

United States Department of Interior
Bureau of Land Management, Boise District
Four-Mile and Sands Basin Herd Management Areas (HMAs)
Wild Horse Gather
EA # ID-130-2009-EA-3686
Decision Record

Proposed Action: The proposed action is to gather approximately 234 wild horses within the Four- Mile and Sands Basin Herd Management Areas (HMA) and remove approximately 206 excess wild horses between approximately October 6, 2009 and October 13, 2009.

Decision: It is my decision to authorize the wild horse gather as described in Alternative 2 (Proposed Action) of Environmental Assessment #ID-130-2009-EA-3686. This decision authorizes the gathering of approximately 234 wild horses and removal of approximately 206 excess wild horses in order to reach the lower range of the AML, and preserve and maintain a thriving natural ecological balance and multiple use relationship in the area. Fertility control would be administered to horses (mares) released back into the HMAs.

Rationale for Decision: The purpose of the action is to remove excess horses, determine herd health, and maintain wild horse populations within AMLs in order to achieve a thriving natural ecological balance and multiple use relationship.

Removal of the excess wild horses is needed to protect the range from deterioration associated with the current overpopulation of wild horses. The removal of wild horses is authorized under Section 3(b) (2) of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA). The Bureau's determination of excess wild horses is based on monitoring of wild horse vegetation use and population levels. This data indicates current wild horse population levels are exceeding the two HMA's capacity to sustain wild horse use over the long-term. Resource damage is occurring and is likely to continue to occur without immediate action. By removing excess wild horses, a thriving natural ecological balance between wild horse populations, wildlife, vegetation, and available water would be achieved. As part of the Proposed Action, the application of fertility control to mares released post-gather would slow the annual growth rate following the gather, allowing vegetation resources time to recover.

Without removal of excess horses in both HMAs, heavy use would degrade plant vigor and the habitat condition would be on a strong downward trend. Potential for weed invasion would increase, reducing habitat quality for wildlife.

Uncontrolled increase of the horse herds in Sands Basin HMA would cause degradation of riparian habitats through trampling and grazing of herbaceous and shrub species, reducing habitat and habitat quality for riparian wildlife.

The removal numbers proposed for these HMAs are based on data collected during census flights in July 2009. Results of these flights showed 128 wild horses in the Four-Mile and 121 wild horses in the Sands Basin HMAs. The removal of 206 excess wild horses is necessary to achieve

a thriving natural ecological balance. Wild horse numbers in these HMAs are extensively above the upper range of AML. The riparian monitoring and assessments show substantial negative impacts due to wild horse use.

Compliance with applicable land use plans: The action for the Sands Basin HMA is in conformance with the Owyhee Resource Management Plan (ORMP) dated December 30, 1999 and the action for the Four-Mile HMA is in conformance with the Cascade Resource Management Plan (CRMP) dated July 1, 1988. The ORMP states the following;

- Objective WHRS1 - Maintain wild and free-roaming horses in the Owyhee Wild Horse Herd Management Areas at appropriate management levels within a thriving natural ecological balance.
 - Manage wild free-roaming horses as a component of the public lands in a manner that maintains or improves the rangeland ecosystem.

The CRMP sets the following guidance;

- Wild horses in the Four-Mile HMA would be managed in accordance with the Wild Horse and Burro Act.

Relationship to Statutes, Regulations, and Other Requirements: This action is in compliance with 43 CFR 4720.1 (a), (b), and (c), which state;

Sec. 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 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; and

(c) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this title.

Public Involvement: A scoping document was sent to State, County, and local governments, the Shoshone –Piute tribes, and interested publics on May 27, 2009. Comments were received from Idaho Fish and Game, Animal Welfare Institute, and Michael Lane. Tribal consultation was initiated on May 27, 2009.

Numerous comments were received from the scoping document. All comments were carefully considered and where appropriate, addressed in the environmental assessment. Some of the primary comments, issues and/or questions identified and addressed in the environmental assessment included:

- Logistical questions on the gather itself.
- Resource impacts from wild horses on the rangeland and ongoing livestock (cattle) grazing.
- The scoping process utilized failed to include a Draft Environmental Analysis.
- The NEPA outcome was predetermined.
- BLM must expand its disclosure of rangeland condition/vegetation utilization data that supports the belief that wild horses are negatively impacting native vegetation, rangeland conditions, and riparian area health.
- Domestic livestock, including cattle, are not part of the thriving ecological balance and it should not diminish intentionally or unintentionally use of these areas by wild horses.
- Wild horse census data and methodology.
- Condition of wild horses.
- BLM did not consider a reasonable range of alternatives.
- Reducing wild horse numbers will likely improve habitat conditions for a variety of wildlife species.
- Effectiveness of fertility control.
- Management of domestic/feral horses being released onto public lands including HMAs.

In addition to the scoping process, BLM held a public hearing on the use of motor vehicles and aircraft for the management of wild horses. This hearing was held September 4, 2009 from 3:00 PM to 5:00 PM at the Boise District Office, 3948 Development Ave., Boise, Idaho, 83705. No public attended the hearing.

Appeal: The decision to gather and remove excess wild horses within the Four-Mile and Sands Basin HMAs is effective upon issuance, in accordance with the authority provided in This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4. If an appeal is made, your appeal must be filed with the Bureau of Land Management at the following address: *Aden Seidlitz, Boise District Manager, Boise District Office, 3948 Development Ave., Boise, Idaho, 83705.*

Your appeal must be filed within thirty (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 (as amended at 58 FR 4942, January 19, 1993) for a stay 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: *Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA, 22203.*

A copy must also be sent to the office of the Solicitor at the same time the original documents are filed with the above office: *Office of the Solicitor, Boise Field Solicitors Office, University Plaza, 960 Broadway Ave., Suite 400, Boise, ID, 83706.*

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 they will not be accepted.

If you have any questions regarding this decision, or your appeal rights, please contact Steve Leonard, Acting Wild Horse and Burro Program Lead, at 208-384-3454, or e-mail stephen_leonard@blm.gov.

/s/ Aden L. Seidlitz

9/10/2009

Aden L. Seidlitz
District Manager
Boise District Office

Date