboldt County Sheriff, and local ranchers. However, the HTNF had to suspend its participation in the 2013 gather early on due to litigation and other public concerns. Around 1,200 domestic horses remain on the HTNF and adjacent federal lands and continue to impact rangeland health and forage for permitted livestock.

The proposed action is needed in order to address the following:

- The unauthorized domestic horse population on National Forest and adjacent public lands has increased to around 1,200 head. As the population increases the distribution has been expanding. The lack of fencing around the tribal lands has allowed tribal horses to free roam, in search of forage and water, away from tribal lands while increasing their population numbers.
- Expanded distribution of unauthorized tribal horses could potentially result in development of feral herds or bands adjoining the Little Owyhee Wild Horse Herd Management Area and further degrade habitats in those areas (see: Wild Horse and Burro Specialist Report).
- Damage from unauthorized domestic horses continues to degrade range conditions for the legal permit holders of these cattle allotments. The continued unauthorized use of these allotments by unauthorized horses has impacted riparian and other fragile systems on the Santa Rosa Ranger District and surrounding areas.
- Law enforcement efforts have not been an effective tool to remove unauthorized domestic horses and have strained relationships between the Forest Service and the tribe.
- Unauthorized domestic horses are utilizing forage in areas that are intended for livestock production forcing Forest Service grazing permittees to reduce numbers to prevent overuse of forage and water resources.

## Preliminary Assessment of Effects

Preliminary assessment of effects related to extraordinary circumstances from implementation of the proposed action are described below.

1. For federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species;
  - a. The project *may impact individuals but is not likely to cause a trend to federal listing or loss of viability* for greater sage-grouse, bighorn sheep, pygmy rabbit (candidate species) or for Townsend's big-eared bat (proposed species).
    - i. To reduce impacts to greater sage-grouse and pygmy rabbit, operations would not occur between March 1 and May 15.
  - b. The project is designed to avoid *Take* of migratory birds protected under the Migratory Bird Treaty Act by avoiding activities during the peak breeding bird season of May 1 to July 15, limiting vehicles to existing roads and keeping vehicle speed limits to 20 mph. It was determined that this proposed action would *contribute to stable trend* for all these species.
  - c. The project is designed to avoid *Take* of bald and golden eagles protected under the Golden Eagle Protection Act due to the requirement that there would be no helicopters within 1,000 Above Ground Level or within 200 meters horizontally of active raptor nests between March 1 and August 31 (nests near Devil's Gate were not active during this period in 2014). It was determined that this proposed action would *contribute to stable trend* for these species.
  - d. The project will have *no effect* on Lahontan cutthroat trout (LCT), a federally listed threatened species. This is due to:
    - i. All holding facilities which could result in ground disturbance are located several miles away from LCT populations in Eight-mile and Long Canyon Creeks.
    - ii. Noise from helicopter use will not modify LCT behavior.
    - iii. Horse removal in the vicinity of Eight-mile and Long Canyon Creeks is unlikely to result in any detectable changes in sediment input to LCT streams or modify LCT behavior.
    - iv. Very few or no pure LCT are present in removal areas (LCT within Eight-mile Creek may no longer be present and no pure LCT are likely to occur in Long Canyon Creek).
2. Flood plains, wetlands, or municipal watersheds:
  - a. There are no flood plains, wetlands or municipal watersheds within the proposed project area.
3. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas;
  - a. There are no congressionally designated wilderness areas or national recreation areas in the project area. The north boundary of Santa Rosa-Paradise Peak Wilderness is approximately 15 miles south of the south boundary of the horse gather area. Helicopter flight patterns will avoid air space over the wilderness. There will be *no effect* to the wilderness from this action.
  - b. The project area contains BLM-administered wilderness study areas. The use of helicopters to gather horses is consistent with BLM Manual 6330, Management of BLM Wilderness Study Areas.

4. Inventoried roadless areas or potential wilderness areas;
  - a. The project area includes portions of seven Inventoried Roadless Areas (IRAs): Devils Gate, South Fork Quinn, East Fork Quinn, Staunton Ridge, Steward Basin, Chicken Springs and Ground Hog. IRA acreage within the project area is approximately 101,200 acres.
  - b. Gather activities were assessed for the potential to alter the existing roadless characteristics or wilderness attributes of each of the IRAs. It was determined that the proposed action *would not affect any IRA's suitability for wilderness designation*.
    - i. None of the IRAs with the exception of a portion of South Fork Quinn IRA were determined to be eligible for wilderness designation.
    - ii. Any effects would be short-term and *move the IRAs towards stable conditions*. Removal of the domestic horses would have beneficial effects to vegetation, soil, water, and wildlife habitats.
5. Research natural areas;
  - a. There are no research natural areas within the proposed project area.
6. American Indians and Alaska Native religious or cultural sites;
  - a. No culturally significant sites were identified on National Forest lands in the project area. The Fort McDermitt Tribe did identify one culturally significant site located on tribal lands near the holding facility. All activities undertaken at the holding facility will be conducted so as to avoid the site. Consequently, *there will be no impact* to this culturally significant site located on tribal lands.
7. Archaeological sites, or historic properties or areas;
  - a. This project falls within the Nevada State Historic Preservation Office MOU (1995: as amended March 2014 amendment #6) with the Forest Service on rangeland management. A cultural resources assessment determined that this proposal would have *no effect* on historic or cultural resources. Therefore, there will be no consultation with SHPO prior to decision. The District Ranger will submit an annual report to be filed with SHPO in April, 2015. Therefore, no further cultural clearances are required.

As per 36 CFR 220.6(b), the mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist.