



File Code: 1950

Date: July 27, 2011

Dear Interested Public,

### **Introduction**

The Devils Garden and Doublehead Ranger Districts, Modoc National Forest, are proposing to update the Devils Garden Plateau Wild Horse Territory Plan which will guide management of wild horses on Modoc National Forest for the next 15-20 years.

Forest Service Manual 2200, Chapter 2260, defines a territory plan as "An operational plan for managing one or more herd units of wild free roaming horses and burros. This plan describes desired population level, detailed management practices, interagency coordination, scheduling, and monitoring requirements for managing each herd unit, within the direction established in the Forest Plan".

### **Background**

The Devils Garden Plateau Wild Horse Territory is approximately 268,750 acres in size and falls within the Devils Garden and Doublehead Ranger Districts of the Modoc National Forest. An additional 8,500 acres falls within the BLM, Alturas Field Office's area of administration, with wild horse management responsibilities assigned to the Modoc National Forest through a 1979 Memorandum of Understanding. The southern boundary of the territory is approximately 7 miles north of Alturas, California (See Attached Map). The current appropriate management level is 275-335 head, as established in the Modoc National Forest LRMP, 1991.

Since the passage of the Wild and Free-Roaming Horse and Burro Act in 1971, wild horses in the Territory have been managed as an integral part of their habitat.

Excess wild horses have been periodically removed from the territory in an attempt to achieve population levels in balance with forage and water supplies and other users, such as livestock and wildlife. Through a National Memorandum of Understanding (MOU), the Bureau of Land Management's Eagle Lake Field Office works cooperatively with the Modoc National Forest to capture, care for and hold, and adopt excess animals removed from the Forest.

### **Purpose and Need**

The need for this project is management of the Devils Garden Plateau Territory wild horse herd over the next 15-20 years in a manner that supports a healthy, genetically diverse horse population; maintains or improves the habitat of the Territory; and sustains the natural ecological



balance and multiple use relationship in the area as required by the 1971 Wild Free-Roaming Horses and Burros Act, as amended. The plan will specify how the wild horses will be managed in the short and long-term to maintain suitable habitat components (forage, water, space and cover), to maintain animal health and genetic viability, and to maintain animal characteristics historically found in the herd.

The overall goal is to manage wild horses in the Devils Garden Plateau Wild Horse Territory in balance with other uses of the FS lands and that a thriving natural ecological balance (TNEB) is achieved and maintained.

### **Proposed Action**

The Proposed Action includes the following management practices and criteria:

1. Determine if the current appropriate management level (AML) of 335 head, as established in the Modoc National Forest LRMP, 1991 continues to be valid, and if not determine the optimum number of animals the Territory will support on a yearlong basis. During development of the LRMP, forage was allocated between uses on the forest including wild horses, livestock and wildlife. Adjust the lower level of AML to increase intervals between removals to 4-5 years. With the currently established AML range, animals would have to be gathered every year to stay within AML. During initial implementation of this plan, it may be necessary to conduct annual removals in order to achieve AML.

Based on the most current census conducted in May, 2010, there were a total of 733 animals counted inside the territory, with another 121 animals (14%) found adjacent to, but outside the Territory.

2. Manage for a sex ratio of 50:50 males to females, which is normally found in a population over time. Data taken from 1,012 animals gathered by helicopter during the past 10 years indicates the current ratio is approximately 57% female and 43% males. Attainment of a 50:50 sex ratio would be implemented by managing the number of each sex returned to the Territory during gathers, after AML is achieved.
3. On the east side of the Territory, manage for draft horse type characteristics that have historically been found in that area. Manage for both draft and light saddle horse characteristics that have historically been found in the western portion of the Territory. During subsequent removals, animals turned back into the Territory would be selected to maintain those characteristics.
4. Contain animals within the established territory. Priority would be given to removing animals from outside the territory. Based on the current census conducted in May, 2010, there were 97 bands containing 733 animals found inside the Territory, with another 13 bands containing 121 animals found outside the established Territory boundaries.

5. Manage for wide genetic diversity in the population. A minimum population size of 50 effective breeding animals (i.e., a total population size of about 150- 200 animals) is currently recommended to maintain an acceptable level of genetic diversity within reproducing wild horse herd, according to Dr. E. Gus Cothran, College of Veterinarian and Biomedical Sciences, Texas A&M University.

Genetic diversity would be monitored by sampling a portion of the herd during removal operations. During the first removal after completion of the Territory Plan, a baseline for genetic diversity would be established. This would be done by taking either blood or hair samples. The objective would be to maintain the Observed Heterozygosity ( $H_o$ ) above the minimum value necessary to maintain a genetically diverse population.  $H_o$  is a measure of how much diversity is found, on average, within individual animals in a wild horse or burro herd.

After the baseline is established, further samples would be taken a minimum of every other gather (e.g. 8-10 years). If it appears that the genetic diversity falls below the thresholds, management actions would be taken to increase diversity. These actions may include increasing the number of effective breeding males or introducing 1-2 mares from similar habitats and demonstrating like animal characteristics into the herd every generation (about 10 years).

6. After the population is within the established AML, it is proposed to implement population suppression methods to slow the rate of population growth. Data collected from the helicopter removal of 1,012 animals over the past 10 years show 250 of the animals were foals, indicating a foal crop close to 25%. Of the 250 foals gathered during this time, the number of females as compared to males born were nearly the same, - 130 females to 120 males. The high foal crop indicates a need for slowing the rate of population growth to increase the intervals between gathers, so the herd would only require gathers at 4-5 years intervals to maintain AML. A potential suppression method is the use of Porcine Zona Pellucida (PZP), the thick membrane that surrounds the unfertilized eggs of pigs, which when injected into other mammals, prevents sperm from attaching to the egg, thereby preventing fertilization. The use of PZP would be under an investigational exemption held by the Humane Society of the United States.

Another suppression method is the adjustment of the sex ratio of animals as described in Item 2, above. Reducing the proportion of females to males, also used as a suppression method, may be considered in the future, if adjusting the herd to a 50:50 sex ratio and administering PZP does not produce desired results, which is to increase the interval between gathers to 4 or more years.

7. Continue to work cooperatively with the Bureau of Land Management, Eagle Lake Field Office, in the management of the herd. Removal operations and adoption of excess animals would be conducted by BLM. The latest Memorandum of Understanding (MOU) detailing this management arrangement was approved in July, 2011.

## **Proposed Gather Operations**

Due to the high number of animals currently residing in and outside the established Territory, it is anticipated that annual gathers would be necessary for a few years to adjust the population to within the AML range. This effort would begin in the summer, 2012. At this time it is proposed to gather and remove approximately 600 head, based on AML. The exact number proposed for gathering would be based on a pre – gather census to be conducted in 2012.

After attainment of AML, it is expected that maintenance removals would occur every 4 to 5 years.

Gathering would be conducted through a national BLM contract, and done as a helicopter gathering operation, utilizing numerous traps constructed from portable steel corral panels. The gathering operation would be supervised by a duly authorized representative of the BLM's Eagle Lake Field Office, with assistance by employees of the Modoc National Forest. All standard operating procedures (SOPs) as specified in the contract would be strictly enforced to ensure humane treatment and minimize stress to the animals. Bait trapping would also be conducted where there are animals outside the Territory, in heavily treed areas, and where there are high animal concentrations if it is determined bait trapping would be the most efficient and cost effective method of gathering. Animals would most likely be transported to the Litchfield Corral Facility, however, based on space availability, may also be taken to another BLM facility for care and holding.

During the gather operations, a veterinarian would be on call, to treat any animals which may be injured. Upon arrival at a holding facility, all animals would be inspected by a veterinarian to assure they are in good health and free from injuries.

After AML is achieved, subsequent removals would be done by helicopter and/or bait trapping operations. In areas with heavy tree cover where helicopter gathering is difficult or impossible, or if only small numbers need to be gathered, bait trapping would be conducted.

The Modoc N.F. currently has all necessary equipment on hand to conduct bait trapping operations in a humane manner.

The first priority for gathering would be to remove all animals from outside the established Territory. The second priority would be to gather and remove animals as necessary to achieve and maintain AML.

Maintenance gathers, to be conducted after AML is achieved, would be done in a selective manner to insure the desired and historical characteristics of the herd are maintained, by releasing animals from all age groups that possess the desired characteristics. Where possible, based on attainment of AML, older animals would be released back to the herd to avoid the stress of transportation and handling.

## **Habitat Components and Current Conditions**

Habitat for wild horses is composed of four essential components: forage, water, cover, and space. If one or more of these components are not present in sufficient amounts, a determination should be made whether the area is suitable for maintaining wild horses, and if not, the area's designation as a HMA or Territory should be removed. For the Devils Garden Plateau WH Territory, it has previously been determined that the habitat components are sufficient for the established AML.

A good portion of the Territory is covered with western juniper at varying densities and to a far lesser degree, eastside pine. The stands of juniper, and to a lesser degree, pine, appear to provide adequate cover to protect animals from inclement weather. Forage in the Territory consists of upland range sites associated with the sage steppe ecosystem such as sagebrushes, bitterbrush, Idaho fescue, blue grasses, clovers, and mule's ear. It appears there is sufficient forage to maintain the wild horses when their populations are at or near AML in all but the most severe winters when winter range can become a limiting factor. An example is during the winter of 1992, when approximately 53 % of the animals in the herd perished due to heavy snow and cold temperatures.

Permitted livestock grazing, a managed resource on the Modoc National Forest, occurs across the Territory. Cattle and sheep use ten allotments from May through Sept within the Territory. Individual grazing permits identify actual numbers per allotment and time of use across the allotments.

At current population levels, there is evidence of overuse by horses in some of the limited riparian areas. There are also areas where excessive trampling of soils by horses during the spring of the year, when soils are saturated, is evident.

Besides deer and antelope, there is also a growing elk herd inhabiting the area. Although recognized as being present at the time the Modoc Land and Resource Management Plan was approved in 1991, elk were not allocated forage in the plan. Since that time, the elk herd has continued to steadily grow, with current estimates at over 600 head.

Range improvements in the Territory consist of numerous stock tanks, spring developments, fences, and a limited number of water wells. All water sources, including a few perennial streams, on Forest Service lands are accessible to wild horses. To ensure adequate water for wild horses and wildlife, the Modoc National Forest has implemented policy which requires livestock removal if the majority of the stock reservoirs fall below the depth of 3 feet before late summer.

Fences within the Territory facilitate livestock management and protect sensitive habitats (e.g. riparian areas) from grazing animals. All gates in the allotment and pasture fences are opened each fall to facilitate the movement of wild horses throughout the area and to preferred wintering areas.

Based on the latest census, 14% of the animals have established residence outside the established Territory. Although no earlier specific data exists, observations over time indicate that the number of animals moving outside of the Territory has increased as the population has increased. This may indicate a lack of space within the Territory for the current population. When animals were near the established AML, there was no or little evidence of animals leaving the Territory boundaries.

### **Laws, Regulations and Manual Guidance**

The management of wild horses on public and national forest lands is governed by a variety of laws, directives, and documents including:

- Wild Horse Protection Act of 1959
- Wild Free-Roaming Horses and Burros Act of 1971, as amended by the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.
- Forest Service Manual 1531.1a, External Relations – BLM – MOU – Protection – Wild Free-Roaming Wild Horses and Burros
- 36 CFR 222, Subpart B, Management of Wild Free-Roaming Wild Horses and Burros
- Forest Service Manual 2200 (Range Management) and Chapter 2260 (Wild Free-Roaming Wild Horses and Burros)
- BLM Manual H-4700-1, Wild Horses and Burros Management Handbook
- MOU (Supplemental) between DOI, BLM and USDA, USFS (“for the purpose of identifying joint responsibilities and instituting close cooperation toward the implementation and administration of the 1971 Wild Free-Roaming Horse and Burro Act), (March, 1979)

### **Forest Plan Direction**

The Modoc Forest Plan provides the following direction regarding range and wild horse management:

1. Manage the Forest for improved rangeland condition with permitted grazing and forage capacity in balance (Forest Plan, pg 4-1). Maintain or enhance satisfactory ecological condition (Forest Plan, 4-18).
2. Contribute to the community economy and provide for sustained outputs of forage products (Forest Plan, 4-2).
3. Provide diverse and productive habitat for a variety of wildlife and fish species (Forest Plan, 4-2)
4. Maintain soil productivity by applying guidelines to areas where management prescriptions are applied: Land for timber production, range allotments, and other areas where healthy or productive vegetation is desired (Forest Plan, 4-21).
5. Manage allotments to protect soil, water and streamside dependent resources (Forest Plan, 4-19).
6. Protect habitat for sensitive plants (Forest Plan, 4-3).
7. Maintain the wild horse herd population between 275 and 335 animals (Forest Plan, 4-3)

8. Every 10 years revise the herd management plan for each territory, including forage allocation for horses within the carrying capacity of the territory. Cooperate with the Bureau of Land Management in the capture and placement of animals (Forest Plan, 4-19).
9. Monitor the impacts of wild horses on rangeland in allotments where horses are present. Determine if wild horse numbers should be adjusted on high impact areas (Forest Plan, 4-19).

### **Deciding Official and Decision Framework**

The deciding official for this project will be the Devil's Garden District Ranger.

An environmental assessment (EA) document will be prepared to determine impacts associated with implementation of the Territory Plan. Based on the environmental analysis, the District Ranger will make the following decisions:

1. At what population range will wild horses be managed
2. What techniques will be used to maintain the historic characteristics of the herd
3. Which population suppression methods may be implemented in the herd to slow herd growth rates, and reduce the number of excess animals that must be removed
4. The frequency of population management activities (removals)
5. What standard operating procedures (SOPs) will be incorporated into future removals

### **How to Get Involved**

You are encouraged to participate in this planning effort. Individuals who respond to this scoping notice will receive notice of the availability of the EA (or a copy). Scoping comments should be as specific as possible for the Forest Service to identify and consider each issue or concern. It is most helpful for comments to include what concerns you and why. To ensure ample opportunity to consider your comments, I request they be submitted no later than August 30, 2011.

Please address your comments to Jenny Jayo, Rangeland Management Specialist, 800 West 12<sup>th</sup> Street, Alturas, CA 96101. Office hours, for those who wish to hand deliver or provide oral comments, are 7:45 a.m. to 4:30 p.m., Monday – Friday (except Federal holidays). Oral comments can be provided at the Modoc National Forest Supervisor's Office at the above address, or by telephone at (530) 233-8817, during normal office hours. Comments may also be submitted by facsimile (FAX) at (530) 233-8709, Attn: Jenny Jayo, or by e-mail at: [comments-pacificsouthwest-modoc@fs.fed.us](mailto:comments-pacificsouthwest-modoc@fs.fed.us) (please put "Devils Garden Wild Horse Territory" on the subject line). For electronically mailed comments, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the comments, it is the sender's responsibility to ensure receipt by other means.

Please indicate if you would prefer to receive future documents and notifications in electronic format.

If you would like more information on this project, please contact Jenny Jayo, Rangeland Management Specialist at (530) 233-8817.

Sincerely,



ROMAN L. TORRES  
District Ranger

Attachment: Map of Devils Garden Plateau Wild Horse Territory