

Consent Decree

Questions and Answers

What is the Consent Decree?

The Consent Decree is the result of settlement discussions between the Rock Springs Grazing Association (RSGA) and the Bureau of Land Management (BLM) to dismiss the lawsuit brought by RSGA to remove all wild horses from private lands within the checkerboard pattern of mixed land ownership. On April 3, 2013, the U.S. District Court for the District of Wyoming approved the Consent Decree “. . . as a fair, reasonable, equitable and adequate settlement of RSGA’s claims against the BLM, and which does not on its face violate the law or public policy.”

What are the terms of the Consent Decree?

The Consent Decree has the following summarized conditions:

- The BLM agrees to gather and remove all wild horses from RSGA’s private lands, including checkerboard lands, by conducting gathers from RSGA lands within four herd management areas (HMAs) in 2013-2015, with a follow-up gather in 2016, if necessary.
- The BLM commits to gather excess wild horses in a timely manner upon determining that populations in the HMAs or checkerboard lands are likely to exceed certain levels. If wild horse populations on checkerboard are likely to exceed agreed upon levels, the BLM shall adjust its annual work plan to remove all wild horses from checkerboard lands within the respective area.
- The BLM commits to consider the use of all fertility control methods such as PZP and SpayVac, and has the discretion to consider the spaying of mares and gelding of stallions, in an attempt to achieve low end of the appropriate management level (AML).
- The BLM commits to submit a *Federal Register* Notice of Intent under the National Environmental Policy Act within 180 days to consider the environmental effects of revising the respective resource management plans for the Rock Springs and Rawlins field offices.

Was there an earlier Consent Decree?

Yes. The BLM and the State of Wyoming entered into a Consent Decree in 2003. It mandated that once wild horse populations were determined to exceed the AML in an HMA, the BLM would have one year to request additional funds before being required to gather.

Does this Consent Decree Replace the 1981 Court Order?

No. This Consent Decree settles the lawsuit filed by RSGA on July 27, 2011.

Who were the Other Parties to the Lawsuit Heard by the Court Heard before Ruling?

The International Society for the Protection of Mustangs and Burros, American Wild Horse Preservation Campaign and the Cloud Foundation were granted intervener status to the suit on November 2, 2011. Anadarko Land Corporation and Mountain States Legal Foundation, on behalf of the Wyoming County Commissioners Association and the Wyoming Stock Growers Association, were granted leave to file *amicus curiae* briefs.

Does the Consent Decree affect all HMA’s?

No. The Consent Decree only affects the Salt Wells, Adobe Town, Great Divide Basin and White Mountain HMAs.

When does the Consent Decree Take Effect?

Immediately.

