

**DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT
for the
Antelope Hills/Cyclone Rim HMA
Capture/Removal and Fertility Control
Lander Field Office**

EA Number WY-050-EA4-060

FINDING OF NO SIGNIFICANT IMPACT

I have determined that the Proposed Action is in conformance with the approved land use plan. I have reviewed this environmental assessment, including the analyses of potentially significant environmental impacts. I have determined that the Proposed Action, with the mitigation measures identified, will not have any significant impacts on the human environment and that an EIS is not required. It is my decision to implement the Proposed Action with the mitigation measures identified.

FULL FORCE AND EFFECT DECISION

It is my decision to approve the Proposed Action as described in the Environmental Assessment (EA) for Wild horse Gathering and Fertility Control in the Antelope Hills/Cyclone Rim HMA. The Bureau of Land Management (BLM) will remove approximately 145 horses from the Herd Management Area (HMA). Excess wild horses will be gathered and removed according to the Wild Horse Gathering Plan. The BLM will also implement an Immunocontraceptive research project on 100% of the mares released (approximately 20 mares). The gather operations will begin after October 6, 2004 and end upon completion of the project. The gathering operation is expected to require approximately one week.

Removal of excess wild horses will leave wild horse populations in conformance with the appropriate management levels established for each HMA in the Lander Field Office.

I have reviewed my responsibilities under existing laws, regulations, policies, and land use decisions, and my decision is consistent with them.

RATIONALE FOR DECISION

My decision to approve gathering and removal of excess wild horses is based upon the following:

The decisions in the Great Divide Herd Management Area Evaluation provide for maintaining an Appropriate Management Level (AML) of 60 – 82 adult horses within the HMA. The February and March, 2004 wild horse inventory and the projected post 2004 foaling population indicates that wild horse numbers in the HMAs are above the AML. The Lander Resource Management

Plan (RMP) and the Great Divide Herd Management Area Evaluation sets objectives and identifies management actions which will be carried out to maintain a thriving, natural, ecological balance and to preserve the multiple-use relationship that exists in the areas occupied by wild horses. Management in accordance with these objectives is needed to maintain the health of public rangelands. The wild horses and other animals rely on these public rangelands to maintain populations at levels that insure the health and viability of the herds and prevent unwanted damage to state and privately owned land. In order to achieve these objectives, it is necessary to remove excess horses from the Antelope Hills/Cyclone Rim HMA. For this reason, all horses above the AML are considered excess and subject to removal. Gathering wild horses is in conformance with the land use plan.

Based on the analysis in EA No. WY-050-EA4-060, the impacts to the wild horses and to other resources will not be significant. This gather will not reduce the populations in the HMA below AML. The gather will be conducted in accordance with established procedures and will use proven methods. This will insure that the horses will be treated in a safe and humane manner. Population modeling developed by Dr. Stephen Jenkins affirmed all conclusions regarding population demographics. The gather and fertility control program will not compromise the long-term viability of the Antelope Hills/Cyclone Rim Herd. Safety risks to BLM employees and the wild horses will be minimized through the planned actions identified in the Gathering Plan.

USE AUTHORITY for the PZP VACCINE

The Humane Society of the United States (HSUS) has made the PZP vaccine available to the BLM 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 the BLM to follow the Draft Criteria for Immunocontraceptive Use in Wild Horse Herds recommended by the Wild Horse and Burro National Advisory Board in August 1999. The Lander Field Office, in its management of the Antelope Hills/Cyclone Rim HMA, is in full compliance with all pertaining criteria. The Proposed Action would also adhere to all guidance and research protocol set by the BLM National Wild Horse Fertility Control Field Trial program.

OVERSIGHT provided by the WILD HORSE FERTILITY CONTROL FIELD TRIAL PROGRAM

The BLM National Wild Horse Fertility Control Field Trial program requires close monitoring of all treated populations in order to evaluate management-level use of the fertility control vaccine under a research protocol. On the Antelope Hills/Cyclone Rim HMA, any wild mares receiving the vaccine will be individually-identified and tracked regularly with data non-intrusively gathered on behavior, estrous, fertility, reproduction, survival, and any health concerns. The field studies will be conducted by seasonal and term United State Geological Survey-Biological Resources Division (USGS-BRD) biological technicians under the supervision of research biologists and in coordination with the BLM Wild Horse and Burro Specialist, Wyoming State Office and Lander Field Office.

PUBLIC COMMENTS ON THE EA

Public comments on the EA were accepted until close of business September 27, 2004. Three comment letters were received. The comment letters supported removal operations and fertility control based on the lower level of the AML for the HMA.

COMPLIANCE AND MONITORING

Gathering and removal of excess wild horses will be conducted as described in the gathering plan. The BLM will continue to monitor wild horse numbers, utilization, and range conditions to achieve the multiple use objectives within the wild horse herd management areas.

APPEALS

This decision is issued in full force and effect 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." This decision is issued in accordance with 43 CFR 4700.0-1. Administrative remedies are provided at 43 CFR 4770.3(a) which states: Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. If you wish to appeal this decision, as provided by 43 CFR 4770.3 and 43 CFR 4.21, you must file an appeal in writing within 30 days of receipt of this decision with the BLM Lander Field Office, P.O. Box 589, Lander, Wyoming 82520. The appeal shall state clearly and concisely why you think the decision is in error.

Should you wish to file a motion 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, statement of reason, and petition for stay should be simultaneously filed with the Office of the Field Solicitor, Rocky Mountain Region, 755 Parfet Street, Suit 151, Lakewood, Colorado 80215.

/s/ Rubel Vigil

Rubel Vigil, Assistant Lander Field Manager

October 6, 2004

Date