

Nellis

G 8-17-00



United States Department of the Interior

Bureau of Land Management  
Las Vegas District Office  
4765 Vegas Drive  
Las Vegas, Nevada 89108

In Reply Refer To:  
4700  
NV-052

CERTIFIED MAIL

7099 3220 0006 0032 9408

RETURN RECEIPT REQUESTED

NOTICE OF FINAL DECISION  
FULL FORCE AND EFFECT

AUG 17 2000

NEVADA WILD HORSE RANGE  
HERD MANAGEMENT AREA (HMA)  
EMERGENCY REMOVAL

Severe drought conditions exist within the Nevada Wild Horse Range (NWHR) and water production is extremely limited. From field observations of available water, it has been determined the wild horses and their habitat are being adversely impacted in the Cedar Well area. Therefore, approximately 90 wild horses must be gathered from the NWHR, the AML will remain at the range of 600 to 1000 animals. The gather operation will be conducted by helicopter drive trap method.

Due to the emergency nature of these conditions, it is necessary to implement this removal immediately, through a Full Force and Effect decision. Cedar Well is not producing enough water to maintain the number of animals utilizing it. This Decision will be implemented on August 18, 2000 and will continue until the action is completed. The rationale for placing this decision in Full Force and Effect are as follows:

1. Drought conditions have limited water availability for wild horses.

AUTHORITY: The authority for this decision is contained in Sec.3(a) and (b) and Sec.4 of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

The authorized officer may place in full force and effect decisions to remove wild horses or burros from public lands if removal is required by applicable law or to preserve or maintain a thriving ecological balance and multiple use relationship. Full force and effect decisions shall take effect on the date specified, regardless of an appeal. Appeals and petitions for stay of decision shall be filed with the Interior Board of Land Appeals, as specified in this part.

APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, and (3) Las Vegas District Office, 4765 Vegas Drive, Las Vegas, NV 89108. The original documents should be 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 standards:

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

ADDITIONAL INFORMATION: Contact Gary McFadden of my staff, at (702) 647-5024 or write at the above address.

Concurrence: Ray Wells (acting)  
Mark Morse  
Field Office Manager, Las Vegas

8/16/2000  
Date

Approval: John Jamrog  
John Jamrog  
Associate Field Office Manager  
Renewable Resources

8/16/00  
Date

2 Enclosures:

1. FONSI
2. Environmental Assessment/Capture Plan

**FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION RECORD**

**NEVADA WILD HORSE RANGE ( NWHR) HERD MANAGEMENT AREA (HMA)  
EMERGENCY WILD HORSE GATHER AND REMOVAL  
BLM( NV-052-00-064 )**

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in Environmental Assessment BLM ( NV-052-00-064), I have determined that the action will not have a significant effect on the human environment, and therefore, an environmental impact statement will not prepared.

Decision

It is my decision to approve the emergency gather and removal of wild horses from the NWHR HMA as described in the proposed action of BLM (NV-052-00-064). Each of the Standard Operating Procedures described in the Proposed Action will be strictly followed.

Monitoring

The monitoring described in the proposed action of BLM (NV-052-00-064) is sufficient for the proposed action.

Rationale

This action will allow for the gather of wild horses and burros in the NWHR HMA. The water, situation for the wild horses (approximately 90 hd), has become critical. The proposed action will prevent stress and possible death by dehydration, for these wild horses.

The proposed action is in conformance with the objectives of the Las Vegas Resource Management Plan and is consistent with Federal, State and local laws, regulations and plans to the maximum extent possible.

*FOR*  *ACTING*  
John Jamrog  
Assistant Field Manager  
Renewable Resources

8/16/00  
Date

**FINAL  
ENVIRONMENTAL ANALYSIS/ CAPTURE PLAN  
for  
NEVADA WILD HORSE RANGE (NWHR)  
HERD MANAGEMENT AREA (HMA)**

**EA No. NV-052-00-64**

**Prepared by Gary McFadden  
Wild Horse and Burro Specialist  
August 16, 2000**

**Las Vegas District  
Bureau of Land Management**

## BACKGROUND INFORMATION

### Introduction

The Bureau of Land Management (BLM), Las Vegas Field Office in response to drought conditions will reduce wild horse numbers to protect animals and keep them in balance with the water resources available. Cedar Well Spring is the major water source for the area and is producing approximately .2 gpm. For approximately 4 weeks a Air Force contractor has been hauling approximately 10-14 thousand gallons of water per week to maintain approximately 90 head of wild horses. Currently with the water hauls the animals are in good condition, however long term hauling is not possible.

The Nevada Wild Horse Range (NWHR) is located within the north-central portion of the Nellis Air Force Range (NAFR). The NAFR is located in south-central Nevada in Clark, Lincoln and Nye counties. The NAFR comprises 2,209,326 acres for use as a high-hazard military weapons testing and training facility. The NWHR 1962 boundary comprises approximately 394,000 acres of the NAFR, however the AML is based on approximately 1.4 million acres of the North Range which comprises the 1971 use area..

### Purpose and Need

Population control actions are required to effectively manage the NWHR's wild horse population in order to achieve the appropriate management level (AML). The AML was established in 1991 through a multiple-use evaluation and decision and modified by decision in 1996. This AML of 1000 horses was based upon water availability from perennial water sources within the NWHR. Achieving the AML will help to maintain the wild horse population in a natural, thriving ecological balance with the other resources and uses within the NWHR.

This Environmental Analysis (EA) references analysis done in previous EA's in accordance with the National Environmental Protection Act (NEPA). All activities associated with this gather operation have been previously analyzed in the Nellis Air Force Range Resource Plan (RP) / Environmental Impact Statement (EIS) (1992), the EA prepared for the 1985 HMAP (EA-NV-057-4-05) and the EA prepared for the last series of removals in the NWHR (EA-NV-055-02-01) (1991) and EA establishing a Range of 600-1000 for the AML(EA-NV-052-97-005).

### Relationship to Planning and Other Applicable Regulatory Authorities

This EA is tiered to the Nellis Air Force Range Resource Plan/Final (EIS) which analyzed the ecological impacts of managing the rangelands under a program of habitat monitoring and adjustment of wild horse numbers.

This proposal is in conformance with all applicable regulations and policies: The Wild Free-Roaming Horse and Burro Act (Public Law 92-195), as amended by the Federal Land Policy and Management Act (Public Law 94-579); the Military Lands Withdrawal Act of 1986 (Public Law 99-606) which withdrew the Nellis Air Force Range for use as a high-hazard military weapons testing and training facility; Title 43 Code of Federal Regulations, Part 4700; BLM Manual 4710, Rel. 4-90; the BLM Strategic Plan for Management of Wild Horses and Burros on Public Lands (1992); and the Draft Nevada State Office Manual Supplement (Jan. 1989).

### PROPOSED ACTION

The proposed action is to gather the wild horses dependant on the water at Cedar Well Spring which will reduce the population to near the AML of 600 to 1000 head. Animals five years old and younger will be placed in the Bureau's adoption program. Stud horses over five years of age will be placed in the Bureau's long term holding program, and mares over five years of age will be relocated within the HMA. Relocating all animals was considered, however it was felt that the stud horses would return to their home range and bring the released horses with them. Releasing the mares is possible in that local studs in the release area will add them to their bands and keep them away from the Cedar Well area. This population of wild horses is very old with an approximate average age of greater than 20 years old.

Standard operating procedures (SOPs) include all methodologies for captures and/or removals which are defined in the Nellis Air Force Range Wild Horse Removal Plan (1991) and analyzed in EA NV-055-02-01. All trap-sites and holding facilities used in captures or removals would be inventoried for threatened and/or endangered plants and animals as well as cultural resources. Traps would be relocated if these resources are found in the area.

### ENVIRONMENTAL CONSEQUENCES

The consequences of removing wild horses and maintaining AML in the NWHR have been analyzed in the EA for the Wild Horse Removal Plan (EA-NV-055-02-01) and the EA for the 1985 NWHR HMAP (EA-NV-057-4-05) and EA for 1997 AML Range (EA-NV-052-97-005). The proposed action of reducing wild horse number around Cedar Well, would have no impact on the physical environment beyond those already analyzed. The following do not occur or would not be impacted by the proposed action: threatened or endangered species (plant or animal); riparian areas; wilderness or wilderness study areas; social and economic values; water (drinking/ground/quality); air quality; Native American Religious concerns, wastes (hazardous and solid); flood plains; wetlands; areas of critical environmental concern; wild and scenic rivers; visual resource management; prime or unique farmlands; or cultural, paleontological, and historical resources.

All trap-sites and holding facilities used in captures or removals would be inventoried for threatened and/or endangered plants and animals as well as cultural resources. Traps would be relocated if these resources are found in the area.

#### Wild Horses

Stress levels of the resident wild horses will be minimized by a reduction in competition for water resources.

#### PROPOSED MITIGATING MEASURES

Standard operating procedures (SOPs) include all methodologies for captures and/or removals which are defined in the Nellis Air Force Range Wild Horse Removal Plan (1991) and analyzed in EA NV-055-02-01. All trap-sites and holding facilities used in captures or removals would be inventoried for threatened and/or endangered plants and animals as well as cultural resources. Traps would be relocated if these resources are found in the area.

The wild horses within the NWHR will be managed at a range of 600 to 1000 animals.

#### SUGGESTED MONITORING

The Las Vegas Wild Horse Specialist, and the Las Vegas Assistant Field Office Manager for Renewable Resources would ensure that all monitoring identified in the NWHR HMAP would occur.

#### CONSULTATION AND COORDINATION

##### Intensity of Public Interest and Record of Contacts

The issue of wild horses and their management has created intense public interest for many years. Concerns include forage allocation for wild horses, livestock and wildlife; maintaining levels of wild horses; and removals of wild horses.

Due to the emergency nature of this action, this decision is issued Full Force and Effect.

##### Internal District Review

Gary McFadden

Wild Horses

John Jamrog

Renewable Resource Manager

Mark Morse

Las Vegas Field Office Manager


Jeff Stienmetz

Environmental Coordinator



SIGNATURES

Prepared by:

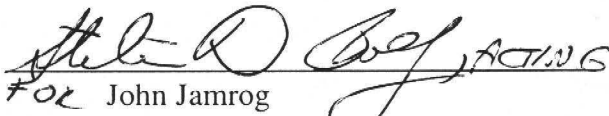


Gary McFadden  
Wild Horse and Burro Specialist  
Las Vegas Field Office

8-16-00

Date

Approved by:



#02 John Jamrog

Assistant Field Office Manager  
Renewable Resources  
Las Vegas District

8/16/00

Date