



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657



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Decision Record

**Simplot Short Term Holding Facility
DOI-BLM-ID-B020-2015-0006-EA**

Dear Interested Public:

The Bureau of Land Management (BLM) proposes to fund space, feeding, and care for up to 3,500 excess Wild Horses and/or Burros (WHBs) at a Short-term Holding (STH) facility on 80 acres of private land owned by J.R. Simplot Co.

Background

The WHB program is in need of additional STH capacity. This new facility would accommodate WHBs that have been gathered from public lands within Herd Management Areas (HMAs), and provide safe, humane care of these animals. The purpose of this proposed action is to fund space, feeding, and care for up to 3,500 excess WHBs. The BLM solicited bids from private organizations and individuals capable of building and operating such a facility. The proposed action evaluates the bid received as a result of that process.

Simplot STH Setting

The proposed facility is located on private land, owned by J.R. Simplot Co. in north central Owyhee County, three miles west of Bruneau, Idaho. The proposed facility lies just west of the Bruneau River Valley and encompasses approximately 80 acres of private land that has been used as a livestock feedlot for several years (sources have stated that the site was constructed into a feedlot over 50 years ago). Legal: Township 6 South, Range 5 East, Sections 21 & 28.

Resource Conditions

Soils

The soils on the site are very deep and range from somewhat poorly drained to well drained. Substantial change in the surface layer of the soils is likely due to the presence of a previous feedlot. However, soil profiles are likely intact, but under layers of manure and decomposed hay.

Vegetation/Noxious Weeds

Upland vegetation on the existing site consists of a very small amount of weeds. A site visit on March 26, 2015, concluded that very little vegetation occurs on the area, which consisted mostly

of Russian thistle, tumble mustard, and cheatgrass. One perennial grass (Kentucky bluegrass) was identified on the edge of the road ways. No noxious weeds identified on the State of Idaho's noxious weed list were found during the site visit. A large majority of the site (>90%) is bare ground with a mix of manure because of the previous use of this location as a feedlot for cattle and other livestock.

Riparian/Aquatic Resources/Water Quality

No streams, springs, or rivers occur within the project location. However, Jacks Creek is approximately 0.13 miles from the proposed facility. Although a canal is within 100 feet of the proposed facility, a pipeline has recently been installed and the canal is no longer in use.

Air Quality

Air quality in the project area is considered good due to the rural setting and distance from any affecting sources. Consequently, ambient pollutant concentrations have rarely been monitored.

Cultural/Paleontological Resources

According to the BLM General Land Office Records website, the original title to this parcel was issued to Fred J. Born on August 27, 1914, under the May 20, 1862, Homestead Act. No cultural resources inventories are known to have been conducted on the property and, consequently, there are no previously recorded sites or isolated artifact finds listed for the project area. An inventory was conducted on March 26, 2015, and resulted in no sites or isolated finds of either resource being discovered within the affected project area.

Migratory Birds/Wildlife (Including Special Status Species)

It is very unlikely that migratory bird species currently utilize the project area for foraging or nesting due to the current condition of the site. Due to the previous disturbance of the site and prior use as a feedlot, some wildlife are likely present, but limited to common and/or non-native species that flourish in agricultural settings. These likely include a few rodent and bird species (e.g., house mice (*Mus musculus*), deer mice (*Peromyscus maniculatus*), European starlings (*Sturnus vulgaris*), and house sparrows (*Passer domesticus*)). No known BLM Special Status Species (SSS) occur on the project area.

Economic and Social Values

The population in Owyhee County in 2010 was 11,389, an increase of 7 percent from the year 2000, compared to an 18 percent increase throughout the state of Idaho over that same time period. The population density is only 1.5 people per square mile, and most of the county residents enjoy a largely rural lifestyle.

Issues

A scoping document was sent to the public on March 20, 2015, for review and comment of the proposed action and alternatives. Throughout the internal and external (public) scoping process and project development period, the BLM interdisciplinary team identified the following issues concerning the Simplot STH Facility:

1. The potential exists for nutrient loading from runoff to occur in nearby Jack's Creek, a tributary to C.J. Strike reservoir. The project is designed to minimize or eliminate these impacts and is described in the analysis of effects. (BLM Developed)

2. Concerns about holding up to 3,500 WHB's on only 80 acres. This issue is addressed in Section 2.2, "Issue Considered but Not Carried Forward in Analysis." (Interested Public)
3. Review rules and regulations for Air Quality, Wastewater and Recycled Water, Drinking Water, Surface Water, Hazardous Waste and Ground Water Contamination, and Storage Tanks. Best Management Practices (BMPs) for wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds are recommended for use to address this issue. (Idaho Department of Environmental Quality (IDEQ))

Alternative Development

Alternative 1 was developed based on requests for proposals received through Solicitation # L14PS00389 (WHB Temporary Holding Facility). Alternative 2 was developed as the No Action alternative. No additional alternatives were submitted through scoping.

Alternative 1 – Proposed Action

The Proposed Action is to fund space, feeding, and care for up to 3,500 excess WHBs on 80 acres of private land owned by J.R. Simplot Co. just off of Highway 78 on Jacks Creek Road, in Owyhee County, near Bruneau, Idaho.

Alternative 2 – No Action

The No Action Alternative would not fund nor authorize the holding of WHB at this location.

Decision

My decision is to implement Alternative 1 as described in Environmental Assessment (EA) # DOI-BLM-ID-B020-2015-0006-EA (EA Section 2.3.1). My decision authorizes funding for space, feeding, and care for up to 3,500 excess WHBs at the Simplot STH Facility owned by J.R. Simplot Co. just off of Highway 78 on Jacks Creek Road, in Owyhee County, near Bruneau, Idaho. All construction specifications and requirements of facilities will be consistent with Solicitation # L14PS00389 (WHB Temporary Holding Facility), all laws and regulations, and EA # DOI-BLM-ID-B020-2015-0006-EA. The STH facility will:

- provide pens, feed, salt, minerals and water necessary for maintaining a maximum of 3,500 WHB;
- provide corrals and adequate working facilities to load, unload, prepare, and sort WHB;
- provide humane care of all WHB from receiving, to holding, and preparation and maintenance (including veterinarian care, hoof trimming, etc.), prior to adoption, sale or shipment to long-term holding facilities;
- provide regular, on-the-ground observation of WHB, by BLM employees, to ascertain their well-being and safety; and
- provide management by individuals who are knowledgeable and experienced about the behavior and nutritional requirements of equines.

J.R. Simplot Co. will develop a working animal waste management plan which will be designed to meet the following objectives:

- Prevent water pollution and maintain or improve surface water resources;
- Collect and store all solid and liquid waste on-site in a manner that prevents wastes from entering surface water and seepage of nutrients into ground water;

- Manage both solid and liquid wastes, preferably by proper land application for crop production and soil enhancement without excessively loading the soils profile which could result in ground water pollution;
- Control odors, flies, rodents, and other vermin;
- To use and store pesticides in a manner as to not adversely affect water quality or the environment.

J.R. Simplot Co. will prepare a detailed dust prevention and control plan and submit it to IDEQ for their review.

The proposed facility will also incorporate the following (and not limited to) BMP's through proper design and construction:

- Ensure that runoff from the hill slopes above the facility are disconnected from the holding facility.
- Elevate and improve upon the existing earthen embankment that exists between the holding facility and Jacks Creek. Ensure that all water from the holding facility flows unimpeded to the lowest point (settling basin) of the facility by re-contouring the holding facility to a uniform gradient.
- Ensure proper maintenance of the settling basin.
- Prevent runoff from exiting the holding facility via roads that enter the facility.

WHBs will not be placed at the facility until all plans are complete.

Rationale for Decision

This document is in conformance with and incorporates by reference the Bruneau Management Framework Plan (1983). I am also incorporating Solicitation # L14PS00389 by reference because of the specifications for construction and care of the animals. I have reviewed the Environmental Assessment (EA) including the explanation and resolution of any potentially significant environmental impacts, and reviewed and thoroughly considered public comments regarding the EA. I have also reviewed the ten Intensity Factors for significance listed in 40 CFR 1508.27, and have determined that the Proposed Action (Alternative 1), does not constitute a major Federal action affecting the quality of the human environment or causing unnecessary or undue degradation of the natural environment. Therefore, an Environmental Impact Statement has not been prepared.

This decision authorizes the funding of space, feeding, and care of WHBs at the Simplot STH Facility for a maximum of 3,500 WHB. All facilities, handling of WHBs, feed/water, and humane care will be as identified in EA # DOI-BLM-ID-B020-2015-0006-EA (EA Section 2.3.1), Solicitation # L14PS00389, and all applicable laws/regulations. These requirements will ensure healthy WHBs and a safe working environment. Proper construction of fences/gates will ensure animals are open and free to move through corrals and alleys with no obstructions, intrusions, or unnecessary impediments. Highly qualified individuals will handle and sort animals at all times to provide low stress movement and situations. Clean water and nutritious hay (grass, alfalfa, grass/alfalfa mix, and/or other supplements) will be provided at all times in sufficient quantities. Animals will be fed in bunks to ensure quality feed and to reduce the potential for colic.

A primary land use identified in the Owyhee County Comprehensive Plan contains Agricultural Land Use, which includes ranching and farming. A request for a Concentrated Animal Feeding Operation (CAFO) was filed to the Owyhee County Planning and Zoning Commission by J.R. Simplot Co. seeking to establish an eighty acre facility to feed a maximum of 3,500 WHBs, or alternately 3,500 cattle, or a combination of the two for this site. J.R. Simplot Co. is responsible for following all local, state, and Federal laws, including necessary permits and authorizations to operate legally.

Design features and the animal waste management plan will reduce the risk of runoff and erosion. The plan and BMPs will also ensure all solid and liquid wastes are stored on-site in a manner that prevents wastes from entering surface water and seepage of nutrients into ground water. Additionally, runoff from hill slopes above will be disconnected at the facility boundary, and all water from the holding facility will flow unimpeded to the lowest point in the settling basin. The plan will also prevent water pollution and maintain or improve surface water resources. The facility would be hydrologically isolated and all water would be treated onsite to meet state and Federal water quality standards.

A detailed dust prevention and control plan will be prepared to reduce and/or eliminate any dust. In addition to the plan, access roads and feeding routes through and around the facility will be graveled and asphalted to reduce/eliminate dust and to provide a solid bed for truck travel.

I considered all other effects identified in EA # DOI-BLM-ID-B020-2015-0006-EA and found all impacts to be negligible.

During scoping, a comment raised concerns about how the proposed STH facility could hold 3,500 WHBs at an 80 acre facility. When WHBs are adopted, the BLM requires potential adopters to provide 400 square feet per WHB (43 CFR 4750.3-2(a) (3)(i)) to ensure a sufficient amount of space. This short-term holding facility will provide several pens, each capable of holding about 100 WHBs with approximately 70,000 square feet per pen. A minimum amount of required square footage is 700 per WHB, 300 square feet more per WHB than is required by an adopter. Therefore, the square footage provided for each WHB at this short-term holding facility will provide for the health and safety of the WHBs.

In addition to adequate space, Solicitation # L14PS00389 and the subsequent contract will require adequate feed, water, handling, and safe facilities/working environment for WHBs. There are several other STH facilities throughout the west in similar settings/climates with the same or similar requirements. The conditions as a result of these requirements in these other facilities have shown to provide humane care for the animals. Regardless of where these WHBs are cared for, any WHB that is removed from public land will be cared for in a similar facility with the same or similar requirements.

Appeal

My decision to implement Alternative 1 as described in EA # DOI-BLM-ID-B020-2015-0006-EA (EA Section 2.3.1), is in accordance with the authority provided in 43 CFR 4770.3(a).

My decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4. If an appeal is made, your appeal must be filed with the Bureau of Land Management at the following address: Brent Ralston, Acting

Deputy State Director (Resources), Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho, 83709. **Your appeal must be filed within thirty (30) days of receipt of this decision in accordance with 43 CFR Part 4.**

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (as amended at 58 FR 4942, January 19, 1993), for a stay 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: The Interior Board of Land Appeals, 801 N. Quincy, Suite 300, Arlington, VA, 22203.

A copy must also be sent to the Office of the Solicitor at the same time the original documents are filed with the above office. The address is: Office of the Solicitor, Boise Field Solicitors Office, University Plaza, 960, Broadway Ave., Suite 400, Boise, ID, 83706.

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 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 the stay.

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



Brent Ralston
Acting Deputy State Director, Resources
Idaho State Office