

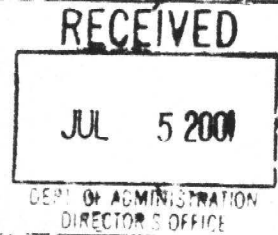


**United States Department of the  
Interior**

**BUREAU OF LAND MANAGEMENT**

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*Bald Mtn. Allotment*

JUL 03 2001

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

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

**Buck and Bald Complex  
Ely and Elko Field Offices**

**ENVIRONMENTAL ASSESSMENTS:  
NV 040/01/058  
BLM/EK/PL2001/036**

**June 27, 2001**

**INTRODUCTION:**

The Ely and Elko Field Offices, Bureau of Land Management, propose a maintenance gathering of wild horses within the boundaries of the Buck and Bald, Butte and Maverick-Medicine Herd Management Area (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 Buck and Bald Complex. The removal of approximately 1,649 wild horses would take place within the Cold Creek, Warm Springs, Fort Ruby, Newark, Dry Mountain, Moorman Ranch, Ruby Valley, Maverick Springs, Horse Haven, Thirty-Mile Spring, Cherry Creek, North Butte, South Butte, Medicine Butte, and Steptoe allotments within the Ely Field Office management area and the Maverick/Ruby #9, Odgers, North Butte Valley, Bald Mountain, Spruce and West Cherry Creek 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 2,125 horses. The AML for the Buck and Bald Complex has been established at 798 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 2,125 wild horses and remove approximately 1,649 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 476 horses between the ages of 6 and 9 would be released back into the Buck and Bald 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 issuance of the final gather plan and environmental assessment by the Ely and Elko Field Offices, but not prior to July 15, 2001.

Multiple capture sites (traps) may 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 13, 14, and 15 of that document on May 15, 2001, with a 30 day review and comment period. Three comments were received through the Nevada State Clearing House from the Nevada Division of Wildlife, the Nevada Division of Water Resources, and the Office of Historic Preservation. All were in support of the proposed action.

A comment letter was received from The Fund for Animals Inc., and the International Society for the Protection of Mustangs and Burros concerning whether or not the appropriate management levels (AMLs) had been established on each of the HMAs involved in the Buck and Bald Complex. AMLs have, in fact, been established for each of the HMAs, either through the allotment evaluation process or agreements based on current monitoring data. The AML for two allotments within the complex were being established at the same time the preliminary EA was being prepared. The final EA has been amended to reflect the AML for the entire complex.

The Fund for Animals also raised the issue of genetic viability and the exchange of genetic material between the bands of horses within the complex. The BLM has proposed taking blood samples to gather baseline genetic information on the horses within the Complex.

As a result of the comments received, there were minor corrections made to the final EA from the preliminary version.

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 Egan 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 the attached EA, I have 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 my final decision to gather wild horses within the Buck and Bald 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

July 2, 2001

Date

Jeffrey B. Weeks

For  
Gene Kolkman  
Field Manager  
Ely Field Office

07-03-01

Date