

May 6, 2010

## **Questions and Answers about the Moriah Herd Area Wild Horse Gather**

### **Why is the BLM gathering the Moriah Herd Area?**

The proposed gather is needed to remove all wild horses in excess of the established management levels from areas not designated for their long-term maintenance so as to achieve and maintain a thriving natural ecological balance and multiple use relationship as required under Section 3(b) (2) of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) and Section 302(b) of the Federal Land Policy and Management Act of 1976 and in conformance with the decision in the 2008 Ely Resource Management Plan to no longer manage these public lands as an HMA. Removal of excess wild horses is also needed to improve watershed health and to make “significant progress towards achievement” of Northeastern Great Basin Resource Advisory Council (RAC) Standards for Rangeland Health.

In 2008, BLM issued the Ely District ROD and Approved Resource Management Plan (RMP). The Ely District ROD and Approved RMP management action WH-5 states: “Remove wild horses and drop herd management area status for those areas that do not provide sufficient habitat resources to sustain healthy populations as listed in Table 13.” The Moriah herd area was dropped from HMA status and returned to HA status (manage for “0” wild horses) under this land-use plan management action. The decision to remove wild horses and to manage for 0 wild horses within the Moriah HA reflects the recent evaluation using multi-tiered analysis from the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) RMP/EIS table 3.8-2 and page 4.8-2. The RMP/EIS (November 2007) evaluated each herd management area for five essential habitat components and herd characteristics: forage, water, cover, space, and reproductive viability. If one or more of these components were missing or there was no potential for a stable shared genetic pool, the herd management area was considered unsuitable for wild horses. The Moriah HMA failed to meet one or more of the five required habitat components resulting in the decision to drop its HMA status.

### **EA/Decision Record Questions**

#### **What is the Proposed Action and other alternatives considered in the Final Environmental Assessment (EA)?**

The Proposed Action is the gather and removal of 100% of the current population of wild horses (or about 72 excess wild horses), including any horses outside the HA boundaries. All of the animals gathered would be removed and transported to BLM holding facilities where they would be prepared for adoption and/or sale to qualified individuals or placed into long term pastures. Due to historic gather efficiencies in this area the estimated population remaining on the range

following the gather would be about 10-15 wild horses. Additional gathers may be needed to achieve and manage for zero wild horses.

### **No Action Alternative**

Under the No Action Alternative, a gather to remove all excess wild horses in the Moriah HA would not take place beginning in about August 2010. There would be no active management to control the size of the wild horse population at this time. The current population of about 72 wild horses would continue to increase at a rate of 20% annually and would be allowed to regulate their numbers naturally through predation, disease, and forage, water and space availability. Horses would continue to move outside the HA in increasing numbers in search of habitat components. Existing management, including monitoring, would continue.

The No Action Alternative is not in conformance with The Ely District ROD and Approved RMP (August 2008) management action WH-5.

The No Action Alternative would not comply with the 1971 WFRHBA or with applicable regulations and Bureau policy, nor would it comply with the Northeastern Great Basin Area RAC Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations. However, it is included as a baseline for comparison with the Proposed Action, as required under the 1969 National Environmental Policy Act (NEPA).

### **Alternatives Considered But Eliminated From Detailed Analysis**

#### **Use of Bait and/or Water Trapping**

An alternative considered but dismissed from detailed analysis was use of bait and/or water trapping as the primary gather method. This alternative was dismissed from detailed study for the following reasons: (1) the size of the area is too large to use this method; (2) road access is limited, particularly during the winter; and (3) the presence of water sources on both private and public lands inside and outside the HA would make it almost impossible to restrict wild horse access to the extent needed to effectively gather and remove the excess animals.

#### **Remove or Reduce Livestock within the HA**

This alternative would involve no removal of wild horses and instead address the excess wild horse numbers through the removal or reduction of livestock within the HA. This alternative was not brought forward for detailed analysis because it is outside of the scope of the analysis, and is inconsistent with the 2008 Ely District ROD and Approved RMP (August 2008) and the WFRHBA which directs the Secretary to immediately remove excess wild horses, and is inconsistent with multiple use management. Livestock grazing can only be reduced or

eliminated following the process outlined in the regulations found at 43 CFR Part 4100. Such changes to livestock grazing cannot be made through a wild horse gather decision.

Final Multiple Use Decisions (FMUDs) were issued for allotments within the Moriah HA. These decisions established stocking rates for wild horses and livestock, the decisions also established seasons of use, areas of use, kind and class of livestock and management actions to improve livestock distribution, these management actions included, the establishment of grazing systems, allowable use levels, salting and herding practices. Livestock reductions through the Multiple Use Decision process were implemented on allotments within the Moriah HA.

Livestock grazing continues to be evaluated for allotments and use areas within the Moriah HA. Monitoring and evaluation of livestock grazing is in accordance with the Ely District Record of Decision and Approved Resource Management Plan dated August 20, 2008. This action is specifically provided for in Management Decisions LG-4 and LG-5.

The goals and objectives for livestock grazing found in the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, states, "Manage livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health." In addition, "To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health (p 85-86)."

Management Action LG-4 states, "Continue to monitor and evaluate allotments to determine if they are continuing to meet or are making significant progress toward meeting the standards for rangeland health. Table E-1 in Appendix E shows the current grazing preference, season-of-use, and kind of livestock for those allotments that currently are evaluated for meeting standards, are making progress toward achieving the standards, or are in conformance with the policies as determined either through the allotment evaluation process or associated with fully processed term permit renewals. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, kind of livestock. Such changes will continue to meet the RMP goals and objectives, including the standards for rangeland health."

Management Action LG-5 states, "Maintain the current grazing preference, season-of-use, and kind of livestock until the allotments that have not been evaluated for meeting or making progress toward meeting the standards or are in conformance with the policies are evaluated. Depending on the results of the standards assessment, maintain or modify grazing preference, seasons-of-use, kind of livestock and grazing management practices to achieve the standards for rangeland health. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Ensure changes continue to meet the RMP goals and objectives, including the standards for rangeland health."

The BLM is currently authorized to remove livestock from HMAs “if necessary to provide habitat for wild horses or burros, to implement herd management actions, or to protect wild horses or burros from disease, harassment or injury” under CFR 4710.5. This authority is usually applied in cases of emergency and not for general management of wild horses or burros.

### **Gather Related Questions**

#### ***Where would the BLM gather horses?***

The BLM Schell Field Office would gather 100% of the current population of wild horses (or about 72 excess wild horses), including any horses outside the HA boundaries. Under the 2008 RMP, no wild horses are to be managed within the Moriah HA based on in-depth analysis of habitat suitability and monitoring data. This analysis indicates insufficient water, space, and cover is available to maintain healthy wild horses and rangelands over the long-term.

The Moriah HA comprises a total of about 55,300 and is located 48 miles northeast of Ely, within White Pine County, Nevada. The eastern boundary of the HA is the Nevada/Utah state line. A portion of the area is located within the Government Peak Wilderness Area.

#### ***Description of the Environment?***

The Moriah HA ranges in elevation from approximately 5400 feet above sea level (asl) to approximately 9500 feet asl. The annual precipitation varies from 5 inches in the valley bottoms to 19 inches in the higher elevations. The area lies about 50 air miles northeast of Ely, Nevada and is entirely within White Pine County. The HA is 55,300 acres and is dominated by sagebrush, and pinyon-juniper with topography ranging from wide open valley bottoms to surrounding gently sloping hills to steep escarpments. Wild horses routinely move outside the HA to the east into Snake Valley, Utah in the winter.

#### ***Will BLM remove all the horses that are gathered?***

The BLM is gathering and removing 100% of the population or approximately 72 excess wild horses within the Moriah HA. Considering the terrain and anticipated gather efficiency, the post-gather population of wild horses after the summer 2010 helicopter gather would be about 10-15 animals. More than one gather would likely be needed to remove all excess wild horses within the HA and effectively return them to HA status.

#### ***Does the BLM use fertility control?***

**Yes**, the BLM has promoted and supported the development of an effective contraceptive agent for wild horses since 1978. The most promising agent is a Porcine Zona Pellucida (PZP) vaccine that was developed in the 1992, but is not commercially available. The PZP vaccine is used by BLM in cooperation with the Humane Society of the United States (HSUS) under a research protocol.

### ***How does the BLM gather horses?***

The BLM uses a Federal gather contractor to gather wild horses from HMAs and HAs where the BLM has determined that excess animals exist. The contractor uses a helicopter to locate and herd horses towards a set of corrals where the horses are gathered. The helicopter is assisted by a ground crew and the use of a Parada, a domesticated horse, to move the excess horses into the corrals. If needed, the ground crew may assist the helicopter by roping the horses from horseback.

### ***Why does the BLM use helicopter to gather horses - isn't that inhumane?***

The 1971 Wild Free-Roaming Horses and Burros Act, as amended, authorizes the BLM and the Forest Service to use helicopters to gather animals, as well as motorized vehicles to transport gathered animals. The use of helicopters and motorized vehicles has proven to be a safe, effective, and practical means for the gather and removal of excess wild horses and burros from the range. This is demonstrated by the gather of nearly 25,000 wild horses and burros during fiscal years (FY) 2004-2008 with a mortality rate of less than one half of one percent.

Though the horses experience a heightened stress level for the short period of time that the helicopter is herding the animals towards the gather corrals, animals calm down quite quickly afterwards. Helicopter gathers require a third to half the time of traditional water or horseback trapping methods.

Other methods of gathering horses on horseback or water trapping can be effective in small gathers and in confined spaces, but they are not nearly as efficient as helicopter gathers. Water trapping can be very effective when water resources are scarce but nearly impossible otherwise. Also, this method is very time consuming.

Using horseback riders to herd the horses into gather corrals is very difficult in large open areas of public lands. This practice is very hard on the domestic horses and the riders; both have a high likelihood of being hurt. This method is very inefficient and takes an enormous amount of time to complete.

For the Moriah Herd Area Wild Horse Gather, gathering on horseback or through use of water trapping would not be effective means because: 1) the size of the area is too large to use these methods; and 2) the presence of water sources on both private and public lands inside and outside the HA boundary would make it almost impossible to restrict wild horse access to water trap sites.

### ***Does the public have input regarding the use of helicopters and motorized vehicles in managing wild horses and burros?***

Yes, Section 9 of the 1971 Act, requires that a public hearing be held prior to the use of helicopters and motorized vehicles. Hearings are held annually. The purpose of the hearings is to

listen to public concerns so that BLM can review its Standard Operating Procedures to assure animals are treated humanely. The BLM Nevada State Office held a public hearing on May 20, 2009. BLM reviewed its Standard Operating Procedures in response to the views and issues raised at the public meeting and determined that no changes to the SOPs were warranted.

***Is this an emergency action?***

It is not currently, but could become, due to limited forage and water resources. If this population management action is not completed in the near future, the likelihood of an emergency situation increases due to limited winter forage and reduced water availability caused by excess wild horses and severe weather conditions.

***How many horses would be removed?***

The proposal is to remove 100% of the current population or approximately 72 excess wild horses from the Moriah Herd Area (HA). Considering the terrain and anticipated gather efficiency, the post-gather population of wild horses after the summer 2010 helicopter gather would be about 10-15 animals. More than one gather would likely be needed to remove all excess wild horses within the HA and effectively return them to HA status.

***What happens to the horses that don't go back to the range?***

The excess wild horses removed from the range will be shipped to a short-term holding facility in Palomino Valley, Sparks, Nevada, or Delta Wild Horse Corrals, Delta, Utah to be prepared for the BLM wild horse adoption program or for long-term pastures. They will be checked by a veterinarian and receive vaccinations and freeze marks.

Currently there are more than 30,000 wild horses and burros maintained at short and long-term holding facilities and pastures. In the case of long-term holding pastures, unadopted and unsold horses live out the rest of their lives in these grassy prairie-land areas of the Midwest, and are cared for by contractors. New contracts for long-term holding pastures will allow an additional 8,000 head to be cared for in long-term holding pastures. Animals are held between 10 and 25 years depending on their age when they enter lifetime holding. In contrast, only a small percentage of wild horses roaming public rangelands live past the age of 15 because of the harsher living conditions.

**Population Questions**

***What is the current population of the herd?***

In March 2009 an aerial inventory was conducted with a direct count of 50 wild horses, not including the 2009 foal crop. Wild horse numbers within this area have increased at an average of 20% annually. The 2010 population estimate is 72 excess wild horses including the 2010 foal crop. Approximately half of these 72 horses regularly move or reside outside the HA in search of forage, water and space.

## **Contractor Questions**

### ***How does the BLM select its gather contractors?***

The BLM's national gather contracts were awarded in 2006 following an in-depth technical review of the proposals received from the prospective contractors. Among the key elements of the technical review was evaluation of the prospective contractor's knowledge, skill and ability to gather and handle wild horses and burros in a safe, effective and humane manner. The BLM's contractors have demonstrated the knowledge, skill and ability to gather and handle these animals safely, effectively and humanely.

## **Range/Grazing Questions**

### ***How does the BLM determine if the range has deteriorated – is there sound science involved?***

The BLM conducts monitoring of public lands for vegetation condition, forage and water availability and wildlife habitat condition. Riparian assessments, utilization monitoring and trend data indicate excessive wild horse use is contributing to degradation of rangeland resources including damage to water sources, riparian areas (these are water sources such as stream and creek banks, seeps) and overutilization of forage at higher elevations. The Proposed Action is consistent with maintaining a thriving natural ecological balance between wild horse and burro populations, wildlife, livestock and vegetation, and to protect the range from the deterioration associated with an overpopulation of wild horses and burros.

For decades, the BLM has hired rangeland management specialists, wildlife biologists, as well as wild horse and burro specialists, whose expertise is used to monitor and assess rangeland conditions on public lands.

### ***Is there livestock grazing in this area?***

Yes, the Moriah HA includes portions of five livestock grazing allotments. However, the permittees have voluntarily reduced their use based on drought and limited forage.

### ***Does wild horse overpopulation impact wildlife and plants?***

A wide variety of wildlife species common to the Great Basin ecosystem can be found in the HA. This includes large mammals like pronghorn antelope (*Antilocapra americana*), with mule deer (*Odocoileus hemionus*) and Rocky Mountain Elk (*Cervus canadensis*) in higher elevations with tree cover. Other wildlife species common to the Great Basin environment include mountain lions (*Felis concolor*), coyotes (*Canis latrans*), bobcats (*Lynx rufus*), and blacktail jackrabbits (*Lepus californicus*).

BLM special status species that may potentially occur within the Moriah HA. Some of the more common species that may occur are sage grouse, pygmy rabbits, bald eagles, and ferruginous hawks. There is summer brood rearing, nesting, and winter sage-grouse habitat within the Moriah HA. There are no known active sage-grouse leks within the HA. Pygmy rabbits inhabit

predominately sagebrush habitat with soils suitable for burrowing. Bald eagles are a winter resident of this area of Nevada and can be observed from November thru May. Two ferruginous hawk nests have been documented within the HA. Ferruginous hawks are year round residents frequently nesting in juniper stringers.

Wild horses often graze the same area repeatedly throughout the year. Forage plants in those areas receive little rest from grazing pressure. Continuous grazing does not allow plants sufficient time to recover from grazing impacts. Such overgrazing results in reduced plant health, vigor, reproduction, and ultimately to a loss of native forage species from natural plant communities. Over time, this greatly diminishes habitat quality as abundance and long-term production of desired plant communities is compromised. If horse populations are not controlled in this area, forage utilization will exceed the capacity of the range.

***Was the Appropriate Management Level (AML) adjusted in the Ely District Record of Decision and Approved Resource Management Plan?***

Yes, In November 2003, AML was set at 1-29 wild horses through issuance of a “Wild Horse Management Decision and Finding of No Significant Impact (FONSI) for the Establishment of Appropriate Management Levels for Twelve Wild Horse Herd Management Areas with the Ely District.” The decision was based on in-depth analysis documented in Environmental Assessment (EA) NV-04-03-036. EA#NV-040-03-036 recommended establishing the AML for the Moriah HMA as “0” wild horses and returning the HMA to HA status due to insufficient forage and water to support a population size adequate to avoid inbreeding over the long-term.

In 2008, BLM issued the Ely District ROD and Approved Resource Management Plan (RMP). The Ely District ROD/Approved RMP management action WH-5 states: “Remove wild horses and drop herd management area status for those areas that do not provide sufficient habitat resources to sustain healthy populations as listed in Table 13.” As a result of the RMP, the Moriah HMA was returned to HA status with the directive to manage the HA for “0” wild horses. This management decision for the Moriah HA reflects the recent evaluation and determination of the non-suitability of this area for wild horses using multi-tiered analysis from the Ely Proposed Resource Management Plan/Final Environmental Impact Statement (November 2007) table 3.8-2 and page 4.8-2. The EIS (November 2007) evaluated the herd management area for five essential habitat components and herd characteristics: forage, water, cover, space, and reproductive viability. If one or more of these components were missing or there was no potential for a stable shared genetic pool, the herd management area was considered unsuitable. The Moriah HMA failed to meet one or more of the five required habitat conditions.

***Why don't you just make more land available to the horses?***

The BLM would need approval from Congress to expand herd areas for wild horses. By law, wild horses can only be managed on areas of public lands where they were known to exist in 1971, at the time of the passage of the Wild Free-Roaming Horses and Burros Act of 1971.

**Adoption Question**

### ***How can I adopt one of the horses?***

The excess wild horses and burros removed from the range are offered for adoption to qualified people through the BLM's Adopt a Wild Horse or Burro Program. Potential adopters must have the proper facilities and financial means to care for an adopted animal, and we always hope that they have experience working with a wild horse or burro, which will help ensure the gentling process.

During the first year, the government retains title to the animal(s), and will conduct compliance checks throughout the year in an effort to ensure as much as possible that the animal is properly being cared for and has gone to a good home. At the end of the first year, if the adopter has complied with all the adoption stipulations and has properly cared for their mustang or burro for one year, he or she is eligible to receive title, or ownership, from the Federal government.

The BLM has placed nearly 225,000 wild horses and burros into private care since the adoption program began in 1971. To apply to adopt a wild horse or burro on-line, please go to the BLM's adoption website at:

[http://www.blm.gov/wo/st/en/prog/wild\\_horse\\_and\\_burro/What\\_We\\_Do/wild\\_horse\\_and\\_burro\\_0.html](http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro/What_We_Do/wild_horse_and_burro_0.html). If you are interested in adopting directly from one of the BLM's holding facilities, please visit the agency's facilities page. For more information about the BLM's Adopt-A-Horse or Burro program, please visit [http://www.blm.gov/wo/st/en/prog/wild\\_horse\\_and\\_burro.html](http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro.html), or you may call 1-800-4Mustangs with any questions about the BLM's Wild Horse and Burro Program.