

DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT
for the
Pryor Mountain Wild Horse Range
FY2003: Fertility Control on Select Wild Horse Mares
FY2003: Selective Removal of Young Wild Horse Stallions
EA # MT-010-03-14

I. DECISION

Humane-use of Fertility Control on Yearling Mares, Two-Year Old Mares and Mares 14 Years of Age and Older

Purely from the standpoint of humane-use of fertility control, the Billings Field Manager has made the decision that 24 select younger and older mares currently on the Pryor Mountain Wild Horse Range receive a single-dose (primer) of PZP contraceptive vaccine with a follow-up booster at least one month later (Figure 1). These mares include 7 yearling fillies, 9 two-year old fillies and 8 fourteen years of age and older mares. Four other mares originally included are currently missing from the herd. Any mares, which received a primer injection during FY2002 efforts, will only receive a booster vaccine this summer. This two-shot application, which will be remotely-delivered, is necessary as the primer dose simply acts to enhance the immune system response and does not generally confer infertility.

The intent of this action (described as the Proposed Action in EA # MT-010-03-14) is to provide one year of infertility, in order to give the young mares an opportunity to fully mature before becoming pregnant, or to fully recover before becoming pregnant again. Since 1996, several young mares have lost their foals. In fewer cases, both mare and foal died. Other young mares have suffered serious injuries presumably during a prolonged or difficult labor. All of these young mares were in poor body condition post-foaling (1-2 condition factor, out of a possible 5), in stark contrast to young mares that were naturally delayed in foal production. Several of these mares have taken 1-2 years to improve their condition.

Humane contraception for the older mares will permit a year or more of existence on the range in better physical condition. These mares have already had 12 years of reproductive activity in order to contribute to the genetics of the herd. The long-term intent will be to contracept them for the remainder of their lives. As foal production generally ceases by the 16th year on the Pryors, this may result in the loss of 1 or maybe 2 foals from their lifetime contribution.

All fertility control activity would be carried out according to current BLM and the Science and Conservation Center (ZooMontana) policy with the intent of conducting as safe and humane an operation as possible. In addition, the Proposed Action would also adhere to all guidance and research protocol set by the BLM National Wild Horse Fertility Control Field Trial program. Recommended actions incorporate proven protocol or standard operating procedures (SOPs), which have been developed for remote-delivery techniques of fertility control vaccine (FY2003 Gather/PZP EA, Appendix 3). These SOPs represent the "best methods" for ensuring quality results, minimizing risks and reducing impacts associated with this activity. If conditions warrant, and animal health or welfare is in jeopardy at any time, remote-darting operations would be delayed or halted.

The proposed fertility control implementation is scheduled to begin no earlier than July 28, 2003 and may continue through September 28, 2003. Fertility control provided this summer will impact 2004 pregnancies only. Any subsequent fertility control efforts, involving animals not identified in the EA, will be covered by additional NEPA documents.

Partial Gather and Selective Removal of Young Wild Horse Stallions

The PMWHR herd size is currently at 191 horses including 22 surviving foals and 9 missing animals. At least another 10 foals are expected this year. The Billings Field Manager has made the decision to gather and remove a maximum of 13 excess wild horses from the Pryor Mountain Wild Horse Range (PMWHR). These animals would involve young male stallions only (5 yearlings, 5 two-year olds and 3 four-year olds; see Figure 1) and no more than 50% of the existing age classes. This action is necessary in order to reduce the herd to a size that would not negatively impact its genetic viability in the short term or cause irreparable harm to the range. This proposed action was described in Environmental Assessment #MT-010-03-14, and will allow time for further interagency and public discourse as Billings Field Office (BiFO) proceeds with on-going data evaluation and the herd plan revision for the Pryor Mountain wild horse herd.

As proposed in the EA, consideration will be given primarily to the removal of young males that impact areas of the range under the heaviest grazing pressure. In reality all young males, born on either Sykes Ridge or Burnt Timber Ridge, are likely to pressure both unauthorized Forest Service lands (summer) and lower reaches of the horse range (winter) as young bachelors. Eight years of distribution data support this fact. Consideration will also be given to the young males that seem to pressure the Dryhead and lower Sykes areas of the horse range repeatedly throughout the year.

The FY2003 Gather/PZP EA (#MT-010-03-14) outlines current information about the Pryor Mountain wild horse herd and presents the justification, methods and procedures to be used in gathering wild horses. This document also assesses the environmental impacts of removing excess wild horses from the PMWHR. Operations will be conducted in accordance with the Proposed Action section and the Standard Operating Procedures for Gather, Removal and Safety (FY2003 Gather/PZP EA, Appendices 4 and 5). All reasonable precautions will be taken, at all times, to avoid injury to the horses, and to ensure the safety of the public and all personnel involved in the gather and adoption.

The removal operation is scheduled to begin no earlier than September 8, 2003. The available budget will allow for a maximum of 4 days of helicopter effort. Culmination of the gather effort, with an organized oral competitive-bid adoption, is scheduled for Saturday, September 27, 2003 at the BLM Britton Springs Administrative Site, near Lovell, Wyoming.

A public hearing, regarding the use of helicopters in the gather, will be held on Thursday, June 26, 2003 (7 pm) at the Bighorn Canyon National Recreation Area Visitor Center, in Lovell, Wy.

II. ALTERNATIVES CONSIDERED

The Proposed Action and four alternatives represent a reasonable range of alternatives based on issues and goals previously identified through public scoping efforts and research specific to the PMWHR. The EA considered only one alternative in detail, the Proposed Management Actions: Humane-Use of Fertility Control on Yearling Mares, Two-Year Old Mares and Mares 14 Years of Age and Older; and Partial Gather and Selective Removal of Young Wild Horse Stallions. All other alternatives were considered up to the point where BLM determined the alternative would result in either unacceptable (measurable) impacts to the wild horse herd, could not be supported by available funding or provided no additional measurable value to a previously analyzed alternative. Reasons for elimination from further consideration are provided in the EA under the relevant sections (EA #MT-010-03-14, Section VI. Alternative Management Actions, pp 17-20).

III. FULL FORCE AND EFFECT

To implement the Pryor Mountain Herd Management Plan (1984) and Revision to the Herd Management Plan

(1992), and toward attainment of the AML and to promote progression toward the attainment of a thriving natural ecological balance and multiple use relationship, this action is placed in Full Force and Effect. This decision is issued in accordance with 43 CFR 4770.3(a), which states in part: "decisions to remove.....shall be effective on issuance or on a date established in the decision."

IV. USE AUTHORITY for the PZP VACCINE

The Humane Society of the United States (HSUS) has made the PZP vaccine available to the BLM under the Investigational New Animal Drug exemption (INAD #8857) filed with the federal Food and Drug Administration (FDA). As a condition of using the PZP vaccine, the HSUS expects the BLM to follow the Draft Criteria for Immunocontraceptive Use in Wild Horse Herds recommended by the Wild Horse and Burro National Advisory Board in August 1999. BiFO, in its management of the PMWHR, is in full compliance with all pertaining criteria. The Proposed Action would also adhere to all guidance and research protocol set by the BLM National Wild Horse Fertility Control Field Trial program.

V. OVERSIGHT provided by the WILD HORSE FERTILITY CONTROL FIELD TRIAL PROGRAM

The BLM National Wild Horse Fertility Control Field Trial program requires close monitoring of all treated populations in order to evaluate management-level use of the fertility control vaccine under a research protocol. On the Pryors, any wild mares receiving the vaccine will be individually-identified and tracked regularly with data non-intrusively gathered on behavior, estrous, fertility, reproduction, survival, and any health concerns. The field studies will be conducted by seasonal and term USGS-BRD biological technicians under the supervision of BRD research biologists.

VI. IMPACT on MARE PHYSIOLOGY

From a mare physiological standpoint, PZP contraception has no impact on mare hormone secretion or developing endocrine systems. It operates as an immune response only and appears to be completely reversible. Most development of reproductive systems, including lifetime oocyte count in the ovary, is done during the fetal stage. Research has shown that PZP has no negative impacts on the developing fetus and ensuing post-birth fertility. Thus, if a mare is not yet sexually mature, there will be no negative impacts on her normal reproductive development. Research has shown that PZP does not appear to cause ill effects on ovarian function unless contraception is repeated for more than five consecutive years on a given mare. Thus, a single primer and booster vaccine dose is not expected to result in any negative physiological impacts to yearling and two-year old mares and/or older, more mature mares.

VII. RATIONALE for GATHER

Since 2001, BLM has been conservative in terms of herd size reduction, until all data necessary for the herd plan revision is in place. BLM has recognized the rare genetic component of the herd as well as being considerate of range condition and health. The main goal of all interim management documents (including the present EA) has been to reduce the herd to a size that would not negatively impact its genetic viability in the short term or cause irreparable harm to the range. Historical data does indicate that a herd size averaging ~140-150 horses has not only supported sufficient genetic diversity in the herd and but has allowed a slow improving trend in range conditions. There is no known existing data to dispute this fact.

Also, as emphasized in this Environmental Assessment (EA), all available evidence including research, adaptive

modeling, range monitoring, utilization and actual use studies concur that PMWHR range conditions may suffer markedly under the prolonged impact of a wild horse population surpassing 200 animals in size. This does not mean that BLM will adopt a “do nothing management strategy” until the herd surpasses 200 animals in size. Nor does this mean that the new AML for the herd is 200. It means that BLM has the legal responsibility to remove horses before the herd size contributes to resource damage. At this time, all available information indicates that optimum herd size, then, is below 200 animals.

Average grazing impacts on the range appear light to moderate over the last eight years and are reflective of an average of 165 horses (all ages) on the range, as well as impacts from other grazing species. As further indicated in the EA, considerable relief to grazing pressure on the upper elevations of the horse range has been provided by unauthorized horse use on Forest Service lands. This unauthorized use is beyond an acceptable level as stated in existing management plans. Grazing pressures are currently bordering on unacceptable levels on the Park Service Dryhead portion of the range as well as other areas of the lower range. There is year-round presence of horses in these lower elevations and vegetation production tends to be limited due to poor soils and minimal precipitation. These data are all indicative of the need to prevent horse numbers from increasing beyond current levels.

Even though, BiFO has seen temporary and localized relief from the drought, primarily in the mid to upper elevations of the PMWHR, this does not negate the need to be concerned about the present size of the horse herd and the proposed need to gather. One year of partial relief from a multiple year drought is insufficient to allow full plant physiological recovery from drought stress and increasing grazing impacts.

VIII. PUBLIC INPUT

Sixty-nine letters and email were received by the Billings Field office (BiFO) in response to EA # MT-010-03-14 for the FY2003 proposed fertility control and selective gather on the PMWHR. A list of individuals and agencies that responded are on file at BiFO as are all original submitted documents. Public members using Freedom of Information Act (FOIA) procedures may request these documents. Details can be provided by contacting BiFO. Over 30 responses were email received prior to the deadline but without original signature. These email were retained as part of the public record. Another dozen or so email were received after the deadline of May 16, 2003 and also did not contain original signatures. These email were not retained as part of the public record.

All submissions were reviewed and comments and concerns were consolidated for BLM response. Every effort has been made to clarify issues that appeared confusing and contradictory to the public. The response document (Attachment 1) provides additional details and clarification of information and recommendations already advanced in the EA. The public is reminded that in some cases similar public concerns were raised and responded to in Decision Records pertaining to the FY2001 Gather Plan and the FY2002 Humane-Use of Fertility Control on the Pryors. These documents are available on the website: <http://www.mt.blm.gov/bifo/whb/doc2.html> or by contacting BiFO.

IX. FINDING of NO SIGNIFICANT IMPACT

BLM has reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. BLM has determined that the Proposed Actions will not have any significant impacts on the human environment and that an EIS is not required. BLM finds that implementation of the Proposed Actions would not result in unnecessary or undue degradation of the Public Lands. BLM has determined that the Proposed Actions are in conformance with the appropriate and approved land use plans.

X. APPEALS

Within 30 days of the date of the Decision, you have the right of appeal to the Board of Land Appeals, Office of the

Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). If an appeal is taken, your notice of appeal must be filed in the Billings Field Office, P.O. Box 36800 (5001 Southgate Drive), Billings, Montana, 59107. Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. 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 4939, January 19,1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearing and Appeals, U.S Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203, (2) the Field Solicitor's Office, Pacific Northwest Region, PO Box 31394 (316 North 26th Street), Billings, MT, 59107 and (3) Billings Field Office, P.O. Box 36800 (5001 Southgate Drive), Billings, Montana, 59107. The original documents should be filed with this latter office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a 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 on merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

XI. SIGNATURES

Prepared by: _____ Date _____
PMWHR Manager
State Wild Horse and Burro Specialist
Billings, MT

Approved by: _____ Date _____
Billings Field Manager
Billings Field Office
Billings, MT