

PROPOSED ACTION

Devil's Garden Plateau Wild Horse Territory Management Plan Environmental Analysis

Modoc National Forest – Devil's Garden and Doublehead Ranger Districts
Modoc County, California

INTRODUCTION

The Devil's Garden Plateau Wild Horse Territory (WHT) is located within Modoc County, California beginning about 7 miles north of the City of Alturas. The WHT comprises approximately 232,520 acres of federal land. Of this, 97 percent (224,888 acres) is National Forest System lands administered by the Modoc National Forest's Devil's Garden and Doublehead Ranger Districts (MDF) and 3 percent (7,632 acres) is public land administered by the Bureau of Land Management's Alturas Field Office (BLM).

The Forest Service and the BLM have cooperated in the management of wild horses within the WHT since the mid-1970s when the BLM public lands were first included as a part of the territory. Under this cooperative approach, the Forest Service has had the lead management responsibility for the WHT, with the BLM a cooperating agency.

In 2008, in the Record of Decision for the BLM's Alturas Resource Management Plan, the BLM elected not to set a separate AML for their public lands. The decision was made to cooperate with the Forest Service in the periodic removal, adoption and holding of animals and keep wild horse numbers within the AML established by the MDF for the Devil's Garden Plateau WHT. This decision was made because the BLM lands comprise only three percent of the WHT, are unfenced, and wild horses roam freely between the National Forest and the BLM on a year-round basis.

This report summarizes the MDF's proposal to develop and implement a plan to guide the management of wild horses and their habitat in the Devil's Garden Plateau Wild Horse Territory (WHT) over the next 15-20 years. Federal actions such as development of a Territory Management Plan (TMP) must be analyzed to determine potential environmental consequences and effects must be disclosed (National Environmental Policy Act of 1969, or NEPA). This report has been prepared to inform interested and affected parties of the proposal and to solicit comments to assist with the project-level NEPA analysis of the proposal.

A TMP is described as an operational plan for managing one or more herd units of wild free-roaming horses and burros and describes the 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 (Forest Service Manual 2200, Chapter 2260).

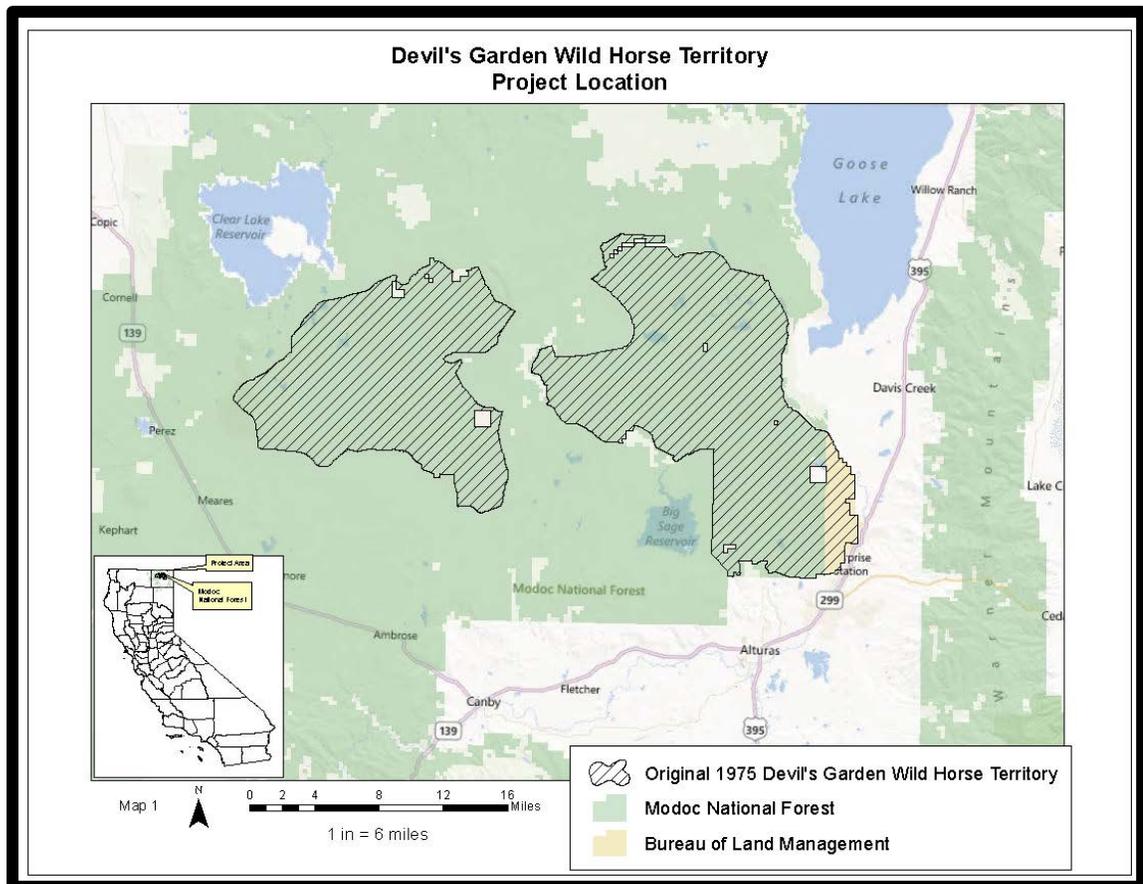
Wild horse management is prescribed through Acts of Congress, their implementing regulations, policies and other relevant documents. The laws and documents that guide wild horse management on National Forest Systems lands are:

- Wild Free-Roaming Horses and Burros Act (WFRHBA) of 1971 (as amended)
- 36 Code of Federal Regulations (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 Horses and Burros)
- 1991 Modoc National Forest Land and Resource Management Plan (as amended)

Wild Horse Territory Boundary

With the passage of the WFRHBA, the Forest Service and the BLM were required to manage wild horses and burros in the areas where they were found in 1971 as an integral part of the national system of public lands. In compliance with the law and its subsequent implementing regulations, a territory of approximately 232,520 acres of federal land was established in the Devil's Garden Plateau in the Horse Management Plan approved by Modoc National Forest Supervisor Kenneth Scoggin on May 20, 1975. The territory comprised West and East home ranges in the areas where it was known that wild free-roaming horses ranged in 1971. Included were about 224,888 acres of National Forest Systems land and 7,632 acres of BLM public land.

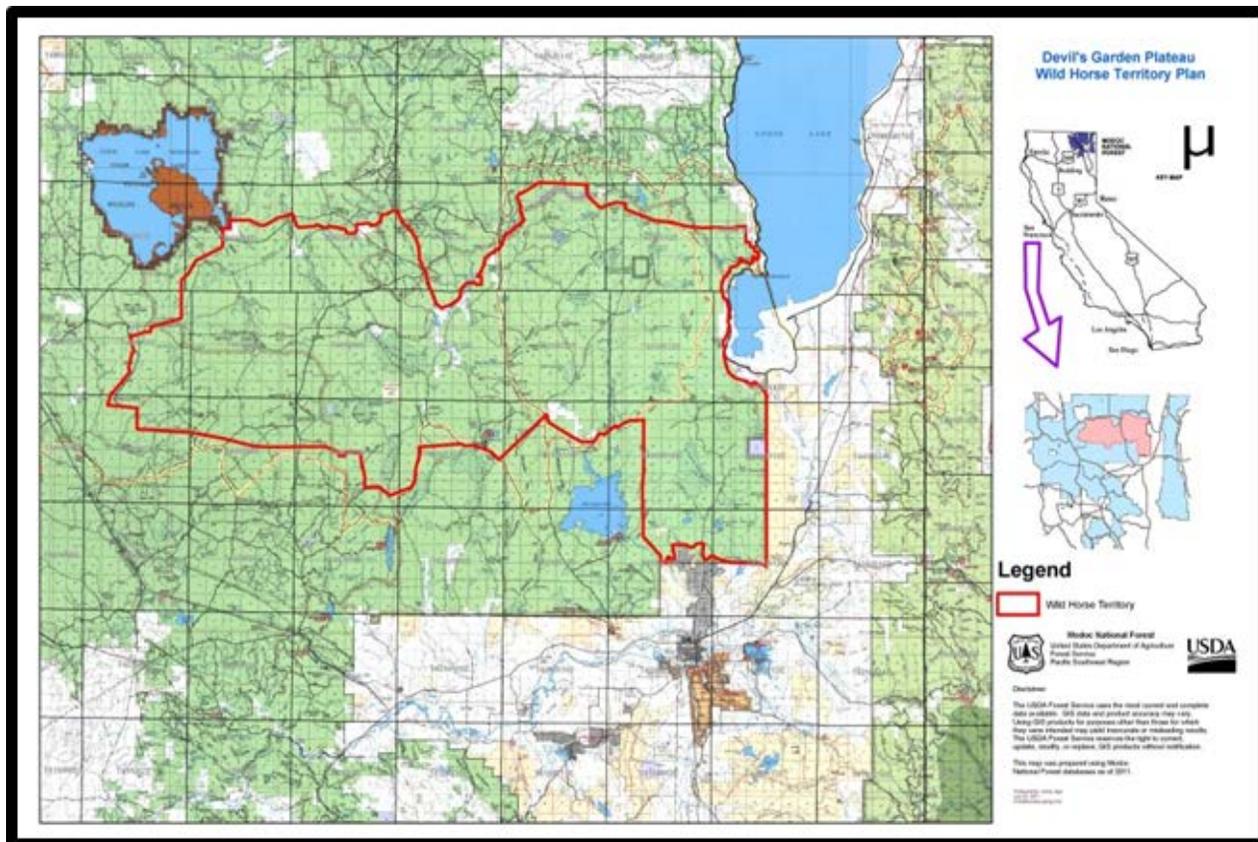
Map 1: WHT Boundary (1975)



The Avanzino and Triangle private ranch lands which lay in between the West and East home ranges were not included in the WHT. The MDF did not acquire the Triangle Ranch private lands until September 21, 1976 (about five years following passage of the WFRHBA).

During the mid-1980's, the MDF appears to have adjusted the WHT boundary for administrative convenience (Map 2). The revised boundary incorporated about another 23,631 acres of land, including Triangle Ranch lands acquired in 1976 and the Avanzino Ranch (41 percent of which remains in private ownership). This change resulted in increasing the WHT to approximately 258,000 acres in size.

Map 2: WHT Boundary (Mid-1980s)



An administrative error was made in expanding the WHT beyond the herd's known territorial limits. In accordance with the WFRHBA, management of wild horses and burros is limited to the areas where wild horses and burros were found in 1971 (36 CFR 222.20(b)(13)). The MDF specifically delineated these areas in the 1975 Devil's Garden Plateau Wild Horse Management Plan (Map 1). Inclusion of the Triangle Ranch lands (which were not acquired by the Forest Service until 1976, nearly five years after the 1971 WFRHBA passed) was clearly in error. In 1991, the Modoc National Forest issued its Forest Plan. In this Plan, the Forest Service made the decision to manage wild horses on about 258,000 acres, which represents the number designated by the MDF for wild horse management in the mid-1980s.

In conformance with the 1971 WFRHBA, the MDF proposes to return to the management of wild horses within the WHT boundary established in 1975 (Map 1).

Background Information

In 1991 the Modoc National Forest Land and Resource Management Plan (Forest Plan) allocated the available forage for use by wild horses, livestock and wildlife. The Forest Plan established the Appropriate Management Level (AML) for wild horses as a range of 275-335 animals, and allocated 4,400 Animal Unit Months of forage for their use.

Excess wild horses have been periodically removed from the WHT in an effort to achieve population levels in balance with the available forage and water and other multiple uses such as domestic livestock and wildlife.

Wild horse population size has exceeded the AML upper limit since 2002. Since 2006 when the last helicopter gather to remove excess wild horses was conducted, actual use by wild horses has

exceeded by 140-328 percent the forage allocated for their use in the 1991 Forest Plan. At the present time, wild horse population size is estimated at 994 animals (about 3.0 times the AML upper limit). Of these, an estimated 174 animals (17.5 percent) are residing outside the WHT.

Purpose of and Need for Action

The purpose of the proposed action is to develop and implement a TMP and designate the Forest Service as the lead agency for all wild horse management actions within the WHT, consistent with the authority provided in Forest Service Manual 2261.1, 36 CFR 222 Subpart B, and the 1971 WFRHBA (as amended). The proposed action would identify management and monitoring objectives and actions for future management of the herd and their habitat. The need for the project is to ensure the herd is managed to maintain a self-sustaining population of healthy animals in a thriving natural ecological balance with other uses and the productive capacity of their habitat.

The TMP plan would establish an Appropriate Management Level (AML) for wild horses within the designated WHT based on in-depth analysis of population inventory, resource monitoring and other current available data and information. The TMP would detail the criteria to be used to determine whether or not excess wild horses are present and require removal, the population suppression methods that may be implemented to slow herd growth rates, and the frequency of population management activities (removals). It would also describe the methods to be used to gather and remove excess wild horses and identify the Standard Operating Procedures (SOPs) to be incorporated into future removals. The plan would also identify the habitat improvement projects that could be implemented to enhance the habitat available for wild horses within the WHT over the short and long-term.

Also included in the proposed action are several proposed non-significant amendments to the Modoc National Forest Plan (page 6-7).

Conformance with Forest Plan Direction

The Devil's Garden Plateau WHT is located within portions of three Management Areas (MA) identified in the 1991 Forest Plan. These include MA 51-Devil's Garden (Chapter 4, pages 194-197), MA 53-Hackamore (Chapter 4, pages 202-205) and MA 66-Clear Lake (Chapter 4, pages 230-233). Management area prescriptions relative to wild horse management include providing for healthy ecosystems and making forage available for use by livestock, wildlife, and wild horse herds.

Management of wild horses and the rangeland resources they depend on for their habitat is guided by the 1991 Forest Plan as follows:

1. Manage the Forest for improved rangeland condition with permitted grazing and forage capacity in balance (page 4-1). Maintain or enhance satisfactory ecological condition (page 4-18).
2. Measure forage utilization using key forage plants. As a general rule, allow up to 50% utilization by weight on permanent rangelands in satisfactory ecological condition. On permanent rangelands in unsatisfactory ecological condition, allow no more than 30% utilization by weight (4-18).
3. Contribute to the community economy and provide for sustained outputs of forage products (page 4-2).
4. Provide diverse and productive habitat for a variety of wildlife and fish species (page 4-2). Manage allotments to protect soil, water, and streamside-dependent resources (4-18).
5. Maintain soil productivity by applying guidelines to areas where management prescriptions are applies: land for timber production, range allotments, and other areas where healthy or productive vegetation is desired (page 4-21).

6. Manage allotments to protect soil, water and streamside-dependent resources (page 4-19).
7. Protect habitat for sensitive plants (page 4-3).
8. Manage the wild free-roaming horse herds to achieve a Forest population between 275 and 335 (on the average, 305 animals) (4-19).
9. Every ten 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 (page 4-19).
10. Monitor the impacts of wild horses on rangeland in allotments where wild horses are present. Determine if wild horse numbers should be adjusted on high impact areas (page 4-19).

Subsequent to the 1991 Forest Plan, three decision documents have amended the Forest Plan. Included are: (1) the 1996 Biological Assessment (BA) for Grazing Management on Allotments within the Range of Lost River sucker, shortnose sucker and Modoc sucker (Big Valley, Doublehead, and Devil's Garden Ranger Districts); (2) the 2004 Sierra Nevada Forest Plan Amendment (SNFPA) Final Supplemental Environmental Impact Statement; and (3) the 2008 Sage Steppe Ecosystem Restoration Strategy. These documents contain management guidance relevant to the management of wild horses and other herbivores as follows:

1. **The 1996 Biological Assessment (BA) for Grazing Management on Allotments within the Range of Lost River sucker, shortnose sucker and Modoc sucker** (Big Valley, Doublehead, and Devil's Garden Ranger Districts). Under the provisions of this document, allowable utilization is limited to:
 - Maximum allowable utilization of total herbaceous forage species within key areas of 50 percent by weight.
 - Maximum allowable utilization of woody species of 40 percent of current year's growth.
 - No more than 20 percent stream bank alteration by grazing animals.
2. **The 2004 Sierra Nevada Forest Plan Amendment (SNFPA) Final Supplemental Environmental Impact Statement** (Volume 1 – Appendix A, pages 358 and 359). Under the provisions of this document, allowable utilization is limited to:
 - Under season-long grazing, utilization of grass and grass-like plants is limited to 30 percent (or minimum 6 inch stubble height) for meadows in early seral status to a maximum of 40 percent for meadows in late seral status.
 - Degraded meadows with greater than 10 percent bare soil and active erosion require total rest from grazing until they have recovered and moved to mid or late seral status.
 - Browsing will not exceed 20 percent of the annual leader growth of riparian shrubs.
3. **2008 Sage Steppe Ecosystem Restoration Strategy**. Under the provisions of this plan, juniper treatment projects could be implemented to restore the sage-steppe ecosystem on the MDF. This could result in the creation of additional forage that could potentially be available in the future for use by wild horses and other herbivores.

Proposed Action

The MDF proposes to develop and implement a TMP for the Devil's Garden Plateau WHT and designate the Forest Service as the lead agency responsible for all wild horse management actions within the WHT. The TMP would establish the short and long term management and monitoring objectives and actions needed to ensure the herd is managed to maintain a self-sustaining population of healthy animals in a thriving natural ecological balance with other uses and the productive capacity of their habitat.

Under the proposed action, an Appropriate Management Level (AML) for wild horses would be determined based on in-depth analysis of population inventory, resource monitoring, and other current available information and data. The AML would be established as a population range with an upper and lower limit. When necessary, gathers to remove excess wild horses from within and outside the WHT would be conducted in conformance with the Standard Operating Procedures in the most current approved Gather Contract(s) and could begin as soon as October 2013. Annual gathers could be needed to achieve a wild horse population size within AML. Once AML is attained, fewer gathers to maintain AML would be needed.

During the first gather following plan approval, DNA-based material (hair samples) would be collected from a number of wild horses to establish baseline genetic diversity. Thereafter, samples would be collected at a minimum of every other gather to detect any change from the baseline. If genetic diversity should fall below the minimum acceptable level, management actions such as increasing the number of breeding age horses, adjusting the sex ratio to favor males or introducing 1-2 young mares from similar habitats every 8-10 years could be implemented.

Once AML is achieved, population suppression methods would be implemented to slow population growth rates, reduce gather frequency, and decrease the number of excess wild horses which need to be removed over time. These could include application of fertility control (one year or 22-month Porcine Zona Pellucida agents) and adjustment of sex ratios to 50/50 males/females or slightly in favor of males.

The proposed action would also amend the 1991 Forest Plan to: (1) take the AML out of the Forest Plan and instead establish AML in the TMP based on in-depth analysis of resource monitoring and other data; and (2) limit management of wild horses to the herd's known territorial limits as established in the Horse Management Plan approved by Modoc National Forest Supervisor Kenneth Scoggin on May 20, 1975 (Table 1).

Table 1: Proposed Amendments to the Forest Plan

Forest Plan (Page 4-19)	Delete	Insert
Standard 4	Manage the wild free-roaming horse herds to achieve a Forest population between 275 and 335 (on the average, 305) animals.	Achieve and maintain wild horse population size within the appropriate management level (AML) established in the territory management plan for the Devil's Garden Plateau Wild Horse Territory. Update/revise the territory management plan when current available information such as population inventory, resource monitoring or other data or information indicates the AML may no longer be appropriate or a new plan is needed due to changes in law, regulation or policy.
Guideline 5A	Every ten years revise the herd management plan for each wild horse territory, including forage allocation for horses within the carrying capacity of the territory. Cooperate with the Bureau of Land Management in capture and placement of the animals.	Complete an in-depth analysis of population inventory, resource monitoring, and other current available information and data to determine if the AML is still valid or needs to be adjusted (either up or down). Express the AML as a population range with a lower and upper limit. The upper limit is the optimum number which results in a thriving natural ecological balance and avoids a deterioration of the range. The lower limit is the number that allows the population to grow (at the annual population growth rate) over an extended period of time to the upper limit. The AML will specify the number of adult wild horses to be managed within the population (excludes current year's foals).
Guideline 5B	Monitor the impacts of wild horses on rangelands in allotments where horses are present. Determine if wild horse numbers should be adjusted on	Monitor the impacts of wild horses on range and riparian health.

	high impact areas.	
Guideline 5C		Manage wild horses within the herd's known territorial limits as established in the Horse Management Plan approved by Modoc National Forest Supervisor Kenneth Scoggin on May 20, 1975. This boundary will provide for management of two home ranges: West and East.

Deciding Official and Decision Framework

The deciding official for the Modoc National Forest will be the Forest Supervisor.

Given the purpose and need for action, the deciding official will select a management strategy for the Devil's Garden Plateau wild horse herd and their habitat. The selected management actions, together with the associated management and monitoring objectives, will guide management of the WHT over the life of the plan.

An environmental assessment (EA) will be prepared which will summarize the environmental effects associated with implementation of the updated management plan for the Devil's Garden WHT. The EA will be made available to the public for a 30-day review and comment period in approximately March 2013.

Based on the environmental analysis, the Forest Supervisor will make the following decisions:

1. Whether or not to amend the Forest Plan as described above.
2. The AML for wild horses, expressed as a population range with an upper and lower limit.
3. The techniques to be used to maintain or improve the herd's genetic health.
4. The population suppression methods that may be implemented to slow herd growth rates and reduce the number of excess animals which must be removed over time.
5. The frequency of population management activities (removals).
6. The criteria to be considered when determining whether excess wild horses are present and require removal.
7. The Standard Operating Procedures (SOPs) to be incorporated into future removals and the methods to be used to gather and remove excess wild horses.
8. The habitat improvement projects which could be implemented.

Public Involvement

On July 27, 2011, the MDF issued an initial scoping notice concerning our proposal to update the Devil's Garden Plateau Wild Horse Territory Plan. In response to the initial scoping notice, written comments from 18 individuals, groups, local and/or state government or other agencies and email comments from 2,382 individuals were received (Appendix A). In view of additional resource monitoring data and other information collected since the July 27, 2011 scoping notice, the MDF has issued a second scoping notice. **Comments in response to this notice are requested by January 14, 2013.**

Based on the comments received in response to the initial July 2011 scoping notice, the Forest Service has separated the issues identified to date into two groups: key and non-key issues. Key issues were defined as those directly or indirectly caused by implementing the proposed action. Non-key issues were identified as those: (1) outside the scope of the proposed action; (2) already decided by law, regulation, Forest Plan or other higher level decision; (3) irrelevant to the decision to be made; or (4) conjectural and not supported by scientific or factual evidence. The Council on Environmental Quality (CEQ) NEPA regulations require this delineation in Sec. 1501.7, "...identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)..."

Issues

To date, the Forest Service has identified five key issues:

1. Impacts to individual wild horses, family bands and the herd that could result from managing herd size within the Appropriate Management Level (AML) established as a population range with a lower and an upper limit.
2. Impacts to the natural resources needed to support wild horse use on a year-round basis.
3. Impacts to wildlife, migratory birds, and threatened, endangered, and special status species and their habitat.
4. Impacts to cultural resources.
5. Impacts to local social and economic factors, including authorized livestock grazing use.

ALTERNATIVES

The MDF proposes to analyze at least three alternatives in detail. These include: (1) Alternative 1 - No Action (Continue Existing Management); (2) Alternative 2 - a Proposed Action (Proposed Management Plan); and (3) Alternative 3 - Enhance Wild Horse Management. Additional alternatives may be developed to meet the Purpose and Need and respond to the identified issues to varying degrees. Through the environmental analysis process, management, monitoring and implementation objectives will be identified. The No Action alternative meets the Purpose and Need in part, but may not fully comply with the WFRHBA (as amended). A description of Alternatives 1-3 follows:

Alternative 1 – No Action (Continue Existing Management)

Under the No Action Alternative, wild horses would continue to be managed as a range of 275-335 (an average of 305) animals. Wild horse management would be guided by the goals and objectives established in the 1982 Devil's Garden Plateau Wild Horse Management Plan, the 1991 Forest Plan (as amended), and in conformance with Forest Service policy. Under this alternative:

1. Gathers to remove excess wild horses could begin as early as October 2013 to attain population size within AML. Once AML is achieved, 60 and 90 wild horses would be removed each year to maintain population size.
2. The herd would be maintained at the existing sex ratio of approximately 43 percent males and 57 percent females.
3. The herd would be maintained at the existing age distribution:
 - a. Less than 1 Year of Age – 25%;
 - b. Horses Ages 1-5 – 52%;
 - c. Horses Ages 6-12 – 18%;
 - d. Age 13 and Over – 5%.
4. Population estimation would continue to be based on the direct count aerial survey method and supplemented with periodic ground observations.
5. Existing water developments and fences would be periodically maintained, but not replaced or reconstructed when they outlive their useful life.
6. AML would be adjusted, as needed, on high impact areas.
7. Fertility control would not be applied to animals released back to the range following future gathers.
8. Baseline genetic diversity would not be established.
9. No new habitat improvement projects would be considered.

Alternative 2 – Proposed Action (Proposed Management Plan)

Under the Proposed Action Alternative, the MDF would amend the 1991 Forest Plan as described on page 6-7 of this report. A TMP would be developed and implemented and the Forest Service

would be designated as the lead agency responsible for all wild horse management actions within the WHT.

The MDF would evaluate the AML for wild horses that was established in the 1991 Forest Plan and could adjust the AML either up or down pending in-depth analysis of population inventory and resource monitoring and other data and information.

A TMP would be developed and implemented as described below:

1. The number of excess wild horses proposed for removal would be determined after:
 - a. The current AML of 275-335 wild horses has been evaluated and is determined to be valid; or
 - b. The AML is adjusted (either up or down) as indicated based on in-depth analysis of all current available information; and
 - c. The current estimate of wild horses residing within and outside the WHT is verified through population inventory (direct count) in December 2012 or January-March 2013.
2. Consecutive gathers to remove excess wild horses could begin as early as October 2013 to attain population size within AML, if necessary. After AML is achieved, gathers would be conducted less often.
3. The herd would be managed to achieve a 50/50 male/female sex ratio and a more normal age distribution over time:
 - a. Young Age Class (Age 0-5): 10-25%
 - b. Middle Age Class (Age 6-15): 50-80%
 - c. Old Age Class (Age 16+): 10-25%
4. Once AML is achieved, methods to slow population growth rates, reduce gather frequency and decrease the number of excess wild horses which need to be removed over time could be implemented. These methods could include:
 - a. Application of either the one-year or 22-month (PZP-22) Porcine Zona Pellucida (PZP) agent:
 - i. The use of PZP would be under an investigational exemption held by the Humane Society of the United States.
 - ii. For maximum effectiveness, PZP-22 would be administered during the winter prior to the spring breeding season (November–February).
 - iii. To effectively reduce population growth rates, the capture of 80-100 percent of the actual population would be needed in order to apply PZP-22 to 70-90 percent of the breeding-age mares.
 - b. Should the above management actions not effectively slow population growth rates by a minimum of 5 percent per year, sex ratios could be further adjusted to slightly favor males (60/40 male/female sex ratio). This would be accomplished by managing the number of each sex returned to the WHT following future gathers.
5. Population estimation would be conducted through aerial inventory using scientifically-based methods and procedures to produce a reliable estimate of wild horse population numbers.
6. Fourteen miles of existing boundary fences and another ten to fifteen miles of riparian enclosure fences would be proposed for reconstruction within the next five years pending completion of additional site-specific NEPA analysis. Included is 5 miles of boundary fence between Emigrant Springs and Big Sage and 8 miles of boundary fence between Black Rock and Avanzino. The Crowder Mountain, Deadhorse, Emigrant Springs and Lauer Reservoir riparian enclosure fences would also be proposed for reconstruction.
7. Wide gates would be constructed in heavily traveled areas to encourage free-roaming behavior and improve distribution of wild horses in portions of the WHT.

Alternative 3 (Enhance Wild Horse Management)

This alternative would be the same as the Proposed Action, with the exception that additional management actions would be taken to enhance future wild horse management and assist in slowing population growth. Included could be removal of approximately 30-40 miles of existing interior division or riparian exclosure fences and the possible construction of additional water developments in areas such as Mowitz or Timbered Mountain that are not currently well-watered. Under this alternative, gathers to remove excess wild horses would be conducted only in those areas within the WHT where monitoring indicates resource conditions have deteriorated due to wild horse overpopulation/concentration or in areas where wild horses are permanently residing outside the WHT. Where feasible, gelded animals could be placed in areas within the WHT with the necessary habitat components, but where no or few animals presently exist. Such placement of gelded animals would be done only after it is determined the areas are suitable for the long-term management of wild horses.

Management Actions Common to All Alternatives

- Gather and removal operations would be conducted by either the BLM or the Forest Service.
- Gathers would be conducted in accordance with the Standard Operating Procedures (SOPs) detailed in the most current approved Gather Contract(s). The agencies have developed the SOPs over time to ensure the safe and humane care and handling of the animals. Future changes in the SOPs can be expected with additional experience.
- Gather methods would include the assistance of helicopters and the use of bait and/or water trapping.
- Opportunities for the public to view capture and removal operations would be made available as appropriate. The safety of the public, the animals, and the individuals involved in conducting capture and removal operations would be the highest priority at all times.
- Capture and removal operations conducted with the assistance of a helicopter would be limited to July 1 through February 29. When possible, due to terrain, weather, road access and other site-specific considerations, helicopter-assisted capture and removal operations would be scheduled for late September through October.
- Gathers would be scheduled as soon as reasonably practicable in order to remove excess wild horses and could begin in October 2013.
 - i. The highest priority would be to gather and remove wild horses residing outside the WHT and in areas where resource damage is occurring due to overpopulation.
 - ii. The second priority would be to gather and remove animals as necessary to achieve and maintain AML.
- Helicopter-assisted gathers would utilize a number of capture sites (traps) constructed from portable steel corral panels.
 - i. Gather operations would be supervised by a Contracting Officer's Representative (COR) with the assistance of one or more Project Inspectors (PIs).
 - ii. SOPs would be strictly enforced to ensure humane treatment and minimize stress to the animals.
 - iii. During gather operations, a veterinarian would be on call to treat any animals which may be injured.
 - iv. Captured animals would be transported in stock trailers or single deck semi-trailers to the nearest approved holding facility with the available space.
 - v. At the facility, the animals would be inspected by a veterinarian, treated for any injuries, and fed, watered, vaccinated, and prepared for adoption or long-term holding.
- Bait and/or water trapping would also be used to capture small numbers of animals residing outside the WHT, in areas with heavy tree cover, or in areas where there is excellent vehicle access.

- The first priority would be to place excess wild horses removed from the WHT in private care through adoption or sale to qualified individuals. Authorized agency personnel would be responsible for adoption compliance and title transfer of these animals.
- The second priority would be to place excess animals that are not adopted or sold in an approved long-term holding pastures or sanctuaries. Authorized agency personnel would be responsible for ensuring the animals are cared for in a safe and humane manner.
- Wild horse population numbers would be estimated based on the results of aerial inventory at intervals of about every 3 years and within 6-12 months of a planned gather and removal.
- Utilization by all herbivores would be limited to the following:
 - a. 30% on rangelands in unsatisfactory condition;
 - b. 50% on rangelands in satisfactory condition;
 - c. 30-40% on meadows in early seral status; also retain a 6-inch stubble height; ensure \leq 10% bare soil; and \leq 20% use on shrubs.
- Annual resource monitoring would continue. This includes:
 - a. Pre-livestock turnout monitoring in key wild horse-use areas.
 - b. Monitoring total herbivore use within established key areas (Landscape Appearance Method) at the end of the livestock grazing season.
 - c. Locating any additional key areas that may be necessary and monitoring total herbivore use within those areas.
 - d. Monitoring utilization, stubble height, bare soil (alteration) and use on shrubs (if applicable) of key springs, seeps and meadows annually using methods outlined in the MDF 2008 Implementation Monitoring Guide.
 - e. Animal condition would be observed as part of routine range and riparian monitoring (Henneke Body Condition Method).
- Severely injured or sick animals would be humanely euthanized by individuals specifically authorized to do so by the responsible official (Forest Supervisor).
- All activities pertaining to protection, management and control of wild horses would be documented.

Wild Horse Habitat Components and Current Conditions

The 1991 Forest Plan determined that the four essential habitat components (forage, water, cover and space) are present in sufficient amounts to maintain a self-sustaining population of healthy wild horses and allocated 4,400 AUMs for their year-round use. Monitoring indicates that forage is sufficient to maintain healthy wild horses when population size is at or near the AML of 275-335 animals during most years. However, winter range can become a limiting factor during severe winters as demonstrated by the loss of an estimated 53 percent of the animals in the herd during the winter of 1992.

Wild horse population size has continued to exceed the AML upper limit since 2002. Since 2006 when the last helicopter gather to remove excess wild horses was conducted, actual use by wild horses has exceeded by 140-328 percent of the forage allocated for their use in the 1991 Forest Plan. At the present time, wild horse population size is estimated at 994 animals (about 3.0 times the AML upper limit). Of these an estimated 174 animals (17.5 percent) are residing outside the WHT. Observations over time indicate that as the population has increased, the number of wild horses moving outside the WHT has increased. This may indicate a lack of space for the current population. In the past when wild horse population size was maintained at or near the established AML, there was little or no evidence of animals leaving the WHT.

Resource monitoring indicates that the availability of year-round water may be a limiting factor for wild horses in Mowitz and that no wild horses are currently presently in the Potters area. Monitoring indicates wild horse numbers appear to be within the available capacity in the

Surveyors Valley area, but may be above the available capacity in the Emigrant Springs-Pine Springs-Black Rock and Boles Tank areas as demonstrated by the following:

- Little or no residual feed remained in the spring of 2012 in the due to moderate or heavier use by wild horses during the fall-winter-spring of 2011-2012.
- In Pine Springs, about 11 sections of burned areas have been negatively impacted by heavy utilization, trailing and trampling.
- Medusahead (an invasive annual grass) has become established on approximately 11,000 acres in deeper soils in open areas (areas with little or minor amounts of juniper) and around stock tanks and riparian floodplains in the southern portion of the Emigrant and Pine Springs allotments.
- In Timbered Mountain, the livestock operator has been unable to graze his permitted livestock in the Black Rock area for five out of the past seven years due to wild horse concentration/overpopulation. At the same time, relatively few wild horses are using other areas of Timbered Mountain and opportunity may exist to develop some additional water developments to encourage use by wild horses in these areas.
- Loafing, trailing and trampling by wild horses were evident throughout much of the Timbered Pasture within the Carr Allotment (livestock rest-pasture in 2012). Uplands adjacent to and south of Boles Tank were altered by 72% in June due to trampling by wild horses (livestock rest-pasture in 2012). Wild horses have excavated large holes near Boles Tank in search of salt or minerals.
- Additionally, in the Boles Tank area, year-round wild horse use has impacted plant vigor and species diversity. *Danthonia unispicata* is one grass species present that is abundant in ungrazed portions of upland rangelands near Boles Meadow, but is missing entirely from the adjacent Boles Tank area.
- About 14 miles of existing boundary fence (5 miles between the Emigrant Springs and Big Sage area and 8 miles between the Avanzino and Black Rock areas) is no longer functioning properly and needs to be re-constructed. Another 10-15 miles of riparian exclosure fences at Crowder Mountain, Dead Horse, Emigrant and Lauer Springs Reservoirs are no longer functioning properly.
- Year-round use by wild horse numbers in excess of the established AML is contributing to the nonfunctional condition of a number of springs and seeps within the WHT. These areas exhibit bare soil/trampling in excess of 70%, stubble heights of less than 2 inches remaining by September and October, denuded vegetation, and the presence of annuals and other undesirable plants.

Appendix A

Summary of Comments in Response to the MDF's July 27, 2011 Scoping Notice

On July 27, 2011, the MDF issued an initial scoping notice concerning our proposal to update the Devil's Garden Plateau Wild Horse Territory Plan. In response to the initial scoping notice, written comments from 18 individuals, groups, local and/or state government or other agencies and email comments from 2,382 individuals were received.

Index of Scoping Comments Received

No.	Commenter	Dated	Received
1.	Bill Phillips	8/1/11	8/2/11
2.	Don Alexander	Undated	8/15/11
3.	The Wildlife Society	Undated	8/22/11
4.	Modoc County Board of Supervisors	8/23/11	8/25/11
5.	Emily Pompei	8/26/11	8/26/11 (email)
6.	American Wild Horse Protection Campaign	8/30/11	8/30/11
7.	BLM Alturas Field Office	8/30/11	8/30/11
8.	Sherry Oster	8/29/11	8/29/11
9.	Carla Bowers	8/29/11	8/30/11 and 9/25/12
10.	Modoc Cattlewomen	8/30/11	8/30/11
11.	Modoc County Cattlemen's Assn.	8/29/11	8/30/11
12.	Lee Chesterfield	8/24/11	8/26/11
13.	Judith Fader	8/29/11	8/29/11
14.	Craig Downer	8/28/11	8/30/11
15.	Janet Bindas	8/30/11	9/1/11
16.	Janet Lynch	8/28/11	8/29/11
17.	K. Gregg	8/28/11	8/30/11
18.	Modoc County Farm Bureau	8/30/11	8/30/11
19.	Email Comments - Heather Jakusz, et al	8/31/11	8/31/12

Scoping Comment Analysis

1. If releasing animals to enhance genetic variability, release mares, not studs (1).
2. All male animals should be castrated, do not release studs back to the range (2).
3. Large herbivores (both native and non-native) disturb landscapes by trampling soils and vegetation, selectively grazing palatable plants, and altering distribution of nutrients in the ecosystem (3).
4. The presence of horses can affect distribution of native species and the use of the habitat (3).
5. Primary emphasis should be placed on the habitat needs of native plants and animals when developing horse management plans (3).
6. Surveys and removals should be conducted in a timely manner to minimize impacts on natural resources that can result from the overpopulation of wild horses (3).
7. The horse management plan should not be based solely on fertility control given the uncertainty, logistical difficulty, and expense (3).

8. Manage populations at the Acceptable Population Level using statistically valid sampling methodology (3).
9. The continuing increase in (wild horse) numbers is impacting wildlife habitat, water quality, livestock grazing and may threaten the vast investment of time and resources being made to enhance Sage Grouse habitat (4)(11).
10. A lower range of AML should be set and gathering aggressively continued until it is achieved (4) (18).
11. The AML range should be lowered to provide for an increased interval between gathers (18).
12. Bands of horses outside the designated Territory should be given first priority for gathering (4).
13. An aggressive effort to achieve AML should be undertaken before secondary goals (horse characteristics, sex ratios, genetic diversity and fertility control) are considered (4)(11) (18).
14. The use of helicopters should be the primary gathering tool, complemented with the use of bait trapping (4)(10)(11)(18).
15. Wild horses should be given priority over private livestock by reducing forage allocations to livestock and increasing AML to the current population level of wild horses (5)(6)(8)(9)(13)(16)(19).
16. Animal populations should be managed through the uses of PZP to drastically reduce or eliminate the need for removals (5)(6)(8)(9)(13)(16)(17)(19).
17. Animal populations should not be reduced to low range of AML if fertility control is used (5)(6).
18. Natural population controls should be encouraged-avoid programs that destroy predators (5)(6)(9)(13)(14)(15)(16)(17).
19. Natural sex ratios should be maintained and should never go beyond 50:50, males to females (5)(6)(9)(13)(14)(15)(16)(17)(19).
20. Permanent sterilization (spaying, gelding) should be prohibited (5)(6)(8)(13)(16)(17)(19).
21. Herds should be managed for genetic diversity and strength and not for a particular animal characteristic (5)(6)(9)(13)(16)(17)(19).
22. A program of range restoration, water enhancements should be undertaken to maximize habitat for wild horses and encourage utilization of entire range (5)(6)(9)(13)(16)(17)(19).
23. Removals should be incremental (not more than 50 per year) to allow for natural mortality and protect from population crashes (5)(6)(13)(16)(17)(19).
24. Utilize least intrusive gather methods than helicopters, including horsemanship, water and bait trapping (5)(6)(8)(9)(12)(13)(16)(17) (19).
25. Capture and remove horses in intact social groups in order to minimize trauma and stress (5)(6)(8)(9)(13)(16)(17)(19).
26. Horses found outside the Territory should be relocated back inside the Territory instead of removing them (6).
27. EA should include an economic analysis for gather plan including all costs associated with capture operation itself, costs for short and long-term holding, and adoption preparation for all animals removed (5)(6)(8)(13)(16)(17)(19).
28. EA should include a full accounting of all resource allocations, including full disclosure of AUM and water allocations. Scientific justification supporting AML of 275-335 should be provided (5)(6)(8)(9)(13)(16)(17)(19).
29. EA should include a full listing of predator killing activities in and around Territory (5)(6)(8)(9)(13)(16)(17)(19).
30. Management plan should adhere to recommendations by HSUS (cameras mounted on gather helicopter and at trap and holding corrals) (6).
31. Prohibit gather of animals during temperature extremes, both hot and cold (6).
32. In order to maintain transparency, management plan should allow for observers to watch the gathering of animals every day (6)(15).
33. Management plan must thoroughly analyze the behavioral and social impacts associated with sex ratio skewing (6)(9).

34. Plan must contain an analysis of specific range data that supports the claim that horses, and not livestock are overpopulating the range and/or causing resource damage (6)(12).
35. Outline all water sources in the Territory, including how fencing in and around the Territory and engineering of wells and springs for livestock has impacted water availability for wild horses and other wildlife species (6).
36. All genetic analysis must be included in analysis and potential impact of AML and associated future removals (6).
37. Analysis should include listing of all grazing allotments and corresponding livestock numbers and AUMs, and water allocations (6)(12)(14)(15)(16).
38. The management plan must disclose those areas where horses have been excluded and identify where horses were previously allowed (6).
39. Annual reductions or increases in livestock use must be disclosed (6).
40. Analysis must provide a clear delineation of livestock vs. wild horse AUMs.
41. Management plan must provide a full listing of all range improvements made in the Territory over the past 5 years (6).
42. Management plan must disclose the length and location of all fencing in Territory (6).
43. Management plan must include detailed information on herd monitoring – LIST (6).
44. Management plan must include analysis of impacts on wild horses from removal, transport and short and long-term holding –LIST (6).
45. Management plan must include full accounting of costs of removing and maintaining animals from Territory – LIST (6).
46. Management plan must address specifics of fertility control-LIST (6).
47. Management plan must include specifics associated with skewing sex ratios to 50:50 (6).
48. Manage wild horse populations to ensure there are more horses than elk inhabiting the area (9).
49. Ensure that the analysis of thriving natural ecological balance includes all multiple uses of forage and water in the territory and that livestock are not considered part of the TNEB on public lands (9).
50. Analyze other multiple uses of Territory lands, current and future, that may present conflicts with wild horses and require mitigation, such as mining, geothermal, oil and gas, wind, etc. (9).
51. Wild horses in the Territory should be managed as a cultural resource as per the WH&B Act, not just as a natural resource (9) (18).
52. Animals should not be brought in from the outside as animals currently in the territory are perfectly adapted to the area (9).
53. The amount of horses in the area is above levels set in prior plans and have made it difficult for many producers to graze in an economic and environmentally feasible way (10)(11).
54. Wild horses are causing major impacts to waterholes, riparian areas and forage in the Territory (11).
55. Natural selection, not artificial selection should determine the characteristics of the herd (11).
56. Minimum herd size of 150-200 is too low for genetically viable population (14)(16).
57. Herd should be managed by “Reserve Design” method, that is ceasing eradication of predators, employing natural barriers to limit population expansion, and allowing density factors to limit wild horse populations (14).
58. Many of the fences in the territory should be removed as livestock numbers are reduced (14).
59. Instead of removing animals from outside the Territory, cooperative agreements should be developed to allow animals to stay in those areas (14).
60. Please support the management of a large herd in the Territory and an increase in their AMLs of 500-750 low to high (9).
61. Manage wild horses in their family bands as a protected wildlife species, not as livestock (9).