

**United States Department of the Interior  
Bureau of Land Management**

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**Environmental Assessment WY-030-2009-0258-EA  
October 23, 2009**

**Decision Record**

**Location: Red Desert Complex of Wild Horse Herd Management  
Areas  
(Green Mountain, Crooks Mountain, Antelope Hills, Stewart Creek and  
Lost Creek)  
Project Proponent: Bureau of Land Management, Lander Field Office and  
Rawlins Field Office**

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U.S. Department of the Interior  
Bureau of Land Management  
Lander and Rawlins Field Office

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## **Lander and Rawlins Field Offices**

### **Decision**

Based on the analysis in Environmental Assessment No. WY-030-2009-0258-EA, it is our decision to implement a gather and fertility control program as described in Alternative I (Proposed Action) of the EA. We find that this alternative best implements the planning decision to maintain the Red Desert Complex of HMA's at, or near, the Appropriate Management Level (AML) while ensuring the continued viability of the herd.

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

Wild horses above the AML specified in the RMP are considered "excess" and subject to gathering and removal. We have concluded that gathering the excess horses is necessary to preserve and maintain a thriving natural ecological balance and multiple-use relationship within the HMA's as specified in the Lander Resource Management Plan (RMP), the Rawlins Resource Management Plan, and as directed in the Wild Free-roaming Horse and Burro Act of 1971. All reasonable precautions will be taken to avoid injury to the horses, and to ensure the safety of personnel involved in the gather. The gather and fertility control program will not compromise the long-term viability of the wild horses in the Red Desert Complex of HMA's.

This decision is issued in full force and effect in accordance with 43 CFR 4770.3(a), which states in part: "decisions to remove... shall be effective on issuance or on a date established in the decision."

### **Authorities**

Gathering wild horses is in compliance with Public Law 92-125, the Wild Free-Roaming Horses and Burros Act of 1971, as amended by Federal Land Policy and Management Act (FLPMA); and Public Law 95-514, the Public Rangelands Improvement Act of 1978 (PRIA). P.L. 92-125, 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 (HSUS) has made the PZP vaccine available to us 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 us 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 Lander and Rawlins Field Offices, in their management of the Red Desert Complex of HMA's, is in full compliance with all pertaining criteria. The proposed action will also adhere to all guidance and research protocol set by our National Wild Horse Fertility Control Field Trial program.

### **Compliance and Monitoring**

We will monitor gather operations for adherence to the Selective Removal Criteria, Gather Operations, Data Collection as outlined in the EA on pages 11 - 12.

### **Project Design Features / Terms / Conditions / Stipulations**

Standard Operating Procedures for Wild Horse Removal can be viewed in Appendix 1 of the EA. Standard Operating Procedures for Fertility Control Treatment specific to the Red Desert Complex of HMA's can be viewed in Appendix 3 of the EA. In addition, the Selective Removal Criteria, Gather Operations, Data Collection have been incorporated as part of the proposed action.

### **Rationale for Decision**

This decision is based on the FONSI and that it is in accordance with policy and 43 CFR § 4700 and the Wild Horse and Burro Act of 1971.

In addition, the decision conforms to the Lander Resource Management Plan, (Record of Decision (ROD), 1987) and the Rawlins Resource Management Plan, (ROD, 2008) which allows wild horses above the AML specified in the RMP to be considered "excess" and subject to gathering and removal.

On June 12, 2009, we mailed a scoping notice to the public. The scoping notice was also available on the BLM Wyoming, Rawlins and Lander external websites. July 10, 2009, was the last day for scoping comments to be received. Ten comments were received in the Rawlins and Lander Field Offices. These comments have been added to the administrative case file. Three of the comment letters received were in support of the population management action. One of the comment letters was concerned for the horse's genetic make-up and volunteered to help. Six of the comment letters received were not in support of the proposed removal of excess wild horses from the Red Desert HMA Complex.

On August 30, 2009, we mailed an EA Notice to the public. The EA was also available on the BLM Wyoming, Rawlins and Lander external websites. October 1, 2009, was the last day for EA comments to be received. There were six comments received for the EA. Five of the comments were in support of the gather and one was in opposition.

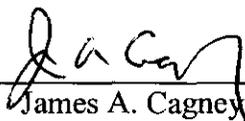
Public comments have been incorporated into the Decision Record/FONSI and are made part of this decision.

### **Appeals Language**

Under the regulations found at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c), this decision may be appealed by any adversely affected party to the Interior Board of Land Appeals

(IBLA). Procedures and timeframes for submitting an appeal of this decision is described at 43 CFR 4770.3(a) and (c). If an appeal is filed, the notice of appeal must be filed with, or delivered to, the Lander Field Office, 1035 Main Street, Lander, Wyoming, 82520, within 30 days of receipt of the decision in accordance with 43 CFR Part 4. In filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision while your appeal is under review by the Board, the petition for a stay must accompany your notice of appeal as required by the procedures and timeframes codified at 43 CFR part 4 (58 FR 4939, January 19, 1993). Copies of the Notice of Appeal and Petition for a Stay must also be submitted to the Interior Board of Land Appeals and the appropriate Office of the Solicitor at the same time the original documents are filed with the Lander Field Office, 1035 Main Street, Lander, Wyoming, 82520, and Rawlins Field Office, 1300 North Third Street, Rawlins, Wyoming, 82301. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.



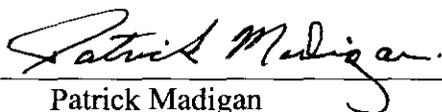
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James A. Cagney  
Lander Field Office Manager

10-21-09

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Date



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Patrick Madigan  
Rawlins Field Office Manager

10-23-09

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Date