

**Decision for the Black Rock Field Office
Calico Complex Gather Plan
Final Environmental Assessment
DOI-BLM-NV-W030-2019-0019-EA**

INTRODUCTION

The Calico Complex is located in Washoe and Humboldt Counties in Nevada, northwest of Gerlach and southeast of Denio. The Complex totals approximately 584,101 acres in size, but the gather area consists of approximately 1,041,000 acres. The gather area encompasses additional lands not designated for wild horse management where wild horses are residing outside of the Complex accounting for the additional lands. The gather area encompasses five Herd Management Areas (HMAs), and non-HMA areas where wild horses and burros (WHB) migrate back and forth. The HMAs consist of: Black Rock Range, Calico Mountains, Granite Range, McGee Mountain, and Warm Springs Canyon. Based on the most recent aerial census, the USGS data analysis, and also accounting for foal crops; the Calico Complex has approximately 1,692 wild horses and 73 wild burros, 1,120 excess wild horses and 34 excess wild burros are present within the Complex.

DECISION

Based on the Calico Complex Wild Horse and Burro Gather Plan Final Environmental Assessment (EA), DOI-BLM-NV-W030-2019-0019-EA, and associated Finding of No Significant Impact (FONSI), it is my decision to implement the Proposed Action (Alternative 1) for the Calico Complex Gather as described in the EA.

This Decision constitutes my final decision to implement over a ten-year period the removal of excess wild horses and wild burros and to use phased gathers as necessary to achieve low AML and to implement fertility controls and non-breeding components within Alternative 1 to maintain population within the AML ranges for the Calico Complex.

Pursuant to the criteria set forth at 43 CFR 4770.3(c), this decision is effective immediately and implementation of the selected tools within Alternative 1 are approved to begin once funding and holding space becomes available.

RATIONALE

Removal of excess WHB from the gather area is necessary to comply with Section 1333(b) (1) of the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA) and Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976.

The selected tools from Alternative 1 would be implemented immediately upon funding and holding space availability.

The gather will also:

- Promote vegetative health by preventing over utilization and/or use by wild horses/burros during critical growth periods for perennial grasses in the upland, wetland and stream bank riparian habitats associated with the Calico Complex.
- Decrease resource competition for space, forage and water among wild horses, wildlife and livestock.
- Implementing the selected tools will contribute to improved vegetation density, increased plant vigor, seed production, seedling establishment, and forage production over current conditions by reducing grazing pressures caused by excess wild horse/burro numbers.
- Reduce the population growth rate by implementing non-breeding components, along with fertility control treatment on mares within the Calico Complex. Use of fertility control vaccines along with intrauterine devices (IUDs) and minimally invasive mare sterilization has the potential to reduce population growth rates more effectively than reliance on vaccines alone. No more than one fertility control method would be applied to a given mare at any one point in time.
- Remove excess wild horses/burros from public lands as required under the WFRHBA.
- Preserve the health and wellbeing of the wild horses/burros removed from the range that are competing for limited forage and water.

The action is in compliance with the WFRHBA by achieving the established AML in the Complex and preventing degradation of rangeland resources resulting from excess WH&Bs. This assessment is based on factors including, but not limited to the following rationale:

- Based on the most recent aerial census, the USGS data analysis, and also accounting for foal crops post aerial census; the Calico Complex has approximately 1,692 wild horses and 73 wild burros.
- Water is a limited resource within the Complex. There are several small springs and seeps that are ephemeral and dependent on yearly precipitation. Range improvements are present in the Complex, but most water projects are dependent on variable spring flows.

The following constitutes the rationale for making this decision effective upon issuance:

With the collaborative effort to uniformly manage the wild horse and burro populations within the entire Calico Complex, BLM seeks to remove excess animals to bring the WHB population within that landscape down to low AML, and to implement population controls that will maintain population levels within the AML of 572-952 for wild horses and 39-65 for wild burros over the next ten years.

Given the previous drought conditions, reducing wild horse and burro populations to AML within the Complex and removing excess animals from outside the Complex would reduce impacts to the range and riparian resources. Due to the excess numbers of WHB, available water sources on the range resource are being negatively impacted. This is reflected in degraded range conditions within and outside of the HMAs within the Calico Complex.

I selected implementation of the multiple gathers and removals with fertility control while implementing non-breeding components, tools from Alternative 1, over the other Alternatives for the following reasons:

The selected tools would achieve and maintain the established AML within the Calico Complex consistent with the LUP and management objectives for these public lands.

The selected tools would reduce population growth rates of the wild horses and burros within the complex at a faster rate, reduce costs associated with gathers and removals, and would also reduce the number of excess animals entering the short and long-term holding facilities over the 10-year decision time frame. While fertility control vaccines are expected to have low effectiveness without repeated application (i.e., booster doses), IUDs are expected to lead to longer-term (but reversible) infertility in those open mares that are suitable for treatment. Similarly, minimally-invasive mare sterilization methods are expected to lead to lifetime infertility in treated mares. These methods have been demonstrated to be humane, safe and effective in domestic mares. Having a component of mares that are treated with such longer-term fertility control measures should reduce the overall herd growth rates, while still allowing for the herd in the complex to be self-sustaining.

I selected implementation of the selected tools from Alternative 1 over the No Action Alternative for the following reason:

Under the No Action Alternative, no gathers, removals, or fertility control treatments would occur, and excess WHB would remain on public and private lands within the Calico Complex. The No Action Alternative would not achieve the identified Purpose and Need and is contrary to the WRFHBA and 43 CFR Part 4700; however, it is analyzed in this EA to provide a basis for comparison with the other action alternatives, and to assess the effects of not implementing management actions at this time.

I have determined that the tools selected for implementation within Alternative 1 of the Calico Complex Wild Horse and Burro Gather Plan EA are in conformance with:

All applicable regulations at 43 CFR (Code of Federal Regulations) §4700 and policies, as well with the 1971 Wild Free Roaming Horses and Burros Act. More specifically, these management actions are consistent with the following regulations:

- Winnemucca Resource Management Plan, May 2015

- Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA) and Associated Wilderness, and other Contiguous Lands in Nevada, July 2004
- Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment, (GRSG Plan Amendment), 2019
- Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment, (GRSG Plan Amendment), 2015

The Calico Complex Gather Plan is consistent with the plans and policies of neighboring local, county, state, tribal and federal governments to the greatest extent practical. Under the proposed action in the Calico Complex Wild Horse and Burro Gather Plan EA, no federal, state, or local law, or requirement imposed for the protection of the environment will be threatened or violated.

PUBLIC INVOLVEMENT

Consultation and Coordination in Development of Preliminary EA

On-going consultation with the Nevada Department of Wildlife, U.S. Fish and Wildlife Service, livestock operators and others, underscores the need for BLM to implement management actions.

Water or bait trapping can be used when trying to gather WHB. Water/bait trapping activities would be scheduled in locations and during time periods that would be most effective to gather sufficient numbers of animals to achieve management goals. Existing watering sites would be preferred. Water or bait trapping can be utilized year-round.

Public hearings are held annually on a state-wide basis regarding the use of motorized vehicles in the management of wild horses or burros (inventory, gather operations, and transport). During these meetings, the public is given the opportunity to present new information and to voice any concerns or opinions regarding the use of motorized vehicles in the management of wild horses and burros.

The BLM has been gathering wild horses and burros from public lands since 1975, and has been using helicopters for such gathers since the late 1970's. Refer to Appendix A of the Calico Complex Gather EA for information about methods that are utilized to reduce injury or stress to wild horses and burros during gathers. Since 2004, BLM Nevada has gathered over 40,000 excess animals. Of these, gather related mortality has averaged 0.5%, which is very low when handling wild animals. Another 0.6% of the animals captured were humanely euthanized due to pre-existing conditions and in accordance with BLM policy. This data confirms that appropriate use of helicopters and motorized vehicles are a safe, humane, effective, and practical means for gathering and removing excess wild horses and burros from the range. BLM policy prohibits the gathering of wild horses with a helicopter (unless emergency conditions exist) during the period of March 1 to June 30 which includes and covers the six weeks that precede and follow the peak of foaling (mid-April to mid-May).

Preliminary EA

The Preliminary Calico Complex Wild Horse and Burro Gather Plan EA DOI-BLM-NV-W030-2019-0019-EA was made available to interested individuals, agencies and groups for a public

review and comment period that opened on April 14, 2021, and closed May 13, 2021. This interested party list included approximately 135 individuals, organizations, county officials, and state and federal agencies. Among these was the Nevada State Clearinghouse which made the interested party letter available for review by different agencies from around the state. The EA and associated documents were also available from the BLM's NEPA Register, and a link to the NEPA Register was provided from the Winnemucca District's NEPA website.

The BLM received approximately 4,200 comment submissions during the public comment period, the majority of which were form letters. All comments were reviewed and considered. Substantive comments were utilized to finalize the EA as appropriate. Letters and e-mails were received both in support of and in opposition to the Action Alternatives.

BLM's review of public comments indicated that minor substantive changes to the conclusions presented in the preliminary EA were warranted. Consideration of substantive comments led to changes in the document to better explain and clarify BLM's analysis and are listed below. This resulted in a more comprehensive and complete document. In finalizing the EA, the following information was updated:

- Updated Alternatives 1 and 2 to include side effects of IUDs, spaying, and gelding.

Native American Consultation

Consultation letters were sent out with the Preliminary EA to the Fort Bidwell Indian Community, Reno Sparks Indian Colony, Susanville Indian Rancheria, Pyramid Lake Paiute Tribe, and the Summit Lake Paiute tribe on April 20, 2021. No objections to the gather were raised so long as horses were not driven towards the reservations.

AUTHORITY

The authority for this decision is contained in Section 1333(b)(1) of the 1971 WFRBA, Section 302(b) of FLPMA of 1976, and at 43 CFR Part 4700.

APPEAL PROVISIONS

Within 30 days of receipt of this wild horse and burro decision, you have the right to appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed, "Information on Taking Appeals to the Board of Land Appeals." Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days of receipt of this decision you have a right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the enclosed form titled "Information on Taking Appeals to the Board of Land Appeals." The appellant has the burden of proof to demonstrate that a stay should be granted.

A petition for a stay of decision pending appeal 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 of 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.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.401 (c) (2)).

/s/ Mark E. Hall

Mark E. Hall
Field Manager
Black Rock Field Office Manager

7/28/2021

Date