



U.S. Department of the Interior
Bureau of Land Management

North Lander Wild Horse Gather Decision Record (DR)

July/2022

BLM Wyoming – Lander Field Office

DOI-BLM-WY-R050-2021-0037-EA

Lander Field Office

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Decision Record

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INTRODUCTION:

Based on the analysis in Environmental Assessment (EA) DOI-BLM-WY- R050-2021-0037-EA, it is our decision to implement a 10 year gather plan with removals and fertility control, as described in the proposed action of the EA. This alternative would remove excess wild horses from the Conant Creek, Dishpan Butte, Muskrat Basin, and Rock Creek Mountain Herd Management Areas (HMAs). Furthermore, it would implement population growth suppression strategies by treating mares with GonaCon-equine and by inserting intrauterine devices (IUDs) into selected open (non-pregnant) mares and by gelding and vasectomizing selected stallions and adjusting sex ratios. All treated animals would subsequently be released back into these HMAs.

This action has been analyzed in an EA and found to have no significant impacts, thus an EIS is not required.

AUTHORITIES:

The gather and removal of wild horses is provided for in the Wild Free-Roaming Horses and Burros Act WFRHBA, as amended by the Federal Land Policy and Management Act (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.

COMPLIANCE AND MONITORING:

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

TERMS / CONDITIONS / STIPULATIONS:

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

Project design features identified in the EA will be strictly adhered to and will be included as appropriate in gather contracts.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action conforms to the Record of Decision (ROD) and Approved Resource Management Plan (ARMP) for the Lander Field office dated 2014. The decisions in the Lander ARMP provide general management direction and allocation of uses and resources on the public lands in the area.

This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43 CFR 1610.5. The RMP provides that the planning area is open to consideration for wild horse management as stated in Decisions 4121- 4123 and 4127.

ALTERNATIVE CONSIDERED:

The analysis considered the following alternatives:

No Action-No Gather, Removal, or Population Control

No horses would be gathered, no horses would be removed, and no fertility control treatments would be implemented.

Gather to the Low AML Only (No Population Control)

This alternative would include gathering and removing wild horses from the complex using a combination of helicopter drive-trapping, helicopter assisted horseback roping and bait/water trapping. No population growth suppression (i.e. fertility control) measures would be implemented.

Proposed Action-Gathers, Removals, and Fertility Control

The proposed action alternative is to gather wild horses from the complex as many times as needed over a ten-year period to fully implement fertility control measures analyzed in the EA and reduce the population to the AML. Removals would focus on removing young and highly adoptable animals. Older and less adoptable animals would be selected for fertility control treatments and would be returned to the range. All four HMAs within the complex would be gathered using a combination of helicopter drive-trapping, helicopter assisted horseback roping and bait/water trapping. Some horses would be removed, and some would receive fertility control treatments and be returned to the range. Fertility control measures/treatments include the following:

- Geld/vasectomize a high percentage (up to 95% or more) of captured stallions returning to the range.
- Use flexible Intrauterine Devices (IUDs) for wild horses on open (not pregnant) mares returning to the range.
- Use GonaCon-Equine vaccine on all mares returning to the range including mares receiving an IUD.
- Implement a 60:40 male:female sex ratio.

PUBLIC INVOLVEMENT:

Public scoping took place April 1-30, 2021. Issues identified through the scoping process have been considered in the development of this EA.

On January 19, 2022, the BLM released the preliminary EA for a 30-day public review period. Letters were sent to all parties that expressed an interest in the BLM's management of these HMAs, and all cooperating agencies. The BLM received a total of 714 comment letters from individuals, organizations, and cooperating agencies. Appendix I 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.

RATIONALE FOR THE DECISION:

The decision is based upon the following:

The North Lander complex is an area with high resource values. Last gathered in 2012, in the past ten years it is estimated that the complex has only been within the AML range 1-2 years at most. This is not a sustainable way of managing the population and has contributed to resource damage within the complex. It is also not in compliance with the Wild Free-Roaming Horses and Burros Act (WFRHBA) and the 2014 Lander RMP. The complex needs to be gathered, excess horses removed, and population control measures implemented that will provide long term population stability so that resources can be protected and improved.

The proposed action calls for an adaptive approach to management. This will allow for management at the lowest effective level without eliminating other options should they be needed. Implementing a 10-year gather plan coincides with this adaptive approach, because it provides flexibility in the frequency of gathers and associated population control measures.

As discussed in the EA, this alternative would comply with the Federal Land Policy and Management Act (FLPMA), the WFRHBA, the 2014 Lander RMP, 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- R050-2021-0037-EA

The Proposed Action allows wild horses to remain in stable and sustainable 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.

PROTEST AND APPEAL OPPORTUNITIES:

This decision is issued in accordance with Title 43 CFR 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.

Notice of Appeal

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that they wish to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a Notice of Appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.41 and 4.413).

Where to file

Notice of Appeal: Lander Field Office, 1335 Main Street, Lander, WY 82520

With Copy to Solicitor: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

Statement of Reasons

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

With Copy to Solicitor: Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

Service of documents

A party that files any document under 43 CFR Subpart 4, must serve a copy of it concurrently on the appropriate official of the Office of the Solicitor under 43 CFR 4.413(c) and 4.413(d). For a notice of appeal and statement of reasons, a copy must be served on each person named in the decision under appeal and for all other documents, a copy must be served on each party to the appeal (including intervenors). Service on a person or party known to be represented by counsel or other designated representative must be made on the representative. Service must be made at the last address of record of the person or party (if unrepresented) or the representative, unless the person, party or representative has notified the serving party of a subsequent change of address.

Method of Service

If the document being served is a notice of appeal, service may be made by (a) Personal delivery; (b) Registered or certified mail, return receipt requested; (c) Delivery service, delivery receipt requested, if the last address of record is not a post office box; or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. All other documents may be served by (a) Personal delivery; (b) Mail; (c) Delivery service, if the last address of record is not a post office box; or (d) Electronic means, such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing.

Request for Stay

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43CFR 2881.10). 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 also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this 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 regulations, 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 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.

SIGNATURE:

/s/Michael Peck
Michael Peck
Lander Field Office Manager

July 7, 2022
Date