



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Bristlecone Field Office
702 North Industrial Way
Ely, Nevada 89301
<https://www.blm.gov/nevada>

In Reply Refer To:
4720/4710.4 (NVL06000)

DECISION RECORD

Bureau of Land Management	:	
Bristlecone Field Office	:	Decision Record
702 N. Industrial Way	:	DOI-BLM-NV-L060-2021-0005-EA
Ely, NV 89301	:	

The Pancake Complex consists of the Pancake Herd Management Area (HMA), Sand Springs West HMA, the Jakes Wash Herd Area (HA) managed by and the Bureau of Land Management (BLM) Bristlecone Field Office (BFO) and Tonopah Field Offices (TFO) and the Monte Cristo Wild Horse Territory (WHT) managed by the USFS Humboldt-Toiyabe National Forest. The BLM proposes to gather and remove excess wild horses from within and outside the Pancake, Sand Springs West Herd Management Areas (HMAs), and Jakes Wash Herd Area (HA). The gather and removal of excess wild horses from the U.S. Forest Service’s (USFS) Monte Cristo Wild Horse Territory (WHT) is also included in the Proposed Action and will be covered under a separate USFS decision associated with this EA. The BLM Districts have determined that excess wild horses are present on public lands within and outside the boundaries of the Pancake Complex and that removal of these wild horses to within appropriate management level (AML) is necessary to achieve a thriving natural ecological balance. The Appropriate Management Levels (AMLs) were set under the 2008 Ely District Record of Decision and the Approved Resource Management Plan (RMP) and the Tonopah RMP and subsequent Record of Decision dated October 1997. The Appropriate Management Level (AML) for the Pancake Complex is 361-638. The current estimated wild horse population, not including the 2021 foal crop, is 2,703 wild horses.

BLM has prepared an environmental assessment (EA) (DOI-BLM-NV-L060-2021-0005-EA) which analyzes the potential environmental impacts associated with the proposal to implement a wild horse gather plan over a 10-year period to remove approximately 2,342 excess wild horses from the Pancake Complex through phased gathers that bring the population back to AML, and to apply population control measures to reduce the rate of population growth. The EA is consistent with BLM’s management responsibilities under the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA), as amended (Public Law 92-195).

Description of Alternatives:

- **No Action Alternative.** Under the No Action Alternative, a gather to remove excess wild horses would not occur. There would be no active management to control population

growth rates, the size of the wild horse population or to bring the wild horse population to AML.

- **Proposed Action (Alternative A).** Over a 10-year period, use phased gathers to remove excess animals in order to achieve and maintain the population within AML range, apply fertility control methods (vaccines and/or IUDs) to released mares, maintain a sex ratio adjustment of 60% male and 40% female, and release a small non-reproducing component of males (up to 138 geldings) that brings the population to mid-AML.
- **Alternative B.** Alternative B is the same as Alternative A, but would not include a non-reproducing (i.e., gelding) portion of the population.
- **Alternative C.** Under Alternative C, Gather and remove excess animals to within the AML range without fertility control, sex ratio adjustments, or geldings.
- **Alternative D.** The BLM would capture 100% of the current population of excess wild horses from within and outside the Jakes Wash Herd Area, which would likely require multiple gathers over a ten-year period to capture animals missed or that evade capture during a prior gather. No wild horses gathered from the Jakes Wash HA would be released under this alternative. All of the animals gathered from the HA would be removed and transported to BLM off-range corrals where they would be prepared for adoption and/or sale to qualified individuals, or for off-range pastures. No other HMAs or WHT would be included under Alternative D.

DECISION

It is the Bristlecone Field Office (BFO) and Tonopah Field Office (TFO) decision to implement the Proposed Action (Alternative A) and Alternative D as described in the Final Environmental Assessment for the Pancake Complex (DOI-BLM-NV-L060-2021-0005-EA). This decision is effective immediately pursuant to 43 CFR 4770.3(c). The proposed action and Alternative D are consistent with the land use plans and would allow for achievement of management objectives in the Pancake Complex.

Under the Proposed Action, the BFO and TFO would gather and remove approximately 85% of the existing excess wild horses (approximately 2,342) within and outside the Pancake Complex to achieve and maintain AML and administer or booster population control measures to gather and released horses through phased gathers over a period of ten years from the initial gather. This would allow BLM to achieve management goals and objectives of attaining a herd size that is at the low range of AML before geldings are included, to reduce wild horse population growth rates, and to obtain a thriving natural ecological balance on the range as required under the WFRHBA.

Under Alternative D, the BLM would also capture 100% of the current population of excess wild horses from within and outside the Jakes Wash Herd Area, which would likely require multiple gathers over a ten-year period to capture animals missed or that evade capture during a prior gather. No wild horses gathered from the Jakes Wash HA would be released under this alternative. All of the animals gathered from the HA would be removed and transported to BLM

off-range corrals where they would be prepared for adoption and/or sale to qualified individuals, or for off-range pastures.

RATIONALE

Upon analyzing the impacts of the Proposed Action (Alternative A) and Alternative D following issuance of the EA for public review; I have determined that implementing the Proposed Action (Alternative A) along with Alternative D will not have a significant impact to the human environment and that an environmental impact statement is not required as set forth in the attached Finding of No Significant Impact.

The gather is necessary to remove excess wild horses and bring the wild horse population back to within the established AML range in order to achieve a thriving natural ecological balance between wild horses, wildlife, livestock, vegetation and the available water as required under Section 3(b)(2) of the 1971 Wild Free-Roaming Horses and Burros Act and Section 302(b) of the Federal Land Policy and Management Act of 1976.

The BLM is required to manage multiple uses to avoid continued degradation of the rangelands, and removal of excess wild horses is necessary to protect rangeland resources from further deterioration or impacts associated with the current overpopulation of wild horses within the Pancake Complex.

The Proposed Action and Alternative D are consistent with the wild horse management objectives identified in the 2008 Ely District Record of Decision and the Approved Resource Management Plan and the Tonopah RMP and subsequent Record of Decision dated October 1997. The phased gathering of wild horses and application of population controls consistent with the Proposed Action and Alternative D will occur over a 10- year period following the initial gather operation to achieve management objectives.

Leaving excess wild horses on the range under the No Action Alternative would not comply with the 1971 WFRHBA or applicable regulations and Bureau policy, nor would it comply with the Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (February 12, 1997) for Rangeland Health and Healthy Wild Horse and Burro Populations. The No Action Alternative would allow continued deterioration of rangeland resources, including vegetative, soil and riparian resources, as a result of the current overpopulation of wild horses within and outside the Pancake Complex, with potentially irreversible loss of native vegetative communities. Wild horses would continue to relocate in increasing numbers to areas outside the Complex boundaries due to competition for limited water and forage in the Complex adversely impacting public land resources not designated for wild horse management. The No Action Alternative also increases the likelihood of emergency conditions arising, requiring an emergency gather to prevent individual animals from suffering or death due to insufficient forage or water.

Alternatives B and C would allow for AML to be achieved and would be consistent with current land use plans, however, they would also allow for populations to continue to grow at a higher rate. These alternatives would require more horses to be removed from the range over the ten-year period.

PUBLIC INVOLVEMENT

A preliminary environmental assessment was made available to interested individuals, agencies and groups for a 30-day public review and comment period that opened on November 12, 2020 and closed on December 11, 2020. Comments were received from approximately 3,600 individuals (mostly as form letters) or organizations, and 8 agencies. Many of these comments contained overlapping issues/concerns which were consolidated into 92 distinct topics. A detailed summary of the comments received and BLM's response and use of comments in preparing the final environmental assessment can be found in Appendix XIII.

The final Environmental Assessment / Gather Plan for Pancake Complex is available on the National NEPA Registrar web page at <https://go.usa.gov/x7RUa> or by contacting the Ely District Office.

APPEALS

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 and Form 1842-1 (enclosed). If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Jared Bybee
Bristlecone Field Office
702 N. Industrial Way
Ely, NV 89301

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. You have 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 appellant's 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.

Jared Bybee
Bristlecone Field Office Manager

Date



Perry B. Wickham
Tonopah Field Office Manager



Date

Enclosure:
Form 1842-1