



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Little Snake Field Office  
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Craig, Colorado 81625-1129  
<http://www.co.blm.gov/lspa/index.htm>



In Reply Refer To:  
4720.1 (CO-100)

NOTICE OF FULL FORCE AND EFFECT DECISION  
SAND WASH HERD MANAGEMENT AREA  
WILD HORSE MANAGEMENT ACTION

MANAGEMENT ACTION: The action is to gather approximately 383 wild horses from within the Sand Wash Herd Management Area (HMA) and remove approximately 261 horses from the HMA. Approximately 122 wild horses will be returned to the Sand Wash HMA; these horses when combined with the horses that elude capture will leave the population at or near the lower end of the appropriate management level (AML) of 163 horses (AML is defined as ‘the optimum number of animals in a given area which results in a thriving, natural ecological balance and avoids range deterioration). Additionally, the fertility control vaccine PZP (porcine zona pellucida) will be administered to those mares that are targeted for release after the gather. Horses that have relocated outside the HMA will also be gathered and removed. The action will implement the Proposed Action of Environmental Assessment, #CO-100-2008-050, Sand Wash Herd Management Area Population Management Action.

BACKGROUND INFORMATION: Wild horses in Colorado’s Sand Wash HMA have exceeded the upper limit the appropriate management level (AML) established for the HMA, which is 163-362 horses. When the herd size exceeds the upper limit of the AML, they compete with one another and with wildlife and livestock for range resources that have endured several years of drought and, more recently, drought recovery. The current herd size is estimated at 425 animals. Approximately 20 horses have relocated from the Sand Wash HMA into allotments adjoining the HMA. These allotments are not within the Sand Wash HMA and the horses that have relocated there will be removed.

A drought began in 2001 that continues to affect much of the intermountain west, including the area that encompasses the Sand Wash HMA. Precipitation continued to be significantly below average, although some improvement occurred in 2005, 2007 and 2008. For central Moffat County, the drought was more severe and longer-lasting than at any other time on record since 1958. As expected, this drought resulted in greatly reduced biomass production and vigor in the plant communities within the HMA. Qualitative observations collected during the land health assessment of the Sand Wash Watershed in 2002 noted declines in plant growth and recruitment that were directly attributable to drought conditions. Other qualitative observations made during semiannual collection of utilization data in each of the last four years have been similar. Between 2001 and the date of this document, livestock permittees within the HMA took significant reductions in livestock numbers and length of use. These post-2001 livestock reductions are

greater than would be needed to balance increased wild horse herd size, and are in response to ongoing, notable drought conditions.

This full force and effect decision includes the capture of approximately 383 wild horses and the age selective removal of approximately 261 horses from within the Sand Wash Wild HMA. The Full Force and Effect Decision also includes the capture and removal of all wild horses that have relocated into allotments adjoining the Sand Wash HMA. The majority of captured horses between the age of foal (of weaning age) and 5 years will be placed into the BLM adoption program. Exceptions to this will be horses deemed unadoptable, horses desirable for return to the herd and horses determined unable to withstand the stress associated with the aspects of capture, transport and confinement. 122 wild horses will be returned to the range with the targeted mares receiving the PZP fertility control vaccine. At the completion of the removal project the Sand Wash herd will consist of approximately 163 wild horses. Allotments adjoining the HMA will not contain wild horses.

DECISION: Enclosed is Environmental Assessment #CO-100-2008-050 and the Finding of No Significant Impact. Given the information contained in these documents, it is my decision to gather approximately 383 wild horses, remove approximately 261 wild horses, return approximately 122 wild horses and vaccinate approximately 61 of the mares with the fertility control drug, PZP, prior to their release back into the Sand Wash HMA. There will be approximately 163 wild horses remaining in the Sand Wash HMA at the completion of the population management action.

METHODS: The method of capture will be to use a helicopter to herd the animals to portable wing traps. The BLM will conduct the removal through a private contractor under the current requirements contract and supervised by a Contracting Officer's Representative and Project Inspector. It is estimated that 1 or 2 trap locations will be required.

DATES: The action is scheduled to begin on or about October 17, 2008, and will likely be five days in duration.

LOCATION: The action will occur in the Sand Wash HMA.

AUTHORITY: The authority for this decision is contained in Sec.3(a) and (b) and Sec.4 of the Wild Free Roaming Horse and Burro Act (P.L. 92-195) as amended and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:

The authorized officer may place in full force and effect decisions to remove wild horses or burros from public lands if removal is required by applicable law or to preserve or maintain a thriving ecological balance and multiple use relationship. Full force and effect decision shall take effect on the date specified, regardless of an appeal. Appeals and petitions for stay of decision shall be filed with the Interior Board of Land Appeals, as specified in the part.

APPEALS: Within 30 days of receipt of this decision, you have the right of appeal to the 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). 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 a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Rocky Mountain Region, Denver Field Office, U.S. Department of the Interior, 755 Parfett Street, Room 151, Lakewood, CO 80215. and (3) Little Snake Field Office, 455 Emerson Street, Craig, CO., 81625. The original documents should be filed with the Little Snake Field Office.

A copy of the appeal and petition for stay must also be served upon any person(s) named in the Copies sent to: section of this decision [43 CFR 4.421(h)].

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 a 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.

Additional Information: Contact Kathy McKinstry of my staff, at (970) 826-5080, with questions relating to this management decision.

Approval:



For John E. Husband  
Field Office Manager  
Little Snake Field Office

Date: September 10, 2008

Enclosure(s):

Environmental Assessment #CO-100-2008-050  
Finding of No Significant Impact