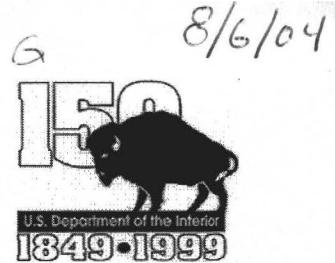




# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office  
3900 East Idaho Street  
Elko, Nevada 89801  
<http://www.nv.blm.gov>



In Reply Refer To:  
4720 (NV-012)

August 6, 2004

Dear Interested Party,

The Elko Field Office of the Bureau of Land Management Plans to capture wild horses within the Rock Creek and Little Humboldt Herd Management Areas.

A scoping letter requesting input into the development of the Rock-Humboldt Capture Plan and EA was issued on June 25, 2004, to everyone on the Elko FO wild horse mailing list. This letter initiated a 30-day public scoping period. Five comment letters were received. All pertinent comments received were addressed in the environmental assessment.

The Rock-Humboldt Complex Wild Horse Gather Environmental Assessment (BLM/EK/PK-2004-26) is available for review on the BLM Elko Field Office web site at <http://www.nv.blm.gov/elko/wildhorses.htm>. The Finding of No Significant Impact/Decision Record, and subsequent Full Force and Effect Decision is included with this letter. If you have any questions, or would like a hard copy of the EA please contact Bryan Fuell at 775-753-0314.

Sincerely,

Tom W. Warren  
Assistant Field Manager  
Renewable Resources

Enclosure:

1. Finding of No Significant Impact/Decision Record (BLM/EK/PK-2004-26)

United States Department of the Interior  
Bureau of Land Management  
Elko Field Office

**ROCK-HUMBOLDT COMPLEX  
WILD HORSE GATHER**

**Finding of No Significant Impact and Decision Record**

(File 4720; BLM/EK/PL-2004/026)

The Bureau of Land Management (BLM) Elko Field Office proposes a maintenance gathering of wild horses within the Rock Creek and Little Humboldt Wild Horse Herd Management Areas (HMAs) and surrounding areas. The Rock-Humboldt Complex is located approximately 60 miles northwest of Elko, Nevada. Previous capture, census, and distribution data collected indicate some inter movement among the horses of these herds. For planning purposes the two HMAs are referred to as the Rock-Humboldt Complex. The current estimated population of wild horses is estimated 1,435 animals. The Appropriate Management Level (AML) for the Complex is a range of 198-330 wild horses.

BLM has prepared an environmental assessment (EA) for the Rock-Humboldt Complex Wild Horse Gather (BLM/EK/PL-2004/026). The Proposed Action is to gather all wild horses within the Rock-Humboldt Complex and reduce the population to 198 wild horses. Approximately 1,435 wild horses within the Complex would be captured and approximately 1,237 animals removed. During gather activities, the Elko Field Office Wild Horse Specialist would record data for the captured horses including: sex, age and color; and assess herd health (pregnancy/parasite loading/physical condition/etc), and sort horses by age and sex. Selected animals would be returned to the HMAs based on desired characteristics for each herd, and consistent with selection criteria of the BLM's *Gather Policy and Selective Removal Criteria for Wild Horses* (Washington Office IM 2002-095): Surplus animals would be transported to BLM holding facilities. Also as part of the Proposed Action, BLM would conduct immunocontraceptive research and monitor results as required by Wild Horse and Burro Program policy (IM-2004-138). Approximately 198 wild horses (118 mares and 80 studs) would be released within the Rock-Humboldt Complex. The immunocontraceptive drug, porcine zona pellucidae (PZP) vaccine would be used on all of the release mares. The EA also analyzes the alternative of conducting the gather without using PZP.

**FINDING OF NO SIGNIFICANT IMPACT**

Based on the analysis of potential environmental impacts in the EA for the Rock-Humboldt Complex Wild Horse Gather (BLM/EK/PL-2004/026), I have determined that the Proposed Action and Alternative, to include the gathering of excess wild horses, with or without participating in immunocontraception research using the PZP vaccine, will not have a significant effect on the human environment. Therefore, the preparation of an environmental impact statement is not required for compliance with the National Environmental Policy Act of 1969.

Reasons for this finding are based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and intensity of impacts.

Context: The affected region is limited to the northwest portion of Elko County, where the two wild horse herds are located. The gather has been planned with input from wild horse advocates and users of public lands for other purposes.

Intensity: There is no evidence that the severity of impacts is significant:

1. The action is expected meet BLM's objective for wild horse management of maintaining a thriving natural ecological balance consistent with other resource needs.
2. The proposed action has no effect on public health or safety.
3. The proposed action has no potential to affect unique characteristics such as historic or cultural resources. No adverse impacts to the Little Humboldt River Wilderness Study Area are anticipated. There are no wild and scenic rivers, or ecologically critical areas present in the areas. Maintenance of appropriate numbers of wild horses is expected to help make progress in meeting objectives for improved riparian, wetland, aquatic and terrestrial habitat.
4. The effects of the proposed action on the quality of the human environment are not considered to be highly controversial, and effects of the gather are well known and understood.
5. Possible effects on the human environment are not highly uncertain, and do not involve unique or unknown risks.
6. The action is compatible future consideration of actions required to improve livestock management in conjunction with meeting objectives for fish and wildlife habitat in the wild horse herd areas.
7. The proposed action is not related to other actions with individually insignificant but cumulatively significant impacts.
8. The proposed action has no potential to adversely affect properties listed or eligible for listing in the National Register of Historic Places, and would not cause loss or destruction of significant scientific, cultural, or historical resources.
9. The proposed action is not likely to adversely affect the Federally threatened Lahontan cutthroat trout, and would have no effect on any other threatened or endangered species or habitat determined to be critical under the Endangered Species Act.
10. The proposed action does not threaten to violate any Federal, State, or local law or requirements imposed for the protection of the environment.

## **DECISION**

It is my decision to implement the Proposed Action, as described in the EA for the Rock-Humboldt Complex Wild Horse Gather (BLM/EK/PL-2004/026). Implementation of the Proposed Action is contingent upon the availability and approval of the drug PZP. If for an unknown reason PZP is not available, the gather would be conducted without its use. This Alternative is also described in the Rock-Humboldt Complex Gather EA.

## **Rationale**


1. The gathering and removal of excess wild horses is being selected to ensure a "thriving natural ecological balance" as well as preserve the multiple use relationship within the Rock Creek and Little Humboldt HMAs immediately and over the next several years. Further, this action is needed to prevent vegetative and riparian resource from deterioration associated with an overpopulation of wild horses.
2. The gather conforms to the Elko Resource Management Plan Wild Horse Amendment, as approved on October 14, 2003, and is consistent with other Federal, State, local and tribal policies and plans to the maximum extent possible.
3. The completion of a gather within the Little Humboldt HMA would comply with the Stipulation to Modify Decision and to Dismiss Appeals (Stipulated Agreement) dated June 24, 2002. The BLM agreed to reduce wild horses to the interim AML of 48-80 head, by December 31, 2004. For the Rock Creek HMA, it is consistent with the AML established by the Final Multiple Use Decision (FMUD) for the Squaw Valley, and Spanish Ranch Allotments, dated June 30, 2004. The AML is a range of 150-250 wild horses.
4. Use of a fertility drug as part of the gather would delay any reproduction in mares and allow for longer duration between gathers and lessen impacts to resources. The alternative of conducting the gather without use of a fertility drug would require a gather to maintain AML two years sooner.
5. The No Action Alternative was not selected because it would not allow for the removal of wild horses to preserve the multiple use relationship within the area and help to make progress in meeting objectives for wild horses and riparian, wetland, aquatic and terrestrial habitat.

## **Public Involvement**

A summary of the results of public scoping is in pages 18-20 of the EA. Five letters of comments were received. Issues raised that are addressed in the EA are identified, and comments considered to be beyond the scope of analysis are responded to.

## **Approval**

The Rock-Humboldt Complex wild horse gather is approved for implementation upon the date of my signature below. This decision is placed in Full Force and Effect in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3(c). It may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4 (Attachment).

  
Tom Warren  
Assistant Field Manager  
Renewable Resources

8/6/04  
DATE

Attachment  
**ROCK-HUMBOLDT COMPLEX**  
**WILD HORSE GATHER**  
**Decision Record**

**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:

Tom Warren, Assistant Field Manager  
BLM, Elko Field Office  
3900 East Idaho Street  
Elko, NV 89801

Your appeal must be filed within thirty (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 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:

Interior Board of Land Appeals  
Office of Hearings and Appeals  
4015 Wilson Boulevard  
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.

Office of the Regional Solicitor  
6201 Federal Building  
25 South State Street  
Salt Lake City, UT 84138-1180

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.