

BUREAU OF LAND MANAGEMENT
TUCSON FIELD OFFICE

ENVIRONMENTAL ASSESSMENT

NEPA #

DOI-BLM-AZ-G020-2013-0007-EA

Title: Arizona Wild Horse and Burro Holding and Training Program

Arizona Department of Corrections

Florence, Arizona

I. Introduction/Purpose and Need

Introduction

The Wild Free Roaming Horse and Burro Act of 1971, as amended, requires the protection, management and control of wild horses and burros on public lands at population levels that assure a thriving natural ecological balance. The BLM is responsible for the management of wild horses and burros on 180 herd management areas on public lands in ten western states. When existing populations of horses and/or burros exceed the productive capabilities of the habitat within the Herd Management Area (HMA), excess wild horses and/or burros must be removed to restore the multiple use relationship and thriving natural ecological balance in accordance with the Act. If excess wild horses and burros are not removed, habitat conditions would deteriorate and threaten the existing and future populations of wild horses and burros, wildlife dependent on the same habitat, and other authorized uses such as livestock grazing.

Excess wild horses and burros removed from public lands go to Preparation Facilities where they are sorted by age, sex, condition, tested for Equine Infectious Anemia, vaccinated, and freeze marked with an individual number for future identification. After the animals have been given boosters approximately 30 days after the initial vaccination, they are available for adoption through the Adopt A Horse or Burro Program. As capacities at Preparation Facilities are reached, horses and burros available for adoption may be moved to short term holding facilities that provide care, feeding, and veterinarian services pending adoption. The

proposed holding facility at Florence would provide much needed relief due to existing capacity issues at most of the BLM Preparation Facilities.

The holding facility to be constructed by the Arizona Department of Corrections Facility is located in Florence, Arizona and will house up to a maximum of 750 wild horses and burros. Through Arizona Correctional Industries (ACI), inmates at the facility will maintain the facility, care, and feed the wild horses and burros. At the direction of ACI, certain wild horses and burros would be selected and moved to existing facilities within the prison complex for gentling and training by the inmates. The proposed holding facility would be located on approximately 10 acres of old dairy farm land just north of the secure Florence Prison Complex, along East Florence Kelvin Highway. The legal description for the facility is T 4 S., R. 10 E. Sec 31 S½SE¼, Gila and Salt River Meridian, Pinal County, Arizona. Depending upon the future needs and funding there is the potential to expand the capacity to hold 1,500 wild horses and burros on approximately 32 additional acres. The property, as well as the adjacent active farm land, is owned by Arizona Department of Corrections.

Purpose and Need

The purpose of the proposed action is to provide an additional and critically needed holding facility that would allow the BLM to achieve and maintain a thriving natural ecological balance on the range, in order to meet the mandates of the Wild Roaming and Burro Act of 1971, and to increase the successful adoptions of wild horses and burros by offering inmate gentled and trained wild horses and burros for adoption. The need is to provide additional short term holding for a maximum of 750 wild horses and burros due to capacity issues at existing facilities. The proposed facility would provide additional facility space to humanely and safely care for excess wild horses and burros removed from the public lands in accordance with the Act.

- 1) **Relationship to Statutes, Regulations, or Other Plans:** The proposed action is in conformance with the objective of 43 CFR, Part 4700, which requires BLM to protect, manage and control wild horses and burros as an integral part of the natural public lands system. The proposed action also confirms to the direction given in the Wild Free-Roaming Horse and Burro Act of December 15, as amended (16 U.S.C. 1331-1440; the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712 and 1734); and the National Environmental Policy Act of 1969 (42 U.S.C. 4321, 4331-4335, and 4341-4347) which have the same objective as that given in the BLM Regulations.
- 2) **Internal Scoping:** On December 17, 2012, the proposed action was reviewed by the TFO NEPA Team. It was determined that external scoping should consist of a notice to the media in order to make the public aware of the coming facility which would be accomplished by the BLM Arizona State Office.

3) **Issues:** The December 17, 2012 and January 14, 2012 Internal scoping meetings identified the following issues:

- Air Quality (Located with Pinal County Air Quality Control District (PCAQCD) PM10, Fugitive dust will be produced from the movement of the animals. Sprinkler system will be used).
- Cultural Resources/Paleontology: Management of the horses at the facility could result in exposure of previously unrecorded cultural or paleontological resources. (Standard cultural resource design features will be used to protect any undiscovered sites).
- Wastes, Hazardous or Solid: Could be generated by horses held and by facility management. (Design Features will be used to control removal and use in accordance with “ Arizona Collection and Storage of Agricultural Animal Wastes and Wastewater Best Management Practices”).
- Invasive & Non Native Weeds: Potential for weeds being brought in with horse feed.
- Migratory Bird Treaty Act: Potential for increase of Cow Birds and Black Birds.

4) **Description of Alternatives, Including Proposed Action:**

Proposed Action: Upon completion of the facility by the Arizona Department of Corrections, the Bureau of Land Management (BLM) proposes to fund the holding of a maximum of 750 wild horses and burros at the facility in Florence, Arizona. Through Arizona Correctional Industries (ACI), inmates at the facility will maintain the facility, care, and feed the wild horses and burros. Prior to wild horses and burros being placed in Florence, ACI will construct the necessary facilities, to BLM Standards. Within each pen, there will be 400 square feet allowed per animal. At the direction of ACI, certain wild horses and burros would be selected and moved to existing facilities within the prison complex for gentling and training by the inmates. The proposed holding facility would be located on approximately 10 acres of old farm land just north of the secure Florence Prison Complex, along East Florence Kelvin Highway. Depending upon the future need and funding, there is potential to expand the capacity to hold 1,500 wild horses and burros on approximately 32 additional acres. Due to the uncertainty of future funding, potential expansion will not be analyzed at this time. The property, as well as the adjacent active farm land, is owned by Arizona Department of Corrections.

The acreage being considered for the short term holding facility previously housed a dairy operation operated by ACI. All of the facilities for the dairy have been removed except for one open hay barn that remains on site. ACI produces crops, including alfalfa,

on approximately 2,000 acres adjacent to the proposed facility. It is anticipated that hay produced on this farm will be used to feed the wild horses and wild burros being held at the proposed facility. The perimeter of the approximately 10 acres will be excluded with a barb wire fence 52 inches high. Public access will be allowed in accordance with ADOC policies and regulations.

Arizona Correctional Industries have contacted the Arizona Department of Environmental Quality, Water Quality Compliance Section, concerning Confined Animal Feeding Operations permits for the facility. ADEQ is not issuing general permits and the proposed operation does not require an individual permit nor a containment pond because any overflow will go into agricultural fields producing alfalfa and other non-human consumable crops. Throughout the proposed facility, plans are to install a pressurized above ground sprinkler system for dust control, as well as additional cooling during high heat days for the animals.

Air Quality Design Feature: ACI will install an above ground sprinkler system.

Cultural Resources Design Feature: Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holder's behalf, on public or federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation, and any decision regarding the proper mitigation measures will be made by the authorized officer after consulting with the holder.

As required by the Native American Graves Protection and Repatriation Act regulations at 43 CFR 10.4(g), "If in connection with the project operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the ROW holder shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer of the discovery. The ROW holder shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume."

Solid Waste Design Feature: ACI will follow BMP's as set in "Collection and Storage of Agricultural Animal Waste and Wastewater" which regulates current laws in conjunction with Arizona Concentrated Animal Feeding Operations.

No Action Alternative: BLM would not implement the proposed action, which is to provide additional holding space for animals that have been removed from the public lands. The no action alternative would be incompatible with BLM's policy to maintain the HMA's at an acceptable level.

5) **Affected Environment**

5.1 During internal scoping with the TFO NEPA Team on December 17, 2012 and January 14, 2012, it was determined that the following resource elements are not affected by the proposed action or alternatives because they do not occur in the proposed use area, or because of the nature of the proposed action: Areas of Critical Environmental Concern (ACECs), Environmental Justice, Prime or Unique Farmlands, Floodplain, Threatened or Endangered Species, Native American Religious Concerns, Water Quality, Wetlands, Riparian Zones, Wild and Scenic Rivers, Wilderness, National Energy Policy, Rangeland Health, Recreation, Wildlife, and Visual Resources.

5.2 Air Quality: The Federal Government has enacted, and the State of Arizona has adopted, National Ambient Air Quality Standards (NAAQS)(40 CFR Part 50) as the region's air quality criteria. The project area is in a portion of Pinal County that is in an air quality attainment area of PM10, in order to control dust the facility will have an above ground sprinkler system.

5.3 Cultural Resources/Paleontology: The area of has been greatly disturbed in the past by its' use as a dairy farm. The project site is devoid of any vegetation. It is located within the Florence Archaeological District. There are no archaeological sites recorded within the project area.

5.4 Waste Hazardous or Solid: The project site was formerly used as dairy until 1989. At that time it was cleared of buildings, manure and debris. The property was then used as agricultural fields for growing alfalfa from 1990 to 2010. When the facility is constructed and accepting animals the ACI will routinely clean the corrals and dispose of waste in accordance with the best management practices BMP's of the Concentrated Animal Feeding Operations (CAFO) per the State of Arizona regulations.

5.5 Invasive & Non Native Weeds: The project area is devoid of vegetation at this time. It is possible noxious or invasive weeds would be transported on the animals or equipment used to transport the animals to the facility; or the feed that will be grown within the prison complex. It is highly unlikely to cause toxic foodstuffs for the animals.

5.6 Migratory Bird Treaty Act: On January 11, 2001, President Clinton signed Executive Order 13186 (Land Bird Strategic Project) placing emphasis on conservation and management of migratory birds. These migratory species are not protected under the

Endangered Species Act, but most are protected under the Migratory Bird Treaty Act of 1918. Management for these species is based on BLM Instruction Memorandum – IM 2008-050, dated December 18, 2007. Migratory bird species of conservation concern that may utilize the project include burrowing owl (*Athene cunicularia*).

6) Environmental Consequences:

6.1 Air Quality

Proposed Action: Impacts to air quality from the proposed action would be minor. The proposed action to accept and maintain wild horses and burros in the facility, may cause dust generated by the animal's movement. The dust would mostly be abated by the above ground sprinkler system.

No Action Alternative: No additional impact on the air quality.

6.2 Cultural Resources/Paleontology

Proposed Action: The action will not impact any known cultural resources, but horse and facility management could have a slight chance of exposing unknown cultural or paleontological resources.

No Action Alternative: No impacts will occur to cultural or paleontological resources.

6.3 Waste Hazardous or Solid

Proposed Action: The proposed action will provide for the care and handling of up to 750 wild horses and burros pens which will be routinely cleaned by ACI. Solid and liquid waste will be generated. The waste will be disposed of properly in accordance with the State of Arizona regulations, which will reduce and waste impacts to a negligible level.

No Action Alternative: No impacts will occur.

6.4 Invasive & Non Native Weeds

Proposed Action: The horses and burros will be brought in by trailer. The feed will be provided by other ACI facilities in the vicinity. The horses and burros, the trailer and the feed could contain non-native, exotic and noxious weed seeds; and thereby introduce the species to the project area. If in the unlikely event this was to occur ACI would be responsible for eradicating the infestation.

No Action Alternative: No impacts will occur.

6.5 Migratory Bird Treaty Act

Proposed Action: The proposed action is in with area with no vegetation of sufficient size or density to support habitat for migratory birds. Therefore the proposed action is not anticipated to have any affects on federally listed species or critical habitat.

No Action Alternative: No impacts will occur.

6.6 Wild Horse and Burros

The Bureau of Land Management estimates that approximately 37,300 wild horses and burros (about 31,500 horses and 5,800 burros) are roaming on BLM-managed rangelands in 10 Western states, based on the latest data available, compiled as of February 29, 2012. Wild horses and burros have virtually no natural predators and their herd sizes can double about every four years. As a result, the agency must remove thousands of animals from the range each year to control herd sizes.

The estimated current free-roaming population exceeds by nearly 11,000 the number that the BLM has determined can exist in balance with other public rangeland resources and uses. The maximum appropriate management level (AML) is approximately 26,500.

Off the range, there are more than 50,000 other wild horses and burros that are fed and cared for at short-term corrals and long-term pastures. (As of Feb. 7, 2013, there were 15,705 horses and 1,348 burros in corrals and 33,664 horses in pastures. The combined figure of 50,717 animals in holding compares to the BLM's total holding capacity of 52,986.) All wild horses and burros in holding, like those roaming Western public rangelands, are protected by the BLM under the 1971 Wild Free-Roaming Horses and Burros Act.

Proposed Action: There are currently 19 maintenance facilities in the US holding 11,842 animals with a capacity of 12,660. The proposed action will increase the capacity by another 750 animals, an increase of 5.9 percent. The proposed facility would provide additional holding capacity for Wild Horse and Burros gathered from over stocked rangelands. Chances for adoption are greatly increased by the training provided by inmates. The proposed action will result in the overall improvement of the health and welfare of these animals.

No Action Alternative: The present holding facilities would not be adequate to gather animals from overstocked Horse Management Areas (HMA's). This could cause a decline in the health of animals on the range.

7) Cumulative Impacts

All resource issues have been evaluated for cumulative impacts considering past, present and reasonably foreseeable future actions under both the proposed action and no action alternatives. There are no cumulative impacts for this project. No cumulative impacts will occur.

8) Consultation and Coordination

TFO NEPA Team

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