

DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT
for the
Pryor Mountain Wild Horse Range
FY2002 Humane-Use of Fertility Control on Select Young Wild Horse Mares
EA Number MT-010-02-22

I. DECISION

Purely from the standpoint of humane management (and compassionate-use of PZP vaccine), the Billings Field Manager has made the decision that all 12 yearling and 7 two-year old 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 (Appendix 1). Any mares, which received a primer injection during gather efforts in September 2001, 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-010-02-22) is to provide one year of infertility, in order to give the mares an opportunity to fully mature before becoming pregnant, or to fully recover before becoming pregnant again. Since 1996, several young mares (20% of the 2 year olds; 27% of the 3 year-olds; and 41% of the 4-year olds) have lost their foals. In 3 cases, both mare and foal died and 2 other young mares 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 who were naturally delayed in foal production. Several of these mares have taken 1-2 years to improve their condition.

All 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. 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 15, 2002 and may continue through September 30, 2002. Fertility control provided this summer will impact 2003 pregnancies only. Any subsequent fertility control efforts, involving animals not identified in the EA, will be covered by additional NEPA documents.

II. ALTERNATIVES CONSIDERED

The Proposed Action and three 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 Action: Humane-Use of Fertility Control on Yearlings and Two-Year Old Mares. 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 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-010-02-22 Section IV. Alternative Management Actions pg 11-13).

III. PERMISSION and CRITERIA for VACCINE USE

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.

IV. STATUS of the NATIONAL BLM WILD HORSE and BURRO RESEARCH STRATEGY and the NATIONAL FERTILITY CONTROL FIELD TRIAL PROGRAM

Details of the BLM Wild Horse and Burro Research Strategy and the National Research Field Trials on Wild Horse Fertility Control are nearing completion and will be provided to the National Wild Horse and Burro Advisory Board at the next scheduled meeting. This meeting will be held in Denver, CO., on June 24th and 25th, 2002 and public members are invited to attend. Information on this meeting may be obtained by calling the Wild Horse and Burro Program National Program Office in Reno, NV. (775-861-6583).

The BLM National Research Field Trials on Wild Horse Fertility Control will require 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 (evaluated by collecting urine samples not just overt behavior), fertility, 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.

Approval of the national-level field trial plan, by the Wild Horse and Burro Advisory Board, is still required prior to implementation of the Proposed Action within this Decision Record and FONSI for the PMWHR. A press release will be issued by the Billings Field Office in early July to notify the public of the approval to move forward (or not) with the Proposed Action.

V. 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.

VI. IMPACT on HERD GENETICS

Currently, there are 154 horses on the range plus 21 surviving foals of the year (Appendix 1).

Herd

size is currently above that needed to ensure a minimum genetically viable population. As such, immunocontraception of younger mares, who would normally contribute only a small number of surviving foals annually, will have a negligible impact on herd genetics. Furthermore, research in genetic modeling indicates that delaying the age to first reproduction of these young mares will actually act to conserve genetic diversity within the herd. Individual contracepted mares would have their genetic contributions delayed but not necessarily removed from the herd.

VII. PUBLIC INPUT

Eighteen documents (letters and e-mail) were received by the Billings Field Office (BiFO) in response to the EA for the proposed 2002 Humane-Use of Fertility Control on Select Young Horse Mares on the PMWHR. BLM has carefully considered all public comments and thanks all responding public for their interest in PMWHR management. Questions, concerns and comments were very diverse and an effort has been made to summarize and consolidate the content of all letters in order to facilitate BLM's response process. The response document (Attachment 1) provides additional details and clarification of information and recommendations already advanced in the EA. Individual public letters are on file at BiFO, and individuals and agencies who responded are listed in the response document.

VIII. 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 Action will not have any significant impacts on the human environment and that an EIS is not required. BLM finds that implementation of the Proposed Action would not result in unnecessary or undue degradation of the Public Lands. BLM has determined that the Proposed Action is in

conformance with the appropriate approved land use plans.

IX. 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, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Field Solicitor's Office, Pacific Northwest Region, 316 North 26th Street, Billings, MT, 59101 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.

X. SIGNATURES

Prepared by: _____ Date _____

PMWHR Manager
State Wild Horse and Burro Specialist
Billings, MT

Approved by:

Billings Field Manager
Billings Field Office
Billings, MT

Date _____