

**U.S. Department of the Interior
Bureau of Land Management**

**Decision Record
for
Cold Springs Herd Management Area Wild Horse
Gather Plan**

Environmental Assessment V040-2010-025-EA

**Malheur Resource Area
100 Oregon Street
Vale, Oregon 97918
June, 2010**



Decision Record
Cold Springs Herd Management Area Wild Horse Gather
DOI-BLM-V040-2010-025-EA

Decision:

It is my decision to implement Alternative #4 described in the Cold Springs Herd Management Area Wild Horse Gather Plan and Environmental Assessment. Implementation of these actions shall be effective on July 1, 2010 in order to restore and maintain a thriving ecological balance and multiple use relationship in accordance with 43 CFR 4770.3(c).

Horses will be gathered from inside and outside the Cold Springs Herd Management Area in the summer of 2010 (July). This gather may be delayed due to weather, contract scheduling or other unavoidable reasons. Gathering will be completed by a contractor authorized by the Wild Horse and Burro National Program Office. A helicopter will be used to herd horses into a temporary trap(s). The contractor will also be responsible for transportation of wild horses to the Burns wild horse facility.

Approximately 165 head of wild horses will be gathered, of which approximately 106 will be transported to the Burns Wild Horse Corrals and prepared for inclusion in the adoption program. The remainder of the horses gathered will be sorted and returned to the HMA. Approximately 45 males and 30 females will be retained in the Cold Springs HMA to reach the low Appropriate Management Level (AML) of 75 wild horses. Fertility control will not be applied to released mares as July is not a highly successful window for application of the PZP drug. Population modeling did not indicate a significant difference in removal numbers over the next 11 years between Alternative 1 (Removal, Fertility Control, and Sex Ratio Adjustment) and Alternative 4 (Removal and Sex Ratio Adjustment). Horses transported to the Burns Wild Horse Corrals for inclusion in the adoption program and which are determined to be unadoptable will be sent to a selected sanctuary. Excess horses will be available for adoption after preparation at the Burns Wild Horse Corrals.

During gather operations, there will be a temporary closure to public access, use, or occupancy on public lands adjacent to and within the Cold Springs Herd Management Area. Specific areas are identified in the Federal Register Notice HAG# 10-0287.

Rationale:

Removal of excess wild horses is necessary to maintain wild horse populations and a thriving natural ecological balance and multiple use relationship in the Cold Springs Herd Management Area. Gathering and removal of wild horses in excess of minimum numbers identified in the range of the established appropriate management level is scheduled during the summer of 2010 because:

- 1) Utilization of key forage species in areas of concentrated wild horse use has exceeded levels consistent with maintaining healthy and viable vegetative communities consistent

with management objectives and has caused a resulting lack of sufficient winter forage and available water for wild horse survival;

- 2) Wild horse numbers have increased at a rate of approximately 20 percent per year since last gathered. At the same time, authorized livestock use within Cold Springs Pasture has not exceeded authorized levels in any year;
- 3) It is estimated that wild horse populations will increase in 2010 and subsequent years at a rate of 15-20 percent, leading to increasing degradation of riparian areas and water quality, utilization of herbaceous resources, especially in the event of drought conditions which can not be predicted;

Implementation of alternative methods of controlling future population increases in Cold Springs Herd Management Area will preclude or postpone the need for gathering and removal of wild horses in excess of numbers that resources present within the HMA can support.

Gathering and removal of wild horses, as well as alternative methods of humane population control, are in conformance with and are consistent with the objectives and decisions of the Southeastern Oregon Resource Management Plan.

Authority for this decision is found in the Wild and Free Roaming Horses and Burros Act of 1971 (Public Law 92-195 as amended) and Title 43 Code of Federal Regulations (CFR) part 4700 including 43CFR §4720.1, 43 CFR §4710.3-1 and §4710.4. The authority to provide that all or part of a decision be effective upon an established date is found in 43CFR §4770.3(c).

Appeals:

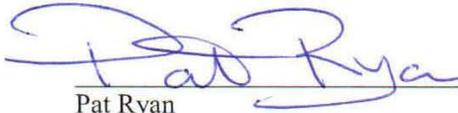
This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the Vale District Office, 100 Oregon Street, Vale, Oregon 97918 within 30 days of receipt. The appellant has the burden of showing that the decision appealed is in error.

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

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1.) The relative harm to the parties if the stay is granted or denied.
- 2.) The likelihood of the appellant's success on the merits.
- 3.) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4.) Whether or not the public interest favors granting the stay.



Pat Ryan
Field Manager
Malheur Resource Area

6/11/2010

Date