



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
National Headquarters
Washington, DC 20240
<https://www.blm.gov>



DECISION RECORD
for **Wild Mare Fertility Control Research**
DOI-BLM-HQ-2600-2022-0001-EA

April 10, 2023

I. DECISION

DOI-BLM-HQ-2600-2022-0001-EA describes a Proposed Action that includes three distinct research studies that will each test the contraceptive effects of separate potentially long-lasting fertility control treatment for wild mares. The three studies that compose the Proposed Action were analyzed separately within the EA, which is incorporated by reference in this Decision Record.¹

Research study A is a 3-year trial of oocyte growth factor (OGF) vaccine, as described in the EA, including in section 2.2.2.A and in EA appendix D. Research study B is a trial of a form of porcine zona pellucida (PZP) vaccine known as SpayVac, that will last up to five years, as described in the EA, including in section 2.2.2.B and in EA appendix E. Research study C is a four-year study of the intrauterine device (IUD) design known as the iUPOD, as is described in the EA, including in section 2.2.2.C and in EA appendix F.

It is my decision to authorize the implementation of research study A and research study B at this time. Although this decision authorizes each of these two studies, the implementation of one study does not depend on the implementation of the other study, and the BLM may choose to implement studies A and B independently, concurrently, or sequentially. The specific timeline for implementation of each of the two authorized studies will depend on multiple factors, including, but not limited to, available appropriations and staff availability.

This decision does not authorize the implementation of study C. If the BLM authorizes study C in the future, it will do so through a separate decision. This decision also does not authorize any wild horse herd management actions. For example, this decision does not authorize the BLM to gather any wild horses and burros for purposes of administering fertility control treatments, nor does it authorize the implementation of any fertility control treatments for purposes of managing wild horse and burro populations. Any future decisions authorizing the use of any of the new

¹ Certain portions of study C were analyzed in DOI-BLM-NV-W030-2019-0019-EA, which is also incorporated by reference in this Decision Record.

fertility control methods being investigated in the authorized research studies in a management context would involve separate decision-making and NEPA processes.

BLM contracting officers' representatives assigned to any facility contracts will be responsible for ensuring contract personnel abide by the contract specifications and the comprehensive animal welfare program (CAWP; Appendix B) when conducting any studies using contracted facilities. Animal care will also be in keeping with protocols approved by the Institutional Animal Care and Use Committees of the participating research institutions for each study. The fertility control vaccines in studies A and B will be handled with extreme care, making use of appropriate personal protective equipment, such as is used for application of GonaCon vaccine or ZonaStat-H vaccine. BLM will continue to contract with attending veterinarians at any WHB facilities involved with the studies, so that there is veterinary care available as needed. Ongoing monitoring of animal health will continue. This will include monitoring of potential injection site reactions for studies A and B. Response variables that would be recorded to quantify the success of the different fertility control methods in each study, for example in terms of immune response or pregnancy status, are identified in EA section 2.2.2 and in Appendices D and E.

II. RATIONALE FOR DECISION

The Wild Free Roaming Horses and Burros Act of 1971, as amended (WFRHBA), the Federal Land Policy and Management Act, as amended (FLPMA), Federal regulations, and BLM policy and guidance require the BLM to manage wild horse populations in a manner designed to achieve a thriving natural ecological balance and consistent with the BLM's multiple use and sustained yield mission. Longer lasting fertility control methods for wild mares which require only a single handling occasion to be administered could benefit public lands and Federal wild horses. The research studies that compose the Proposed Action are designed to determine whether specific fertility control methods could provide reliable, long-lasting fertility control in wild mares. The Proposed Action will respond to the purpose and need for action because it will be beneficial for wild horse management to know whether one or more of the methods tested in the research studies is effective at providing long-term contraception from a limited number of handling occasions.

The BLM evaluated the Proposed Action in DOI-BLM-HQ-2600-2022-0001-EA and, in part, DOI-BLM-NV-W030-2019-0019-EA, and found the Proposed Action to have no significant impacts, therefore the BLM is not required to prepare an Environmental Impact Statement to support approving the conduct of any of the research studies comprising the Proposed Action. The testing of possible long-lasting fertility control methods for wild mares aligns with the statements that the BLM made in its 2020 report to Congress, about the agency's intention to continue research into long-term fertility control methods, and with the BLM's 2021 wild horse and burro program strategic research plan. Such research is also consistent with direction from the Congress associated with fiscal year 2022 and 2023 appropriations, that the BLM increase its use of and research into fertility control methods. The EA makes clear that the studies considered consist of non-destructive data collection and would be humane and safe for the animals affected. Conducting these studies would be in the long-term interest of wild horses, because the

BLM could rely on information about effective, longer-lasting contraceptive methods in future decision-making to improve management of wild horse herds and their habitats.

III. COMPLIANCE AND CONFORMANCE

This decision complies with the WFRHBA. This decision also complies with FLPMA. Research study A and research study B both involve wild mares previously gathered and removed from public lands that reside and would remain at the Northern Nevada Correctional Center (NNCC), a state of Nevada facility. The wild mares that would be involved in both studies will not be returned to federal public lands. It is therefore unnecessary for the OGF vaccine research project (study A) and the SpayVac vaccine research project (study B) to conform to a specific land use plan.

IV. PUBLIC INVOLVEMENT

This project was posted on the BLM's on-line National Environmental Policy Act (NEPA) register on July 20, 2022. On the same day, the BLM posted a news release about this project with a link to the NEPA register where members of the public could access the EA and associated documents and comment on the EA (<https://www.blm.gov/press-release/blm-seeks-public-comment-proposed-wild-horse-research>). The BLM sent the news release directly to a large distribution list of potentially interested parties who have previously indicated an interest to be contacted about BLM activities concerning wild horses and burros. The BLM posted about this project on its 'BLM Wild Horse & Burro Program' Facebook page on July 20, 2022; that post had a link to the NEPA register where members of the public could access the EA and associated documents and comment on the EA. Based on the BLM wild horse and burro program's Facebook page (<https://www.facebook.com/BLMWildHorseandBurro>), it appears that there are over 112,000 users who 'follow' that page.

A public comment period was held from July 20, 2022, through August 22, 2022. Some commenters sent virtually identical comments via the ePlanning system and by email to BLM_HQ_WHBRResearch@blm.gov. Overall, the BLM received 77 comments from the public. One of these comments amounted to a form letter in which the same essential comment was repeated by nine commenters. One comment included an attached file with multiple names in the form of a petition. Appendix H has newly been added to the EA; it includes a compilation of the comments received and of responses from the BLM. Comments from individuals included expressions of support or opposition. Comments included statements from one state agency and from interest groups of various sizes; these comments from groups also included expressions of support or opposition. Comments opposed to the Proposed Action included expressions of concern for mare health and welfare, especially in study C, which would use IUDs in mares living unattended on public lands. Many of the comments expressing opposition advocated that the BLM take actions that are outside of the scope of this decision, such as to remove livestock from public lands, to foster larger population sizes of predators on public lands, or to limit the use of wild horse fertility control in herd management decisions in the future.

V. CONSULTATION

Consultation with the State Historic Preservation Officer under the National Historic Preservation Act (NHPA) and the U.S. Fish and Wildlife Service under the Endangered Species Act was unnecessary because the BLM has determined that the studies in the Proposed Action are generally not the kind of activities that has the potential to affect historic properties (see 36 C.F.R. 800.3(a)(1)) or threatened and endangered species (see 16 U.S.C. 1536(a)(2); 50 C.F.R. 402.02). Studies A and B will take place at the NNCC, in areas where no such impacts are possible.

VI. RIGHT TO APPEAL

This Decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations at 43 CFR Part 4. Detailed instructions for filing an appeal are contained on the attached Form 1842-1 (enclosed).

VII. SIGNATURE OF AUTHORIZED OFFICIAL

Brian St George
Acting Assistant Director for Resources and Planning

April 10, 2023

Date

VIII. ATTACHMENT

U.S. Department of the Interior Bureau of Land Management Form 1842-1, Information on taking appeals to the Interior Board of Land Appeals.