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Nevada Fish and Wildlife Office

Ted Koch
State Supervisor
Nevada Fish and Wildlife Office
1340 Financial Blvd., Suite 234
Reno, Nevada 89502

Dear Mr. Koch,

The Santa Rosa District, Humboldt-Toiyabe National Forest, in partnership with the Fort McDermitt Tribe, is planning to remove all unauthorized domestic Tribal horses from the Quinn River and North Fork Little Humboldt River watersheds of the Santa Rosa Ranger District, adjoining Fort McDermitt Tribal lands and associated public lands administered by the Bureau of Land Management. It is estimated that there are around 2,015 or more domestic Tribal horses in the proposed gather area.

Lahontan cutthroat trout (*Onchorynchus clarkii henshawi*) are present within Long Canyon and Eight-mile creeks within the gather area. A hybridized cutthroat population is also present in Three Mile Creek within the gather area. We ask for your concurrence with our determination in the enclosed biological assessment that the horse gather is not likely to adversely affect Lahontan cutthroat trout. If you have any question regarding this request please contact Jim Harvey, Forest Fisheries Biologist at (775) 355-5343.

Sincerely,

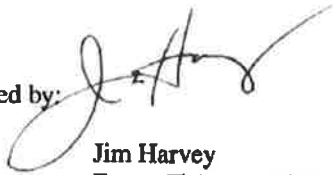
JOSEPH GARROTTO
District Ranger



**Biological Assessment
for the
Cooperative Horse Removal
with
Fort McDermitt Paiute-Shoshone Tribe**

Santa Rosa Ranger District
Humboldt-Toiyabe National Forest
Humboldt County, Nevada

Prepared by:



**Jim Harvey
Forest Fisheries Biologist
Humboldt-Toiyabe National Forest**

Date:

3/24/2015

1.0 INTRODUCTION

The proposed cooperative horse removal will occur on the northern part of the Santa Rosa Ranger District in the South and East Forks of Quinn River and Eight-mile Creek watersheds, which is located in Humboldt County 75 miles north of Winnemucca, Nevada off Highway 95. Winnemucca is about a two-and-a-half-hour drive northeast of Reno. The removal area is in open, high-elevation rangelands. Public lands administered by BLM Winnemucca and Vale Districts, and the Fort McDermitt Tribal lands border the ranger district (Figure 1).

1.1 BACKGROUND

Lahontan cutthroat trout (*Oncorhynchus clarkii henshawii* (LCT)) are native to the Lahontan Basin of eastern California, southern Oregon, and Nevada and occur within isolated streams on the Santa Rosa Ranger District. The subspecies was listed by the U.S. Fish and Wildlife Service as endangered in 1970 (Federal Register Vol. 35, p. 13520) and then reclassified as threatened in 1975 to facilitate management and allow regulated angling (Federal Register Vol. 40, p. 29864). The project is located within the range of two Geographic Management Areas (GMU) for LCT; the Northwestern Lahontan Basin GMU and the Humboldt River Basin GMU.

2.0 CONSULTATION TO DATE

A current species list for this biological assessment was received on March 03, 2014 (Consultation Tracking Number 08ENV000-2014-SLI-0140). This list is on file at the Santa Rosa Ranger District office for public review. The current 2014 list includes Lahontan cutthroat trout (threatened). This BA was prepared in accordance with Forest Service Manual (FSM) direction 2672.42 and meets legal requirements set forth under Section 7 of the Endangered Species Act of 1973, as amended, and implementing regulations [19 U.S.C. 1536 (c), 50 CFR 402.12 (f) and 402.14 (c)].

3.0 CURRENT MANAGEMENT DIRECTION

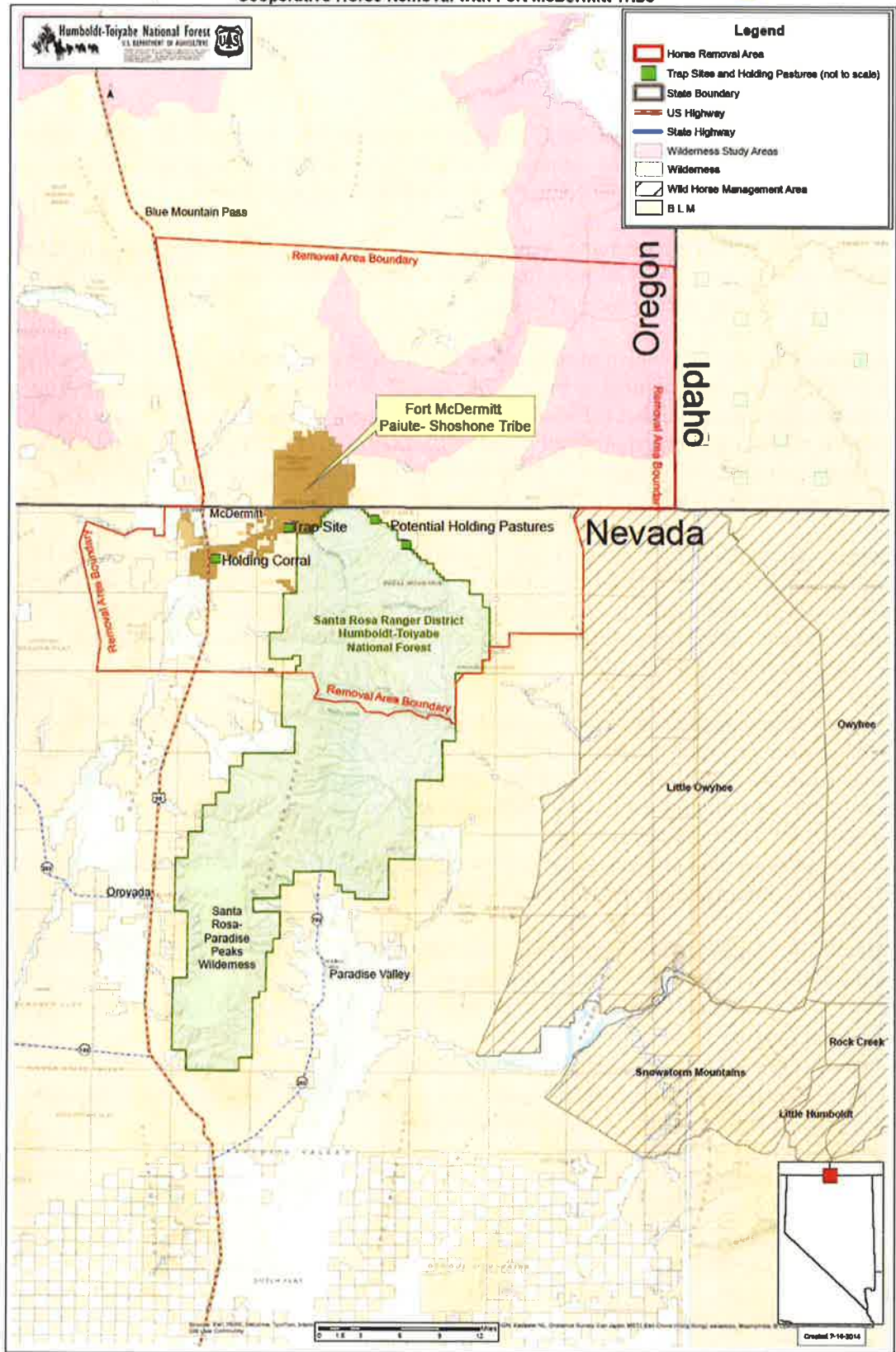
Current management direction or desired future conditions for Threatened and Endangered species on the HTNF can be found in the following documents, filed at the District Office:

- Forest Service Manual and Handbooks (FSM/H 2670)
- National Forest Management Act (NFMA)
- Endangered Species Act (ESA)
- National Environmental Policy Act (NEPA)
- Humboldt National Forest Land and Resource Management Plan (LRMP)
- Recovery Plans for individual species

4.0 PROPOSED ACTION

The proposed action is to remove all unauthorized domestic Tribal horses from the Quinn River and North Fork Little Humboldt River watersheds of the Santa Rosa Ranger District, adjoining Fort McDermitt Tribal lands and associated public lands administered by the Bureau of Land Management. It is currently estimated there are around 2,015 or more domestic Tribal horses in the proposed gather area. This project would be conducted in partnership with the Fort McDermitt Tribe as set forth in the 2014 Participating Agreement between the Fort McDermitt Tribal Council and the USDA Forest Service Humboldt-Toiyabe National Forest.

FIGURE 1. Project Area
Cooperative Horse Removal with Fort McDermitt Tribe



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 NFS or BLM-administered public lands.

In the event that horses are herded from remote sections of the project area, a gathering pasture, located on NFS 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 public 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. 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.

- In order to avoid any impacts to wild horses and burros, 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.
- Trap site locations would not be set up near greater sage-grouse leks, known populations of sensitive species, or in riparian areas, known cultural resource sites, wilderness, or wilderness study areas.
- 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 breeding bird season from May 1 to July 15.
- 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 Participating Agreement includes requirements for safe and humane treatment by the Tribe while horses are in the holding facility. Through 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 NFS 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 October, 2014, with additional removal efforts conducted as needed after that as constrained by the design features specified above.

5.0 BIOLOGICAL ENVIRONMENT

5.1 LAHONTAN CUTTHROAT TROUT

Lahontan cutthroat trout were listed by the U.S. Fish and Wildlife Service as “endangered” in 1970 (Federal Register Vol. 35, p. 13520) and then reclassified as “threatened” in 1975 to facilitate management and allow angling (Federal Register Vol. 40, p. 29864). The project is located within the range of two Geographic Management Areas (GMU) for LCT; the Northwestern Lahontan Basin GMU and the Humboldt River Basin GMU. An interagency team has been developed for the GMU to implement actions and conduct research necessary for LCT recovery. Lahontan cutthroat trout are also considered management indicator species on the Humboldt-Toiyabe National Forest.

LCT inhabit both lakes and streams, but are obligatory stream spawners. Within the project area LCT only inhabit streams. Optimum LCT habitat is characterized by well-vegetated and stable streambanks, stream bottoms with relatively silt-free gravel/rubble substrate, cool water, and pools in close proximity to cover and velocity breaks (USFWS 1995). LCT generally spawn from April through July, depending upon stream flow, elevation, and water temperature (Calhoun 1943, La Rivers 1962, McAfee 1966, Lea 1968, Moyle 1976 in USFWS 1995). Eggs are deposited in ¼ to ½ inch size gravel, and spawning beds must be well oxygenated and fairly silt-free for good egg survival. Fry will remain in shallow shore areas with hiding cover.

Threats to LCT include: habitat loss associated with land management practices; reduction and alteration of stream discharge; alteration of stream channels and morphology; degradation of water quality; and hybridization or competition with non-native fish species (USFWS 1995). Other threats within the Project area are fire and drought.

Within the Humboldt River Basin GMU portion of the project a small population of LCT is present in Long Canyon Creek (Figure 2). In the 2009 Nevada Department of Wildlife (NDOW) survey, trout were captured at approximately 98 fish/mile. Results from genetic samples collected in 2011, from LCT occupying the upper portion of Long Canyon Creek, found 19 trout to possess pure LCT genetics and one trout with mostly LCT genetics with slight rainbow trout introgression (Cody Barnes, NDOW, 2011 agency files).

A much smaller population occurs within Eight-mile Creek (Figure 2) in the Northwestern Lahontan Basin GMU. In 2005, NDOW estimated the population in Eight-mile Creek to be 43 individuals. In 2007, a LCT salvage operation was conducted on Eight-mile Creek because the entire creek had been reduced to one pool. A population survey in 2008 did not result in any LCT detections in transects sampled. One LCT was observed in a non-transect area. A hybridized population of cutthroat trout (Lahontan cutthroat x Yellowstone cutthroat trout) is present in Three Mile Creek within the project area (Pritchard et al. 2013). In 2008, NDOW estimated the population to be approximately 2,333 individuals. Given recent drought conditions, the current population is expected to be much lower.

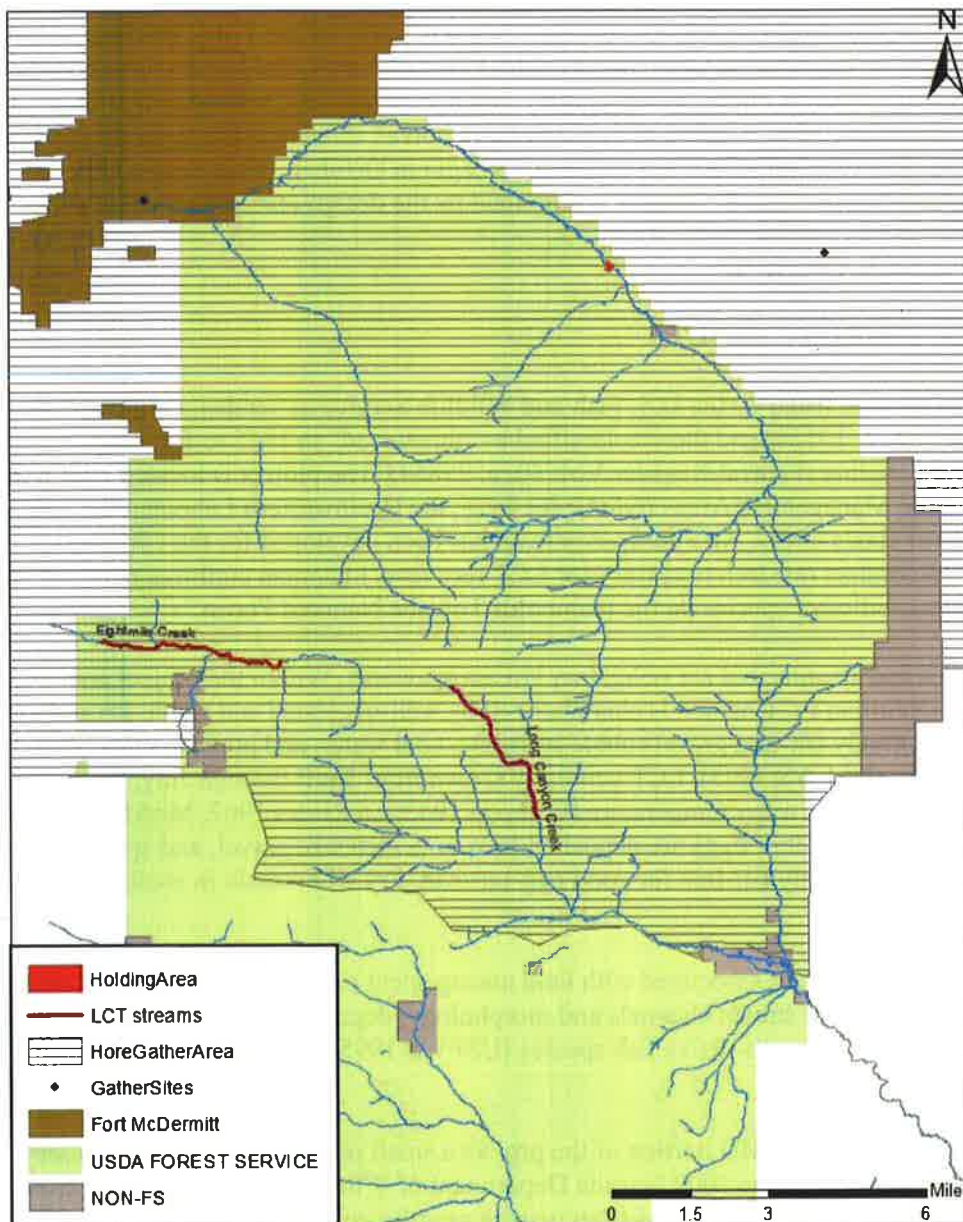


Figure 2: Lahontan Cutthroat Trout Distribution

6.0 EFFECTS OF THE PROPOSED ACTION

Direct effects to LCT are unlikely. All holding facilities are located several miles away from pure LCT populations in Eight-mile and Long Canyon Creeks, and the hybridized Three Mile Creek population. The primary form of removing domestic horses in areas close to occupied LCT streams is through the use of helicopters. The primary concern of helicopter use is noise disturbance. LCT behavior within streams should not be modified by helicopter noise.

It is likely that a small number of domestic horses use the riparian areas associated LCT streams. Moving the few horses by helicopter or via horseback which may be present in or across the riparian areas during the horse removal is unlikely to result in any detectable changes in sediment input to LCT streams or modify LCT behavior. The spawning season for LCT general occurs from April to July depending on streamflow, elevation, and water temperature (USFWS 2009).

Indirectly any streambank disturbance and riparian vegetation use by the domestic horses will be eliminated. This may lead to a slight improvement in stream condition and water quality.

7.0 DETERMINATION

It is my determination that the Fort McDermitt Domestic Horse Removal may affect but is not likely to adversely affect LCT. The proposed action will provide a slight beneficial affect to LCT. This is due to:

- All holding facilities which could result in ground disturbance are located several miles away from LCT populations in Eight-mile and Long Canyon Creeks, and the hybridized population in Three Mile Creek.
- Noise from helicopter use should not modify LCT behavior.
- Horse removal in the vicinity of LCT streams is unlikely to result in any detectable changes in sediment input to LCT streams or modify LCT behavior.
- Several design criteria and operational controls are in place that limits activities during the spring/early summer season which corresponds to the spawning period for LCT.
- Indirectly any streambank disturbance and riparian vegetation use by the domestic horses will be eliminated. This may lead to a slight improvement in stream condition and water quality in occupied LCT habitat.

8.0 CITATIONS

- U.S. Fish and Wildlife Service. 1995. Lahontan cutthroat trout, *Oncorhynchus clarki henshawi*, recovery plan. U.S. Fish and Wildlife Service, Portland, Oregon. 147 pp.
- _____.2009. Lahontan Cutthroat Trout (*Oncorhynchus clarkii henshawi*) 5-Year Review: Summary and Evaluation. Reno, Nevada.
- Nevada Department of Wildlife. 2008. Stream Survey Eight-mile Creek, Quinn River Valley, Humboldt County Nevada. pp. 16
- Nevada Department of Wildlife. 2009. Stream Survey Long Canyon Creek, North Fork Little Humboldt River, Humboldt County Nevada. pp. 16

Pritchard, V. L., N. R. Campbell, S. R. Narum, M. M. Peacock, and J. C. Garza. 2013. Discovery and characterization of novel genetic markers for use in the management of Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*). *Molecular Ecology Resources* (2013) 13, 276-288.