

**DECISION RECORD  
WASSUK HERD MANAGEMENT AREA  
WILD HORSE GATHER PLAN  
MINERAL AND LYON COUNTY, NEVADA**

**Environmental Assessment  
DOI-BLM-NV-C010-2012-0061-EA**

**BACKGROUND**

The Bureau of Land Management (BLM) Stillwater Field Office (SFO) plans to implement a wild horse gather within the Wassuk Herd Management Area (HMA) located on public lands in Mineral and Lyon County, Nevada. The Wassuk HMA is situated within the administrative jurisdiction of the BLM Carson City District. The HMA is approximately 12 miles east-southeast of Yerington, Nevada (NV) and west of Walker Lake, NV in Mineral and Lyon Counties. The HMA encompasses approximately 52,248 acres and consists of north-south trending mountain ranges surrounded by valley bottoms.

The HMA includes both public lands administered by the Carson City District and private lands and encompasses portions of four livestock grazing allotments. The HMA is within portions of the Butler Mountain, Gray Hills, Black Mountain, and East Walker grazing allotments.

The Butler Mountain Allotment is located in and around the Wassuk Mountain Range in Mineral County. It lies southeast of Yerington, NV and west of Walker Lake, NV. There is a total of 46,916 acres of public land and no private land. There are no fences crossing the allotment to create pastures.

The Black Mountain Allotment is located in Mineral County, approximately 12 miles east-southeast of Yerington, NV. The Walker River Indian Reservation forms the eastern boundary, while Reese River Canyon forms the southern boundary. It is generally mountainous with many elevations ranging from approximately 4100 to 8102 feet. There is a total of 14,618 acres of public land and no private land. There are no fences crossing the allotment to create pastures

The Gray Hills Allotment is located in Mineral County and Lyon County, NV, and is approximately 12 miles south of Yerington, NV. A portion of the west boundary is made up of the Humboldt-Toiyabe National Forest, and the Wassuk Mountain Range makes up the eastern side. The East Walker River runs through the west half of the allotment. The allotment consists of 100,583 acres of land administered by the BLM and 2,200 acres of private lands. Elevations range from 4,549 feet near the East Walker River to 9,191 feet at the Peak of Bald Mountain in the Wassuk Mountain Range.

The East Walker Allotment is located in the southernmost portion of the HMA within Mineral County, and encompasses about 5% of the entire allotment.

The Proposed Action evaluated under EA# DOI-BLM-NV-C010-2012-0061-EA (Chapter 2 of the EA) for the Wassuk HMA is scheduled to begin in or about November 2012. Should existing holding space, budgetary limitations as well as higher priority gathers need to occur due to

drought emergencies or fires, the BLM may postpone this gather to the summer of 2013 or later. The initial gather would entail gathering approximately 80% of the existing population, which would be roughly 500 wild horses from the Wassuk HMA and those outside of the HMA boundaries. Approximately 250 of these horses would be removed and 250 would be returned back to the range following the gather. Of these, about 100 mares would be vaccinated with PZP-22 (Porcine Zona Pellucida) fertility control vaccine which would assist with slowing population growth, maintaining population size within the AMLs and extend the time before another gather to remove excess wild horses would be needed in the Wassuk HMA.

The AML for the Wassuk HMA was established through a Final Multiple Use Decision, approved in 1997, following completion of an in-depth analysis of habitat suitability, resource monitoring and population inventory data, and public input into the decision-making process. Available forage was allocated between wild horses, wildlife and livestock. The AML for the Wassuk HMA is 110-165; current population estimates (based on a 20% growth rate from the 2011 aerial census numbers) show approximately 623 wild horses in the HMA and surrounding areas. A direct count aerial survey was conducted in June 2011 and documented 519 horses within the Wassuk HMA. Based on the aerial survey and range monitoring data indicating impacts from an over-population (375%) above the AML the BLM has determined that removal of the excess wild horses is necessary to achieve a thriving natural ecological balance. The upper limit of the AML range is the maximum number of wild horses that can be maintained within a HMA while maintaining a thriving natural ecological balance and multiple use relationship on the public lands in the area.

The BLM intends to continue with population control activities to gather to the low end of AML for the Wassuk HMA over the next 10 years by returning every 2-3 years to treat or re-treat mares with fertility control vaccine as well as to remove excess wild horses as specified in this EA. Due to existing holding space and budgetary limitations, the BLM would not be able to meet the necessary removal targets to achieve the low range of AML with this initial gather so the follow-up gathers are required to successfully achieve AML and fully implement the population control efforts. The Proposed Action includes the future removals and treatments/re-treatments of mares with PZP-22 to be conducted in the future to attain and maintain AML. Any future gather actions in the Wassuk HMA would be conducted utilizing the same methods described in this EA.

All wild horses identified as excess including any weaned foals, yearlings or orphaned foals and any wild horses residing outside the HMA boundaries will be removed and made available for adoption or sale to qualified individuals. Wild horse data including sex and age distribution, condition class information (using the Henneke rating system), color, size and other information may also be recorded. Hair samples may be collected on approximately 25-100 horses to assess the genetic diversity of the herd. Old, sick or lame horses unable to maintain an acceptable body condition greater than or equal to a Henneke Body Condition Score of 3 or with serious physical defects such as club feet, severe limb deformities, or sway back would be humanely euthanized as an act of mercy. Decisions to humanely euthanize animals in field situations will be made in conformance with BLM policy (Washington Office Instruction Memorandum 2009-041).

The Proposed Action is consistent with the Carson City Consolidated Resource Management

Plan (CRMP), facilitates the AML management objectives, and will contribute towards maintaining a thriving natural ecological balance and multiple use relationship consistent with other resource needs as required by the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA as amended). The Proposed Action decision is a site-specific action located on public lands administered by the BLM Carson City District's SFO. The gather has been planned with input from the Nevada Department of Wildlife, interested public, and users of public lands.

The potential environmental impacts from the Proposed Action, No Action and other Alternatives were evaluated in EA# DOI-BLM-NV-C010-2012-0061-EA. Based on the analysis of potential environmental impacts detailed in the EA, it was determined that the impacts associated with the Proposed Action were not significant. This is documented in the attached Finding of No Significant Impact (FONSI).

### **DECISION**

Based on the analysis in the Wassuk HMA Wild Horse Gather Plan EA# DOI-BLM-NV-C010-2012-0061-EA, it is my decision to implement the Proposed Action for the Wassuk HMA wild horse gather, effective immediately pursuant to 43 CFR § 4770.3(c). All future gathers over the life of the Proposed Action (10 years) will be conducted in a consistent manner as that described in Chapter 2 of the EA #DOI-BLM-NV-C010-2012-0061-EA. The current populations of wild horses within the HMA are in excess of the numbers that the range can sustain, as evidenced by the movement of wild horses to areas outside the HMAs and by documented excessive forage use by wild horses.

The Proposed Action will help to reduce population numbers to achieve and maintain the established AML within the Wassuk HMA while ensuring the continued sustainability of the herd, consistent with the requirements of the WFRHBA. I have concluded that gathering approximately 500 wild horses, removing approximately 250 excess wild horses, treating an estimated 100 mares (wild horses) with a fertility control vaccine, adjusting the sex ratio to favor males and releasing 250 wild horses back into the Wassuk HMA is necessary to reduce the population growth rate and preserve a thriving and natural ecological balance and multiple-use relationship within the Wassuk HMA as specified in the CRMP and as directed by the 1971 WFRHBA, as amended. All reasonable precautions will be taken to avoid injury to the horses and to ensure the safety of personnel involved in gather operations and the observing general public.

### **AUTHORITY**

The Proposed Action is in conformance with the Federal Land Policy and Management Act (FLPMA) of 1976, the CRMP adopted in 2001 and with current BLM policies, plans and programs. The Proposed Action is consistent in relationship to statutes, regulations and policies of neighboring local, County, State, Tribal governments and other Federal agencies.

The Proposed Action is in conformance with the 1971 WFRHBA as amended and the applicable implementing regulations at 43 CFR §4700, §4700.0-6 Policy, 43 CFR §4710.3-1-Herd Management Areas, 43 CFR §4710.4-Constraints on Management, 43 CFR §4720.1 - Removal of excess animals from public lands, 43 CFR §4740.1-Use of Motor Vehicles or Aircraft, and 43 CFR §4700.0-6. Wild horses shall be managed as self-sustaining populations of healthy animals

in balance with other uses and productive capacity of their habitat, 43 CFR 4770.3(c) - Decisions to remove wild horses or burros from public lands shall be effective upon issuance or on a date established in the decision in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship.

## **PUBLIC INVOLVMENT**

Comments were accepted on the Wassuk Herd Management Area Wild Horse Gather Plan EA# DOI-BLM-NV-C010-2012-0061-EA, for a 30 day period from July 25, 2012 through August 25, 2012; although comments received in a timely manner after this date were also considered.

Letters to 33 individuals, organizations and agencies were mailed on July 25, 2012. Emails were also sent that day to 26 individuals, organizations and agencies. Notification of the availability of the EA to 55 other State and federal offices was made through the Nevada State Clearinghouse on July 27, 2012. The Carson City District published a news release on July 25, 2012 that was sent to media outlets listed on the Nevada BLM State Office media list. Additionally, the EA was made available by hard copy at the SFO, and on the website at: [http://www.blm.gov/nv/st/en/fo/carson\\_city\\_field/blm\\_information/nepa.html](http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html) during the comment period.

The Yerington Paiute Tribe and the Walker River Paiute Tribe were notified of the proposed gather with a letter sent on June 20, 2012. The letter included a description of the proposed project, a map of the project location, and an invitation for comments or feedback regarding the project. No formal response detailing any concerns has been brought forward by the Tribes to date, but consultation is ongoing.

Comment letters were received from 34 individuals, State agencies, and non-governmental organizations by email, fax or mail. Commenting organizations included, In Defense of Animals, the Cloud Foundation, Protect Mustangs, and the American Wild Horse Preservation Campaign. State agencies that commented include the State Land Use Planning Agency, the State Historic Preservation Office, and the NDOW.

There were 12 form letters received via email. While there were minor variations, the content in all the form letters was essentially the same. All individuals who submitted form letters were opposed to the gather. Comment letters received from the Nevada State Land Use Planning Agency, the NDOW, and the Nevada State Historic Preservation Office expressed overall support for the gather and reducing the number of wild horses to within AML.

All comments were reviewed, considered and responded to and a summary of the public comments and BLM responses are noted in Appendix G of the Final EA. Several minor changes and clarifications were made to the content of the Final EA.

## **RATIONALE**

Upon analyzing the impacts of the Proposed Action and following issuance of the EA for public review, I have determined that implementing the Proposed Action will not have a significant

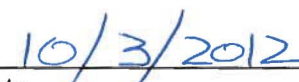
impact to the human environment and that an Environmental Impact Statement (EIS) is not required. Refer to the attached FONSI.

The initial gather as well as future gathers are necessary to maintain the established Wassuk AML range and to facilitate fertility control measures. The BLM is required to manage multiple uses in a manner that avoids degradation of the rangelands, maintain a thriving natural ecological balance between wild horses, wildlife livestock and resolve public health and safety concerns. The Proposed Action will achieve the Wild Horse management objectives identified in the CRMP.

**APPROVAL**

The Wassuk Wild Horse Gather is approved for implementation immediately, the initial helicopter gather is approved to begin on or about November 2012 and take approximately fifteen (15) days to complete. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3 9c) because managing wild horses and burros within the AML by promptly removing the excess wild horses and burros is necessary to protect animal health and prevent deterioration of rangeland resources.

  
Teresa J. Knutson, Manager  
Stillwater Field Office  
Carson City District Office

  
Date

## **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:

Teresa J. Knutson, Stillwater Field Manager  
BLM, Carson City District Office  
5665 Morgan Mill Road  
Carson City, NY 89701

Your appeal must be filed within thirty (30) days from receipt or issuance 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.

U.S. Department of the Interior  
Office of the Regional Solicitor  
Pacific Southwest Region  
2800 Cottage Way, Room E-1712  
Sacramento, CA 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.