

**U.S. Department of the Interior
Bureau of Land Management**

Determination of NEPA Adequacy (DNA)

DOI-BLM-NV-B010-2025-0001-DNA

2025 Fish Creek Herd Management Area

Wild Horse Gather and Population Management

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management

Mount Lewis Field Office, Nevada



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Determination of NEPA Adequacy (DNA) Worksheet

U.S. Department of the Interior

Bureau of Land Management

OFFICE: LLNVB01000: Battle Mountain District, Mount Lewis Field Office (MLFO)

TRACKING NUMBER: DOI-BLM-NV-B010-2025-0001-DNA

CASEFILE/PROJECT NUMBER: 2025 Fish Creek Herd Management Area (HMA) Wild Horse Gather file.

PROPOSED ACTION TITLE/TYPE: Fish Creek HMA Wild Horse Gather and Population Control

LOCATION/LEGAL DESCRIPTION: The Fish Creek HMA is located in Eureka County, south and west of Eureka, Nevada and south of U.S. Highway 50 (Figure 1).

APPLICANT (if any): None, this is a BLM-proposed action.

A. Description of Proposed Action and Any Applicable Mitigation Measures

Background

The Fish Creek HMA is located in Eureka County, Nevada encompassing the east side of Antelope Valley, the Mahogany Hills, Fish Creek Range and a portion of the Antelope Range. The Proposed Action is specific to activities that would be implemented within the portion of the Fish Creek HMA south of U.S. Highway 50. This portion of the HMA is 230,675 acres with an established AML range of 101-170 wild horses (see Figure 1).

The BLM is proposing to conduct a wild horse gather to remove excess wild horses from within and outside of the boundaries of the Fish Creek HMA. The BLM would also apply fertility control treatments to mares released back to the range. BLM has determined that the wild horses over the low Appropriate Management Level (AML) of 101 wild horses are in excess due to several factors, including limited waters within the Fish Creek HMA area, recurring drought, and the need to prevent degradation of the habitat caused an overpopulation of wild horses as well as emergency conditions. The BLM has reviewed all available information to make this determination including, but not limited to inventories, monitoring data, climate data, gather history, and history of fertility control treatments within the Fish Creek HMA.

The 2015 Fish Creek Herd Management HMA Gather Decision issued February 9, 2015, authorized the removal of excess wild horses and treatment of mares with fertility control within the Fish Creek Herd Management Area (HMA). These actions were analyzed within the Fish Creek Herd Management Area Final Wild Horse Gather Plan and Environmental Assessment, DOI-BLM-NV-B010-2015-0011-EA, issued in February 2015 (2015 Fish Creek Gather EA).

Proposed Action

The BLM proposes to gather wild horses, apply fertility treatments, and release those treated horses back to the HMA to assist with maintaining population levels. The estimated, post-foaling 2024 population of the Fish Creek HMA is 245 horses according to population analysis completed following the Spring 2024 Helicopter Inventory. The BLM arrives at this estimate based on the estimated number of adults in and immediately near the Fish Creek HMA in April 2024, which is 204 adult wild horses (analysis completed in October 2024 by M. Crabb, BLM population biologist, using standardized methods for simultaneous double-observer surveys). The BLM noted an expected annual growth of 18%-20% in the 2015 Fish Creek Gather EA; however, annual rates of increase may have been influenced by fertility control treatments in 2021. This number of 245 wild horses expected in late 2024 is also the same that would be expected in January 2025.

The goal for the gather would be to achieve the low AML of 101 wild horses in the HMA, and no horses outside of the HMA boundaries. To accomplish this, BLM would gather BLM lands adjacent to and within the Fish Creek HMA boundaries using drive trapping (refer to Figure 1). Estimated gather efficiency is approximately 70-80%.¹ Of those gathered animals, approximately 144 excess wild horses would be removed and transported to BLM adoption facilities. BLM would release fertility control treated mares and studs back to the range to achieve the low AML. The sex ratio of animals released would approximate 50:50 and all mares released would be treated or boosted with fertility control as described in the 2015 Fish Creek Gather EA and Decision.

As described in the 2015 Fish Creek Gather EA and Decision, the BLM has been implementing a phased Population Growth Suppression (PGS) program and wild horse gather operations over a 10-year period to remove excess wild horses from within and outside of the boundaries of the Fish Creek HMA. Additional objectives include achieving and maintaining the established AML for the HMA and implementing fertility control treatment of mares with PZP (Porcine Zona Pellucida) fertility control vaccine (or other current formulation).

Gather operations would be conducted in accordance with the Fish Creek Gather Plan and Standard Operating Procedures, Comprehensive Animal Welfare Program (Permanent Instruction Memorandum 2020-002) and the 2015 Fish Creek Gather EA. The horses removed from the range would be transported to a BLM wild horse and burro facility for inclusion into the BLM Adoption program.

The BLM will utilize selective removal methods to ensure that the post-gather population consists of diverse age groups and exhibit physical characteristics consistent with the historic population, while prioritizing the removal of younger age groups which would be highly adoptable. Fish Creek HMA is known for the presence of horses with curly haircoats and in accordance with management objectives for the Fish Creek HMA, a number of curly horses will be released back to the HMA in order to continue to support the trait within the population, while

¹ Estimated gather numbers are based on ability to capture approximately 70-80% of the population, which could vary depending on terrain, animals which evade capture, animal location, weather conditions, and animal movement experienced before and during the gather, and may be higher or lower than estimated.

younger adoptable curly-coated horses may be sent to the adoption program. The BLM will also collect hair follicle samples for analysis of genetic diversity.

Fertility control in the form of Porcine Zona Pellucida (PZP-22 or PZP ZonaStat-H) would be applied to 100% of the mares released back to the range to decrease the future annual population growth. Trained BLM staff would apply the fertility control vaccine to mares.

During the most recent gather completed in 2021, a total of 30 mares were treated with PZP-22. Of the thirty mares treated, only three had been previously treated with PZP vaccine (two in 2019 and one in 2015). The remaining 27 mares (ages 3-19 years of age) received their first, and only treatment to date in January 2021. While these treatment histories probably reduced the number of foals born in the HMA in 2022 and, to a lesser extent, 2023, they are not expected to have caused a substantial reduction in 2024 annual growth rate for this herd, due to the relatively short duration of effect for these PZP vaccine treatments.

These previously treated mares will be easily identified during a gather in 2025 by a fertility control freeze mark on the left shoulder. All 30 mares also have a microchip in the neck that will be read at the gather if they are captured. It is estimated that during the 2025 gather, 15-25 of the previously treated mares could be captured again and receive another treatment (booster) of PZP vaccine. Any mares not previously treated would receive their first treatment of PZP vaccine and receive an “FC” freeze mark on the left shoulder, consistent with current Nevada BLM policy. All mares would be photographed for future identification, tracking and documentation. Any new mares treated would also receive a microchip. The following table displays the estimated population and gather figures for the Fish Creek HMA.

Table 1: Fish Creek HMA – 2025 Estimated Gather Figures

| 2024 Post Foaling Estimated Population | AML | Estimated Removal | Post Gather Estimate |
|---|----------------------|------------------------------|---------------------------------|
| 245 | 101-170 ² | 144 | 101 |

It is possible that gather conditions such as horse age, health, gather efficiency and weather, could cause BLM to release more animals back to the range. Such factors could result in a post-gather population within the range of AML rather than the low AML.

The population of the Fish Creek HMA wild horses exceeds the established AML, and wild horses currently exist outside of the HMA boundaries. The MLFO has determined that excess wild horses exist within and outside of the HMA boundaries and need to be gathered and removed. Further, the action is needed to protect rangeland resources from deterioration associated with an overpopulation of wild horses, and to restore and maintain a thriving natural ecological balance and multiple use relationship on the public lands consistent with the provisions of Section 3(b) (2) of the Wild Free-Roaming Horses and Burros Act (WFRHBA).

² This AML applies to the portion of the Fish Creek HMA south of U.S. Highway 50 and does not include the portion north of U.S. Highway 50 which is managed with the Roberts Mountain Complex.

The determination of excess wild horses was made following review and analysis of available information. Review of several documents included the 2004 Decision that established the AMLs for the Fish Creek HMA and the 2015 Fish Creek Gather EA and Decision. Additionally, the BLM reviewed all current monitoring, genetic, inventory, and climate data, as well as gather and fertility control history. The BLM's review of all available information has led to the conclusion that no adjustment to the existing AML is warranted at this time. As a result, the BLM has determined that excess wild horses exist within and outside of the HMA boundaries and should be removed. This determination is based on the following:

- Monitoring indicates that small improvements in rangeland condition have occurred with signs of increased perennial grasses at some locations and apparent reduced occurrence of soil loss; however, other locations are not showing improvement and are at risk of further degradation and loss. Issues observed at these locations included lack of perennial key grass species, bare ground, erosion pavement, soil movement and pedestalling. Maintaining the herd at AML is important to ensure continued upward trends in range condition and improved habitat throughout the HMA.
- Waters within the Fish Creek HMA are inherently limited, and even more so during the recurring drought cycles. In order to prevent emergency conditions, the herd needs to be maintained at the established AML. Emergency actions (gathers, water hauling) are not required when the wild horse population is at balance with the available waters within the HMA. The AML for the Fish Creek HMA was established with consideration of the limited water availability.
- The Fish Creek HMA is influenced by recurring periods of drought that can be extreme in nature, and impact available forage, water and trends in production and cover of perennial vegetation. Drought patterns in Nevada necessitate that BLM manage wild horses at levels that will allow them to survive and thrive even in bad years such as those experiencing drought or heavy winters. Waters are especially limiting within the Fish Creek HMA during periods of overpopulation and/or drought which has necessitated emergency removals, water hauling and extra efforts to operate water systems to supplement water in the HMA in order to prevent further health decline of horses. Of the nine years since the 2015 gather, four of the years the Fish Creek HMA have been impacted by Moderate, Severe, Extreme or Exceptional Drought and an additional two years being Abnormally Dry. (www.droughtmonitor.unl.edu). The Fish Creek HMA has been influenced by some degree of long and/or short-term drought in up to 63% of the years spanning from 1986-2023 (www.climateengine.org).
- Management at the AML levels will enhance the outcome and success of fertility control treatment. Maintaining periodic fertility control treatment of a portion of the mares within the Fish Creek HMA will help to slow reproductive rates and therefore reduce the number of excess horses that may have to be removed in future years. Future non-emergency actions would not occur without appropriate environmental documentation and coordination with the interested public.

For these reasons, the BLM authorized officer has determined that an excess of wild horses currently exist within the Fish Creek HMA, that those excess animals need to be removed, and that action is needed to prevent damage to natural resources.

Proposed removal numbers (approximately 144 excess wild horses) are based on the BLM's assessment of current population size, forage, climate, water, rangeland health and the use of the range by wild horses. The goals of this gather operation are the immediate health and welfare of the wild horses, as well continued upward trends in rangeland condition. If the BLM does decide to move forward with this action, the BLM will document its rationale in the decision that will be issued prior to commencement of the gather.

Achieving and maintaining the AML in the Fish Creek HMA, would preserve and maintain a thriving natural ecological balance and multiple-use relationship in the area. This action will also ensure that wild horse management does not irreparably impact the range and compromise the BLM's ability to meet the fundamentals of rangeland health. Animal health would be maintained, and emergency actions would be prevented.

The proposed action is consistent with the BLM's obligation under Section 3 of the WFRHBA, which requires the BLM to remove excess wild horses and burros when it determines that overpopulation exists and that the excess animals need to be removed.

B. Land Use Plan Conformance

- LUP Name: Shoshone-Eureka Resource Management Plan
 - Date Approved: November 6, 1987
- Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment and Supplemental Environmental Impact Statement.
 - Date Approved: September 21, 2015, and January 2021

The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

Shoshone-Eureka RMP:

- To manage viable herds of sound, wild horses (and burros) in a wild and free roaming state.
- To manage wild horses (and burros) within the areas which constituted their habitat at the time of the Wild and Free-Roaming Horse and Burro Act became law in 1971.

Approved RMP Amendments:

- In 2015, the BLM released the Record of Decision (ROD) and Approved Resource Management Plan Amendments for the Greater Basin Region, Including the Greater Sage-Grouse sub-regions of Idaho and Southwestern Montana, Nevada and northeastern California, Oregon, and Utah (ARMPA), detail the Greater Sage Grouse habitat management plan for Nevada. In 2021, the ROD for the Nevada and Northern California Greater Sage-Grouse Supplemental Environmental Impact Statement.

Greater Sage Grouse Plan: (Table 1-6):

- Manage herd management areas (HMAs) in GRSG habitat within established appropriate management level (AML) ranges to achieve and maintain GRSG habitat objectives.

- Prioritize rangeland health assessment, gathers and population growth suppression techniques, monitoring, and review and adjustment of AMLs and preparation of HMA plans in GRSG habitat.

Wild Horse and Burro Management Decisions:

- **MD WHB 2:** Manage herd management areas (HMAs) in GRSG habitat within established AML ranges to achieve and maintain GRSG habitat objectives (Table 2-2).
- **MD WHB 4:** Prioritize gathers and population growth suppression techniques in HMAs in GRSG habitat, unless removals are necessary in other areas to address higher priority environmental issues, including herd health impacts. Place higher priority on herd areas not allocated as HMAs and occupied by wild horses and burros in SFA, followed by PHMAs.

C. National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Fish Creek HMA Wild Horse Gather Plan Final Environmental Assessment (EA) **DOI-BLM-NV-B010-2015-0011-EA**, February 2015.

Decision for the Fish Creek HMA Wild Horse Gather Plan Final Environmental Assessment (EA) **DOI-BLM-NV-B010-2015-0011-EA**, February 9, 2015.

List by name and date other documentation relevant to the proposed action (e.g. biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

- Fish Creek Complex FMUD, September 2004,
- Fish Creek Complex Evaluation and Rangeland Health Assessment, EA #NV062-EA04-69, August 2004,
- Fish Creek Complex Evaluation and Rangeland Health Assessment, June 2004,
- Wild Horse Objectives for The Fish Creek Complex, Fish Creek Complex Evaluation and Rangeland Health Assessment, June 2004, Appendix 15.

D. Conformance with Rangeland Health Standards and Guidelines

The Proposed Action is consistent with the Standards and Guidelines for Rangeland Health as developed by the Northeastern Great Basin RAC, specifically Standard 5: Healthy Wild Horse and Burro Populations.

STANDARD 5. HEALTHY WILD HORSE AND BURRO POPULATIONS:

Wild horses and burros exhibit characteristics of a healthy, productive, and diverse population. Age structure and sex ratios are appropriate to maintain the long term viability of the population as a distinct group. Herd management areas are able to provide suitable feed, water, cover and living space for wild horses and burros and maintain historic patterns of habitat use.

As indicated by:

Healthy rangelands that provide sufficient quantities and quality of forage and water to sustain the appropriate management level on a yearlong basis within a herd management area.

Wild horses and/or burros managed on a year-long basis for a condition class greater than or equal to five to allow them normal chances for survival in the winter (See glossary for equine body conditioning definitions).

Highly adoptable wild horses and burros that are readily available from herd management areas.

Wild horse and burro herds that exhibit appropriate age structure and sex ratio for short and long-term genetic and reproductive health.

GUIDELINES:

- 5.1 *Implement the objectives outlined in the Wild Free-Roaming Horses and Burros Tactical Plan for Nevada (May 1999).*
- 5.2 *Manage for wild horses and/or burros in herd management areas based on the capability of the HMA to provide suitable feed, water, cover and living space for all multiple uses.*
- 5.3 *Set appropriate Management Levels based on the most limiting habitat factor (eg. available water, suitable forage, living space and cover) in the context of multiple use.*
- 5.4 *Manage herd management area populations to preserve and enhance physical and biological characteristics that are of historical significance to the herd.*
- 5.5 *Manage wild horse and burro herds for short and long term increases and to enhance adoptability by ensuring that wild horses and burros displaying desirable traits are preserved in the herd thus providing a reproductive base to increase highly adoptable horses and burros for future demands.*
- 5.6 *Identify and preserve historic traits and characteristics within the herd which have proven to be highly desirable by the adoption public to increase the long term availability of animals bearing these features.*
- 5.7 *Wild horse and burro selective removal criteria are modified on a per herd basis to correct deficiencies in population age and sex ratios which threaten short and long term genetic diversity and reproductive health.*

E. NEPA Adequacy Criteria

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

The new Proposed Action is fundamentally similar to the Proposed Action analyzed in the 2015 Fish Creek Wild Horse Gather Environmental Assessment, DOI-BLM-NV-B010-2015-0011-EA, dated February 2015 (2015 Fish Creek EA). The Proposed Action would use helicopter drive trapping as described in the Proposed Action, Chapter 2 of the 2015 Fish Creek Gather EA. The BLM analyzed the use of helicopter drive trapping to gather and remove excess wild horses and achieving a population of wild horses within the AML range in the 2015 Fish Creek Gather EA. The 2015 Fish Creek Gather EA also analyzed the administration of fertility control to

mares using the PZP vaccine formulations. This current action is a continuation of the 10-year plan to achieve the objectives of the 2015 EA.

The geographic area is the same as that analyzed in the 2015 Fish Creek Gather EA. The resource conditions are similar, and no new data exists to suggest that substantial changes have occurred that would invalidate the Purpose and Need for action or the analysis within the 2015 Fish Creek Gather EA and decision.

Resource conditions have not substantially changed and analysis within the 2015 Fish Creek Gather EA is still valid. Drought and fluctuating wild horse populations have influenced conditions within the gather area. Monitoring indicates some improvements in conditions at some key areas have occurred due to non-drought conditions coupled with a wild horse population within the AML range in recent years. Drought is a perpetual factor in Nevada with drought impacting the Fish Creek HMA in approximately 4 of every 10 years. Long-term and short-term drought to some degree can be expected to impact the Fish Creek HMA in over 60% of years, with varying degree of wet years occurring just 37% of the years according to drought timeseries data 1986-2023 (climateengine.org).

Drought emergencies were happening prior to the 2015 gather and have occurred since. Drought occurrence was also discussed throughout the 2015 Fish Creek Gather EA. Attaining AML has helped curb emergency issues and balance the horses with the available habitat.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource value?

Yes. Since the completion of the 2015 Fish Creek Gather EA, no new environmental concerns, interests, resource values or circumstances have come to light that would require additional alternatives to be developed. A review of interdisciplinary activities and resource values within the Fish Creek HMA indicates that the 2015 Fish Creek EA analysis is still valid.

The 2015 EA included the Proposed Action which would implement fertility control, and an alternative that would not implement fertility control using helicopter drive trapping which is a well-established, safe, and efficient method to gather wild horses. The 2015 Fish Creek EA also included an Alternative that included helicopter drive trapping, fertility control and adjustment of sex ratios to favor studs.

A Resource Management Plan Amendment for the Greater Sage-Grouse was approved in September 2015. The Wild Horse and Burro Management Decisions in the Plan Amendment are consistent with the current Proposed Action, and do not present the need for additional analysis. The Fish Creek HMA contains Core, Priority and General Sage-Grouse habitat.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. No new information or circumstances exist that would change the validity of the existing analysis. The need to gather horses and remove excess animals has not changed. The impacts of the new Proposed Action would be similar and/or identical to those described under the Proposed Action in the 2015 Fish Creek Gather EA, and the gather, removal and treatment figures are within the scope and intensity of that analyzed in the 2015 EA.

Following the issuance of the 2015 Fish Creek Gather EA and Decision, three wild horse gathers have taken place within the Fish Creek HMA in accordance with the 2015 Fish Creek Gather EA and Decision.

The following table displays the results of the past gathers.

Table 2: Gather History 2015-2021

| Gather Activities | Year | | |
|------------------------|-------------|-------------|-----------------|
| | 2015 | 2019 | 2021 |
| Dates | 2/13-3/7/15 | 9/5-19/2019 | 12/29/20-1/3/21 |
| Gather | 424 | 558 | 198 |
| Ship to BLM Facilities | 248 | 533 | 135 |
| Release | 162 | 20 | 62 |
| Treat with PZP vaccine | 82 | 7 | 30 |
| Euthanize Chronic | 7 | 3 | 0 |
| Euthanize Acute | 1 | 2 | 0 |
| Escape | 0 | 0 | 1 |
| Adopted at local event | 6 | 0 | 0 |
| Est Pre Gather | 549 | 683 | 240 |
| Total Removed | 262 | 538 | 135 |
| Post Gather Est | 287 | 145 | 105 |

During the 2015 gather, the wild horse removals were limited, and AML was not achieved due to limits in holding space, national removal priorities and other factors. The objective for the gather was to be able to gather as many horses as possible for implementation of fertility control despite not being to achieve the AML. A total of 424 horses were gathered with 248 shipped to BLM facilities for adoption. Of the 162 horses released back to the range, 82 were mares treated with Fertility Control. The post gather estimate following the operation was 287 wild horses or 284% of the low AML.

In 2019, a gather was completed primarily as a result of limited waters and emergency conditions on the range due to drought conditions and an overpopulation of wild horses, which resulted in lack of water to sustain the existing population. Objectives during this gather were to limit release horses (due to the emergency conditions) while removing a substantial number of the excess wild horses on the range. Horses with curly coats and aged horses near or exceeding 20 years of age were objectives for release back to the range. Of the 558 gathered, 533 were transported to BLM facilities for adoption. Twenty horses were released to the range including 7 curly mares treated with fertility control and 13 studs. The estimated post gather population was 145 wild horses.

The most recent gather was completed in 2021 with the goal of achieving the low range of AML while administering fertility control to a meaningful number of mares. Of the 198 gathered, 135 were transported to adoption and 62 total animals were released back to the range, of which 30 were treated mares. The estimated post gather population was 105 wild horses which is greater than low AML.

The 2015 Fish Creek Gather EA analyzed the implementation of fertility control in the form of PZP vaccine. Since issuance of the 2015 Fish Creek Gather EA, there have been additional research papers issued which include discussions about the effects of PZP ZonaStat-H vaccine and PZP-22 pellet vaccine. The conclusions of this research do not change the analysis within the 2015 Fish Creek Gather EA, nor necessitate the need for additional analysis or alternatives.

A concern raised by members of the interested public on other wild horse projects proposed within the Battle Mountain District is that consecutive treatment with PZP vaccine extending longer than 5 years (that is, 5 vaccination treatments) could render mares sterile. This Proposed Action does not propose to treat mares for more than five consecutive years, and in fact this project would only provide a second treatment (booster) of PZP vaccine to a portion of the mares. Only three mares are documented with two treatments at this time and would receive a third treatment if captured in the 2025 operation. Other mares would receive their first treatment, and still others would evade capture and not receive any treatment at all.

Eight flights have been conducted for the Fish Creek HMA since 2015. Flights included “resource” flights conducted to document animal health, distribution, and rangeland resource conditions, as well as formal inventory flights which were conducted to obtain an estimated population size. The following table displays the flights conducted.

Table 3: Inventory and Resource Flights

| Year | Month | Flight Type | Other |
|------|-----------|-------------|---|
| 2015 | September | Resource | Document animal health, waters, resources |
| 2016 | September | Resource | Document animal health, waters, resources |
| 2017 | March | Inventory | |
| 2019 | July | Inventory | Pre-gather |
| 2019 | December | Inventory | Post Gather |
| 2022 | September | Inventory | |
| 2024 | April | Inventory | |

Note that gathers were conducted in February 2015, September 2019, and January 2021. The most recent flight conducted in April 2024 resulted in a direct count of 180 adults and 14 foals for 194 horses observed (prior to the end of the foaling season), and an estimated 204 adults and 16 foals present at that time, based on statistical analysis of the observed data (M. Crabb, BLM population biologist)³. Following population analysis of the inventory data, and consideration of the estimated 2024 foaling numbers, the current estimated population is 245 wild horses based on a 20% estimated annual increase.

Inventory data since 2015 shows that 20-50% of the population is located outside of the HMA boundaries during flights and in 2024, 59 of the 220 total estimated horses associated with Fish Creek HMA were outside of the HMA boundaries. Typically, more horses outside of the boundaries, correlates to higher populations over the established AML.

³ Crabb, M. 2024. Statistical analysis for 2024 survey of horse abundance in North Monitor, Fish Creek, Sevenmile, Bullfrog, Stonewall, Gold Mountain, and Palmetto Herd Management Areas, Butler Basin Herd Area, and Butler Basin and Kelly Creek Wild Horse Territories, and Hickison Wild Burro Territory. October 2024 Memorandum, Bureau of Land Management.

Genetics analysis was completed following the 2015 gather. The results show that genetic diversity was high and that no action was needed. Additional samples would be collected during the 2025 gather.

Substantial monitoring has been completed within the Fish Creek HMA since issuance of the 2015 Gather EA and Decision. Following the February 2015 gather, monitoring in person and via trail camera was completed in order to monitor animal distribution, health and the identification of the mares vaccinated with fertility control to facilitate a potential fertility control darting program. The Fish Creek HMA is known to have water issues during drought and when the population exceeds the AML, and monitoring was conducted to monitor water use and availability. Monitoring has included animal health and distribution, vegetation availability and conditions, water availability and apparent trend.

During the 2024 monitoring within the Fish Creek HMA, BLM documented some encouraging indicators such as presence of key perennial grasses and overall limited amount of invasive species. However, other indicators show that continued diligence is needed to maintain the AML in order to provide for continued upward trends in rangeland health. Lack of key perennial grasses, bare ground, pedestalling and erosion pavement were some of the indicators of potential future losses at these sites particularly when subjected to overuse by an overpopulation of wild horses and compounded by recurring drought seasons. Upland monitoring key management areas and water sources were visited within the Lucky C, Fish Creek and Arambel Allotments to observe and document vegetation and soil conditions, water availability, utilization, and signs of grazing animals.

Following the 2015 gather, it was still necessary for BLM to operate waters within the HMA in order to supplement the population to prevent emergency conditions. The Brown Well was pumped periodically to fill a storage tank and troughs, and the Davis Pipeline operated to provide water to up to five troughs. By 2017 water hauling was needed at the Coils Creek Slough and water hauling was resumed at McCullough Spring in 2018. These sources were monitored regularly through summer months and operated as needed to prevent emergencies due to lack of water. Inadequate water availability for the population size resulted in animal health decline as well as wild horses entering private lands in search of water. In 2018 an emergency gather request was completed in order to reduce the population to a level that could be sustained with the existing resources, especially during drought years, which resulted in the 2019 gather.

No new or updated Rangeland Health Evaluation has been completed since the 2004 Evaluation which established the AML for the Fish Creek HMA. Review of available rangeland monitoring, climate, and animal distribution and health data does not suggest an adjustment to AML is warranted at this time. Additionally, review of available information indicates that the analysis within the 2015 Fish Creek EA is still valid, and no new analysis is needed.

The need to gather and remove excess wild horses is currently even more evident as range resources have shown signs of recovery amid two wet years and a population of wild horses within the AML range in recent years. Emergency gathers or water hauling have not been necessary since 2019. Maintaining the population at the established AML is vital to enabling continued improvement of rangeland health, and prevention of emergency conditions due to inadequate water or forage.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes, the direct, indirect, and cumulative effects resulting from the implementation of the new Proposed Action would be similar and/or identical to those disclosed under the Proposed Action in the 2015 Fish Creek Gather EA because the Proposed Action and current conditions are similar to that analyzed in the 2015 Fish Creek Gather EA and the gather, removal and treatment objectives are within the scope and intensity of that analyzed in the 2015 EA. Environmental consequences from the new Proposed Action would not be expected to be any different than those analyzed in the 2015 Fish Creek Gather EA.

Other interdisciplinary activities such as mining exploration and development, livestock grazing, and power line development have been assessed and the determination made that the cumulative effects analysis within the 2015 Gather EA is valid, and no additional analysis is needed.

5. Are there public involvement and interagency reviews associated with existing NEPA document(s) adequate for the current proposed action?

Yes. The 2015 Fish Creek Gather EA was posted for a 30-day public comment period and comments received were considered in the development of the final EA issued in February 2015. Current issues, interest groups, and stakeholders are essentially similar to those that were involved in 2015.

The BLM will make this DNA available to the interested public for 30-day review and comment prior to issuance of the final DNA in accordance with BLM WHB Manual 4720. The BLM is also complying with Section 3 of the WFRHBA by consulting with the United States Fish and Wildlife Service, wildlife agencies of the State of Nevada, individuals independent of Federal and State government as have been recommended by the National Academy of Sciences, and other individuals who have scientific expertise and special knowledge of wild horse and burro protection, wildlife management and animal husbandry as related to rangeland management. The BLM consulted with local tribes during the process of preparing the 2015 Fish Creek Gather EA and has initiated consultation with the Duckwater Shoshone Tribe, the Ely Shoshone Tribe, the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, the Yomba Shoshone Tribe and the Te-Moak Tribe of Western Shoshone including the Battle Mountain Band, Elko Band, South Fork Band and Wells Band on this proposed action.

Public hearings are held annually on a state-wide basis regarding the use of motorized vehicles, including helicopters and fixed-wing aircraft, in the management of wild horses and burros.

During these meetings, the public is given the opportunity to present new information and to voice any concerns regarding the use of the motorized vehicles. Following the 2024 meeting, no changes to the current gather operation SOPs were identified based on the concerns expressed, and no new concerns were raised that were not analyzed in the 2015 EA.

Public views regarding management of wild horses have not changed substantially over the past 10 years. Members of the interested public have voiced similar concerns and recommendations about wild horse gathers since issuance of the 2015 Fish Creek EA as was addressed in the 2015 EA, which include views both in favor and against the use of fertility control, and views that favor bait and water trapping over use of helicopter. While many members of the public are

opposed to wild horse gathers and removal, many are in support of management at AMLs and periodic gathers utilizing helicopters to remove excess wild horses.

The public has in the past and continues to voice opposition to the use of helicopter as what is perceived as an inhumane form of gathering despite the historical record that indicates an average death rate of less than 2%. Since issuance of the 2015 Fish Creek EA and Decision, three wild horse gathers have taken place within the HMA. Of the total 1,180 animals gathered, only 13 deaths occurred, which represents 1.1% of the total gathered. Furthermore, only three of those deaths were related to gather operations, whereas the remaining 10 were due to pre-existing conditions.

F. Persons/Agencies/BLM Staff Consulted

| Name | Signature/Date |
|--|-----------------------|
| Shawna Richardson Wild Horse and Burro Specialist | |
| Jeff Kirkwood Project Manager | |
| Rachele Peppers Wildlife Biologist | |
| Neal Endacott Cultural Resource Specialist | |
| Ruth Thompson WH&B Program Lead | |
| Paul Griffin WH&B Research Coordinator | |

Refer to the 2015 Fish Creek Gather EA for complete lists of the team members participating in the preparation of the original environmental analysis documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirement of NEPA.

Signature of Project Lead

Signature of NEPA Coordinator

Signature of the Responsible Official

Date

Note:

The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute and appealable decision process. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Figure 1

