Fish Springs Wild Horses PZP Pilot Project

Decision Record

DOI-BLM-NV-C020-2014-0011-DNA

April 2014

BLM

Sierra Front Field Office, Nevada

Introduction

The Return to Freedom American Wild Horse Preservation Campaign (RTF) has proposed to the Bureau of Land Management (BLM), Sierra Front Field Office, to conduct a one-year pilot project to administer liquid porcine zona pellucide (PZP) to all mares one-year of age and older residing in the Fish Springs area. Fish Springs is located in the wildland urban interface east of Minden/Gardnerville, Douglas County, Nevada (Figure 1). The BLM would enter into a Memorandum of Understanding with RTF if this project were to be extended beyond the first year.

Approximately 30 to 40 wild horses frequent the Fish Springs residential community. To deter residents from placing water troughs for the wild horses on their private property, in December 2013 the BLM authorized the placement of a water trough on public land (Township [T]13 N Range [R] R21 E, Section 28) (DOI-BLM-NV-C020-2014-0005-DNA).

The project area is located approximately 10 miles south of the Pine Nut Mountain Herd Management Area (HMA), although it is within the Herd Area (HA) (Figure 1). The project area is the vicinity of the water trough where these 30 to 40 wild horses are most likely to be found (T14 N R20E, Sections 24, 25, 36, T14N 21E Sections 13-36, T 14N 22E Sections 18-19, 30-31, T13N 21E, Sections 1-36, T13N 22E, Sections 4-6, 7-9, 15-22, 27-30, 31-33, T12N 21E, Sections 1-5, 9-12, and T 12N 22E, Sections 4-9, 17-18). The area is approximately 69,000 acres of public and private lands (Figure 2).

The objective of this action is to achieve zero population growth, and over time, through natural attrition, reduce the number of wild horses residing outside the HMA. If successful, this pilot project may be expanded to other areas within or adjacent to the HMA. The most recent census of wild horses residing in the HMA in May of 2012 was 293 animals. The Appropriate Management Level (AML) for the HMA is 119-179 animals.

The BLM is considering this pilot project as an alternative to periodic gathers to reduce or remove wild horses. The most recent gather occurred in 2010, when the BLM removed 43 wild horses residing outside the HMA in the Buckskin Range and 22 mares in the Dayton area were treated with PZP before being re-released into the HMA.

Presently the BLM has limited capacity to remove wild horses and is doing so only in emergency situations. Regular administration of PZP to mares can lead to reduced or no population growth. This pilot project would dart mares remotely, and/or bait/water trap mares that could not be darted. An certified darter would administer the PZP over two, 10-day visits. Under this pilot project, PZP would be administered in April 2014 and a booster would be applied in May 2014 or later. Approximately 20 to 25 mares would be treated with PZP.

Data and photos would be collected on all treated mares including: physical markings, band affiliation etc. The effectiveness of PZP application would be documented by monitoring changes in herd foaling rates.

The project area (Figure 2) includes privately-owned lands; at the time of PZP administration, wild horse herds may be residing on private lands. Prior to entry onto private lands the BLM

would obtained written permission from the landowner. During project implementation, motorized vehicles will remain on existing roads. Off-road use of motorized vehicles on public lands will not be permitted.

Mitigation measure. If the BLM determines that water and/or bait trapping is necessary, the temporary use of catch corral(s) would occur. If the site for the catch corral(s) is undisturbed, the BLM would first survey the site to ensure that cultural resources are not present. If determined present, the site may be moved to avoid affecting cultural resources.

The BLM has determined that the analysis for the use of PZP and bait and/or water trapping contained found in the *Pine Nut Herd Management Areas Gather Plan Environmental Assessment* is sufficient for this project. A Determination of NEPA Adequacy (DOI-BLM-NV-C020-2014-0011-DNA) has been tiered from the final EA, Finding of No Significant Impact and Decision Record, approved on October 20, 2010. These documents are hereby incorporated by reference.

Public Involvement

On August 23, 2010 the BLM provided a 30-day public comment period on the Clan Alpine, Pilot Mountain, *Pine Nut Herd Management Areas Gather Plan Environmental Assessment* (EA) (DOI-BLM-NV-C020-2010-0019-EA). A dear reader notification letter was sent to 61 individuals, organizations, and agencies on the project mailing list, including the Nevada State Clearinghouse. A news release was issued; articles appeared in the *Lahontan Valley News*, *My News 3**, *My News 4**, *Reno Gazette-Journal* (*web versions) and the *Mineral County Independent*. The comment period closed on September 23, 2010. On October 20, 2010 the BLM signed a Finding of No Significant Impact and Decision Record, which is hereby incorporated by reference.

In 2013 the BLM held a series of public workshops on the issues concerning the management of the Fish Springs area wild horses. One meeting was held at the BLM, Carson City District Office on June 26, 2013, and two meetings were held at the East Fork Fire Station in Fish Springs, Nevada on July 17 and July 31, 2013. The BLM issued a press releases on June 21, July 7 and July 24, 2013. Articles appeared in the *Virginia City News*, *This is Reno* on July 24, 2013, along with multiple wild horse advocacy group webpages. BLM staff were available for discussion and to answer questions, and to make a presentation. Approximately 50 individuals attended the workshop at the BLM office, while 100-130 individuals attended the two workshops in Fish Springs.

Land Use Conformance

This action is in conformance with the Carson City Field Office Consolidated Resource Management Plan under the following section:

- WHB-1, objective 1: "Protect, manage, and control wild horses and burros on public lands as an integral part of the public land's ecosystem."

Authority

Implementation of the Proposed Action is under the authority of the Federal Land Policy and Management Act of 1976 and the Wild Free Roaming Horses and Burros Act of 1971. Specific regulations that allow for the use of PZP are covered by the following regulations:

- 43 CFR 4700.0-6 (a): "Wild horses shall be managed as self-sustaining populations of healthy animals in balance with other uses and productive capacity of their habitat."

- 43 CFR 4710.4 Constraints on management. "Management of wild horses and burros shall be undertaken with limiting the animals' distribution to herd areas…"

Rationale

The BLM would implement this pilot project as an alternative to periodic gathers to reduce or remove wild horses. Although all wild horses described here are located outside of an HMA, the BLM is currently precluded from wild horse gathers except in emergency situations. No alternative method is currently available to reduce or achieve zero population growth in the wild horse herds that reside in the Fish Springs area. Given that the population growth of wild horses herds can exceed 15 percent per year, increasing populations of wild horses in the Fish Springs area could increase horse-people conflicts and public safety issues, such as collisions with motor vehicles.

Decision

My Decision is to authorize the use of PZP for this pilot project. I have determined that the existing analysis is sufficient for this action and this action is in conformance with the existing land use plan.

Leon Thomas
Field Manager
Sierra Front Field Office

4-3-2014
date

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Leon Thomas
Field Manager
BLM, Sierra Front Field Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.