



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, Nevada 89301-9408



IN REPLY REFER TO:

4700 (NV-046)

AUG 2 4 1993

Dear Interested Party,

Enclosed is the Decision Record/Finding of No Significant Impact (DR/FONSI) for the Wild Horse Removal Plan for Dry Lake HMA/Wilson Creek HMA and Patterson Seedings. This DR/FONSI is my final decision for approval of the referenced removal plan as analyzed in EA No. NV-040-02-22. This decision is issued full force and effect in accordance with 43 CFR 4770.3(c).

Full force and effect determination was made based on the following:

The Wild Horse Removal Plan for Dry Lake HMA/Wilson Creek HMA, the associated EA (NV-040-02-22) and DR/FONSI was issued on May 28, 1993. An appeal was received in the Ely District on June 24, 1993 from Michael Blake, Timothy Wilson and the Public Lands Resource Council. The DR/FONSI and the subsequent appeal were issued under the assumption that new appeal regulations at 43 CFR 4.21 applied to wild horse removal actions. However, IBLA determined that 43 CFR 4.21 does not apply to the wild horse program and therefore the appeal effectively stayed the removal action. The consequences of a delay for resolution of the appeal would be: 1. continued and increased resource damage, 2. potential harm to the wild horses from a lack of forage and water resources, and 3. delay in attaining a thriving natural ecological balance. Immediate removal of excess wild horses is necessary to implement the Final Multiple Use Decisions (FMUDs) for the Geysers Ranch and Wilson Creek Allotments which set the appropriate management levels (AMLs) for wild horses in the majority of the Wilson Creek HMA and the Dry Lake HMA. Immediate removal is also needed to restore the range to a thriving natural ecological balance as mandated by The Wild Horse and Burro Act of 1971 (Public Law 92-195).

Another factor considered for the full force and effect determination was occurrence of a 3,060 acre wildfire in a portion of the Wilson Creek and Chokecherry HMAs. The burn area is being closed to livestock and wild horses to allow for rangeland rehabilitation. Removal of the wild horses from the area of the burn may be implemented in conjunction with the proposed removal if there is not a delay.

Within 30 days of receipt of this decision, you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4, Subpart E. 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 you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional solicitor's Office listed in Item 3 on form 1842-1. Copies of your appeal and Statement of Reasons must also be served on each adverse party named in the decision from which the appeal is taken. The appellant has the burden of proof of showing that the decision appealed from is in error. For other questions or comments, please contact Sheree Luttrell, Schell Resource Area Wild Horse Specialist, at (702) 289-4865.

Sincerely,



Kenneth G. Walker
District Manager

2 Enclosures

1. DR/FONSI
2. Form 1842-1

DECISION RECORD AND
FINDING OF NO SIGNIFICANT IMPACT (DR/FONSI)
for
Wild Horse Removal Plan For
Dry Lake/Wilson Creek HMA and the Patterson Seedings
EA-NV-040-02-22

Decision: I have reviewed the Environmental Assessment for the Wild Horse Removal Plan for Dry Lake/Wilson Creek HMA and Patterson Seedings. I concur with my staff's assessment and approve of the proposed action to remove excess wild horses from these areas. The consequences of a delay in implementing this management action due to an appeal would severely impact restoration of the degraded rangeland resources identified for improvement in the Final Multiple Use Decisions (FMUDs) for the Wilson Creek and Geysers Ranch Allotments. Therefore, the Ely District hereby places the Wild Horse Removal Plan for the Dry Lake HMA/Wilson Creek HMA and the Patterson Seedings in full force and effect.

No mitigation is required and monitoring will be conducted as identified in the EA and removal plan.

Rationale: The wild horse removal is necessary to restore the range to a thriving natural ecological balance.

The FMUDs established appropriate management levels (AMLs) for wild horses and livestock stocking levels for the Wilson Creek and Geysers Ranch Allotments. These allotments make up the majority of the Dry Lake and Wilson Creek HMAs. Livestock reductions have occurred in part but the necessary wild horse removals have not. Continued serious range deterioration will occur if a removal of excess wild horses is not conducted immediately. If excess wild horses are not removed immediately, animals may suffer from lack of water and forage, and riparian areas will continue to be degraded. The full force and effect determination is in accordance with 43 CFR 4770.3(c).

FONSI There will not be a significant impact to the quality of the human environment resulting from the implementation of the removal plan. Therefore, an environmental impact statement is not required for this action.

Rationale: Analysis of impacts did not identify any unique or unknown risks. The standard operating procedures identified in the removal plan will minimize negative impacts. Direct and indirect environmental benefits are anticipated for wild horses, livestock, and wildlife with the implementation of the plan. Reduced numbers of wild horses and livestock will slow the degradation of the vegetative resources by reducing forage demand.

Kenneth G. Walker
Kenneth G. Walker, District Manager, Ely

8-24-93
Date