



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
4720 (UTW012)

JAN 13 2012

Dear Reader:

The Final Environmental Assessment (EA) for the Cedar Mountain and Onaqui Mountain Wild Horse Herd Management Areas Capture, Treat and Release Plan (EA) DOI-BLM-UT-W010-2011-0031-EA, Finding of No Significant Impact (FONSI) and Decision Record (DR) are available on-line at

http://www.blm.gov/ut/st/en/prog/wild_horse_and_burro.html.

Hard copies are available upon request from the Salt Lake Field Office.

The EA analyzes the Bureau of Land Management's West Desert District, Salt Lake Field Office's proposal to implement a gather that will implement population control measures and remove a limited number of excess wild horses from within and outside the Cedar Mountain and Onaqui Mountain Wild Horse Herd Management Areas (HMAs).

The FONSI documents BLM's determination that the proposed action will not result in "significant environmental impacts", and the DR approves implementation of the gather.

If you have any questions on this matter, please contact Tami Howell, BLM Salt Lake Field Office Wild Horse and Burro Specialist, at (801) 977-4300.

Sincerely,

Jill C. Silvey
Field Manager
Salt Lake Field Office

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

**Decision Record
Environmental Assessment
DOI-BLM-UT-W010-2011-0031-EA**

January 2012

**Cedar Mountain and Onaqui Mountain
Wild Horse
Herd Management Areas
Capture, Treat and Release Plan**

Fertility Control with Limited Removal

Location:

Cedar Mountain and Onaqui Mountain Herd Management Areas
Tooele County, Utah

Salt Lake Field Office
2370 S 2300 W
Salt Lake City, Utah 84119
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DECISION RECORD
Environmental Assessment
DOI-BLM-UT-W010-2011-0031-EA
Cedar Mountain and Onaqui Mountain
Wild Horse Herd Management Areas
Capture, Treat and Release Plan
Fertility Control with Limited Removal

The Bureau of Land Management (BLM) Salt Lake Field Office has determined that there are a limited number of excess animals in and around the Cedar Mountain and Onaqui Mountain Wild Horse Herd Management Areas (HMAs). The proposal would gather approximately 326 horses from the Cedar Mountain HMA and remove 65 excess animals. Also it is proposed to gather approximately 143 horses from the Onaqui HMA and remove 14 animals. The Proposed Action will slow population growth, maintain population size within the appropriate management level (AML) and extend the time before another gather will be needed in these HMAs. The current established AML for the Cedar Mountain HMA is set at 190 horses on the low end and 390 at the upper level. The HMA is approximately 197,252 acres in size. The current established AML for the Onaqui Mountain HMA is set at 121 horses on the low end and 210 horses at the upper level. The HMA is approximately 206,795 acres in size. The current population estimates indicate that both HMAs will be in the mid to upper limit of AML this year and could possibly exceed the upper limit.

To meet the local and national goals of the Wild Horse and Burro program, it is my decision to implement the Proposed Action as described in the final environmental assessment (EA) for the Cedar Mountain and Onaqui Mountain HMAs (DOI-BLM-UT-W010-2012-0031-EA). Under this action the BLM will gather horses within and around the Cedar Mountain and Onaqui Mountain HMAs, vaccinate the mares with the fertility drug Porcine Zona Pellucida (PZP-22), and remove a limited number of excess horses. This decision is effective immediately pursuant to 43 CFR 4770.3(c).

Authorities:

The authority for this Decision is contained in Section 1333(a) of the 1971 Free-Roaming Wild Horses and Burros 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.

§4700.0-6 Policy

- (a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
- (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;

(d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

§4710.4 Constraints on Management

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

§4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately...

§4740.1 Use of Motor Vehicles or Air-Craft

(a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses or burros for capture or destruction. All such use shall be conducted in a humane manner.

(b) Before using helicopters or motor vehicles in the management of wild horses or burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

§4770.3 Administrative Remedies

(a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR Part 4.

(c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

Compliance and Monitoring:

There will be monitoring of the mares that are treated. The fertility control treated horses will be marked with a freeze mark on the hip and/or neck to identify which horses were treated. Monitoring will be done through flight inventories and on the ground monitoring. This will allow the BLM to determine foaling rates and how effective the fertility control treatment was towards overall population suppression.

Terms / Conditions / Stipulations:

All gather operations and Fertility Control treatments will follow the Standard Operating Procedures (SOPs) outlined in the EA Appendix 1 and Appendix 6.

Plan Conformance and Consistency:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

Pony Express RMP/ROD, approved in January 1990 as amended.

Alternatives Considered:

In addition to the Proposed Action Alternative, the BLM analyzed two other alternatives in the EA. Alternative B gathered, treated the mares, added geldings back into the Onaqui HMA as a non-reproducing population, and had limited removal of excess horses. The other alternative was the No Action Alternative.

Alternative B would have met the purpose and need of the BLM but due to the current litigation occurring in Nevada on the Pancake Complex gather the alternative was not selected. This would allow the District Court sufficient time to consider the record and issue a ruling on the merits of the case. The BLM agreed that no wild horses will be gathered for purposes of returning geldings until after July 1, 2012 unless the above-referenced case has been fully resolved on the merits, dismissed, or otherwise disposed of by the District Court.

The No Action Alternative would not have met the BLM's purpose and need since it was determined there are excess wild horse in the HMAs and the local and national programs have a goal to slow the population growth.

Rationale for Decision:

Upon analyzing the impacts of the Proposed Action and following issuance of the EA for public review, I have determined that implementing the Proposed Action will not have a significant impact to the human environment and that an environmental impact statement is not required as set forth in the attached Finding of No Significant Impact.

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 Horses and Burros 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 Cedar Mountain and Onaqui Mountain Wild Horse Management Areas.

Alternative B gather, treat, limited removal and gelding a portion of the population on Onaqui Mountain HMA was not chosen due to comments received and ongoing litigation mentioned above.

The No Action Alternative was not chosen because of the need to remove excess horses and to treat horses to meet local and national goals of slowing the population growth in wild horse herd management areas.

On July 26, 2011 a public meeting on the use of motorized vehicles (including helicopters) to capture, move, and conduct population inventories on wild horses was held at the BLM's Vernal Field Office. This gather was addressed and no comments were received about the proposed action or the alternatives.

The project was put on ENBB on September 13, 2011. A preliminary environmental assessment was made available to interested individuals, agencies and groups for a 30 day public review and comment period that opened on November 23, 2011 and closed on December 28, 2011. Written comments were received from five individuals, two organizations and one agency. Many of these comments contained overlapping issues/concerns which were consolidated into 42 distinct topics. Refer to Appendix 8 of the EA to see the comments and how the BLM addressed them.

Protest/Appeal Language:

The 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. Public notification of this decision will be considered to have occurred on the date signed below. Within 30 days of this decision, a notice of appeal must be filed in the office of the authorized officer at the Bureau of Land Management, Salt Lake Field Office, 2370 South 2300 West, Salt Lake City, UT 84119. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and 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 irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the authorized officer and/or IBLA.

Jill C. Sibley
Authorized Officer

4/13/2012
Date

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

**Finding of No Significant Impact
Environmental Assessment
DOI-BLM-UT-W010-2011-0031-EA**

January 2012

**Cedar Mountain and Onaqui Mountain
Wild Horse Herd Management Areas
Capture, Treat and Release Plan**

Fertility Control with Limited Removal

Location:

Cedar Mountain and Onaqui Mountain Herd Management Areas
Tooele County, Utah

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Salt Lake City, UT 84119
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FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment
DOI-BLM-UT-W010-2011-0031-EA
Cedar Mountain and Onaqui Mountain Wild Horse Herd Management Areas
Capture, Treat and Release Plan

Based on the analysis of potential environmental impacts in the Environmental Assessment (EA) for the Cedar Mountain and Onaqui Mountain Wild Horse Herd Management Areas (HMAs) Capture, Treat and Release Plan (DOI-BLM-UT-W010-2011-0031-EA), I have determined that the Proposed Action 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, and do not exceed those effects described in the Proposed Pony Express Resource Management Plan Final Environmental Impact Statement (RMP/FEIS) (September 1988) and addressed in the Record of Decision for the Pony Express Resource Management Plan and Rangeland Program Summary for Utah County (1990). Therefore, the preparation of an environmental impact statement (EIS) is not required for compliance with the National Environmental Policy Act of 1969.

Environmental Assessment DOI-BLM-UT-W010-2011-0031-EA is attached and is incorporated by reference for this Finding of No Significant Impact (FONSI). A no action alternative and two action alternatives were analyzed in the EA. The Proposed Action alternative is the selected action alternative referred to in this FONSI.

Reasons for the finding are based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and intensity of impacts.

Context: The Plan is a site-specific action involving the Cedar Mountain and Onaqui Mountain HMAs in Tooele County, Utah. The Capture, Treat and Release Plan has been completed with input from an interdisciplinary team, interested publics, and users of public lands.

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:

- 1. Impacts may be both beneficial and adverse.** The selected action alternative would impact resources as described in Chapter 4 of the EA. Mitigating measures to reduce impacts to Invasive Species/Noxious Weeds; Livestock Grazing; Rangeland Health; Threatened, Endangered, Candidate or Special Status Animal Species; Wildlife Excluding Special Status Species; Wetlands/Riparian Zones; Vegetation Excluding Special Status Species and Wild Horses and Burros were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those

described in the Pony Express RMP/FEIS and associated Record of Decision. The gather and removal of excess wild horses is expected to have short-term impacts on individual animals, over the long-term, it is expected to benefit wild horse health by improving forage and habitat conditions in the herd management areas and would be beneficial for rangeland resources such as vegetative communities, riparian resources and wildlife habitat.

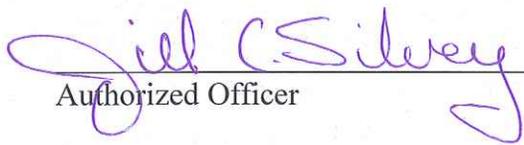
2. **The degree to which the selected alternative will affect public health or safety.** The Gather Operations Standard Operating Procedures (EA, Appendix 1) would be used to conduct the gather and are designed to ensure protection of human health and safety, as well as the health and safety of the wild horses and burros. The selected alternative would have no effect on public health or safety.
3. **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 selected alternative has no potential to affect unique characteristics such as historic or cultural resources or properties of concern to Native Americans. The following components of the Human Environment and Resource Issues are not affected because they are not present in the gather area: Areas of Critical Environmental Concern; Paleontology; Threatened, Endangered, Candidate or Special Status Plant Species; Wastes (hazardous or solid) and Wild and Scenic Rivers. , Wilderness, Livestock Grazing, Woodland/Forestry, Paleontology, Wild Horses and Burros and Areas with Wilderness Characteristics.

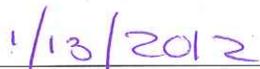
In addition, the following components of the Human Environment and Resource Issues, although present, would not be affected by this action for the reasons listed in Appendix 3 of the EA: Air Quality, Greenhouse Gas Emissions, Environmental Justice, Farmlands (Prime or Unique), Fish Habitat, Floodplains, Fuels/Fire Management, Geology/Mineral Resources/ Energy Production, Lands/Access, Migratory Birds, Native American Religious Concerns, Recreation, Socio-Economics, Soils, Water Resources/Quality, Wilderness/WSA, Woodland/Forestry, Visual Resources and Lands with Wilderness Characteristics.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Effects of the gather are well known and understood. No unresolved issues were raised through consultation or public comments.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** Possible effects on the human environment are not highly uncertain and do not involve unique or unknown risks. The selected alternative has no known effects on the human environment which are considered highly uncertain or involve unique or unknown risks. This is demonstrated through the effects analysis in the EA.

6. **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 action is compatible with future consideration of actions required to improve wild horse management in conjunction with meeting objectives for wildlife habitat within the herd management areas. The selected alternative does not set a precedent for future actions. Future actions would be subject to evaluation through the appropriate level of NEPA documentation.
7. **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 project is contained in Chapter 4 of the EA.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or 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.** The proposed gather has no potential to adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor would it cause loss or destruction of significant scientific, cultural, or historical resources.
9. **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.** Mitigating measures to reduce impacts to wildlife and BLM sensitive species have been incorporated into the design of the selected alternative. There would be no net loss of sage grouse habitat and disturbance would be very short term. No other threatened or endangered plants or animals are known to occur in the area.

10. 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 project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. Furthermore, letters were sent to Native American tribes concerning consulting party status, and there were no objections to the gather or no response from the tribes. In addition, the project is consistent with applicable land management plans, policies, and programs.


Authorized Officer


Date