

June 10, 2010

Questions and Answers about the Silver King Herd Management Area Wild Horse Gather

Why is the BLM gathering the Silver King Herd Management Area?

The purpose and need of the gather is to remove excess wild horses from the HMA and remove all horses from outside the HMA. This action is needed in order to achieve a population size within the established AML, protect rangeland resources from further deterioration or impacts associated with excess wild horses within the HMA, and restore a thriving natural ecological balance and multiple use relationship in the area as authorized under Section 3(b) (2) of the *Wild Free-Roaming Horses and Burros Act of 1971* (1971 WFRHBA). Resource damage is occurring in some areas of the HMA due to the current overpopulation of wild horses, and is likely to continue to occur as well as increase without immediate action. The proposed action should prevent further range deterioration, as well as restore a thriving natural ecological balance and multiple use relationship on public lands in the area.

The gather would help achieve objectives identifies through the Record of Decision (ROD) and Approved Ely District Resource Management Plan (August 2008). WH-4 Manage wild horses within six herd management areas designated from herd areas.... WH-5 Remove wild horses and drop herd management area status for those areas that do not provide sufficient habitat resources to sustain healthy populations...

Removal of excess wild horses to the low range of AML for the Silver King HMA is needed to allow the population to gradually increase without exceeding the capacity of the HMA over the next several years in order to allow the range to recover without the need for any additional gathers to remove excess wild horses in the interim.

Preliminary Environmental Assessment Questions

What is the Proposed Action and other alternatives considered in the Preliminary Environmental Assessment (EA)?

The Proposed Action is the selective removal of excess animals (low point AML); apply two-year fertility control, & 60% male sex ratio. Alternative B called for the removal of excess animals (low point AML) without fertility control. Alternative C was No Action-that is, to defer the gathering and removal of wild horses. The BLM also considered several other alternatives but didn't fully analyze them because they didn't meet the purpose and need of the EA or were unfeasible.

Alternatives Considered But Eliminated From Detailed Analysis

Use of Bait and/or Water Trapping

An alternative considered but dismissed from detailed analysis was use of bait and/or water trapping as the primary gather method. This alternative was dismissed from detailed study for the following reasons: (1) the size of the area is too large to use this method; (2) road access is limited, particularly during the winter; and (3) the presence of water sources on both private and public lands inside and outside the HMA would make it almost impossible to restrict wild horse access to the extent needed to effectively gather and remove the excess animals.

Gather and Excess Wild Horses Ages 0-4 years and Apply Two-Year PZP on a Three Year Gather Cycle

An alternative proposing to gather as many wild horses within the HMA as possible, apply two-year PZP (PZP-22) to breeding age mares, and only remove excess horses ranging from 0 to 4 years old was modeled using a three year gather/treatment interval over a 10 year period. Based on this modeling, this alternative would not result in attainment of the AML ranges for the HMAs and the wild horse populations would continue to have an average population growth rate of 7.8% to 13.9%, adding to the current wild horse overpopulation, albeit at a slower rate of growth. This alternative would decrease the portions of the existing overpopulation of wild horses, resource concerns would continue, and implementation would result in significantly increased gather and fertility control costs. This alternative would not meet the purpose and need and did not receive any further consideration.

Gather and Release Excess Wild Horses Every Two Years and Apply Two-Year PZP to Horses For Release.

Another alternative that would gather a significant portion of the existing population (90%) and implement fertility control treatment only, without removal of excess horses was modeled using a two-year gather/treatment interval over a 10 year period. Based on WinEquus population modeling, this alternative would not result in attainment of AML for the HMA and the wild horse population would continue to have an average population growth rate of 2.5-11.5% adding to the current wild horse overpopulation, albeit at a slower rate of growth. The modeling reflected an average population sized in 11 years of 560 to 1152 wild horses under a two year treatment interval. This alternative would not decrease the existing overpopulation of wild horses, resource concerns would continue, and implementation would result in significantly increased gather and fertility control costs. The time needed to complete a gather would increase over time because when an area is frequently gathered, the more difficult wild horses are to trap. They become very evasive, and learn to evade the helicopter by taking cover in treed areas and canyons. Wild horses would also move out of the area when they hear a helicopter, thereby further reducing the overall gather efficiency. Frequent gathers would increase the stress to wild

horses, as individuals and as entire herds. It would become increasingly more difficult over time to repeat gathers every two years to successfully treat a large portion of the population. Therefore, due to the size of the area, the terrain involved, and the complexity involved in gathering the wild horse population, and given that other reasonable management options exist, this alternative was dropped from detailed study.

Remove or Reduce Livestock within the HMA

This alternative would involve no removal of wild horses and instead address the excess wild horse numbers through the removal or reduction of livestock within the HMAs. This alternative was not brought forward for detailed analysis because it is outside of the scope of the analysis, and is inconsistent with the 2008 Ely District ROD Approved RMP (August 2008), and the WHBA which directs the Secretary to immediately remove excess wild horses, and is inconsistent with multiple use management. Livestock grazing can only be reduced or eliminated following the process outlined in the regulations found at 43 CFR Part 4100. Such changes to livestock grazing cannot be made through a wild horse gather decision.

Final Multiple Use Decisions (FMUDs) were issued for allotments within the Silver King HMA. These decisions established stocking rates for wild horses and livestock. The decisions also established seasons of use, areas of use, kind and class of livestock and management actions to improve livestock distribution. These management actions included the establishment of grazing systems, allowable use levels, salting and herding practices. Livestock reductions through the Multiple Use Decision process were implemented on allotments within the Silver King HMA.

Livestock grazing continues to be evaluated for allotments and use areas within the Silver King HMA. Monitoring and evaluation of livestock grazing is in accordance with the Ely District Record of Decision and Approved Resource Management Plan dated August 20, 2008. This action is specifically provided for in Management Decisions LG-4 and LG-5.

The goals and objectives for livestock grazing found in the Ely District Record of Decision and Approved Resource Management Plan signed August 20, 2008, states, "Manage livestock grazing on public lands to provide for a level of livestock grazing consistent with multiple use, sustained yield, and watershed function and health." In addition, "To allow livestock grazing to occur in a manner and at levels consistent with multiple use, sustained yield, and the standards for rangeland health (p 85-86)."

Management Action LG-4 states, "Continue to monitor and evaluate allotments to determine if they are continuing to meet or are making significant progress toward meeting the standards for rangeland health. Table E-1 in Appendix E shows the current grazing preference, season-of-use, and kind of livestock for those allotments that currently are evaluated for meeting standards, are making progress toward achieving the standards, or are in conformance with the policies as determined either through the allotment evaluation process or associated with fully processed term permit renewals. Changes, such as improved livestock management, new range

improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, kind of livestock. Such changes will continue to meet the RMP goals and objectives, including the standards for rangeland health.”

Management Action LG-5 states, “Maintain the current grazing preference, season-of-use, and kind of livestock until the allotments that have not been evaluated for meeting or making progress toward meeting the standards or are in conformance with the policies are evaluated. Depending on the results of the standards assessment, maintain or modify grazing preference, seasons-of-use, kind of livestock and grazing management practices to achieve the standards for rangeland health. Changes, such as improved livestock management, new range improvement projects, and changes in the amount and kinds of forage permanently available for livestock use, can lead to changes in preference, authorized season-of-use, or kind of livestock. Ensure changes continue to meet the RMP goals and objectives, including the standards for rangeland health.”

The BLM is currently authorized to remove livestock from HMA “if necessary to provide habitat for wild horses or burros, to implement herd management actions, or to protect wild horses or burros from disease, harassment or injury” under CFR 4710.5. This authority is usually applied in cases of emergency and not for general management of wild horses or burros.

Gathering the HMA to upper range of AML

A post-gather population size at the upper level of the AML would result in AML being exceeded following the next foaling season (summer 2011). This would be unacceptable for several reasons.

The upper level of the AML established for the HMA within the HMA represent the maximum population for which thriving natural ecological balance would be maintained. The lower level represents the number of animals to remain in the HMA following a wild horse gather in order to allow for a periodic gather cycle, and prevent the population from exceeding the established AML between gathers.

“We interpret the term AML within the context of the statute to mean that ‘optimum’ number of wild horses which results in a thriving natural ecological balance and avoids a deterioration of the range” (109 IBLA 119 API 1989). “Proper range management dictates removal of horses before the herd size causes damage to the range land. Thus, the optimum number of horses is somewhere below the number that would cause resource damage” (118 IBLA 75).

Additionally, gathering to the upper range of AML, would result in the need to follow up with another gather within one year, and could result in overutilization of vegetation resources and damage to the rangeland. For these reasons, this alternative did not receive further consideration in this document.

Wild Horse Numbers Controlled by Natural Means

This alternative was eliminated from further consideration because it is contrary to the WFRHBA which requires the BLM to prevent the range from deterioration associated with an overpopulation of wild horses. It is also inconsistent with the 2008 Ely RMP and 2003 Wild Horse Amendment which directs that Ely District BLM conduct gathers as necessary to achieve and maintain AML. The alternative of using natural controls to achieve a desirable AML has not been shown to be feasible in the past. Experience also shows that wild horses in the Silver King HMA are not substantially regulated by predators. In addition, wild horses are a long-lived species with documented foal survival rates exceeding 95% and they are not a self-regulating species. This alternative would result in a steady increase in numbers which would continually exceed the carrying capacity of the range until severe and unusual conditions that occur periodically-- such as blizzards or extreme drought-- cause catastrophic mortality of wild horses.

Where would the BLM gather horses?

The BLM would gather approximately 546 excess wild horses which includes 2010 foal crop from the Silver King Herd Management Area in eastern Nevada.

The Silver King HMA comprises a total of about 606,000 acres of public land and is located in northeastern Lincoln County approximately 70 miles south of Ely, Nevada, and 16 miles north of Caliente Nevada.

Description of the Environment?

The area is within the Great Basin physiographic regions, characterized by a high, rolling plateau underlain by basalt flows covered with a thin loess and alluvial mantle. On many of the low hills and ridges that are scattered throughout the area, the soils are underlain by bedrock. Elevations within the HMA range from approximately 5,000 feet to 9,500 feet. Annual precipitation ranges from approximately 7 inches on some of the valley bottoms to 20 inches on the mountain peaks. Most of this precipitation comes during the winter and spring months in the form of snow, supplemented by localized thunderstorms during the summer months. Temperatures range from greater than 100 degrees Fahrenheit in the summer months to minus 20 degrees in the winter. The area is also utilized by domestic livestock and numerous wildlife species.

Will BLM remove all the horses that are gathered?

The BLM is gathering and remove approximately 85-88% of the current population or approximately 546 excess wild horses which includes 2010 foal crop within the Silver King HMA. If gather efficiencies exceed 546 wild horses, selective removal criteria would be used to return horses to the range. Of these, about 60% would be studs, with the remainder of mares treated with fertility control (PZP-22) prior to their return. In compliance with the Ely District RMP, the southern portions of the Highland Peak and Rattlesnake HAs that are no longer going to be managed for wild horses will be gathered to an AML of zero at this time. The actual number of wild horses removed will depend on the overall success of the gather operations, but

we have an overall post-gather target of approximately 60 wild horses that would remain within the HMA.

Does the BLM use fertility control?

Yes, the BLM has promoted and supported the development of an effective contraceptive agent for wild horses since 1978. The most promising agent is a Porcine Zona Pellucida (PZP) vaccine that was developed in the 1992, but is not commercially available. The PZP vaccine is used by BLM in cooperation with the Humane Society of the United States (HSUS) under a research protocol.

How are fertility control and adjusting the sex ratio implemented?

Fertility control treatments and modification of sex ratios of released animals would slow population growth and could increase the time period before another gather was required. If the gather efficiency exceeds 85-88% (546 wild horses) then the following management actions would be implemented to the degree possible while still achieving the low range AML:

- All mares selected for release, including those previously treated with fertility control, would be treated/retreated with a two-year Porcine Zona Pellucida (PZP-22) or similar vaccine and released back to the range. Immuno-contraceptive research would be conducted in accordance with the approved standard operating and post-treatment monitoring procedures. Mares would be selected to maintain a diverse age structure, herd characteristics and conformation.
- Studs selected for release would be released to increase the post-gather sex ratio to approximately 60% studs in the remaining herds. Studs would be selected to maintain a diverse age structure, herd characteristics and conformation.

Animals would be removed using a selective removal strategy to the extent possible. Selective removal criteria include:

1. First Priority: Age Class-Four Years and Younger
2. Second Priority: Age Class-Eleven to Nineteen Years Old
3. Third Priority: Age Class Five to Ten Years Old
4. Fourth Priority: Age Class Twenty Years and Older

Post-gather, every effort would be made to return released horses to the same general area from which they were gathered.

How does the BLM gather horses?

The BLM uses a Federal gather contractor to gather wild horses from HMAs where the BLM has determined that excess animals exist. The contractor uses a helicopter to locate and herd horses towards a set of corrals where the horses are gathered. The helicopter is assisted by a ground

crew and the use of a Parada, a domesticated horse, to move the excess horses into the corrals. If needed, the ground crew may assist the helicopter by roping the horses from horseback.

Why does the BLM use helicopter to gather horses - isn't that inhumane?

The 1971 Wild Free-Roaming Horses and Burros Act, as amended, authorizes the BLM and the Forest Service to use helicopters to gather animals, as well as motorized vehicles to transport gathered animals. The use of helicopters and motorized vehicles has proven to be a safe, effective, and practical means for the gather and removal of excess wild horses and burros from the range. This is demonstrated by the gather of nearly 25,000 wild horses and burros during fiscal years (FY) 2004-2008 with a mortality rate of less than one half of one percent.

Though the horses experience a heightened stress level for the short period of time that the helicopter is herding the animals towards the gather corrals, animals calm down quite quickly afterwards. Helicopter gathers require a third to half the time of traditional water or horseback trapping methods.

Other methods of gathering horses on horseback or water trapping can be effective in small gathers and in confined spaces, but they are not nearly as efficient as helicopter gathers. Water trapping can be very effective when water resources are scarce but nearly impossible otherwise. Also, this method is very time consuming.

Using horseback riders to herd the horses into gather corrals is very difficult in large open areas of public lands. This practice is very hard on the domestic horses and the riders; both have a high likelihood of being hurt. This method is very inefficient and takes an enormous amount of time to complete.

For the Silver King Herd Management Area Wild Horse Gather, gathering on horseback or through use of water trapping would not be effective means because: 1) the size of the area is too large to use these methods; and 2) the presence of water sources on both private and public lands inside and outside the HMA boundary would make it almost impossible to restrict wild horse access to water trap sites.

Does the public have input regarding the use of helicopters and motorized vehicles in managing wild horses and burros?

Yes, Section 9 of the 1971 Act, requires that a public hearing be held prior to the use of helicopters and motorized vehicles. Hearings are held annually. The purpose of the hearings is to hear public concerns so that BLM can review its Standard Operating Procedures to assure animals are treated humanely. The BLM Nevada State Office held a public hearing on May 20, 2009. BLM reviewed its Standard Operating Procedures in response to the views and issues raised at the public meeting and determined that no changes to the SOPs were warranted.

Is this an emergency action?

It is not currently, but could become, due to limited forage and water resources. If this population management action is not completed in the near future, the likelihood of an emergency situation increases due to limited winter forage and reduced water availability caused by excess wild horses and severe weather conditions.

How many horses would be removed?

The proposal is to remove approximately 546 excess wild horses which includes 2010 foal crop from the Silver King Herd Management area (HMA). A population of approximately 60 wild horses will remain on the range, which is within the appropriate management level established for this area. Approximately 191 excess wild horses residing outside the Silver King HMA would be gathered and removed. Approximately fifty of these horses routinely move into the Hwy 93 corridor and cause public safety issues. Numerous reports have been brought to the Ely District's attention about horses being hit or spotted on the highway.

Has BLM removed any wild horses from the Highway 93 Corridor Wild Horse Gather?

Due to weather conditions and wild horse movement throughout the US Highway 93 Corridor BLM has been unsuccessful in trapping wild horses to date. The US Highway 93 Corridor Wild Horse Gather Environmental Assessment was intended to remove wild horses that are causing public safety concern along US Highway 93. The Silver King HMA Wild Horse Gather will help alleviate some of the public safety concerns along US Highway 93.

What happens to the horses that don't go back to the range?

The excess wild horses removed from the range will be shipped to a short-term holding facility in Palomino Valley, Sparks, Nevada, or Delta Wild Horse Corrals to be prepared for the BLM wild horse adoption program or for long-term holding. They will be checked by a veterinarian and receive vaccinations and freeze marks.

Currently there are more than 30,000 wild horses and burros maintained at short and long-term holding facilities and pastures. In the case of long-term holding pastures, unadopted and unsold horses live out the rest of their lives in these grassy prairie-land areas of the Midwest, and are cared for by contractors. New contracts for long-term holding pastures will allow an additional 8,000 head to be cared for in long-term holding pastures, and these pastures will become available in the next couple of months to accommodate the horses gathered in the Eagle HMA and from other gathers. Animals are held between 10 and 25 years depending on their age when they enter lifetime holding. In contrast, only a small percentage of wild horses roaming public rangelands live past the age of 15 because of the harsher living conditions.

Population Questions

What is the current population of the herd?

The current estimated population of 606 wild horses for the Silver King HMA which includes the 2010 foal crop. An aerial direct count of 505 adult wild horses was completed in April 2010; which excluded the 2010 foal crop. The current population is about 10 times the low range of the AML (546 head) or about 4 times over the high range AML of 128 head which is the maximum level at which a thriving natural ecological balance can be maintained.

Why doesn't the BLM gather to the high range of AML?

The foal crop that will arrive in the spring will increase the herd sizes 20-25% on average, pushing the herd populations once again over AML within weeks of the gather. The rangelands will continue to worsen and the need to gather to AML will arise again.

Contractor Questions

How does the BLM select its gather contractors?

The BLM's national gather contracts were awarded in 2006 following an in-depth technical review of the proposals received from the prospective contractors. Among the key elements of the technical review was evaluation of the prospective contractor's knowledge, skill and ability to gather and handle wild horses and burros in a safe, effective and humane manner. The BLM's contractors have demonstrated the knowledge, skill and ability to gather and handle these animals safely, effectively and humanely.

Range/Grazing Questions

How does the BLM determine if the range has deteriorated – is there sound science involved?

Yes, the BLM conducts monitoring of public lands for vegetation condition, forage and water availability and wildlife habitat condition. Riparian assessments, utilization monitoring and trend data indicate excessive wild horse use is contributing to degradation of rangeland resources including damage to water sources, riparian areas (these are water sources such as stream and creek banks, seeps) and overutilization of forage at higher elevations. The Proposed Action is consistent with maintaining a thriving natural ecological balance between wild horse and burro populations, wildlife, livestock and vegetation, and to protect the range from the deterioration associated with an overpopulation of wild horses and burros.

For decades, the BLM has hired rangeland management specialists, wildlife biologists, as well as wild horse and burro specialists, whose expertise is used to monitor and assess rangeland conditions on public lands.

Is there livestock grazing in this area?

Yes, there are eight allotments in the Silver King HMA. However, the permittees have voluntarily reduced their use based on drought, limited forage, wild horses in excess of AML and horse impacts to existing water projects.

Does wild horse overpopulation impact wildlife and plants?

A wide variety of wildlife species common to the Great Basin ecosystem can be found in the HMA. This includes large mammals like mule deer, pronghorn antelope, and Rocky Mountain elk. Yearlong habitat for mule deer occurs throughout the HMA. A large area of crucial summer range occurs in the upper elevations and crucial winter range along the benches. The northern portion of the Silver King HMA is Rocky Mountain elk yearlong habitat. Year round pronghorn habitat is predominately located in valley bottoms and benches.

Sage grouse use the northern portion of the Silver King HMA throughout the year for all of their seasonal habitat needs. These habitat needs include breeding (i.e., strutting grounds or leks), nesting, brood-rearing, and winter habitat. The Silver King HMA is located within the Lincoln Population Management Unit (PMU) identified in the local sage grouse conservation plan. There is one known active sage grouse lek within the Silver King HMA and five active leks within five miles of the HMA boundary.

Desert bighorn sheep inhabit the upper elevations of the Schell Creek Range and North Pahroc Range within the Silver King HMA. Bald eagles are a winter resident of this area of Nevada and can be observed from November thru May. Three ferruginous hawk, two prairie falcon, and two burrowing owl nests have been documented within the HMA.

The Silver King HMA provides habitat for small mammals, birds (including migratory birds), reptiles, amphibians, and insects common to the Great Basin.

Wild horses often graze the same area repeatedly throughout the year. Forage plants in those areas receive little rest from grazing pressure. Continuous grazing does not allow plants sufficient time to recover from grazing impacts. Such overgrazing results in reduced plant health, vigor, reproduction, and ultimately to a loss of native forage species from natural plant communities. Over time, this greatly diminishes habitat quality as abundance and long-term production of desired plant communities is compromised. If horse populations are not controlled in this area, forage utilization will exceed the capacity of the range.

Why don't you just make more land available to the horses?

The BLM would need approval from Congress to expand herd areas for wild horses. By law, wild horses can only be managed on areas of public lands where they were known to exist in 1971, at the time of the passage of the Wild Free-Roaming Horses and Burros Act of 1971.

Adoption Question

How can I adopt one of the horses?

The excess wild horses and burros removed from the range are offered for adoption to qualified people through the BLM's Adopt a Wild Horse or Burro Program. Potential adopters must have the proper facilities and financial means to care for an adopted animal, and we always hope that they have experience working with a wild horse or burro, which will help ensure the gentling process.

During the first year, the government retains title to the animal(s), and will conduct compliance checks throughout the year in an effort to ensure as much as possible that the animal is properly being cared for and has gone to a good home. At the end of the first year, if the adopter has complied with all the adoption stipulations and has properly cared for their mustang or burro for one year, he or she is eligible to receive title, or ownership, from the Federal government. The BLM has placed nearly 225,000 wild horses and burros into private care since the adoption program began in 1971. To apply to adopt a wild horse or burro on-line, please go to the BLM's adoption website at:

http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro/What_We_Do/wild_horse_and_burro_0.html. If you are interested in adopting directly from one of the BLM's holding facilities, please visit the agency's facilities page. For more information about the BLM's Adopt-A-Horse or Burro program, please visit http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro.html, or you may call 1-800-4Mustangs with any questions about the BLM's Wild Horse and Burro Program.