

Decision Record
Bureau of Land Management
Rawlins and Lander Field Offices

Red Desert Complex Herd Management Area Gather
DOI-BLM-WY-030-EA15-63

Based on the analysis in Environmental Assessment (EA) No. DOI-BLM-WY-030-EA15-63, it is my decision to implement a gather and fertility control program, as described in Alternative 2: Proposed Action. This alternative implements the planning decisions from the 2008 Rawlins Resource Management Plan (RMP), as amended, and the 2014 Lander RMP, respectively, to maintain the Red Desert Complex of HMAs (Complex) at, or near, the Appropriate Management Level (AML). The number of horses removed from the Complex would be accomplished by removing all excess horses in several smaller gather actions, by Herd Management Area, depending on National program needs and availability. All mares released back into the HMAs will be treated with fertility control. The BLM will return to these HMAs within 3 years to gather and treat mares to maintain fertility control measures. The populations will be monitored and maintained within the RMP established AMLs.

I have carefully considered all public comments received on the EA, and wish to thank all commenters for their interest in public lands management and their sincere concern for the preservation of wild horses on the public lands.

As discussed in the EA and herein, based upon current inventories, information provided in the applicable land use plans, and other available information, I have concluded that an overpopulation of wild horses exists in the Complex. Wild horses above the AML specified in the applicable RMPs and those in areas not designated for their long term management must be removed. This will preserve and maintain a thriving natural ecological balance and multiple use relationship and prevent undue or unnecessary degradation of the public lands, as specified in the Rawlins and Lander RMPs, and as directed in the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA) and Section 2(b)(4) of the Public Rangelands Improvement Act of 1978. Wild horses above AML and those within areas not designated for long term management are therefore considered “excess” within the meaning of the WFRHBA and are subject to gathering and removal. All reasonable precautions will be taken to avoid injury to the wild horses, including adherence to the Standard Operating Procedures for Wild Horse Gathers (Appendix 1 of the EA) and the Standard Operating Procedures for Fertility Control Treatment (Appendix 4 of the EA), and to ensure the safety of personnel involved in the gather.

This decision is issued in accordance with Title 43 of the Code of Federal Regulations (CFR) at Section 4770.3(c), which states in part, “decisions to remove...shall be effective upon issuance or on a date established in the decision.” This decision will be in effect on June 21, 2016. The Complex gather is currently anticipated to begin in August 2016 or as soon as national gather priorities allow.

AUTHORITIES

Gathering wild horses is in compliance with Public Law 92-195, the WFRHBA, as amended by Federal Land Policy and Management Act of 1976 (FLPMA); and Public Law 95-514, the Public Rangelands Improvement Act of 1978. Public Law 92-195, as amended, requires the protection, management, and control of wild horses on public lands.

USE AUTHORITY FOR THE PZP VACCINE

The Humane Society of the United States 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 Immuno-contraceptive Use in Wild Horse Herds recommended by the Wild Horse and Burro National Advisory Board in August 1999. The Rawlins and Lander Field Offices, in their management of the Complex, are in full compliance with all pertaining criteria. The proposed action will also adhere to all guidance and research protocol set by the National Wild Horse Fertility Control Field Trial program.

COMPLIANCE AND MONITORING

The BLM will monitor gather operations for adherence to the Standard Operating Procedures for Wild Horse Gathers and Fertility Control Treatment as outlined in Appendices 1 and 4 of the EA and the design of the selected action. The BLM will also continue to monitor wild horse numbers and rangeland health condition.

PROJECT DESIGN FEATURES, TERMS, CONDITIONS, and STIPULATIONS

Standard Operating Procedures for Wild Horse Removal can be viewed in Appendix 1 of the EA. In addition, the Selective Removal Criteria, Gather Operations, and Data Collection have been incorporated as part of the selected action.

PUBLIC INVOLVEMENT

A public scoping letter was issued on April 20, 2015. In excess of 6,000 comments were received from individuals, organizations, and agencies during the scoping period. The EA (DOI-BLM-WY-030-EA15-63) for gathering wild horses was available for public review on September 8, 2015. Over 7,000 comments were received from individuals, organizations, and agencies during the public review period. All of the comments received represented a range of opinions and interpretation of selected data. Appendix 8 of the EA provides a Summary of Scoping and Public Review Comments. Public comments have been incorporated into the EA and Decision Record/Finding of No Significant Impact as appropriate and are made part of this decision.

RATIONALE FOR ALTERNATIVE SELECTED

This decision is based on the Finding of No Significant Impact and is in accordance with applicable law and policy, including FLPMA, PRIA, the WFRHBA and its implementing regulations at 43 CFR 4700, and related policy.

In addition, the decision conforms to the Rawlins RMP (Record of Decision, 2008, as amended) and the Lander RMP (Record of Decision, 2014), which recognize that wild horse numbers above the AML, as specified in the RMPs, are considered “excess” and subject to gathering and removal.

The gather actions described in Alternative 2 (Proposed Action) meet the need of removing excess wild horses to achieve a thriving natural ecological balance between wild horse populations, wildlife, livestock, vegetation and water resources and to protect the rangeland from deterioration associated with overpopulation of wild horses as authorized under Section 3 [16 U.S.C. 1333] (b) (2) of the WFRHBA.

The gather is necessary in order to protect the rangeland resources (forage and water availability) and to prevent the significant threat of degradation to the public lands. Delaying the gather may also unduly impact the private land holders’ resources by reducing water and forage availability on their lands.

The BLM RFO and LFO have reviewed the National Academy of Science (NAS) report and have determined that its recommendations do not require modification of the proposed action or alteration of the range of alternatives or impact analyses of this EA. In accordance with the Purpose and Need (Section 1.1 of the EA), the BLM needs to remove wild horses as required by Section 3 [16 U.S.C. 1333] of the WFRHBA.

EFFECTIVE DATE

For the following reasons, the BLM is exercising the authority provided at 43 CFR 4770.3(c) to make this decision effective upon June 21, 2016. The BLM currently plans to commence with the gather as early as August 2016 or when national gather priorities allow, to fulfill its obligations as stated above.

Washington Office Instruction Memorandum (IM) No. 2010-130 provides, subject to certain exceptions, that wild horse decisions should be issued 31 days prior to the gather implementation, to “ensure the public has an opportunity to participate in and request administrative reviews of WH&B gather decisions”.

ADMINISTRATIVE PROCEDURES

This decision is issued in accordance with 43 CFR 4770.3(c) which states in part: “decisions...shall be effective upon issuance or on a date established in the decision.” Once the decision is final, it will be subject to appeal. If you wish to appeal this decision, as provided by 43 CFR 4770.3 and 43 CFR 4.4, you must file an appeal in writing within 30 days of receipt of this decision with the Field Manager, Rawlins Field Office, 1300 North 3rd Street, Rawlins, Wyoming 82301.

The appeal must state clearly and concisely why you think the decision is in error.

Should you wish to file a petition for stay, the appellant 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 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.

If you decide to also submit a petition for stay of the decision, a copy of the notice of appeal and petition for stay must be served simultaneously upon the parties identified below.

Field Manager
Rawlins Field Office
1300 North 3rd Street
Rawlins, Wyoming 82301

Office of the Regional Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

Office of Hearings and Appeals
Interior Board of Land Appeals
801 North Quincy Street, Suite 300
Arlington, Virginia 22203

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals; therefore, they will not be accepted.

APPROVAL

The 2016 Red Desert Complex Herd Management Area Gather is approved for implementation beginning on or after August 1, 2016. This decision issued in accordance with 43 CFR 4770.3(c) which states, in part, "...remove wild horses from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision."



Dennis J. Carpenter
Rawlins Field Manager

Date: JUN 07 2016



Richard Vander Voet
Lander Field Manager

Date: 6/07/16