



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
High Desert District - Rock Springs Field Office
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Decision Record
Bureau of Land Management
Rock Springs Field Office

**Wild Horse Gather to Appropriate Management Levels on the Adobe Town, Salt Wells Creek,
Great Divide Basin, White Mountain and Little Colorado Herd Management Areas**

DOI-BLM-WY-D040-2020-0005-EA

BACKGROUND:

The Bureau of Land Management (BLM) Rock Springs and Rawlins field offices have determined that there are approximately 3,555 excess wild horses present within the Adobe Town, Salt Wells Creek, Great Divide Basin, White Mountain and Little Colorado Herd Management Areas (HMAs). The BLM considered a variety of factors in making this excess determination, including: current resource conditions; drought conditions; the requirements of applicable Resource Management Plans; current population estimates relative to established appropriate management levels (AMLs); and existing obligations outlined in the 2013 Consent Decree.

In addition to the need to remove wild horses from these HMAs to maintain a thriving natural ecological balance (TNEB), the BLM has received a written request to remove wild horses from private lands within these HMAs. Through a series of legal proceedings the BLM entered into a Consent Decree in April of 2013 [Rock Springs Grazing Association v. Salazar, Civil Action No. 11-CV-263-NDF (D.Wyo.)]. This 2013 Consent Decree requires the periodic removal of wild horses from the “checkerboard” lands in these HMAs, based on the population size and location of wild horses as observed during annual census flights. The results of the 2019 census flights demonstrate a need to remove wild horses from these HMAs to maintain AML and meet the 2013 Consent Decree requirements.

DECISION:

Based on the analysis in Environmental Assessment DOI-BLM-WY-D040-2020-0005-EA, it is our decision to implement a gather, as described in Alternative II (Proposed Action) of the EA. This alternative would remove approximately 3,555 excess wild horses from the Adobe Town, Salt Wells Creek, Great Divide Basin, White Mountain and Little Colorado HMAs. Furthermore, it would implement temporary population growth suppression strategies by treating approximately 356 mares with an immunocontraceptive vaccine, and by inserting intrauterine devices (IUDs) into approximately 64 open (non-pregnant) mares that are not treated with an immunocontraceptive vaccine. All treated animals would subsequently be released back into these HMAs. See Table 4 in Section 2.2 of the EA for a summary of these actions, by HMA.

We 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 public lands.

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 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 on issuance or on a date established in the decision.” This decision will be effective upon issuance and the actual gather start date will be subsequently scheduled. The BLM will notify the public through a press release when gather operations will commence. The BLM currently plans to start gathering horses in early October 2021.

RATIONALE FOR ALTERNATIVE SELECTED

As described in the Background section, BLM has a need to remove approximately 3,555 excess wild horses in order to comply with both Sections 3 and 4 of the Wild Free-Roaming Horses and Burros Act (WFRHBA), as well as the 2013 Consent Decree. The most appropriate way to accomplish this need within these HMAs is to conduct a wild horse gather and remove wild horses to low AML within each of these HMAs. Removal of excess wild horses to low AML will address an overpopulation of wild horses and will allow for a TNEB within these areas. It will also address the request to remove wild horses from private lands within the HMAs. By selecting temporary population growth suppression strategies, rather than permanent sterilization, this action will reduce gather frequencies, while minimizing impacts to treated wild horses.

As discussed in Section 1.3 of the EA, this alternative would comply with the Federal Land Policy and Management Act (FLPMA), the WFRHBA, the associated land use plans, and all other applicable laws and regulations. This decision is also made in consideration of the Finding of No Significant Impact (FONSI) for EA DOI-BLM-WY-D040-2020-0005-EA.

The Proposed Action allows wild horses to remain in healthy populations on the range, while protecting rangeland resources and allowing for multiple use management of the land. The gather is necessary in order to protect rangeland resources (such as 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.

AUTHORITIES

The gather and removal of wild horses is provided for in the WFRHBA, as amended by FLPMA and the Public Rangelands Improvement Act of 1978 (PRIA). The WFRHBA requires the protection, management, and control of wild horses on public lands. BLM has determined that there is an excess of wild horses, in which, Section 3 of the WFRHBA provides the authority to gather and remove excess wild horses to within AML upon both public and private lands. Section 4 of the WFRHBA requires that we respond to the request of private landowners to remove wild horses from private lands.

The decision conforms to the Green River Resource Management Plan (RMP) (Record of Decision, 1997) and the Rawlins RMP (Record of Decision, 2008), which recognizes that wild horse numbers above the AML, as specified in the RMPs, are considered “excess” and subject to gathering and removal. This decision also conforms with the 2015 Approved Resource Management Plan Amendment for Greater

Sage-grouse (BLM/WY/PL-15/023+1610), which directs the BLM to manage wild horses within AML for HMAs that contain Priority Habitat Management Areas for Greater Sage-grouse.

In addition, in April 2013, the U.S. District Court for Wyoming entered the consent decree between BLM and the Rock Springs Grazing Association in case 11-CV-263-NDF. The proposed action to remove wild horses from these HMAs is necessary to meet the terms of the 2013 Consent Decree.

COMPLIANCE AND MONITORING

The BLM will monitor gather operations for adherence to the Standard Operating Procedures for Wild Horse Gathers as outlined in Appendix E of the EA and the Comprehensive Animal Welfare Program outlined in Appendix F of the EA. The BLM will also continue to monitor wild horse populations within these HMAs.

STATUTORY AND LAND USE PLAN CONFORMANCE

As explained herein, this removal is in compliance with the WFRHBA, as amended; and the two governing land use plans: the 1997 Green River and 2008 Rawlins RMPs, respectively as amended.

The FLPMA and its land use planning requirements apply only to the BLM's management of the public lands, not private lands, 43 U.S.C. §1712. As to public lands, the policies of FLPMA are to be construed as supplemental to and not in derogation of the purposes for which the lands are administered under other provisions of law, 43 U.S.C. §1701.

PROJECT DESIGN FEATURES, TERMS, CONDITIONS, and STIPULATIONS

Standard Operating Procedures for Wild Horse Removal can be viewed in Appendix E of the EA. The Comprehensive Animal Welfare Program for the BLM is provided in Appendix F of the EA. The BLM will adhere to the standards outlined in these documents in conducting all gather and transportation procedures.

PUBLIC INVOLVEMENT

A public scoping letter was issued on November 21, 2019. In excess of 550 comments were received from individuals, organizations, and agencies during the scoping period. The EA (DOI-BLM-WY-D040-2020-0005-EA) for gathering wild horses was available for public review on March 31, 2021. Over 1,754 comments were received from individuals, organizations, and agencies during the public review period. Appendix A of the EA provides a Summary of Scoping and Public Review Comments. Public comments have been incorporated into the EA, Decision Record and FONSI as appropriate and are made part of this decision.

ADMINISTRATIVE PROCEDURES

This decision is issued in accordance with 43 CFR 4770.3(c) which states in part that certain wild horse removal 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, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901.

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
Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901

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

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

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

Kimberlee D. Foster
Rock Springs Field Manager

Dennis J. Carpenter
Rawlins Field Manager