

**Attachment 4. Determination of Excess Wild Horses
Spring Mountain Wild Horse and Burro Territory**

**Spring Mountains National Recreation Area
Humboldt-Toiyabe National Forest
Clark County, Nevada**

This document is prepared in support of the Emergency Response Decision Memorandum for the 2018 Emergency Wild Horse Gather near Cold Creek, Nevada.

Forest Service regulations for implementing the Wild Free-Roaming Horse and Burro Act of 1971 are found at 36 CFR 222. The regulations direct the Forest Service to remove excess wild horses or burros as follows:

§222.69 Relocation and disposal of animals.

(a) The Chief, Forest Service, shall, when he determines over-population of wild horses and burros exists and removal is required, take immediate necessary action to remove excess animals from that particular territory. Such action shall be taken until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from deterioration associated with over-population.

The Wheeler Pass Joint Management Area (JMA) is made up of the Spring Mountain Wild Horse and Burro Territory (WHBT), which encompasses approximately 102,221 acres within the Humboldt-Toiyabe National Forest's Spring Mountains National Recreation Area, and the Wheeler Pass Herd Management Area, which is approximately 275,000 acres within the Southern Nevada Bureau of Land Management (BLM) District.

The Appropriate Management Level (AML) for the 377,221-acre JMA is 47-66 wild horses and 20-35 burros. The AML for National Forest System lands was established by the 1996 Spring Mountains General Management Plan. The AML for the BLM lands was established by the 2005 Decision Record and EA NV-052-05-399 Johnnie, Muddy Mountains, and Wheeler Pass Herd Management Areas, Establishment of Appropriate Management Levels. The JMA is currently overpopulated. The March 2018 estimate for the JMA is 275-325 wild horses, which is 392 percent above the high end of the AML range. There are an estimated 228-259 excess wild horses in the JMA.

Due to prolonged drought and overgrazing by excess wild horses, range conditions in the Cold Creek area of the JMA have degraded to the point that the area can no longer sustain wild horses (Attachment 1. Range and Wild Horse Assessment). Utilization transects conducted in April 2018 showed almost no forage available.

The BLM conducted census flights over the Cold Creek area of the JMA during the week of April 23, 2018. They found approximately 200 wild horses in poor body condition (i.e., Henneke Body Condition Score of 3 or less) between Cold Creek and Gold Spring. Immediate removal of excess horses from the Cold Creek area of the JMA is required to allow the

ecological recovery of the range, and to protect the range from further deterioration associated with over-population.

After removing the estimated 200 excess wild horses in the Cold Creek area, the wild horse population in the JMA is expected to be approximately 75-125 horses. While the JMA will remain above AML after the emergency gather, removal of the remaining excess animals is not immediately necessary at this time. Horses in the other portions of the JMA currently have access to more forage; removal of the excess horses near Cold Creek will mitigate the immediate impacts of the existing emergency situation. The Forest Service and BLM will continue to work on completing the Spring Mountains Wild Horse & Burro Complex Herd Management Area Plan Environment Assessment, which will provide long-term management direction for the JMA, including possible adjustments to the AML.

The regulations at 36 CFR 222.69 (c) (1) through (5) specify that wild horses or burros shall be relocated or removed in the following order of priority:

- (1) In the most humane manner possible, sick, lame, or old animals shall be destroyed;
- (2) Relocate animals to other National Forest System lands which were identified as 1971 wild horse or burro territory, providing suitable habitat exists and relocation of animals will not jeopardize vegetation condition;
- (3) Relocate animals to other federally-owned lands which were identified as 1971 wild horse or burro occupied lands, providing suitable habitat exists and relocation of animals will not jeopardize vegetation condition and animals are requested by the appropriate land manager having jurisdiction;
- (4) Place animals under private maintenance and care agreements where there is an adoption demand by qualified individuals, groups, or Government agency, and for which there is assurance of humane treatment and care, provided not more than four animals are placed under private maintenance and care agreements per year to any individual, organization, or government agency unless there is a determination expressed otherwise in writing, by an authorized Forest Service Officer; and
- (5) Excess animals, for which an adoption demand by qualified applicants does not exist, shall be destroyed in the most humane manner possible, and if several methods are equally humane, select the most cost efficient.

Once the wild horses are gathered, a USDA - Animal and Plant Health Inspection Service veterinarian will assess the health of each horse. Consistent with 36 CFR 222.69 (c)(1), the Forest Service will treat all horses humanely. After the wild horses' health is assessed, some wild horses may need to be euthanized because they are too sick, lame or old (36 CFR 222.60) to recover. The need for euthanasia will be determined by the Contracting Officer's Representative in consultation with the USDA - Animal and Plant Health Inspection Service veterinarian.

Relocation of excess wild horses to other National Forest System wild horse or burro territories or federally-owned lands identified as 1971 wild horse or burro occupied lands is not an option at this time. National Forest System (NFS) wild horse or burro territories on the Humboldt-Toiyabe National Forest are currently estimated to be 250% over AML; nationally, NFS wild

horse or burro territories are estimated at 250% over AML as of April 2018 (USDA Forest Service Response to House Report 114-281, dated April 23, 2018).

As of March 2017, wild horse or burro occupied lands managed by the BLM Nevada are estimated at approximately 171% over AML (September 2017 presentation to Sagebrush Ecosystem Council by John Axtell of BLM Nevada). Nationally, BLM wild horse or burro occupied lands are approximately 220% over AML as of the end of 2017 (USDI Bureau of Land Management Report to Congress, undated).

The excess wild horses removed from the JMA will be transported to the BLM holding facility in Ridgecrest, California, where they will be transitioned to domestic feed, tested for Equine Infectious Anemia (Coggins Test), receive required vaccinations, de-wormed, obtain a unique freeze mark number, and entered into the BLM's Wild Horse and Burro Program System (WHBPS). Studs will be gelded.

Once the horses have transitioned and are deemed healthy, qualified horses will be offered for adoption and or sale 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. Horses that are not adopted will be cared for either in BLM short-term corrals or long-term pastures.