



United States Department of the Interior



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http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:
4720/4710.4 (NVL02000)

DECISION RECORD (DR)

for

**Wild Horse Gather Plan Environmental Assessment (EA)
for the Silver King Herd Management Area Gather Plan
Schell Field Office
Caliente Field Office
DOI-BLM-NV-L020-2010-0039-EA**

INTRODUCTION

The Bureau of Land Management (BLM) Schell and Caliente Field Offices, Ely District have determined that excess wild horses are present within and outside the boundaries of the Silver King Herd Management Area (HMA) and is proposing to gather and remove 546 excess wild horses which includes the 2010 foal crop. BLM will also gather a sufficient number of additional wild horses so that mares can be treated with PZP-22 (Porcine Zona Pellucida) fertility control vaccine, and studs can be released so as to achieve a 60% ratio relative to 40% mares. If gather efficiencies do not allow for the completion of the Proposed Action in Fall 2010, the Ely District will return to the project area in 2012 or 2013 to remove any additional wild horses necessary to achieve the low range of appropriate management level (AML) and to implement population control measures. The gather, removal and fertility control are intended to bring the wild horse population to AML and to slow wild horse population growth in order to extend the time before another gather to remove excess wild horses would be needed.

The Silver King HMA is located in approximately 70 miles south of Ely and 16 miles north of Caliente within Lincoln County, Nevada. The HMA is approximately 606,000 acres in size. The AML range established for this HMA is 60-128 wild horses. An aerial population count conducted April 2010 found 505 adult wild horses, of which approximately 191 were outside the HMA boundaries. Current estimated wild horse population is 606 wild horses which include the 2010 foal crop.

BLM has prepared an environmental assessment (EA) to analyze the environmental impacts associated with the proposed gather, removal and fertility control measures. Refer to **DOI-BLM-NV-L020-2010-039 EA**.

DECISION

It is my decision to implement the Proposed Action as described in the final Environmental Assessment for the Silvery King HMA (**DOI-BLM-NV-L020-2010-039 EA**). This decision is effective immediately pursuant to 43 CFR 4770.3(c).

RATIONALE

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

The gather is necessary to remove excess wild horses and bring the wild horse population back to within the established AML range, in order to maintain a thriving natural ecological balance between wild horses, wildlife, livestock, vegetation and the available water as required under Section 3(b)(2) of the 1971 Wild Free-Roaming Horses and Burros Act and Section 302(b) of the Federal Land Policy and Management Act of 1976.

The BLM is required to manage multiple uses to avoid continued degradation of the rangelands, and removal of excess wild horses is necessary to protect rangeland resources from further deterioration or impacts associated with the current overpopulation of wild horses within the Silver King HMA.

The Proposed Action will achieve the wild horse management objectives identified in the Record of Decision (ROD) and Approved Ely District Resource Management Plan (August 2008). The application of fertility control and/or adjustment of the sex ratios to 60% males and 40% females within the Silver King HMA as described in the Proposed Action would slow population growth, maintain population size within AMLs and extend the time before another gather to remove excess wild horses is necessary. Removal of excess wild horses, combined with the implementation of population control measures for wild horses gathered and released back into the HMA would result in placing fewer excess wild horses in short or long-term holding or in the adoption or sale pipelines over the next 10 year period as compared to the No Action Alternative.

Leaving excess wild horses on the range under the No Action Alternative would not comply with the 1971 WFRHBA or applicable regulations and Bureau policy, nor would it comply with the Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (February 12, 1997) for Rangeland Health and Healthy Wild Horse and Burro Populations. The No Action Alternative would allow continued deterioration of rangeland resources, including vegetative, soil and riparian resources, with potentially irreversible loss of native vegetative communities. Wild horses would continue to relocate in increasing numbers to areas outside the HMA boundaries due to competition for limited water and forage in the HMA, adversely impacting public land resources not designated for wild horse management and posing public safety concerns along Highway 93. The No Action Alternative also increases the likelihood of

emergency conditions arising, requiring an emergency gather to prevent individual animals from suffering or death due to insufficient forage or water.

PUBLIC INVOLVEMENT

A preliminary environmental assessment was made available to the public posted on the Ely District website www.nv.blm.gov/ely for a 30 day public review and comment period on June 16, 2010. Written comments were received from seven individuals and e-mail comments were received from 2,847 individuals, which 2,811 were form letter. Many of these comments contained overlapping issues/concerns which were consolidated into 24 distinct topics. Refer to EA, Appendix VI for a detailed summary of the comments received and how BLM used these comments in preparing the final environmental assessment. The final Environmental Assessment / Gather Plan for Silver King is available on the BLM's web site at www.nv.blm.gov/ely, or by contacting the Ely District Office.

AUTHORITY

The authority for this Decision is contained in Section 3(b)(2) of the 1971 Free-Roaming Wild Horses and Burros Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700.

§4700.0-6 Policy

- (a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
- (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;
- (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

§4710.4 Constraints on Management

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

§4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately ...

§4740.1 Use of Motor Vehicles or Air-Craft

- (a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters,

shall be used for the purpose of herding or chasing wild horses or burros for capture or destruction. All such use shall be conducted in a humane manner.

(b) Before using helicopters or motor vehicles in the management of wild horses or burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

§4770.3 Administrative Remedies

(a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR part 4.

...

(c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands 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 shall be effective upon issuance or on a date established in the decision.

APPROVAL

The Silver King HMA wild horse gather is approved for implementation immediately, and is approved to begin on or around September xx, 2010. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3 (c) because removal of excess wild horses is necessary to protect animal health and prevent further deterioration of rangeland resources. This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4 (see attachment).

/s/
Mary D'Aversa
Field Manager
Schell Field Office

7/29/2010
Date

/s/
Victoria Barr
Field Manager
Caliente Field Office

7/29/2010
Date