

**DECISION RECORD and FINDING OF NO SIGNIFICANT IMPACT**  
**for the**  
**Wild Horse Gathering Inside and Outside of the Muskrat Basin,**  
**Rock Creek Mountain, Dishpan Butte and Conant Creek**  
**Wild Horse Herd Management Areas**  
**EA No. WY-050-EA1-039**



U.S. Department of the Interior  
Bureau of Land Management  
Lander Field Office  
August 2001

July 31, 2001

The Bureau of Land Management (BLM), Lander field Office prepared an Environmental Analysis (EA) for gathering wild horses in the Muskrat Basin, Rock Creek Mountain, Dishpan Butte and Conant Creek Wild Horse Herd Management Areas. This EA was provided to all interested publics prior to June 15, 2001 with a 30 day public comment period. The comment period ended on July 15, 2001.

Based upon the analysis in the EA and the public comments, we have prepared the enclosed Decision Record and Finding of No Significant Impact. This Decision Record outlines the decision and rationale for the decision. It is being sent to all of the interested public that received the EA for comment. If you have any questions, you may contact the BLM at the above address or contact Roy Packer at 307-332-8400.

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**EA Number WY-050-EA1-039**

**DECISION**

It is my decision to approve the Proposed Action as described in the Environmental Assessment (EA) for Wild horse Gathering Inside and Outside of the Muskrat Basin, Rock Creek Mountain, Dishpan Butte and Conant Creek Wild Horse Herd Management Areas (HMA's). The Bureau of Land Management (BLM) will gather approximately 350 horses from the Herd Management Areas (HMA's) and another 30 horses would be gathered from grazing allotments outside of the HMAs. Excess wild horses will be gathered and removed according to the Wild Horse Gathering Plan. The gathering operation is expected to require approximately two weeks. It will begin sometime after the middle of August 2001 and end upon completion of the project.

Removal of excess wild horses will leave wild horse populations in conformance with the appropriate management levels established in the land use planning decisions for the Lander Field Office.

**FINDING OF NO SIGNIFICANT IMPACT**

Based on the analysis in the EA, I have determined that the impacts to the quality of the human environment are not expected to be significant. Therefore, an environmental impact statement is not necessary.

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 Lander RMP and Lander Herd Management Area Evaluation/Capture plan provide for maintaining an Appropriate Management Level (AML) of 320 horses within the HMA's. The March, 2001 wild horse inventory and the projected post 2001 foaling population indicates that wild horse numbers in the HMAs are above the AMLs established in the land use plan. 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-EA1-039, the impacts to the wild horses and to other resources will not be significant. The horses will be treated in a safe and humane manner. Safety risks to BLM employees and the wild horses will be minimized through the planned actions identified in the Gathering Plan.

No substantive comments were received by BLM to warrant further environmental analysis or selection of the No Action Alternative.

## **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 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 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.

Signed /s/ Jack Kelly \_\_\_\_\_  
Jack Kelly, Lander Field Manager

7/31/2001 \_\_\_\_\_  
Date