

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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DEC 27 2005

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

In Reply Refer To:
4720/4710.4 (NV-042)

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

DEC 22 2005

**Monte Cristo Complex
Ely Field Office and Tonopah Field Station**

**ENVIRONMENTAL ASSESSMENT (EA)
NV-040-05-030**

Introduction

The Monte Cristo Complex Gather Plan and Environmental Assessment (NV-040-05-030) was completed to analyze the impacts of conducting a gather and removal operation. The E.A. analyzes three alternatives.

BLM has determined there are excess wild horses present and the Proposed Action is needed in January of 2006 to restore wild horse herd numbers to levels consistent with the Appropriate Management Level (AML) for the Complex, which would achieve a thriving natural ecological balance.

The Proposed Action in the E.A. is to gather approximately 85% of the population or 840 wild horses, remove 700 wild horses within the complex, remove all animals outside herd management areas, and not gather approximately 140 wild horses. The estimated post-gather population would be approximately 280 wild horses within the Complex as identified in the E.A.

During gather activities, BLM personnel would assess herd health, record data for the captured horses; including: sex, age, color, and bashkir curly descent. Selected animals would be returned to the HMAs based on desired characteristics for each herd, and consistent with selective

removal criteria. Also as part of the proposed action, BLM would conduct immunocontraceptive research and monitor results. The research would include using the immunocontraceptive drug, porcine zona pellucidae (PZP) vaccine on all of the mares released in the BLM-administered HMA's. This vaccine has been shown to be effective in preventing pregnancy for two years without undesired side effects. The gather would be conducted January 2006.

Alternative I in the E.A. is the same as the Proposed Action, except fertility control would not be applied. The same numbers of wild horses would be gathered, and selectively removed.

The third alternative analyzed is the No Action Alternative. In this alternative, wild horses would not be gathered at this time.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts in the E.A. for the Monte Cristo Complex Wild Horse Gather (NV-040-05-030), I have determined that the Proposed Action will not have a significant effect on the human environment. Therefore, the preparation of an environmental impact statement (EIS) 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 southwest portion of White Pine County and the northeastern portion of Nye County, where the project area is located. The gather has been planned with input from interested public and users of public lands.

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 to meet BLM's resource objective for wild horse management of maintaining a thriving natural ecological balance consistent with other multiple uses. 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 Park

Range 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 resource 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 would not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The EA includes an analysis of cumulative effects which considers past, present and reasonably foreseeable future actions in the Monte Cristo 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 Egan Resource Management Plan and the Tonopah Resource Management Plan. Further the proposed gather is consistent with other Federal, State, local and tribal requirements for protection of the environment to the maximum extent possible.

DECISION

It is our decision to implement the proposed action as described in the EA for the Monte Cristo Complex Wild Horse Gather (Ely NV-040-05-030). 840 wild horses will be gathered, selective removal criteria will be used to sort the wild horses, approximately 700 wild horses will be removed within the complex, any wild horse residing outside any herd management area, and fertility control will be conducted on up to 70 mares. 140 wild horses will not be gathered.

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 Monte Cristo Complex 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.
2. The gather conforms to the Egan Resource Management Plan and Final Environmental Impact Statement (FEIS) dated December 24, 1983, and resolution of protests received on the proposed RMP and FEIS documents dated September 21, 1984, and the Egan Resource Area Record of Decision (ROD) which was finalized February 3, 1987. It also conforms to the Tonopah Resource Management Plan approved October 1997. It is further consistent with other Federal, State, local and tribal policies and plans to the maximum extent possible.
3. The AMLs were established through Final Multiple Use Decisions (FMUD) for the affected Allotments within Monte Cristo and Sand Springs East HMAs. The AML for the Sand Springs West was established through the Tonopah Resource Management Plan. The AML for the Complex is not to exceed 542 wild horses.
4. The proposed action was selected due to meeting the need of obtaining resource objectives. Fertility control research would be appropriate for application during a winter gather.
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

Public notification and scoping of E.A. Ely NV-040-05-030 was sent to the persons, groups, and agencies listed on pages 24, 25, and 26 of that document on November 9, 2005, with a 30-day review and comment period. One comment letter was received during the public scoping period. Comments pertaining to the Monte Cristo Complex Gather Plan and EA were submitted by Western Watersheds Project, Boise, Idaho. Comments are addressed in the final EA/gather plan. All input received was considered in relation to the analysis and the formulation of a decision.

Approval

The Monte Cristo Complex wild horse gather is approved for implementation on January 3, 2006. This decision is effective upon January 3, 2006 in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3(c) because removal of excess animals beginning in January is necessary to protect animal health and prevent further deterioration of rangeland resources. It may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4 (see attachment).

Stephanie Connolly
Stephanie Connolly
Ely Acting Assistant Field Manager
Renewable Resources

12/15/05
Date

William S. Fisher
William Fisher
Tonopah Field Station Manager

12/15/05
Date

Attachment
MONTE CRISTO 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:

Stephanie Connolly, Acting Assistant Field Manager
BLM, Ely Field Office
HC 33 Box 33500
702 N. Industrial Way
Ely, NV 89301

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.

US Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, California 95825

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.

CC:

Anna Charlton, Animal Rights law Center	7004 1160 0005 3070 2118
Ben Patterson	7004 1160 0005 3070 1838
Barbara Flores, Colorado Whild Horse & Burro Coalition	7004 1160 0005 3070 1920
Barbara Warner	7004 1160 0005 3070 1630
Betsy Macfarlan, ENLC	7004 1160 0005 3070 1609
Betty Kelly, Wild Horse Spirit	7004 1160 0005 3070 1913
Blue Diamond Oil Corporation, Gary Sprouse	7004 1160 0005 3070 1975
Bonnie Matton, Wild Horse Preservation League	7004 1160 0005 3070 1487
Brad Hardenbrook, NDOW	7004 1160 0005 3070 1555
Carl Haas, Haas and Associates, Wine Glass Ranch	7004 1160 0005 3070 1777
Catherine Barcomb, Comm for Preservation of Wild Horses	7004 1160 0005 3070 1548
Charles Watson Jr. Nevada Outdoor Recreation	7004 1160 0005 3070 1661
Christine Stones, Ely Shoshone Tribe	7004 1160 0005 3070 1654
Craig Downer, Wild Horse Wildness and Wildlife	7004 1160 0005 3070 1784
Curtis Baughman, NDOW	7004 1160 0005 3070 2125
Dave and Linda Woolfolk	7004 1160 0005 3070 1470
Dawn Lappin, WHOA	7004 1160 0005 3070 1494
Diane Nelson, Wild Horse Sanctuary	7004 1160 0005 3070 1999
Dr. Donald Molde	7004 1160 0005 3070 2002
Duckwater Cattle Co., Alan Forsgren	7004 1160 0005 3070 1876
Duckwater Shoshone Tribe	7004 1160 0005 3070 1586
Esmeralda County Commissioners	7004 1160 0005 3070 1791
Executive Director, Animal Protection Institute of America	7004 1160 0005 3070 1951
Gary McCuin, NV Dept of Agriculture	7004 1160 0005 3070 1418
George lee, Public Lands Foundation	7004 1160 0005 3070 2095
Dr. James R. Marble, Nye Co. Dept of Nat Res Fed Facilities	7004 1160 0005 3070 0619
Joe Fallini Jr., Twin Springs Ranch	7004 1160 0005 3070 1500
Johanna Wald, Natural Resources Defense Council	7004 1160 0005 3070 1753
John Blethen	7004 1160 0005 3070 1937
Jon Hutchings, Eureka Co. Dept of Natural Resources	7004 1160 0005 3070 1432
Jon Marvel, Western Watersheds Project	7004 1160 0005 3070 1425
Katie Fite, Western Watersheds Project	7004 1160 0005 3070 1449
Laurel Marshall, Eureka Producers Cooperative	7004 1160 0005 3070 1906
Michael Stafford, Nevada State Clearinghouse	7004 1160 0005 3070 1821
Michael Wickersham, NDOW	7004 1160 0005 3070 1647
Mike Johns	7004 1160 0005 3070 1746
Mike Podborny, NDOW	7004 1160 0005 3070 1593
National Wild Horse Assoc	7004 1160 0005 3070 1968
Nevada Cattlemens Association	7004 1160 0005 3070 1524
Nevada Dept of Agriculture	7004 1160 0005 3070 1845
Nevada Farm Bureau Federation	7004 1160 0005 3070 1869
Nevada Woolgrowers Assoc.	7004 1160 0005 3070 2132
Nye County Administration	7004 1160 0005 3070 1579
Paris Livestock	7004 1160 0005 3070 1982
Patricia Irwin, US Forest Service	7004 1160 0005 3070 1616
Pete Goicoechea	7004 1160 0005 3070 1883
Rex Cleary, RCI	7004 1160 0005 3070 1456
Richard & June Sewing, National Mustang Association Inc.	7004 1160 0005 3070 1401
Robert Williams, USFWS	7004 1160 0005 3070 1814
Sharon Crook	7004 1160 0005 3070 1623
Steve Foree, NDOW	7004 1160 0005 3070 1531
Steven Carter, Carter Cattle Company	7004 1160 0005 3070 1517
Steven Fulstone	7004 1160 0005 3070 2101
Susan Asher, Nevada Humane Society	7004 1160 0005 3070 1944
Teri Slatauski, NDOW	7004 1160 0005 3070 1760
Tina Nappe, Sierra Club	7004 1160 0005 3070 1890
US Forest Service Tonopah Ranger	7004 1160 0005 3070 1463
US Wild Horse Burro Foundation	7004 1160 0005 3070 2149
White Pine Co. Commissioners	7004 1160 0005 3070 1852