



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Ely District Office
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Ely, Nevada 89301-9408
http://www.blm.gov/nv/st/en/fo/ely_field_office.html

APR 27 2018

In Reply Refer To:
4720/4710.4 (NVL03000)

DECISION RECORD

Bureau of Land Management	:	Decision Record
Caliente Field Office	:	DOI-BLM-NV-L030-2017-0031-EA
P.O. Box 237 (1400 South Front St.)	:	
Caliente, NV 89008	:	

INTRODUCTION

The Bureau of Land Management (BLM) Caliente Field Office (CFO), Ely District has determined that wild horses are present within and outside the boundaries of the Caliente Herd Area (HA) Complex and that removal of these wild horses is necessary to achieve a thriving natural ecological balance. Under the 2008 Ely District RMP, no wild horses are to be managed within the Caliente HA Complex. The Caliente HA Complex is located in northern Lincoln County, Nevada with an approximate 40 air mile radius around Caliente. The Complex is approximately 911,892 acres in size and is made up of nine HAs: the Meadow Valley Mountain; Blue Nose Peak; Delamar Mountains; Clover Mountains; Clover Creek; Appelwhite; Little Mountain; Miller Flat; and Mormon Mountains HAs. The current estimated wild horse population, without the 2018 foal crop, is 1,744 wild horses.

BLM has prepared an environmental assessment (EA) which analyzes the potential environmental impacts associated with the proposal to implement a wild horse gather plan over a 10-year period and remove all wild horses from the Caliente HA Complex. 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).

DECISION

It is my decision to implement the Proposed Action as described in the Final Environmental Assessment for the Caliente HA Complex (DOI-BLM-NV-L030-2017-0031-EA).

The BLM CFO proposes to capture as many of the current population of wild horses (about 1,744 without the 2018 foal crop) as possible, including any horses outside the complex boundaries in an initial gather, and to return periodically over the next 10 years to gather any remaining uncaptured excess wild horse until land-use plan management objectives to manage for zero (0) wild horses within the Complex is achieved. All of the animals gathered would be removed and transported to BLM holding facilities where they would be prepared for final

disposition, such as adoption and/or sale to qualified individuals or maintenance in off-range holding pastures. Due to the rugged terrain, access, and historic gather efficiencies for the area it is estimated that no more than 75-85% or 1302-1476 excess wild horses of the population may be able to be gathered during the initial gather and additional gathers may be necessary over the next 10 years before management objectives are achieved. Horses could be captured using bait and water trapping or by a helicopter gather.

Areas where horses are adjacent to Highways 319 and 93 would be a gather priority in the initial gather to reduce the vehicular accidents in these areas. Private lands with wild horses would also be a priority during the initial gather.

RATIONALE

Upon analyzing the impacts of the Proposed Action 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 is not required as set forth in the attached Finding of No Significant Impact.

The gather is necessary to remove excess wild horses from the Caliente HA Complex, which is managed for zero wild horses, in order to maintain a thriving natural ecological balance between wildlife, livestock, vegetation and the available water as required under Section 3(b)(2) of the 1971 WFRHBA 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 the immediate 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 Caliente HA Complex. The gather plan is also necessary to protect wild horse health, reduce and mitigate public safety concerns caused by wild horses residing along major roadways within and outside HA boundaries, decrease nuisance animal complaints on private lands, and address management issues caused by wild horses that reside outside HA boundaries.

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 put wild horse health at risk due to the absence of suitable habitat and would allow for continued deterioration of rangeland resources, including vegetative, soil and riparian resources, with potentially irreversible loss of native vegetative communities. Wild horses would continue to relocate in increasing numbers to areas outside the Caliente HA Complex boundaries due to the limited water and forage available in the Complex, adversely impacting the public land resources outside the Complex and posing public safety concerns along Highways 93 and 319. The No Action Alternative also increases the likelihood of emergency conditions arising that require an emergency gather to prevent the suffering or death of individual animals due to insufficient forage or water.

PUBLIC INVOLVEMENT

A preliminary environmental assessment was made available to the interested public for a 30-day public review and comment period that opened on Dec 5, 2017 and closed on January 5, 2018. Comments were received from 51 individuals and 5 agencies. Appendix VII of the final environmental assessment provides a detailed summary of the comments received and BLM's response and consideration of comments in preparing the final environmental assessment. The Final Environmental Assessment / Gather Plan for Caliente Herd Area Complex is available on the National NEPA Registrar web page at <https://go.usa.gov/xn5cZ> or by contacting the Ely District Office.

AUTHORITY

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4 (see attachment). The authority for this Decision is contained in Section 1333(a) of the 1971 Free-Roaming Wild Horses and Burros Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3 (c) because removal of excess wild horses is necessary to protect animal health and prevent further deterioration of rangeland resources.

§4700.0-6 Policy

- (a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
- (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;
- (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

§4710.4 Constraints on Management

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

§4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately ...

§4740.1 Use of Motor Vehicles or Air-Craft

(a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses or burros for capture or destruction. All such use shall be conducted in a humane manner.

(b) Before using helicopters or motor vehicles in the management of wild horses or burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

§4770.3 Administrative Remedies

(a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR part 4.

(c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands 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 shall be effective upon issuance or on a date established in the decision.



Christopher Carlton
Field Manager
Caliente Field Office

4-27-18

Date

Attachment
Caliente Herd Area Complex Wild Horse Gather
Environmental Assessment (EA)
Caliente Field Office
DOI-BLM-NV-L030-2017-0031-EA
Appeal Procedures

Appeal Procedures

If you wish to appeal this decision, your appeal must be filed with the Bureau of Land Management at the following address:

Christopher Carlton, Caliente Field Manager
BLM, Caliente Field Office
P.O. Box 237
Caliente, NV 89008

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.

Pursuant to regulations at 43 CFR 4.21, if you wish to file a petition 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.

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 emailed appeals will not be accepted.