



Jakes Wash HMA
United States Department of the Interior

11-19-03



BUREAU OF LAND MANAGEMENT

Ely Field Office
HC 33 Box 33500 (702 No. Industrial Way)
Ely, Nevada 89301-9408
<http://www.nv.blm.gov/ely>

In Reply Refer To:
4710.3 (NV-042)

NOV 20 2003

Dear Reader:

Enclosed is the Notice of Wild Horse Management Decision and Finding of No Significant Impact (FONSI) for the Establishment of Appropriate Management Levels for Twelve Wild Horse Herd Management Areas within the Ely District. This decision is based on the analysis in Environmental Assessment (EA) NV-040-03-036, and addresses the establishment of appropriate management levels (AML) for the Jakes Wash, Moriah, Blue Nose Peak, Delamar Mountains, Clover Mountains, Clover Creek, Applewhite, Little Mountain, Deer Lodge Canyon, Highland Peak, and Rattlesnake Wild Horse Herd Management Areas (HMAs). This decision also addresses the re-establishment of the AML for the Miller Flat HMA.

The establishment of appropriate management levels for these twelve HMAs will complete the establishment of AML for the entire Ely District. The high range of the established AML for all HMAs within the Ely District will be 2,147 head of wild horses.

If you have any questions or would like to request a copy of the EA, please contact Jared Bybee, Wild Horse and Burro Specialist, Ely Field Office at (775) 289-1843. You can also download the EA from the Ely District web site at <http://www.nv.blm.gov/ely>.

Sincerely,

Gene A. Kolkman
Field Manager
Ely Field Office

- 1 Enclosure
1) Notice of Wild Horse Management Decision

**NOTICE OF WILD HORSE MANAGEMENT DECISION
AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)
FOR THE
ESTABLISHMENT OF APPROPRIATE MANAGEMENT LEVELS
FOR
TWELVE WILD HORSE HERD MANAGEMENT AREAS**

INTRODUCTION

The BLM Ely Field Office has been in the process of establishing appropriate management levels (AML) for wild horses within the Ely District's twenty-four herd management areas (HMA) since 1989. Thirteen HMAs have already been evaluated and AMLs have been established for these HMAs. There are eleven HMAs in the Ely District where the AML has not been established.

BACKGROUND INFORMATION

The BLM Ely Field Office has prepared an environmental assessment (EA) addressing the establishment of AML for the Jakes Wash, Moriah, Blue Nose Peak, Delamar Mountains, Clover Mountains, Clover Creek, Applewhite, Little Mountain, Deer Lodge Canyon, Highland Peak, and Rattlesnake HMAs, and re-evaluating the AML for the Miller Flat HMA (Figure 1). As stated in the EA, "Managing for AML would aid in achieving rangeland health by managing wild horses as self-sustaining, viable populations of healthy animals in balance with other uses and the productive capacity of their habitats." Monitoring data has been collected for these twelve HMAs over several years. In accordance with Bureau policy and regulations, this data has been analyzed and evaluated to determine if management objectives and rangeland health standards are being met within the twelve HMAs.

Four alternatives, which included the No Action Alternative, were initially analyzed in the EA. A fifth alternative was added based on comments from wild horse interest groups. Alternative 1 looked at each HMA as a separate unit, and determined if the HMA has the four essential habitat components (i.e., forage, water, cover, and space). If all components are present, monitoring data was used to determine the AML. This AML figure was then evaluated to determine if it would provide for a viable population of wild horses.

Alternative 2 considered managing some HMAs as complexes. A complex consists of two or more HMAs that are adjacent to each and where the wild horses move freely between the HMAs. Managing an HMA as a complex with another HMA would allow an AML to be established on an HMA lacking a habitat component that was available on an adjacent HMA. The combined AML for all of the HMAs in the complex was also evaluated to determine if it would provide for a viable population of wild horses.

Alternative 3 evaluated reducing livestock numbers to provide enough forage for a minimum viable population of wild horses. This alternative only applied to complexes of HMAs where the four essential habitat components are present, but forage is not sufficient for a viable population.

Alternative 4 considered establishing the AML for each HMA based on forage availability and the emergency gather history. This alternative did not consider if the four essential habitat components are present, or if the AML provides for a viable population of wild horses.

Under the No Action Alternative, AML for each HMA would be established through the allotment evaluation/multiple use decision (MUD) process.

Comparison of AMLs under Alternative 1, Alternative 2, Alternative 3, Alternative 4, and the No Action Alternative.

HMA No.	HMA Name	July 1, 2003 Population Estimate ¹	Alternative 1 AML ²	Alternative 2 AML ²	Alternative 3 AML ²	Alternative 4 AML ²	No Action Alternative AML ³
408	Jakes Wash	75	0	0	0	21-35	n/a
413	Moriah	251 ⁴	0	0	0	29-48	n/a
514	Blue Nose Peak	0	0	0	0	1 ⁹	n/a
515	Delamar Mountains	115	51-85	51-85	51-85	51-85	n/a
516	Clover Mountains	14	0	0	51-85 ⁶	16-26	n/a
517	Clover Creek	24	0	0		14-24	n/a
518	Applewhite	14	0	0	0	1 ⁹	n/a
519	Little Mountain	48	0	0	0	9-15	n/a
520	Miller Flat ⁵	4	0	0		9-15	30
521	Deer Lodge Canyon	103	0	30-50 ⁷	30-50 ⁷	30-50	n/a
522	Highland Peak	66	0	20-34 ⁸	20-34 ⁸	20-33	n/a
523	Rattlesnake	0	0			1 ⁹	n/a
	Total	714	51-85	101-169	152-254	202-334	n/a

¹Estimates are based on the latest census, less any animals removed since the latest census, plus an average 20% annual rate of increase since the last census.

²The range of values for the AML is to accommodate a 4 - 5 year gather cycle.

³The AMLs established under the No Action Alternative would be determined through the allotment evaluation/MUD process. Because this process has not taken place on all of the allotments within each HMA, AMLs are not displayed for the No Action Alternative, except for the Miller Flat HMA, which was previously established.

⁴Includes 44 wild horses outside of the HMA in Nevada and 75 wild horses outside of the HMA in Utah.

⁵The AML for the Miller Flat HMA was previously established at 30, but is being re-evaluated in this EA.

⁶Clover Mountains and Clover Creek HMAs would be managed as a complex with a total AML of 85 (Clover Mountains AML established at 51 and Clover Creek AML established at 34).

⁷Deer Lodge Canyon HMA would be managed as a complex with Wilson Creek HMA, which has an existing AML of 160. The total AML for the complex would be 210.

⁸Highland Peak HMA (AML of 33) and Rattlesnake HMA (AML of 1) would be managed as a complex with Dry Lake HMA, which has an existing AML of 94. The total AML for the complex would be 128.

⁹AML of one indicates that the HMA would be managed for incidental use.

WILD HORSE MANAGEMENT DECISION

Based on the analysis of Environmental Assessment NV-040-03-036, it is my decision to establish the appropriate management level (AML) for twelve wild horse herd management areas (HMAs) within the Ely District as follows:

HMA Name	Appropriate Management Level (AML)
Jakes Wash	1 – 21
Moriah	1 – 29
Blue Nose Peak	1
Delamar Mountains	51 – 85
Clover Mountains	1 – 16
Clover Creek	1 – 14
Applewhite	1
Little Mountain	9 – 15
Miller Flat	9 – 15
Deer Lodge Canyon	30 – 50
Highland Peak	20 – 33
Rattlesnake	1

It is also my decision that:

- Removal of excess wild horses to achieve and maintain the established AMLs will be done through wild horse gathers in the future.
- Adjustment of the established AML for an HMA will be considered when monitoring data indicates wild horse numbers should be increased or decreased to achieve and maintain a thriving natural ecological balance on the public lands.

RATIONALE:

Setting AML for these twelve HMAs will allow the HMAs to be included in the normal gather cycle. Excess wild horses can now be gathered before animals suffer and deteriorate to a poor body condition justifying an emergency gather.

The evaluation of monitoring data and the analysis in the EA indicate that Alternative 2 is the environmentally preferred alternative because it considers all aspects of habitat suitability (i.e., forage, water, cover, and space) and population viability. The decision to not manage for wild horses in an HMA (i.e., establishing the AML at zero) should be a land use plan decision. The AML for each HMA, therefore, is either the number identified in Alternative 4 or a number between Alternative 2 and Alternative 4.

The Jakes Wash HMA is an isolated HMA. It lacks suitable yearlong habitat for wild horses, and monitoring data indicates wild horses move outside the HMA to higher elevations on USFS-administered lands during certain times of the year. In addition, two emergency gathers have been conducted in recent years because of the lack of forage and water during the summer. The AML for the Jakes Wash HMA is established at a number between Alternative 2 and Alternative 4 to provide for some wild horse use within the HMA. Wild horse movements will continue to be monitored to determine if even at this low AML wild horses continue to move outside the HMA.

The Moriah HMA is a small, isolated HMA and lacks suitable yearlong habitat for wild horses. Monitoring data indicates wild horses move outside the HMA in Nevada and also move into Utah where there is no HMA. The AML for the Moriah HMA is established at a number between Alternative 2 and Alternative 4 to provide for some wild horse use within the HMA. Wild horse movements will continue to be monitored to determine if even at this low AML wild horses continue to move outside the HMA.

The Blue Nose Peak, Applewhite, and Rattlesnake HMAs lack suitable yearlong habitat for wild horses, but incidental use occurs in these HMAs during certain times of the year by wild horses from adjacent HMAs. To accommodate this incidental use and provide for the forage use that may occur, the AML for each of these three HMAs is established at one (1) wild horse. In addition, the Blue Nose Peak HMA will be managed as a complex with the Clover Mountain HMA, the Applewhite HMA will be managed as a complex with the Delamar Mountains HMA, and the Rattlesnake HMA will be managed as a complex with the Dry Lake HMA.

Monitoring data indicates heavy to severe use is occurring within the Delamar Mountains HMA near water sources and associated riparian areas. In 2000 when there were approximately 200 wild horses in the HMA an emergency gather had to be conducted. The current estimated population of 115 wild horses is still too high with respect to riparian habitat issues. The AML is established at a number below 115, and monitoring will continue to show if this number is appropriate or not.

Monitoring data indicates wild horses are contributing to the heavy and severe use within the Clover Mountain and Clover Creek HMAs. Both HMAs have large stands of dense pinyon and juniper trees with very little herbaceous understory. In addition, an emergency gather had to be conducted in the Clover Mountain HMA, when the population was only 37 wild horses, because of poor animal body conditions resulting from a lack of forage. The AML for these two HMAs is established at a number between Alternative 2 and Alternative 4, and the two HMAs will be managed as a complex.

The AML for the Miller Flat HMA is currently 30 wild horses. The wild horses existing within the Miller Flat HMA are the same wild horses using the Little Mountain HMA. Movement between these two HMAs occurs on a daily basis due to the limited water on the Little Mountain HMA. In addition, when snow accumulates in the higher elevation of the Miller Flat HMA wild horses are forced to move to the Little Mountain HMA. Monitoring data indicates the AML of 30 wild horses is appropriate, but should be equally divided between the two HMAs since the same wild horses use both HMAs. The two HMAs will be managed as a complex.

The Deer Lodge Canyon HMA lacks suitable yearlong habitat for wild horses. Monitoring data shows wild horses from the Deer Lodge Canyon HMA move into the adjacent Wilson Creek HMA and vice-versa on a seasonal basis. This movement of wild horses between the two HMAs provides for all of the seasonal requirements of the animals, and for genetic exchange. An evaluation of monitoring data indicates there is sufficient forage for 50 wild horses within the Deer Lodge Canyon HMA. The Deer Lodge Canyon HMA will be managed as a complex with the Wilson Creek HMA.

The Highland Peak HMA lacks suitable yearlong habitat and monitoring data indicates wild horses move to the Dry Lake HMA in the winter. Wild horses also move outside the HMA indicating forage and/or water is lacking to maintain the current population. The AML for the Highland Peak HMA is established at 50 percent of the current population. The Highland Peak HMA will be managed as a complex with the Dry Lake HMA.

AUTHORITY:

The authority for this decision is contained in Sec. 39(a) and (b) of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and productive capacity of their habitat."

4710.4: "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 obtain objectives identified in approved land use plans and herd management area plans."

4720.1: "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..."

RIGHT OF APPEAL:

Within 30 days of receipt, you have the right of appeal to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations in 43 CFR Part 4. If an appeal is taken, you must follow the procedures outlined in the enclosed form 1842-1, "Information on Taking Appeals to the Board of Land Appeals." Within 30 days after your appeal, you are required to provide a copy to the Regional Solicitors Office listed on item 3 of said form. In addition provide the Ely Field Office with a copy of your Statement of Reasons at the following address: Gene A. Kolkman, Field Manager Ely Field Office, Bureau of Land Management, HC 33 Box 33500, Ely, Nevada 89301-9408. Copies of your Appeal and Statement of Reasons must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision being appealed is in error. The appeal shall state the

reasons, clearly and concisely, why the appellant thinks this decision is in error and otherwise complies with the provisions of 43 CFR 4.470 which are available at the Ely Field Office.

In addition within 30 days of receipt of this decision you have the right to file a petition for stay of this decision. Should a party wish to file a petition for a stay, you must file with in the 30 day appeal period along with an appeal. The appellant has the burden of proof to demonstrate that a stay should be granted. In accordance with 43 CFR 4.21(b) (1), a petition for a stay must 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 appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above the petition for stay must be filed in the office of the authorized officer.

FONSI:

After consideration of the environmental consequences described in EA NV-040-03-036, I have determined that the action of establishing the AML for twelve wild horse HMAs will not significantly affect the quality of the human environment and that an environmental impact statement (EIS) is not required.

RATIONALE:

Context:

There are 24 HMAs within the Ely District, encompassing over 5 million acres, where wild horses are managed as one of the accepted multiple uses. The twelve HMAs addressed in EA NV-040-03-036 cover 1.17 million acres, or 23 percent of the acreage managed for wild horses within the Ely District. The AML for these twelve HMAs of 281 wild horses comprise 13 percent of the wild horses within the Ely District. The other twelve HMAs within the Ely District where the AML has already been established encompass 77 percent of the acreage managed for wild horses and account for 87 percent of the wild horses.

Intensity:

1) *Impacts that may be both beneficial and adverse.*

The twelve HMAs cover only 23 percent of the acreage managed for wild horses; therefore, the beneficial and adverse impacts identified in the EA are not significant.

2) *The degree to which the proposed action affects public health or safety.*

My decision to establish an AML for twelve HMAs will have no affect on public health or safety.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

None of these unique characteristics occur within the twelve HMAs.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

Establishing an AML of zero for any of the twelve HMAs as analyzed within Alternatives 1, 2 and 3 would likely be controversial based upon public input. Conversely, not establishing an AML and managing wild horses on an emergency basis only would likely be controversial as well. Therefore, my decision to establish an AML for each HMA greater than zero will not be highly controversial.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The AML has already been established for twelve HMAs that comprises 77 percent of the acreage managed for wild horses and account for 87 percent of the wild horses within the Ely District; therefore, the effects of my decision are not highly uncertain or do not involve any unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

My decision does not establish any precedence for future actions with significant effects and does not represent a decision in principle about future considerations since the AML has already been established for twelve HMA within the Ely District. Further, any future wild horse actions would be subject to the same environmental assessment standards, as well as an independent decision-making process.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

No cumulatively significant impacts from past, present, or reasonably foreseeable future actions were identified in the EA.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

Establishing the AML for twelve HMAs will not adversely affect any NRHP sites, or cause the loss or destruction of any significant scientific, cultural or historical resources.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

The endangered southwestern willow flycatcher and threatened desert tortoise occur within the Blue Nose Peak HMA. My decision to establish an AML of one wild horse for the Blue Nose Peak HMA will have no adverse affect on either of these two species or their habitat. My decision will actually reduce the potential for conflicts between wild horses and threatened and endangered species.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

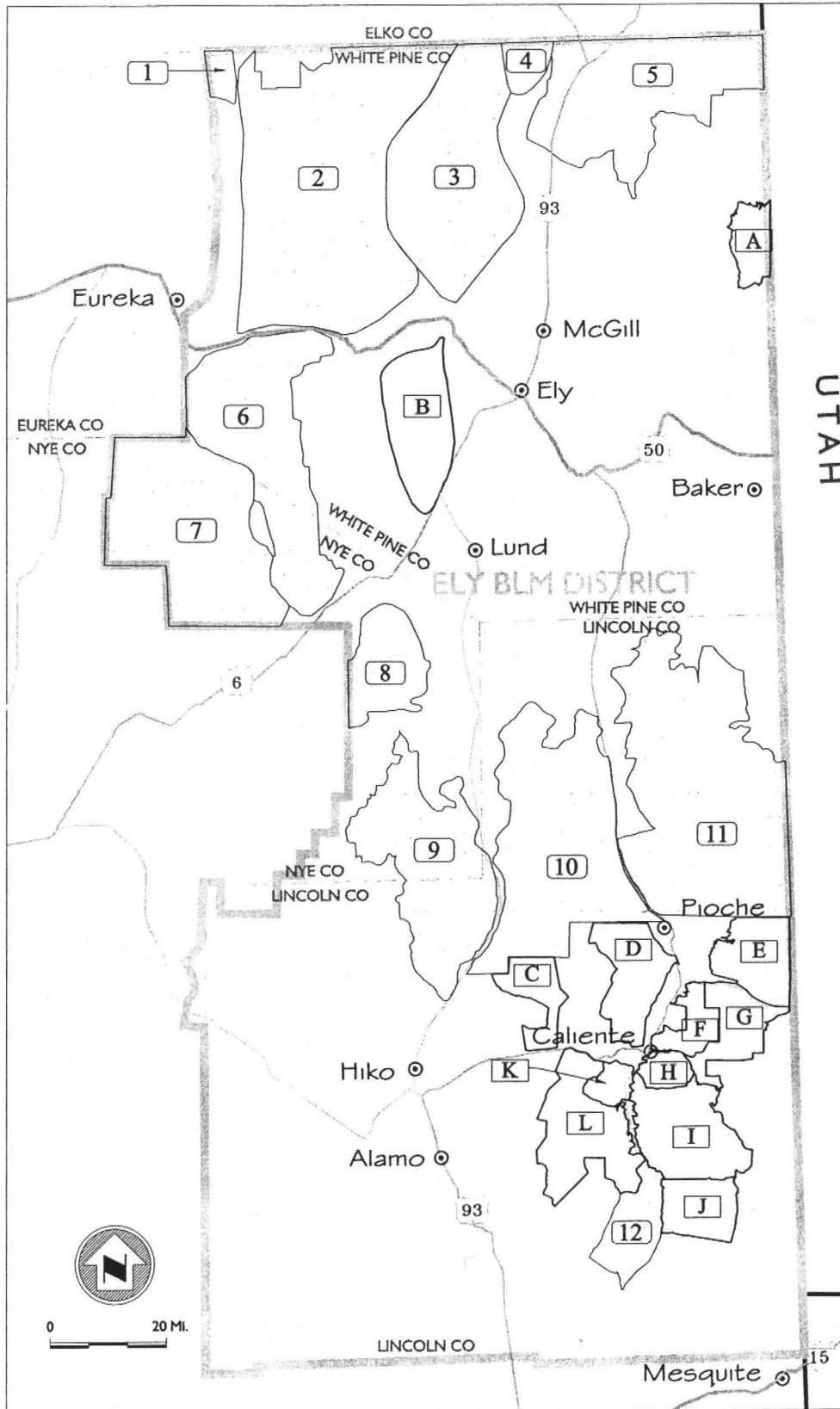
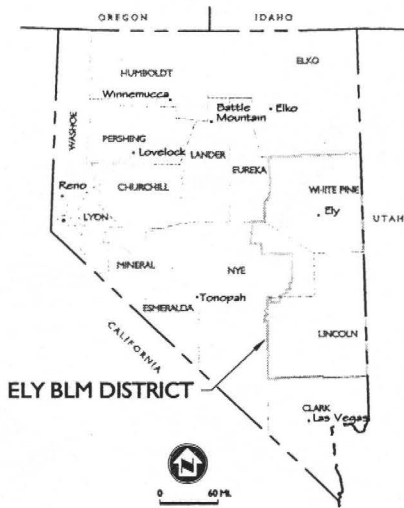
This action will not violate or threaten to violate any federal, state, or local law or requirements imposed for the protection of the environment.


Gene A. Kolkman, Field Manager

11/19/03
Date

2 Attachments

1. Figure 1
2. Information on Taking Appeals to the Board of Land Appeals (Form 1842-1)



HMA - AMLs established

- 1 Diamond Hills South
- 2 Buck & Bald
- 3 Butte
- 4 Cherry Creek
- 5 Antelope
- 6 Monte Cristo
- 7 Sand Springs East
- 8 White River
- 9 Seaman
- 10 Dry Lake
- 11 Wilson Creek
- 12 Meadow Valley Mountains

HMA - AMLs to be established

- A Moriah
- B Jakes Wash
- C Rattlesnake
- D Highland Peak
- E Deer Lodge Canyon
- F Little Mountain
- G Miller Flat
- H Clover Creek
- I Clover Mountains
- J Blue Nose Peak
- K Applewhite
- L Delamar Mountains

"No warranty is made by the BLM as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data."



Jakes Wash HMA 6-16-03

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely Field Office
702 North Industrial Way
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<http://www.nv.blm.gov/Ely>



In Reply Refer To:
4710.3-1(NV040)

~~JUN 15 2003~~

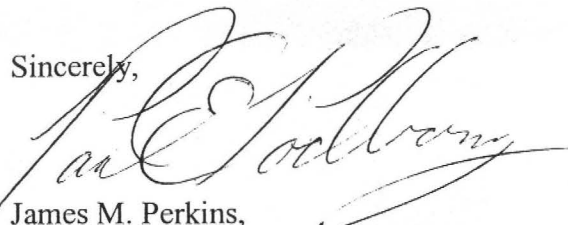
Dear Reader:

This letter is to inform you that the BLM Ely Field Office is proposing to establish the appropriate management level (AML) for the Jakes Wash, Moriah, Blue Nose Peak, Delamar Mountains, Clover Mountains, Clover Creek, Applegate, Little Mountain, Deer Lodge Canyon, Highland Peak, and Rattlesnake Wild Horse Herd Management Areas (HMA). In addition, the AML for the Miller Flat HMA, which has been established at 30 animals, will be revisited as part of this process. The estimated population for these HMAs (blue on the attached map) combined is 500 wild horses. The AML has already been established for the other HMAs (gray on the attached map), and totals 1,896 animals. The remaining HMAs comprise only 20 percent of the acreage identified as wild horse herd management areas within the Ely District.

If any interested publics have information, data, etc., that they would like to provide concerning the establishment of the AML for the HMAs listed above, they may do so prior to June 30, 2003. Please send written comments to James Perkins, Assistant Field Manager, Renewable Resources, BLM Ely Field Office, HC 33 Box 33500, Ely, Nevada 89301.

If you have any questions regarding this process or any of the HMAs being addressed, please contact Jared Bybee, wild horse specialist, or Paul Podborny, lead natural resource specialist, at (775) 289-1800.

Sincerely,

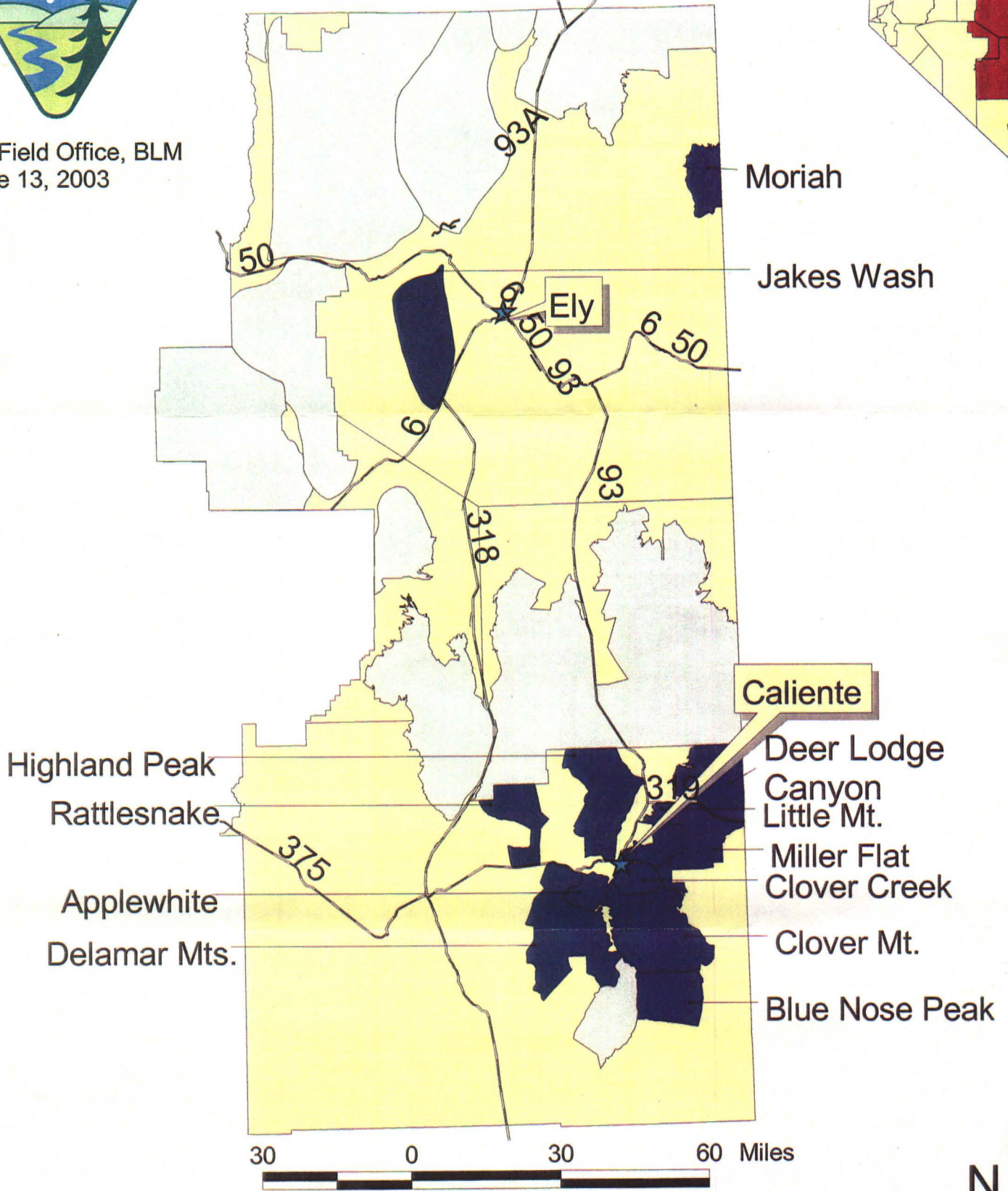
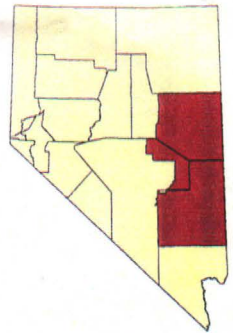
for 
James M. Perkins,
Assistant Field Manager
Renewable Resources

1) Attachment: Ely District HMAs Map



Ely District HMAs

Ely Field Office, BLM
June 13, 2003



"No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data"

