



**United States Department of the
Interior**

BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
NV-010-7410.4
NV-040-4710.4

**DECISION RECORD (DR)
AND
FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

Antelope Complex
Ely and Elko Field Offices

ENVIRONMENTAL ASSESSMENTS:
NV 040/01/077
BLM/EK/PL2001/044

October 30, 2001

INTRODUCTION:

The Ely and Elko Field Offices, Bureau of Land Management, propose a maintenance gathering of wild horses within the boundaries of the Antelope, Antelope Valley, Goshute and Spruce-Pequop Herd Management Areas (HMAs). The area is currently being managed as a complex (or single herd) due to the unfenced boundaries between the HMAs and the high amount of immigration and emigration between the herds. The area is known as the Antelope Complex. The approximate capture of 2,523 and removal of 2,050 wild horses would take place within the Cherry Creek, Becky Springs, Chin Creek, Deep Creek, Tippet, Tippet Pass, Schellbourne, Lovell Peak, North Steptoe, Becky Creek, Sampson Creek and Goshute Mountain allotments within the Ely Field Office management area and the Spruce, Leppy Hills, Ut/Nv#1 (North and South Pastures), Lead Hills, White Horse, West White Horse, Sugarloaf, Ferber Flat, Boone Springs, Antelope Valley, Currie, Badlands, Big Springs and Wood Hills allotments within the Elko Field Office management area. The primary purpose of the proposed action is to bring the wild horse population down to a level which will accommodate a minimum four year gather schedule, and prevent deterioration of the health and condition of the wild horses and the vegetative resources.

The current population of wild horses within the complex is estimated to be 2,523 horses. The

appropriate management level (AML) for the Antelope Complex has been established at 788 wild horses. The AML was established through allotment evaluations and Final Multiple Use Decisions (FMUDs) for the allotments within the HMAs. Documents containing this information are available for public review at the Ely and Elko Field Offices.

SUMMARY OF PROPOSED ACTION:

The Proposed Action is to capture approximately 2,523 wild horses and remove approximately 2,050 wild horses, determine sex, age and color, assess herd health (pregnancy, parasite loading, physical condition, etc.), and sort individuals as to age, size, sex, temperament and/or physical condition, and to return selected animals to the range.

Determination of which horses would be returned to the range would be based on the current selective removal strategy as developed by the National Wild Horse and Burro Program Office. The Selective Removal Strategy was developed for the 2001 fiscal year. This strategy will allow the removal of all age classes in the following priority order:

1. Age class 5 years old and under
2. Age class 10 years old and over
3. Age classes 6 through 9 years old

The first animals to be removed would be five years and younger, the second class of animals to be removed would be 10 years and older. Animals aged six to nine would be left in the field unless they need to be removed to achieve AML for that herd management area. Selective removal objectives target removal efforts for excess animals, based on specific segments of a given wild horse population and availability of space in Bureau processing and long term holding facilities.

Those horses that are determined to be suitable for the adoption program would be prepared at Palomino Valley Corrals (PVC) and placed into the national adoption program. Weanling foals and young horses would comprise the majority of the animals shipped to PVC for the adoption program. Older animals in excess of AML would be shipped to PVC for entry into a wild horse long term holding facility where they will live out the remainder of their natural lives. Approximately 465 horses between the ages of 6 and 9 would be released back into the Antelope Complex.

The wild horse gather would be conducted by the Bureau of Land Management (BLM) Ely and Elko Field Offices through the use of the Great Basin Wild Horse and Burro Gather Contract. The removal operation would begin as soon as practicable after the issuance of this Decision Record and Finding of No Significant Impact by the Ely and Elko Field Offices, but not prior to November 15, 2001.

Multiple capture sites (traps) will most likely be used to capture wild horses from the HMA. Whenever possible, capture sites would be located in previously disturbed areas. All capture and handling activities (including capture site selections) would be conducted in accordance with Standard Operating Procedures (SOPs).

DECISION:

The preliminary environmental assessment was sent to the persons, groups, and agencies listed on pages 16, 17, and 18 of that document on September 28, 2001, with approximately three weeks allowed for comments. One comment letter was received from The Fund for Animals Inc. (The Fund), concerning whether or not the AMLs had been established on each of the HMAs involved in the Antelope Complex. The Fund also had several questions concerning the population model; questions concerning how forage was allocated among competing users and The Fund demanded that the BLM complete an environmental impact statement before proceeding with the Antelope Complex Gather. These concerns will be addressed in a separate letter to The Fund. This response letter will be available to other interested parties upon request.

During the interim of the release of the Antelope Complex Capture Plan and EA and the preparation of this DR/FONSI, the Ely Field Office completed the Deep Creek Final Multiple Use Decision (issued October 22, 2001) and the Becky Springs and Tippet Pass Proposed Multiple Use Decisions (issued October 22, 2001). These multiple use decisions changed the AML of the Antelope HMA from 311 to 324 head. Also during the interim, the Elko Field Office released the Big Springs Proposed Multiple Use Decision (PMUD, October 1, 2001). In the Big Springs PMUD, the AML for wild horses within the Goshute HMA is established at 123 head. Because the Elko Field Office did not receive any protests regarding the wild horse AML, 123 head will be considered the AML until further monitoring shows an adjustment is needed.

As a result of the comments received and further review of the document, the following corrections were made:

1. Table I on page 6 contained an error in footnote 5. The last census in the Antelope HMA was in August of 2000, not June of 2000.
2. Table II on page 7 contained two errors; the current population for the Antelope HMA should have read 710 rather than 719.

As a result of the analysis presented in the Environmental Assessment (EA), it is my decision to approve the Proposed Action. The rationale for the FONSI supports this decision. The Proposed Action detailed in the EA and FONSI have led to my decision that all practicable means to avoid or minimize environmental harm and unnecessary or undue degradation of the public lands have been adopted. Selection of the No Action alternative would not be consistent with BLM legal mandates which state "*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*". (Title 43, CFR, 4700.0-6(a)). The proposed action is in conformance with the objectives of the Schell Resource Management Plan and the Wells Resource Management Plan Wild Horse Amendment and is consistent with Federal, State and local laws, regulations and plans to the maximum extent possible.

All resource values have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible for most resources. The Proposed Action would result in short term impacts to soils, vegetation, wildlife, and wild horses.

FINDING OF NO SIGNIFICANT IMPACT:

Based on the analysis of potential environmental impacts detailed in Environmental Analysis BLM/EK/PL2001/044 and NV/040/01/077, it has been determined that the impacts of the Proposed Action and detailed in the EA are not significant. Therefore, preparation of an environmental impact statement is not required.

Rationale:

The Proposed Action found in the accompanying Decision Record will, as best can be determined, prevent unnecessary or undue degradation of public land resources. Resource review and analyses have been coordinated with other federal and state agencies. Resources determined to be potentially impacted were analyzed in the EA specific to the Proposed Action. Based on the analysis, impacts to these resources are considered insignificant (see definition of significance in 40 CFR 1508.27).

Removal Decision:

In accordance with 43 CFR 4770.3 (c), this constitutes the final decision to gather wild horses within the Antelope Complex and is placed in full force and effect.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4. If an appeal is taken, your appeal must be filed with the Bureau of Land Management, Elko Field Office, 3900 E. Idaho Street, Elko, Nevada, 89815, or the Bureau of Land Management, Ely Field Office, HC33 Box 33500, Ely, Nevada, 89301, within 30 days from receipt 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 4939, January 19, 1993) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, and to the Office of the Solicitor, U.S. Department of the Interior, Suite 6201, Federal Bldg., 125 South State St., Salt Lake City, Utah, 84138, at the same time the original documents are filed with this office

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of a decision pending appeals shall show sufficient justification based on the following rules:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success of 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.

If you have any questions concerning this decision, please contact Jared Bybee, Ely Field Office or Kathy McKinstry, Elko Field Office at the above addresses.

Helen Hankins

Helen Hankins
Field Manager
Elko Field Office

10-31-01

Date

Gene Kolkman

Gene Kolkman
Field Manager
Ely Field Office

for

11/1/01

Date

Certified Mail#/Return Receipt

cc:

American Mustang and Burro Association	7001 1140 0000 8578 4989
American Horse Protection Association	7001 1140 0000 8578 6254
American Bashkir Curly Register	7001 1140 0000 8578 4958
Andrea Lococo, Fund for Animals	7001 1140 0000 8578 4941
Animal Protection Institute of America	7001 1140 0000 8578 4965
Barbara Flores, Colorado Wild Horse and Burro Coalition	7001 1140 0000 8578 4972
Betty Kelly, Wild Horse Spirit	7001 1140 0000 8578 4934
Bertrand Paris & Sons, Livestock Permittee	7001 1140 0000 8578 4903
Board of County Commissioners, Elko County, Nevada	7001 1140 0000 8578 4910
Carol Sherman, Livestock Permittee	7001 1140 0000 8578 4927
Catherine Barcomb, Commission for the Preservation of Wild Horses	7001 1140 0000 8578 4897
Charles M. Young, Livestock Permittee	7001 1140 0000 8578 4880
Christine Stones, Chair, Te-Moak Tribe of Western Shoshone	7001 1140 0000 8578 4873
Craig C. Downer	7001 1140 0000 8578 4866
Curt Baughman, Nevada Division of Wildlife	7001 1140 0000 8578 4859
David Pete, Chair, Goshute Tribal Council	7001 1140 0000 8578 4842
DBA Need More Sheep, Co., Livestock Permittee	7001 1140 0000 8578 4835
Diane Nelson, Wild Horse Sanctuary	7001 1140 0000 8578 4828
Donald A. Molde, M.D.	7001 1140 0000 8578 4750
Earl Bingham Family LTD Partnership, Livestock Permittee	7001 1140 0000 8578 4767
Egbert Livestock, LLC., Livestock Permittee	7001 1140 0000 8578 4774
Felix Ike, Chairman, Te-Moak Tribe of Western Shoshone	7001 1140 0000 8578 4781
Friends of Nevada Wilderness	7001 1140 0000 8578 4798
Fund for Animals	7001 1140 0000 8578 4804
Gail Parker, Livestock Permittee	7001 1140 0000 8578 4811
George Irlbeck, Livestock Permittee	7001 1140 0000 8578 4705
Gordon Foppiano, Livestock Permittee	7001 1140 0000 8578 4712
H&R Livestock, Livestock Permittee	7001 1140 0000 8578 4729
Hawkwatch International, Inc.	7001 1140 0000 8578 4739
Herb Stathes, Schellbourne Ranch, Livestock Permittee	7001 1140 0000 8578 4743
Holtz, Inc., Livestock Permittee	7001 1140 0000 8578 3654
Intermountain Ranch, Livestock Permittee	7001 1140 0000 8578 3685
Jerry Millett, Tribal Chairman, Duckwater Tribal Council	7001 1140 0000 8578 3678
Joneille Anderson	7001 1140 0000 8578 3647
June Sewing, National Mustang Association	7001 1140 0000 8578 4699
Karen A. Sussman, International Society for the Protection of Mustangs and Burros	7001 1140 0000 8578 3692
Kathryn Cushman	7001 1140 0000 8578 3715
Kay Lear, Livestock Permittee	7001 1140 0000 8578 3708
Kenneth Jones, Livestock Permittee	7001 1140 0000 8578 3722

Kitt Lear, Livestock Permittee	7001 1140 0000 8578 3739
Mabel Bates Permit, c/o Kyle Bateman, Livestock Permittee	7001 1140 0000 8578 3746
L.W. Peterson, Inc., Livestock Permittee	7001 1140 0000 8578 3753
Larry Kibby, Consultant/Director, Western Shoshone Historic Preservation Society	7001 1140 0000 8578 3760
Metta Richins, Livestock Permittee	7001 1140 0000 8578 3838
Mike Podborny, Nevada Division of Wildlife	7001 1140 0000 8578 3845
Nan Sherwood	7001 1140 0000 8578 3777
National Audubon Society	7001 1140 0000 8578 3784
National Wild Horse Association	7001 1140 0000 8578 3791
Natural Resources Defense Council	7001 1140 0000 8578 3807
Nevada Outdoor Recreation Association	7001 1140 0000 8578 3814
Nevada Humane Society	7001 1140 0000 8578 3821
Nevada Farm Bureau Federation	7001 1140 0000 8578 3869
Nevada Cattlemen's Association	7001 1140 0000 8578 3876
Nevada Woolgrowers Association	7001 1140 0000 8578 3852
Nevada State Clearing House	7001 1140 0000 8578 3913
Nevada State Department of Agriculture	7001 1140 0000 8578 3890
Parasol Ranching, LLC., c/o Mr. Larry Schutte, Livestock Permittee	7001 1140 0000 8578 3906
Paul Bottari	7001 1140 0000 8578 3883
Paul C. Clifford Jr.	7001 1140 0000 8578 7454
Red Rock Audubon Society	7001 1140 0000 8578 5283
Resource Concepts Inc.	7001 1140 0000 8578 5290
Robert Smith	7001 1140 0000 8578 5306
Robert McGinty	7001 1140 0000 8578 5320
Robert and Jon Childs, Livestock Permittee	7001 1140 0000 8578 5337
Roger Scholl	7001 1140 0000 8578 5344
Rutgers School of Law-Newark, Animal Rights Law Center	7001 1140 0000 8578 5351
Sam and Clelia Henriod, Livestock Permittee	7001 1140 0000 8578 5382
Save The Mustangs	7001 1140 0000 8578 5375
Sharon Crook	7001 1140 0000 8578 5368
Sheri R. Goring, Livestock Permittee	7001 1140 0000 8578 5412
Sierra Club - Toiyabe Chapter	7001 1140 0000 8578 5405
Sierra Club, Ms. Rose Strickland	7001 1140 0000 8578 5399
Sierra Club, Washington D.C.	7001 1140 0000 8578 5429
Sterling Wines, Livestock Permittee	7001 1140 0000 8578 5436
Steven and Vicki Nye, Livestock Permittee	7001 1140 0000 8578 5443
Steve Foree, Nevada Division of Wildlife	7001 1140 0000 8578 5450
Steven Fulstone	7001 1140 0000 8578 5467
The Humane Society of the United States	7001 1140 0000 8578 5474
The Wilderness Society	7001 1140 0000 8578 5481
The Wilderness Society	7001 1140 0000 8578 5856

Thousand Peaks Ranches, Inc., Livestock Permittee	7001 1140 0000 8578 5832
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Vidler Water Company, Livestock Permittee	7001 1140 0000 8578 5825
Von L. and Marion Sorenson, Livestock Permittee	7001 1140 0000 8578 5863
Webster Russel Peavey Testamentary Trust, Livestock Permittee	7001 1140 0000 8578 5870
Western Watersheds Project	7001 1140 0000 8578 5887
White Pine County Commissioners	7001 1140 0000 8578 5894
White Pine Sportsmen	7001 1140 0000 8578 5948
Wild Horse Organized Assistance	7001 1140 0000 8578 6006
Wilderness Impact Research Foundation	7001 1140 0000 8578 6112