

FULL FORCE AND EFFECT DECISION RECORD

for

Maintaining Viable Populations of Wild Horses in the Warm Springs Herd Management Area
EA OR-025-98-00

INTRODUCTION: Following a 30-day comment period of the Maintaining Viable Populations of Wild Horses in the Warm Springs Herd Management Area Environmental Assessment (EA), OR-025-98-00, The Three Rivers Field Office of the Bureau of Land Management (BLM) is issuing a decision for the management of wild horses in the Warm Springs Herd Management Area (HMA). The decision is to implement Alternative A. This decision is placed in full force and effect in order to restore and maintain a thriving ecological balance and multiple-use relationship in accordance with 43 CFR 4770.3(c).

DECISION: Having considered a range of alternatives, associated impacts, public comment and based on the analysis in the Maintaining Viable Populations of Wild Horses in the Warm Springs HMA EA, it is my decision to implement Alternative A instead of the proposed action which implements an integrated wild horse management program in the Warm Springs HMA. The project proposes to reduce the current herd's population to meet Appropriate Management Levels (AMLs) to maintain a thriving natural ecological balance between the horses and their environment and provide for a viable, vigorous, and stable population. Capture and release operations would be initiated in the fall of 2000 or as soon thereafter as funding permits. A helicopter would be used to herd the horses into portable, temporary traps. The captured horses would be transported to the Burns Wild Horse Corrals to be placed in the adoption program. At least 111 head would be returned to the HMA from the trap site. Most horses removed from the herd would be less than 6 years old. This decision pertains only to land administered by the BLM.

Rationale for Decision: I have selected the proposed action for the following reasons:

The proposed action achieves AMLs for the HMA.

The capture and release operations are a proven successful method for reducing herd numbers and minimizes risks to the horses.

It provides for a thriving ecological balance.

Based on past experience there is a high likelihood for success.

It provides for a healthy, vigorous, viable horse herd.

It includes coordination with local government, tribal entities, private landowners, and other State and Federal agencies.

Public involvement consisted of direct mailing to 20 individuals, organizations, tribes and agencies and notice in the local newspaper. I received one comment during the Finding of No Significant Impact (FONSI)/EA review period. The following concerns were raised:

There was a concern that the management plans are outdated and inadequate. The management plans are long-term plans. I have reviewed the plans and found them to be appropriate for this proposal.

There was a concern that a reasonable range of alternatives was not considered. I have reviewed the alternatives and believe a reasonable range was assessed. In reviewing possible alternatives proposed by the commenter, altering cattle numbers and use, I decided they were outside the scope of this project.

There was a question about how the reproductive rate for the herd was determined. The determination was made from historical and recent comprehensive animal counts that observed numbers of foals present.

The commenter believed that there were other means to provide for genetic diversity than those discussed in the proposed action. The commenter did not provide any specific examples for me to consider.

There was a concern that the utilization data was displayed in a manner that made it difficult to make an informed decision. I have reviewed the data and I find that it is sufficient to make an informed decision. In addition, I have reviewed the situation in the field.

There was a concern that the impacts from administering a fertility altering vaccine are not adequately known. I have reviewed the most current science and find that there is sufficient information regarding the impacts and that they short term in nature, less than 2 years. I have decided not to administer the immunocontraceptive vaccine because the herd is entering a stressful period due to drought conditions. I was concerned about adding additional stress to the horses.

In addition to exceeding AMLs, current monitoring of water sources (August 1-18, 2000) indicates that a capture of the horses may be necessary to prevent mortality due to the lack of water resulting from current drought conditions. It is anticipated that the situation will become critical in the last 2 weeks of September if there is no appreciable precipitation.

It is in conformance with Section 7(a)1 of the Endangered Species Act.

It is in compliance with the Three Rivers Resource Management Plan (RMP) (1992), the Wild Horse and Burro Act (1971), and the Warm Springs HMA Plan (1979).

It is in compliance with Federal laws that mandate the management of public land resources (Federal Land Policy and Management Act of 1976).

The decision does not result in any undue or unnecessary environmental degradation.

I have also considered alternatives to the proposed action including:

Proposed Action: Utilizing capture and release operations and the administration of immunocontraceptive vaccine. I did not select this alternative because I was concerned about the additional stress it would put on the treated mares while they are entering a stressful period created by the ongoing drought conditions.

Alternative B - No Action: This alternative proposed not reducing the herd numbers to AMLs at this time. I did not select this alternative because it was not responsive to maintaining healthy vigorous upland and riparian plant communities and it was not in conformance with other land management objectives that have been identified for the area. In light of current drought conditions I have additional concerns for the horses' welfare.

I also considered several other alternatives but did not develop them for the following reasons:

Hay and Water Trapping: This method requires that forage and water resources be scarce. The method is not practical or efficient and it is almost impossible to predict when conditions would warrant this method.

Closure of the HMA to Livestock: The Wild and Free-Roaming Horse and Burro Act does not require that these areas be managed exclusively for wild horses and it is not in conformance with the Three Rivers RMP.

Increasing or decreasing AMLs within the HMA: This decision is an RMP decision and is therefore outside the scope of this analysis.

This decision is in full force and effect as of this date: August 30, 2000. 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 taken, your notice of appeal must be filed in the Burns District Office, HC 74-12533 Hwy 20 West, Hines, OR 97738 within 30 days of the receipt of this decision. 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.

Nora K. Taylor, Acting - Signature on File

August 24, 2000

Craig M. Hansen
Three Rivers Resource Area Field Manager

Date