



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Owyhee Field Office
101 S. Bruneau Highway
Marsing, Idaho 83639

DECISION RECORD
Sands Basin Herd Management Area Emergency Gather
DOI-BLM-ID-B030-2024-0018-DNA
8/19/2024

I. BACKGROUND

The Jump Fire (a lightning caused fire) started on August 5, 2024, and burned approximately 25,720 acres. Approximately 10,388 acres (88%) of the Sands Basin Herd Management Area (HMA) was consumed (Attachment 1). The HMA is a total of 11,715 acres (approximately 9,448 acres of public land, 886 acres of state land, and 1,381 acres of private land) and is managed by the BLM Owyhee Field Office in southwestern Idaho. Approximately 40 wild horses are currently on the HMA, which is entirely within the Sands Basin Allotment.

The last gather on the Sands Basin HMA occurred in September of 2023, when 14 wild horses outside the HMA were removed. Prior to 2023, the Sands Basin HMA was gathered in September of 2015 following the Soda Fire (started on August 10, 2015) and burned 100% of the Sands Basin HMA. Following this fire, BLM completed nearly 100% removal of wild horses on the HMA.

II. DECISION

It is my decision, effective upon issuance, that all horses (approximately 40), or as many as possible, will be gathered and removed from the Sands Basin HMA using both the drive-trap and bait/water trap methods (Attachment 1).

Because nearly the entire area of the Sands Basin HMA has burned, habitat and forage are extremely lacking on the HMA and 100% removal of wild horses is necessary. It is practical to gather 80-90% of the wild horses by drive-trap methods. However, 10-20% of the wild horses could be difficult to capture due to inaccessibility and/or their lack of responsiveness to drive-trap gather methods. If drive-trap operations are not successful in capturing 100% of the wild horses in Sands Basin HMA, the BLM will conduct a bait/water capture gather to remove the remaining horses. When this method is used, feed, water, and/or mineral licks will be placed in a temporary trap(s) area to lure wild horses into the trap.

All animals will be shipped to the Boise Off-Range Corrals (ORC) immediately after the gather. They may be shipped to the Bruneau ORC after vaccination and preparation at the Boise ORC. After range conditions have sufficiently recovered from the Jump Fire (approximately 2 years), horses will be returned to the HMA. Stocking rates will be at the low end of the Appropriate Management Level (AML), which is 33 horses for Sands Basin HMA. Any wild horses permanently removed from the HMA (approximately 7 wild horses) will be available for adoption approximately one to two months after the gather. All mares over 2-years old that will be returned to the Sands Basin HMAs will be treated with a BLM approved fertility control vaccine (PZP or GonaCon).

The initial gather will take place between approximately August 25 and September 15, 2024. Bait/water capture of those animals the initial gather does not capture will occur over several months after the initial gather.

Design Features

Compliance and monitoring will be completed by BLM and contractor personnel. Standard operating procedures and project design features will be applied as identified in the Owyhee Field Office Herd Management Areas Plan DOI-BLM-ID-B030-2022-0008-EA in sections 2.2.1.1, 2.2.1.2 and 2.2.1.3. See Final EA Appendices for terms, conditions and stipulations:

Appendix C. Standard Operating Procedures

Appendix D. Required Design Features

Appendix H. Removal Criteria and Treatment Procedures

Appendix J. Comprehensive Animal Welfare Protection and Attachments

Appendix K. Wild Horse and Burro Gather Planning, Schedule, Approval

Appendix L. Selective Removal Criteria

III. CONFORMANCE

This action is in conformance with the Owyhee Resource Management Plan (1999) and in compliance with the National Environmental Policy Act (NEPA).

As discussed in the Sands Basin HMA Emergency Gather (DOI-BLM-ID-B030-2024-0018-DNA) the actions included in this decision were adequately analyzed in the Owyhee Field Office Herd Management Areas Plan (DOI-BLM-ID-B030-2022-0008-EA).

The following criteria have been reviewed and determined to adequately address the action as described in the Determination of NEPA Adequacy for the action:

- a. The action is a feature of, or essentially the same as, the alternative selected and analyzed in the existing document.
- b. The range of alternatives analyzed in the existing EA is appropriate to this project.
- c. The existing analysis is still valid and there has been no new information or circumstances that would substantially change the analysis.
- d. The effects of the action are similar to those identified in the existing document.
- e. Public involvement in the previous analysis is adequate for the action

IV. RATIONALE FOR DECISION

This decision to gather wild horses and apply fertility treatment will provide for the safety of the Sands Basin HMA wild horse herd 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 due to the effects of the Jump Fire that burned 88% of the HMA. This fire severely affected resources that wild horse herds depend upon including forage, cover, and water. Given the lack of resources on the HMA, the gather will be conducted utilizing drive trapping because it is the quickest and most efficient method for gathering wild horses. Fertility control treatment of mares will reduce population growth, thus resulting in a longer duration before another removal gather is needed.

The Determination of NEPA Adequacy (DNA) is based on the analysis provided in Alternative B, in the Owyhee Field Office Herd Management Areas Plan EA (DOI-BLM-ID-B030-2022-0008-EA).

The Finding of No Significant Impact (FONSI) for this EA and selected 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.

Authorities: The authority for this Decision is contained in Section 1333(a) of the 1971 Free Roaming Wild Horses and Burros Act as amended, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976 as amended, and Title 43 Code of Federal Regulations (CFR) part 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.

V. RIGHT OF APPEAL

This decision to implement an emergency gather and capture, treat, release, and remove wild horses within the Sands Basin HMAs is effective upon issuance, in accordance with the authority provided in 43 CFR 4770.3 (c).

You have the right to appeal this decision to the Owyhee Field Manager, in accordance with the regulations contained in 43 CFR Part 4.410, 4.411, 4.412, and 4.413. The posting of this decision record on Eplanning initiates the 30-day appeal period. If you appeal, your appeal must be filed with the Bureau of Land Management at the following address:

Bureau of Land Management
Owyhee Field Office
101 South Bruneau Highway
Marsing, ID 83639

The appellant must also serve a copy of the appeal by certified mail to the Boise Field Solicitor's Office at the following address:

US Department of the Interior
Office of the Regional Solicitor
Boise Field Solicitor's Office,
University Plaza, 960 Broadway Avenue, Suite 400
Boise, Idaho 83706

Within 30 days after filing the Notice of Appeal, you must file a complete statement of reasons and a statement of standing as to why you are appealing with the U.S. Department of Interior, Interior Board of Land Appeals in accordance with 43 CFR 4.412. The Statement of reasons and statement of standing must also be served on the Owyhee Field Manager and the Boise Field Solicitor's offices at the addresses provided above.

Failure to provide proper service of the appeal, statement of standing and statement of reasons will subject the appeal to summary dismissal as provided at 43 CFR 4.413(b) and 43 CFR 4.402 (b), (c) and (d).

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) 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 Hearing and Appeals
801 N. Quincy Street, Suite 300
Arlington, VA 22203

In accordance with 43 CFR 4.21(b), a petition for stay of a decision pending appeal shall 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; and (4) whether the public interest favors granting the stay. In accordance with 43 CFR 4.401, the BLM does not accept fax or email filing of a notice of appeal and/or petition for stay. BLM cannot accept Sands Basin HMA 2024 Emergency Gather
DOI-BLM-ID-B030-2024-0018-DNA

electronic submission (e.g. compact disk or other electronic media) of appeal documents due to the Federal Information Systems Security Awareness guidance. Please submit relevant appeal documents in hard copy form for consideration. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

VI. APPROVAL

Ammon Wilhelm
Field Manager
Owyhee Field Office

8/19/2024

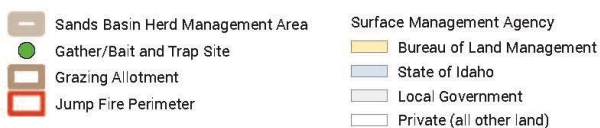
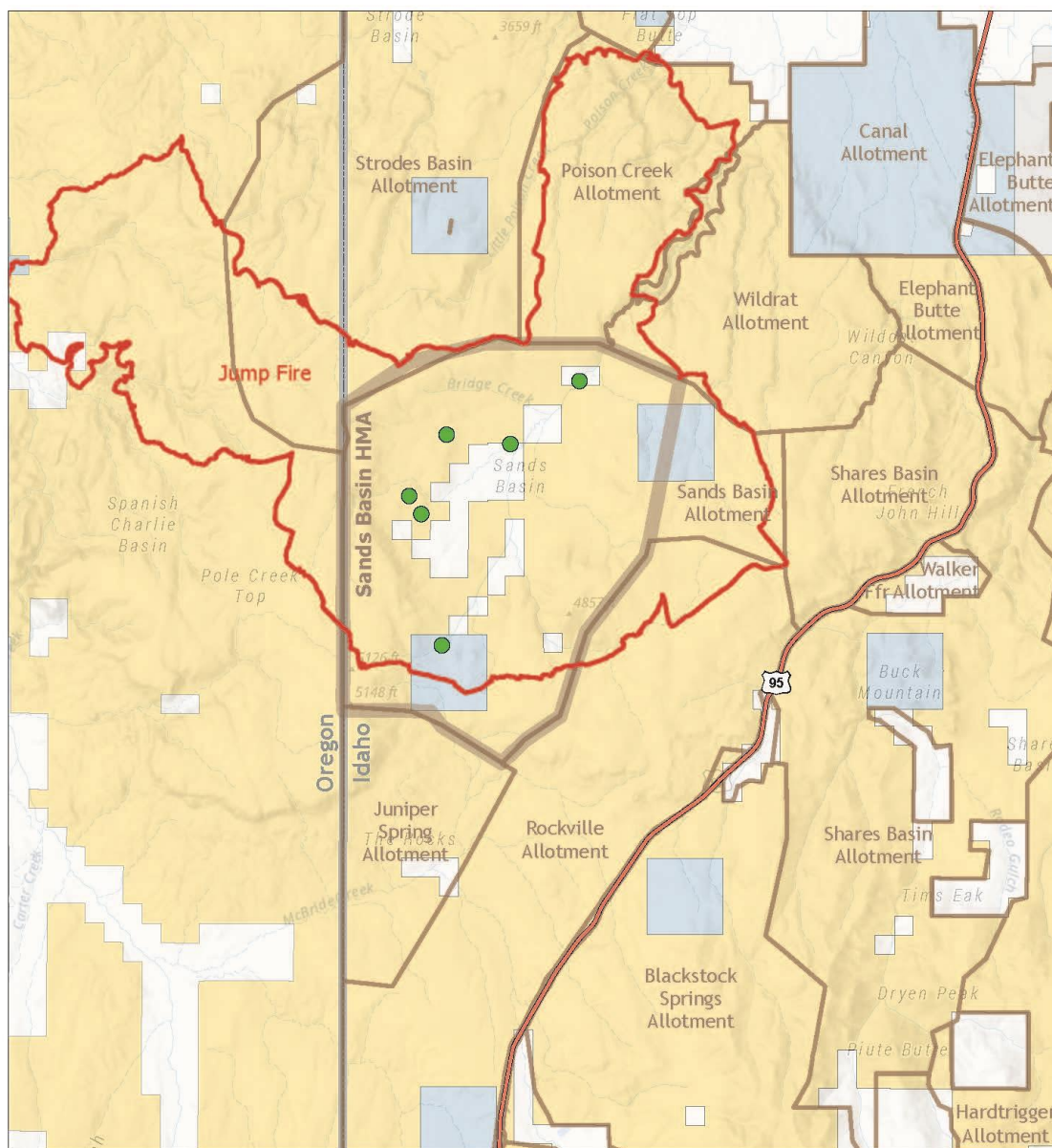
Date

ATTACHMENTS: (1)

Attachment 1. Jump Fire Boundary and Sands Basin HMA Bound



8/12/2024



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of this map or the data displayed for individual use or aggregate use with other data.

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