

# Environmental Assessment

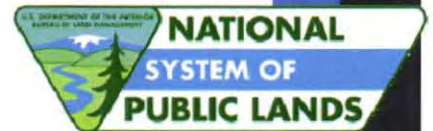
## Adobe Town – Salt Wells Creek Herd Management Area Complex Wild Horse Gather

WY-040-EA10-109

# Decision Record

August 26, 2010

High Desert District – Rock Springs and Rawlins Field Offices



## Decision

Based on the analysis in Environmental Assessment No. WY-040-EA10-109, it is my decision to implement a gather and fertility control program as described in Alternative A (Proposed Action) of the Environmental Assessment (EA). This alternative best implements the planning decisions from the Green River and Rawlins Resource Management Plans (RMP) to maintain the Adobe Town – Salt Wells Complex of HMAs at, or near, the Appropriate Management Level (AML) while ensuring the continued viability 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), the Rawlins 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 long-term viability of the wild horses in the Adobe Town – Salt Wells Complex of HMAs.

This decision is issued 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.” This decision will be in effect on September 30, 2010.

### 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 Rock Springs and Rawlins Field Offices, in their management of the Adobe Town – Salt Wells Complex of HMAs, are 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 Appendices II and III of the EA and the design of the Proposed Action.

## **PROJECT DESIGN FEATURES/TERMS/CONDITIONS/STIPULATIONS**

Standard Operating Procedures for Wild Horse Removal can be viewed in Appendix II of the EA. Standard Operating Procedures for Fertility Control Treatment specific to the Adobe Town – Salt Wells Complex of HMAs can be viewed in Appendix III of the EA. In addition, the Selective Removal Criteria, Gather Operations, Data Collection have been incorporated as part of the proposed action.

## **PUBLIC INVOLVEMENT**

A public scoping letter was issued on February 19, 2010, and comments were requested by April 2, 2010. In excess of 7,000 comments were received from individuals, organizations, and agencies. These comments represented a range of views of opinion and interpretation of selected pieces of data. The majority of these approximately 7,000 letters or emails were one of two form letters. All comment letters were reviewed and considered and resulted in approximately 5 unique substantive comments. Appendix I of the EA provides a Summary of Scoping Comments.

The prepared EA, unsigned Finding of No Significant Impact (FONSI), and unsigned Decision Record were posted for a 30-day public review period on July 16, 2010. Public comments have been incorporated into the EA and Decision Record/FONSI as appropriate and are made part of this decision.

## **RATIONALE FOR DECISION**

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

In addition, the decision conforms to the Green River Resource Management Plan, (Record of Decision (ROD), 1997) 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.

## **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

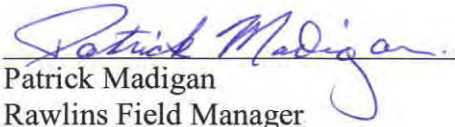
The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals; therefore, they will not be accepted.

#### **APPROVAL**

The 2010 Adobe Town-Salt Wells Complex Wild Horse Gather Plan is approved for implementation beginning on September 30, 2010, and is scheduled to begin on or around October 1, 2010. 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  
Rock Springs Field Manager

8/26/2010  
Date

  
\_\_\_\_\_  
Patrick Madigan  
Rawlins Field Manager

8-26-10  
Date