

**Decision Record
Bureau of Land Management
Rock Springs Field Office**

**White Mountain – Little Colorado Herd Management Areas Wild Horse Gather
WY-040-EA11-124**

Based on the analysis in Environmental Assessment No. WY-040-EA11-124, it is my decision to implement a gather and fertility control program as described in Alternative D of the Environmental Assessment (EA). This alternative best implements the planning decision from the Green River Resource Management Plan (RMP) to maintain the White Mountain and Little Colorado HMAs at, or near, the Appropriate Management Level (AML) while ensuring the continued AML of the herd.

I 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 the public lands.

Wild horses above the AML specified in the RMP are considered “excess” and subject to gathering and removal. I have concluded that gathering the excess horses is necessary to preserve and maintain a thriving natural ecological balance and multiple-use relationship within the HMAs as specified in the Green River Resource Management Plan (RMP), 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 AML of the wild horses in the White Mountain and Little Colorado HMAs.

This decision is issued in accordance with 43 CFR 4770.3(c), which states in part, “decisions to remove . . . shall be effective on issuance or on a date established in the decision.” This decision will be in effect on August 15, 2011.

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). Public Law 92-125, as amended, requires the protection, management, and control of wild horses on public lands.

COMPLIANCE AND MONITORING

The BLM will monitor gather operations for adherence to the Selective Removal Criteria, Gather Operations, Data Collection as outlined in Appendices II and VII of the EA, and the design of Alternative D.

PROJECT DESIGN FEATURES, TERMS, CONDITIONS, and STIPULATIONS

Standard Operating Procedures for Wild Horse Removal can be viewed in Appendix II of the EA. Standard Operating Procedures for Spaying Mares specific to the White Mountain and Little Colorado HMAs can be viewed in Appendix VII of the EA. In addition, the Selective Removal Criteria, Gather Operations, Data Collection have been incorporated as part of the selected action.

PUBLIC INVOLVEMENT

A public scoping letter was issued on April 9, 2010, requesting comments by May 7, 2010. Over 2,000 comments were received from individuals, organizations, and agencies during the scoping period. Environmental Assessment (EA) WY-040-EA11-124 for gathering wild horses was available for public review on April 7, 2011. Over 7,000 comments were received from individuals, organizations, and agencies during the public review period. All of the comments received represented a range of views of opinion and interpretation of selected pieces of data. The majority of the approximately 7,000 letters or emails were form letters. Appendix I of the EA provides a Summary of Scoping and Public Review Comments. Public comments have been incorporated into the EA and Decision Record/FONSI as appropriate and are made part of this decision.

RATIONALE FOR ALTERNATIVE SELECTED

Alternative D will achieve the established AMLs in the White Mountain and Little Colorado HMAs and will prevent the necessity to gather more frequently due to lower population increases over time. This alternative would also meet multiple use and sustained yield objectives of the BLM and is compliant with all wild horse management objectives as identified in the Green River RMP (1997).

Alternative D meets the need of removing excess wild horses to achieve a thriving natural ecological balance between wild horse populations, wildlife, livestock, vegetation and water resources and to protect the range from deterioration associated with overpopulation of wild horses as authorized under Section 1333 (b) (2) of the 1971 Wild Free-Roaming Horses & Burros Act (1971).

The populations in the White Mountain and Little Colorado HMAs would be managed as non-reproducing herds. The population would be monitored and the population would be supplemented with wild horses from other HMAs as needed. In the case where all of the reproducing horses are not initially captured or people illegally turn out reproducing domestic horses into the HMAs, a future gather action would be necessary to remove excess wild horses to the low AML number.

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

ADMINISTRATIVE PROCEDURES

This decision is issued in accordance with 43 CFR 4770.3(c) which states in part: “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 the Regional Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

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

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

APPROVAL

The 2011 White Mountain and Little Colorado Gather Plan is approved for implementation beginning on August 15, 2011, and is scheduled to begin on or around August 17, 2011. This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3(c) which states, in part, “. . . 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 upon issuance or on a date established in the decision.”



Lance C. Porter
Lance C. Porter
Rock Springs Field Manager

13 June 2011

Date