

**UNITED STATES DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

Billings Field Office

5001 Southgate Dr

Billings, MT 59101

**DECISION RECORD**

**for the Pryor Mountain Wild Horse Range HMAP, 10-Yr Gather Plan, and Proposed  
Resource Management Plan Amendment**

**Decision on the Resource Management Plan Amendment**

DOI-BLM-MT-C010-2020-0004-EA

March 14, 2025

**I. DECISION**

It is my decision to amend management decision (MD) WH-7 of the Billings Resource Management Plan (RMP) as described in the Proposed Action (Alternative 2) of the Environmental Assessment (EA) DOI-BLM-MT-C010-2020-0004-EA.

The 2015 Billings RMP MD WH-7 states:

MD WH-7: Herd Characteristics: Within an HMAP, herd structure will be managed for all representations in the herd, not allowing specific colors or bloodlines to dominate from management manipulation.

The 2015 Billings RMP MD WH-7 will be amended by this decision to state:

MD WH-7: Maintain desirable levels of genetic diversity, as measured by Observed Heterozygosity (Ho). Observed heterozygosity is a measure of how much diversity is found on average within individual animals in the HMA. If Ho drops below thresholds identified in the BLM Wild Horses and Burros Management Handbook H-4700-1, then BLM would take any combination of the following actions to reduce the possible risks associated with inbreeding depression:

- 1) maximize the number of fertile, breeding age wild horses (6-15 years) within the herd;
- 2) adjust the sex ratio in favor of males (but with not more than approximately 60 percent males); and/or
- 3) introduce mares or stallions from other wild horse HMAs. Prioritize introductions from herds with characteristics similar to the Pryor Mountain horses, such as the Sulfur herd in Utah, the Cerbat Mountain herd in Arizona, or others.

This decision only pertains to amending the RMP for the BLM Billings Field Office. Implementation aspects of the Proposed Action that relate to the Joint Herd Management Action Plan (HMAP), Appropriate Management Level (AML), and Gather Plan will be issued under

separate decisions. After this decision, the U.S. Forest Service intends to issue a decision on only these implementation aspects of the project. Once the U.S. Forest Service process is complete, BLM will issue one decision on both the HMAP and AML and then another decision on the Gather Plan at a time closer to when gathers are anticipated to occur.

## **II. COMPLIANCE AND CONFORMANCE**

As previously stated, this decision would amend the current land use plan at MD WH-7. No other facets of this decision would apply to the implementation aspects of the Proposed Action. Therefore, this decision is in conformance with the Billings RMP.

This decision is also in conformance with all applicable laws and regulations. The decision amends the land use plan in accordance with the Federal Land Policy Management Act (FLPMA) and Part 1600 in Title 43 of the Code of Federal Regulations which governs resource management plans and the process for amendment. Additionally, as the actions pertain to management of wild horses, it follows the Wild Free-Roaming Horses and Burros Act and 43 CFR Part 4700.

## **III. PUBLIC INVOLVEMENT**

This analysis provided multiple opportunities for public participation as described in Chapter 4 of the EA. The comments were addressed in Chapter 4 of the EA, in Appendices P and Q, and in the BLM Director's Protest Resolution Report (link posted below). The public was alerted for opportunities to participate from formal press releases, Federal Register Notices, ePlanning updates, and social media postings.

A Federal Register Notice on the proposed land use plan amendment was released on March 30, 2022, which opened a 30-day public scoping period on the proposed amendment. Commenters asked BLM to clarify whether the intent of the existing language for WH-7 was to manage for matrilineal lines with patrilineal bloodlines as a secondary measure of diversity; this is an issue that becomes moot with this amendment to MD WH-7 of the RMP. Commenters also expressed concerns on the proposed RMP amendment as to whether measuring heterozygosity is a reliable way to manage for genetic diversity, how heterozygosity would be measured (entire population vs breeding individual), and whether genetic diversity could be enhanced by allowing older mares to reproduce. The public also expressed concerns that the proposed amendment was reactive management (taking action after thresholds have been tripped), rather than proactive management to maintain genetic diversity.

The public was provided a 45-day review and opportunity to comment on the preliminary EA beginning on March 14, 2023. BLM received over 13,500 comments during this time. Many of the comments came in the form of a form-letter or edited form-letter, commenters expressed issue with varying aspects of the project including the proposed amendment, as well as the HMAP, AML, and Gather Plan. The response to all comments can be found in Appendix P of the EA.

The BLM accepted protest on this proposed land use plan amendment from November 15, 2024, through December 16, 2024. Protests generally regarded concerns with other aspects of the project though few did address the proposed amendment. Response to the protests dated March 6, 2025, were posted to the BLM Director's Protest Resolution Reports webpage on March 13, 2025, at:

<https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports>.

Finally, the governors of both Montana and Wyoming were provided a 60-day Governors' Consistency Review of the proposed amendment. The Governors did not identify any inconsistencies with officially approved or adopted plans of state and local governments (43 CFR 1610.3-2e). No recommendations in the proposed plan amendment were received as a result of the Governor's Consistency Review.

#### IV. RATIONALE FOR DECISION

This decision will amend MD WH-7 of the Billings RMP as described in Section I above so that it is consistent with Federal laws, regulations, and BLM Wild Horses and Burros Management Handbook (H-4700-1) in regard to managing for desirable levels of genetic diversity.

In helping reach this decision, BLM conducted an Environmental Assessment on the impacts of amending the land use plan in conjunction with implementation actions on the HMAP, AML, and Gather Plan. BLM considered three action alternatives and one no action alternative that would not amend the land use plan. From this analysis, BLM was able to reach a Finding of No Significant Impact (FONSI) from implementation of the Proposed Action, Alternative 2.

Amending the land use plan will address issues with management of Pryor Mountain wild horses found by the district court in *Kathrens v. Zinke*, 323 F. Supp. 3d 1142, (D. Mont. 2018). The BLM had interpreted previous management direction in the RMP to mean that each active breeding mare would have at least one progeny to carry forward into the next generation based upon an implementation objective found in the 2009 HMAP. However, the district court concluded that BLM established this one progeny rule without consideration of the loss of patrilineal lines, which suggested to the court that BLM may have acted arbitrarily and capriciously in its decision.

The BLM's intent in MD WH-7, as originally written, was to limit the loss of genetic diversity, consistent with Goal WH-2, which directs the BLM to "Maintain a wild horse herd that exhibits a diverse age structure, genetic diversity, and any characteristics unique to the Pryor horses." However, *maximizing* genetic diversity at the expense of ecosystem sustainability was not a goal or directive for the herd.

The former wording of MD WH-7 is ambiguous, and the court in *Kathrens*' interpretation that every crossing of any given mare and any given stallion should leave a surviving foal that is left on the range (i.e., a "representation" of the bloodline resulting from that particular crossing) is not practical to implement for several reasons. If one offspring must be kept on the range from every mare/stallion pairing, then population recruitment rate would far exceed the death rate, resulting in undesirable population growth. AML would be mathematically impossible to achieve. Moreover, the BLM cannot cause all patrilineal or matrilineal lines to be propagated. When considering patrilineal lines, not all stallions get to reproduce; breeding is often limited to the band stallion, and some horses may forever remain a bachelor stallion.

Although each individual represents a unique combination of available genetic material, maintaining a herd that largely retains the genetic material and diversity presently in the herd does not depend on each individual reproducing with each mate. Genetic information present in a specific mare and a specific stallion was also shared with their cousins, aunts, uncles, and more distant relatives. The genes (alleles) from the specific mare and stallion can still be maintained in the Pryor Mountain herd even if offspring from any particular pairing are removed, because there are numerous members of the herd that possess similar genetics.

The BLM conducted outreach to Tribal governments with historical ties to the horses and range as well as meeting with the Crow and Northern Cheyenne Tribes. While the Crow Tribe acknowledged that the Pryor horses were likely genetically related to horses found on their reservation, they did not have any specific concerns regarding the specific ancestry of the horses. Implementation of an alternative that would maintain or increase both the body condition and genetic diversity of the herd, while reducing over grazing would be reflective of the care for the resource consistent with its contemporary significance as part of Crow identity.

The decision to amend MD WH-7 of the Billings RMP will align management direction with existing law, regulation and policy, and enable BLM to manage for healthy, genetically diverse wild horses. If the land use plan is not amended, then BLM must continue to manage the herd for *all representation, not allowing specific colors or bloodlines to dominate*. If BLM has to retain an offspring from any possible pairing between any one mare and stallion, or even one offspring for every mare, then options to remove enough descendants to achieve AML become unfeasible. If BLM is unable to make progress towards meeting population objectives, then we would anticipate that rangeland health condition would not improve or continue to decline, and we would not meet statutory responsibilities outlined in 43 CFR 4700.0-6.

## **V. RIGHT OF PROTEST AND/OR APPEAL:**

The protest period for the RMPA has closed. The BLM's protest decision is the final decision of the Department of the Interior (43 CFR 1610.5-2(b)) which means that there is no opportunity to appeal the protest decision or appeal the final land use planning amendment decision to the Interior Board of Land Appeals. The PMWHR EA was prepared according to regulations implementing the FLPMA of 1976, as amended, which are located in Title 43 of the Code of Federal Regulations (CFR), Part 1600.

This decision has completed the Governors' Consistency Review process as directed under 43 CFR 1610.3-2(e). The BLM received no appeals to the proposed land use plan amendment from either the Governors of Montana or Wyoming during this period. Consistent with controlling laws and regulations, no other opportunities to appeal this land use plan amendment decision will be provided.

## **VI. APPROVAL**

### Recommending Official

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Nathaniel L. Arave  
Field Manager  
BLM Billings Field Office

Deciding Official

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Sonya I. Germann  
State Director  
BLM Montana/Dakotas