



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

**August 2022**

**Cedar Mountain Herd Management Area Population Control Plan  
DOI-BLM-UT-W010-2022-0005-EA  
Decision Record**



**Salt Lake Field Office  
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Salt Lake City, Utah 84116  
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**Decision Record**  
**Cedar Mountain Herd Management Area Population Control Plan**  
**DOI-BLM-UT-W010-2022-0005-EA**

**Decision**

Based on my review and consideration of the Cedar Mountain Herd Management Area Population Control Plan Environmental Assessment (EA) (DOI-BLM-UT-W010-2022-0005-EA) and Finding of No Significant Impact (FONSI), I have selected Alternative B with modifications, that specifically target a low- to mid- appropriate management level (AML).

BLM has determined that an excess wild horse population exists and that these numbers exceed the Cedar Mountain Herd Management Area's (HMA) established AML. Agency action to address the population numbers and resource conditions within and adjacent to the HMA is warranted. Refer to the EA at Chapter 3, under the alternatives for each issue (such as, Section 3.2.2.3 which discusses impacts to wild horses under Alternative B or Section 3.5.2.2 which discusses impacts to big game under Alternative B). This area is illustrated in Appendix A (Map 1) of the EA.

BLM will conduct gathers, administer population growth suppression (PGS) vaccines, utilize intrauterine devices (IUDs), and equip wild horses with global positioning system (GPS) tracking units (either collar or tag). Emergency gathers can also occur as needed to protect wild horse health due to lack of water and forage or in response to wildfires and drought.

Specifically, my decision approves the following.

- BLM will gather and remove excess wild horses within and outside of the HMA to within AML of 190-390 individuals through one or more gathers. The target population will be low- to mid-AML. It is anticipated that the initial gather will occur by the end of calendar year 2022. The number of wild horses removed would be based on the latest population survey from within and outside of the HMA. For the anticipated gather in 2022, the April 2021 survey will be used. Follow-up gathers will be conducted as warranted to remove individuals until BLM has achieved low- to mid-AML and/or to administer PGS treatments on individuals remaining in the HMA. Population inventories will be conducted every 2-3 years. Subsequent gathers will be conducted to maintain population numbers within AML over the 10-year period based on rangeland condition, herd health, and to maintain PGS treatments.
- BLM will also collect information on herd characteristics and genetic samples to determine herd health. Some wild horses will be equipped with global positioning system (GPS) tracking units (either collar or tag) in association with an approved research project (EA at Section 2.2.2). Information gained will be utilized to determine future management of wild horses (such as incorporating genetic sampling and monitoring how effective treatments have been). The information will also be used to inform future actions, such as introducing wild horses from other HMAs to improve herd genetics.
- BLM will manage population growth using PGS vaccine treatments (administered by hand injection or darting techniques) and IUDs. GonaCon-Equine, ZonaStat-H, and Porcine Zona Pellucida (PZP-22) are the currently available immunocontraceptive vaccines.

- Gathers (helicopter drive trapping and bait/water trapping), collected data, PGS treatments and design features will be implemented as described in the EA at Sections 2.2.1 through 2.2.4.

Standard operating procedures and project design features will be applied as identified in Appendix C and Table 4 (Section 2.2.4) of the EA, respectively.

The BLM Salt Lake Field Office (SLFO) will implement these provisions in coordination with affected landowners, grazing permittees and wild horse interest groups. SLFO will participate in scientific studies focused on the management of wild horses as future proposals are received, vetted, and approved.

### **Compliance and Monitoring**

Compliance and monitoring will be completed by BLM and contractor personnel. Monitoring and compliance of the design features will be applied as described in the EA at Section 2.2.4/Table 4. Multiple provisions are also outlined in the standard operating procedures (SOP) that address gather operations, affixing radio collars, and PGS treatments (EA at Appendix C). For example, trap sites and temporary holding sites will be located to reduce the likelihood of injury and stress to the animals, and to minimize potential damage to the natural resources of the area. These sites would be located on or near existing roads whenever possible. Additional requirements are outlined in BLM's Comprehensive Animal Welfare Program (CAWP) (Permanent Instruction Memorandum No. 2020-002).

### **Authorities**

My authority to approve this action is contained in:

- Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195) at Sections 1332(f)(2), 1333, 1334, and 1338a;
- Federal Land Policy and Management Act of 1976 (Public Law 94-579) at Sections 302 and 404; and
- Regulations at 43 C.F.R Part 4700 (Protection, Management, and Control of Wild Free-Roaming Horses and Burros).

### **Alternatives Considered**

I considered, in detail, four (4) alternatives (Alternative A – No Action, Alternative B – Gather, Removal, Use of PGS Vaccines, Tracking Units, and Intrauterine Devices (Proposed Action), Alternative C – Gather and Removal Only, and Alternative D – Gather to High AML and Use PZP). I also considered an additional 9 alternatives but did not carry them forward for detailed analysis: (1) Manage Portion of the Population as Non-Reproducing by Permanent Sterilization, (2) Control Numbers by Fertility Control Treatment Only (No Removals), (3) Use of Wrangler on Horseback Drive-Trapping, (4) Designate the HMA to be Managed Principally for Wild Horse Herds, (5) Remove or Reduce Livestock Within the HMA, (6) Wild Horse Numbers Controlled by Natural Means, (7) Adjust HMA/HA Boundary, (8) Revise AML, and (9) WHOA National Plan.

The reasons for not considering these alternatives in detail are documented in the EA at Sections 2.5.1 through 2.5.9.

Among the alternatives analyzed in detail, I did not select A, C, or D because they lacked the necessary flexibility for the long-term management of the Cedar Mountain herd and they do not allow SLFO to effectively manage a wild horse population that is within the established AML. These alternatives were not superior to Alternative B in meeting the Purpose and Need for agency action (EA at Section 1.2) or in showing how SLFO would maintain a thriving natural ecological balance (TNEB) wild horse population.

Alternative A (No Action) was not selected because implementing this alternative will result in long-term rangeland degradation and failure to maintain a TNEB. It defers agency action in the active management of wild horses, and it does not manage for rangeland health.

Alternative C (Gather and Removal Only) was not selected because the only active management tool is the frequent use of large helicopter gathers. The population growth rate will be higher than that of the Alternative B. This action is the exact opposite of what wild horse advocacy groups and the National Academy of Sciences (NAS) recommend.

Alternative D (Gather to High AML and Use PZP) was not selected because the population modeling showed that AML will not be achieved. While similar to Alternative B, managing for the high AML under this alternative is less effective and reliable. The management actions of this alternative can be achieved through the Proposed Action except for the number of horses that would be left on the range. Alternative D also only considered the use of PZP as the population growth suppression vaccine that would be used. Alternative B has more options for use now and into the future for PGS vaccines.

### **Rationale for Decision**

Based on my review of the EA and FONSI, I have concluded that the alternatives were analyzed in sufficient detail to allow me to make an informed decision (EA at Chapter 3). I have selected Alternative B, with modifications as discussed above, because it:

- Meets the purpose and need for action as described in the EA at Section 1.2.
- Conforms with the applicable land use and resource management plans, statutes, and regulations as described in the EA at Sections 1.3 and 1.4.
- Potentially adverse effects to resources and resource uses, including big game, will be avoided or mitigated by adherence to the design features identified in the EA at Section 2.2.4 and SOPs in the EA at Appendix C. Big game seasonal limits will not be applied because this constricts gather or trapping activities that could be conducted during the time of year that better suits the needs of wild horses. This limit does not afford the necessary flexibility needed when gather schedules are established in a fiscal year.

While the BLM's plan is to promptly remove all excess animals above AML, it is unlikely that a single gather can achieve this because of gather efficiency limitations (animals evading capture during the gather operations), logistical limitations (e.g., weather conditions, terrain and large geographic area to be gathered), space capacity limitations (for holding removed animals), and limited contractor availability and expertise that constrains the number of gathers that can be conducted annually at the national level. As a result, it often requires more than a single gather to bring the population to within AML, if only to capture animals that would have been removed if they had not evaded capture during the gather, or because a gather was ended early due to inclement weather conditions. BLM's management to achieve a TNEB is also not limited to removing excess animals, but also includes measures to reduce annual population growth and to

allow for recovery of degraded vegetation and riparian areas impacted by the wild horse overpopulation. These objectives require a sufficient time frame to achieve.

For this reason, a 10-year plan is needed to remove excess wild horses and bring the population down to low- to mid-AML, implement population control measures over a sufficient period of time to reduce population growth and measurably reduce the number of excess animals that would need to be removed from the Cedar Mountain HMA, and to provide enough time for vegetative and riparian resources to recover and reestablish. Due to gather efficiency and aerial survey under estimation of existing populations and population reproduction growth, it is anticipated that after the initial gather, there will be the need for at least one or more follow-up gathers in order to remove all excess animals above the low- to mid-AML and gathers will also be necessary over the course of the ten-year period to apply population control measures that will help reduce the overall population growth rate. Since vegetative and riparian recovery occurs slowly, even after the immediate overpopulation has been addressed, management for a TNEB to allow for recovery of degraded resources will require maintaining the wild horse population within the AML range and may require removal of excess animals above AML during the 10-year decision period to ensure range land health recovery.

Decreasing the number of excess wild horses on the range is consistent with findings and recommendations from the NAS, American Horse Protection Association (AHPA), the American Association of Equine Practitioners (AAEP), Humane Society of the United States (HSUS), Government Accountability Office (GAO), Office of Inspector General (OIG), and current BLM policy.

I have determined that approving the project as described is in conformance with the Pony Express Resource Management Plan and Record of Decision (RMP/ROD, 1990), as amended.

### **Public Participation and Consultation/Coordination**

This project was posted to the BLM's NEPA Register on January 28, 2022. The project's webpage was updated at the scoping, comment and appeal stages. Three Press Releases were issued at the scoping, comment, and appeal periods (dated February 4, 2022, June 28, 2022, and August 18, 2022, respectively).

Public opportunities to participate in the development of this EA were offered at the scoping and comment periods. Public input was utilized to identify issues and alternatives as well as data needed in the development of this EA. The SLFO ran a 30-day public scoping period from February 4, 2022, to March 5, 2022, and received/processed 51 public comment letters (refer to the EA at Section 4.2.1/Appendix G's Tables 23). Similarly, a 30-day public comment period was offered from June 28, 2022, to July 28, 2022, and SLFO received/processed 25 public comment letters (refer to the EA at Section 4.2.2/Appendix G's Tables 24 and 25).

SLFO worked with two cooperating agencies (State of Utah's Public Land Policy Coordinating Office (PLPCO) and the United States Department of the Army (Dugway Proving Ground, West Desert Test Center). SLFO remains committed to this partnership and will continue to update the PLPCO and Dugway as the various aspects (such as gathers or researching) of this decision are implemented. Refer to the EA at Section 4.5.

An invitation to consult on the project was sent via certified letter on April 26, 2022, to the following Tribes: Pueblo of Jemez, Skull Valley Band of Goshute, Confederated Tribes of Goshute Reservation, Hopi Tribe, and Ute Indian Tribe. Concerns were not identified or expressed to the BLM. Refer to the EA at Section 4.1/Table 20.

A Class III cultural resource inventory will be completed for any area that is selected for gather operations (trap and holding sites, including staging areas). Each inventory and corresponding effects determination will be forwarded to the State Historic Preservation Office (SHPO) under the small scale projects programmatic agreement. Concurrence from the SHPO will be received before traps/gather operations occur on the ground in each instance. In all cases, locations with historic properties will be avoided. Refer to the EA at Section 4.1/Table 20 and Appendix B.

### **Appeal Provisions**

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Instructions for filing an appeal are contained on the attached Form 1842-1 (Attachment 1).

### **Approval**

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Jessica Wade  
Field Manager

### **Attachment**

1. Appeal Form 1842-1

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

**I. 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 4.411 and 4.413).

**2. WHERE TO FILE**

NOTICE OF APPEAL.....

Bureau of Land Management  
Salt Lake Field Office  
491 N John Glenn RD  
Salt Lake City, UT 84116

WITH COPY TO  
SOLICITOR.....

Regional Solicitor  
Room 6201  
125 South State Street  
Salt Lake City, UT 84111

**3. 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  
Room 6201  
125 South State Street  
Salt Lake City, UT 84111

**4. 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.

**5. 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.

**6. 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 43 CFR 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

### 43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Grand Junction, CO and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

#### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota, and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ----- New Mexico, Kansas, Oklahoma, and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Headquarters Office, Bureau of Land Management, 760 Horizon Drive, Grand Junction, CO 81506.

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(Form 1842-1, September 2020)