

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

Twin Falls District  
Jarbidge Field Office  
2536 Kimberly Road  
Twin Falls, ID 83301

**DECISION RECORD**

**Saylor Creek Herd Management Area Wild Horse Release  
Environmental Assessment  
NEPA NO. DOI-BLM-ID-T010-2011-0001-EA**

**Decision:** I have decided to select Alternative 2 for implementation as described in the Saylor Creek Herd Management Area (HMA) Wild Horse Release Environmental Assessment (EA). Based on my review of the EA and project record, I have concluded that Alternative 2 was analyzed in sufficient detail to allow me to make an informed decision. This decision authorizes the release of up to 30 wild horses back into the Saylor Creek HMA to maintain population size within the appropriate management level (AML), preserve and maintain a thriving natural ecological balance, and promote a multiple use relationship in the area.

**Rationale:** Upon reviewing the impact analyses in Saylor Creek HMA Wild Horse Release EA, I have determined that implementing Alternative 2 will not have a significant impact to the human environment and that an Environmental Impact Statement (EIS) is not required. (Please refer to attached Finding of No Significant Impact.)

The release of up to 30 of the wild horses gathered following the 2010 wildfires will maintain the wild horse population on the Saylor Creek HMA within the established AML of 50 horses. This will alleviate the need for a gather within the next 4-5 years, and maintain a thriving natural ecological balance between wild horses, wildlife, livestock, vegetation and the available water as authorized under Section 1333(b)(2) of the Wild Free-Roaming Horse and Burro Act of 1971 and Section 302(b) of the Federal Land Policy and Management Act of 1976. All excess horses remaining in short-term holding and not selected for release back to the HMA will be made available for adoption, sale (with limitations), or be placed in long-term pastures as authorized under 43 Code of Federal Regulations (CFR) Section 4720.1(b) and 16 United States Code (USC) Section 1333(e).

The sex ratio of males to females will not be manipulated and horses selected will match the pre-gather ratio of 57% males and 43% females.

Due to the Saylor Creek horse herd's affinity to its Home Range, wild horses will be released into the Home Range within the West Pasture (Release Area) of the Twin Butte

Allotment. Following the 2005 wildfires and emergency gather, wild horses were released throughout the HMA which resulted in injuries when horses attempted to breach fences to return to the Twin Butte Allotment Home Range. Release into other areas of the HMA could result in horses breaching fences, possibly being injured, and gaining access to rangelands rehabilitated following the 2010 wildfires.

The wild horses will be released as soon as the burned areas have recovered sufficiently (as detailed in Chapter 2 of the EA) to help reduce the time spent in short-term holding and to preserve their health, along with wild and free-roaming behavior. Vegetation monitoring data will be collected and reviewed by the Interdisciplinary Team. Following review, the Interdisciplinary Team will forward a recommendation to me and I will make the final decision regarding the release of the wild horses.

My decision to release wild horses into the Saylor Creek HMA is in conformance with the 1987 Jarbidge Resource Management Plan (RMP). The RMP states that one HMA, Saylor Creek, will be managed under the approved plan at an AML of 50 horses (p. II-4).

**Other Alternatives Considered:** In addition to Alternative 2, I also considered two other alternatives in detail. I considered a No Action alternative that would not release any wild horses back into the HMA. I did not select the No Action alternative because it would not result in managing the Saylor Creek wild horse within the AML and because public comments overwhelming supported returning wild horses to the HMA. The other alternative I considered was Alternative 1, the proposed action. Alternative 1 included the application of PZP (*Porcine zona pellucida*) to all released breeding age females. When comparing the projected population growth rates and size for both Alternative 1 and Alternative 2 there was little expected difference between the two alternatives over the next 10 years. Even though the projected median growth rates between Alternatives 1 and 2 were 14.3% and 17.3%, respectively, the median population size was 32 to 70 wild horses for both alternatives over the next 10 years. The small difference in projected population growth rates, coupled with the increased cost of implementing Alternative 1 did not warrant its selection.

**Public Involvement:** On October 28, 2010, the BLM Jarbidge Field Office mailed a scoping packet detailing the purpose and need for action, preliminary issues, and potential alternatives for action. The scoping packet also invited public comments. Copies were delivered to the Shoshone-Paiute Tribes and 37 individuals, organizations, and Federal, State, and county agencies (see Chapter 4 of the EA). In addition, the scoping packet was made available on the internet on the Idaho BLM and Jarbidge Field Office homepages. More than 3,500 letters and emails were received from individuals, organizations, and agencies following the issuance of the scoping packet. The vast majority of the letters and emails were form letters. Each comment was reviewed and many comments were utilized during the preparation of the EA. Appendix B of the EA identifies public comments along with a response.

**Authority:** The authority for this decision is contained in Section 1333 of Wild Free-Roaming Horse and Burro Act of 1971, 43 CFR 4700, and 16 USC 1333(e).

My decision is in compliance with 43 CFR 4700.0-6(a), 43 CFR 4710.4, and 4710.4 because it manages for healthy populations of wild horses in balance with other uses. My decision also considers limiting the wild horses to the HMA by releasing horses only within their preferred home range. My decision allows excess wild horses to be made available for adoption or sale.

43 CFR 4700.0-6 states:

(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.

43 CFR 4710.4 states:

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

43 CFR 4720.1 states:

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 in the following order:

(a) Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title.

(b) Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title.

My decision also complies with 16 USC 1333(e) because it allows for sale (with limitations) of excess wild horses.

16 USC 1333(e) states

Sale of excess animals

(1) In general, Any excess animal or the remains of an excess animal shall be sold if

(a) the excess animal is more than 10 years of age; or

(b) the excess animal has been offered unsuccessfully for adoption at least 3 times.

**Appeals:** This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with Rick VanderVoet, Jarbidge Field Manager, Twin Falls District Office, 2536 Kimberly Road, Twin Falls, ID 83301. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR

4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Jarbidge Field Manager, Rick VanderVoet.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. If you wish to file a petition 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 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; and
- (4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise, ID 83706.

/s/ Rick VanderVoet  
Rick VanderVoet  
Jarbidge Field Manager

5/13/11  
Date

CC:  
See Attached List

**Attachment 1** (Addresses available upon request)

- Suzanne Roy, American Wild Horse Preservation Campaign
- Dr. Andrew Lang, ASPCA
- Robert Amidon
- Joe Bennett
- George Benson
- Bradley Brooks , The Wilderness Society
- J Capozzelli
- Jerry Caven, Half Moon LLC
- Committee For High Desert
- Connie Cunningham
- Jim Desmond, Owyhee Country Courthouse
- John Faulkner, Goodtime Association
- Katie Fite, Western Watersheds Project, Boise Office
- Idaho Wildlife Federation
- David Kinyon
- Joe Kinyon
- Barry Lehman
- Stanley Lehmann, Blue Butte Grazing Association
- Wilda Lehmann
- Sabrina Leonard, Friends of the Mustang
- Ellen McCoy
- Pryor Mnt Wild Mustang Center
- John Robison, Idaho Conservation League
- DJ Schubert, Animal Welfare Institute
- Sierra Club
- Rich Solosabal, Rocking S Ranch
- Allen Thompson
- Christine Van Boening
- Western Watersheds Project, Main Office
- Nell Walton, All Horses Post
- Ann Wilson, Hammett Livestock Company
- Afton Patrick
- Charles Howell
- Debbie Dane
- Denise Alexander
- Gerald Orthel
- Hank Mayland
- Jeffrey Williams
- Kelly Crane
- Mel Quale
- Mike Henslee
- Peggy Stanely
- Samantha Anderson
- Scott Boettger
- Yvette Tuell, Shoshone-Bannock Tribes
- Angelina Binder, US Air Force
- Barb Chaney, US Fish & Wildlife
- Jerome Hansen, Idaho Department of Fish & Game
- Ron Kay, Idaho Department of Agriculture
- Tim Dufner, Idaho Department of Lands