

**USDI, Bureau of Land Management
Malheur Field Office, Vale District**

DECISION RECORD

**Barren Valley Complex Wild Horse Population Management Plan
Environmental Assessment
DOI-BLM-ORWA-V000-2019-0040-EA**

BACKGROUND

The Barren Valley Complex Wild Horse Population Management Plan Environmental Assessment (EA) analyzed issues emerging from excess wild horses and the need to maintain the population within appropriate management level (AML) over a 10-year time frame in order to achieve and maintain a thriving natural ecological balance (TNEB). The five alternatives analyzed were:

- Alternative 1. Over a Ten Year Timeframe, Remove Excess Wild Horses and Implement Intensive Fertility Control Management (*Proposed Action*).
- Alternative 2. Same as Alternative 1 and Include a Non-reproducing Portion of the Population.
- Alternative 3. Alternative 1 *only* Applying Available Fertility Control Treatments
- Alternative 4. Gate Cut Removal
- Alternative 5. No Action – Defer Gather and Removal

COMPLIANCE

The Proposed Action – Alternative 1 in the Barren Valley Complex Wild Horse Population Management Plan Environmental Assessment (EA) OR-V000-2019-0040 EA, complies with the the following documents, which direct and/or provide the framework for management of Bureau of Land Management (BLM) lands and wild horses within Vale District:

1. Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195) as amended.
2. Wild Free-Roaming Horse and Burro Management (43 Code of Federal Regulations (CFR) 4700).
3. BLM Wild Horses and Burros Management Handbook, H-4700-1 (June 2010).
4. National Environmental Policy Act (NEPA) (42 U.S.C. 4321-4347, 1970).
5. BLM NEPA Handbook, H-1790-1 (January, 2008).
6. Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1701, 1976). Section 302(b) of FLPMA, states, "all public lands are to be managed so as to prevent unnecessary or undue degradation of the lands."
7. Southeastern Oregon Resource Management Plan and Final Environmental Impact Statement and Record of Decision (SEORMP/FEIS and ROD, as amended)

8. Public Rangelands Improvement Act (43 U.S.C. 1901, 1978).
9. Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the BLM in the States of Oregon and Washington (1997).
10. Greater Sage-Grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM 2001).
11. BLM National Sage-grouse Habitat Conservation Strategy (2004).
12. Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (Hagen 2011).
13. Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment and Record of Decision (September 2015).
14. Revised Integrated Invasive Plant Management Plan for the Vale District (DOI-BLM-ORWA-V000-2011-047-EA), 2016.
15. Oregon Department of Environmental Quality (ODEQ) laws and regulations.
16. State, local, and Tribal laws, regulations, and land use plans.
17. All other Federal laws relevant to this document, even if not specifically identified.

DECISION

Having considered all alternatives and associated impacts in the EA, I have determined that there are excess wild horses present in the Barren Valley Complex and it is my decision to implement the Proposed Action as analyzed in the EA. The Proposed Action removes excess wild horses and applies intensive available fertility treatments to maintain the wild horse population within AML over a 10-year period. Additionally, I have found and documented in a Finding of No Significant Impact (FONSI) statement that the Proposed Action does not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is unnecessary and will not be prepared.

The Proposed Action - Alternative 1, is designed to manage wild horse populations with intensive fertility control applications over a ten-year time frame and will incorporate gathers and removals. Implementation of the fertility control portion of the Proposed Action will begin in 2020 and implementation of the gather portion of the Proposed Action will begin as soon as BLM's Washington D.C. Office (WO) gives authorization for a gather.

During the 10-year timeframe of this plan, future helicopter gathers would be scheduled once the high end of AML is achieved. The number of horses gathered and excess removed would be adjusted based upon the estimated herd size and the number of excess horses determined at the time of the gather. It is assumed that the population will be managed within AML as a result of the initial gather and consecutive gathers every 4-5 years. In the absence of an initial gather in 2020 or consecutive years, the proposed action includes gathering and removing excess horses to low AML regardless of population size. All other project design features would be the same irrespective of the number of animals gathered and removed.

COMMENTS RECEIVED

The EA was posted to BLM's ePlanning website and a notice of availability of the EA was mailed to 70 interested individuals, groups, and agencies on April 17, 2020, for a 30-day public comment period. In addition, a notice was posted in the *Malheur Enterprise* and *Argus Observer* newspapers. The Vale District BLM received 7078 comments in the form of emails with approximately 7050 of these comments being a form letter. BLM responses to comments can be found in Appendix A - Response to Public Comments attached to this decision record.

CHANGES MADE TO THE BARREN VALLEY COMPLEX POPULATION MANAGEMENT PLAN EA FOLLOWING THE APRIL 17, 2020 VERSION RELEASED FOR PUBLIC COMMENT

- Grammatical mistakes have been corrected throughout.
- Clarifications were made where needed; however, these did not change context.
- Changes were made in the EA Section 2.2.1 to clarify the intensive field darting of PZP in the Proposed Action and that gathers will only occur when authorized by the Washington Office during the 10-year timeframe of this EA.

RATIONALE

I have selected Alternative 1, Remove Excess Wild Horses and Implement Intensive Fertility Control Management (*Proposed Action*), based on public comments, consultation with local governments and State agencies, discussions with members of the public, BLM requirements to manage wild free-roaming horses in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands, and conformance to applicable laws and regulations. It also meets the purpose and need for action: to make progress towards maintaining the wild horse population within the established AML in the Barren Valley Complex; to protect rangeland resources from deterioration associated with overpopulation; to restore a natural ecological balance and multiple use relationship on public lands in the area consistent with the provisions of Section 1333(b)(2) of the Wild Free-Roaming Horse and Burro Act (WFRHBA) of 1971; to achieve a thriving natural ecological balance on public lands; to manage wild horses in a manner that assures significant progress is made toward achieving land health standards for upland vegetation and riparian plant communities, watershed function, and habitat quality for animal populations; as well as other site-specific or landscape-level objectives including those necessary to protect and manage Threatened, Endangered, and Sensitive Species (H-4700-1, 4.1.5). Alternative 1 also conforms to the wild horse management directions set forth in the SEORMP/FEIS (2001, Chapter 3 242-246) and are in conformance with decisions made in the SEORMP/ROD (2002, 55-57).

Selecting Alternative 1 allows BLM to respond to the issue of excess wild horses within the HMA using various tools to reduce the populations to within AML and maintain that level over a 10-year time frame as identified in BLM IM 2019-004, Issuance of Wild Horse and Burro Gather

Decisions. Adaptive management that involves incorporating the use of the most promising methods of fertility control (as long as they are approved for use and available), will meet the BLM objective to extend the years between gather cycles. This will decrease the frequency of stressful events, such as gathers, and reduce the amount of horses being sent to holding facilities. Reducing and then maintaining wild horse numbers within AML using available and approved fertility treatments will provide for a thriving natural ecological balance within the HMA. Maintaining AML will also reduce the risk of horses experiencing periods of diminished available forage and/or water (e.g. during drought).

Alternative 1 was chosen over Alternative 2 (same as Alternative 1 and Including a Non-reproducing Portion of the Population) because Alternative 2 relies upon gathers to apply the non-reproducing portion of the action. Since Vale BLM currently does not have authorization to gather and remove horses in the Barren Valley Complex it does not address the current situation where gathers are limited and do not appear likely to be authorized anytime soon, therefore, allowing the population to continue to increase ~20% per year.

Alternative 1 was chosen over Alternative 3 – (same as Alternative 1 *only* applying Available Fertility Control Treatments) because it does not meet the purpose and need to achieve and maintain AML over the 10-year timeframe of this plan. This alternative does not address the necessity to remove excess horses to prevent resource damage from occurring in the short and long term.

Alternative 1 was chosen over Alternative 4 (Gate Cut Removal) because it does not provide the opportunity to apply fertility control to reduce the population growth rate and extend the period of time between gather events.

Alternative 1 was chosen over Alternative 5 (No Action - Defer Gather and Removal) because it does not meet the purpose and need of this EA. In addition, BLM has observed impacts from horses on riparian and upland use areas within the HMA with current horse numbers. Taking no action on reducing horse numbers or applying fertility control will only exacerbate the problem. Rangeland health, as well as forage and water resources for other animals which share the range, will be affected by resource limited (i.e. lack of water, forage, space, etc.) horse populations which could be in conflict with the legislative mandate that BLM maintain a thriving natural ecological balance (NAS 2013, p. 56).

AUTHORITY

The effective date of this decision is immediately upon the date of the authorized officer's signature on this document. The authority to provide that all or part of a decision be effective upon issuance is found in 43 CFR 4770.3(c), "Notwithstanding the provisions of paragraph (a) of 43 CFR 4.21, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, (IBLA), in accordance with the regulations contained in 43 CFR Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be filed with Thomas Patrick “Pat” Ryan, Field Manager, Malheur Field Office, Vale District Office, 100 Oregon St., Vale, Oregon 97918 within 30 days following receipt. The appellant has the burden of showing the decision appealed is in error.

Standards for obtaining a stay—except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards (43 CFR 4.21(b)):

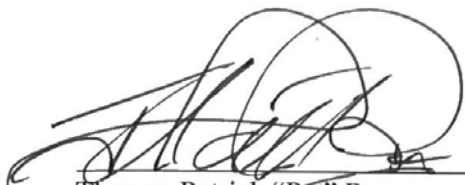
1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper and received in this office within the appeal period.

Persons named in the *Copies sent to:* sections of this decision are considered to be persons “named in the decision from which the appeal is taken.” Thus, copies of the notice of appeal and petition for a stay must also be served on these parties, in addition to any party who is named elsewhere in this decision (see 43 CFR 4.413(a) & 43 CFR 4.21(b)(3)) and the appropriate Office of the Solicitor (see 43 CFR 4.413(a), (c)) **Office of the Solicitor, US Department of the Interior, Pacific Northwest Region, 601 SW Second Avenue, Suite 1950, Portland, Oregon 97204-3172**, at the same time the original documents are filed with this office. For privacy reasons, if the decision is posted on the internet, the Copies sent to: section will be attached to a notification of internet availability and persons named in that section are also considered to be persons “named in the decision from which the appeal is taken..”

Any person named in the decision, Copies sent to: section of the decision, or who received a notification of internet availability that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR 4.21(b) for procedures to follow. Authorized Officer:



Thomas Patrick “Pat” Ryan
Field Manager
Malheur Field Office



Date

Appendix A Response to Public Comments

On April 17, 2020, a letter was mailed that notified the recipients that the Environmental Assessment (EA) was available for review online and at the Vale District Bureau of Land Management (BLM) office. The letter was mailed to 70 agencies, organizations, tribes, and other individuals. A notice was also posted in the *Malheur Enterprise* and *Argus Observer* newspapers, informing the public of the availability of the EA for review. The Vale District BLM received 7078 comments in the form of emails with approximately 7050 of these comments being a form letter.

Comments are grouped by subject and some have been lumped together when the same subject is addressed.

Appropriate Management Level (AML)

Comment: The EA should consider and analyze raising the wild horse AML.

BLM Response: Raising the wild horse AML was an issue considered but not analyzed in detail in Appendix C (p. 93) of the EA as it outside the scope of this analysis. Changes to AUMs allocated to both livestock and/or wild horses would require an amendment to the SEORMP (2002), which authorize AUMs for wild horses and for livestock grazing within Hog Creek HMA. “AML is not generally established or adjusted as part of the gather [or population management] planning (NEPA) process due to the in-depth and complex nature of the analysis required” (H-4700-1, p. 47). In this instance, the authorized officer has not elected to formally review AML as part of the same environmental document which evaluates the proposed removal.

Comment: EA Fails to Consider Important Data Necessary for an In-Depth Analysis.....Monitoring data to justify the Proposed Action to continue supporting the low AML.

BLM Response: AML adjustments and support are outside the scope of this document as this is identified in the SEORMP ROD, pp. 55-60.

Comment: In the Draft EA, BLM fails to consider what qualifies as a self-sustaining, healthy population of wild horses and how its proposed action would impact the health and sustainability of wild horses. BLM also fails to adequately analyze any plans or alternatives that protect the wild horses in Barren Valley Complex. Instead, BLM based its decision on uninformed and incomplete analysis about the effect of wild horses on the range, and an imbalanced preference to other uses, such as authorizing private ranchers to graze cattle and sheep in the HMAs

BLM Response: The WFRHBA “requires the BLM to manage horses in a manner that is designed to achieve and maintain a TNEB on the public lands (16 USC § 1333(a)). To

achieve a TNEB on the public lands, WH&B should be managed in a manner that assures significant progress is made toward achieving the Land Health Standards for upland vegetation and riparian plant communities, watershed function, and habitat quality for animal populations, as well as other site-specific or landscape-level objectives, including those necessary to protect and manage Threatened, Endangered, and Sensitive Species (TES).” WH&B herd health is promoted by achieving and maintaining TNEB through the land resource management process which does not designate waiting for damage to occur before action is taken. In addition to managing the wild horse population within the AML set in the SEORMP (2002), monitoring data indicate herbaceous upland utilization levels have met or exceeded target levels. This is discussed in the “Purpose of and Need for Action” (EA, p. 1) as well as in the “Affected Environment and Environmental Consequences” section beginning on page 11.

Wild Horse “Removal”

Comment: BLM should consider allowing horses to roam freely without conducting roundups.

BLM Response: This action was not analyzed as it is not consistent with agency management detailed in the WFRHBA.

Comment: The Vale District BLM should heed the message delivered by the Government Accountability Office, the NAS, and the American public (in the form of hundreds of thousands of public comments) that its inefficient and inhumane management practices of roundup and removals must be reformed in accordance with science and public opinion.

BLM Response: The EA starting on (p. 18) discusses the practices (including helicopter trapping) and their effects on wild horse population management.

Comment: In the DEA, BLM failed to analyze any action alternative that included an option other than rounding up and permanently removing most of the wild horses.

BLM Response: The analysis did include fertility control treatments, non-reproducing herd alternatives, and no action. The gather and removal portions of the alternatives are dependent on authorization from the WO.

Livestock Reduction and Forage Consumption

Comment: The BLM must stop giving preference treatment to cattle and exercise its option to close lands to livestock grazing in order to provide habitat for wild horses and burros.

BLM Response: Closure of the HMA to livestock use was considered but eliminated from detailed analysis on page 11 and reductions in livestock animal unit months (AUM) was an issue “Considered but Not Analyzed in Detail” in Appendix C (p. 59) of the EA.

Adjustments to forage allocations are outside the scope of this analysis as forage allocations and an AML for wild horses have already been set in the SEORMP (2002). The “Purpose of and Need for Action” (EA, p. 1) identifies removals are necessary to return the population to within AML and maintain a TNEB.

Comment: The BLM has also violated its obligations under the National Environmental Policy Act (“NEPA”), 42 U.S.C § 4321-4370f, by failing to adequately analyze the environmental consequences of its proposed decisions on the individual wild horses and wild burros or the herds as a whole; failing to consider reasonable alternatives such as reducing the amount of domestic livestock permitted on these lands.

BLM Response: This comment is outside the scope of this project as forage allocations have already been made in the SEORMP/ROD.

Comment: the EA also does not disclose the costs of grazing livestock on public lands as a result of the disproportionate allotment of this land to wild horses versus livestock in the HMAs

BLM Response: Livestock permits and their associated administrative management is outside the scope of this document.

Determination of Excess

Comment: BLM has not made a proper determination that there are excess horses or that action is necessary to remove them as required by the WHBA and its own guidance documents..

BLM Response: The Wild Horses and Burros Management Handbook (H-4700-1, 2010) states “[b]efore issuing a decision to gather and remove animals, the authorized officer shall first determine whether excess WH&B are present and require immediate removal. In making this determination, the authorized officer shall analyze grazing utilization and distribution, trend in range ecological condition, actual use, climate (weather) data, current population inventory, wild horses and burros located outside the HMA in areas not designated for their long-term maintenance and other factors such as the results of land health assessments which demonstrate removal is needed to restore or maintain the range in a TNEB.” The handbook then defines the term excess animals as “those animals which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area (16 USC § 1332(f)(2)).” The handbook goes on to make clear that “This definition underscores the need to remove excess animals *before* damage to the range begins to occur” (*emphasis added*). The EA (Chapter III – Affected Environment) includes monitoring photos, use data (congregations and utilization levels), horses outside the HMA and inventory results which show that there are excess horses and that damage is currently occurring in portions of the HMA. The Environmental Consequences section of the EA explains how the No Action alternative (no removals) would only increase damage to the range, thus failing to maintain the range in a TNEB.

Principally But Not Necessarily Exclusively...

Comment: The proposed action, to remove wild horses while refusing to reduce forage for private ranchers blatantly violates the WHBA, which states that the range should be principally devoted to wild horses.

BLM Response: The law's language stating that public lands where wild horses and burros were found roaming in 1971 are to be managed "principally but not necessarily exclusively" for the welfare of these animals relates to the Interior Secretary's power to "designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation" - which are, thus far, the Pryor Mountain Wild Horse Range (in Montana and Wyoming), the Nevada Wild Horse Range (located within the north central portion of Nellis Air Force Range), the Little Book Cliffs Wild Horse Range (in Colorado), and the Marietta Wild Burro Range (in Nevada). The "principally but not necessarily exclusively" language applies to specific Wild Horse Ranges, not to HMAs in general. The Code of Federal Regulations (43 CFR Subpart 4710.3) describes herd management areas (§4710.3-1) and wild horse and burro ranges (§4710.3-2). In delineating each HMA, the authorized officer shall consider the appropriate management level (AML) for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in §4710.4. HMAs may also be designated as wild horse or burro ranges to be managed principally, but not necessarily exclusively, for wild horse or burro herds. The Hog Creek HMA has not been designated as a wild horse "range" and therefore must consider the factors described above in the management of the HMA.

NEPA Process

Comment: The exclusion of Scoping is illegal and this important process must not be overlooked

BLM Response: The EA (p. 3) discusses the other similar plans where scoping was conducted and no new substantive issues were raised.

Comment: A proposal to determine wild horse management for the Barren Valley Complex for the next ten years is not in conformance with NEPA.

BLM Response: This EA follows the guidance provided in BLM IM No. 2019-004. This memorandum guides BLM offices to analyze various wild horse management actions to meet the Purpose of and Need for Action (EA, p. 1) and the analyze management actions over multiple years. The 10-year timeframe of this EA enables BLM to determine the effectiveness of the Proposed Action at successfully achieving and/or maintaining population levels within AML in the Barren Valley Complex. If new information or circumstances arise during this 10-year period, the NEPA process would be used to

identify if the analysis in this EA is still valid, or if supplemental or new NEPA analysis is required.

Comment: BLM's proposed action to continue removals and fertility control for ten years conflicts with the WHBA, applicable land use plans, and BLM's own regulations and guidance.

BLM Response: Refer to the above comment response to BLM guidance.

Comment: BLM must conduct further analysis in an EIS before proceeding. As stated in the EA (pg. 2) there is a list of the land use plans and other laws, regulations, and plans the Proposed Action is in conformance with.

BLM Response: As explained in 40 CFR 1508.13, Finding of No Significant Impact (FONSI) means a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (§ 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. The FONSI (p. 5) explains that "The Council on Environmental Quality's (CEQ) regulations provide that the significance of impacts must be determined in terms of both context and intensity (40 CFR. § 1508.27)." The BLM has determined that the context of the proposed action is approximately 950,000 acres which is the Barren Valley Complex. The proposed action applies to three HMAs out of seven in the Vale District, 17 in Oregon, and a total of 179 in the United States (FONSI p. 2).

Comment: Additional NEPA analysis is needed on the following: (1) the impact of the proposed action and alternatives on the genetic viability of the wild horse population in Barren Valley Complex; (2) the impacts of fertility control measures; (3) the impacts of castration and ovariectomies and returning wild horses to the range after these procedures; (4) the positive impacts of wild horses on the environment; and (5) the behavioral and physiological impacts of BLM's proposed action and alternatives on wild horses.

BLM Response: For #1, refer to the EA at pg. 6, 14, and 15 and Appendix F for genetic information and analysis. For #2, refer to the EA at pg. 20-22 and Appendix G for fertility control information and analysis. For #3, refer to the EA at pg. 23-25 and Appendix G for the information and analysis. For #4, refer to the comment response below regarding positive impacts of wild horses on the environment. For #5, refer to Appendix G for information and analysis discussed with different fertility control vaccinations. As stated in the EA on pg. 21, the overall benefits of reducing reproduction rates outweighs any of the potential effects that were analyzed.

Social and Economic Values

Comment: The EA must analyze the full societal attitudes and economic impacts of the proposed action.

BLM Response: Refer to the EA starting at p. 62

Gather Operations

Comment: The EA must analyze and implement the following with regards to CAWP:

- Improved public observation of all agency actions. There is significant public interest in the agency's management of wild horses and burros and its management of these protected animals. The NAS specifically recommended to the BLM to improve the transparency of its management of the Wild Horse and Burro Program (Attachment 1). The treatment of the wild horses and agency transparency are paramount.
- All removal operations must be located on public lands to allow public observation of all activities. No government operations should be located on private lands for which the owners will not give permission for public observation of activities.
- Real-time cameras with GPS should be installed on all aircraft and/or helicopters used in operations and video should be live streamed on the Internet. This will improve the transparency and accountability of roundup operations and enable the BLM and public to monitor the direct impact motorized vehicle usage has on wild horses and the environment.
- Real-time cameras should be installed on any traps, corrals and temporary holding pens, again, so that BLM personnel, public and media can monitor the entire roundup operation and treatment of the horses.

BLM Response: These types of actions are outside the scope of the analysis in this document.

Comment: The BLM can not truthfully ensure humane care or treatment of wild horses during or after a helicopter roundup. The very act of harassing, chasing, driving terrified wild horses over treacherous terrain, sometimes in triple digit temperatures for hours, is not humane. Horses and young foals very often sustain horrific injuries, broken bones, lacerations or are so lame, stressed and exhausted they never recover and are killed. I will never accept that this is how the BLM uses tax payer dollars to humanely????? manage our magnificent Icons of freedom!!!! UNACCEPTABLE!!!!

BLM Response: The EA (p. 19-20) discusses the risk to animals during helicopter and bait trapping and how BLM follows IM 2015-151, Wild Horse and Burro Gathers: Comprehensive Animal Welfare Policy, which was created to establish policy and procedures to enable safe, efficient, and successful wild horse gather operations while ensuring humane care and treatment of all animals gathered. The Comprehensive Animal Welfare Policy was developed through coordinated efforts from universities, government agencies, and independent equine practitioners. IM No. 2015-151 was included in the EA (p. 5) as a project design feature as well as in Appendix D.

Population Growth Rate and Population Estimates

Comment: ...the DEA does not analyze past wild horse population or trends. Instead BLM claims, without support, that the herd will continue to grow at 20% every year..... In fact, the population estimates indicate the herd does not consistently grow at 20% or even constitutently grow every year.

BLM Response: Refer to Table 2 in the EA (p. 16) for gather and census history of the HMA where the numbers reflect that the population trends do continually increase.

Comment: ...the methodology that the BLM used to estimate the wild horse population for HMA is not clear.

BLM Response: Refer to Section 2.1.2 where the DEA states that population inventories follow the WO IM 2010-057.

Fertility Control

Comment: BLM must consider the social, behavioral, and physiological impacts of population growth control measures on wild horses.

BLM Response: Refer to the EA starting on p. 20 and Appendix G for discussion and analysis.

Comment: BLM also fails to disclose what fertility control it will use under the proposed action but instead claims that it will use “an available fertility control.”.

BLM Response: See the EA (p. 7). The quotation about “the available fertility control” is part of the adaptive management discussion in the EA (p. 9).

Comment: Please consider adding entry level / seasonal PZP darting positions for each field office.

BLM Response: Although this would be valuable to the Proposed Action in the EA, this is a personnel management decision outside the scope of analysis in this EA.

Comment: The BLM made no mention of any effort on their part to recruit any NGO or advocacy groups in a volunteer capacity for field darting. These partnerships are essential for any fertility control administration efforts to be effective in reducing herd numbers over the same 10 year period.

BLM Response: Partnerships are valuable to the Proposed Action in the EA, but this is outside the scope of analysis in this EA.

Gonacon

Comment: Can GonaCon be safely administered via remote darting and how does darting increase or decrease the already high rate of injection site reactions attributed to GonaCon. The EA offers no information whatsoever, including a lack of studies that indicate the feasibility and impacts of GonaCon administered via remote darting.

BLM Response: Refer to the EA on pg. 24 where the least intrusive methods for giving fertility control are preferred to decrease the impacts to the wild horses. Refer to the analysis in Appendix G of the EA which refers to darting with liquid emulsion vaccines. Vale District has been darting with Gonacon and has not observed any of the darted mares having readily visible site injections. All of the mares that have been darted are still being monitored and remain without any detrimental effects attributed to field darting.

Comment: Is Gonacon reversible after more than one application?

BLM Response: Refer to Appendix G of the EA where the discussion of Gonacon occurs and the scientific literature is cited. Gonacon is not a permanent sterilization vaccination.

Nonreproducing Portion of Herd

Comment: BLM should consider the impacts of sterilizing wild horses and should take a hard look at the impacts of releasing castrated and ovariectomized wild horses to the range

BLM Response: Please refer to Alternative 3 and Appendix G in the EA. Impacts were analyzed for the wild horses as well as for other resources including rangeland vegetation and wildlife.

Comment: AN EIS is required before Alternative 3 could be implemented.

BLM Response: Please refer to the FONSI.

Genetic Viability

Comment: BLM must consider the proposed actions impact on the genetic diversity and health of the wild horses.

BLM Response: The EA (Appendix F) provides a summary of past genetic monitoring performed on the three HMAs within the Barren Valley Complex. The proposed action

discussion in the EA (p. 7) and the Monitoring in the EA (p. 6) explains how BLM follow the policy related to genetics within wild horse herds.

Comment: BLM fails to include conclusions and recommendations of more recent genetic reports, and fails to look at the trend in the genetic analysis.

BLM Response: The EA (p. 14-16) and Appendix F provides a summary of past genetic monitoring performed on the herds with in the Barren Valley Complex.

Wild Horses Benefit Rangeland Ecosystems

Comment: BLM should consider the positive impact of wild horses.

BLM Response: The EA (starting at p. 31) discusses the effects to wild horses and their habitat under the “No Action Alternative - Defer Gather and Removal” in each resource section. The referenced paper by Craig Downer was a list of his talking points “for presentation at BLM wild horse/burro workshop (6/14/2010) & National Wild Horse & Burro Advisory Board Meeting (6/15/2010) in Denver, Colorado, & other venues” (Downer 2010). Downer’s paper is not a peer reviewed study nor was it based on any peer reviewed research on wild horses, so it does not meet the BLM’s standard for “best available science” on which to base decisions (Kitchell et al. 2015).

The NAS report indicates rangeland health as well as food and water resources for other animals which share the range would be affected by resource limited horse populations which could be in conflict with the legislative mandate that BLM maintain a thriving natural ecological balance (NAS, p. 56). The NAS report (p. 76) also states, "It can be expected - on the basis of logic, experience, and modeling studies that because horses or burros left to "self-limit" will be food-limited, they will also have poorer body condition on the average. If animals are in poorer condition, mortality will be greater, particularly in times of food shortage resulting from drought or severe winter weather. Indeed, when population growth rate is zero, mortality must balance natality. Whether that is acceptable to managers or the public is beyond the purview of the committee, but it is a biological reality." Section 3(a) of the WFRHBA states the Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the fields of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the advisory board established in section 7 of this Act. BLM interprets the Act and the sciences of biology and ecology to conclude that self-limitation is not a best management practice for wild horses and burros.