

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

**Environmental Assessment WY-010-EA08-148
October 19, 2009**

Decision Record

**Wild Horse Gathering for the
Fifteenmile Wild Horse Herd Management Area**

*Location: 6th Principal Meridian, T. 46-50 N., R. 96-99 W.,
Bighorn, Park, and Washakie Counties, Wyoming.*

U.S. Department of the Interior
Bureau of Land Management
Worland Field Office
101 S. 23rd St.
Worland, Wyoming 82401
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DECISION:

Based on the analysis in Environmental Assessment No. WY-010-EA08-148, and Finding of No Significant Impact (FONSI), it is my decision to implement a wild horse gather as described in Alternative 1 (Proposed Action) of the EA. I find that this alternative best implements the planning decision to maintain the Fifteenmile Wild Horse Herd Management Area (HMA) at or near the Appropriate Management Level (AML) while ensuring the continued viability of the herd.

I have carefully considered all public comments received during the scoping period for the EA. I 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. No additional comments were received on the EA.

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 HMA as specified in the Grass Creek 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 will not compromise the long-term viability of the wild horses in the Fifteenmile HMA.

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 Horse and Burro Act of 1971, as amended by the 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.

Compliance and Monitoring: BLM will monitor gather operations for adherence to the Selective Removal Criteria, Gather Operations, and Data Collection as outlined in the EA on pages 15-16.

Project Design Features / Terms / Conditions / Stipulations: Standard BLM Operating Procedures for Wild Horse Gathers can be viewed in Appendix B of the EA. In addition, the Selective Removal Criteria, Gather Operations, and 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 with the Grass Creek Resource Management Plan (Record of Decision, 1998), which specifies that wild horses above the established AML are considered "excess" and subject to gathering and removal.

On April 22, 2008, the BLM mailed a Scoping Notice to the public. The Scoping Notice was also available on the BLM Wyoming website. May 22, 2008, was the last day for scoping comments to be received. Five (5) comments were received by the Worland Field Office. These comment letters have

been added to the administrative case file, and were incorporated into the EA. All five (5) comment letters were strictly in support of the proposed wild horse removal.

On September 22, 2008, the EA and FONSI were posted on the BLM Wyoming website for public review. No additional comments were received by the Worland Field Office.

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). The procedure and timeframe 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 Worland Field Office, 101 South 23rd Street, Worland, Wyoming, 82401, 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 Worland Field Office, 101 South 23rd Street, Worland, Wyoming, 82401. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Authorized Official:



Karla Bird
Worland Field Office Manager

Date: 10/19/2009