

Decision Record/FONSI
for
Wyoming Wild Horse Pilot Project
EA# WY-930-01-001

1. Description of Proposed Action and Alternatives

A. Proposed Action

The Proposed Action is a pilot project to provide suitable, cost-effective pastures for unadoptable wild horses. This pilot project includes a Memorandum of Understanding (MOU) with the Wyoming State Grazing Board (WSGB) and the Wyoming Department of Agriculture (WDA) to convey the responsibilities of each of the parties involved with this pilot project. The action involves placing up to 240 unadoptable wild horses on private lands each year over the next 4 years. These horses are usually older than 5 years old, and in the case of males have been gelded. The landowners would be required to provide a safe and humane pasture or rangeland home for these horses for the remainder of their natural lives under the periodic supervision of the Bureau of Land Management (BLM) or their designee. There would be no transfer of title for these horses. Horses can be trained and used as saddle horses or pack horses. An individual landowner can adopt a maximum of 60 horses, 10 of which they can choose, the remaining 50 will be chosen by the BLM from a pool of older horses. The landowner would receive a one time grant for any horses over the initial 10. To receive this grant the landowner must adopt a minimum of 11 horses.

B. No Action Alternative

The No Action Alternative is to not implement this pilot project. Excess unadoptable wild horses would be housed at existing BLM wild horse sanctuaries.

C. Exclude Mares from the Pilot Project Alternative

One concern voiced during the public scoping process was that mares involved in this pilot project would be bred and the resulting foals, which would be the property of the landowner, may be sold. The increased availability of young horses could over-saturate demand and reduce interest in the wild horse adoption market. In the wild horse sanctuaries, the horses are prevented from breeding and producing additional foals. To address this concern, an alternative was developed that would exclude any mares from the pilot project, only geldings would be available.

D. Limited Exclusion of Mares Alternative

Another alternative was developed to address the expressed concern over the resulting foals. This alternative would just exclude the mares from the wild horses involved with the grants. In other words, the landowner would still be able to choose mares in the first 10 horses, but the remaining horses (up to 50 per landowner) chosen by the BLM would just be geldings. The rationale for this alternative was to retain an incentive for the private landowners, while reducing the number of foals potentially available for sale.

E. Alternatives Considered But Dropped From Further Analysis

Other alternatives were suggested in comment letters. They were:

- Increase the Appropriate Management Level on Public Lands to reduce the number of unadoptable horses.
- Develop a long-term strategy to control wild horse numbers on Public Lands.
- Not providing any Federal monies to the adopters.
- Having various sized grants to the adopters.
- Different monetary allocation schedules.

The rationale for why these alternatives were not analyzed in detail is provided in EA No. WY-930-01-001.

2. Decision

It is my decision to implement the actions described in the Limited Exclusion of Mares Alternative of EA No. WY-930-01-001. This decision will allow the BLM to explore cost-effective options that provide safe, humane, life-long treatment of unadoptable wild horses, while limiting foal production.

3. Finding of No Significant Impact

Environmental Assessment No. WY-930-01-001 was prepared and evaluated pursuant to the National Environmental Policy Act (Public Law 91-190, 42 U.S.C. 4321 *et seq*). I have concluded that none of the alternatives analyzed for the Wyoming Wild Horse Pilot Program constitute a “major Federal action significantly affecting the quality of the human environment” when considered individually or cumulatively in the context of the referenced Act, including both direct and indirect impacts. Therefore, preparation of an Environmental Impact Statement is not required.

4. Rationale for the Findings

- The environmental impacts of grazing these unadoptable wild horses on non-Federal lands will be minimal. The lands used to harbor these wild horses will otherwise be grazed by livestock at, or near, the carrying capacity desired by the private landowner. Any improvements required to bring the private property to acceptable specifications to receive a wild horse are considered normal to a livestock grazing operation.
- Potential overgrazing will be prevented through periodic compliance checks. Overgrazed lands are considered unsuitable for wild horses, consequently these horses will be repossessed by the BLM and removed from the area.

- Under all of the alternatives, any changes to air quality are anticipated to be negligible and will not exceed the National Ambient Air Quality Standards. Therefore, no conformity determination per the Clean Air Act is required.
- Prior to implementation of the Proposed Action, all consultation with the U.S. Fish and Wildlife Service, per the Endangered Species Act, will be completed. None of the alternatives are likely to adversely affect any Federal or State listed threatened or endangered plant or animal species, designated critical habitat, species proposed for listing, species under review by the U.S. Fish and Wildlife Service (FWS) or special status species.
- The pilot program is more cost-effective than the No Action Alternative. Based on the assumptions in the economic analysis of the Environmental Assessment (EA), the Federal Government may realize a cost savings of over \$3,000 per horse in the pilot program.
- The alternative chosen addresses the concern over foal production. While this alternative could potentially, under one scenario analyzed in the EA, have as high a foal production as the Proposed Action, that specific scenario is highly unlikely and can be administratively controlled by the BLM. The BLM anticipates the second scenario regarding foal production under this alternative more accurately reflects future foal production. This alternative reduces potential foal production from a possible 738 per year in the Proposed Action to 123 per year over the next 13 years. This number represents about 17 percent of the number of horses annually adopted from the Wyoming wild horse herds, about 1_ percent of the wild horses adopted nation-wide, less than 1 percent of the regional market for domestic horses, and even less of the national domestic horse market. Therefore, this alternative will not measurably influence the demand for horses to the extent that it will compete with the BLM's Adopt-A-Horse program.

5. Appeal Procedures

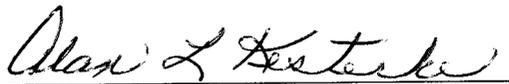
This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and BLM Form 1842-1. The notice of appeal must be filed in this office within 30 days from receipt of this decision. No extension of time will be granted for filing the notice of appeal. The appellant has the burden of showing that the decision appealed from is in error.

If anyone wishes to file a petition pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in the decision, to the Interior Board of Land Appeals, and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. Anyone requesting a stay has the burden of proof to demonstrate that a stay should be granted.

6. Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal 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.
4. Whether the public interest favors granting a stay.


for State Director, Wyoming
Bureau of Land Management

5-17-01
Date