

**Decision for the Humboldt River Field Office
Blue Wing Complex Gather Plan
DOI-BLM-NV-W010-2015-0034-EA**

INTRODUCTION

The Blue Wing Complex is located 50 miles southwest of Winnemucca, primarily in the western half of Pershing County, Nevada. Portions of the Complex area extend into Humboldt, Churchill, and Washoe Counties. The gather area spans a distance of approximately 106 miles long and 55 miles wide. The Blue Wing Complex totals approximately 2,283,300 acres in size, with roughly 50% of the land identified as checkerboard land.

The gather area encompasses five Herd Management Areas (HMAs), four Herd Areas (HAs), and non-HMA areas where wild horses and burros (WH&Bs) migrate back and forth. The HMAs consist of: Kamma Mountains, Seven Troughs Range, Lava Beds, Blue Wing Mountains, and Shawave.

The HAs within the gather area comprise: Antelope Range, Selenite Range, Trinity Range, and Truckee Range. HAs are not managed for WH&B populations; however animals that migrate from HMAs were last removed in 1999. BLM staff has recorded WH&Bs in the Truckee, Trinity, Selenite and Antelope HAs during aerial censuses and on-the-ground monitoring.

Based on the December 2014 aerial census, the USGS data analysis, plus the 2015, 2016 and 2017 foal crops; the Blue Wing Complex has approximately 3,340 WH&Bs.

DECISION

Based on the Blue Wing Complex Gather Plan Final Environmental Assessment (EA), DOI-BLM-NV-W010-2015-0034-EA, and associated Finding of No Significant Impact (FONSI), it is my decision to select the multiple gathers and removals with fertility control (Native PZP, GonaCon, or most effective formulation) tools from Alternative B for the Blue Wing Complex Gather as described in the EA. Spaying and gelding tools from Alternative B were not selected to be implemented at this time.

This Decision constitutes my final decision to implement multiple gathers and removals with fertility control within Alternative B to achieve and maintain AML.

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 B is approved to begin once funding and holding space becomes available.

RATIONALE

Removal of excess wild horses 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 B would be implemented immediately upon funding and holding space availability. Spaying and gelding components of Alternative B were not selected based on public responses received during the Preliminary EA comment period.

The tools selected will also:

- Reduce the likelihood of collisions between vehicles and wild horses/burros;
- 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 Blue Wing Complex;
- Decrease resource competition for space, forage and water among wildlife and livestock;
- Although impacts would still occur through livestock grazing, 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 year-round grazing pressures caused by excess wild horse/burro numbers;
- Remove excess wild horses/burros from public lands as required under the WFRHBA; and
- Preserve the health and well-being 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 December 2014 aerial census, the USGS data analysis, plus the 2015, 2016, and 2017 foal crops; the Blue Wing Complex has approximately 3,340 WH&Bs.
- Water is a limited resource within the Blue Wing Complex. There are several small springs and seeps in the Blue Wing Complex 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:

BLM seeks to bring the WH&B population in that landscape down to low AML.

Given the previous drought conditions, reducing wild horse and burro populations to AML from the gather area would reduce impacts to the range and riparian resources. Due to the excess numbers of WH&Bs, 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 Blue Wing Complex.

I selected implementation of the multiple gathers and removals with fertility control tools from Alternative B over the other Alternatives for the following reason:

Selected tools would achieve and maintain the established AML within the Blue Wing Complex consistent with the LUP and management objectives for these public lands.

I selected implementation of the selected tools from Alternative B 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 WH&Bs would remain on public and private lands within the Blue Wing 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 other action alternatives, and to assess the effects of not implementing management actions.

I have determined that the tools selected for implementation within Alternative B of the Blue Wing Complex Gather Plan EA are in conformance with:

All applicable regulations at 43 CFR (Code of Federal Regulations) §4700 and policies, including 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 and Associated Wilderness, and other Contiguous Lands in Nevada Resource Management Plan, July 2004
- Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment, (GRSG Plan Amendment), September 2015

The Blue Wing 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 Blue Wing Complex 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, Pershing County, livestock operators and others, underscores the need for BLM to implement management actions.

Issues identified in the EA at Chapter 1.4 were identified during internal scoping in March 2016.

Water or bait trapping can be used when trying to gather WH&Bs. Water/bait trapping activities would be scheduled in locations and during time periods 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 Blue Wing 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 Blue Wing Complex Gather Plan EA #DOI-BLM-NV-W010-2015-0034-EA was made available to interested individuals, agencies and groups for a public review and comment period that opened on January 10, 2017, and closed February 10, 2017. 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 over 5,000 comment submissions during the public comment period; more than 4,900 of those submissions were form letters. Form letters are generated from a singular website from a non-governmental organization. Comments identified on the form letters were considered along with the rest of the comments received, but as one collective comment letter. Form letters are not counted as separate comments for purposes of review due to their duplicative nature. 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 (See Appendix J attached) indicated that no substantive changes to the conclusions presented in the preliminary EA were warranted. Substantive comments incorporated lead 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 analysis of Alternatives A and B to include side effects of spaying and gelding
- Corrected grammatical errors
- Table numbers were updated as necessary
- Population data was updated to include recent results
- Information has been clarified throughout the EA as needed
- Replaced SOP Appendix with the CAWP

Revisions made in finalizing the EA did not result in changes to the conclusions presented.

Native American Consultation

Table 1 below outlines the consultation activities which were conducted in conjunction with this project.

Table 1. Native American Consultation

Tribe	Date initial consultation letter was Mailed	Date Preliminary EA was Mailed	Date of Consultation Meeting
Pyramid Lake Paiute Tribe	May 8, 2015	January 19, 2017	None Requested
Lovelock Paiute Tribe	May 8, 2015	January 19, 2017	None Requested
Fallon Paiute and Shoshone Tribe	May 8, 2015	January 19, 2017	None Requested
Winnemucca Indian Colony	May 8, 2015	January 19, 2017	None Requested
Reno-Sparks Indian Colony	June 5, 2015	January 19, 2017	None Requested

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 §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; and
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\ David Kampwerth
David Kampwerth
Field Manager
Humboldt River Field Office

10/23/17
Date