



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130-2301
<http://www.nv.blm.gov>



In Reply Refer To:
4700 (NV052)

Dear Interested Public:

Enclosed are copies of two Findings of No Significant Impact and Decision Records (FONSI/DR) for the Final Environmental Assessment (EA) for the Nevada Wild Horse Range Herd Management Area Plan (EA NV052-2008-223). The first FONSI/DR approves the reconstruction of the six existing water developments beginning in about August 2008 and maintenance of the reconstructed developments annually, or as needed, thereafter.

The second FONSI/DR establishes management and monitoring objectives and approves implementation of the Herd Management Area Plan (HMAP) for the Nevada Wild Horse Range Herd Management Area (NWHR HMA). The approved HMAP will guide management of the herd and their habitat over the life of the plan. The selected management actions are described in detail in Alternative 2 (Proposed Action) in the enclosed EA.

Several changes were made to the Preliminary Environmental Assessment as a result of public comments. A copy of the Final EA is enclosed and also posted at www.nv.blm.gov/vegas.

These decisions are subject to administrative review in accordance with 43 CFR Part 4. Should you wish to appeal these decisions please refer to the two enclosed Decision Records/Findings of No Significant Impact and Form 1842-1, for procedures relative to filing an appeal and/or petition for stay.

Background Information

The Bureau of Land Management (BLM) Las Vegas Field Office (LVFO) is proposing to implement a Herd Management Area Plan for the Nevada Wild Horse Range Herd Management Area (NWHR HMA) that would incorporate a number of population control methods. BLM is also proposing to reconstruct the six existing water developments and maintain them annually thereafter, or as needed. Under this strategy, wild horses would be managed within the established appropriate management level (AML) range of 300-500 animals. The HMAP establishes short and long-term management and monitoring objectives for the NWHR HMA. These objectives would guide management of the NWHR HMA wild horses and their habitat over the life of the plan.

Summary of Public Involvement

A scoping letter was sent to 74 interested individuals, groups, and agencies on June 13, 2007 as part of the preliminary gather planning for the proposed December 2007 removal of excess wild horses from the NWHR HMA; comments were received from 12 individuals, groups, and agencies during the 30-day comment period. The preliminary gather plan environmental

assessment was sent to 19 interested individuals, groups, and agencies on September 17, 2007 for a 30-day review and comment period; comments were received from 12 individuals, groups and agencies. Many of the comments expressed concern about the long-term management strategy for the NWHR HMA, including; water development maintenance/reconstruction, development of additional water, the genetic diversity of the herd, and the long-term strategy for population management. These comments/concerns are summarized in Appendix J and were incorporated in the preparation of the preliminary environmental assessment and the Proposed HMAP. Additionally, the proposed HMAP was discussed extensively with the Nevada Department of Wildlife (NDOW), the Air Force, and the Nevada Commission for the Preservation of Wild Horses.

The Preliminary Environmental Assessment for the Nevada Wild Horse Range Herd Management Area Plan (EA NV052-2008-223) was sent on April 30, 2008 to 26 interested individuals, groups and agencies for a 30-day review and comment period; comments were received from 7 individuals, groups, and agencies. These comments, concerns, and BLM's responses are summarized in the Final EA, Appendix K, and were carefully considered in the preparation of the final environmental assessment.

Additional Information

For additional information, please refer to the enclosed Questions and Answers, the Final Environmental Assessment, the Finding of No Significant Impacts and Decision Record for the HMAP, the Finding of No Significant Impacts and Decision Record for the Water Developments, and the Approved NWHR HMAP. If you have additional questions please call Jerrie Bertola, Wild Horse and Burro Specialist at (702) 515-5024.

Sincerely,

Mary Jo Rugwell
Field Manager

Enclosures (6)

Questions and Answers
Final EA
FONSI/DR HMAP
FONSI/DR Water Developments
Form 1842-1
Approved HMAP



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In Reply Refer To:
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NEVADA WILD HORSE RANGE HERD MANAGEMENT AREA PLAN ENVIRONMENTAL ASSESSMENT EA # NV-052-2008-223

FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND DECISION RECORD (DR) Water Developments Reconstruction

The Bureau of Land Management (BLM) Las Vegas Field Office (LVFO) proposes to implement reconstruction of six existing water developments within the Nevada Wild Horse Range Herd Management Area (NWHR HMA). Once reconstructed, the water developments would be maintained and monitored for the next 10-20 years.

The NWHR HMA is located in the north-central portion of the Nevada Test & Training Range (NTTR) this land is withdrawn for use by the Air Force. The NWHR HMA comprises 1.3 million acres of public land within Nye County, Nevada.

BLM has prepared an environmental assessment (EA) to analyze the environmental impacts associated with the reconstruction of the existing water developments. The Proposed Action analyzed in the EA would implement reconstruction of the six existing water developments over the next 1-5 years. The water developments are old and cannot be easily maintained or repaired; as a result they have been unable to provide reliable water for use by the wild horses within the, NWHR HMA. Reconstruction of existing water developments and installation of water storage tanks is expected to eliminate the need for emergency water hauling for a prolonged period of time, as has occurred since 2005, and allow the spring sources to retain water at the source and not overflow at the troughs leading to evaporation loss. This reconstruction is expected to assure that adequate water will be available over the next 10-20 years to support the established AML range of 300-500 wild horses while still providing water for wildlife and enhancing the associated spring and riparian area.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts in the EA for the Nevada Wild Horse Range HMAP (EA-NV-052-2008-223), I have determined that the Proposed Action will not have a significant effect on the human environment. Therefore, the preparation of an environmental impact statement is not required for compliance with the National Environmental Policy Act of 1969.

Reasons for this finding are based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and intensity of impacts.

Context: The affected region is limited to the NWHR HMA. The reconstruction of existing water developments has been planned with input from interested parties.

Intensity: There is no evidence that the severity of impacts is significant:

1. The action is expected to meet BLM's objective for wild horse management of maintaining a thriving natural ecological balance and multiple use relationship consistent with other resource needs.
2. The proposed action has no effect on public health or safety.
3. The proposed action has no potential to affect unique characteristics such as historic or cultural resources. No adverse impacts to the NWHR HMA or the springs are anticipated. There are no wild and scenic rivers, or ecologically critical areas present in the areas.
4. The effects of the proposed action on the quality of the human environment are not considered to be highly controversial, and effects of the reconstruction of the water developments are well known and understood.
5. Possible effects on the human environment are not highly uncertain, and do not involve unique or unknown risks.
6. The action is compatible with future consideration of actions required to improve wild horse management in conjunction with meeting objectives for wildlife habitat and the military's operations mission within the HMA.
7. The proposed action is not related to other actions with individually insignificant, but cumulatively significant impacts.
8. The proposed action has no potential to adversely affect properties listed or eligible for listing in the National Register of Historic Places, and would not cause loss or destruction of significant scientific, cultural, or historical resources.
9. The proposed action would have no effect on any other threatened or endangered species or habitat determined to be critical under the Endangered Species Act.
10. The proposed action does not threaten to violate any Federal, State, or local law or requirements imposed for the protection of the environment.

DECISION

It is my decision to implement reconstruction of existing water developments as described in the Proposed Action in the Final Environmental Assessment for the Nevada Wild Horse Range Herd Management Area Plan (EA NV052-2008-223). A copy of the Final EA is enclosed.

Based on my decision BLM will reconstruct spring boxes at Cactus Springs and Cedar Well, install cement water troughs (Cactus Springs, Cedar Well, Silverbow, Rose, Corral and Tunnel Spring), and add water storage at these locations over the next five years. Once reconstructed, the developments would be maintained to the original construction standard on an annual basis or as needed.

RATIONALE

The selected management alternative (the Proposed Action) will implement reconstruction of the existing water developments in order to provide a stable and reliable source of water for wild horses and wildlife within the NWHR HMA. By reconstructing the existing water developments, the need for supplemental water hauling for extended periods of time will be avoided. Reconstruction of the existing water developments is needed in order to meet the objectives for the NWHR HMA wild horses and their habitat consistent with 43 CFR 4710.4. Other alternatives analyzed in detail, but not selected, in the environmental analysis include:

- Alternative 1: No Action** – Continue Existing Management.
- Alternative 3:** Implement a management strategy that would include the development of new and reconstruction of existing water developments.
- Alternative 4:** Implement a management strategy that would allow for the maintenance of existing water developments only.

While the No Action Alternative meets the Purpose and Need in part, it would result in the need to continue to supplement water to wild horses on a long-term and continuing basis or to potentially eliminate wild horse use within the Nation's first wild horse range. Alternative 3 would also reconstruct the existing water developments, but also proposes the development of 3-4 new water sources (wells). Implementation of Alternative 3 would require acquisition of the necessary water rights and the funding needed to develop additional water. However, this alternative would also result in an intensive level of monitoring which is probably not feasible given current and expected future funding and the military's operations mission. Alternative 4 is similar to Alternative 1 and would also reconstruct existing water developments and maintain them annually thereafter, or as needed.

PUBLIC INVOLVEMENT

During preliminary gather planning for the proposed December 2007 removal of excess wild horses from the NWHR HMA, a scoping letter was sent to 74 interested individuals, groups, and agencies on June 13, 2007; comments were received from 12 individuals, groups and agencies during the 30-day comment period. The preliminary gather plan environmental assessment was sent to 19 interested individuals, groups and agencies on September 17, 2007 for a 30-day review and comment period; comments were received from 12 individuals, groups and agencies. Many of the comments received expressed concern about the long-term management strategy for the

NWHR HMA, including water development maintenance/reconstruction, development of additional water, the genetic diversity of the herd, and the long-term strategy for population management. These comments/concerns are summarized in Appendix J and were incorporated in the preparation of the preliminary environmental assessment and the Proposed HMAP. Additionally, the proposed HMAP was discussed extensively with the Nevada Department of Wildlife (NDOW), the Air Force, and the Nevada Commission for the Preservation of Wild Horses.

The Preliminary Environmental Assessment for the Nevada Wild Horse Range Herd Management Area Plan (EA NV052-2008-223) was sent on April 30, 2008 to 26 interested individuals, groups and agencies for a 30-day review and comment period; comments were received from 7 individuals, groups, and agencies. These comments and concerns are summarized in the Final EA, Appendix K, and were carefully considered in the preparation of the final environmental assessment. Please refer to Appendix K for a summary of the comments, concerns and BLM's responses.

APPROVAL

Reconstruction of the existing water developments is approved for implementation 30 days from the date of my signature below. This decision is issued in accordance with Title 43 of the Code of Federal Regulations (CFR) Part 4. It may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4, Subpart B (Attachment 1 and enclosed Form 1842-1).

Mary Jo Rugwell
Field Manager

DATE

Attachment 1.
ADMINISTRATIVE REVIEW PROCEDURES
(Appeal of Authorized Officer's Decision)

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt 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 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a 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 appellants' success on 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.

If you appeal this decision, please give this office a copy of your Statement of Reasons.

Mary Jo Rugwell
Field Manager

(1) Enclosure:
Form 1842-1



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NEVADA WILD HORSE RANGE HERD MANAGEMENT AREA PLAN ENVIRONMENTAL ASSESSMENT EA # NV-052-2008-223

FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND DECISION RECORD (DR) Herd Management Area Plan

The Bureau of Land Management (BLM) Las Vegas Field Office (LVFO) proposes to implement a Herd Management Area Plan (HMAP) for the Nevada Wild Horse Range Herd Management Area (NWHR HMA). The approved HMAP will establish short and long-term management and monitoring objectives and guides management of the herd and their habitat over the life of the plan.

The NWHR HMA is located in the north-central portion of the Nevada Test & Training Range (NTTR) this land is withdrawn for use by the Air Force. The NWHR HMA comprises 1.3 million acres of public land within Nye County, Nevada.

BLM has prepared an environmental assessment (EA) to analyze the environmental impacts associated with the proposed management of the NWHR wild horses. The Proposed Action would implement a population management strategy for the NWHR HMA in which wild horses would be managed within the established AML range of 300-500 animals.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts in the EA for the Nevada Wild Horse Range HMAP (EA-NV-052-2008-223), I have determined that the Proposed Action will not have a significant effect on the human environment. Therefore, the preparation of an environmental impact statement is not required for compliance with the National Environmental Policy Act of 1969.

Reasons for this finding are based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and intensity of impacts.

Context: The affected region is limited to the NWHR HMA. The HMAP has been planned with input from interested parties.

Intensity: There is no evidence that the severity of impacts is significant:

1. The action is expected to meet BLM's objective for wild horse management of maintaining a thriving natural ecological balance and multiple use relationship consistent with other resource needs.
2. The proposed action has no effect on public health or safety.
3. The proposed action has no potential to affect unique characteristics such as historic or cultural resources. No adverse impacts to the NWHR HMA are anticipated. There are no wild and scenic rivers, or ecologically critical areas present in the areas.
4. The effects of the proposed action on the quality of the human environment are not considered to be highly controversial, and effects of the gather are well known and understood.
5. Possible effects on the human environment are not highly uncertain, and do not involve unique or unknown risks.
6. The action is compatible with future consideration of actions required to improve wild horse management in conjunction with meeting objectives for wildlife habitat and the military's operations mission within the herd management area.
7. The proposed action is not related to other actions with individually insignificant, but cumulatively significant impacts.
8. The proposed action has no potential to adversely affect properties listed or eligible for listing in the National Register of Historic Places, and would not cause loss or destruction of significant scientific, cultural, or historical resources.
9. The proposed action would have no effect on any other threatened or endangered species or habitat determined to be critical under the Endangered Species Act.
10. The proposed action does not threaten to violate any Federal, State, or local laws or requirements imposed for the protection of the environment.

DECISION

It is my decision to implement the Proposed Action described in the Final Environmental Assessment for the Nevada Wild Horse Range Herd Management Area Plan (EA# NV-052-2008-223). A copy of the approved HMAP is attached and includes;

- The selected management strategy would incorporate a number of population control methods, together with maintenance and/or reconstruction of existing water developments. Under this strategy, wild horses would be managed within the established AML range of 300-500 animals over the life of the plan.
- Approximately 240-400 animals would be managed as a breeding population.

- The balance of the herd (60-100 animals) would be managed as a non-breeding population of geldings (as modified below).
- During future gathers, the sex ratio of the population would be adjusted slightly in favor of males as compared to females (60/40 male/female sex ratio).
- Excess animals would be removed to the low-range of the AML upon determination that excess animals are present.
- Immunocontraceptive research would be conducted in accordance with the approved standard operating and post-treatment monitoring procedures. Breeding age mares selected for release back to the range would be treated with Porcine Zona Pellucida (PZP) vaccine, which would slow reproduction of the treated mares for one to three breeding seasons.
- Existing water developments would be reconstructed over the next 1-5 year period and maintained annually to the construction standard, or as needed.
- AML would be adjusted, as needed, following an in-depth analysis of resource conditions including actual use, utilization, available forage and water, range condition and trend, precipitation and military's operations mission.

It is also my decision to modify the portion of the selected management alternative with respect to the proposed pilot project which would manage a portion of the population as a non-breeding population of geldings. It is my decision to modify this portion of the selected alternative as follows:

- During the next regularly scheduled gather (tentatively planned for 2012), gelding would be limited to 30-35 stallions (which would be gelded in accordance with management and monitoring requirements outlined in the selected alternatives as a non-breeding population);
- Pending monitoring results for the initial pilot study, another 30-65 stallions could be gelded during subsequent regularly scheduled gathers, for a total non-breeding population of 60-100 geldings.

RATIONALE

The selected management alternative (the Proposed Action, as modified) will implement a Herd Management Area Plan (HMAP) consistent with the authority provided in 43 CFR 4700 and the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA). The HMAP is needed to manage wild horses within the NWHR HMA to maintain the herd as a self-sustaining population of healthy animals in balance with other uses and the productive capacity of their habitat and attain objectives of the NTTR RMP. Other alternatives analyzed in detail, but not selected, in the environmental analysis include:

- Alternative 1: No Action** – Continue Existing Management.
- Alternative 3:** Implement a management strategy which would include some population control methods, together with the development of new and reconstruction of existing water developments.
- Alternative 4:** Implement a management strategy which would include only two primary methods of population control and maintenance of existing water developments only.

While the No Action Alternative meets the Purpose and Need in part, it would result in the need to gather and remove excess wild horses about every three years over the next 10-20 year period, resulting in greater disturbance to individual horses and the herd than with the Proposed Action (Alternative 2). Alternative 3 would result in impacts similar to Alternative 2, but would not slightly adjust the ratio of males/females during future gathers. This alternative would also result in gathers slightly more frequently than Alternative 2 and somewhat greater disturbance to individual wild horses and the herd over the long-term. Alternative 4 is similar to Alternative 2, with the exception that the lower limit of the AML would be adjusted from 300 animals currently to 210 wild horses; this alternative would allow the wild horse herd to grow at an expected rate of about 18% per year requiring more frequent gathers to remove wild horses in excess of the upper limit of 500 horses.

PUBLIC INVOLVEMENT

During preliminary gather planning for the proposed December 2007 removal of excess wild horses from the NWHR, a scoping letter was sent to 74 interested individuals, groups, and agencies on June 13, 2007; comments were received from 12 individuals, groups and agencies during the 30-day comment period. The preliminary gather plan environmental assessment was sent to 19 interested individuals, groups and agencies on September 17, 2007 for a 30-day review and comment period; comments were received from 12 individuals, groups and agencies. Many of the comments received expressed concern about the long-term management strategy for the NWHR HMA, including water development maintenance/reconstruction, development of additional water, the genetic diversity of the herd, and the long-term strategy for population management. These comments/concerns are summarized in Appendix J and were incorporated in the preparation of the preliminary environmental assessment and the Proposed HMAP. Additionally, the proposed HMAP was discussed extensively with the Nevada Department of Wildlife (NDOW), the Air Force, and the Nevada Commission for the Preservation of Wild Horses.

The Preliminary Environmental Assessment for the Nevada Wild Horse Range Herd Management Area Plan (EA NV052-2008-223) was sent on April 30, 2008 to 26 interested individuals, groups and agencies for a 30-day review and comment period; comments were received from 7 individuals, groups, and agencies. These comments, concerns, and BLM's responses are summarized in the Final EA, Appendix K, and were carefully considered in the preparation of the final environmental assessment.

APPROVAL

The Nevada Wild Horse Range Herd Management Area Plan is approved for implementation 30 days from the date of my signature below. This decision is issued in accordance with Title 43 of the Code of Federal Regulations (CFR) Part 4. It may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4, Subpart B (Attachment 1 and enclosed Form 1842-1).

Mary Jo Rugwell
Field Manager

DATE

Attachment 1.
ADMINISTRATIVE REVIEW PROCEDURES
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- (2) the likelihood of the appellants' success on 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.

If you appeal this decision, please give this office a copy of your Statement of Reasons.

Mary Jo Rugwell
Field Manager

(1) Enclosure:
Form 1842-1