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.01 Purpose. This Manual Section describes the authorities, objectives and policies that guide the removal of excess wild horses and burros from the public lands and other lands that are adjacent to or intermingled with public land.

.02 Objectives. The BLM's objectives in this Manual Section are:

A. To limit the management of wild horses and burros to herd management areas (HMAs) designated through land use planning for their long-term maintenance.

B. To control population size within appropriate management level (AML) to assure wild horses and burros are managed in balance with other uses and the productive capacity of the habitat and that a thriving natural ecological balance (TNEB) is achieved and maintained on the public lands.

C. To remove excess wild horses and burros, when needed, to achieve and maintain AML on all HMAs.

D. To effectively address and resolve escalating problems and emergency situations.

E. To effect all removals in a safe, humane and cost-effective manner.

.03 Authority. See BLM Manual Section 4700.

.04 Responsibility. See BLM Manual Section 4700.

.05 References. See BLM Manual Section 4700, 4730, and 4740.

.06 Policy. See BLM Manual Section 4700.

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.1 Determination of Excess. The authorized officer shall examine current information and determine whether excess wild horses or burros are present and require immediate removal prior to issuing a decision to gather and remove the animals.

.11 Elements to Consider. In making a determination that excess wild horses and burros are present and require removal, the authorized officer shall analyze current information for the following elements: grazing utilization and distribution; trend in range ecological condition; actual use; climate (weather) data; current population inventory; wild horses and burros located outside the HMA, or in herd areas (HAs) not designated for their long-term maintenance; and other factors such as the results of land health assessments which demonstrate removal is needed to restore or maintain the range (refer to Title 43 United States Code (USC) Section 1333 of the Public Law (PL) 92-195, *The Wild Free-Roaming Horses and Burros Act*, and *Animal Protection Institute of America*, 109 IBLA 112, 120 (1989)).

.12 Excess Animals. Excess animals are defined as those animals which must be removed from an area to preserve and maintain a thriving natural ecological balance (TNEB) and multiple-use relationship in that area. This definition includes wild horses or burros located outside the HMA in areas not designated for their long-term maintenance.

.13 Gather and Removal. When the authorized officer determines that excess wild horses or burros exist, gathers must be planned as soon as possible to capture and remove the excess animals. Periodic removals will be planned and conducted to achieve and maintain wild horse and burro population size within the established AML range (e.g., removals to the AML lower limit).

.2 Escalating Problems and Emergency Situations.

.21 Escalating Problems. Escalating problems are defined as conditions that deteriorate over time. The key indicators of escalating problems are a decline in the amount of forage or water available for wild horse or burro use, which results in negative impacts to animal condition and rangeland health. Causal factors are normally drought or animal numbers in excess of AML. These situations can be detected in advance and are managed through the normal gather planning (National Environmental Policy Act (NEPA)) process. The key to addressing escalating problems is early detection and the ability to manage within individual state gather priorities on a “most critical first” basis so the situation does not become an emergency.

A. Whenever possible, gathers to remove excess wild horses or burros should be completed before animal and land health conditions develop into emergency situations.

B. Removals will be structured to mitigate the existing problem. Wild horses or burros should generally not be removed below the AML lower limit unless the results of the NEPA analysis (e.g., habitat conditions and monitoring data) indicate additional animals need to be removed to protect land health, wildlife habitat and the health of horses and burros remaining on the public land.

C. Escalating problems should be managed within the individual BLM State gather target, to the extent possible. When the State’s gather target is inadequate to meet gather needs for HMAs with escalating problems, the following process should be used:

1. The affected BLM State Office should notify the National Program Office (NPO) that their removal target and funding is not adequate to address the identified escalating problem(s). Early notification (4 to 6 months, if possible) is required.

2. When making a request for interstate adjustments in gather targets and funding, the BLM State Office should address the following factors: land and/or animal health; actions taken to mitigate the impacts; and actions taken to adjust livestock use when livestock are a contributing factor.

3. The Washington Office will work with the affected BLM State Office in an effort to resolve the problem.

4. If interstate adjustments in gather targets (and funding) are necessary, the NPO may schedule field visits to verify and/or support the affected State’s determination.

5. Interstate adjustments in allocated gather targets will require review by the Wild Horse and Burro Steering Committee (Associate State Directors, except Alaska).

6. An appropriate NEPA analysis and issuance of a decision is required prior to removing the animals.

. 22 Emergency Situations. Emergency situations are defined as an unexpected event that threatens the health and welfare of a wild horse or burro population, its habitat, wildlife habitat or rangeland resources and health. Examples of emergencies include disease or fire, insect infestation, or other events of a catastrophic and unanticipated nature that affect forage and water availability for wild horses or burros. The key is that emergencies occur suddenly and require immediate action.

A. For some emergency actions, it may be appropriate to use alternative means or procedures to comply with NEPA (see BLM NEPA Handbook: H-1790-1, 2.3 Emergency Actions). If timeframes permit, appropriate NEPA analysis should be completed and a decision issued prior to wild horse or burro removal. If immediate action is required, emergency actions should be documented and a report prepared after resolution of the problem. Public notification may in the form a press release as soon as feasible.

B. Removals below the AML lower limit may be warranted in emergency situations based on limited forage, water or other circumstances. Rationale to justify a reduction below the AML lower limit is required and should include a discussion of the available forage, water and any other limiting factors.

C. When an emergency situation is identified, the steps to address/resolve the problem are (in priority order):

1. The affected BLM State Office notifies the NPO. Whenever possible emergency removals should be accomplished within the State's gather target (e.g., intrastate adjustments in gather priorities should be made to accommodate the need for emergency removals).

2. When making a request for interstate adjustments in gather targets and funding, the following factors should be addressed: land and/or animal health; actions taken to mitigate the impacts; and actions taken to adjust livestock use. If an adjustment in livestock use is not proposed, a justification to NPO is required. Examples of justifications that could be applicable include: 1) the wild horse or burro emergency is in a localized area not used by livestock, 2) the timeframe is outside the livestock season of use, 3) the emergency is not related to lack of forage, or 4) the emergency is continuing even after livestock have been removed (i.e., wildfire).

3. The NPO will work with the affected BLM State Office to mitigate the emergency and schedule the gather.

4. If interstate adjustments in national gather priorities and funding are required, the NPO will immediately initiate a field review. Factors to be considered for a gather approval are as follows: the nature and extent of the problem; land and animal health; appropriate actions taken concerning livestock use; and actions taken to mitigate the impacts.

5. Review by Wild Horse and Burro Steering Committee will be necessary if an adjustment in interstate gather targets is required.

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.23 Animal Health and Welfare. Some emergency gather situations caused by such things as extreme drought conditions or wildfire have the potential to result in animal health or welfare issues at temporary holding facilities or trap site locations. If animal health or welfare is a potential concern, the authorized officer shall ensure a veterinarian is on call or is onsite (as needed) to provide recommendations regarding care, treatment, and if necessary, euthanasia.

Animals encountered during gather operations that must be removed but, in the opinion of the authorized officer, may not tolerate the stress of transportation, preparation and holding should be euthanized onsite using methods acceptable to the American Veterinary Medical Association (AVMA). Some situations such as removals from private land may require exceptions to this practice. Any animals affected by a chronic or incurable disease, injury, lameness or serious physical defect (including severe tooth loss or wear, club feet, and other severe, acquired or congenital abnormalities) should be euthanized in the field. Decisions to humanely euthanize animals in field situations will be made in conformance with BLM Manual Section 4730.11.

.24 Recurring Problems. A recurring pattern of escalating problems could be an indication that AML needs to be adjusted (or that removal of the area's designation as an HMA should be considered through land use planning). A formal review of AML should be conducted as soon as reasonably practicable. See BLM Manual Section 4720.31.

.3 NEPA Analysis and Decision. Unless an emergency situation exists, the authorized officer shall conduct an appropriate site-specific analysis of the potential environmental impacts that could result from implementation of a proposed gather in accordance with the National Environmental Policy Act (NEPA). Refer to BLM Manual Section 1790 and 4720.22(A) and BLM Handbook H-1790-1.

.31 Determination of Excess. A key element of the analysis will be to make a determination that excess wild horses or burros are present and require immediate removal. As part of this determination, the authorized officer shall review the elements listed in 4720.11.

.32 NEPA Analysis. The gather plan environmental analysis should also include, but is not limited to, the following:

A. The proposed capture method, temporary holding and trap-site locations (when known), as well as the estimated number of animals to be captured, removed and released (if any).

B. A desired post-gather on-the-range population number, age structure, and sex ratio for the managed population should be identified.

C. Results of Win Equus population modeling that forecasts potential impacts to the wild horse population that could result from the proposed removal and other management actions such as fertility control treatment or sex ratio adjustments. (The model is not designed for use on burro herds).

D. Standard Operating Procedures (SOPs) to minimize stress to animals during capture or transportation of animals from the capture site to other locations should be included.

E. Consider a range of alternatives to reduce population growth rates and extend the gather cycle for all wild horses herds with annual growth rates greater than or equal to 5 percent per year.

1. The authorized officer should apply the 22-month PZP vaccine to all release mares when the NEPA analysis supports its use. If a decision is made to apply fertility control, the NEPA document will include the SOPs and monitoring and reporting requirements associated with its use. Explain the reasons for applying or not applying fertility control in the decision document.

2. Consider other alternatives to slow population growth rates and extend the gather cycle. These may include adjusting sex ratios to favor males, a combination of fertility control and sex ratio adjustment, and management of selected HMAs for non-reproducing wild horses. When these alternatives are considered in detail as part of an appropriate environmental analysis, the NEPA document will include any associated monitoring requirements and mitigation measures.

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F. Hair samples will be collected for development of genetic baseline data or to detect any change from a previously established baseline. See BLM Manual Section 4710.45 (E).

G. The NEPA document should discuss if the proposed removal will be selective and identify the criteria to be used to select which animals to remove or release.

H. The possible need for the euthanasia of old, sick, lame or injured animals at the capture site and disposition of remains should be discussed. See BLM Manual Sections 4730 and 4740.

.33 Selective Removals. When gathers are conducted, emphasis will be placed on the removal of younger, more adoptable animals. Implement selective removal in accordance with approved Herd Management Areas Plans (HMAPs) or other NEPA documents that identify the site-specific removal or release criteria for the HMA or complex of HMAs. In the absence of site-specific selective removal criteria, gathers for all wild horse herds shall be conducted in accordance with the following criteria (these criteria are not applicable to wild burros).

A. Animal Health Criteria. Animals with conditions that compromise their well-being, result in chronic lameness, have a genetic defect or otherwise meet the criteria for euthanasia should be euthanized using methods acceptable to the AVMA, instead of being removed or retained in the herd.

B. Age Criteria. Wild horses will be removed in the following order:

1. Age Class - Four Years and Younger. Wild horses 4 years of age and younger should be the first priority for removal and placement through the national adoption program.

2. Age Class - Eleven to Nineteen Years. Wild horses 11 to 19 years of age should be removed from the HMA only if management goals and objectives for the herd cannot be achieved by removing horses 4 years and younger, or if specific exceptions prevent them from being turned back and left on the range.

3. Age Class - Five to Ten Years Old. Wild horses 5 to 10 years of age are the lowest priority for removal and should be removed only if management goals and objectives for the herd can't be achieved through the removal of animals identified in 1 and 2 above.

4. Age Class - Twenty Years and Older. Wild horses aged 20 years and older should not be removed from the HMA unless specific exceptions prevent them from being turned back and left on the range. In general, this age group can survive on the HMA, but may have greater difficulty adapting to captivity and the stress of handling and shipping if removed.

C. Exceptions to Selective Removal Requirements. Animals should be removed irrespective of their age class when they fall into one of the following categories or when on the of the following conditions applies:

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1. Nuisance animals.
2. Animals residing outside an HMA or in a HA not designated for their long-term maintenance.
3. All captured animals in an HMA have to be removed to attain AML when capture efficiency does not allow enough animals to be captured to practice selective removal. One exception is that animals 20 years and older should not be removed.
4. Animals that fall outside of any selective management prescriptions in a land use plan (LUP) or activity plan. For example, some LUPs or activity plans might identify certain unique characteristics (examples: Spanish characteristics, Bashkir Curly, or other traits), sex ratios, or age classes for which a particular HMA is to be selectively managed.
5. Total removals required by law or land use plan decisions.
6. Court-ordered gathers.
7. Emergency gathers (see BLM Manual Section 4720.2).

.34 Gate Cut Removals. Budgetary limitations or other considerations may require consideration of “gate cut” removals (e.g., exceptions to the selective removal requirements) to achieve population objectives. When conducting a gate cut removal, all the animals captured will generally be removed. However, up to 10 percent of the captured animals could be released post-gather to achieve specific herd management objectives such as size, conformation, color, breed-type, or other desirable traits or characteristics.

.35 Public Notification. Unless an emergency situation exists, the public will be provided with 30 days to review and comment on the NEPA document, typically an Environmental Assessment (EA) that documents and analyzes the environmental effects of implementing a Gather Plan. Thirty days shall also be provided for public review and comment on any Determination of NEPA Adequacy (DNA) documenting that a Gather Plan has already been adequately analyzed by existing NEPA documents. The NEPA document(s) identified in the DNA (e.g., the EA and Finding of No Significant Impact (FONSI)) will also be made available to the public for information.

See BLM Manual Section 4740.3 for public hearing requirements associated with use of helicopters or motor vehicles.

.36 Gather/Removal Decisions. Unless an emergency situation exists, the authorized officer’s decision shall be issued 31 to 76 days prior to the proposed gather start to provide an opportunity for administrative review of the decision.

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In accordance with 43 CFR 4770.3(c):

1. The authorized officer will issue gather decisions effective upon a date established in the decision in situations where removal is required by applicable law, or is necessary to preserve or maintain a TNEB and multiple use relationship.

2. When an emergency situation exists and timeframes permit, a Gather Plan EA should be prepared and the decision should be made effective upon issuance. See BLM Manual Section 4720.22 - Emergency Situations.

3. Gather decisions may include gathers with or without fertility control, release, or relocation of selected animals, and any other action integral to the successful completion of the planned gather. Decisions not related to the gather are typically governed by the administrative timeframes provided in 43 CFR Part 4.21.

4. When gather and removal decisions are under the authority provided in 43 CFR 4770.3(c), the gather and removal may be implemented unless a stay of the action is granted.

.37 Gather Reports. Daily gather reports are required for each wild horse and burro gather. This can be accomplished in remote field situations by calling the information in to a designated BLM official in the District/Field Office. The designated BLM official would then be responsible for disseminating the information to the State Wild Horse and Burro Program Lead, National Program Office (NPO), and others.

A final gather report is also required and should be submitted to the State Wild Horse and Burro Program Lead and NPO (WO-260) within ten days of gather completion.

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.4 Capture Techniques. Wild horses and burros shall be captured by helicopter drive trapping, bait trapping, roping or by chemical immobilization.

.41 Helicopter Drive Trapping. The capture of wild horses by using a helicopter to herd the animals is prohibited during the foaling period, which is defined as six weeks on either side of the peak of foaling. This period is generally March 1 to June 30 for most wild horse herds. Helicopters may be used year-round in the removal of burros. See BLM Manual Section 4740.1.

.42 Bait Trapping. The capture of wild horses and burros by using bait (e.g., food, water, salt or sexual attraction) to lure animals into a trap may be used year-round. This method may be used whenever practical (e.g., in areas where there is limited forage or water and with good road access). Care should be taken to limit the use of water traps when mares have young foals alongside, as limiting the animals' access to water can be especially stressful at this time.

.43 Roping. A wild horse or burro may be captured by roping from horseback. Use of roping should be minimized to the greatest extent possible. Roping should be conducted in the safest and most humane manner possible to avoid the unintended death or injury of an animal.

.44 Chemical Immobilization. The use of chemicals to sedate or immobilize wild horses and burros to enable their capture shall be permitted when other methods have proven to be impractical or ineffective, when necessary to capture a sick or injured animal, or when needed for an approved research study. Only veterinarians, qualified researchers, or trained BLM employees shall be authorized to use chemicals for sedating or immobilizing wild horses or burros. In each situation, the choice of the immobilizing agent and the method of delivery shall be determined by a qualified veterinarian in consultation with the BLM authorized officer. Safety for the personnel, the animals involved, and the efficiency of the capture will be the primary considerations.

.5 Capture and Release. Wild horses and burros may be captured for reasons other than removal from the public land and then later released within established HMAs. Unless the capture and release are the result of an emergency, appropriate environmental analysis (NEPA) is required.

.51 Reasons for Capture and Subsequent Release. Appropriate reasons for the capture and subsequent release of wild horses and burros may include:

- A. Approved research projects.
- B. Relocation to other HMAs.
- C. Introducing animals from other HMAs to maintain or enhance genetic diversity.
- D. Application of fertility control.
- E. Adjustment of sex ratios in favor of males.
- F. Management of non-reproducing wild horse herds, in whole or in part (sterilization).
- G. Treatment of sick or injured animals.
- H. Diagnostic testing, such as for equine infectious anemia (EIA).
- I. Marking for identification.
- J. Management of herd characteristics in conformance with land use planning or implementation decisions.
- K. Life-threatening or emergency situations (e.g., removal of wild horses and burros following a wildfire or other catastrophic event, and their subsequent release back to the HMA upon acceptable recovery or restoration of the habitat).

.52 Considerations for Release. When relocating wild horses or burros from one HMA to another, the animals should be released in close proximity to other animals and to forage and water.

.53 Monitoring After Release. Following relocation of wild horses or burros from one HMA to another, the animals should be monitored to ensure they have located and are using available food and water sources.

.54 Documentation. For each animal captured and released, the authorized officer shall complete Form 4710-13 Unmarked Wild Horse and Burro Record. The data shall also be entered into the Wild Horse and Burro Program System. See BLM Wild Horse and Burro Program System Users Guide.