

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EAGLE LAKE FIELD OFFICE

DECISION RECORD

Twin Peaks Herd Management Area Wild Horse and Burro Gather Plan

DOI-BLM-CA-N050-2019-0011-EA

INTRODUCTION

The Bureau of Land Management (BLM) Eagle Lake Field Office prepared an Environmental Assessment (EA) (No. DOI-BLM-CA-N050-2019-0011-EA) analyzing the environmental impacts of the proposed gather, removal, and fertility control measures. The purpose of the proposed action is to achieve and maintain wild horse and burro populations to be within the established Appropriate Management Levels (AML) for the Twin Peaks Herd Management Area (HMA) over a period of 10 years. The Twin Peaks HMA comprises approximately 656,173 acres of BLM-administered public land located on both sides of the California/Nevada border, with slightly more than half of the area within Lassen County, California and the remainder in Washoe County, Nevada.

The BLM has determined there are excess wild horses and burros within and outside the Twin Peaks HMA. The most recent (June 2019) aerial direct count population from within and outside the Twin Peaks HMA indicate there are approximately 2,338 wild horses, 520 burros, and 39 mules. This number of animals directly counted is more than 530 percent over the low end of AML for wild horses and more than 720 percent over the low end of AML for burros. Monitoring data indicates excess wild horses and burros are contributing factors for sites not achieving the Riparian/Wetland Standard for Rangeland Health (refer to EA Section 3.3.4 for riparian functional assessment results). Thus the proposed action is necessary to reduce population growth, protect rangeland resources from further degradation, and achieve and maintain a thriving natural ecological balance within the Twin Peaks HMA as mandated under Section 3(b)2 of the Wild Free-Roaming Horses and Burros Act of 1971.

The proposed action would gather and remove as many excess wild horses, burros, and mules as feasible from within and outside the Twin Peaks HMA over a period of 10 years from the initial gather until low AML is reached for the reproducing population. Multiple gathers over a period of 10 years would occur. All wild horses and burros residing in areas outside of the HMA would be gathered and removed. After each gather, an aerial survey would be completed to count the remaining population, as funding allows. Summer and fall gathers are preferred to allow for foaling and provide better access to trap sites.

The BLM would attempt to gather a sufficient number of wild horses to allow for the application of fertility control (PZP, PZP-22, GonaCon, or other approved formulation) to all mares that are released. Over the 10-year period for the proposed action, all mares trapped and selected for release would be treated or boosted with fertility control treatments such as GonaCon and/or

Porcine Zona Pellucida -22 (PZP-22), ZonaStat-H (native PZP), or the most current approved formulations to prevent pregnancy in the following year(s).

The HMA would be gathered to low AML (448 horses, 72 burros) which would comprise the potential breeding population. After low AML is reached, to reduce the number of animals in long term holding, a portion of male horses would be sterilized, either by gelding (neutering) or vasectomy, and returned to the HMA. These non-reproducing males would bring the population closer to mid-AML (from low AML), but not to exceed a 60:40 male to female ratio. No male burros would be gelded or neutered to be returned to the HMA. All animals treated with any type of fertility control would be freemarked and identified according to current policy. Intact studs and mares released back to the HMA would be selected to maintain a diverse age structure, historical herd characteristics, and correct conformation.

Animals identified for permanent removal would be transported from the capture/temporary holding corrals to the designated BLM off-range corrals, and from there would be made available for adoption or sale to qualified individuals or would be cared for in off-range pastures, as further described in the EA (refer to Section 2.2.3).

DECISION

It is my decision to authorize and implement Alternative 1 (proposed action) *Phased-in Gather and Removal of Excess Wild Horses and Burros to Low-AML, Sex Ratio Adjustment, and Population Growth Suppression*, as described and analyzed in the Final EA (No. DOI-BLM-CA-N050-2019-0011-EA) for the Twin Peaks Herd Management Area Wild Horse and Burro Gather Plan. Modifications to the final EA in response to public comments on the preliminary EA are described below. This decision is effective immediately pursuant to 43 C.F.R. § 4770.3(c). The BLM's funding and competing national priorities may affect the timing of gather operations and population control components of the proposed action.

RATIONALE

Upon consideration of the impacts of the selected Alternative 1 (proposed action), recommendations from the BLM interdisciplinary team of specialists, and following the issuance of the preliminary EA for public review, I have determined that Alternative 1 will not have a significant impact on the human environment, as indicated in the Finding of No Significant Impact (FONSI) determination.

In addition to the proposed action, the EA evaluated and analyzed three other alternatives that were considered but not selected:

- Alternative 2 would gather and remove excess wild horses and burros from within and outside the Twin Peaks HMA over a 10-year period to achieve and maintain low AML, but would not include a non-reproducing male component or sex ratio adjustment (refer to EA Section 2.2.4).

- Alternative 3 would gather and remove excess wild horses and burros from within and outside the Twin Peaks HMA over a 10-year period to achieve and maintain low AML, however fertility control would not be applied and there would be no change to the existing sex ratio (refer to EA Section 2.2.5).
- Alternative 4 (no action) would neither gather nor implement population management to control the size of the wild horse and burro population within the Twin Peaks HMA. Alternative 4 would not achieve the identified purpose and need; however, it was analyzed in the EA to provide a basis for comparison with the other action alternatives (refer to EA Section 2.2.6).

The EA also describes seven additional alternatives considered by the BLM that were eliminated from further detailed analysis (refer to Section 2.3 for reasons why these alternatives were not analyzed further in the EA).

Based on information in the EA and associated administrative record, I conclude the proposed action is in conformance with the Eagle Lake Resource Management Plan and Record of Decision (April 2008) and the Nevada and Northeastern California Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment (2015). This decision is also consistent with BLM's management responsibilities under the Wild Free-Roaming Horses and Burros Act of 1971, as amended (Public Law 92-195) and the Federal Land Policy and Management Act (1976). Removal of excess wild horses and burros from within and outside the HMA is necessary to achieve a thriving natural ecological balance between wild horse and burro populations, wildlife, livestock, vegetation, and available riparian sources as mandated under Section 3(b)2 of the Wild Free-Roaming Horses and Burros Act. The BLM is required to manage for multiple uses to avoid continued degradation of rangeland.

The finding to not select Alternative 2, 3, or 4 is based on the following rationale:

Alternative 1 (proposed action) was chosen over Alternatives 2 and 3 because Alternative 1 best meets the Purpose and Need of the proposed action and among the other alternatives allows the BLM to better respond to the issue of excess wild horses and burros, using various tools to reduce populations to achieve and maintain AML over time. Alternative 1 would promote vegetative and riparian health by reducing impacts from excess wild horses and burros and preserve the health of animals on the range. Fertility control treatments and modification of sex ratios of released wild horses with the addition of geldings would slow population growth and reduce the number of excess wild horses placed in short-term or off-range holding facilities or offered for adoption or sale over the next 10 years. Managing wild horses and burros at the established AML will maintain genetic health of the herds.

I did not choose Alternative 3 or Alternative 4 (no action) because these alternatives would result in wild horse and burro populations not achieving and/or maintaining AML, resulting in the continued and exasperated degradation of rangeland resources (refer to EA Chapter 4). Over time drinking water for wildlife would become nonexistent in some areas, or be of very low quality due to the high amount of sediment in the water from wild horse and burro trampling. A

decrease in native perennial species in upland sites with an increase in non-native annual species, such as cheatgrass, would also result from these alternatives due to the high amount of disturbance and trampling from excess wild horses and burros.

Alternative 4 (no action) poses the greatest risk to rangeland health of the Twin Peaks HMA, as well as the horses and other animals that share the HMA that would be affected by the degradation of their habitat and limited resource availability. Under this alternative, wild horse and burro populations would continue to grow in excess of available habitat resulting in the potential catastrophic die-off and increased movement to areas outside the HMA due to competition for limited forage and resources. This alternative would be in conflict with BLM's mandate to maintain a thriving natural ecological balance and provide for the multiple-use of BLM-administered public lands.

In addition, my decision to select Alternative 1 (proposed action) is based on the following rationale:

1. *Riparian:* Wild horse and burro population surveys and resource monitoring data indicate current wild horse and burro populations are exceeding levels for healthy riparian areas, as heavy use and trampling from excess wild horses and burros is adversely impacting riparian areas within the HMA. Many of the riparian and wetland sites are currently rated as "Functioning At Risk" or "Non Functioning" (refer to EA Section 3.3.4). Implementation of Alternative 1 would better improve and protect riparian areas by managing wild horses and burros within established AMLs. This would minimize impacts to many riparian areas from the current high utilization rates, year-round grazing, and ground disturbance from use by excess wild horses and burros. Enhanced conditions at these sites would include increased water holding capacity and additional amounts of plant cover and litter (refer to EA Section 4.4.4)
2. *Wild Horse and Burro Health:* Implementation of Alternative 1 would reduce competition for resources to allow wild horses and burros to use preferred, quality habitat. Forage and water resources would be able to improve promoting healthy populations of wild horses and burros. A thriving natural ecological balance between wild horses and burros and other resource uses could be achieved throughout the HMA, and future deterioration of range resources resulting from excessive grazing and trampling would be avoided.

Managing wild horse and burro populations in balance with their habitat and with other multiple uses would ensure that the populations are less affected by drought or other climate fluctuations, and that emergency gathers are either avoided or minimized. This would result in reduced stress to the animals, which would increase the long-term success of the herds (refer to EA Section 4.4.7).

3. *Cultural Resources:* Alternative 1 would result in a decrease in disturbance to cultural resources by reducing the number of excess wild horses and burros within the HMA. Impacts to cultural sites from excess wild horse trampling and displacement would be reduced, especially in riparian areas where concentrations of horses and burros can lead to

modification and displacement of artifacts and features. Alternative 1 would afford more protection to cultural resources (refer to EA Section 4.4.1).

4. *Upland Vegetation and Soil:* Alternative 1 would result in decreased impacts to upland vegetation throughout the HMA. The removal of grazing pressure from excessive numbers of wild horses and burros would reduce impacts to perennial grasses allowing them to recover from natural disturbances and compete with non-native annual grasses such as cheatgrass and medusahead. Removing excess wild horses and burros would also reduce damage to soils that is occurring from trampling and overgrazing of vegetation by preventing additional loss of plant cover and litter, and by reducing the amount of bare ground which makes sites susceptible to soil erosion (refer to EA Sections 4.4.3 and 4.4.5).
5. *Wildlife:* Alternative 1 would provide the greatest benefit to wildlife, including Greater Sage-Grouse. Under Alternative 1, wildlife habitat would have more time to recover and improve and there would be less competition for resources between wild horse and burro and wildlife populations. Perennial grasses and forbs would benefit, as would the conditions of riparian areas and meadows—these are all indicators of desired habitat objectives for Greater Sage-Grouse (refer to EA Section 4.4.6).

In accordance with 43 C.F.R. 4720.1, upon examination of current relevant information, I have determined that an excess of wild horses and burros exist within and outside the HMA, and that excess wild horses and burros need to be removed to achieve and maintain AML and a thriving natural ecological balance.

PUBLIC INVOLVEMENT

The BLM began consultation on the Twin Peaks Gather with the Susanville Indian Rancheria, Washoe Tribe of Nevada and California, Pit River Tribe, Pyramid Lake Paiute, Reno Sparks Indian Colony, and Greenville Indian Rancheria via a scoping letter in June 2016. Follow up consultation occurred since that time in-person or via email (refer to EA Chapter 6: Consultation and Coordination). None of the tribes identified any Traditional Cultural Properties or issues of cultural concern in the project area.

The preliminary EA and unsigned FONSI were made available to the public via the project's webpage on the National NEPA Register for a 30-day comment and review period that opened May 31, 2019 and closed July 1, 2019. In addition to a BLM News Release and Facebook posting, the BLM sent over 270 notifications for the public comment period—over 150 letters were mailed and over 115 letters were sent via email.

The BLM received approximately 5,440 submissions during the public comment period, and more than 5,270 of those submissions were form letters. All comments received prior to the end of the public comment period were reviewed and considered. The BLM's response to comments received are detailed in Appendix R of the EA. The BLM's review of public comments did not indicate that substantive changes to the conclusions presented in the preliminary EA were

warranted, however they did lead to changes in the EA to better explain and clarify BLM's proposed action and analysis, which resulted in a more comprehensive and complete assessment.

A summary of changes from the preliminary EA as reflected in the final EA are as follows:

- Clarifications were made where needed; these did not change context.
- "Potential breeding population" replaced "core breeding population" throughout the EA. Core breeding population implies that all animals will contribute to the breeding population and may be misleading. Potential breeding population refers to all animals that may reproduce.
- Section 1.2: The numbers of animals released back into the HMA were updated to reflect official press release numbers because BLM acknowledges former numbers were incorrect. BLM uses an electronic database that is based on the fiscal year, not the calendar year which led to incorrect numbers in the preliminary EA.
- Section 1.2: For current estimated wild horse and burro populations, the EA was updated to include the direct counts from the 2019 aerial population census that occurred in June 2019. This data replaces the 2017 estimated population throughout the EA. The 2019 survey data became available after the release of the preliminary EA.
- Section 1.2: Figures 1-1 and 1-2 in the EA were revised to reflect years that aerial surveys occurred, along with any removals to provide clarity.
- Section 1.2: An additional factor (#6) in BLM's determination that excess wild horses and burros need to be removed was added to account for "three successive years of nuisance burro requests to remove animals damaging private property." Nuisance burro removal requests were unintentionally omitted from the preliminary EA.
- Section 1.6: Conformance with Rangeland Health Standards and Guidelines was clarified to further state that high utilization from wild horses and burros is a causal factor contributing to sites not meeting standards.
- Section 2.1: Table 2-1 was removed because Sections 2.2 through 2.2.6 were clarified with information that was previously presented in Table 2-1. The BLM determined that it would lend more clarity to the EA to remove the table and clarify Sections 2.2 through 2.2.6 in the text.
- Section 2.2.2: Management Actions Common to Alternatives 1 and 2 were changed by referring to only mares and not jennies regarding fertility control. The low burro AML is sufficient to achieve and maintain AML without the use of fertility control in burro jennies.
- Section 2.2.3 (proposed action) clarifications include the addition of goals for the proposed action; language added that an aerial survey would be completed to count the remaining population pending funding; clarification that potential breeding animals at low AML would be maintained at a 50:50 male to female sex ratio; added language that annual retreatments are necessary to maintain fertility control efficacy; and the male sterilization subsection clarified that the release of geldings would not exceed an overall 60:40 ratio of total male to female horses. The proposed action changed with the removal of jennies from fertility control consideration.
- Section 2.3: Wild horse and burro numbers controlled by natural means was an alternative added to the EA as considered but dismissed from further analysis. This was

an alternative suggested by commenters and the BLM added to Section 2.3 to explain, despite consideration, why this alternative is not feasible in the Twin Peaks HMA.

- Section 3.3.4: The EA was clarified to include the following text to the caption of Figure 3-5 "...with most monitored locations well below the riparian standard (4.0 inches) indicated by the dashed red line."
- Due to the [Sage-Grouse RMP Injunction Order](#) (October 16, 2019), the EA was updated to reference and comply with the [Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment](#) (ARMPA) and Record of Decision (2015) with reference to the 2019 amendment dropped.
- Section 3.3.6: Per the ARMPA, the seasonal timing restrictions for Greater Sage-Grouse were added to the text.
- Section 3.3.7 was clarified to reflect 2010 gather and release numbers, updated the nuisance burro removals to reflect additional animals removed since the preliminary EA, and updated the list of population survey years to include 2019.
- Section 3.3.7 includes additional information on the effects of competition among grazing ungulates, dietary differences, and physiological differences between equids and other grazing ungulates to rangeland resources. This section was unintentionally omitted from the preliminary EA.
- Section 4.3 was clarified to state "Annual remotely-delivered fertility control program or one administered in conjunction with future gathers could also reduce population growth. Any future wild horse and burro management, aside from the proposed management actions specified in this EA, would be analyzed in appropriate environmental analysis/documentation following site-specific planning with public involvement."
- Section 4.4.6: The following was added in text: "no gather sites would be set up within a four-mile buffer of active and/or pending GRSG leks during the lekking and nesting seasons or in areas of documented use determined by telemetry locations. Areas within a four mile buffer of active and/or pending leks would be considered avoidance areas and protect approximately 85 percent of nesting GRSG." Additional modifications to Section 4.4.6 were made to clarify impacts to Greater Sage-Grouse, particularly in regards to the No Action Alternative.
- Section 4.4.7 was clarified by removing jacks and jennies from sex skewing and added the following text and citations "BLM acknowledges that mares treated four or more times with fertility control may become sterile (Nunez 2018)," and "It is not expected that genetic health would be impacted by the action alternatives. The AML range of 448 to 758 animals should provide for acceptable genetic diversity and if need be will be monitored with further genetic testing (see EA Appendix N). Genetic diversity will be monitored with respect to observed heterozygosity (Ho; BLM 2010). Genetic monitoring will inform the BLM as to whether or not genetic diversity, as measured by observed heterozygosity (Ho), is acceptable, or whether any mitigating actions will need to be taken (BLM 2010). If monitoring of observed heterozygosity levels, as measured from genetic monitoring samples, gives indication that measure of genetic diversity should be increased, the BLM may consider introducing animals to the herd to increase local genetic diversity."
- Additional references were added to Chapter 8 References (see Attachment 1 of this decision for a list of references added to the Final EA).

- “Required Design Features” listed in Appendix Q of the preliminary EA were moved to Chapter 5 Monitoring and Mitigation Measures in the Final EA, with Appendix Q in the Final EA addressing a transcription error (see below).
- Appendix M: A transcription error was discovered in Appendix M and was corrected to record the correct year of the 2010 gather and removal. Mules were counted as horses in the 2010 press release and as mules in 2011 in Appendix M. The chart in Appendix M was revised to count mules in the “mule” category throughout the table per BLM records. Clarifying text was added to Appendix M regarding the additional data included per BLM records as noted above. The change was made to clarify mules being counted individually, the addition of recent nuisance burro gathers, and when animals were released per calendar year.
- Appendix K: A map of springs was added to Appendix K (Twin Peaks HMA Riparian Report) to provide clarity on the locations of BLM’s riparian functional analysis and quantitative studies of riparian areas and better understand the spatial distribution of riparian studies.
- Appendix Q addresses the Twin Peaks HMA 2017 Population Estimate Transcription Error that occurred with respect to the 2017 aerial count and to provide clarity on direct animal counts. During the digitization of the 2019 aerial survey data from the Twin Peaks HMA, BLM discovered a transcription error in the 2017 aerial survey data. This error resulted in the preliminary EA stating a higher number of horses than were seen in the 2017 survey. USGS analyzed the 2017 data in a way that mistakenly included burros in the analysis of estimated total number of horses. As a result, in the Final EA BLM has updated counts of horses and burros from the 2017 aerial survey. The preliminary EA estimated the 2017 wild horse population using accepted methodologies for numbers of animal that were present but not directly seen by observers, whereas the population data in the final EA reflects only the direct counts of horses and burros, as recorded during 2017 and 2019 aerial surveys without any adjustment for animals that may not have been seen. Data recorded during these surveys used the simultaneous double-observer method to count animals (refer to Appendix Q).
- Appendix R: The BLM’s response to public comments on the preliminary EA was added as an appendix to the EA (refer to Appendix R).

I have considered these changes from the Preliminary EA to Final EA, have considered public comments received during the public comment and review period on the preliminary EA, as well as reviewed past public comments received on the last gather for the 2010 Twin Peaks Herd Management Area Wild Horse and Burro Gather Plan EA No. DOI-BLM-CA-N050-2010-0005-EA). The Final EA for the Twin Peaks Herd Management Area Wild Horse and Burro Gather Plan (No. DOI-BLM-CA-N050-2019-0011-EA) is available on the NEPA Register at: <https://bit.ly/2YVsUnL>.

The BLM will provide a schedule to allow members of the public to observe the Twin Peaks HMA gather operations as they occur, and to observe horses and burros in short term holding at the BLM wild horse and burro facilities in Litchfield, California and Palomino Valley, Nevada. Prior to any gather activity, the BLM will issue press releases and other notifications as appropriate.

AUTHORITY

The authority for this decision is contained in Section 3(b)(2) of the 1971 Free-Roaming Wild Horses and Burros Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700.

§4700.0-6 Policy

- (a) Wild horse and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
- (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;
- (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

§4710.4 Constraints on Management

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

§4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animal 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; and
- (c) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this part.

§4740.1 Use of Motor Vehicles or Air-Craft

- (a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses or burros for capture or destruction. All such use shall be conducted in a humane manner.
- (b) Before using helicopters or motor vehicles in the management of wild horses or burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

§4770.3 Administrative Remedies

- (a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR, part 4.
- (b) 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 lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple-use relationship shall be effective upon issuance or on a date established in the decision.

ADMINISTRATIVE REMEDIES

You have the right to appeal this decision to the Northern California District Manager, in accordance with the regulations contained in 43 C.F.R. §§ 4.410, 4.411, 4.412, and 4.413. Your appeal must be filed within **thirty (30) days** from receipt or issuance of this decision with the BLM at the following address:

Alan Bittner
District Manager
Northern California District Office
Bureau of Land Management
6640 Lockheed Drive
Redding, CA 96002

The appellant must also serve a copy of the appeal on the appropriate Solicitor's Office (43 C.F.R. §§ 4.401(c)(ii) and 4.413(c)) at the following address:

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, E-1712
Sacramento, CA 95825

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 upon the District Manager and the appropriate Solicitor's office at the addresses provided above.

Service must also be provided to each person named in the decision and must be in accordance with 43 C.F.R. § 4.401(c). Failure to file the statement of reasons and statement of standing within the time required will subject the appeal to summary dismissal as provided in 43 C.F.R. § 4.402. 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 C.F.R. § 4.413(b) and 43 C.F.R. §§ 4.402 (b), (c) and (d).

If you wish to file a petition pursuant to regulation 43 C.F.R. § 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 C.F.R. § 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.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 C.F.R. § 4.401 (c) (2)).

In accordance with 43 C.F.R. § 4.401, the regulations do not provide for electronic filing of appeals, therefore they will not be accepted. 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.

APPROVAL

The 2019 Twin Peaks HMA Wild Horse and Burro Gather Plan is approved for implementation. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at § 4770.3(c) because removal of excess animals is necessary to protect animal health and prevent further deterioration of rangeland resources.



Alan Bittner
District Manager

Nov. 1, 2019
Date

Attachment 1: Additional/Added References

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