

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
SURPRISE FIELD OFFICE  
DECISION RECORD**

**Buckhorn/Coppersmith/Carter Reservoir Herd Management Area Capture and Removal Plan**

**Environmental Assessment CA-N070-2009-011**

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**INTRODUCTION**

The purpose of the Proposed Action is to remove excess wild horses and to manage HMA population levels consistent with the AMLs. The Proposed Action is needed at this time to balance wild horse populations with wildlife, livestock, wilderness study areas values, cultural resources, soil and vegetation resources, and to protect the range from the deterioration associated with overpopulation of wild horses. The Proposed Action would be implemented as authorized under Section 3 (b) (2) of the 1971 Wild Free-Roaming Horses and Burros Act as amended and section 302 (b) of the Federal Land Policy and Management Act of 1976. Pertinent regulations that apply to the proposed action include 43 CFR 4720.1 which states that “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.” Under the 1971 Wild Free-Roaming Horses and Burros Act, (WFRHBA), the authorized officer has the authority to determine whether appropriate management levels (AMLs) should be achieved by the removal of excess animals, and to select other options for population control method(s).

The BLM’s determination of excess wild horses is based on resource conditions and population monitoring in relation to use by wild horses, and other uses, including livestock in the Buckhorn and Coppersmith HMA. This data indicates current wild horse population levels are exceeding the individual HMA capacity to sustain wild horse use over the long term. Resource damage is occurring and is likely to continue to occur without timely action. Appendix E contains a summary of actual use, precipitation, and riparian monitoring information for Buckhorn, and Coppersmith HMAs. Monitoring data includes a random sample of photos taken at riparian and water sources in the HMAs.

Applying fertility control measures as part of the Proposed Action would slow reproduction rates of mares returned to the HMAs following the gather, allowing vegetation resources time to recover. It would also decrease gather frequency and reduce any potential disturbance to individual animals or the herd. The need to gather wild horses from the Carter Reservoir HMA is based on water availability, and the egress of horses outside the HMA. A review of monitoring data and other information does not suggest that AMLs adjustments are needed at this time for the Buckhorn, Coppersmith, or the Carter Reservoir HMAs. Therefore this EA does not address the establishment of the AMLs for the HMAs.

The actual number of wild horses removed from each HMA would be based on the current population. To ensure that the population is not less than low AML, a thorough helicopter census would be conducted following the gather to determine the number of wild horses within each HMA.

## **DECISION**

It is my decision to implement the Proposed Action, as described in the EA- CA-N070-2009-011, the Buckhorn, Coppersmith, and Carter Reservoir Wild Horse Herd Management Areas Wild Horse Capture and Removal Plan. Implementation of the Proposed Action is contingent upon the availability and approval of the PZP. If PZP is not available, the gather would be conducted without its use. This alternative is also described in the EA. The proposed action is expected to be implemented by the end of FY 2010, but implementation of the proposed action may take up to five years to achieve maintenance of established AMLs.

## **ALTERNATIVES CONSIDERED BUT NOT SELECTED**

Alternative – 2, is the same as the Proposed Action except BLM would not conduct immunocontraceptive fertility control. Released mares would not be treated to inhibit reproduction. This alternative was not selected because it would result in higher population growth rates and is it projected to require an extra gather to maintain AML over a 15 year period, and would result in additional horses being placed into BLM’s adoption program and into long-term holding facilities.

Alternative -3, selective removal, would remove nearly all of the younger animals from the HMA, which consist of horses less than 5 years of age, and leaving all horses over 6 years of age in each HMA. The alternative was not selected because AML would not be achieved within the foreseeable future.

Alternative -4, The No Action Alternative was not selected as it would not restore or maintain a thriving natural ecological balance. Available water would continue to be limited in Carter Reservoir HMA. Season-long wild horse utilization and impacts on upland and riparian areas would continue to increase. Damage to the rangeland resources would result from continued increases in the wild horse population. This alternative therefore is not consistent with Land Health Standards, Land Use Plan objectives, or current BLM policy

## **DECISION RATIONALE**

1. The gathering and removal of excess wild horses is being selected to ensure a “thriving natural ecological balance” as well as preserve the multiple use relationship within the Buckhorn, Coppersmith, and Carter Reservoir Wild Horse Herd Management Areas immediately and over the next several years. Further, this action is needed to prevent vegetative and riparian resource from deterioration associated with an overpopulation of wild horses.

2. The gather conforms to the Surprise Resource Management Plan and Environmental Impact Statement (EIS), approved Record of Decision (ROD) of April 2008.

It is further consistent with other Federal, State, local and tribal policies and plans to the maximum extent possible.

3. The AMLs were established for each HMA through previously completed EAs.

4. The proposed action would gather excess wild horses in the Carter Reservoir HMA, and gather wild horses in the Crooks Lake Allotment. The Proposed Action would insure adequate water supplies to support animals during even the driest years, with minimal impacts to private lands. An inventory summary of water sources during 2003, 2008, 2009 indicate eight of the nine public watering sources located on public lands in the upper pasture were dry or extremely low. This resulted in wild horses utilizing private lands for their primary watering sources, and contributing to overuse of riparian vegetation. In the past, private landowners have indicated that they will totally exclude wild horses

from their private water sources unless their numbers are brought down to levels that would have limited impacts to their private lands and waters. This would severely limit the number of animals that could occupy the HMA, or possibly necessitate complete removal. When wild horses are within AML ranges, the private landowners did not take issue with wild horses utilizing their private lands or water sources.

The establishment of an AML recognizes that wild horses are likely to be dependent on private water sources, and there will be continued grazing on unfenced and intermingled private lands within the HMA.

5. The use of fertility control treatments would ultimately reduce the frequency of gathers needed to maintain wild horse herds at Appropriate Management Levels. This will reduce the number of wild horses to be handled, as well as the cost to the public to gather wild horses and maintain them in long-term holding facilities. In addition, the use of immunocontraceptives will contribute to research in the field of wild horse fertility control.

6. The No Action Alternative was not selected because it would not allow for the removal of wild horses to preserve the multiple use relationship within the area and help to make progress in meeting objectives for wild horses and riparian, wetland, aquatic and terrestrial habitat.

7. The Proposed Action would be conducted in accordance with Standard Operating Procedures (SOPs) described in Appendix B and C of the EA, and including compliance with the WO IM # 2005-206, Gather Policy & Selective Removal Criteria. Capture sites would be located outside of Wilderness Study Area boundaries, and would be inventoried for culture resources and special status species.

## **CONSULTATION AND COORDINATION**

There are no known federally listed species in the project area. The area in the vicinity of the proposed action is inhabited by a variety of terrestrial and aquatic species including BLM sensitive species and several important game species. Major habitat types include juniper, sagebrush and bitterbrush with inclusions of mountain mahogany. Field office wide surveys have been conducted for sage-grouse, pygmy rabbit, golden eagle, other bird species and aquatic species. The only known BLM sensitive species found within the project boundaries is the Greater sage-grouse (*Centrocercus urophasianus*) which use portions of the allotment all year long.

## **PUBLIC INVOLVEMENT**

Scoping letters were sent out on September 27, 2007 and May 15, 2009 notifying the interested publics of record, of the proposal to maintain established AMLs by the removal of excess wild horses. The May 15, 2009 letter added Coppersmith HMA to the proposal to maintain AML. Both letters also included the Massacre Lakes HMA AML determination, capture and removal plan. This is a separate BLM action and not addressed by this FONSI/DR, or the EA. The September 27, 2007 letter indicated that a preliminary EA would be issued. The May 15, 2009 letter did not address need for a preliminary EA for this proposed action. Comments were received from wild horse interests, livestock interests, permittees, State agencies, and other interested publics. A summary of comments, issues and BLM's responses to the comments are included in the EA's Appendix D.

There were comments in support and opposed to the gather and removal of wild horses from the HMA. We received several letters containing lengthy questions and comments. Most comments supported the proposed action, in the context of maintaining or improving rangeland health. Several comments addressed issues outside the scope of the EA. A summary of comments, issues and BLM's responses to the comments and questions are attached as Appendix D

Several key issues summarized below were indentified from public and internal scoping:

The need to maintain wild horse populations within AML ranges, and to preserve a thriving natural ecological balance.

Potential Impacts to horse health (including stress or injury) as result of helicopter gathering.

How does BLM determines the difference between cattle, horse, and wildlife grazing use.

There are issues identified through Scoping that are not consistent with the EA purpose and need statement, and would not be in conformance with the Surprise RMP. The issues listed below were dropped from further consideration in this EA.

Re-assessing established Appropriate Management Levels.  
Eliminating HMAs, or zeroing out populations in HMAs.

## **PLAN CONSISTENCY**

The Proposed Action has been reviewed and found to be in conformance with the Surprise RMP and ROD of April 2008, and the Rangeland (Land) Health Standards and Guidelines for Northeastern California and Northwestern Nevada.

## **RMP Goals**

Maintain and manage wild horse herds within established herd management areas, and at appropriate management levels, in order to support a thriving ecosystem in which healthy herds of wild horses can coexist with native plants and animals, as well as livestock, without degradation of the resource base or conflict with resource users.

## **RMP Objectives**

Maintain and manage wild horse herds inside established HMAs; and in such a manner that significant, measurable progress is made toward achieving land health standards within the span of this RMP. Ecological balance will be achieved between wild horses and vegetation, wildlife, livestock and other resources.

Maintain type, color, size, and confirmation of wild horses according to historical characteristics of animals resident in each of the eight Herd Management Areas.

Manage wild horses in a manner which promotes economic development and tourism.

## **RMP Management Actions**

- Monitor and assess population size and habitat condition on an ongoing basis.
- At least every three years, conduct an aerial census of wild horses in the SFO area.
- Conduct regular gathers at three to four year intervals in order to maintain Appropriate Management Levels.
- Animals found outside of HMAs will be removed as soon as practical.

- During gathers, collect genetic data from each herd for the purpose of establishing baseline information.
- Conduct fertility control research in some or all HMAs, as funding and other constraints permit.

### **ADMINISTRATIVE REMEDIES**

This decision shall take effect immediately upon the date it is signed by the authorized officer, August 19, 2009, in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3(c). It may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4.

You have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3 (a) and (c). An appeal must be filed by September 24, 2009. Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an Appeal and Petition for a Stay, the Petition for a Stay must accompany your Notice of Appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3 (c). Copies of the Notice of Appeal and Petition for Stay must be submitted to: (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, room E-2753, Sacramento, CA 95825-1890, and (3) the Bureau of Land Management, Surprise Field Office, PO Box 460, Cedarville, CA 96104. The original documents should be filed with the Surprise Field Office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of decision pending appeals shall show sufficient justification based on the following standards:

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

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the Interior Board of Land Appeals (IBLA) at the same time it is filed with the authorized officer.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's internet website (<http://www.blm.gov/ca/st/en/fo/surprise.html>).

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Shane DeForest, Field Manager  
Surprise Field Office

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Date