

Antelope

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-4611
<http://www.nv.blm.gov>



In Reply Refer To:
4720 (NV-012)

DEC 14 2004

Dear Interested Party,

The Elko and Ely Field Offices of the Bureau of Land Management plan to capture wild horses within the Antelope, Antelope Valley, Goshute, and Spruce-Pequop Herd Management Areas.

A scoping letter requesting input into the development of the Antelope Complex Capture Plan and Environmental Assessment was issued on September 29, 2004, to everyone on the Elko and Ely Field Offices wild horse mailing list. This letter initiated a 30-day public scoping period. On October 8, 2004 a tour of the Complex was conducted to observe current range conditions and discuss this pending gather. Twelve comment letters were received. All pertinent comments received were addressed in the environmental assessment.

The Antelope Complex Wild Horse Gather Environmental Assessment (BLM/EK/PK-2005-001) 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 Environmental Assessment 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-2005-001)

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

**ANTELOPE COMPLEX
WILD HORSE GATHER**

**Finding of No Significant Impact and Decision Record
(File 4720; BLM/EK/PL-2005/001)**

The Bureau of Land Management (BLM) Elko and Ely Field Offices propose a maintenance gathering of wild horses within the Antelope, Antelope Valley, Goshute, and Spruce-Pequop Wild Horse Herd Management Areas (HMAs) and surrounding areas. They are interconnected and located approximately 60 miles south of Wells, Nevada or 60 miles north of Ely, Nevada. Previous capture, census, and distribution data collected indicate inter movement among the horses of these herds. For planning purposes the four HMAs are referred to as the Antelope Complex. The current estimated population of wild horses is estimated 1,916 animals. The Appropriate Management Level (AML) for the Complex is a range of 788-472 wild horses.

BLM has prepared an environmental assessment (EA) for the Antelope Complex Wild Horse Gather (BLM/EK/PL-2005/001). The Proposed Action is to gather all wild horses within the Antelope Complex and reduce the population to 440 wild horses. The post gather population of 440 wild horses would represent the lower level of the AML for the Antelope Valley, Goshute, and Spruce-Pequop HMAs. Also, Antelope HMA would be reduced to 162 wild horses due to current severe drought condition within the area. Approximately 1,916 wild horses within the Complex would be captured and approximately 1,476 animals removed. During gather activities, BLM personnel 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): Excess 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 440 wild horses (248 mares and 192 studs) would be released within the Antelope 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 Antelope Complex Wild Horse Gather (BLM/EK/PL-2005/001), 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 southeast portion of Elko County and the northeast portion of White Pine County, where the four wild horse herds are located. The gather has been planned with input from wild horse advocates and users of public lands for other purposes, including grazing permittees.

Intensity: Based on my review of the EA against CEQ's factors for intensity, there is no evidence that the severity of impacts is significant:

1. *Impacts that may be both beneficial and adverse.* The proposed gather is expected meet BLM's objective for wild horse management of maintaining a thriving natural ecological balance consistent with other resource needs. Although the gathering and removal of excess wild horses is expected to have short-term impacts on individual animals, it is expected to ensure the long-term viability of the wild horse herds and help to improve forage and habitat conditions in the herd management areas.
2. *The degree to which the proposed action affects public health or safety.* The proposed gather has no effect 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.* The proposed action has no potential to affect unique characteristics such as historic or cultural resources or properties of concern to Native Americans. No adverse impacts to the Bluebell, Goshute Peak or South Pequop Wilderness Study Areas 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 degree to which the effects on the quality of the human environment are likely to be highly controversial.* Effects of the gather are well known and understood. No unresolved issues were raised following notification of wild horse advocacy groups of the proposed gather.
5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The proposed gather includes measures for monitoring its effects on herd population dynamics and toward meeting multiple use objectives for rangeland health throughout the herd management areas. Use of the fertility drug, PZP, to reduce the frequency of gathers and associated impacts, is part of ongoing research to verify that it does not involve 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.* The action is compatible with future consideration of actions to improve livestock management in conjunction with meeting objectives for fish and wildlife habitat in the wild horse herd areas.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The EA includes an analysis of cumulative effects when combined with other past, present and reasonably foreseeable future actions in the Antelope Complex that supports the conclusion that the proposed gather is not related to other actions with individually insignificant but cumulatively significant impacts.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.* The proposed gather has no potential to adversely affect 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 Endangered Species Act of 1973.* The action is not likely to adversely affect any listed species, and the action area does not include any habitat determined to be critical under the Endangered Species Act.

10. *Whether the action threatens a violation of Federal, State, local or tribal law or requirements imposed for the protection of the environment.* The proposed gather conforms to the approved Wells Resource Management Plan and amendments, and is consistent with other Federal, State, local and tribal requirements for protection of the environment to the maximum extent possible.

DECISION

It is my decision to implement the Proposed Action, as described in the EA for the Antelope Complex Wild Horse Gather (BLM/EK/PL-2005/001). 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 Antelope 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 Antelope, Antelope Valley, Goshute, and Spruce-Pequop HMAs immediately and over the next several years. Further, this action is needed to prevent vegetative and riparian resources from deterioration associated with an overpopulation of wild horses. As well as to alleviate severe drought conditions that has persisted in the area.

2. The gather conforms to the Wells Resource Management Plan approved July 1985, the Wells Resource Management Plan Wild Horse Amendment, as approved August 1993, the Schell Management Framework Plan (MFP), Schell Grazing Environmental Impact Statement (EIS), and subsequent Record of Decision (ROD) dated 1983. It is further consistent with other Federal, State, local and tribal policies and plans to the maximum extent possible.

3. The AMLs were established for each HMA through Final Multiple Use Decisions (FMUD) for the affected Allotments. The AML for the Complex is a range of 788-472 wild horses.

4. Use of the fertility drug (PZP) 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 PZP 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 21-23 of the EA. Twelve 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 Antelope 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 (see attachment).

Peter G. McFadden

Peter McFadden
Ely Assistant Field Manager
Renewable Resources

12/13/04

Date

Tom W. Warren

Tom Warren
Elko Assistant Field Manager
Renewable Resources

12/13/04

Date

Attachment
ANTELOPE 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:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
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.