



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Owyhee Field Office
20 First Ave. West
Marsing, Idaho 83639



**Soda Fire Emergency Wild Horse Gather
DOI-BLM-ID-B030-2015-0015-EA**

**Decision Record
Emergency Wild Horse Gather**

Background: On August 10-18, 2015, the Soda Fire consumed 100% of the Sands Basin and Hardtrigger Herd Management Areas (HMA) and 33% of the Black Mountain HMA. As a result, forage and water resources are reduced and an emergency gather is required. The Bureau of Land Management (BLM), Owyhee Field Office (OFO) has completed a Determination of NEPA Adequacy (DNA) for the gather. I am therefore prepared to issue this decision that is effective upon issuance for the emergency removal of wild horses using helicopter and bait/water trap methods, and utilization of fertility control on all mares over two years old to be selected for return to the HMAs.

Decision: I have decided to authorize the wild horse gather as described in Determination of NEPA Adequacy #DOI-BLM-ID-B030-2015-0015-DNA. The proposed action is to gather approximately 285 wild horses from the Sands Basin, Hardtrigger, and Black Mountain HMAs. The Soda Fire removed forage necessary to maintain wild horse herds in a thriving natural ecological balance in these HMAs. All horses will be removed from the Hardtrigger and Sands Basin HMAs, as the forage in these was effectively eliminated. All, or as many as possible, horses would be gathered from the Black Mountain HMA. However, 30 Wild Horses (Low AML) would be returned to the HMA. These Wild Horses will be returned to the Black Mountain HMA. As only 33% of the HMA burned, there is still sufficient forage and habitat to sustain this number of Wild Horses. All mares over 2-years old that will be returned to the Black Mountain HMA will first be treated with the fertility control vaccine PZP-22 (a 22 month, pelleted form of the immunocontraceptive porcine zona pellucida). These mares will be returned within 1 month of time of their capture. Wild Horses from the Black Mountain Completion of this project will prevent death loss from lack of forage due to fire.

The BLM will hold and care for the wild horses captured from the Sands Basin and Hardtrigger HMAs in the Boise District Wild Horse Corrals. After range condition have been sufficiently rehabilitated, and the areas have recovered from the Soda Fire, horses will be returned to both HMAs to the low end of the Appropriate Management Level (AML), which is 33 horses for Sands Basin HMA and 66 for Hardtrigger HMA. All mares over 2-years old that will be returned to the Sands Basin and Hardtrigger HMAs will first be treated with the fertility control vaccine PZP-22 (a 22 month, pelleted form of the immunocontraceptive porcine zona pellucida). Approximately 50-100 of the horses removed from the three HMAs will be held in the Boise Corrals to be offered for adoption. The balance of wild horses removed from this gather and not

held in the Boise Corrals will be held in in other BLM holding facilities, likely the Palomino Valley Corrals or the Fallon Corrals in Nevada.

The Determination of NEPA Adequacy (DNA) is based on the analysis provided in Alternative A of the 2012 Black Mountain and Hardtrigger HMA Wild Horse Capture, Treat, and Release and Removal Plan Environmental Assessment (DOI-BLM-ID-B030-2012-0010-EA).

The Finding of No Significant Impact (FONSI) for this EA and alternative, which this Decision incorporates 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: This final decision and its implementation will provide for the safety of these herds and the maintenance of viable populations in a thriving natural ecological balance as required by the Owyhee Resource Management Plan and the Wild and Free-Roaming Horse and Burro Act of 1971. Fertility control treatment of mares and sex ratio adjustment (60% males: 40% 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.

Excess wild horses, and any wild horses outside the HMA boundaries, 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 from these HMAs will be placed in long-term pasture (Section 3.1.2 of the 2012 EA). 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 (available on the BLM NEPA Register at https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do). 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.

Compliance with Applicable Land Use Plans: My decision to gather, treat, release, and remove wild horses from the Sands Basin, 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.

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 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.

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 the date established in the decision.

Appeal: The decision to implement an emergency gather and capture, treat, release, and remove wild horses within the Sands Basin, Hardtrigger and Black Mountain 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 August or early September 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: *Michelle G. Ryerson, Field Manager, Owyhee Field Office, 20 First Avenue West, Marsing, ID 83639*. The BLM does not accept emailed or faxed appeals.

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.*

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/ Michelle G. Ryerson
Michelle G. Ryerson
Field Manager
Owyhee Field Office

8/25/2015
Date