

**DECISION RECORD**  
**PILOT MOUNTAIN HERD MANAGEMENT HORSE GATHER PLAN**  
**IN MINERAL COUNTY, NEVADA**

**Environmental Assessment**  
**DOI-BLM-NV-C020-2010-0019-EA**

**Clan Alpine, Pilot Mountain and Pine Nut Herd Management Area Gather Plan**

**BACKGROUND**

The Bureau of Land Management (BLM) Stillwater Field Office (SFO) has determined to implement a wild horse gather within the Pilot Mountain Herd Management Area (HMA) located on public lands in Mineral County, Nevada. The HMA includes portions of the Pilot/Table Mountain and Cedar Mountain livestock grazing allotments and extends south of the Mineral/Esmeralda County line. The HMA consists of approximately 275,500 acres with a scattering of small parcels of private lands. One hundred four (104) excess wild horses are located on non-HMA areas near Walker Lake, Nevada and will be included in the gather area. The Pilot Mountain HMA includes nearly the entire Pilot Mountain Wilderness Study Area (WSA).

The Appropriate Management Level (AML) of 249-415 wild horses for the Pilot Mountain HMA was established through Final Multiple Use Decisions (MUDs) following in-depth analyses of habitat suitability, resource monitoring and population inventory data. A population inventory conducted in 2008 documented 406 horses within the boundaries of the Pilot Mountain HMA. The current population estimate is 302 horses within the HMA boundaries. The reduction in population from 406 horses to 302 horses is indicative of the 104 horses that have become established on non-HMA areas. The 104 horses on non-HMA lands often congregate on and along highway U.S. 95, creating a public safety hazard for both motorists and the horses.

The Proposed Action Alternative is to gather approximately 346 wild horses, remove approximately 53 excess horses within the HMA, remove 104 excess horses from the non-HMA area near Walker Lake, Nevada, treat approximately 76 mares with a fertility control vaccine and release 189 wild horses back into the Pilot Mountain HMA. The 76 fertility control treated mares will be included with the HMA released horses (189). The Proposed Action Alternative is consistent with the Carson City Consolidated Resource Management Plan (CRMP), facilitates the AML management objectives and would maintain a thriving natural ecological balance and multiple use relationship consistent with other resource needs as required by the Wild Free-Roaming Horse and Burro Act of 1971 (WFRHBA as amended). The BLM intends, if necessary, to return to the HMA in 2-3 years to gather and re-treat the mares to maintain AML through population control measures. The Proposed Action Alternative decision is a site-specific action located on public lands administered by the BLM Carson City District Office (CCDO). The gather has been planned with input from the interested public and users of public lands.

The potential environmental impacts from the Proposed Action Alternative and No Action Alternatives were evaluated in the Clan Alpine, Pilot Mountain and Pine Nut Herd Management Areas Gather Plan Environmental Assessment (EA) (DOI-BLM-NV-C020-2010-0019-EA). The Proposed Action Alternative has no known effects on the human environment. Based on the analysis of potential environmental impacts detailed in the EA, it was determined that the

impacts associated with the Proposed Action Alternative were not significant. This is documented in the attached Finding of No Significant Impact (FONSI).

## **DECISION**

Based on the analysis in the Clan Alpine, Pilot Mountain and Pine Nut Herd Management Areas Wild Horse Gather DOI-BLM-NV-C020-2010-0019-EA, it is my decision to implement the Proposed Action Alternative for the Pilot Mountain HMA wild horse gather, effective immediately pursuant to 43 CFR § 4770.3(c). The Proposed Action Alternative will maintain the prescribed AML within the Pilot Mountain HMA while ensuring the continued viability of the herd. Wild horses above the AML and established non-HMA areas are considered “excess” and subject to gather and removal. I have concluded that gathering the excess horses found within and on non-HMA lands necessary to preserve or maintain public health and safety, a thriving and natural ecological balance and multiple-use relationship within the HMA as specified in the CRMP and as directed by the 1971 WFRHBA as amended. All reasonable precautions will be taken to avoid injury to the horses and to ensure the safety of personnel involved in gather operations and the observing general public.

## **AUTHORITY**

The Proposed Action Alternative is in conformance with the Federal Land Policy and Management Act (FLPMA) of 1976, the CRMP adopted in 2001 and with current BLM policies, plans and programs.

The Proposed Action is in conformance with the 1971 WFRHBA as amended (by the Public Rangelands Improvement Act of 1978), and the applicable implementing regulations at 43 CFR §4700, §4700.0-6 Policy, 43 CFR §4710.3-1-Herd Management Areas, 43 CFR §4710.4-Constraints on Management, 43 CFR §4720.1 - Removal of excess animals from public lands, 43 CFR §4740.1-Use of Motor Vehicles or Aircraft, and 43 CFR §4700.0-6-Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and productive capacity of their habitat, 43 CFR 4770.3(c) – Decisions to remove wild horses or burros from public lands shall be effective upon issuance or on a date established in the decision in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship.

The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, county, State, tribal governments and other federal agencies.

## **PUBLIC INVOLVMENT**

The EA was made available for public review and comment on August 23, 2010. Letters were sent to individuals, organizations and agencies listed on the Carson City District Office (CCDO) Wild Horse and Burro Program mailing list. Notification of the availability of the EA was made through the Nevada State Clearinghouse. The CCDO published news releases to the *Lahontan Valley News*, *This is Reno*, *My News 3\**, *My News 4\**, *Reno Gazette-Journal\** (\*web versions) and the *Mineral County Independent*. BLM staff presented information on the horse gather to the Mineral County Commissioners and the U.S. Army Hawthorne Ammunition Depot. The BLM comment period closed on September 23, 2010, although comments received in a timely

manner after this date were also considered. The EA was made available by hard copy at the CCDO, and on the website at:

[http://www.blm.gov/nv/st/en/fo/carson\\_city\\_field/blm\\_information/nepa.html](http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html).

Comment letters from the public, organizations and agencies were received by email, fax and mail delivery. All comments were reviewed, considered and then categorized. Comment letters were broken down into categories. A summary of the consolidated Public Comments and BLM Responses are noted in Appendix G of the Final EA. Several minor changes were made to the content of the Final EA.

#### **RATIONALE**

Upon analyzing the impacts of the Proposed Action Alternative and following issuance of the EA for public review, I have determined that implementing the Proposed Action Alternative will not have a significant impact to the human environment and that an environmental impact statement is not required. Refer to the attached finding of No Significant Impact (FONSI).

The gather is necessary to remove excess wild horses from within the HMA and from non-HMA areas to maintain the established Pilot Mountain AML ranges and to facilitate fertility control measures. The BLM is required to manage multiple uses in a manner that avoids degradation of the rangelands, maintain a thriving natural ecological balance between wild horses, wildlife, livestock and resolve public health and safety concerns. The Proposed Action Alternative will achieve the Wild Horse management objectives identified in the CRMP.

#### **APPROVAL**

The Pilot Mountain HMA Horse Gather is approved for implementation immediately, and the gather is approved to begin on or about mid- November, 2010 and take eleven (11) days to complete. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3 9c) because removal of excess wild horses is necessary to protect animal health and prevent deterioration of rangeland resources.

  
Teresa J. Knutson, Manager  
Stillwater Field Office  
Carson City District Office

  
Date

## **APPEAL PROCEDURES**

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Teresa J. Knutson, Stillwater Field Manager  
BLM, Carson City District Office  
5665 Morgan Mill Road  
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal.

Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals  
Dockets Attorney  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior  
Office of the Regional Solicitor  
Pacific Southwest Region  
2800 Cottage Way, Room E-1712  
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.