

**Decision for the Black Rock Field Office  
Jackson Mountains Wild Horse Gather Plan  
Final Environmental Assessment  
DOI-BLM-NV-W030-2021-0005-EA**

## **INTRODUCTION**

The Jackson Mountains Herd Management Area (HMA) is located approximately 60 miles west northwest of Winnemucca, Nevada. The Jackson Mountains HMA is approximately 283,000 acres in size, with 274,510 acres of public lands and 8,490 acres of private land. This is considered the primary gather area, although the total gather area is approximately 775,000 acres to encompass horses that have moved outside the HMA boundaries in their search for water, forage and space, and are residing in non-HMA areas (see Map 1). The gather area is bordered on the west by the Black Rock Desert, on the east by Desert Valley, on the north by State Highway 140 and the Quinn River, and on the south by the Union Pacific Railroad.

Based on the most recent aerial census, the USGS data analysis, also accounting for foal crops; the Jackson Mountains HMA and surrounding area has approximately 451 wild horses, or more than double the Appropriate Management Level (AML) range. The overpopulation of wild horses has resulted in degradation of range resources and decreased wild horse body condition. The removal of excess animals from within and outside the Jackson Mountains HMA is necessary to protect the range from further resource degradation, allow for recovery of vegetative and riparian resources and ensure a thriving natural ecological balance.

## **DECISION**

Based on the Jackson Mountains Wild Horse Gather Plan Final Environmental Assessment (EA), DOI-BLM-NV-W030-2021-0005-EA, and associated Finding of No Significant Impact (FONSI), it is my decision to implement the Proposed Action (Alternative A) for the Jackson Mountains Gather as described in the EA.

This Decision authorizes a 10-year gather plan to implement the removal of excess wild horses and to use phased gathers as necessary to achieve low AML and to implement fertility controls and non-breeding components within Alternative A to maintain population within the AML range for the Jackson Mountains HMA.

Pursuant to the criteria set forth at 43 CFR 4770.3(c), this decision is effective immediately and implementation of the selected tools within Alternative A are approved to begin once funding and holding space become available.

## **RATIONALE**

Removal of excess WHB from the gather area is necessary to comply with Section 1333(b) (1) of the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA) and Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976.

The selected tools from Alternative A would be implemented immediately upon funding and holding space availability.

The selected alternative will:

- Promote vegetative health by preventing over utilization and/or use by wild horses during critical growth periods for perennial grasses in the upland, wetland and stream bank riparian habitats associated with the Jackson Mountains.
- Decrease resource competition for space, forage and water among wild horses, wildlife and livestock.
- Contribute to improved vegetation density, increased plant vigor, seed production, seedling establishment, and forage production over current conditions by reducing grazing pressures caused by excess wild horse/burro numbers.
- Reduce the population growth rate by implementing non-breeding components, along with fertility control treatment on mares within the Jackson Mountains HMA. Use of fertility control vaccines along with intrauterine devices (IUDs) and minimally invasive mare sterilization has the potential to reduce population growth rates more effectively than reliance on vaccines alone. No more than one fertility control method would be applied to a given mare at any one point in time.
- Remove excess wild horses from public lands as required under the WFRHBA.
- Preserve the health and wellbeing of the wild horses/burros removed from the range that are competing for limited forage and water.
- Provide sufficient opportunity for vegetative and riparian resources to recover over the 10-year period by maintaining the wild horse population within the AML range.

The action complies with the WFRHBA by achieving the established AML in the HMA through removal of excess wild horses, preventing further degradation of rangeland resources resulting from the presence of excess wild horses, and providing sufficient time for rangeland resources to recover by maintaining the wild horse population within AML. This assessment is based on factors including, but not limited to the following rationale:

- Based on the most recent aerial census, the USGS data analysis, which does not include foals born post- aerial census; the Jackson Mountains has approximately 451 wild horses as of March 2022.
- Water is a limited resource within the HMA. There are several small springs and seeps that are ephemeral and dependent on yearly precipitation. Range improvements are present in the gather area, but most water projects are dependent on variable spring flows.

The following constitutes the rationale for making this decision effective upon issuance:

With the collaborative effort to uniformly manage the wild horse populations within the entire gather area, BLM seeks to remove excess animals to bring the wild horse population within that landscape down to low AML, and to implement population

controls that will maintain population levels within the AML of 130-217 for wild horses over the next ten years.

Given the previous drought conditions, reducing wild horse populations to AML within the HMA and removing excess animals from outside the HMA would reduce impacts to the range and riparian resources. Due to the excess numbers of wild horses, available water sources on the range resource are being negatively impacted. This is reflected in degraded range conditions within and outside of the HMA.

Water or bait trapping can be used as a supplement to helicopters to gather wild horses. Water/bait trapping activities would be scheduled in locations and during time periods that would be most effective to gather sufficient numbers of animals to achieve management goals. Existing watering sites would be preferred. Water or bait trapping can be utilized year-round.

I selected implementation of Alternative A, over the other Alternatives for the following reasons:

The selected tools would achieve and maintain the established AML within the Jackson Mountains HMA consistent with the LUP and management objectives for these public lands.

The selected tools would reduce population growth rates of the wild horses within the HMA at a faster rate, reduce costs associated with gathers and removals, and would also reduce the number of excess animals entering the short and long-term holding facilities over the 10-year decision time frame. While fertility control vaccines are expected to have low effectiveness without repeated application (i.e., booster doses), IUDs are expected to lead to longer-term (but reversible) infertility in those open mares that are suitable for treatment. Similarly, minimally invasive mare sterilization methods are expected to lead to lifetime infertility in treated mares. These methods have been demonstrated to be humane, safe and effective in domestic mares. Having a small component of mares that are treated with longer-term fertility control measures should reduce the overall herd growth rates, while still allowing for the herd in the HMA to be self-sustaining.

I selected implementation of the selected tools from Alternative A over the No Action Alternative for the following reason:

Under the No Action Alternative, no gathers, removals, or fertility control treatments would occur, and excess wild horses would remain on public and private lands within the gather area, where they are causing resource degradation. The No Action Alternative would not achieve the identified Purpose and Need and is contrary to the WRFHBA and 43 CFR Part 4700; however, it is analyzed in this EA to provide a basis for comparison with the other action alternatives, and to assess the effects of not implementing management actions at this time.

I have determined that the tools selected for implementation of Alternative A in the Jackson Mountains Wild Horse Gather Plan EA are in conformance with:

All applicable regulations at 43 CFR (Code of Federal Regulations) Part 4700 and BLM policies, as well with the 1971 Wild Free Roaming Horses and Burros Act. More specifically, these management actions are consistent with the following land use plans:

- Winnemucca Resource Management Plan, May 2015
- Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA) and Associated Wilderness, and other Contiguous Lands in Nevada, July 2004
- Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment, (GRSG Plan Amendment), 2019
- Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment, (GRSG Plan Amendment), 2015

The Jackson Mountains Gather Plan is consistent with the plans and policies of neighboring local, county, state, tribal and federal governments to the greatest extent practical, and is in compliance with all applicable federal laws.

## **PUBLIC INVOLVEMENT**

### ***Consultation and Coordination in Development of Preliminary EA***

Consultations with the Nevada Department of Wildlife, U.S. Fish and Wildlife Service, livestock operators and others, underscores the need for BLM to implement management actions to remove excess wild horses, slow the rate of population growth, and maintain the wild horse population within the AML range over a sufficient period of time to provide for rangeland resource recovery.

Public hearings are held annually on a state-wide basis regarding the use of helicopters or other motorized vehicles in the management of wild horses or burros (inventory, gather operations, and transport). During these meetings, the public is given the opportunity to present new information and to voice any concerns or opinions regarding the use of motorized vehicles in the management of wild horses and burros.

The BLM has been gathering wild horses and burros from public lands since 1975, and has been using helicopters for such gathers since the late 1970's. Refer to Appendix A of the Jackson Mountains Gather EA for information about methods that are utilized to reduce injury or stress to wild horses during gathers. Since 2004, BLM Nevada has gathered and removed over 40,000 excess animals from the public lands. Gather related mortality has averaged 0.5%, which is very low when handling wild animals. Another 0.6% of the animals captured were humanely euthanized due to pre-existing conditions and in accordance with BLM policy. This data confirms that the appropriate use of helicopters and motorized vehicles constitutes a safe, humane, effective, and practical means for gathering and removing excess wild horses from the range. BLM policy prohibits the gathering of wild horses with a helicopter (unless emergency

conditions exist) during the period of March 1 to June 30 which includes and covers the six weeks that precede and follow the peak of foaling (mid-April to mid-May).

### ***Preliminary EA***

The Preliminary Jackson Mountains Wild Horse Gather Plan EA DOI-BLM-NV-W030-2021-0005-EA was made available to interested individuals, agencies and groups for a public review and comment period that opened on August 25, 2021 and closed September 26, 2021. This interested party list included approximately 135 individuals, organizations, county officials, and state and federal agencies. Among these was the Nevada State Clearinghouse which made the interested party letter available for review by different agencies from around the state. The EA and associated documents were also available from the BLM's NEPA Register, and a link to the NEPA Register was provided on the Winnemucca District's NEPA website.

The BLM received approximately 3,800 comment submissions during the public comment period, the vast majority of which were form letters. All comments were reviewed and considered. Letters and e-mails were received both in support of and in opposition to the Action Alternatives.

BLM's review of public comments indicated that minor substantive changes to the conclusions presented in the preliminary EA were warranted. Consideration of substantive comments led to changes in the document to better explain and clarify BLM's analysis. This resulted in a more comprehensive and complete document. In finalizing the EA, the following information was updated:

- Updated Alternatives 1 and 2 to include side effects of IUDs, spaying, and gelding.

### ***Native American Consultation***

Tribal consultation was undertaken for this project by contacting those tribes which were determined might have an interest from their current and traditional locations. A project proposal letter was sent on 7/23/21 to the Burns Paiute Tribe, Lovelock Paiute Tribe, Summit Paiute Tribe, and Winnemucca Indian Colony. On 7/30/21 the Winnemucca Indian Colony responded with questions regarding Environmental Justice concerns and requesting to involve the Bureau of Indian Affairs. The BLM responded to these concerns in a reply letter on 8/13/21, no response followed. The Preliminary Environmental Assessment was sent on 8/30/21 to the Burns Paiute Tribe, the Fort McDermitt Paiute-Shoshone Tribe, the Lovelock Paiute Tribe, the Reno-Sparks Indian Colony, the Summit Lake Paiute Tribe, and the Winnemucca Indian Colony. A coordination-information sharing meeting was held with the Reno-Sparks Indian Colony Tribal Historic Preservation Officer (THPO) on 1/20/22 and the project was discussed therein. During this meeting THPO requested all previous cultural inventories done in the area to be sent to her to review, this was done on 1/27/22. A consultation meeting was had with the Summit Lake Paiute Tribe on 2/19/22 and the project was discussed therein. A second coordination-information sharing meeting was held on 4/26/22 with the Reno-Sparks Indian Colony THPO and the project's status was reviewed, with no further comments at that time.

### ***AUTHORITY***

The authority for this decision is contained in Section 1333(b)(1) of the 1971 WFRBA, Section 302(b) of FLPMA of 1976, and at 43 CFR Part 4700.

### ***APPEAL PROVISIONS***

Within 30 days of receipt of this wild horse and burro decision, you have the right to appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed, “Information on Taking Appeals to the Board of Land Appeals.” Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days of receipt of this decision you have a right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the enclosed form titled “Information on Taking Appeals to the Board of Land Appeals.” The appellant has the burden of proof to demonstrate that a stay should be granted.

A petition for a stay of 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 of 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.

For any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.401 (c) (2)).

/s/ Mark E. Hall

Mark E. Hall  
Field Manager  
Black Rock Field Office Manager

31 May 2022

Date