United States Department of the Interior
Bureau of Land Management
Burns District Office

FINDING OF NO SIGNIFICANT IMPACT
Warm Springs Herd Management Area Wild Horse Gather
Environmental Assessment
DOI-BLM-OR-B050-2010-0040-EA

INTRODUCTION

The Warm Springs Herd Management Area Wild Horse Gather Environmental Assessment (EA) (DOI-BLM-OR-B050-2010-0040-EA) was completed to analyze the impacts of conducting a gather and removal of excess wild horses within the boundaries of the Warm Springs Herd Management Area (HMA) and any wild horses immediately outside or adjacent to the HMA. The current population of wild horses within the gather area is estimated to be 361 animals. The Appropriate Management Level (AML) for the herd is 111 to 202 wild horses and burros. The AML for the Warm Springs HMA has been previously established based on monitoring data and following a thorough public review. Documents containing this information are available for public review at the Burns District Office.

SUMMARY OF THE PROPOSED ACTION

The Proposed Action is to gather approximately 361 wild horses (100 percent of the population) in the late fall of 2010, and approximately 265 excess wild horses would be removed from the Warm Springs HMA. Approximately 96 wild horses (43 mares, 43 studs, and 10 geldings) would be returned to the HMA at completion of the gather, leaving a post gather population of approximately 96 head of wild horses and 15 head of burros which is the lower level of the AML. This alternative would include administering Porcine Zona Pellucida (PZP) to the mares, determining sex, age, and color, assessing herd health pregnancy/parasite loading/physical condition, etc.), monitoring results as appropriate, sorting individuals as to age, size, sex, temperament and/or physical condition, and returning selected animals, primarily in the 6 to 10-year age group. This would ensure a vigorous and diverse breeding population, reduce stress on vegetative communities and wildlife, and be in compliance with the Wild Free-Roaming Horse and Burro Act of 1971 and land use plans.

FINDING OF NO SIGNIFICANT IMPACT

Consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of impacts, is described below:

Context

The affected region is limited to portions of Harney County, where the project area is located. The area is located 30 miles south of Burns, Oregon. It is adjacent to and south of Harney Lake and between Highways 205 and 395. There would be no substantial broad societal or regional impacts not previously considered in the Three Rivers Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS). The actions described represent anticipated program adjustments complying with the Three Rivers RMP/Record of Decision, and implementation of the wild horse management program within the scope and context of this document.

The gather has been planned with input from interested public and users of public lands.

Intensity

Based on my review of the EA against the succeeding CEQ's 10 considerations for evaluating intensity (severity of effect), there is no evidence that the severity of impacts is significant:

1. *Impacts that may be both beneficial and adverse.* The proposed gather is expected to meet Bureau of Land Management's resource objective for wild horse management of maintaining a thriving natural ecological balance consistent with other multiple uses. Although the gathering and removal of excess wild horses is expected to have short-term impacts on individual animals, it is expected to ensure the long-term diversity of the wild horse herd and help to improve forage and habitat conditions in the HMAs.

2. *The degree to which the Proposed Action affects public health or safety.* The proposed gather has no effect on public health or safety.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* The Proposed Action has no potential to affect unique characteristics such as historic or cultural resources or properties of concern to American Indians. There are no wild and scenic rivers or affected ecologically critical areas present in the areas. Maintenance of appropriate numbers of wild horses is expected to help make progress in meeting resource objectives for improved terrestrial habitat.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the Proposed Action or preference among the alternatives. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action or alternatives as effects of the gather are well known and understood.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The analysis has not shown there would be any unique or unknown risks to the human environment nor were any identified in the Three Rivers PRMP/FEIS. Effects of gathering wild horses are well known and understood.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The action would not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Wild horse gathers are a reoccurring management activity.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The EA includes an analysis of cumulative effects which considers past, present, and reasonably foreseeable future actions in the Warm Springs HMA that supports the conclusion that the proposed gather is not related to other actions with individually insignificant but cumulatively significant impacts.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.* The proposed gather has no potential to adversely affect significant scientific, cultural, or historical resources as there are no features within the project area listed or eligible for listing in the National Register of Historic Places.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.* There are no known threatened or endangered species affected by the Proposed Action or alternatives and the action area does not include any habitat determined to be critical under the Endangered Species Act.

10. *Whether the action threatens a violation of Federal, State, local or tribal law or requirements imposed for the protection of the environment.* The proposed gather conforms to the approved 1992 Three Rivers RMP. Further the proposed gather is consistent with other Federal, State, local, and tribal requirements for protection of the environment to the maximum extent possible.

On the basis of the information contained in the EA and all other information available to me, it is my determination that:

1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Three Rivers PRMP/FEIS (1991);

2) The Proposed Action and alternatives are in conformance with the Three Rivers RMP (1992);

3) There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and

4) The environmental effects against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment.

Therefore, an EIS is not necessary and will not be prepared.

/signature on file/ *September 29, 2010*
Richard Roy Date
Three Rivers Resource Area Field Manager

USDI, Bureau of Land Management
Three Rivers Resource Area, Burns District

DECISION RECORD

WARM SPRINGS HERD MANAGEMENT AREA
WILD HORSE GATHER

ENVIRONMENTAL ASSESSMENT
DOI-BLM-OR-B050-2010-0040-EA

BACKGROUND

The Warm Springs Herd Management Area (HMA) lies south of Burns 30 miles and between Highway 205 on the east and Highway 395 on the west. The topography varies from slightly rolling hills to prominent buttes, with two distinct drainages running through the area. Elevation varies from approximately 4,000 feet to 7,400 feet. Precipitation ranges upwards of 8 inches annually and comes mainly in the form of snow. Temperatures vary from -30 °F in winter to 95 °F in summer. The major vegetation types are low sagebrush/Thurber's needlegrass, big sagebrush/squirreltail, big sagebrush/bluebunch wheatgrass, and small stands of western juniper.

Warm Springs HMA was last gathered in 2006. The April 2010 inventory determined Warm Springs HMA wild horse and burro numbers to be 341 head. With the entire 2010 foal crop 361 head of horses are expected to be present at the time of the gathering, which is 265 over the low end of Appropriate Management Level (AML) (111 to 202 head), and these excess horses limit the range's ability to maintain a thriving natural ecological balance.

Since passage of the Act, Bureau of Land Management (BLM) experience has grown, and the knowledge of the effects of current and past management on wild horses has increased. For example, wild horses have been shown to be capable of 18 to 25 percent increases in numbers annually. This results in a doubling of the wild horse population about every 4 years. At the same time, nationwide awareness and attention has grown. As these factors have come together, the emphasis of the wild horse and burro program has shifted.

Program goals continue to focus on establishing "thriving natural ecological balance." The AML for the Warm Springs HMA was established in 1977, based on monitoring data and following a thorough public review, as 111 to 202 wild horses. This AML was adopted in the Three Rivers Resource Management Plan/Record of Decision (RMP/ROD) (September 1992).

COMPLIANCE

The Environmental Assessment (EA) Gather Plan for the Warm Springs HMA DOI-BLM-OR-B050-2010-0040-EA is tiered to the Three Rivers RMP and Final Environmental Impact Statement (EIS). The Proposed Action is in conformance with the Three Rivers RMP/ROD and has been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Burns District:

- The Wild Free-Roaming Horse and Burro Act (WFRHBA) of 1971 (Public Law (PL) 92-195 as amended) and Title 43 Code of Federal Regulations (CFR) Part 4700.
- National Environmental Policy Act (42 U.S.C. 4321-4347) 1970.
- 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."
- Public Rangelands Improvement Act (43 U.S.C. 1901. 1978).
- 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).
- Greater Sage-grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM - 2000).
- BLM National Sage-grouse Habitat Conservation Strategy (2004).
- Local Integrated Noxious Weed Control Plan (1998).
- Greater Sage-grouse Conservation Assessment and Strategy for Oregon (Hagen 2005).
- The following are excerpts from the 43 CFR:
  1) 4720.1 – "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 animals immediately."
  2) 4710.3-1 – "Herd Management Areas shall be established for maintenance of wild horse and burro herds."
  3) 4180.2(b) – "Standards and guidelines must provide for conformance with the fundamentals of 4180.1."

DECISION

Having considered the Proposed Action, No Action, other alternatives and associated impacts and based on analysis in DOI-BLM-OR-B050-2010-0040-EA, it is my decision to implement the capture and removal of excess wild horses in the HMA as described in the Proposed Action. This was analyzed as part of the No Action Alternative. Pursuant to Title 43 of the CFR at 4770.3(c), the Warm Springs HMA 2010 gather will be approved for implementation following a 30-day appeal period, provided no stays are granted. Gather operations will begin on or about August 8, 2010, and last until management objectives are attained.

Additionally, a Finding of No Significant Impact (FONSI) found the Proposed Action and alternatives analyzed in DOI-BLM-OR-B050-2010-0040-EA did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an EIS was unnecessary and will not be prepared.

The Proposed Action is to capture approximately 361 wild horses in the HMA and all horses outside Warm Springs and remove 265 excess horses. All returned mares would receive Porcine Zona Pellucida (PZP) treatments. There would also be 10 geldings returned to achieve minimum AML.

This alternative includes determining sex, age and color, assessing herd health (pregnancy/parasite loading/physical condition/etc.), monitoring results as appropriate, sorting individuals as to age, size, sex, temperament and/or physical condition, and returning selected animals, primarily in the 6 to 10-year age group (Appendix D of the EA). This will ensure a vigorous and viable breeding population, reduce stress on vegetative communities and wildlife, and be in compliance with the WFRHBA of 1971 and land use plan.

It is anticipated one to three capture sites (traps) will be used to capture wild horses from the HMA. Trap site corrals will typically be approximately 800 square feet. With secondary disturbance areas such as trap wings, total surface disturbance will be approximately 2,400 square feet (0.05-acre) per trap site. Trap wing configuration will vary, depending on terrain and materials. Trap sites will be selected during the gather operations. Traps are built as close to the horse's location as possible.

All capture and handling activities, including capture site selections, will be conducted in accordance with Standard Operating Procedures described in Appendix A of the EA.

COMMENTS RECEIVED

A copy of the original EA and unsigned FONSI were mailed on August 16 and September 15, 2010, to 72 people. In addition, a notice was posted in the *Burns Times-Herald* newspaper on August, 2010. It was posted on the Burns District Web site on August 16 and September 15, 2010. The Burns District BLM received four comment letters and 2,264 identical e-mails.

BLM's review of public comments did not indicate that changes to the analysis presented in the original EA were warranted.

RESPONSES TO COMMENTS

The BLM received approximately 2,268 comment letters and e-mails. Responses to more than 30 comments are found in Appendix A of this decision. Comments that were not addressed in Appendix A were considered to be outside the scope of the current decision, unrelated to the current decision, opinions or too vague.

RATIONALE

In accordance with 43 CFR 4720.1, upon examination of current information and a determination by the authorized officer when there is an excess of wild horses, the authorized officer shall remove the excess animals immediately. Implementation of the Proposed Action will meet the BLM's objective to achieve and maintain a wild horse AML that achieves a thriving natural ecological balance and prevents resource deterioration within the Warm Springs HMA.

The selected action will achieve a balance in resource values and uses among wild horses, vegetation, water, livestock, and wildlife as directed in Section 3(b)(2) of the 1971 WFRHBA and Section 302(b) of the FLPMA of 1976. The selected action will also result in collection of data on herd characteristics, health, and viability. The selected action will maintain herd characteristics which were typical of Warm Springs HMA at the time of passage of the Act.

The alternatives considered all have the ability to reduce populations of wild horses to AML except for the No Action Alternative. The alternatives differ in the method and effectiveness of reducing the population. Leaving excess horses on the range under the No Action Alternative will lead to degradation of the range and damage to riparian resources.

AUTHORITY

Authority for this decision is found in the WFRHBA of 1971 (PL 92-195) as amended and Title 43 CFR Part 4700 including 43 CFR 4720.1, 43 CFR 4740 .1, 43 CFR 4710.3-1, and 4710.4. The authority to provide that all or part of a decision be effective upon issuance is found in 43 CFR 4770.3 (c).

APPEAL PROCEDURES

Within 30 days of receipt of this wild horse decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR § 4.4. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error. If an appeal is taken, your notice of appeal must be filed in this office (at the above address). The appellant has the burden of showing that the decision is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

The appellant may wish to file a petition for a stay (suspension) of this decision during the time that the appeal is being reviewed by the Board pursuant to Part 4, Subpart B, Section 4.21 of Title 43, CFR, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filled with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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:

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.

*/signature on file/*_____ *September 29, 2010*____
Richard Roy Date
Three Rivers Resource Area Field Manager

1. Comment: I urge the Burns District Office to utilize its discretion, as per Interior Secretary Order N0. 3270 issued March 9, 2007 establishing the agency policy to incorporate Adaptive Management into management programs, which includes postponing actions.

   Response: The Burns District implements adaptive management in all of the resource programs within the District. Adaptive management does not include stopping all actions until the land use plan can be amended, including the postponement of wild horse gathers.

2. Comment: Reassess and establish adequate Appropriate Management Levels (AML) to accommodate the wild horses currently in the HMA.

   Response: AMLs and AUM allocations based on carrying capacity were established through prior separate decision-making processes and are outside the scope of this decision. The current livestock permitted use or preference, wildlife allocations and wild horse AML were adopted in the Resource Management Plan (RMP). It is necessary to manage wild horse numbers to achieve a thriving natural ecological balance in compliance with the Federal Land Policy and Management Act (FLPMA), Wild Horse and Burro Act, the RMP, to meet the Standards, and other applicable regulations. It is necessary to manage livestock on the public lands in compliance with FLPMA, Taylor Grazing Act, Public Rangelands Improvement Act, the RMP, and grazing regulations to achieve the Standards. Bureau of Land Management (BLM) monitoring shows that the authorized livestock management and use levels are in compliance with RMP decisions and objectives and meeting the Standards. The current wild horse numbers are outside of AML and monitoring shows that wild horse impacts could lead to failures in meeting the Standards. Increasing AML would only alleviate gather for 1 to 2 years until that AML was exceeded. This would not achieve the protection of vegetative resources.

3. Comment: The EA should consider using the one-year vaccine, which can be given by darting, or the PZP-22 (the two-year vaccine) thereby avoiding the need for horse removal.

   Response: The analysis of this additional alternative was included in a new EA issued on September 15, 2010.

4. Comment: The EA is flawed due to the inappropriate allocation of more resources to livestock than wild horses.

   Response: Through extensive public input during the land use planning process and continuous monitoring of the rangeland resources, allocations have been determined to be in balance with the resources at the present time. Future allocations may be adjusted based on monitoring.

5. Comment: The EA is flawed due to arbitrary and artificially low AML based on assumptions and inadequate data.

Response: Under the 1976 FLPMA, BLM is required to manage public lands under the principles of multiple use and sustained yield. Managing use by cattle and sheep, together with wildlife and wild horses and burros, and a host of other uses is a key part of BLM's multiple-use mission under FLPMA. AMLs and AUM allocations were established through prior separate decision-making processes and are outside the scope of this analysis. Changing the number of AUMs allocated to wild horses would not achieve the suggested goal. Raising AML would delay the current proposed gather. At the documented 22 to 25 percent annual increase in horse numbers on this Herd Management Area (HMA), whatever the new AML was, it soon would be exceeded..

6. Comment: Foals are not to be counted: AMLs are not supposed to include foals; yet the BLM has counted the Warm Springs foals for purposes of reducing the herd.

   Response: While foals were included in the total count during the inventory flight, this was for the purpose of documenting the number to put in the removal contract. The number of adult horses still far exceeds the AML. AML applies to the number of adult wild horses or burros to be managed within the population and does not include current year's foals. All wild horses and burros 1-year of age and older are considered adults (a foal is considered 1-year of age on January 1 of the year following its birth). Handbook 4710.1 4.2.1 AML definition.

7. Comment: The BLM's approach to choosing the particular horses to be returned to the HMA appears based solely on human preferences regarding color and conformational traits. Important additional criteria, such understanding of band social structure and giving preference to lead stallions and alpha mares and preserving family units, should be the basis of the process. The BLM should have scientific principles to guide its decisions rather than on a horse's mere physical traits.

   Response: These traits were based on responses from the public during the land use planning process and to follow the Wild Horse and Burro Act to manage for horses in the areas where they were present at the time of the passage of the Act and also to manage for the types of horse that were present.

8. Comment: The harmful effects of social disruption and destruction of family bands that such a severe removal of horses would cause is not addressed in the EA.

   Response: These effects are disclosed in Chapter 2, Section C., Page 22.

9. Comment: Alternatives to the helicopter roundup should be considered and reviewed in the EA to mitigate the helicopter stampede.

   Response: There was such an alternative considered. It is number 4 on Page 9 of the EA.

10. Comment: The EA must examine the social, economic and legal impacts of warehousing of the majority of captured Warm Springs' horses in holding facilities.

Response: Outside the scope of the EA.

11. Comment: The EA completely omits consideration of an alternative to mitigate the need for the roundup by reassessing and amending its Resource Management Plan (RMP) and Herd Management Area Plans (HMAP) under its Adaptive Management Policy to re-evaluate wild horse Appropriate Management Levels (AMLs).

Response: See response to Comments #2 and #5 above.

12. Comment: The EA completely omits consideration of an alternative to mitigate the need for the roundup by decreasing or eliminating livestock grazing in affected HMAs pursuant to 43 C.F.R. 4710.5(a).

Response: See reasons Alternative 2 on Page 8 was considered, but eliminated from detailed analysis.

13. Comment: The EA completely omits consideration of an alternative to mitigate the need for the roundup. By designating such areas to be managed principally for wild horse herds under 43 C.F.R. 4710.3-2.

Response: This issue is outside the scope of this analysis. Information about the Congress' intent is found in the Senate Conference Report (92-242) which accompanies the 1971 Wild Free-Roaming Horse and Burro Act (Senate Bill 1116): "**The principal goal of this legislation is to provide for the protection of the animals from man and not the single use management of areas for the benefit of wild free-roaming horses and burros**. It is the intent of the committee that the wild free-roaming horses and burros be specifically incorporated as a component of the **multiple-use** plans governing the use of the public lands." (Senate Report No. 92-242).

Under the 1976 FLPMA, BLM is required to manage public lands under the principles of multiple use and sustained yield. Managing use by cattle and sheep, together with wildlife and wild horses and burros, and a host of other uses is a key part of BLM's multiple-use management mission under FLPMA. The Burns District does not administer any congressionally designated Wild Horse or Burro Ranges, which are "devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public land."

14. Comment: BLM has failed to provide a legitimate purpose and need for the action.

Response: The Purpose and Need in the EA is based on law-Wild Free Roaming Horse and Burro Act on Page 2, B, Paragraph 1, the Three Rivers Land Use Plan and Rangeland Health Standards for Oregon and Washington.

15. Comment: BLM has failed to consider a range of reasonable alternatives- Immunocontraception only, cattle removal, no helicopter gathering (use only water trapping).

Response: All of these options were considered but eliminated from detailed analysis for the reasons described in Chapter 2, Section F, Pages 8 and 9. Reasonable alternatives should respond to the purpose and need, be technically or economically feasible, consistent with basic policy objectives, and be implementable. Given existing conditions and values on the Warm Springs HMA as completely described and analyzed in the EA the four alternatives considered and four analyzed in detail encompassed a wide spectrum of reasonable alternatives.

16. Comment: BLM has failed to disclose all relevant information and therefore, its analysis of the direct and indirect impacts of the proposed action and its alternatives is not sufficient. This statement included specific claims regarding this issue. Each will be restated and responded to.

a. Comment: BLM should disclose herd specific data related to growth rates.

Response: Growth rates are based on actual aerial counts, estimated numbers remaining after gathers and 30+ years of data from herd areas on the District. This information was presented in the gather EA in Table 2, Page 17. This information was summarized in the EA. Specific inventory information is available at the Burns District Office.

b. Comment: BLM improperly included foals in determining excess numbers.

Response: See response to Comment #6.

c. Comment: BLM failed to disclose utilization data.

Response: The specific utilization information is available at the Burns District Office. Heavy utilization levels are referred to in several areas of the EA. Heavy utilization occurs when more than 60 percent of the aboveground biomass of a plant has been removed by a grazing animal.

d. Comment: What are the utilization methods and factors used in determining rangeland health?

Response: The BLM uses approved utilization monitoring methods outlined in Technical Reference 1996. Rangeland Health is determined using all available information including but not limited to long-term trend studies, actual use, utilization, climate, and upland health assessments as outlined in CFR 43 4180.

e. Comment: How were AUMs allocated wildlife and livestock?

Response: The Three Rivers Land Use Plan of 1992 allocated available forage to all of these resources based on past grazing decisions, long-term trend monitoring, input from the public, Oregon Department of Fish and Wildlife, and other available information.

f. Comment: There is a discrepancy between the numbers of sex ratios in the analysis.

Response: A ratio of 55/45 male:female would be present after the gather if 10 of the males were geldings. This would still leave a breeding population ratio of 50/50 studs to mares.

g. Comment: Where are the specific mortality rates for previous Warm Spring's gatherings?

Response: In the past, specific records of actual gathering mortality were not kept. However, personnel on the District who have been here for more than 30 years remember that only 0-4 horses may die during any one gathering operation.

h. Comment: What are the objectives and Standards for Rangeland Health for the Warm Springs HMA.

Response: These are referenced in the document and can be found in the Allotment Evaluations for both the East and West Warm Springs Allotments here on the Burns District.

17. Comment: Where is the scientific data for removing horses?

Response: The effects of public land uses such as wild horse use and livestock use are documented through monitoring, not scientific analysis. Standards for Rangeland Health were assessed through formal allotment-level evaluations. The Win Equus Model is a scientific method that helps predict outcomes based on various populations and alternatives. Further information about this model can be obtained by contacting Dr. Stephen Jenkins, Department of Biology/314, University of Nevada, Reno, NV 89557.

Livestock management in the Warm Springs HMA uses the duration, season, and level of grazing to account for the physiological needs of the forage plants and habitat needs of resident wildlife. The permittees and BLM put a lot of work into making livestock use on the Warm Springs HMA a positive component of the FLPMA mandated multiple-use setting.

The only management tool available to BLM for managing horses is numbers. Outside of gathers nothing is done to mitigate the impacts of wild horse use on forage and the other resource values that exist on the Warm Springs HMA. As a result the potential impacts from wild horses are fully realized. The similar potential impacts from livestock are mitigated by management actions by the permittee and BLM.

This means that for any given number of wild horses their impacts to the land are much greater than occur from the same number of livestock. Put another way the horses are unmanaged and present yearlong. Livestock are present in any pasture for a few months or less in a 1 to 2-year period and their use during that time is managed to protect or achieve specific resource conditions and values. The differences are obvious and the results are apparent as documented in the EA and monitoring data.

18. Comment: BLM fails to summarize information referenced to tiered documents.

    Response: While some information was summarized, certain sections will have improved summaries in future documents to assist the reader.

19. Comment: BLM has failed to properly evaluate the cumulative impacts of the proposed action and its alternatives.

    Response: These were analyzed on Pages 25-36 in every resource affected.

20. Comment: The EA violates the Information Quality Act.

    Response: The information provided in the EA has been presented in a manner of objectivity, integrity, utility, and quality.

21. Comment: Suggested changes to Standard Operating Procedures.

    Response: Thank you for your comments. We will take these under consideration.

22. Comment: What role would geldings have in the dynamics of a wild horse band? No studies have been done on this matter.

    Response: From the BLM's experience herd dynamics are changed more when the numbers of breeding studs exceeds the number of breeding mares.

23. Comment: What scientific data and studies were used to support the present AML for the Warm Springs HMA other than “monitoring data”? Who did the monitoring, made the conclusions, and is this information available on line?

    Response: Original AML numbers in the Burns District were generally set based on the number of horses present at the time of the passage of the Act in conjunction with rangeland surveys of forage production conducted in the 1950s and 1960s.

Vegetation trend monitoring has been conducted by the BLM since that time to ensure the forage resource remains in balance with the demands of all users. Formal evaluations are conducted periodically to determine if management is maintaining or improving ecological conditions. All of this documentation is available at the Burns District Office as it is not possible with the limited staff to scan all the information for review online.

24. Comment: Why is there not a constant video feed of the gathering as they are taking place?

    Response: Due to the remote locations of most trap sites, this would be a difficult, expensive and manpower heavy proposition. The BLM has been using independent observers at the trap sites as well as public viewing days to provide opportunities to ensure compliance with the Proposed Action. In addition Animal and Plant Health Inspection Service veterinarians are present on all gathers.

25. Comment: Wouldn't leaving 96 horses (in intact bands) also slow down the reproductive rate in this HMA and improve the genetic diversity?

    Response: This may be possible if every band that was left contained the ideal number of mares and studs. This is rarely the case, so as many horses are gathered as possible to control the ratio of horses left on the HMA. Genetic diversity would actually be improved by gathering all of the horses and then returned horses would form new groups with horses from different bands.

26. Comment: Explain high mortality rates during the Nevada gatherings.

    Response: The EA is for an Oregon gather and mortality in Nevada is outside the scope of this analysis. However, mortality rates, listed in the Standard Operating Procedures in Appendix A, during gatherings on the Burns District are well within those ranges as recently evidenced in the Stinkingwater gather. During this gather there were no gather related mortalities and only one horse was euthanized during gathering operations out of 210 head gathered.

27. Comment: What are the complete costs of the Warm Springs gather and the cost associated with grazing cattle in the Warm Springs Herd Management Area?

    Response: Estimated total gathering costs for the Warm Springs HMA will be $150,000. National averages for the cost of grazing livestock on public land are approximately $8.00/AUM for the livestock operator.