

**United States Department of Interior
Bureau of Land Management
Idaho Falls District
Challis Field Office
Challis Wild Horse Gather Plan**

**Decision Record
DOI-BLM-ID-I030-2012-0006-EA**

The Bureau of Land Management (BLM) Challis Field Office (CFO) is proposing to conduct a wild horse gather to remove excess wild horses from the Challis Herd Management Area (CHMA). The BLM is proposing to gather approximately 274 wild horses and remove approximately 137 excess wild horses from within and outside the CHMA in the fall. The purpose of the action is to address an excess population of wild horses, relative to the Appropriate Management Level (AML) by removing wild horses from the CHMA and all wild horses that have moved outside designated CHMA boundaries and to increase the interval between gathers.

The action is needed to be consistent with the established AML in the Challis Resource Management Plan (RMP) by removing excess wild horses from CHMA, and all horses outside the CHMA. This action would slow population growth rates and balance wild horse populations with herd health and other resources. The action is needed to help prevent undue or unnecessary degradation of the public lands, protect rangeland resources from deterioration associated with excess wild horses within the CHMA, and would “restore a thriving natural ecological balance and multiple use relationship on the public lands consistent with the provisions of (P.L. 92-195 Section 1332 (b) (2) (as amended) of the Wild Free-Roaming Horses and Burros Act WFRHBA of 1971.” Further, the action conducted in a humane, safe, efficient, and environmentally sound manner is needed to ensure current and future populations of healthy wild horses.

Decision

My decision is to implement Alternative 1 as described in Environmental Assessment (EA) # DOI-BLM-ID-I030-2012-0006 (EA Section 2.1.1). My decision authorizes the gathering and removal of excess wild horses, the treatment of mares with fertility control vaccine to slow population growth, and maintains a 60/40 male/female sex ratio identified in the 1989 Challis Herd Management Plan Update and implemented in 2009. This decision will preserve and maintain a thriving, natural ecological balance, and promote a multiple use relationship in the area.

A population inventory will be conducted prior to the gather operations. Based on the population

inventory, the estimated number of horses to be gathered and removed as discussed in the EA will be adjusted in order to achieve the Appropriate Management Level of 185 horses in the CHMA.

Alternative 1 is summarized below:

- Capture approximately 274 wild horses or 85% of the population using the helicopter drive method;
- Remove approximately 137 excess wild horses; including approximately 10 horses outside the Challis Herd Management Area (CHMA) using multiple capture sites;
- Treat all mares two years and older released back into the CHMA with PZP-22 fertility control vaccine at the sorting/holding facility;
- Maintain the 60% male/female sex ratio as specified in the CHMP Update of 1989;
- Wild horses captured from outside of the CHMA boundaries will be removed regardless of age and will not be released back into the CHMA;
- Field dart mares on private land adjacent to the CHMA if cooperating land owners and volunteers are willing to participate;
- Photos of each mare treated with PZP-22 at the sorting/holding facility will be taken prior to release to assist in photo recognition to facilitate field darting trials in the future in the CHMA;
- Photos will also be taken of individual mares prior to being field darted for photo recognition;
- Geldings that were released in 2009 that do not qualify for removal under the National Selective Removal Policy (Appendix B) will be re-released back into the CHMA; no new or additional geldings will be released.

Rationale for Decision:

This document is in conformance with and tiered to the Challis Resource Management Plan/Final EIS (RMP/EIS). I have reviewed the environmental assessment including the explanation and resolution of any potentially significant environmental impacts, and reviewed and thoroughly considered public comments regarding the EA. I have also reviewed the ten Intensity Factors for significance listed in 40 CFR 1508.27 and have determined that the proposed action (Alternative 1), does not constitute a major federal action affecting the quality of the human environment or causing unnecessary or undue degradation of the natural environment. Therefore, an Environmental Impact Statement has not been prepared.

This decision authorizes the gathering and removal of excess wild horses, treatment of mares with fertility control vaccine to slow population growth, and maintain a 60/40 male/female sex ratio identified in the 1989 CHMP Update and implemented in 2009. This decision will preserve and maintain a thriving, natural ecological balance, and promote a multiple use relationship in the area.

Treating mares with PZP will lengthen the time needed between gathers and potentially reduce the number of horses removed from the CHMA in the future. Using PZP increases the beneficial

effects of the gather and removal of excess horses for a longer period of time maintaining a lower population of horses in the CHMA. This action will also provide the opportunity to field dart mares in the CHMA and on adjoining private lands in coordination with willing landowners and volunteer groups (EA Section 3.2.2).

Removing excess horses from the CHMA at this time will help to prevent future resource damage, maintain thriving ecological balance, including protecting wilderness characteristics of the two WSAs in the CHMA, riparian habitat and water quality, and the Preliminary Priority Habitat and Preliminary General Habitat for sage grouse (EA Sections 3.2.2, 3.3.2, 3.6.2, 3.7.2, 3.8.2, 3.9.2, and 3.12.2).

A population inventory of the current horse population in the CHMA will be conducted prior to any gather operations. Based on the population inventory, the estimated number of horses to be gathered and removed as discussed in the EA will be adjusted. The Appropriate Management Level of 185 horses remaining in the CHMA will be the desired outcome.

Winter Range is the limiting factor for the CHMA so wild horse AUMs are based on available forage in winter. Removal of excess horses will allow remaining horse's sufficient forage during the winter months (EA Sections 3.2.1 and 3.2.2).

Removal as a part of the proposed action will occur for wild horses that now habitually reside outside of the designated CHMA to eliminate safety concerns with horses crossing U.S. 93. If captured and transported back within the CHMA, these horses would be expected to return to the areas outside of the CHMA rather than remaining in the CHMA. The removal of wild horses is authorized under Section 3(b)(2) of the 1971 Wild Free-Roaming Horse and Burro Act (WFRHBA) (EA Section 1.6).

While the vast number of comments received did not want horses removed from the CHMA and opposed the helicopter gathering method, leaving excess wild horses on the range under the No Action Alternative would not comply with the WFRHBA or applicable regulations, Bureau policy and the Challis RMP (EA Sections 1.4, 1.5, and 1.6).

My decision complies with the WFRHBA, applicable regulations, Bureau Policy and the Challis RMP.

Compliance with Applicable Land Use Plans:

The Proposed Action is in conformance with the Challis Resource Management Plan (pg. 71) under Wild Horses and Burros, Goal 1, Decision #1 "Manage the wild horse herd for an AML of 185 animals in accordance with the 1983 U.S. District Court Consent Judgment and the current activity plan for the wild horse CHMA"; Decision #3 "Monitor wild horse use of the Malm Gulch and Sand Hollow areas, and remove wild horses as necessary to protect fragile watersheds"; and Decision #7

“Adjust wild horse management to ensure progress toward the riparian and aquatic habitat conditions described in Attachment 1.” (EA Sections 1.4 and 1.5).

Relationship to Statutes, Regulations, and Other Requirements:

This action is in compliance with the following 43 CFR as discussed in Section 1.6 of the EA:

Sec. 4700.0-6 (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.

Sec. 4710.4 - 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.

Sec. 4770.3(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 letter dated February 3, 2012 was mailed to 41 individuals, agencies, and organizations on the interested public list for the Challis Herd Management Area, Wilderness List, and the associated Allotment Lists. In addition to the scoping letter an open house was held at the Challis Field Office on February 24, 2012 to answer questions and receive comments. Six comments were received at the Open House. Additionally, over 4,000 comments were received from interested publics during the scoping process.

All scoping comments were carefully considered and addressed in the Environmental Assessment (EA). Some of the primary comments, issues and/or questions identified during scoping and addressed in the EA (Section 1.9) included:

- Use of the helicopter-drive trapping as the primary gathering method;
- Releasing geldings into the CHMA;
- Projected population size;
- 60/40 male/female sex ratio;
- Allocation of AUMs between livestock and wild horses within the CHMA;
- Potential effects to individual wild horse health and condition;
- Potential effects to herd social structure, and integrity of family bands;
- Economic impacts or cost of the proposed action;
- Potential effects to genetic diversity.

A statewide Helicopter Hearing for the use of motorized vehicles in the management of wild horses was held in Kimberly, Idaho on March 7, 2012. Six individuals attended and four commented on the use of helicopters were received. All of the individuals that commented supported the use of motorized vehicles in particular helicopters in the management of wild horses. Time was available following the meeting to comment on the proposed gather in Challis (EA Section 7.1).

Following release of the Preliminary EA on August 10, 2012, comments were again solicited from the public. Approximately 5400 comments were received from the public in the form of emails, letters and faxes. Comments were similar to those received during scoping. No new information or substantive comments were received requiring additional analysis in Final EA.

A number of edits occur between the Preliminary EA and the Final EA such as typographical edits, page numbering, updating references and corrections to Table 3. In addition new information has been added to the Final EA to include the new BLM Handbook 6330-Management of Wilderness Study Areas, which supersedes the Bureau's Interim Management Policy (IMP) and Guidelines for Lands under Wilderness Review H-8550-1.

Key issues addressed in the EA identified during scoping:

Gathering using the helicopter-drive method is described numerous times throughout the EA and in Appendix B - Standard Operating Procedures. Gathering wild horses using the helicopter-drive method will be conducted in accordance with Federal Aviation Regulations. Alternative 1 describes the benefits and limitations of using the helicopter drive method and the safe and humane use of helicopters. Alternative 1 also discusses disturbance to wildlife which will be brief and limited to capture sites and staging areas.

The EA describes the release of geldings back into CHMA following the 2009 gather. Geldings that were released in 2009 that do not qualify for removal under the National Selective Removal Policy (Appendix B) will be re-released back into the CHMA. Projected population size is based on fertility control parameters and the annual reproduction of the CHMA of 17%, which is described in the Background section of the EA (Section 1.2).

Maintaining the sex ratio is discussed in the introduction of the EA (Section 1.1). Additionally, Alternative 1, the Proposed Action, describes the benefits and restrictions of a 60/40 male/female sex ratio as well as alternatives 3 and 4. Effects to the CHMA and individual horses are described in Wild Horse section of the EA (Section 3.2).

Allocation of AUMs between livestock and wild horses within the CHMA is discussed in the Alternatives Discussed but Eliminated from Further Review. This alternative was eliminated because it is beyond the scope of the EA to reallocate grazing AUMs. This is a decision made in the Land Use Planning process (EA Sections 2.4.2 and 2.4.7).

Potential effects to individual wild horses from handling stress, is described under Wild Horse Environmental Effects section of the EA (Section 3.2.2). Examples include injury, abortion, orphans, and death (Section 3.2.2). These effects are well understood and analyzed in Section 3.2.2. Standard operating procedures, veterinarians, and other gather/management techniques such as season of gather, distance of horses from trap sites, etc. are used to mitigate and reduce or eliminate potential effects. Horses will be handled in a calm, safe and humane manner making every effort to limit potential stress (EA Section 3.2.2 and Appendices A-G).

Potential effects to herd social structure, and integrity of family bands is described in the Wild Horse Affected Environment and Environmental Effects section (EA Section 3.2).

One commenter suggested that NEPA requires that Socio-Economics be addressed in the EA. Neither the Council on Environmental Quality (CEQ) regulations or the BLM NEPA Handbook requires the type of analysis suggested. The actual cost of the gather is outside the scope of the EA. (Sections 3.15).

Genetic diversity is discussed in the Wild Horse Affected Environment and Environmental Effects sections of the EA. This section discusses at length the diversity and viability of the CHMA (EA Section 3.2).

As identified in Appendix A of the EA, BLM will collect hair samples for genetic analysis; information on herd health and characteristics; body condition; and photos of all mares treated with PZP for future recognition. Remote fertility control (field darting) on private land with cooperating land owners and volunteers will also be implemented.

Appeal:

My decision to capture, treat, and release wild horses within the CHMA is effective upon issuance, in accordance with the authority provided in **43CFR 4700.0-6 (a); 4710.4; and 43 CFR 4770.3 (c)**.

My 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: *Todd Kuck, Challis Field Manager, Challis Field Office, 1151 Blue Mountain Road, Challis, Idaho, 83226.*

Your appeal must be filed within thirty (30) days of signing of the Decision Record by the Authorized Officer which is October 17, 2012. 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. The address is *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 Kevin Lloyd, Challis Field Office Wild Horse and Burro Program Lead, at 208-879-6200.

/s/ Todd Kuck
Todd Kuck
Challis Field Manager

September 17, 2012
Date

