



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Boise District Office
3948 Development Avenue
Boise, Idaho 83705



**Black Mountain and Hardtrigger HMA
Wild Horse Capture, Treat, and Release and Removal Plan
EA # DOI-BLM-ID-B030-2012-0010-EA**

Decision Record

Decision: I have decided to authorize the wild horse gather as described in Alternative A (Proposed Action) of the Environmental Assessment #DOI-BLM-ID-B030-2012-0010-EA. The proposed action is to gather 156 to 180 (assuming an 80 to 91% capture rate) wild horses from the Hardtrigger and Black Mountain Herd Management Areas (HMAs) in Fall of 2012.

My decision will bring the population inside the HMA to as close to low Appropriate Management Level (AML) (Hardtrigger – 66 wild horses, Black Mountain – 30 wild horses) as possible in order to more effectively implement two population growth suppression techniques (fertility control and sex ratio adjustment). Approximately 40 mares (over 2 years old) will be treated with the fertility control vaccine PZP-22 (a 22-month, pelleted form of the immunocontraceptive porcine zona pellucida) and released back to the HMA. A total of approximately 48 males will also be released back to the range to achieve a post-release sex ratio within the two HMA's of 50:50. All individuals located outside of the HMA will be gathered and removed. To improve the genetic variability of the herds, two female horses, less than 5 years old, from the Hardtrigger HMA will be relocated into the Black Mountain HMA and two Black Mountain female horses will be relocated to the Hardtrigger HMA.

The Finding of No Significant Impact (FONSI) for this EA and alternative, which this Decision incorporate by reference, provides detail regarding the BLM's finding that there will not be significant impacts from implementing this decision. These considerations include beneficial and adverse impacts, effects to public safety, unique characteristics of the affected area, controversy over the effects, uncertain or unknown risks, how this decision affects future actions, its relation to other actions, threatened and endangered species, and regulatory requirements. These considerations did not indicate a significant impact to any affected resources. Therefore, an Environmental Impact Statement is not required.

Rationale for Decision: I have decided to implement the wild horse gather, treat, and release to slow population growth, improve genetic variability, determine herd health, and maintain wild horse populations in the Black Mountain and Hardtrigger HMAs within AMLs.

Fertility control treatment of mares and sex ratio adjustment (50% males:50% females) will reduce population growth, thus resulting in a longer duration before another removal gather is needed and a reduction, in the long term, of the number of horses placed into long-term pasture.

Approximately 94 to 100 excess wild horses, and any wild horses that have established territory outside the HMA boundary, will be removed. These animals will be offered for adoption or sale (horses over 10 years of age are eligible for sale authority) to individuals who can provide good homes, and/or placed in long-term pastures.

Over the short term, it is expected that some horses (20 +) from these HMAs will be placed in long-term pasture (Section 3.1.2). However, the actions taken to slow population growth and the reduction to low AML will, over the long term, reduce the agency's need to remove horses from the range. Maintaining horse populations within the AML provides the ecosystem the opportunity to thrive as is explained in the EA. For complete discussions of this, please refer to the analyses of the effects to resources in Section 3.0 of the EA.

The removal of wild horse is authorized under Section 3(b)(2) of the 1971 Wild Free-Roaming Horse and Burro Act (WFRHBA) and 43 CFR 4720.1.

Alternative A was selected over the other alternatives as it makes the most progress toward meeting the objectives as they are outlined in the Purpose and Need. This alternative will reduce the wild horse population to the low AML for both HMAs and will slow future growth by applying immunocontraception and adjusting the sex ratio to 50:50. By doing such, the BLM will reduce, in the long term, the amount of horses going to long-term pasture and the need to gather free-roaming horses. While the other alternatives analyzed in the EA, excepting Alternative D, also provide for one or all of these objectives, Alternative A will be more effective over the short and long terms.

Should gather operations be postponed due to constraints outside of this office's control, this decision authorizes Alternative A to be implemented in either 2013 or 2014. I base my rationale for this on the expectation that herd and resource conditions will be similar over the near term, and the expectation that impacts to resources will increase over the intervening years as the populations increase. Effects to the wild horses and their populations may be the same as analyzed for Alternative A except that more horses would be removed.

Compliance with Applicable Land Use Plans: My decision to gather, treat, and release wild horses from the Black Mountain and Hardtrigger HMAs is in conformance with the Owyhee Resource Management Plan (ORMP) dated December 30, 1999. 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 implementation of Alternative A will reduce populations within the HMAs to low AML. The analysis, in Section 3 of the EA, found that lower horse numbers will provide for some improvement to the rangeland ecosystem and, thus, will promote a thriving natural ecological balance.

Relationship to Statutes, Regulations, and Other Requirements: This action is in compliance with 43 CFR 4700.0-6(a); 4710.4; 4720.1 (a & b); and 43 CFR 4770.3 (c). These regulations state:

4700.0-6 (a)

(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

4710.4

Management of wild horses and burros shall be undertaken with the objective of limiting the animal 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.

4720.1(a & b)

Upon examination of current information and a determination by the authorized officer that an excess of horses or burros exist, The authorized office 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.

4770.3(c)

(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 land in situations where removal is required by applicable law or necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on date established in the decision.

Public Involvement: A scoping document was sent to State, County, and local governments, the Shoshone –Paiute Tribes, and interested publics on December 30, 2011. Tribal consultation was initiated on February 16, 2012. A preliminary EA was sent to interested publics for a 30-day review on July 17, 2012.

Comment letters were received from multiple individuals and organizations. All comments were carefully considered and, where appropriate, addressed in the Environmental Assessment (EA). Some of the primary comments, issues and/or questions identified and addressed in the EA included:

1. Impacts to individual wild horses and the herd.

- Projected population size and annual growth rate (Win Equus population modeling);
- Expected impacts to individual wild horses from handling stress;
- Expected impacts to herd social structure;
- Expected effectiveness of proposed fertility control application;
- Potential effects to genetic diversity; and
- Potential impacts to animal health and condition.

2. Impacts to vegetation/soils, riparian/wetland, and cultural resources.

- Impacts to wildlife, migratory birds, and threatened, endangered, and special status species and their habitat from temporary displacement, trampling, or disturbance.

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 March 7, 2012 from 4:00 PM to 6:00 PM in Kimberly, Idaho. Five people attended this hearing. Three individuals supported using helicopters to gather horses. Additionally, two comments were submitted through e-mail opposing the use of motorized vehicles to gather horses.

Appeal: The decision to capture, treat, release, and remove wild horses within the Black Mountain and Hardtrigger HMAs is effective upon issuance, in accordance with the authority provided in 43 CFR 4770.3 (c). The BLM may implement the gather in late fall or early winter as weather and conditions permit.

This decision may be appealed to the Interior Board of Land Appeals, in accordance with 43 CFR, Part 4. Your appeal must be filed with the Bureau of Land Management at the following address within thirty (30) days from receipt of this decision: *Meagan Conry, Acting District Manager, Boise District Office, 3948 S Development Ave, Boise, ID 83702.*

The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition for a stay of the decision during the time that your appeal is being reviewed by the Board pursuant to 43 CFR 4.21 (as amended at 58 FR 4942, January 19, 1993) , a 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.*

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 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.

A copy of the appeal documents and petition for stay must be sent to the Office of the Solicitor at the same time the original documents are filed with the above office. The address is *Office of the*

Solicitor, Boise Field Solicitor's Office, University Plaza, 960 Broadway Ave., Suite 400, Boise, ID, 83706.

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, District Wild Horse and Burro Program Lead, at 208-384-3454, or e-mail him at sleonard@blm.gov.

/s/ Meagan Conry
Meagan Conry
Acting District Manager

9/26/12
Date