

## **NOTICE OF AVAILABILITY**

### **Environmental Assessment (EA# DOI-BLM-OR-L050-2009-0066-EA) and Finding of No Significant Impact (FONSI)**

#### **Paisley Desert Herd Management Area Wild Horse Population Control and Gather**

The Lakeview Resource Area, Bureau of Land Management (BLM) has analyzed a number of alternatives to manage wild horse populations within the Paisley Desert Herd Management Area (HMA). The HMA is located north of Paisley, Oregon, and east of Summer Lake in central Lake County.

The EA and FONSI have been prepared to document the potential impacts of the proposal. These documents are available for 30-day public review on the BLM's website at <http://www.blm.gov/or/districts/lakeview/plans/index.php> or you may request a paper copy from the BLM, Lakeview Resource Area, 1301 South G Street, Lakeview, OR 97630. If you wish to comment on the proposal, you must submit comments in writing to the address above. Questions concerning the proposal should be directed to Theresa Romasko at (541) 947-2177.

**United States Department of the Interior, Bureau of Land Management  
Lakeview District Office**

**FINDING OF NO SIGNIFICANT IMPACT  
Paisley Desert Herd Management Area  
Wild Horse Population Control and Gather  
Environmental Assessment  
DOI-BLM-OR-LO50-2009-0066-EA**

**INTRODUCTION**

The Paisley Desert Herd Management Area Wild Horse Population Control and Gather Environmental Assessment (DOI-BLM-OR-LO50-2009-0066-EA) was completed to analyze the impacts of several population control alternatives for wild horses including gathering of excess horses within the boundaries of the Paisley Desert 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 206 animals. The Appropriate Management Level (AML) for the herd is 60-150 wild horses. AML for the Paisley Desert Herd Management Area (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 Lakeview District Office.

**SUMMARY OF THE ACTIONs**

The alternatives consider gather, immunocontraception, adjusting male to female sex ratio, including gelding to reduce population growth of wild horses from the Paisley Desert HMA. Alternatives would include determining sex, age and color, acquiring blood samples, 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 viable 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 Lake County, where the project area is located. The area is located 15 miles south of Christmas Valley, Oregon and 55 miles northwest of Lakeview, Oregon.

## Intensity

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

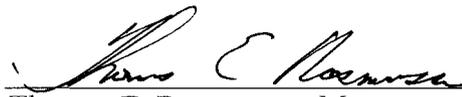
1. *Impacts that may be both beneficial and adverse.* The proposed actions are expected to meet BLM's resource objective for wild horse management of maintaining a thriving natural ecological balance consistent with other multiple uses. Although the gathering and removal of excess wild horses is expected to have short-term impacts on individual animals, it is expected to ensure the long-term viability of the wild horse herds and help to improve forage and habitat conditions in the herd management areas.
2. *The degree to which the proposed action affects public health or safety.* The proposed action alternatives have 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 alternatives have no potential to affect unique characteristics such as historic or cultural resources or properties of concern to Native Americans or affected ecologically critical areas. There are no wild and scenic rivers, present. Maintenance of appropriate numbers of wild horses is expected to help make progress in meeting resource objectives for improved wetland and terrestrial habitat.
4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* Effects of the various actions are well known and understood. No unresolved issues have been raised.
5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The proposed action alternatives include measures for monitoring effectiveness on herd population dynamics and toward meeting multiple use objectives for rangeland health throughout the herd management areas.
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 actions would not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.
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 Paisley Desert HMA that supports the conclusion that the action alternatives are 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 action alternatives have no potential to adversely affect significant scientific, cultural, or historical resources.
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.* The actions are not likely to adversely affect any listed species, 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 2003 Lakeview Resource Management Plan (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 none of the Alternatives would not have significant environmental impacts beyond those already addressed in the Lakeview PRMP/FEIS (2003);
- 2) The Proposed Action or the No Action Alternative is in conformance with the Lakeview Resource Management Plan (2003);
- 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.



Thomas E. Rasmussen, Manager  
Lakeview Resource Area

9/16/09

Date

**PAISLEY DESERT HERD  
MANAGEMENT AREA  
Wild Horse Population  
Control and Gather**

**ENVIRONMENTAL ASSESSMENT  
DOI-BLM-OR-L050-2009-0066-EA**

**Bureau of Land Management  
Lakeview District Office  
1301 South G Street  
Lakeview, Oregon 97630**

TABLE OF CONTENTS

Chapter I: Introduction: Purpose of and Need for Action.....

- A. Introduction.....
- B. Conformance with Existing Land Use Plans .....
- C. Relationship to Statutes, Regulations .....
- D. Interim Management Policy for Lands under Wilderness Review .....

Chapter II: Alternatives Including the Proposed Action.....

- A. Alternative 1 Remove Excess Wild Horses and Administer Fertility Control .....
- B. Alternative 2 Remove Excess Wild Horses – No Fertility Treatment .....
- C. Alternative 3 Remove Excess Wild Horses, Adjust Sex Ratio of Studs & Mares ....
- D. Alternative 4 No Action
- D. Alternatives Considered but Eliminated from Further Analysis.....

Chapter III: Affected Environment.....

- A. Critical Elements.....
  - 1. Areas of Critical Environmental Concern.....
  - 2. Cultural Resources .....
  - 3. Noxious Weeds .....
  - 4. Special Status Species.....
  - 5. Migratory Birds.....
  - 6. Water Quality/Riparian Areas/Floodplains.....
  - 7. Wild and Scenic Rivers.....
  - 8. Wilderness Study Areas .....
- B. Noncritical Elements.....
  - 1. Wild Horses .....
  - 2. Grazing Management.....
  - 3. Fish and Wildlife.....
  - 4. Vegetation .....
  - 5. Soils.....
  - 6. Recreation .....
  - 7. Visual Resources.....
  - 8. Other Lands With Wilderness Character

Chapter IV: Environmental Consequences.....

- A. Action Alternatives 1-3.....
  - 1. Anticipated Impacts – Critical Elements .....
    - a. Noxious Weeds .....
    - b. Special Status Species.....
    - c. Migratory Birds.....  - 2. Anticipated Effects – Noncritical Elements.....
    - a. Wild Horses .....
    - b. Grazing Management.....

	c.	Fish and Wildlife.....
	d.	Vegetation .....
	e.	Soils.....
	f.	Recreation .....
	g.	Visual Resources.....
B.		Alternative 2 (No Action) .....
	1.	Anticipated Effects – Critical Elements.....
		a. Noxious Weeds .....
		b. Special Status Species.....
		c. Migratory Birds.....
	2.	Anticipated Effects – Noncritical Elements.....
		a. Wild Horses .....
		b. Grazing Management.....
		c. Fish and Wildlife.....
		d. Vegetation .....
		e. Soils.....
		f. Recreation .....
		g. Visual Resources.....
Chapter V: Cumulative Impacts.....		
	A.	Action alternatives .....
	B.	Alternative 2 (No Action) .....

**Appendices**

- Appendix A - Standard Operating Procedures (Gather Operation)
- Appendix B - Standard Operating Procedures (Fertility Control Treatment)
- Appendix C - Euthanasia Policy
- Appendix D - Selective Removal Criteria
- Appendix E- Population Model Results

**Maps**

- Map 1 –Location Map
- Map 2-Paisley Desert HMA/WSA/Water

## **CHAPTER I: INTRODUCTION - PURPOSE OF AND NEED FOR ACTION**

### **A. Introduction**

#### **Purpose and Need**

There are two main purposes for management of horses in the Paisley Desert Herd Management Area (HMA):

- 1) Population Control
- 2) Maintain wild horses within the existing boundaries of the HMA

The Lakeview District Bureau of Land Management (BLM) proposes to analyze and administer multiple options for the purpose of population control of wild horses over a ten year time frame. The ten year timeframe was considered a reasonable timeframe to consider population management because populations would not be managed with one gather. A realistic comparison of wild horse populations has the greatest impacts when viewed over time. A onetime management action such as gathering, administering porcine zona pellucidae (PZP) or changing the ratio of males to females results in a short time comparison (one year) view of alternatives. Appendix B describes the standard operating procedures (SOPs) for administering PZP. This short time analysis would be expected to show minor insignificant difference between the alternatives. For example a small 2% reduction in population growth to 13% in a single year would indicate a 5 horse difference in population numbers between the alternatives. The same 2% reduction in population growth attributed to management alternatives to show a 39 horse difference between the alternatives over a 10 year time frame.

The purpose of population control is first to achieve AML and then to maintain a wild horse AML which reflects the normal thriving ecological balance, collect information on herd characteristics, determine herd health, maintain sustainable rangelands, and maintain a healthy and viable wild horse population.

The need for the analysis of gathering and population control techniques is to maintain a thriving ecological balance and prevent deterioration of the range. As the HMA becomes over populated gathering and removal of excess wild horses within and outside the HMA, fertility control treatments and other population controls would be implemented to prevent resource damage. The decision to gather or implement population controls would be affirmed where it is based on analysis of grazing utilizations, trend in range condition, actual use and observational data demonstrating that an excess of wild horses exists and maintenance of the herd at the prescribed levels in the Lakeview Resource Management Plan, 2003 would meet the management objective described above as well as the HMP objectives described in the Paisley Desert Herd Management Area Plan.

There is an additional need to maintain wild horses within the existing boundaries of the HMA. Horses tend to drift outside the HMA into nearby crested wheatgrass seedings. This is potentially dangerous for horses if well and pipeline water is turned off after livestock are removed, thereby trapping horses without water. There has been a history water shortage for wild horses during drought years.

This Environmental Analysis (EA) contains the site specific analysis of potential impacts that could result with the implementation of the action alternatives or the no action alternative. Based on the following analysis, a determination would be made whether to prepare an Environmental Impact Statement (EIS) or issue a Finding of No Significant Impact (FONSI). A FONSI would document that implementation of the alternatives would not result in impacts that significantly affect the quality of the human environment.

The WinEquus Wild Horse Population Model Version 1.2, April 2002, developed by Dr. Steve Jenkins, Associate Professor, University of Nevada Reno, will be used to analyze wild horse populations under the various alternatives.

The Paisley Desert HMA was last gathered in November of 2003. The Paisley Desert HMA consists of 297,802 acres of federal land with some intermixed, unfenced privately owned land. The area is located 15 miles southeast of Christmas Valley, Oregon and 55 miles northwest of Lakeview, Oregon.

#### B. Conformance with Existing Land Use Plans and NEPA Documents

The project and actions described within the alternatives have been analyzed for conformance with one or more of the existing BLM plans and NEPA documents. Significant discrepancies, if any, are discussed in the attached EA.

Population control of wild horses is in conformance with Lakeview Resource Management Plan (RMP), 2003, as maintained. The Lakeview RMP, which constitutes the land use plan for Lakeview Resource Area, stresses the prevention of excess horse utilization of vegetative resources. Applicable sections from this plan are pages 55-56, 70-72, and Appendix E (pages A-8 and A-99) of the Lakeview RMP.

Oregon Wilderness Final Environmental Impact Statement and Record of Decision (1989 and 1991) Volume II, pages 243-318 and Volume III pages 395-426

Wilderness Interim Management Policy (1995)

Supplement to the Northwest Area Noxious Weed Control Program FEIS and ROD (1987)

Integrated Noxious Weed Control Program EA (2004)

Rangeland Reform '94 EIS Record of Decision (1995)

Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1997)

Greater Sage-Grouse Conservation Strategy and Assessment for Oregon (2005)

The following Environmental Assessments (EAs) are significant to population control and/or gathering of wild horses:

EA# OR-010-2004-09 Temporary Wild Horse Traps and Holding Facilities within Wilderness Study Areas Environmental Analysis

EA#OR-010-2000-01 Lakeview District Programmatic Wild Horse Fertility Control

EA#OR-010-1995-10 Lakeview District Programmatic Wild Horse Gather which includes synopsis of the previous 8 EAs prepared for wild horse gathers in the Lakeview District.

C. Relationship to Statutes, Regulations

Actions described are governed by the Wild Free-Roaming Horse and Burro Act of 1971 (Public Law (PL) 92-195 as amended) and Title 43 Code of Federal Regulations (CFR) part 4700.

Gathering and disposal of the wild horses would be in accordance with PL 92-195 as amended by PL 94-579 (Federal Land Policy and Management Act (FLPMA)) and PL 95-514 (Public Rangelands Improvement Act). Section 302(b) of FLPMA, states “all public lands are to be managed so as to prevent unnecessary or undue degradation of the lands.”

The following are excerpts from the CFR:

- 1) 43 CFR 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) 43 CFR 4710.3-1 - “Herd Management Areas shall be established for maintenance of wild horse and burro herds.”
- 3) 43 CFR 4710.4- “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.
- 4) 43 CFR 4180.2(b) - “Standards and guidelines must provide for conformance with the fundamentals of 4180.1.”

## **CHAPTER II: ALTERNATIVES**

The proposed action and alternatives represent a reasonable range of alternatives based on the issues and goals identified.

### Management Actions Common to Alternatives

The time frame for comparison of alternatives is 10 years. The timeframe for cumulative impact analysis is 20 years.

Population numbers are approximate and actions will attempt to be as close to the projected numbers as feasible.

With all alternatives the base population of wild horses within the HMA as of July 2009 is 206 horses including 176 Adults and 30 foals.

### Management Actions Common to all Action Alternatives 1-3

Under all action alternatives, excess horses straying outside the HMA and those from the HMA that would not be returned would be removed and placed in the adoption, sale or long term holding programs.

With the exception of emergencies, gathers would occur outside the foaling season of March through July.

The standard operating procedures (SOPs) for gathers identified in Appendix A would be followed for all gathers. The euthanasia policy described in Appendix C would be followed if euthanasia becomes necessary.

### Range Improvements

Installations of up to 3 solar wells at locations shown on Map 2 is proposed under all action alternatives to provide reliable drinking water for horses, to improve distribution of horses and prevent the need for emergency gathers during periods of drought.

#### A. Alternative 1 (Remove Excess Horses and Administer Fertility Control)

The proposed action is to capture wild horses (85% of the population) in the HMA and all excess horses outside the Paisley Desert HMA (See Location Map A and HMA Map B). 60 wild horses (30 mares and 30 studs) would remain be maintained in the HMA at completion of the gather, leaving a post gather population of 60 horses. Approximately 15-30 mares would be treated with the porcine zona pellucidae (PZP) vaccine prior to being released back to the range. This alternative would include 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 viable 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.

It is anticipated that numerous capture sites (traps) may be used to capture wild horses from the HMA. Some capture sites would be placed inside of WSA, using existing roads and previously

disturbed sites. EA-OR-010-2004-09 analyzes the potential effects of placing traps and holding facilities in WSAs and is applicable to all alternatives which require gathering. Traps would typically be approximately 800 square feet in size. Trap wing configuration will vary, depending on terrain and materials. A holding facility of approximately 2,000 square feet will be constructed to keep horse until they can be returned to the HMA or transported to adoption, sale or long term holding facilities. Trap sites will be selected during the gather. All methods of gathering would be considered and the most efficient, but least impacting to horses would be used. Analysis of the types of gathering including hazing with helicopters, bait trapping and roping are described in EA OR-010-95-10 and not repeated in this analysis. Capture techniques are also described in Appendix A. The majority of gather operations would use a helicopter to drive horses to a trap. All capture and handling activities, including capture site selections, conducted in accordance with SOPs described in Appendix A.

Selection of capture techniques would be based on several factors such as herd health, season of the year, and environmental considerations. Horses are typically herded across country and into the traps utilizing a helicopter, which reduces herding time, and thereby reduces stress and potential injury for the wild horses. A decoy horse is often placed at the entrance to the trap to lure the wild horses into the mouth of the trap. Mounted wranglers are utilized to retrieve abandoned foals and occasionally herd stragglers into the trap. Once captured, the wild horses are loaded into gooseneck stock trailers and transported to a holding facility, where horses are sorted and selected for herd retention or transported for preparation for adoption. Determination of which horses would be returned to the range would be based on an analysis of existing population characteristics.

B. Alternative 2 (Remove Excess Wild Horses – No Fertility Treatment)

Alternative 2 would be the same as the alternative 1, except that 60 horses would be left in the HMA. Initially extra horses would be gathered to allow selection or animals returned to the HMA. All excess horses would be placed in the adoption or sale programs as described. The mares would not be treated with PZP. This alternative would include 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 viable 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.

C. Alternative 3 (Remove Excess wild Horses –Adjust Sex Ratio in Favor of Males)

This alternative would be the same as alternative 2 except that the ratio of studs to mares would be adjusted to 60/40. 100 horses would be returned to the HMA 60 would be males and 40 would be mares. Under this alternative gelding of up to 50% of studs would be done prior to their release back to the HMA.

D. Alternative 4 (No Action)

Under this alternative, wild horses would not be removed from the Beatys Butte HMA during the 10 year timeframe of this analysis. The existing population would continue to increase at approximately 20 percent per year, until the 2019 population is 1583 horses.

E. Alternatives Considered but Eliminated from Further Analysis

1. One alternative considered was wild horse management using fertility control measures only to regulate wild horse populations. Periodic capture operations would be required to administer the vaccine to mares, or suitable remote delivery methods would need to be developed. This alternative was eliminated because effective remote delivery methodology (aerial or water based) has not been developed for current formulations.
2. Closure of the area to livestock use, or reduction of permitted use, was eliminated from consideration since it would not meet existing law, regulation, policy, nor concur with previous land use plan decisions. The Wild Free-Roaming Horse and Burro Act of 1971 does not require that these areas of public lands be managed for wild horses but states under Section 2a (Act) that even in case of ranges that are devoted principally for wild horse management, it is not necessary to devote these lands exclusively to their welfare in keeping with multiple-use management concept for public lands, but rather that these determinations be made through the land use plans.
3. A complete gather of 100% of the herd was eliminated from consideration because it is infeasible all horses in an HMA this size which has limited road access. Most often horses that are trap wise, very young, and elderly, injured, or in poor health would not make it to the trap site. Potentially the remaining horses could be roped at high expense to the government and added time to the contract; however this alternative is mainly infeasible and cost prohibitive.
4. An alternative to strengthen boundaries with additional fencing was considered to reduce or prevent drifting to the east into crested wheatgrass seedings, to the west into Diablo WSA and north outside the HMA. Although drifting has been a continual problem a more positive approach of providing reliable water inside the HMA boundaries may be effective without fencing. To effectively strengthen HMA boundaries 11 miles of fence on the Southeastern boundary, 18 miles on the southwestern boundary and 6 miles on the northern boundary. Because of the high cost and amount of fence required; this alternative was eliminated from consideration at this time and for the 10 year timeframe of this EA. There may be a need to reconsider this option at a later date if drift problems continue.

## CHAPTER III: AFFECTED ENVIRONMENT

### A. Critical Elements

Critical Element	Present	Affected	Rationale
Areas of Critical Environmental Concern	YES	NO	
Air Quality	YES	NO	Areas of disturbance would be small and temporary and considered normal for the high desert. Particulate matter would be mainly dust.
Cultural, Paleontological, and American Indian Religious Concerns/Resources	YES	NO	See Narrative
Environmental Justice	NO	NO	Not Present
Prime or Unique Farmlands	NO	NO	Not Present
Floodplains	NO	NO	Not Present
Noxious Weeds	YES	NO	See Narrative
Special Status Species (Plant)	YES	NO	See Narrative and SOPs
Special Status Species (Animal)	YES	NO	See Narrative and SOPs
Migratory Birds	YES	NO	See Narrative and SOPs
Hazardous Materials	NO	NO	Not Present
Water Quality	YES	NO	See narrative
Wetlands and Riparian Zones	NO	NO	See clarification in narrative
Wild and Scenic Rivers	NO	NO	Not Present
Wilderness and Wilderness Study Areas (WSAs)	YES	YES	Present Outside HMA wild horses currently using Diablo WSA
Adverse Energy Impact	NO	NO	No Impacts

#### 1. Areas of Critical Environmental Concern (ACEC)

The 3049 acre Black Hills RNA/ACEC ACEC/RNA is within the HMA. The ACEC is open to grazing. No activities within the alternatives would be allowed in the ACEC and therefore no impacts would occur. ACECs will not be discussed further in this document.

#### 2. Cultural Resources

Various portions of the HMA have been inventoried for cultural resources. The HMA contains several archeological sites. These are located frequently along edges of lakebed and at resources valuable for use; such as where stones for making tools were gathered or areas of collecting and harvesting plants.

Trap sites, holding facilities and vehicles have the potential to impact cultural resources.

However; these activities are normally located within or immediately adjacent to an existing road or way. Most of the trap locations over the past 10 years have been immediately adjacent to the 6184, or 6104 Roads. Traps sites would be determined during the gather process and have not been previously surveyed. Cultural surveys would be completed prior to building traps or holding facilities to assure that concentrated gathering activities do not occur within a cultural site. Cultural resources will not be discussed further in this document.

### 3. Noxious Weeds

Noxious weeds have been documented on several sites within the HMA, especially in the vicinity of water sources, roads, and trails. The primary infestations consist of whitetop, scotch thistle, musk thistle and Mediterranean sage. Trap sites and other disturbed areas would be monitored for new weed sites and expansion of existing weed sites. Treatment would be implemented as necessary.

### 4. Special Status Species

There are 7 animal species documented in the Paisley HMA area for which special status has been assigned by either the State of Oregon or the Federal government and 5 animal species that may be found within the area:

**Bald Eagle (*Haliaeetus leucocephalus*):** This species is listed as threatened by the Oregon Department of Fish and Wildlife. The species is occasionally seen (BLM Winter Raptor Inventory files) at various locales, wherever carrion is available, from early November through February. No nesting by this species has been observed in the Paisley HMA area.

**Greater Sage Grouse (*Centrocercus urophasianus*):** This species is a federal species of concern which the USFWS is reviewing for consideration as a Candidate for listing under the Endangered Species Act. Habitat for sage-grouse exists within the Paisley HMA for all aspects of the sage-grouse life cycle including lekking, nesting, brood rearing and winter habitat.

**Long-billed Curlew (*Numenius americanus*):** This species is listed as vulnerable by the Oregon Department of Fish and Wildlife. Any grassy meadow or reasonably level bunchgrass community could support a nesting pair.

**Ferruginous Hawk (*Buteo regalis*):** This species is a federal species of concern which the USFWS is reviewing for consideration as a Candidate for listing under the Endangered Species Act. The species has been observed in the Paisley HMA area. The main prey of ferruginous hawks in Oregon are Townsend's ground squirrels. Ferruginous hawks are most likely found in areas where this prey species is present.

**Swainson's Hawk (*Buteo swainsoni*):** This species is listed as vulnerable by the Oregon Department of Fish and Wildlife. The species has been observed occasionally in the Paisley area. Swainson's hawks utilize grassland habitats with scattered trees and may nest around marshes or along riparian corridors.

Burrowing Owl (*Athene cunicularia*): This species is a federal species of concern which the USFWS is reviewing for consideration as a Candidate for listing under the Endangered Species Act. Burrowing owls are known to nest in the Paisley HMA area.

Pygmy Rabbit (*Brachylagus idahoensis*): This species is a federal species of concern which the USFWS is reviewing for consideration as a Candidate for listing under the Endangered Species Act. Pygmy rabbits occur in some of the upland habitats and are frequently found in alluvial areas with deep soils and sagebrush cover.

White-tailed Jackrabbit (*Lepus townsendii*): Status for this species is listed as undetermined-status is unclear by Oregon Department of Fish and Wildlife. This species has been observed in the Paisley area, but little is currently known about the population or habitat status for this species.

Kit Fox (*Vulpes macrotis*): This species is listed as threatened by Oregon Department of Fish and Wildlife. Few breeding pairs of kit fox are known in Oregon. Some potential habitat for kit fox may exist in the Paisley HMA, however none have been documented.

Townsend's Big-eared Bats (*Corynorhinus townsendii*): This species is a federal species of concern which the USFWS is reviewing for consideration as a Candidate for listing under the Endangered Species Act. The species is especially vulnerable to disturbance at maternal colonies and winter hibernacula. No known hibernacula exist within the Paisley HMA.

Pallid Bat (*Antrozous pallidus*): This species is a federal species of concern which the USFWS is reviewing for consideration as a Candidate for listing under the Endangered Species Act. The species is vulnerable to predation by snakes, hawks and owls because it feeds on the ground. Pallid bats can be found throughout Oregon, so there is the potential that they exist within preferred habitats within the HMA.

Spotted Bat (*Euderma maculatum*): This species is a federal species of concern which the USFWS is reviewing for consideration as a Candidate for listing under the Endangered Species Act. Spotted bats are believed to have historically frequented the southeastern corner of the state, but it is not known if they currently use habitat in the HMA. The species utilizes tall cliff habitat for roosting.

Western Toad (*Bufo boreas*): This species is listed as vulnerable by Oregon Department of Fish and Wildlife. Suitable habitat for western toads extends over most of the entire state of Oregon. In desert areas they have been found to occupy habitat around stock ponds and reservoirs.

#### Special Status Plant within the Paisley Desert HMA:

Cusick's Buckwheat (*Eriogonum cusickii*): BLM Sensitive

Snowline Cymopterus (*Cymopterus nivalis*): BLM Sensitive.

Known special status plant and animal habitat would be avoided for all activities analyzed. Surveys would be done prior to building traps, holding facilities or off road vehicle use. See SOPs Appendix A.

## 5. Migratory Birds

Approximately 70 species of migratory birds are known to inhabit the HMA. These species include Brewer's sparrow, song sparrow, western kingbird, gray flycatcher, American robin, house finch, Townsend's solitaire, kestrel, red-tailed hawk, turkey vulture, golden eagle, Canada goose, common merganser, great blue heron, and many other species.

## 6. Water Quality/Riparian Areas/Floodplains

There are no floodplains or perennial streams within the Paisley Desert HMA. The Paisley Desert HMA is located at the northwestern extent of the Great Basin. Several closed basin playa lakebeds that contain water for at least part of the year. Several of the playa lakes contain pit type water holes for livestock, wild horse and livestock use which are high alkali and generally poor water quality.

There are two wells in the area including ZX Well and Devils Well. One pipeline extends into the HMA from Brim Well outside the HMA. This pipeline was intended for use under emergency situations (drought). No water quality testing has been done to date, and water is not likely safe for human consumption.

Regulating the number of wild horses in the HMA would reduce concentrated use near water sources areas although this would mainly be unnoticeable. The vegetation resources near water would be impacted by regulating horse numbers, rather than the quality of water itself.

Therefore the impacts section will focus on vegetation in the wet zones in the vicinity of water sources and water quality will not be discussed further in this document.

## 7. Wilderness Study Areas

The eastern portion of the Diablo Mountain WSA (OR-1-58) is located immediately west of the HMA (Map 2). Horses often drift into the WSA because the only barrier between the two areas is a steep rim. Horses are used to traveling up and over rims in the steep basin and range topography in the area.

The 118,799 acre WSA is predominantly in natural condition and is primarily affected by the forces of nature. Evidence of human activity is mostly isolated. Because of the large size and the topography in and near the WSA, it offers exceptional opportunities for solitude. The wilderness characteristics for the Diablo Mountain WSA are described in more detail in Volume II of the Oregon BLM Wilderness Environmental Impact Statement (1989) pages 101-139.

Wilderness characteristics include naturalness, outstanding opportunities for solitude or primitive and unconfined recreation, and the presence of special features. The following definitions are

from BLM Manual Handbook H-8550-1 – Interim Management Policy for Lands under Wilderness Review.

*Naturalness* - refers to an area which "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable."

*Solitude* - is defined as "the state of being alone or remote from habitations; isolation. A lonely, unfrequented, or secluded place"

*Primitive and Unconfined Recreation* - is defined as nonmotorized and undeveloped types of outdoor recreation activities.

*Supplemental Values* - are listed in the Wilderness Act as "ecological, geological, or other features of scientific, educational, scenic, or historical value."

The alternatives analyzed in this EA would be in conformance with the Interim Management Policy (IMP) for Lands under Wilderness Review for the following reasons:

The preservation of Wilderness values is the "overriding consideration" of Wilderness Study Area (WSA) management. None of the alternatives would affect the Wilderness value of naturalness, primitive unconfined recreation or special features. Opportunities for solitude would be reduced during gather operations, but would be temporary and for a short time period (two weeks). Previously disturbed areas are preferred for trap sites and no ground disturbance would be long term or require reclamation. The alternatives would meet the "overriding consideration."

The alternatives would meet the "nonimpairment criteria" because no permanent structures would be required, the traps are temporary, and the trapping activities would not degrade Wilderness values. Any temporary surface disturbance associated with the trap sites and activities would not require reclamation.

The alternatives would not impair the WSA's suitability for preservation as Wilderness. There would be no long-term effects to the Wilderness values of roadlessness, naturalness, and opportunities for solitude or primitive and unconfined recreation. During all gather operations, solitude in the WSA would be temporarily decreased by sights and sounds of people, vehicles, and helicopters for about 2 weeks. Once the gather is completed, opportunities for solitude would return. For these reasons, WSAs will not be discussed further in this EA.

## B. Noncritical Elements

### 1. Wild Horses

The Paisley Desert HMA has been periodically gathered since 1984. Numbers of wild horses captured and removed for each successive gather are documented in the Lakeview District Office. The last gather of 173 wild horses was completed in 2003. 36 horses were returned to

the HMA bringing numbers to 62 within the HMA at that time. The Appropriate Management Level (AML) was established with the High Desert Management Framework Plan, 1983, as 60-110. The AML for Paisley Desert HMA was reviewed and increased to a range of 60-150 horses during the Lakeview Resource Management plan (RMP). Lakeview RMP Environmental Impact statement and Record of Decision (EIS/ROD), 2003 and is based on a five year gather cycle.

The last census in the HMA and surrounding area was done in July 24, 2008. The population within the Beatys Butte HMA was 179 including 153 Adults and 26 foals under one year of age.

Oregon Department of Fish and Wildlife (ODFW) has reported up to 50 horses outside the HMA on Diablo Rim. The horses were seen during bighorn sheep population counts.

Adult wild horses in the HMA weigh an average of 950 to 1,050 pounds and stand between 14.2 and 15.2 hands, with some stallions being slightly larger. The herd is managed for horses with of all color markings. Some of the more common colors within the herd include Pinto, dun, and gray. Most have saddle horse type confirmation with some individuals having Spanish horse characteristics.

Peak foaling period for this herd is from March through June. Peak breeding period is from April through July. Currently, the existing sex ratio within the complex is approximately 50/50.

Water is a limiting factor in many years throughout the Paisley Desert HMA. Most of the watering areas in the HMA are in the form of playa lakebed pit type waterholes that provide inconsistent water and often dry up in late summer or fall.

Forage is allocated for 60 to 150 wild horses in the Paisley Desert HMA or 1800 Animal Unit Months (AUMs). Inventory data shows that horse utilization outside the HMA is a potential conflict with bighorn sheep in the Diablo Rim area.

Wild horse utilization combined with livestock use within the HMA is reaching the level of heavy (60-70%) around the main water sources near Sheeprock and Burma Rim.

A long history of horses drifting into the adjacent crested wheatgrass seedings east of the HMA and less frequent drift into the Diablo WSA.

## 2. Grazing Management

Forage allocations for livestock grazing in the Paisley HMA are currently 10,151 AUMs of active preference. There are four livestock grazing allotments with pastures within the Paisley HMA that are used by two permittees, the ZX Ranch and Martin Pernoll (see Table 1). The ZX Ranch uses the ZX – Christmas Lake, Sheeprock, and Saint Patricks allotments which are operated under deferred rest, rest rotation, spring use, and rest rotation grazing systems, respectively. Martin Pernoll uses the Squaw Lake allotment which is currently set up as a rest rotation grazing system.

Water for livestock and wild horses is mainly available from pit type ephemeral water holes which can vary drastically in water availability dependent upon the year.

Overall rangeland trend is static throughout the allotments within the Paisley HMA. Current utilization levels in the Saint Patricks allotment are in the light percent (21-40) of the current year's growth, while utilization in the ZX – Christmas Lake allotment (which is still in use) is near 50 percent of the current year's growth.

Table 1.

Permittee	Paisley HMA Allotments	Allot #	Season of use	Forage Allocation (AUMs)		
				Livestock	Wild Horses	Wildlife
ZX Ranch	ZX-Christmas Lake	10103	2/1 - 11/15	4598	778	122
ZX Ranch	Sheeprock	428	2/25 - 7/15	3969	929	284
ZX Ranch	Saint Patricks	419	3/1 - 5/15	750	35	53
Martin Pernoll	Squaw Lake	418	9/15 - 12/31	834	58	165

### 3. Fish and Wildlife

Pronghorn antelope, mule deer and California bighorn sheep use the HMA for summering and wintering ranges. Other important mammals that utilize the area include, but are not limited to, mountain lion, bobcat, coyotes, badger, jackrabbit, and cottontail rabbits. Some of the common birds include golden eagle, chuckar, California quail, mourning dove, red-tailed hawk, kestrel, and the great horned owl.

### 4. Vegetation

The vegetation within the Paisley Desert HMA is predominantly sagebrush/grassland communities. Primary species include the following:

Big Sagebrush (*Artemisia tridentata* var. *tridentata*), Wyoming Big Sagebrush (*Artemisia tridentata* var. *wyomingensis*), Low Sagebrush (*Artemisia arbuscula*), Bluebunch Wheatgrass (*Pseudoroegneria spicata*), Indian Ricegrass (*Achnatherum hymenoides*), Thurber's Needlegrass (*Achnatherum thurberianum*)  
 Needle and Thread Grass (*Hesperostipa comata*), Bottlebrush Squirreltail (*Elymus elemoides*, Basin Wildrye (*Leymus cinereus*)

Salt desert shrub communities including shadscale (*Atriplex confertifolia*), greasewood (*Sarcobatus vermiculatus*) and inland saltgrass (*Distichlis spicata*) occur to a limited extent throughout the HMA.

Other species within the Paisley Desert HMA found to a lesser degree include the

following:

- Grey Rabbitbrush (*Chrysothamnus nauseosus*)
- Green Rabbitbrush (*Chrysothamnus viscidiflorus*)
- Silver Sagebrush (*Artemisia cana*)
- Various Forbs (predominantly *Asteraceae* and *Scrophulariaceae*)

Monitoring studies indicate a trend is stable to upward in upland plant communities.

## 5. Soils

Soils in the HMA range from shallow (<20 inches deep) to moderately deep (20 – 40 inches deep) and are located on slopes ranging from 0 to over 60%. The entire area can be characterized as a series of rims and basins running from north to south. The texture of the soils found in this area ranges from sandy loams to silty loams. Some soils with high levels of clay particles can be found in the playa bottoms.

## 6. Recreation

The most common recreation activities within the HMA are hunting, camping, four-wheel driving, and wild horse viewing. Information on wild horse viewing is a fairly common request from the public. Limited backpacking/hiking, wildlife viewing, fishing, and photography opportunities may also exist.

## 7. Visual Resources

The HMA is located within Visual Resource Management (VRM) Classes I, III, and IV. The WSA is VRM Class I and has the objective of preserving the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude limited management activity.

The VRM Class III objective is to partially retain the existing character of the landscape. Moderate changes to the landscape are acceptable.

The VRM Class IV objective is to provide for management activities which may require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention.

## 8. Other Lands with Wilderness Character

The Oregon Natural Desert Association (ONDA) has submitted a written report recommending four areas within the HMA that they feel have wilderness character and are not currently designated as WSA. These proposals include the Black Hills, Burma Rim, Diablo Mountain North Addition, and Diablo Mountain East Addition. These areas total about 231,606 acres of which approximately 210,564 are within the HMA.

The Lakeview BLM staff has completed its own inventory of wilderness character within the Black Hills, and Diablo Mountain North proposals. These documents are available for review at [www.blm.gov/or/districts/lakeview/plans/inventas.php](http://www.blm.gov/or/districts/lakeview/plans/inventas.php). The BLM did not find wilderness character within either of these areas.

An inventory of the Diablo Mountain East proposal has not yet been completed. However, none of the alternatives analyzed in this EA would impact or are expected to prevent the BLM from finding wilderness character within the HMA, if it is actually present because the proposed actions are temporary and involve minimal ground disturbance.

The first factor reviewed was; whether the proposed action would alter a proposed unit boundary or road determination. Since travel would occur on existing roads and trails and no and maintenance would be done for the purpose of gathering wild horses, the potential actions would not affect the road inventory aspect of wilderness character review.

The second factor reviewed was potential ground disturbance caused by vehicles, and high horse concentrations at trap and holding site locations. Previous experience has shown that there are no long term impacts at these sites. Any signs of activity would normally be unnoticeable within two weeks after gather operations.

The final factor of review would be whether the proposed actions would have an impact on wilderness character values of size (acreage), natural condition, outstanding opportunities for solitude or unconfined primitive recreation. The temporary potential actions described in this EA would not be within the normal elements reviewed in making a wilderness characteristic determination. Please refer to the Lakeview web site for example of the above referenced wilderness character reviews for further clarification.

For these reasons other lands with wilderness character will not be discussed further in this EA.

## **CHAPTER IV: ENVIRONMENTAL CONSEQUENCES**

The Action Alternatives have largely the same impacts to resources. They vary mainly in impacts to the wild horses themselves. Therefore the Anticipated Effects of alternatives 1-3 are combined and the minor differences described. The no action alternative is analyzed separately as the no action alternative has the greatest impact to resources.

1. Alternative 1-3      Anticipated Effects – Critical Elements
  - a.      Noxious Weeds

Existing noxious weed infestations could be spread to other areas within the HMA by grazing animals including wild horses which eat the seed or carry the seed in their hair. By maintaining horse numbers at or below AML, the chance of noxious weed spread would be reduced. Limiting vehicle travel to existing roads and ways, combined with avoidance of noxious weed infestations when selecting trap sites, would limit the potential of noxious weed spread during

gathering operations.

b. Special Status Species

There would be no effect of the action alternatives on special status species except sage-grouse and pygmy rabbits. Sage-grouse utilize riparian zones for late season brood rearing. Forage in these areas is important to chick development and survival. A decrease in grazing by horses in these areas would improve habitat conditions for sage-grouse. Additionally, habitat conditions in upland areas would be expected to be maintained in better condition with reduced grazing also benefitting sage-grouse and potentially pygmy rabbits. Pygmy rabbits require increased amounts of grasses and forbs in their diet during the reproductive period. A reduction of grazing by horses could provide additional forage for pygmy rabbits during their reproductive period. By returning the wild horse herd to AML, the number of horses grazing and watering along perennial streams would be reduced thereby helping to improve water quality.

c. Migratory Birds

Gathering horses and reducing the herd population to AML would improve availability of sagebrush and woodland habitat for migratory birds associated with those habitats. The quality of the habitat would be improved due to the decreased number of horses. Reproductive capabilities of migratory birds would be improved as a result of increased food sources. Cover for most ground-nesting species would be increased. Migratory bird species abundance and diversity would be increased within the HMA.

2. Alternatives 1-3 Anticipated Effects – Noncritical Elements

a. Wild Horses

Appendix E provides the comparison of alternatives resulting from the WinEquus Population Model. Alternatives 1&3 resulted in the smallest population growth rate. Alternative 1 resulted in the least number of horses removed. Alternative 3 resulted in the least number of horses gathered. Population modeling did not account for the population differences resulting from drifting of horses between neighboring the neighboring, private, BLM and USFW lands.

Direct impacts to individual wild horses as a result of the gather and removal operation include the handling stress associated with these activities. Traumatic injuries that may occur typically involve biting and/or kicking that may result in bruises and minor swelling which normally does not break the skin. These impacts are known to occur intermittently during wild horse gather operations. The intensity of these impacts varies by individual, and is indicated by behaviors ranging from nervous agitation to physical distress. Mortality of individuals from these impacts is infrequent but may occur in one half to one percent of horses gathered in a given removal operation (Nevada BLM statistics). Implementation of SOPs in Appendix A would help minimize direct impacts to animals. Alternative 1 has the greatest initial direct impact due to the large amount and degree of handling animals at the trap sites and holding facilities, alternatives 2&3 are about equal in direct impacts to wild horses. However increasing the time period between gathers would also reduce the overall direct impacts to wild horses.

The gelding aspect of alternative 3 is the only irreversible action considered; therefore gelding is the least favorable of the actions presented in this EA. A study of gelding dominant studs which took place in the Beatys Butte HMA found no reduction in population growth. Potentially gelding could reduce population growth rates; however, it is unknown what percentage would be necessary to accomplish this reduction.

Alternative 1 has the greatest positive potential impacts to breeding mares in the population that are treated with PZP. After foaling normally the first year the mares should be infertile for at least the next year. Mares would be expected to have reduced pregnancy induced stress levels during the infertile year. This would result in improved health of individual mares for that year.

Direct impacts to the wild horse herd's social structure as a result of the proposed gather, handling and removal operation include the temporary separation of foals from their mothers, and mixing and separation of individual bands. These impacts would be short-term (from a few hours to a few weeks) and would disappear within a few weeks following the gather as bands reform.

The indirect effect of removing excess wild horses before range conditions deteriorate further would be decreased competition among the remaining animals for the available water and forage. This should result in improved wild horse health and body conditions.

Population wide direct effects are immediate effects which would occur during or immediately following implementation of the action alternatives. They include the displacement of bands during capture and the associated dispersal which occurs following release, the modification of herd demographics (age and sex ratios), the temporary separation of members of individual bands of horses, and the reestablishment of bands following releases, and the removal of animals from the population. Direct population wide effects would be temporary in nature with most if not all effects disappearing within hours to several days of release. No observable effects would be expected within 1-month of release, except for a heightened awareness of human presence.

The removal of horses from the population would not be expected to have effect on herd dynamics or population variables; as long as the selection criteria for the removal ensured a "typical" population structure was maintained.

### Range Improvements

The dependable water sources provided by solar wells would provide a means of improving distribution and reducing horse concentrations at water sources. The wells would be turned on or off depending on resource conditions. The water from well sources has the potential to be less alkali and better tasting to grazing animals which would also allow for improved distribution.

### Effects of Alternative 3

The following affects would be expected from successive removals causing shifts in sex ratios away from normal ranges are. If selection criteria leave more studs than mares, band size would be expected to decrease, competition for mares would be expected to increase, recruitment age

for reproduction among mares would be expected to decline, and size and number of bachelor bands would be expected to increase. Gelding of males would not significantly alter these results. Gelding would change the individual behavior of each male horse. Many of the gelded males would be expected to form bachelor bands. Breeding age mares would be expected to breed with available studs regardless of the presence of geldings in the HMA.

For mares, the greatest biological stress is during pregnancy and lactation. In wild horse populations, this occurs in late winter or early spring when forage availability is at its lowest level, and body condition is at its poorest. For studs, biological stress is at its peak during the breeding season. This peak biological demand is in the late spring and early summer and is more suited to a rapid recovery and a lower energy deficit than for mares.

### Immunocontraception

Population modeling found no significant difference in results among action alternatives comparing the lowest average population size in 11 years. However, immunocontraception results indicate this alternative would result in the least number of horses gathered and placed in long term holding, adoption or sale programs over a 10 year period.

#### b. Grazing Management

The action alternatives would minimize competition for forage and water between livestock wildlife and wild horses and maintain the thriving ecological balance of the Paisley Desert HMA.

#### c. Fish and Wildlife

Some wildlife could be temporarily disturbed or displaced by the helicopter or by the placement of the trap. The impacts would be short term and many species of wildlife would return to regular use of the areas after the disturbance has passed. The reduction of wild horse numbers to AML would reduce utilization of forage and water resources by horses and allow for improvement of habitat conditions for mule deer, pronghorn antelope, bighorn sheep and other wildlife species.

#### d. Vegetation

Some short-term disturbance to the vegetation would occur in and around the trap sites due to trampling and vehicle use. The disturbance would be kept to as small an area as possible. Disturbance of this type is normally not noticeable within a few days of completion of gather activities.

Reducing and then maintaining wild horse numbers within AML over the next ten years would reduce the overall impacts of heavy or repeated utilization. Heavy utilization or grazing during critical growth stages each year effects plant health. Reducing grazing pressure would improve forage species vigor, cover, and allow individual plant health recovery after grazing. The action alternatives would limit the intensity of use at or near water sources and surrounding uplands.

e. Soils

Soil loss would be expected to decrease in those areas of step topography near water sources where horses concentrate.

f. Recreation

For a period of two weeks, vehicle access to some areas would be temporarily blocked by gather activities and facilities, displacing recreationists to other, nearby areas. People recreating in the HMA may also be bothered by low-flying helicopters. This degree of impact would depend largely upon the timing of the gather. The initial gather would occur during the early winter, a time when few people are actively recreating in the HMA. Subsequent gathers could have somewhat higher effects if conducted during the fall hunting season. Conversely, gather activities may attract additional people to the area. Public notification regarding gathering activities has been, and would continue to be, distributed prior to commencement of gather operations. Potential effects to recreation within the WSA are described in the WSA section.

g. Visual Resources

All of the action alternatives would be consistent with the existing VRM Class objectives. The traps and holding facilities would temporarily add complex rectangular and circular forms which would contrast with the surrounding landscape. These forms would be composed primarily of short vertical and long horizontal lines.

The use of pickups and ATVs for trap wing construction and removal outside of the WSA could create sinuous linear features through the crushing of vegetation and exposure of soil. Line and color contrasts could be created. The trap wings themselves are made from jute and t-posts. Only temporary, minor color contrasts would result from the trap wings.

C. Alternative 4 (No Action)

1. Anticipated Effects – Critical Elements

a. Noxious Weeds

The increase of horse numbers above the AML would increase the likelihood of spreading existing noxious weeds to areas within the HMA that have not been infested, primarily near water sources.

b. Special Status Species

Nesting and brood-rearing habitat for sage-grouse would continue to be degraded as wild horse numbers increased and upland riparian conditions deteriorated. The loss of cover in nesting areas would allow for more predation of nests while loss of forb species important to sage-grouse for nutrition during nesting and brood rearing would decrease the general health and

reproductive status for the hens. Loss of cover around important water sources leaves hens and broods susceptible to predation as well. Heavy grazing could reduce grasses and forbs available for pygmy rabbit forage. Grasses in particular have been found to be an important component of pygmy rabbit diets during the reproductive period. Pygmy rabbit reproductive success could be altered if grasses were reduced below a critical level during the pygmy rabbit reproductive period.

c. Migratory Birds

While sagebrush and woodland habitat would still be available for migratory birds associated with these habitats, the quality of the habitat would be reduced due to the increased number of wild horses. Reproductive capabilities of migratory birds would be affected as a result of decreased food sources. Cover for most ground-nesting species would be reduced. Migratory bird species abundance and diversity would be reduced within the HMA.

2. Alternative 4 (No Action) Anticipated Effects – Noncritical Elements

a. Wild Horses

The horses would continue to multiply and the population would increase at a rate of 15 percent per year until approximately 835 horses would be present in the HMA and surrounding areas. The habitats ability to support the horse population along with other grazing animals would be reduced. Wild horses would most likely move outside the HMA as they have historically done in the past. The horses within HMA boundaries would continue to overuse the available forage and water and resources would deteriorate. The ecological balance within the HMA would be disrupted.

Population modeling found that Alternative 4 (No Action) resulted in the highest average population size in 11 years. Under this alternative, natural controls would regulate wild horse numbers through predation, disease, and forage and water availability. Historically predation and disease have not substantially regulated horse numbers in the Paisley Desert HMA. This alternative would not comply with The Wild Free-Roaming Horse and Burro Act of 1971 which mandates the Bureau to “prevent the range from deterioration associated with overpopulation” and “preserve and maintain a thriving natural ecological balance and multiple use relationships in that area.”

Emergency gathers would occasionally be necessary if drought conditions persist and natural water sources dry up. Horses would concentrate at the limited water sources in drought years.

Grazing Management

The Paisley HMA would potentially continue to support the existing wild horse population until herd growth exceeded the allocated 1,800 AUMs. Assuming that livestock and wildlife populations were managed to allocated levels, once the wild horse population exceeded the allocated use of 1,800 AUMs the Paisley HMA would become over populated. With higher levels of use by wild horses; livestock, wildlife, wild horses, and herbaceous plant populations would become stressed. Herbaceous plant communities could become overgrazed (especially

near water sources). The level of livestock use would need to be reduced to compensate for the excess of horses, and wildlife would potentially be displaced into surrounding areas.

b. Fish and Wildlife

Wildlife populations would probably decrease in the general area or move outside the HMA to areas of less competition for limited water and forage for at least part of the year.

c. Vegetation

Areas which are presently over utilized, such as areas adjacent to water sources, would continue to be over used. The composition of vegetation would change to a higher percentage of undesirable plants, soil cover would be reduced, and the potential for erosion on steeper slopes would increase.

d. Soils

The majority of the Beatys Butte HMA has flat to rolling topography. Soil loss would not be expected to increase except in those areas near water sources with steeper slopes sources where horses concentrate.

e. Recreation

Most recreation activities in the HMA would not be affected. Opportunities for viewing wild horses would be improved, because of the larger number of wild horses. However, hunting opportunities within the HMA would decline over time as wildlife populations decrease or move outside the HMA.

f. Visual Resources

While VRM Class I, III, and IV objectives would probably be met under this alternative, Increasing horse numbers would have the potential to negatively impact the existing visual quality of the landscape in areas where horses congregate and increased ground disturbance occurs.

## **CHAPTER V: CUMULATIVE IMPACTS**

### **A. Alternatives 1-3**

#### **Gather**

The potential for cumulative impact on most of the identified resources other than wild horses is minimal. There would be lessened competition for forage and limited water with fewer numbers of horses. Gathering the HMA to the lower level of the AML (100 head) may reduce the frequency of gathers that are needed to maintain a thriving, ecological balance, thereby, reducing

the stress on the horses related to gather activities.

### Immunocontraception

The potential for cumulative impact on most of the identified resources other than wild horses is minimal. There would be lessened competition for forage and limited water with fewer numbers of horses. Gathering the HMA to the lower level of the AML (100 head) and administration of the immunocontraception vaccine, PZP, may reduce the frequency of gathers that are needed to maintain a thriving, ecological balance, thereby, reducing the stress on the horses related to gather activities.

### Drifting

Drifting outside the HMA would potentially continue, but may be reduced if dependable fresh water is provided within the HMA.

### C. Alternative 4 (No Action)

The horses would continue to over populate the HMA and would move outside the HMA to areas without forage allocation for wild horses. Range condition would deteriorate, watershed cover would be reduced near water sources, wildlife use patterns would be potentially be altered, and domestic livestock would need to be reduced or altered to compensate for the increased number of horses.

## **Appendix A**

### **Standard Operating Procedures (Gather Operation)**

Gathers would be conducted by utilizing contractors from the Wild Horse and Burro Gathers-Western States Contract, or BLM personnel. The following procedures for gathering and handling wild horses and burros would apply whether a contractor or BLM personnel conduct a gather. For helicopter gathers conducted by BLM personnel, gather operations will be conducted in conformance with the *Wild Horse and Burro Aviation Management Handbook* (March 2000).

Prior to any gathering operation, the BLM will provide for a pre-capture evaluation of existing conditions in the gather area(s). The evaluation will include animal conditions, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with wilderness boundaries, the location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine whether the proposed activities will necessitate the presence of a veterinarian during operations. If it is determined that capture operations necessitate the services of a veterinarian, one would be obtained before the capture would proceed. The contractor will be apprised of all conditions and will be given instructions regarding the capture and handling of animals to ensure their health and welfare is protected.

Trap sites and temporary holding sites will be located to reduce the likelihood of undue injury and stress to the animals, and to minimize potential damage to the natural resources of the area. These sites would be located on or near existing roads.

The primary capture methods used in the performance of gather operations include:

1. Helicopter Drive Trapping. This capture method involves utilizing a helicopter to herd wild horses and burros into a temporary trap.
2. Helicopter Assisted Roping. This capture method involves utilizing a helicopter to herd wild horses or burros to ropers.
3. Bait Trapping. This capture method involves utilizing bait (water or feed) to lure wild horses and burros into a temporary trap.

The following procedures and stipulations will be followed to ensure the welfare, safety and humane treatment of wild horses and burros in accordance with the provisions of 43 CFR 4700.

#### **A. Capture Methods used in the Performance of Gather Contract Operations**

1. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:
  - All trap and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (PI) prior to construction.
  - The Contractor may also be required to change or move trap locations as determined by the COR/PI.
  - All traps and holding facilities not located on public land must have prior written approval of the landowner.
2. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.
3. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:
  - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.
  - b. All loading chute sides shall be a minimum of 6 feet high and shall be fully covered, plywood, metal without holes.
  - c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5

feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.

- d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, plastic snow fence, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses.
  4. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.
  5. No modification of existing fences will be made without authorization from the COR/PI. The Contractor shall be responsible for restoration of any fence modification which he has made.
  6. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to wet down the ground with water.
  7. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government will require that animals be restrained for the purpose of determining an animal's age, sex, or other necessary procedures. In these instances, a portable restraining chute may be necessary and will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the capture area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the COR.
  8. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day. An animal that is held at a temporary holding facility after 5:00 p.m. and on through the night, is defined as a horse/burro feed day. An animal that is held for only a portion of a day and is shipped or released does not constitute a feed day.
  9. It is the responsibility of the Contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
  10. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI will determine if injured animals must be destroyed and provide for destruction of such animals. The Contractor may be required to humanely euthanize animals in the field and to dispose of the carcasses as directed by the COR/PI.
  11. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals to be released back into the HMA following gather operations may be held up to 21 days or as directed by the COR/PI. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI. The Contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the COR. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the COR.

## **B. CAPTURE METHODS THAT MAY BE USED IN THE PERFORMANCE OF A GATHER**

1. Capture attempts may be accomplished by utilizing bait (feed or water) to lure animals into a temporary trap. If the contractor selects this method the following applies:
  - a. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.
  - b. All trigger and/or trip gate devices must be approved by the COR/PI prior to capture of animals.
  - c. Traps shall be checked a minimum of once every 10 hours.
2. Capture attempts may be accomplished by utilizing a helicopter to drive animals into a temporary trap. If

the contractor selects this method the following applies:

- a. A minimum of two saddle-horses shall be immediately available at the trap site to accomplish roping if necessary. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one hour.
- b. The contractor shall assure that foals shall not be left behind, and orphaned.
3. Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If the contractor with the approval of the COR/PI selects this method the following applies:
  - a. Under no circumstances shall animals be tied down for more than one hour.
  - b. The contractor shall assure that foals shall not be left behind, or orphaned.
  - c. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

### **C. USE OF MOTORIZED EQUIPMENT**

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the COR/PI with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.
3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5 foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.
4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.
5. Floors of tractor-trailers, stock trailers and loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping.
6. Animals to be loaded and transported in any trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers:
  - o 11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);
  - o 8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
  - o 6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
  - o 4 square feet per burro foal (.50 linear feet in an 8 foot wide trailer).
7. The COR/PI shall consider the condition and size of the animals, weather conditions, distance to be transported, or other factors when planning for the movement of captured animals. The COR/PI shall provide for any brand and/or inspection services required for the captured animals.
8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor will be instructed to adjust speed.

### **D. SAFETY AND COMMUNICATIONS**

1. The Contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the capture of wild horses and burros utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government will take steps necessary to protect the welfare of the animals.

- a. The proper operation, service and maintenance of all contractor furnished property is the responsibility of the Contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the Contractor will be notified in writing to furnish replacement personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative.
  - b. The Contractor shall obtain the necessary FCC licenses for the radio system
  - c. All accidents occurring during the performance of any task order shall be immediately reported to the COR/PI.
2. Should the contractor choose to utilize a helicopter the following will apply:
    - a. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State in which the gather is located.
    - b. Fueling operations shall not take place within 1,000 feet of animals.

### **G. SITE CLEARANCES**

Personnel working at gather sites will be advised of the illegality of collecting artifacts.

Prior to setting up a trap or temporary holding facility, BLM will conduct all necessary clearances (archaeological, T&E, etc). All proposed site(s) must be inspected by a government representative. Once archaeological clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.

Gather sites and temporary holding facilities would not be constructed on wetlands or riparian zones.

### **H. WILDLIFE**

Holding Facility and Capture Site Selection

Sites selected for holding facilities, capture sites (traps) and capture site approaches shall be located a minimum of 100 yards from any pygmy rabbit or burrowing owl burrows. A qualified individual shall survey each intended site to determine if pygmy rabbit or burrowing owl burrows are present. When burrows for these species are located the intended site shall be moved a minimum of 100 yards from the closest burrow for these species. For the purpose of site selection, capture site approaches shall be considered to be the intended approach path for herding the horses into the trap for a distance of 300 yards from the trap entrance.

Emergency Captures March 1<sup>st</sup> to July 31<sup>st</sup>

Generally captures will take place outside of the reproductive period (March 1<sup>st</sup> to July 31<sup>st</sup>) for sage-grouse and migratory birds. In the event of an emergency capture during the period of time from March 1<sup>st</sup> to July 31<sup>st</sup>, the BLM wildlife biologist shall be consulted to develop a plan that will reduce impacts to nesting bird species. At minimum, no holding or capture facilities will be placed within 1 mile of any known active sage-grouse lek from March 1<sup>st</sup> to May 15<sup>th</sup>. Additionally, no capture activities will be allowed in sage-grouse nesting habitat from March 1<sup>st</sup> to June 15<sup>th</sup>.

### **I. ANIMAL CHARACTERISTICS AND BEHAVIOR**

Releases of wild horses would be near available water. If the area is new to them, a short-term adjustment period may be required while the wild horses become familiar with the new area.

### **J PUBLIC PARTICIPATION**

Opportunities for public viewing (i.e. media, interested public) of gather operations will be made available to the extent possible, however, the primary consideration will be to protect the health and welfare of the animals being gathered. The public must adhere to guidance from the onsite BLM representative. It is BLM policy that the public will not be allowed to come into direct contact with wild horses or burros being held in BLM facilities. Only authorized BLM personnel or contractors may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at anytime or for any reason during BLM operations.

## **K. RESPONSIBILITY AND LINES OF COMMUNICATION**

### **Lakeview Field Office - Contracting Officer's Representative/Project Inspector**

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Lakeview Assistant Field Manager and the Lakeview Field Manager will take an active role to ensure the appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, Burns, PVC Corral or appropriate Corral offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications will be vigorously enforced.

Should the Contractor show negligence and/or not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.

## **Appendix B**

### **Standard Operating Procedures (Fertility Control Treatment)**

The following management and monitoring requirements are part of the Proposed Action:

- PZP vaccine would be administered by trained BLM personnel.
- The fertility control drug is administered with two separate injections: (1) a liquid dose of PZP is administered using an 18 gauge needle primarily by hand injection; (2) the pellets are preloaded into a 14 gauge needle. These are loaded on the end of a trocar (dry syringe with a metal rod) which is loaded into the jabstick which then pushes the pellets into the breeding mares being returned to the range. The pellets and liquid are designed to release the PZP over time similar to a time release cold capsule.
- Delivery of the vaccine would be as an intramuscular injection while the mares are restrained in a working chute. 0.5 cubic centimeters (cc) of the PZP vaccine would be emulsified with 0.5 cc of adjuvant (a compound that stimulates antibody production) and loaded into the delivery system. The pellets would be loaded into the jabstick for the second injection. With each injection, the liquid and pellets would be propelled into the left hind quarters of the mare, just below the imaginary line that connects the point of the hip and the point of the buttocks.
- All treated mares would be freeze-marked on the hip to enable researchers to positively identify the animals during the research project as part of the data collection phase.
- At a minimum, monitoring of reproductive rates using helicopter flyovers will be conducted in years 2 through 4 by checking for presence/absence of foals. The flight scheduled for year 4 will also assist in determining the percentage of mares that have returned to fertility. In addition, field monitoring will be routinely conducted as part of other regular ground-based monitoring activities.
- A field data sheet will be used by the field applicators to record all the pertinent data relating to identification of the mare (including a photograph when possible), date of treatment, type of treatment (1 or 2 year vaccine, adjuvant used) and HMA, etc. The original form with the data sheets will be forwarded to the authorized officer at NPO (Reno, Nevada). A copy of the form and data sheets and any photos taken will be maintained at the field office.
- A tracking system will be maintained by NPO detailing the quantity of PZP issued, the quantity used, disposition of any unused PZP, the number of treated mares by HMA, field office, and state along with the freeze-mark applied by HMA.
- The field office will assure that treated mares do not enter the adoption market for three years following treatment. In the rare instance, due to unforeseen circumstance, treated mare(s) are removed from an HMA before three years has lapsed, they will be maintained in either a BLM facility or a BLM-contracted long term holding facility until expiration of the three year holding period. In the event it is necessary to remove treated mares, their removal and disposition will be coordinated through NPO. After expiration of the three year holding period, the animal may be placed in the adoption program or sent to a long-term holding facility.

**Appendix C**  
**Euthanasia Policy**

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240  
October 20, 2005

In Reply Refer To:  
4730/4700 (WO-260) P

EMS TRANSMISSION 11/03/2005  
Instruction Memorandum No. 2006-023  
Expires: 09/30/2007

To: All Field Officials (except Alaska)  
From: Assistant Director, Renewable Resources and Planning  
Subject: Euthanasia of Wild Horses and Burros  
Program Area: Wild Horses and Burros

Purpose: This policy identifies requirements for euthanasia of wild horses and burros.

Policy/Action: A Bureau of Land Management (BLM) authorized officer may authorize the euthanasia of a wild horse or burro in field situations (includes free-roaming horses and burros encountered during gather operations) as well as short- and long-term wild horse and burro holding facilities with any of the following conditions:

- (1) Displays a hopeless prognosis for life;
- (2) suffers from a chronic or incurable disease, injury or serious physical defect; (includes severe tooth loss or wear, severe club feet, and other severe acquired or congenital abnormalities)
- (3) would require continuous treatment for the relief of pain and suffering in a domestic setting;
- (4) is incapable of maintaining a Henneke body condition score greater than two, in its present environment;
- (5) has an acute or chronic injury, physical defect or lameness that would not allow the animal to live and interact with other horses, keep up with its peers or exhibit behaviors which may be considered essential for an acceptable quality of life constantly or for the foreseeable future;
- (6) suffers from an acute or chronic infectious disease where State or Federal animal health officials order the humane destruction of the animal as a disease control measure.

Euthanasia in field situations (includes on-the-range and during gathers):

There are three circumstances where the authority for euthanasia would be applied in a field situation:

(A) If an animal suffers from a condition as described in 1-6 above that causes acute pain or suffering and immediate euthanasia would be an act of mercy, the authorized officer has the authority and the obligation to promptly euthanize the animal. If the animal is euthanized during a gather operation, the authorized officer will describe the animal's condition and report the action using the gather report in the comment section that summarizes gather operations (See attachment 1). If the euthanasia is performed during routine monitoring, the Field Manager will be notified of the incident as soon as practical after returning from the field.

(B) Older wild horses and burros encountered during gather operations should be released if, in the opinion of the authorized officer, the criteria described in 1-6 above for euthanasia do not apply, but the animals would not tolerate the stress of transportation, adoption preparation, or holding and may survive if returned to the range. This may include older animals with significant tooth wear or tooth loss that have a Henneke body condition score greater than two. However, if the authorized officer has inspected the animal's teeth and feels the animal's quality of life will suffer and include health problems due to dental abnormalities, significant tooth wear or tooth loss; the animal should be euthanized as an act of mercy.

(C) If an animal suffers from any of the conditions listed in 1-6 above, but is not in acute pain, the authorized officer has the authority to euthanize the animal in a humane manner. The authorized officer will prepare a written statement documenting the action taken and notify the Field Manager and State Office Wild Horse and Burro (WH&B) Program Lead. If available, consultation and advice from a veterinarian is recommended, especially where significant numbers of wild horses or burros are involved.

If, for humane or other reasons, the need for euthanasia of an unusually large number of animals during a gather operation is anticipated, the euthanasia procedures should be identified in the pre-gather planning process. When

pre-gather planning identifies an increased likelihood that animals may need to be euthanized, plans should be made for an APHIS veterinarian to visit the gather site and consult with the authorized officer on euthanasia decisions. In all cases, the final responsibility and decision regarding euthanasia of a wild horse or burro rests solely with the authorized officer (43 CFR 4730). Euthanasia will be carried out following the procedures described in the 4730 manual.

**Euthanasia at short-term holding facilities:**

Under ideal circumstances horses would not arrive at preparation or other facilities that hold horses for any length of time with conditions that require euthanasia. However, problems can develop during or be exacerbated by handling, transportation or captivity. In these situations the authority for euthanasia would be applied:

- (A) If an animal suffers from a traumatic injury or other condition as described in 1-6 above that causes acute pain or suffering and immediate euthanasia would be an act of mercy, the authorized officer has the authority and the obligation to promptly euthanize the animal. A veterinarian should be consulted if possible.
- (B) If in the opinion of the authorized officer and a veterinarian, older wild horses and burros in short-term holding facilities cannot tolerate the stress of transportation, adoption preparation, or long-term holding they should be euthanized. However, if the authorized officer has inspected the animal and feels the animal's quality of life will not suffer, and the animal could live a healthy life in long-term holding, the animal should be shipped to a long-term holding facility.
- (C) It is recommended that consultation with a veterinarian is obtained prior to euthanasia. If an animal suffers from any of the conditions listed in 1-6 above, but is not in acute pain, the authorized officer has the authority to euthanize the animal in a humane manner. Situations where acute suffering of the animal is not involved could include a physical defect or deformity that would adversely impact the quality of life of the animal if placed in the adoption program or on long-term holding. The authorized officer will ensure that there is a report from a veterinarian describing the condition of the animal that was euthanized. These records will be maintained by the holding facility.

If, for humane reasons, the need for the euthanasia of a large number of animals is anticipated, the euthanasia procedures should be identified to the WH&B State Lead or the National Program Office (NPO) when appropriate. A report that summarizes the condition, circumstances and number of animals involved must be obtained from a veterinarian who has examined the animals and sent to the WH&B State Lead and the NPO.

In all cases, final decisions regarding euthanasia of a wild horse or burro rest solely with the authorized officer (43 CFR 4730). Euthanasia will be carried out following the procedures described in the 4750-1 Handbook.

**Euthanasia at long-term holding facilities:**

This portion of the policy covers additional euthanasia conditions that are related to long-term holding facilities and includes existing facilities and any that may be added in the future.

At long-term holding facilities the authority for euthanasia would be applied:

- (A) If an animal suffers from a traumatic injury or other condition as described in 1-6 above that causes acute pain or suffering and immediate euthanasia would be an act of mercy, the authorized officer has the authority and the obligation to promptly euthanize the animal.
- (B) If an animal suffers from any of the conditions listed in 1-6 above, but is not in acute pain, the authorized officer has the authority and obligation to euthanize the animal in a humane and timely manner. In situations where acute suffering of the animal is not involved, it is recommended that a consultation with a veterinarian is obtained prior to euthanasia. The authorized officer will ensure that there is a report from a veterinarian describing the condition of the animal that was euthanized. These records will be maintained by the authorized officer.

The following action plan will be followed for animals at long-term holding facilities:

The WH&B Specialist who is the Project Inspector and the contractor will evaluate all horses and their body condition throughout the year. Once a year a formal evaluation as well as a formal count of all horses at long-term holding facilities will be conducted. The action plan for the formal evaluation is as follows:

1. All animals will be inspected by field observation to evaluate body condition and identify animals that may need to be euthanized to prevent a slow death due to deterioration of condition as a result of aging. This evaluation will be based on the Henneke body condition scoring system. The evaluation team will consist of a BLM WH&B Specialist and a veterinarian not involved with regular clinical work or contract work at the long-term holding facilities. The evaluations will be conducted in the fall (September through

November) to identify horses with body condition scores of 3 or less. Each member of the team will complete an individual rating sheet for animals that rate a category 3 or less. In the event that there is not agreement between the ratings, an average of the 2 scores will be used and final decisions will be up to the BLM authorized officer.

2. Animals that are rated less than a body condition score of 3 will be euthanized in the field soon after the evaluation by the authorized officer or their designated representative. The horses that rate a score 3 will remain in the field and should be re-evaluated by the contractor and WH&B Specialist that is the Project Inspector, for that contract, in 60 days to see if their condition is improving, staying the same or declining. Those that are declining in condition should be euthanized soon after the second evaluation.

3. The euthanasia process that will be used is a firearm. The authorized officer or their designated representative will carry out the process. Field euthanasia does not require the gathering of the animals which would result in increased stress and may cause unnecessary injury to other horses on the facility.

4. Documentation for each animal euthanized will include sex, color, and freeze/hip brand (if readable). Copies of all documentation will be given to the contractor and retained by BLM.

5. Arrangements for carcass disposal for euthanized animal(s) will be in accordance with applicable state and county regulations.

In all cases, the final decisions regarding euthanasia of a wild horse or burro for humane reasons rests solely with the authorized officer (43 CFR 4730). Euthanasia will be carried out following the procedures described in the 4750-1 Handbook.

Timeframe: This action is effective from the date of approval through September 30, 2007.

Budget Impact: Implementation of these actions would not result in additional expenditures over present policies.

Manual/Handbook Sections Affected: No manual or handbook sections are affected.

Background: The authority for euthanasia of wild horses or burros is provided by the Wild Free-Roaming Horse and Burro Act of 1971, Section 3(b)(2)(A) 43 CFR 4730.1 and BLM Manual 4730-Destruction of Wild Horses and Burros and Disposal of their Remains.

Decisions to euthanize require an evaluation of individual horses that suffer due to injury, physical defect, chronic or incurable disease, severe tooth loss or old age. The animal's ability to survive the stress of removal and/or their probability of surviving on the range if released, transportation to a BLM facility and to adoption or long-term holding should be determined. The long term care of these animals requires periodic evaluation of their condition to prevent long term suffering. These evaluations will, at times, result in decisions that will require the euthanasia of horses or burros if this is the most humane course of action.

Coordination: This document was coordinated with the Wild Horse and Burro Specialists in each affected state, the National Program Office and Wild Horse and Burro Advisory Board.

Contact: Questions regarding this memorandum should be directed to Lili Thomas, Wild Horse and Burro Specialist, Wild Horse and Burro National Program Office, at (775) 861-6457.

Signed by:

Thomas H. Dyer  
Deputy Assistant Director

Authenticated by:

Robert M. Williams  
Policy and Records Group, WO-560

**Appendix D**  
**Selective Removal Criteria**  
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240  
August 10, 2005

In Reply Refer To:  
4710 (WO 260) P  
Ref: IM 2004-138  
IM 2004-151

EMS TRANSMISSION 08/16/2005  
Instruction Memorandum No. 2005-206  
Expires: 09/30/2006

To: All Field Officials (except Alaska)  
From: Assistant Director, Renewable Resources and Planning  
Subject: Gather Policy & Selective Removal Criteria

**Program Area:** Wild Horse and Burro Program

**Purpose:** This Instruction Memorandum (IM) establishes gather policy and selective removal criteria for wild horses and burros.

**A. Gather Requirements**

1. Appropriate Management Level Achievement (AML)

Periodic removals will be planned and conducted to achieve and maintain AML and be consistent with AML establishment and removal decisions. Removals below AML may be warranted when a gather is being conducted as an "emergency gather" as defined in I.M. 2004-151 or where significant rationale is presented to justify a reduction below AML.

2. National Environmental Policy Act (NEPA) Analysis and Decision

A current NEPA analysis and gather plan is required. This NEPA analysis and determination to remove excess animals must include and be supported by the following elements required by case law and the Public Rangelands Improvement Act (1978): vegetative utilization and trend, actual use, climatic data and current census. Along with standard components, the NEPA analysis must also contain the following:

- a. Results of population modeling that forecast impacts to the Herd Management Area's (HMA's) population resulting from removals and fertility control treatments.
  - b. The desired post-gather on-the-range population number, age structure and sex ratio for the managed population.
  - c. Fertility control will be considered in all Gather Plan/NEPA documents (IM No. 2004-138) and will be addressed in the population model analysis. A "do not apply" decision will be justified in the rationale.
  - d. The collection of blood samples for development of genetic baseline data.
3. Where removals are necessary to achieve or maintain thriving natural ecological balance, all decisions shall be issued full force and effect under the authority of 43 CFR § 4770.3(c).
  4. All gathers that have been approved by Washington Office (WO) through the annual work plan process and that are listed on the National Gather Schedule may proceed without further approval. Changes to the gather schedule involving increased removal numbers for listed gathers, adding new gathers, or substituting gathers require approval by WO-260. Requests for such gathers will be submitted using Attachment 1 to WO-260, Reno National Program Office (NPO), for review and approval by the WO-260 Group Manager.
  5. No WO approval is required for the removal of up to 10 nuisance animals per instance unless a national contractor conducts the removal.
  6. A gather and removal report (Attachment 2) is required for each wild horse and burro gather. Partial completion reports shall be filed periodically (every 2 to 5 days) during large lengthy gathers. A final report for all gathers will be submitted to the State WH&B Lead and WO-260, NPO, within ten days of gather completion.

## **B. Selective Removal Requirements**

The selective removal criteria described below applies to all excess wild horses removed from the range. These criteria are not applicable to wild burros.

When gathers are conducted emphasis will be placed on the removal of younger more adoptable animals. However, the long term welfare of wild horse herds is critical and it is imperative that close attention be given to the post-gather on-the-range herd sex ratio and age structure to assure a healthy sustainable population.

Animals with conditions that may prevent adoption should be released to the range if herd health will not be compromised or harmed. Example conditions are disease, congenital or genetic defects, physical defect due to previous injury, and recent but not life threatening injury.

1. Age Criteria: Wild Horses will be removed in the following priority order:

- a). Age Class -Five Years and Younger  
Wild horses five years of age and younger should be the first priority for removal and placement into the national adoption program.
- b). Age Class - Six to Fifteen Years Old  
Wild horses six to fifteen years of age should be removed last and only if management goals and objectives for the herd can't be achieved through the removal of younger animals.  
Animals encountered during gather operations should be released if, in the opinion of the Authorized Officer, they may not tolerate the stress of transportation, preparation and holding but would survive if released. Older animals in acceptable body condition with significant tooth loss and/or excessive tooth wear should also be released. Some situations, such as removals from private land, total removals, or emergency situations require exceptions to this.
- c). Age Class Sixteen Years and Older  
Wild horses aged sixteen years and older should not be removed from the range unless specific exceptions prevent them from being turned back and left on the range.

## **C. Potential Exceptions to Selective Removal Requirements**

1. Nuisance animals
2. Animals outside of an HMA
3. Land use plan or activity plan identifies certain characteristics that are to be selectively managed for in a particular HMA (Examples: Spanish characteristics, Bashkir "Curly" or others).
4. Total removals required by law or land use plan decisions
5. Court ordered gathers
6. Emergency gathers (see IM 2004-151)
7. Removal of wild horses treated with fertility control PZP. Specific instructions are outlined in IM 2004-138 in regards to removal of these animals.

**Timeframe:** The wild horse and burro gather and selective removal requirements identified in this IM are effective immediately and will expire on September 30, 2006.

**Budget Impact:** Once AML is attained, it will cost approximately \$1.7 million in additional gather costs annually to implement the selective removal policy. This action, on an annual basis, will avoid removal of about 1,500 unadoptable animals (older than five years) that would cost about \$10 million to maintain in captivity over their lifetime.

This policy will achieve significant cost savings by minimizing the numbers of less adoptable animals removed prior to the achievement of AML and making the removal of older animals negligible in future years.

**Background:** The 1992 Strategic plan for the WH&B program defined criteria for limiting the age classes of animals removed so that only the most adoptable animals were removed. The selective removal criteria from Fiscal Years 1992 through 1995 allowed the removal of animals five years of age and younger. In 1996, because of drought conditions in many western states, the selective removal policy was changed to allow for the removal of animals nine years of age and younger. In 2002, the removal policy was modified to allow for prioritized age specific removals: 1<sup>st</sup> priority remove five years of age and younger animals, 2<sup>nd</sup> priority 10 years and older and last priority animals aged six to nine years if AML could not be achieved.

This selective removal policy provides for the long term welfare of on the range populations, emphasizes the removal of the most adoptable younger animals to maintain and achieve AML and directs that older horses less able to stand the rigors of capture, preparation, and transportation stay on the range.

**Manual/Handbook Sections Affected:** The gather and selective removal requirements do not change or affect any section of any manual or handbook.

**Coordination:** Varying policies on selective removal have been in place and coordinated with field staffs since the early 1990's. The revised policy was developed by the WO, circulated to field offices for review and comment, and presented to the National Wild Horse and Burro Advisory Board. In addition, the concept of selective removal was part of the FY 2001 Strategy to Achieve Healthy Lands and Viable Herds; The Restoration of Threatened Watersheds Initiative that was widely communicated to Congress and the general public.

**Contact:** Questions concerning this policy should be directed to Dean Bolstad in the Wild Horse and Burro National Program Office, at (775) 861-6611.

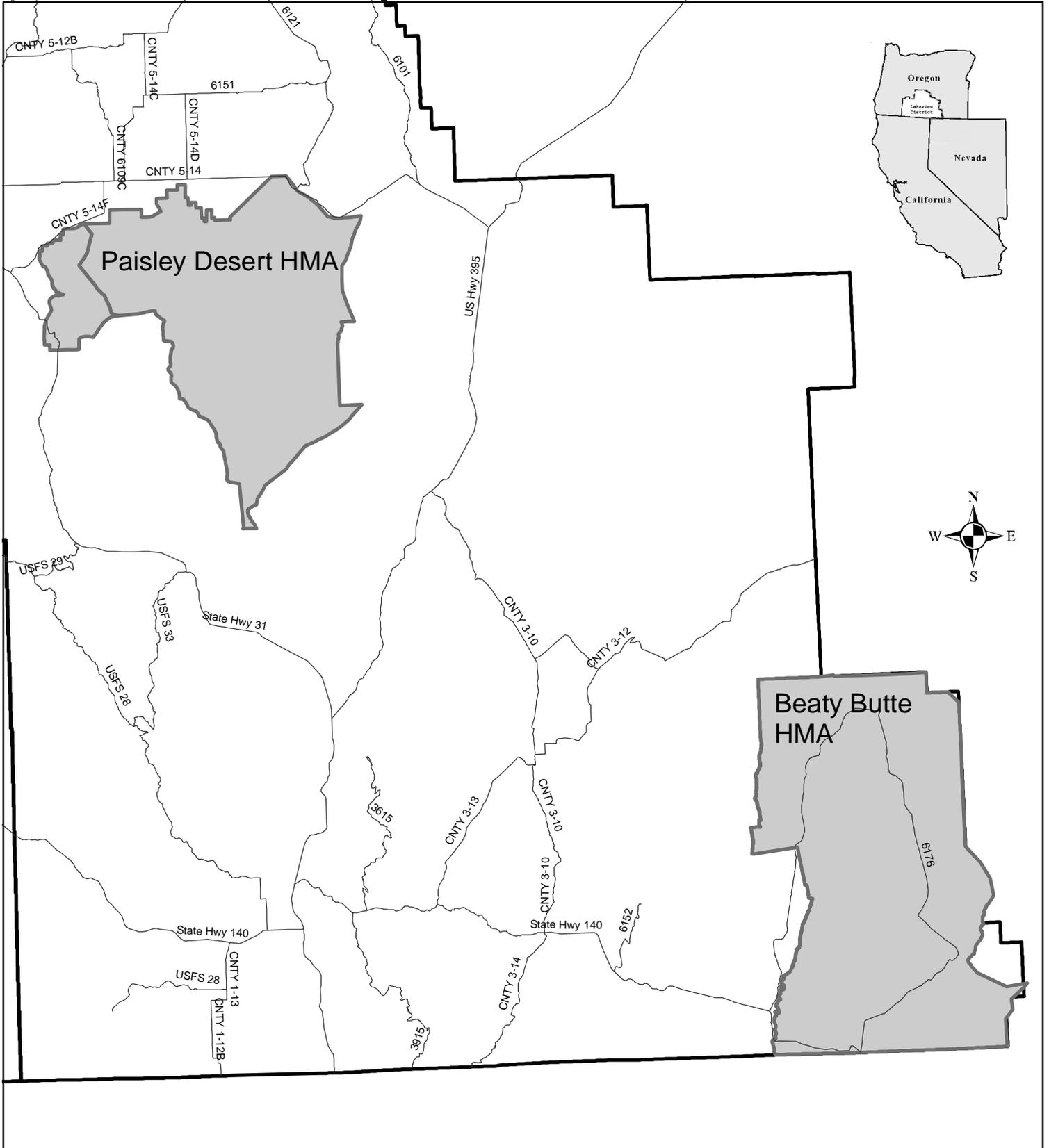
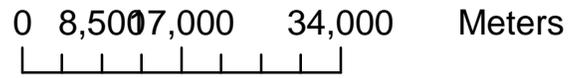
Signed by:  
Laura Ceperley  
Acting Assistant Director  
Renewable Resources and Planning

Authenticated by:  
Barbara J. Brown  
Policy & Records Group, WO-560

# Map 1 - Herd Management Areas

## Legend

- Major Roads
- Herd Management Area
- Lakeview Resource Area Boundary



# Map 2 - Wilderness Study Areas in Relation to Paisley Herd Management Area

## Legend

- Major Roads
- Potential Wells
- WSAs
- Herd Management Area
- Lakeview Resource Area Boundary

