



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Cedar City Field Office
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Cedar City, Utah 84721

http://www.blm.gov/ut/st/en/fo/cedar_city.html

In Reply Refer To:

4710.3/4710.4/ 4720 (UTC010)

DECISION RECORD (DR)

for

Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan

Cedar City Field Office

DOI-BLM-UT-C010-2014-0035-EA

INTRODUCTION

The Bible Spring Complex is approximately 222,929 acres and is located approximately 30 miles west of Minersville, Utah in the Wah Wah and Indian Peak mountain ranges (Map 1). The wild horses primarily use the lower benches in the winter and the higher elevations in the summer.

The Bureau of Land Management (BLM) Cedar City Field Office (CCFO) has prepared the Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan to gather and remove excess wild horses from within and outside the Bible Spring Complex (Bible Spring, Blawn Wash, Four Mile, and Tilly Creek Herd Management Areas (HMAs)) and treat wild horses with fertility control beginning on or after July 23, 2014. Fertility control would be used within the Complex to reduce the annual population growth. The primary use of fertility control would be to maintain the population within the Appropriate Management Level (AML) once it is achieved and extend the time before another gather to remove excess wild horses is needed. Fertility control could be used prior to achieving AML if gather success, holding capacity limitations, population growth rates, other national gather priorities or other circumstances prevent achieving AML during a gather.

The BLM is proposing to conduct multiple gathers, approximately two to four times over a six to ten year period to remove excess wild horses until the Bible Springs Complex wild horse population is at or near the lower AML of 80 head of wild horses. If the lower AML were reached before the end of the 10 year period, additional gathers would be conducted along with the use of fertility control to maintain the wild horse population in the Bible Spring Complex to within the AML.

The current estimated population of wild horses within the Complex is estimated at 755 head. This number is based on an aerial population inventory conducted March 2012 using the direct count method.

Approximately 675 head of excess wild horses will need to be removed before March 1, 2015 to achieve the lower AML within the Complex. However, based on past gather success in the Bible Spring Complex area, only 60-70% of the population can be gathered in a single year, thus requiring multiple gathers over more than a one year period in order to achieve AML. Regular population inventories would be conducted at a minimum of every 3-4 years to calculate the estimated population that would be used to determine the number of horses captured, removed and treated with fertility control each gather. A population inventory is planned for the Bible Spring Complex in FY 2015 and will be used to adjust the

estimated population. This will allow for adjustments to capture, removal and treatment numbers for these gathers after March 1, 2015 based on the FY-15 population inventory.

BLM has prepared an Environmental Assessment (EA) to analyze the environmental impacts associated with the proposed capture, removal and fertility control measures. Refer to **DOI-BLM- UT-C010-2014-0035-EA**.

COMPLIANCE AND MONITORING

CCFO personal will collect and maintain data. A population inventory will be conducted every three years on the HMAs as required by the WFRHBA and BLM policy. Vegetation monitoring studies (rangeland health, trend and utilization) will continue to be conducted in conjunction with livestock, wildlife and wild horse use.

STIPULATIONS

The gathers will be accomplished using the Design Features and Standard Operating Procedures (SOPs) contained in DOI-BLM- UT-C010-2014-0035-EA. The Design Features include:

- Multiple capture sites (traps) may be used to capture wild horses from the HMAs.
- Whenever possible, capture sites will be located in previously disturbed areas. Generally, these activity sites will be small (less than one half acre) in size.
- No new roads will be constructed.
- No trap sites will be located on areas where threatened, endangered, and special status species occur without clearance.
- Trap sites will be located a minimum of 0.5 mile from known Utah prairie dog colonies. No trap site will be located within identified Utah prairie dog habitat without clearance.
- All capture and handling activities will be conducted in accordance with the most current policies and procedures of the BLM.
- Helicopter gathers and water/bait trap gathers of a large size (more than 20 horses) will not be conducted between March 1 and June 30.
- During capture operations, safety precautions will be taken to protect all personnel, animals, and property involved in the process from injury or damage.
- Only authorized personnel will be allowed on site during the removal operation.
- No hazardous material will be used, produced, transported or stored in conjunction with this proposed action. Small amounts of carefully managed chemicals may be used to treat sick or injured animals at the capture sites.

DECISION

It is my decision to implement the Proposed Action (Alternative 1) as described in the Final Environmental Assessment for the Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan (**DOI-BLM- UT-C010-2014-0035-EA**). This decision is effective immediately pursuant to 43 CFR 4770.3(c).

RATIONALE

As determined in the Final Environmental Assessment for the Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan EA, excess wild horses are present within the Bible Spring Complex and need to be removed to restore a thriving natural ecological balance. The current estimated population of 755 wild horses is 344% of the AML established through prior BLM decisions. In addition, analysis of ongoing monitoring data indicates that wild horses are degrading rangeland health through heavy and severe utilization levels, trailing and trampling of riparian areas. Furthermore, the 2014

drought has substantially reduced forage and water availability for wild horses resulting in near emergency conditions particularly in the lower elevations. The perennial key forage species have exhibited minimal growth in 2014 and perennial grasses did not grow in some locations. Heavy and severe utilization levels by wild horses due to an overpopulation of wild horses in excess of AML have further compounded the issue.

In addition to degradation of the rangeland and lack of forage, the wild horses are also competing heavily with native wildlife including elk, mule deer, and pronghorn, which also depend on these areas for forage and water. The current population of wild horses is in excess of established AML that is authorized within the HMAs. In addition, approximately 94 wild horses are present outside of the Complex HMA boundaries where use by wild horses is not authorized. In order to allow for drought recovery and upward trends in rangeland health, protect wildlife habitat, ensure long term health and success of wild horses and prevent widespread starvation and death of individual animals due to lack of forage during future seasons, gathers must be conducted to remove excess wild horses.

The gathers are needed to not only remove excess wild horses, but also to implement population or fertility controls to slow population growth, maintain population size within AML, and to reduce the number of excess wild horses that need to be removed from these HMAs in the long term. The action would result in fewer wild horses needing to be placed in short or long-term holding or in the adoption and sale programs over the next 10-20 years. The gather is necessary to remove excess wild horses and to bring the wild horse population back to within the established AML range in order to achieve and maintain a thriving natural ecological balance between wild horses and other multiple uses as required under Section 1333(a) of the 1971 Wild Free Roaming Horse and Burro Act (WFRHBA) and Section 302(b) of the Federal Land Policy and Management Act of 1976.

The BLM is required to manage multiple uses to avoid degradation of public rangelands, and the removal of excess wild horses is necessary to protect rangeland resources from further deterioration or impacts associated with the current overpopulation of wild horses within the Bible Spring Complex. This action will help achieve and then maintain population size within the AML of 80-170 head, reduce the number of wild horses that need to be removed during future gathers and extend the time between gathers beyond this action.

Nationwide, short and long term holding space for excess wild horses removed from the range is limited. In order to facilitate gather and make progress toward objectives, numerous BLM districts have implemented phased gather operations in which a portion of the excess wild horses are removed during the initial gather along with implementation of population controls, with additional excess wild horses to be removed during follow-up gather(s) to achieve the AML goals. The Bible Spring Complex gathers will implement a phased approach in which the target is to achieve the low range of AML during the first few years of a 6 to 10 year period. Then additional follow-up wild horse gathers will occur to maintain the population within AML for the remainder of the 10 year period.

The Proposed Action is in conformance with the BLM's *Pinyon Management Framework Plan (MFP)* approved June 10, 1983. As discussed, the alternative will use a phased-in approach to reach AML and then maintain AML over a six to ten year period by removing excess wild horses and implementing fertility control. The alternative will result in placing fewer excess wild horses in short or long-term holding or in the adoption or sale pipelines over the next 10 year period as compared to the No Action Alternative.

Leaving excess wild horses on the range under the No Action Alternative would not comply with the WFRHBA or applicable regulations and Bureau policy, nor will it comply with the Pinyon Management Framework Plan (MFP) approved June 10, 1983. The No Action Alternative will allow continued

deterioration of rangeland resources, including vegetative, soil and riparian resources, and could potentially result in the irreversible loss of native vegetative communities. Wild horses will continue to relocate in increasing numbers to areas outside the Complex boundaries due to competition for limited water, forage and space within the Complex, adversely impacting public land resources not designated for wild horse management. The No Action Alternative also increases the likelihood of emergency conditions occurring, which is expected to lead to the death or suffering of individual animals or to an emergency gather in order to prevent suffering or death due to insufficient forage or water.

In summary, implementation of this decision will:

- Achieve the lower AML within the first few years of a 6 to 10 year period and allow for additional follow-up gathers and fertility control to maintain the population within AML for the remainder of the 10 year period,
- In the long term, maintain the wild horse populations within the Bible Spring Complex at a level that is consistent with the established AML,
- Reduce population growth rates, resulting in the need to gather less frequently and remove fewer wild horses in the future,
- Reduce or eliminate the number of excess wild horses that must be sent to long-term holding facilities or pasture over the long term,
- Promote the improvement of wild horse habitat within the Bible Spring Complex by allowing rangeland health to improve by avoiding negative impacts to rangeland resources from an overpopulation of wild horses. This will ensure that significant progress towards attainment of Standards for Rangeland Health occurs and also ensure healthy populations of wild horses are maintained in a thriving ecological balance for generations.

PUBLIC INVOLVEMENT

Public Involvement was initiated on this Proposed Action on April 8, 2014 by posting on the BLM Electronic Notification Bulletin Board.

A Preliminary Environmental Assessment (EA) for the Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan DOI-BLM-UT-C010-2014-0035-EA was made available to the public at the Cedar City Field Office and on-line at <http://www.ut.blm.gov/> or at <https://www.blm.gov/ut/enbb/> for a 30-day review/comment period beginning on April 30, 2014 and ending May 30, 2014. Written comments were received from 20 individuals by mail or fax. Comments were received from the State of Utah and 4 counties. E-mail comments and form letters were received from approximately 38,000 individuals. Approximately 37,800 of these letters were in a form letter format. The comments that were received after June 4, 2014 were not accepted. Many of these comments contained overlapping issues/concerns which were consolidated into 216 comments and 17 distinct topics.

Refer to Appendix 10 of Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan EA for a detailed summary of the comments received and how BLM used these comments in preparing the EA. The final Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan DOI-BLM-UT-C010-2014-0035-EA are available on the BLM's web site at <http://www.ut.blm.gov/> or by contacting the Cedar City Field Office.

The Utah State Office initiated public involvement at a public hearing about the use of helicopters and motorized vehicles to capture and transport wild horses (or burros) on June 18, 2014 in Cedar City, Utah. This meeting was advertised in papers and radio stations statewide. The meeting was attended by 25 members of the public who submitted their comments at the meeting. In addition, the Utah State Office received approximately 4,800 comments by e-mail on the "Use of Motorized Vehicles for WHB". All the comments submitted from the public were considered during the development of this document. The BLM reviewed its SOPs in response to the views and issues expressed at the hearing and determined that

no changes to the SOPs were warranted. The majority of the comments received were directed more toward the policies and regulations that are used to manage wild horses and burros. The comments were shared with the National Program Office for Wild Horse and Burros.

AUTHORITY

The authority for this Decision is contained in Section 1333(a) of the 1971 Free-Roaming Wild Horse and Burro Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700.

APPROVAL

The Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan is approved for implementation upon issuance in accordance with 43 C.F.R. § 4770.3 (c) because the action is necessary to preserve and maintain a thriving ecological balance and multiple use relationship. This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with provisions found at 43 CFR Part 4.

APPEAL PROCEDURES

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4. If you appeal, your appeal must **also** be filed with the Bureau of Land Management at the following address:

Elizabeth Burghard, Field Manager
BLM, Cedar City Field Office
176 E. DL Sargent Drive
Cedar City, Utah 84721

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Interior Board of Land Appeals
Office of Hearing and Appeals
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Field Solicitor at the same time the original documents are filed with the above office:

Office of the Regional Solicitor
6201 Federal Building
125 South State Street
Salt Lake City, UT 84138-1180

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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 appellants 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 the stay.

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

/s/ Dan Fletcher (Acting For)

June 23, 2014

Elizabeth R. Burghard
Field Manager
Cedar City Field Office

Date

Attachment

DOI-BLM-UT-C010-2014-0035-EA

Finding of No Significant Impact (DOI-BLM-UT-C010-2014-0035-EA)

**United States Department of the Interior
Bureau of Land Management**

Finding of No Significant Impact

**Environmental Assessment
DOI-BLM-UT-C010-2014-0035-EA**

June 2014

Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan

***Location:* Beaver and Iron Counties, Utah**

***Applicant/Address:* None**

**Cedar City Field Office
176 East DL Sargent Drive
Cedar City, Utah 84721
435-865-3000**

FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment
DOI-BLM-UT-C010-2014-0035
Bible Spring Complex Wild Horse Gather and Removal and Fertility Treatment Plan

INTRODUCTION

The Bureau of Land Management (BLM) has conducted an environmental analysis (DOI-BLM- UT-CO10-2014-0035-EA) to authorize wild horse gathers approximately two to four times over a six to ten year period to remove excess wild horses until the Bible Springs Complex wild horse population reaches the lower Appropriate Management Level (AML). The first gather will be planned for the summer of 2014. If the lower AML is reached before the end of the 10 year period, additional gathers will be conducted to maintain the wild horse population in the Bible Spring Complex to within the AML. The gather, removal and fertility treatment numbers will vary over the 10 year period to accomplish the objective of achieving and maintaining the wild horse population to within AML.

FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27, nor do the environmental effects exceed those described in the Pinyon Management Framework Plan. Therefore, an environmental impact statement is not needed.

This finding is based on the context and intensity of the project as described below.

Context: The project is a site-specific action on BLM administered public land and does not in and of itself have international, national, regional, or statewide importance. The gathers will be conducted in four Herd Management Areas located in Iron and Beaver counties, Utah.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, Regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal.

Impacts may be both beneficial and adverse: The environmental analysis considered both the beneficial and adverse impacts of the Proposed Action on resources and issues as described in the EA. The gathers will benefit the health of the rangeland by decreasing the removal of vegetation by wild horses. This will benefit riparian and soils resources, as well. A decrease in competition for forage will benefit livestock grazing and wildlife. A decrease in wild horse numbers will reduce soil compaction from horse trampling, Wild horses will be

impacted by being gathered and removed from the range. Design Features and Standard Operating Procedures will be implemented to reduce impacts to wild horses during the gathers. None of the environmental impacts disclosed above and discussed in detail in the EA are considered significant.

The degree to which the selected alternative will affect public health or safety: The gathers will be conducted in accordance with the specifications and procedures outlined in the EA, insuring compliance with all health and safety regulations and requirements.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas: The project area is not proximate to any park lands, wild and scenic rivers, or ecologically critical areas. This gather will have no effect to significant cultural resources. The corral locations will be located on an area of existing disturbance. The possibility of finding intact cultural resources in these areas is minimal to non-existent. If an existing disturbed area cannot be located for the corral area, a cultural resource inventory will take place prior to the gather. If cultural resources are located during this inventory, the corral area will be moved to another location, which does not contain cultural resources.

The degree to which the effects on the quality of the human environment are likely to be highly controversial: No anticipated effects have been identified that are scientifically controversial. Comments received during the public comment period for the EA provided no expert scientific evidence supporting claims that the project will have significant effects. Some comments expressed concern that current gather policies are disputed by the National Academy of Sciences, in the findings and recommendations of its report, "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward". It is the opinion of the authorized officer that nothing in this report refers to the scientific community being in dispute about the proposed action nor is the proposed action controversial in the scientific community.

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks: The proposal is not the first of its kind, nor are the effects of gathering wild horses highly uncertain or involve unique or unknown risks. There have been hundreds of like actions that have occurred since the passage of the 1971 Wild Free-Roaming Horses and Burros Act that have been evaluated in environmental assessments and none were found to require an EIS.

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration: The Proposed Action will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Actions were considered by the Interdisciplinary Team within the context of past, present, and reasonably foreseeable future actions. Any future projects within the area or in the surrounding areas will be analyzed on their own merits and implemented or not, independent of the actions currently selected. A complete analysis of the direct, indirect, and cumulative effects of the selected alternative, and all other alternatives considered, is described in Chapter 4 of the EA.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts - which include connected actions regardless of land ownership: The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the action is contained in Chapter 4 of the EA.

The degree to which the action may adversely affect districts, sites, highways, structures, other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources: This gather will have no effect to significant cultural resources. The corral locations will be located on an area of existing disturbance. The possibility of finding intact cultural resources in these areas is minimal to non-existent. If an existing disturbed area cannot be located for the corral area, a cultural resource inventory will take place prior to the gather. If cultural resources are located during this inventory, the corral area will be moved to another location, which does not contain cultural resources.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list: The Utah prairie dog is listed as a threatened species under the Endangered Species Act. The Bible Spring Wild Horse Complex is adjacent to three Utah prairie dog complexes: Pine Valley, Water Hollow and Jockey Springs. Developed conservation measures will be applied which will result in no direct adverse impacts to Utah prairie dogs or their habitat during the Bible Springs Complex gather.

A portion of the Tilly Creek Herd Management Area contains greater sage-grouse brood-rearing habitat. A temporary short-term impact to greater sage-grouse and/or its habitat could be impacted through disturbance and/or displacement. Removal of wild horses could benefit sage-grouse in the short-term through improved access to water sources and in the long-term through improved habitat conditions, both at water sources/riparian areas and in upland habitat containing sagebrush. In accordance with BLM Greater Sage-Grouse Interim Management Policies and Procedures (IM 2012-043), mitigation measures have been incorporated into the design features of the Proposed Action.

There is the potential that wild horses might trample and collapse underground dens and burrows of species such as the kit fox, pygmy rabbit, and burrowing owl. If occupied dens are collapsed, the inhabitants could be crushed and killed. If they are not killed, additional stress and energy could be expended to dig out the collapsed burrow or dig a new burrow, which could affect the individual fitness of the animal. Temporary displacement may occur during the gather however, the impacts are expected to be minimal to these species.

Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements: The Proposed Action will not violate or threaten any Federal, State, or local law or requirement imposed for the protection

of the environment. Applicable laws and regulations were considered in the EA. State, local and tribal interests were presented with the opportunity to participate in the environmental analysis process.

/s/ Dan Fletcher (Acting For)

June 23, 2014

Elizabeth R. Burghard
Cedar City Field Office Manager

Date