



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
(775) 623-1500
<http://www.nv.blm.gov/winnemucca>



In Reply Refer To:
4720
(NV-022.42)

NOV - 8 2002

Dear Reader:

Enclosed is the Decision Record/Finding of No Significant Impact (FONSI) for the Jackson Mountains Herd Management Area (HMA) Gather Plan and Environmental Assessment (EA) issued by the Bureau of Land Management (BLM), Winnemucca Field Office. The EA was sent out for public review and comment on September 13, 2002. The public comment period ended on October 11, 2002. The BLM considered all comments received as part of the decision making process. There were a total of nine comments received; four supported the proposed action as written. The remaining comments have been summarized into three general categories:

- Alternatives – BLM did not consider a reasonable range of alternatives, such as the removal of livestock or allowing natural controls (disease, nutritional deficiencies, dehydration, etc.) to eventually stabilize the wild horse population.

The BLM considered and analyzed the proposed action, three alternatives and the no action alternative. All alternatives addressed objectives as defined in Section B - Purpose and Need of the EA. The EA presented the alternatives in a comparative form that defined the issues. The BLM has complied with the Council of Environmental Quality Regulations, 40 CFR 1502.14, in analyzing a reasonable range of alternatives. Removal of livestock from the HMA was previously analyzed during the preparation of the Paradise-Denio Management Framework Plan and associated Paradise-Denio Grazing Environmental Impact Statement and is considered outside the scope of this gather plan.

The alternatives analyzed in the EA were based on the implementation of the planning process that established the Appropriate Management Level (AML) for wild horses in the Jackson Mountains HMA, within the constraints of the Wild Free-Roaming Horse and Burro Act of 1971 (Act). The Act requires BLM to manage wild free-roaming horses in a manner that is designed to achieve and maintain a thriving natural ecological balance and multiple use relationship.

- Monitoring and Data Collection – There were a number of comments concerning monitoring, data collection, current range conditions, and the determination of excess wild horses.

The AML for the Jackson Mountains HMA was established through the allotment evaluation and final multiple use decision process. AML is the optimum number of wild horses which results in a thriving natural ecological balance and avoids deterioration of the range. The EA outlined the AML, existing wild horse population, and stated that areas of heavy use were observed on upland and riparian vegetation, and severe resource degradation caused by wild horses is occurring at some springs within the HMA.

Determining the amount of available forage for wild horses and the establishment of AML is part of the allotment evaluation and final multiple use decision process, and is considered outside the scope of this document. The AML will not be subject to adjustment until the allotments within the HMA are re-evaluated.

- Herd Demographics - Comments included concerns for a genetically viable population, band structure, and criteria for determining which wild horses would be returned to the HMA.

Criteria for the selection of wild horses to be returned to the HMA was discussed in Selective Removal Criteria (EA, page 6), Gather History and Population Characteristics (EA, page 11), and Selective Removal Criteria (EA, page 17). Data presented in the EA described the color pattern and sex ratio for the 1997 gathered population, but did not include specific age structure and sex ratio information. Wild horses selected for release would possess the historic characteristics that are typical of the herd demographics for the Jackson Mountains HMA. Enclosed is the age structure, sex ratio, and color pattern data for the 1989, 1994, and 1995 capture population, and the 1994 and 1997 release population. During the selection process, each of these historic characteristics will be weighed equally.

The BLM has limited band structure data for the Jackson Mountains HMA. However, the BLM did utilize the best available data to analyze impacts to the wild horse population by using a population model. Population models are widely used to help evaluate various management scenarios to determine potential impacts, but have several pitfalls that must be recognized. The most important of these pitfalls is that the results may be taken too literally as predictions of what will happen to a particular population. Population models, such as WinEquus, attempt to describe what would happen if a given set of assumptions about survival, reproduction, environmental variability, and management actions hold true. Results from the model were used to analyze the potential impacts to the wild horse population from implementation of the proposed action and alternatives. Population data, criteria, and parameters utilized for population modeling (EA, Appendix C) represent reasonable assumptions for the Jackson Mountains wild horse population based on available data.

The BLM would like to thank the individuals that commented on the Jackson Mountain HMA Gather Plan and EA. If you have questions, please contact Rodger Bryan at (775) 623-1500.

Sincerely,



Terry A. Reed

Acting

Field Manager

Winnemucca Field Office

Enclosure:

- (1) Jackson Mountains HMA: Age Structure and Sex Ratio Data (2 pages.)
- (2) Jackson Mountains HMA: Color Patterns (1 page)

Jackson Mountains Herd Management Area: Age Structure and Sex Ratio Data

Age	1989 Capture Population						1994 Capture Population ¹						1997 Capture Population ²					
	Male	(%)	Female	(%)	Total	(%)	Male	(%)	Female	(%)	Total	(%)	Male	(%)	Female	(%)	Total	(%)
<1	0	(00.0)	0	(00.0)	0	(00.0)	49	(51.0)	47	(49.0)	96	(21.7)	53	(39.3)	82	(60.7)	135	(21.2)
1	29	(47.5)	32	(52.5)	61	(27.2)	9	(56.2)	7	(43.8)	16	(03.6)	42	(42.0)	58	(58.0)	100	(15.7)
2	15	(45.5)	18	(54.5)	33	(14.7)	42	(52.5)	38	(47.5)	80	(18.1)	41	(44.1)	52	(55.9)	93	(14.6)
3	10	(40.0)	15	(60.0)	25	(11.2)	15	(40.5)	22	(59.5)	37	(08.4)	11	(31.4)	24	(68.6)	35	(05.5)
4	13	(52.0)	12	(48.0)	25	(11.2)	20	(46.5)	23	(53.5)	43	(09.7)	7	(36.8)	12	(63.2)	19	(03.0)
5	1	(50.0)	1	(50.0)	2	(00.9)	13	(61.9)	8	(38.1)	21	(04.7)	18	(46.2)	21	(53.8)	39	(06.1)
6	2	(33.3)	4	(66.7)	6	(02.7)	3	(21.4)	11	(78.6)	14	(03.2)	15	(41.7)	21	(58.3)	36	(05.7)
7	4	(57.1)	3	(42.9)	7	(03.1)	12	(32.4)	25	(67.6)	37	(08.4)	7	(41.2)	10	(58.8)	17	(02.7)
8	2	(16.7)	10	(83.3)	12	(05.3)	7	(36.8)	12	(63.2)	19	(04.3)	1	(20.0)	4	(80.0)	5	(00.8)
9	2	(18.2)	9	(81.8)	11	(04.9)	5	(71.4)	2	(28.6)	7	(01.6)	0	(00.0)	4	(100.0)	4	(00.6)
10	4	(50.0)	4	(50.0)	8	(03.6)	6	(28.6)	15	(71.4)	21	(04.7)	9	(34.6)	17	(65.4)	26	(04.1)
11	5	(50.0)	5	(50.0)	10	(04.5)	6	(66.7)	3	(33.3)	9	(02.0)	15	(60.0)	10	(40.0)	25	(03.9)
12	2	(100.0)	0	(00.0)	2	(00.9)	5	(55.6)	4	(44.4)	9	(02.0)	17	(68.0)	8	(32.0)	25	(03.9)
13	3	(75.0)	1	(25.0)	4	(01.8)	1	(20.0)	4	(80.0)	5	(01.1)	10	(41.7)	14	(58.3)	24	(03.8)
14	3	(100.0)	0	(00.0)	3	(01.3)	9	(81.8)	2	(18.2)	11	(02.4)	6	(66.7)	3	(33.3)	9	(01.4)
15	1	(25.0)	3	(75.0)	4	(01.8)	6	(60.0)	4	(40.0)	10	(02.3)	3	(27.3)	8	(72.7)	11	(01.7)
16	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	3	(50.0)	3	(50.0)	6	(00.9)
17	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	5	(55.6)	4	(44.4)	9	(01.4)
18	3	(75.0)	1	(25.0)	4	(01.8)	3	(100.0)	0	(00.0)	3	(00.7)	9	(81.8)	2	(18.2)	11	(01.7)
19	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)
20	4	(100.0)	0	(00.0)	4	(01.8)	3	(100.0)	0	(00.0)	3	(00.7)	3	(60.0)	2	(40.0)	5	(00.8)
20+	3	(100.0)	0	(00.0)	3	(01.3)	1	(50.0)	1	(50.0)	2	(00.4)	3	(100.0)	0	(00.0)	3	(00.5)
Total	106	(47.3)	118	(52.7)	224	(100.0)	215	(48.5)	228	(51.5)	443	(100.0)	278	(43.6)	359	(56.4)	637	(100.0)

¹ Gather conducted in Jackson Mountains Allotment only. No data for 4 of 447 wild horses captured.

² No data for 34 of 671 wild horses captured.

Age	1994 Release Population ³						1997 Release Population ⁴					
	Male	(%)	Female	(%)	Total	(%)	Male	(%)	Female	(%)	Total	(%)
<1	1	(100.0)	0	(00.0)	1	(00.8)	0	(00.0)	1	(100.0)	1	(00.6)
1	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)
2	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	1	(100.0)	1	(00.6)
3	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)
4	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)
5	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)
6	3	(42.8)	4	(57.1)	7	(05.2)	0	(00.0)	0	(00.0)	0	(00.0)
7	12	(40.0)	18	(60.0)	30	(22.4)	0	(00.0)	0	(00.0)	0	(00.0)
8	7	(43.8)	9	(56.2)	16	(12.0)	0	(00.0)	0	(00.0)	0	(00.0)
9	5	(71.4)	2	(28.6)	7	(05.2)	0	(00.0)	1	(100.0)	1	(00.6)
10	6	(28.6)	15	(71.4)	21	(15.7)	9	(34.6)	17	(65.4)	26	(16.6)
11	6	(66.7)	3	(33.3)	9	(06.7)	15	(60.0)	10	(40.0)	25	(16.0)
12	5	(55.6)	4	(44.4)	9	(06.7)	17	(68.0)	8	(32.0)	25	(16.0)
13	1	(20.0)	4	(80.0)	5	(03.7)	10	(41.7)	14	(58.3)	24	(15.3)
14	9	(81.8)	2	(18.2)	11	(08.2)	6	(66.7)	3	(33.3)	9	(05.7)
15	6	(60.0)	4	(40.0)	10	(07.5)	3	(27.3)	8	(72.7)	11	(07.0)
16	0	(00.0)	0	(00.0)	0	(00.0)	3	(50.0)	3	(50.0)	6	(03.8)
17	0	(00.0)	0	(00.0)	0	(00.0)	5	(55.6)	4	(44.4)	9	(05.7)
18	3	(100.0)	0	(00.0)	3	(02.2)	9	(81.8)	2	(18.2)	11	(07.0)
19	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)	0	(00.0)
20	3	(100.0)	0	(00.0)	3	(02.2)	3	(60.0)	2	(40.0)	5	(03.2)
20+	1	(50.0)	1	(50.0)	2	(01.5)	3	(100.0)	0	(00.0)	3	(01.9)
Total	68	(50.8)	66	(49.2)	134	(100.0)	83	(52.9)	74	(47.1)	157	(100.0)

³ Gather conducted in Jackson Mountains Allotment only.

⁴ No data for 3 of 160 wild horses released.

Jackson Mountains Herd Management Area: Color Patterns

Color	1989 Capture Population ¹		1994 Capture Population ²		1997 Capture Population ³	
	Number	(%)	Number	(%)	Number	(%)
Bay	166	(74.8)	248	(56.0)	335	(52.6)
Sorrel	27	(12.2)	97	(21.9)	157	(24.6)
Chestnut	11	(04.9)	0	(00.0)	0	(00.0)
Black	3	(01.4)	61	(13.8)	80	(12.6)
Brown	10	(04.5)	23	(05.2)	48	(07.5)
Gray	0	(00.0)	10	(02.3)	15	(02.3)
Buckskin	0	(00.0)	0	(00.0)	1	(00.2)
Dun	5	(02.2)	0	(00.0)	0	(00.0)
Blue Roan	0	(00.0)	1	(00.2)	0	(00.0)
Red Roan	0	(00.0)	1	(00.2)	0	(00.0)
Strawberry Roan	0	(00.0)	2	(00.4)	0	(00.0)
Palomino	0	(00.0)	0	(00.0)	1	(00.2)
Total	222	(100.0)	443	(100.0)	637	(100.0)

Color	1994 Release Population ⁴		1997 Release Population ⁵	
	Number	(%)	Number	(%)
Bay	75	(56.0)	82	(52.2)
Sorrel	21	(15.7)	34	(21.7)
Black	16	(11.9)	19	(12.1)
Brown	17	(12.7)	16	(10.2)
Gray	5	(03.7)	6	(03.8)
Total	134	(100.0)	157	(100.0)

¹ No data for 2 of 224 wild horses captured.

² Gather conducted in Jackson Mountains Allotment only. No data for 4 of 447 wild horses captured.

³ No data for 34 of 671 wild horses captured.

⁴ Gather conducted in Jackson Mountains Allotment only.

⁵ No data for 3 of 160 wild horses released.

**DECISION RECORD (DR)
AND
FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**Jackson Mountains Herd Management Area
Gather Plan and Environmental Assessment
NV-020-02-31**

Decision

It is my decision to select Alternative II as described in the Jackson Mountains Herd Management Area (HMA) Gather Plan and Environmental Assessment (EA), EA NV-020-02-31.

Alternative II is to gather approximately 672 wild horses and remove approximately 455 wild horses from the Jackson Mountains HMA, and to implement an immunocontraceptive research project on 100% of the mares released (approximately 130 head or 60% of the release animals), and monitor results as appropriate. Approximately 217 wild horses (130 mares and 87 studs) will be returned to the HMA, which represents the upper limit of the management range. Excess wild horses will be transported to a BLM adoption preparation/holding facility.

Alternative II includes inoculating all mares selected for release with an immunocontraceptive vaccine, Porcine zona pellucidae (PZP), administered by researchers connected with the National Fertility Control Field Trial Plan, or by trained BLM personnel. Delivery of the vaccine will be as described in the proposed action of the EA. Such a vaccine will permit a single injection to cause up to two years of contraception at approximately 95% effectiveness in year one and 85% effectiveness in year two. Inoculated mares would foal normally in 2003, and the contraceptive would limit foal production in 2004 and 2005. Near normal foaling rates are expected to resume in 2006.

Alternative II incorporates actions common to all alternatives as described in the EA, which include: establishment of a management range; collection of demographic data including sex, age, and color; collection of biological samples including blood samples for genetic marker analysis, and nasal swabs for animals exhibiting symptoms of respiratory disease.

This decision incorporates the Standard Operation Procedures identified in Appendix A of the EA as stipulations. These stipulations include; prior to setting up a trap or temporary holding facility, BLM will conduct all necessary inventories (such as archaeological and T&E). Trap site and holding facility locations will be provided to James D. Morefield, Botanist for the Nevada Natural Heritage Program.

This decision is placed in Full Force and Effect in accordance with Title 43 of the Code of Federal Regulations at 4770.3(c). The scheduling of the gather is dependent on funding and could be affected by other priorities or the need to conduct emergency gathers.

Rationale

After careful consideration of all comments received from the public and a review of potential impacts of the alternatives analyzed in the EA, the selection and implementation of Alternative II would result in achieving a thriving natural ecological balance and multiple use relationship within the Jackson Mountains HMA. Population modeling indicates that Alternative II would have the lowest average growth rate of all alternatives analyzed in the EA, but would result in a average median population size in five years that is 30 % larger than the Proposed Action.

Based on the environmental analysis, it is determined that Alternative II will not result in any undue or unnecessary environmental degradation of the public lands and is consistent with federal, state, and local laws, regulations and plans.

Climatic forecasts indicate that the action should be implemented as scheduled to protect the health and welfare of wild horses, habitat, and to ensure that there is adequate forage available this winter. The existing wild horse population in the Jackson Mountains HMA exceeds the upper limit of the management range by 281 %. If the area receives normal winter precipitation, it is highly likely that there is insufficient winter habitat to support the current population of wild horses, and there is a high potential for a winter death loss.

The proposed action is in conformance with the wild horse objectives in the Paradise-Denio Management Framework Plan.

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in EA NV-020-02-31, I have determined that this action will not have a significant effect on the human environment. Therefore, in accordance with Section 102(2)(C) of the National Environmental Policy Act, the preparation of an environmental impact statement is not required for the following reasons:

- 1) Sensitive resource values will not be adversely impacted from implementation of Alternative II.
- 2) There will be no adverse affect on threatened or endangered, or Nevada State sensitive species.
- 3) The gather will not adversely affect, or cause a destruction of, significant scientific, cultural, or historic resources.
- 4) Alternative II will not adversely affect public health or safety. The gather and its potential effects on the human environment are not highly uncertain and do not involve unique or unknown risks.

Appeal Procedures

The Record of Decision for the Jackson Mountains Gather Plan and Environmental Assessment is placed in Full Force and Effect in accordance with Title 43 of the Code of Federal Regulations at 4770.3(c). If you wish to appeal this decision, it 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 be filed with the Bureau of Land Management at the following address:

Terry A. Reed
Field Manager
Bureau of Land Management
Winnemucca Field Office
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

Your appeal must be filed within thirty (30) days from receipt 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. 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 appellant's success on the 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.

Copies of the notice of appeal and petition for a stay must also be submitted to the:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

and to the appropriate office of the Solicitor:

Field Solicitor
U.S. Department of the Interior
6201 Federal Building
125 South State Street
Salt Lake City, UT 84138-1180

at the same time the original documents are filed with this office.



Terry A. Reed
Field Manager
Winnemucca Field Office

8 Nov 02

Date