

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

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**Environmental Assessment  
DOI-BLM-UT-C020-2015-0032-EA**

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**August 2015**

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**Axtell Off-Range Corral (ORC) for Wild Horses  
Solicitation # L14PS00389**

***Location:***

**T20S, R01E, SLM, UT, Sec. 17  
Axtell, Utah**

***Applicant/Address:***

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## **1.0 Introduction and Summary of Proposed Action**

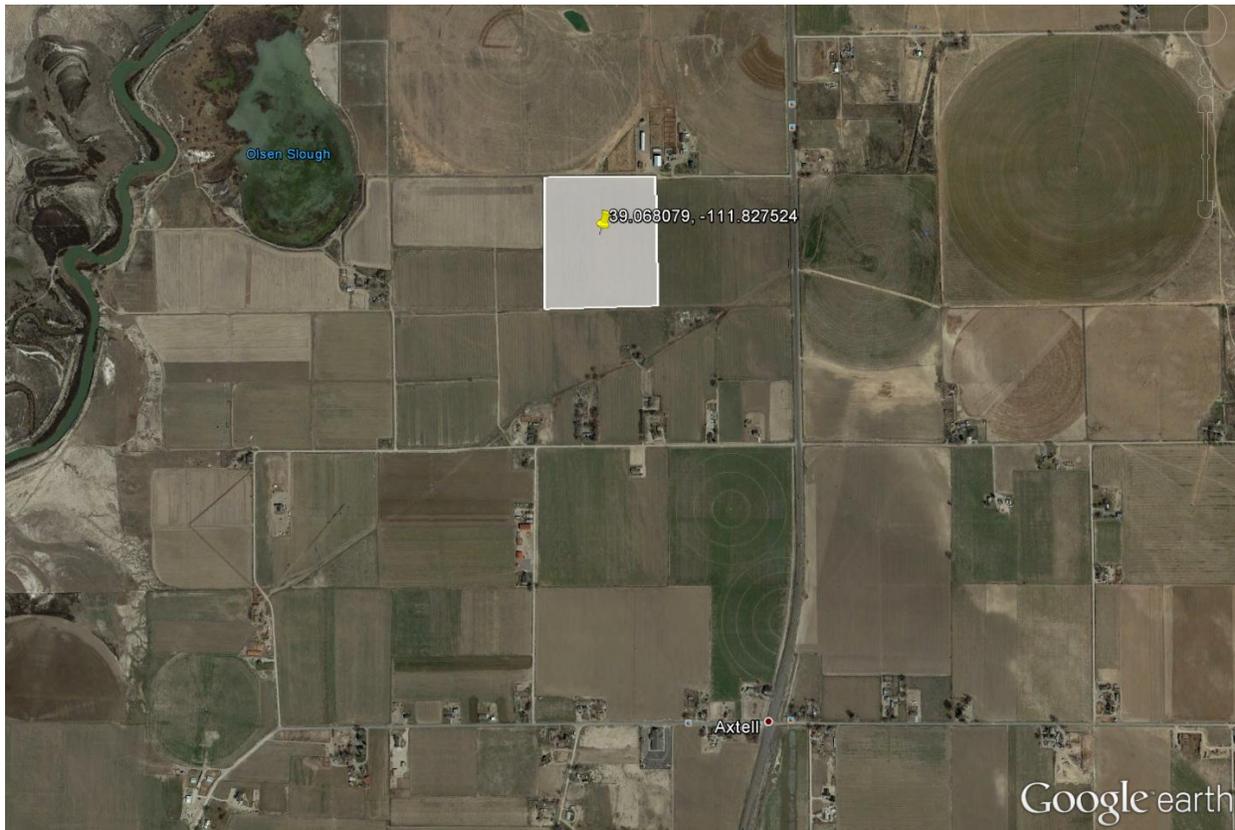
As part of its responsibility to manage and protect wild horses and burros, including those removed from overpopulated herds roaming Western public rangelands, the Bureau of Land Management (BLM) has solicited bids for new, short-term holding facilities (corrals) located in seventeen Western and Midwestern states, including Utah, under Solicitation # L14PS00389. The solicitation was open between May 7, 2014 and June 2, 2014.

The solicitation is for multiple short-term facilities accommodating a minimum of 200 wild horses and/or burros in a safe and humane condition. The short-term facilities must be close to and readily accessible from a major U.S. interstate or highway. Each short-term facility must be able to provide humane care for a one-year period, with a renewal option under BLM contract for four one-year extensions. The animals will remain in a short-term holding facility until they are adopted or can be transported to a long-term pasture.

The BLM manages wild horses and burros as part of its overall multiple-use, sustained yield mission. Under the authority of the 1971 Wild Free-Roaming Horses and Burros Act, the BLM manages and protects these living symbols of the Western spirit while ensuring that population levels are in balance with other public rangeland resources and uses. To ensure that healthy herds thrive on healthy rangelands, the BLM removes excess animals from the range to control the size of herds, which have virtually no predators and can double in population every four years.

The Proposed Action is for the BLM to fund a contract for an off-range corral (ORC) facility, located in T20S, R01E, SLM, UT, Sec. 17, near Axtell, Utah (see **Figure 1**, below), owned and operated by Kerry and Nannette Despain, with capacity for up to 1,000 wild horses. The proposed ORC would be constructed on approximately 32 acres of private land that is adjacent to an existing Wild Burro Facility.

Figure 1: Location of Proposed Action as depicted in Google Earth.



### **1.1 Purpose and Need for the Proposed Action**

The BLM action is responding to the need to provide additional short-term holding capacity in off-range corrals for the Wild Horse and Burro program. The purpose of the proposed action is to fund space, feeding, and care for up to 1,000 horses. The BLM solicited applications from private organizations and individuals capable of building and operating such a facility through Solicitation # L14PS00389. The proposed action evaluates an application received as a result of that process.

### **1.2 Decision to be Made**

Based on the results of the NEPA analysis, the Richfield Field Office Manager will decide if and under what conditions, stipulations, and terms an off-range corral facility would be funded to provide space, feed, and care for wild horses.

### **1.3 Conformance with Applicable Land Use Plan**

The Proposed Action would occur on private land, which is not subject to conformance with the Richfield Field Office's Approved Resource Management Plan (RMP) and Record of Decision (October 2008).

## **1.4 Relationships to Statutes, Regulations, and Other Plans**

The Proposed Action does not conflict with any known State or local planning or zoning ordinance. This action is not specifically addressed in the Sanpete County General Plan<sup>1</sup> (August 2011) or the Sanpete County Resource Management Plan<sup>2</sup> (June 2012); however, the proposal is consistent with the land uses occurring within the area.

The award of a contract to fund space, feeding, and care for up to 1,000 excess wild horses at an ORC facility on private land is considered a Federal action which requires BLM to comply with all applicable laws, including the National Environmental Policy Act (NEPA). As a result, this Environmental Assessment (EA) has been prepared to document BLM's site-specific analysis of the potential impacts that could result from the implementation of the Proposed Action or No Action Alternatives. The following statutes and resultant regulations are of primary concern to this EA:

- Clean Water Act of 1972, as amended.
- National Environmental Policy Act of 1969, as amended.
- National Historic Preservation Act of 1966, as amended.
- Sanpete County General Plan (August 2011).
- Sanpete County Resource Management Plan (June 2012).
- Threatened and Endangered Species Act of 1973, as amended.
- Title 43 Code of Federal Regulations (CFR) §4700.
- Wild Free-Roaming Horse and Burro Act of 1971, as amended.

## **1.5 Required Permits**

The applicant will obtain the necessary permits required for a Concentrated Animal Feeding Operation (CAFO) in accordance with Utah state requirements. The facility would adhere to and maintain the proper reporting documents pertaining to any necessary permits. The applicant would be responsible for construction and maintenance of any infrastructure associated with these permits.

The applicant is currently working with the Natural Resources Conservation Service (NRCS) to establish a Comprehensive Nutrient Management Plan (CNMP) for the period of time between January 2015 and December 2019. Water quality impacts identified and addressed in the CNMP include runoff from field application of manure, runoff from manure on facilities, nutrients in groundwater, nutrients in surface water, and excessive soil test phosphorus. Other concerns addressed include maximizing nutrient utilization, minimizing nutrient cost, compliance with regulations, improving soil health, timing of manure application, and minimizing ammonia discharge during manure application.

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<sup>1</sup> The Sanpete County General Plan is located at [http://sanpete.com/downloads/plan/Sanpete\\_General\\_Plan.pdf](http://sanpete.com/downloads/plan/Sanpete_General_Plan.pdf)

<sup>2</sup> The Sanpete County Resource Management Plan is located at [http://sanpete.com/downloads/plan/Resource\\_Management\\_Plan.pdf](http://sanpete.com/downloads/plan/Resource_Management_Plan.pdf)

## **1.6 Scoping and Development of Issues**

During preparation of this EA, notice of the Proposed Action was placed online on BLM's national register for NEPA documents (ePlanning), on May 29, 2015. A 15-day public comment period was offered beginning August 5, 2015.

Resources identified in the Interdisciplinary Team Checklist (Appendix A) as present and potentially impacted, which have been carried forward into this EA for detailed analysis, include:

- Water Resources: How would placement of wild horses at this location affect water quality?

## 2.0 Description of Alternatives

This EA analyzes only the Proposed Action and No Action alternatives since the decision to be made is whether or not to fund a contract for an ORC. The No Action alternative is considered and analyzed in order to compare impacts with the Proposed Action, even though the No Action alternative does not respond to the purpose and need for action. The Proposed Action meets BLM's need for a short term wild horse holding facility because it provides the necessary space for an ORC facility to safely and humanely care for excess wild horses removed from lands in accordance with the Wild and Free-Roaming Horses and Burros Act.

### 2.1 Proposed Action

The Proposed Action is to fund space, feeding, and care for up to 1,000 wild horses on approximately 32 acres of private land owned by the applicant near Axtell, Utah. The ORC facility would:

- Provide pens, feed, and water necessary for maintaining a maximum of 1,000 wild horses;
- Provide corrals and adequate working facilities to load, unload, prepare, and sort wild horses;
- Provide humane care of all wild horses during receiving, holding, and maintenance;
- Provide regular, on-the-ground observation of wild horses by the applicant's employees to ensure their well-being and safety;
- Provide management by individuals who are knowledgeable about and experienced with the behavior and nutritional requirements of wild horses;
- Obtain and abide by all required permits.

The proposed facility, gates, and crowding alleys would be built with pipe, for structural strength, and/or belting, for safety, windbreak, and shade. The applicant would ensure that there are no protrusions or other hazards that could injure horses.

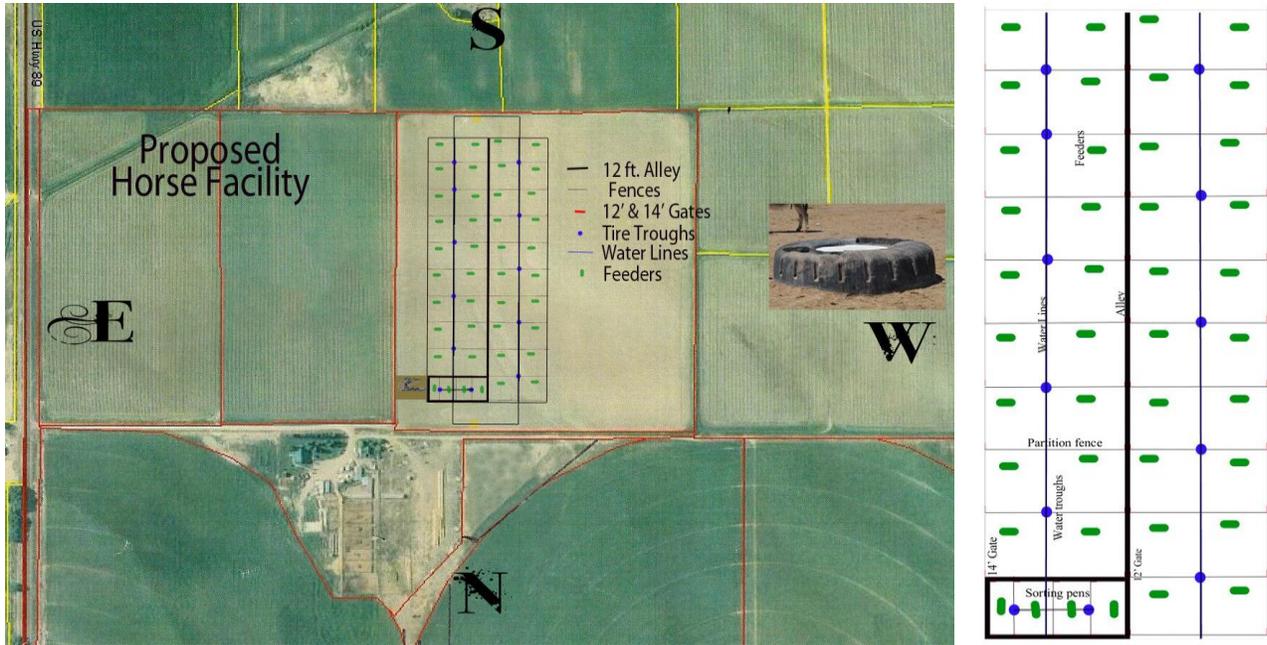
Winter wind, summer sun, and dust were identified by the applicant as potential concerns. The applicant would construct the corrals with belting along the north side of the facility and would strategically stack feed and bedding to mitigate wind and sun. To reduce stress on horses, corrals would be cleaned regularly and bedding would be added in the winter to keep corrals dry. Bedding in the summer would help lower temperature in the corrals by several degrees. A pressurized irrigation system adjacent to the corrals would also be used to mitigate dust problems by wetting corrals.

The facility has perimeter fences with locking entryways. The main entrance can be secured, and the applicant's residence is located adjacent to the entry gate. The applicants currently have office space for the Axtell Burro Facility, with adequate space for record keeping and restrooms. Requests for public access to view the horses or facility would be directed to the appropriate BLM personnel.

Holding corrals would be 132 feet by 262 feet. Sorting corrals would be 120 feet by 65 feet (see **Figure 2**, below). All alleys would be 12 feet wide. All corrals would be 6 feet high and made of a combination of pipe and conveyor belting. Each corral would have two gates: one 12 feet by 6

feet to the central alley and one 14 feet by 6 feet for access to feed and clean the horses. The corrals and alley would be made of 2 inch, 2 3/8 inch, and 2 7/8 inch pipe. Partition fences would be a combination of pipe and/or conveyor belting. All areas where horses would put more pressure on the facility would be reinforced with drill steel, railings, and posts. Ten gates would be placed in the alley to contain horses to certain areas of the alley. Belting would be installed appropriately to help minimize wind and sun exposure.

Figure 2: At left, property overview with proposed facility. Note that the top of the picture looks south. Inset is an example of a tire trough. At right, a close-up of the proposed facility layout.



Water would be delivered to each corral from one of four sources:

- Stock watering line, located on the south side of the facility;
- Pressurized irrigation system, located on the north side of the facility;
- Culinary water system; or
- On-site well.

Each one of the sources noted above could be used if another is rendered inoperable, with the exception of the pressurized irrigation system in winter months. Each corral's water trough would be a rubber tire trough (shown above, in Figure 2) equipped with a float system. Recycled rubber tire troughs are very durable and can stand up to use by horses and adapt to winter conditions. They have no sharp edges or corners and are safe for horses. The rubber tire troughs would help keep the water warmer in the winter and cooler in the summer, and they have enough capacity to adequately supply water needed for horses. These troughs would be placed at partition fences so that both sides can drink from the same trough.

A bunk feeder, measuring 18 feet long, 6 feet wide, and 6 feet high, would be used to provide feed to horses. Each corral would contain multiple feeders.

The loading and unloading facility would be at the northeast corner of the facility, adjacent to the sorting pens. This would allow for quick sorting of horses when loading and unloading trucks. There would be three alley gates to contain horses near the loading chute. The loading chute would be constructed of metal and would be at an appropriate height to load and unload semi-trucks. It would include a catwalk on both sides and man gates to easily access semi doors. The sides of the loading chute would 6 feet high and of solid construction to restrict the horse's vision. The ramp would be a minimum of 32 inches wide and an appropriate length. The applicant would also include an area for loading and unloading stock trailers.

Leading up to the working facility, there would be a 12 foot wide alley with three gates spaced 20 feet apart. This would lead to a series of two crowding tubs with hydraulic operated turret gates. This would minimize the horse's stress by removing humans from the horse's flight zone. The tubs would bring the horses to a 10 foot long dual alley. There would then be a transition section to a single alley width. The single alley would be 30 inches wide, 20 feet long, and 90 inches high. With the turret gates, a catwalk would not be necessary, but if needed, one would be installed.

## **2.2 No Action Alternative**

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

### 3.0 Affected Environment

This chapter identifies and describes the current condition and trend of resources which may be affected by the Proposed Action or No Action alternatives. The Interdisciplinary Team Checklist (Appendix A) indicates which resources of concern are either not present in the project area or would not be impacted to a degree that requires detailed analysis. Resources that could be impacted to a level requiring further analysis are described here, and potential impacts on these resources are analyzed in Chapter 4.

#### 3.1 Water Resources

The proposed facility is within the Sevier River Basin and Middle Sevier Sub-basin. This is a terminal basin, meaning that surface water does not leave the watershed but instead flows into a lake with no outlet. Water resources in this 1.2 million acre sub-basin include perennial streams, intermittent/ephemeral streams, spring source areas, diversions, and reservoirs which exhibit the full range of hydrologic characteristics. Basin hydrology and water quality are described in detail in the TMDL Water Quality Study of the Middle and Lower Sevier River Watersheds, 2004 (TMDL).<sup>3</sup> There are no surface water resources within or adjacent to the proposed facility. However, the Olsen Slough, an oxbow pond and wetland area, is about  $\frac{1}{3}$  mile from the proposed facility, adjacent to the Sevier River. Furthermore, the Sevier River is about  $\frac{2}{3}$  mile from the proposed facility. Both are downstream from the proposed facility.

The Sevier River is a major stream which has average annual peak flows of about 250 cubic feet per second (cfs) and base flows of about 25 cfs. Flow rates are heavily regulated by upstream storage and release of water for irrigation use. Condition of water quality in the Sevier River is assessed using established metrics as defined by the Environmental Protection Agency (EPA) and using protocols established and implemented by the State of Utah Department of Environmental Quality, Division of Water Quality (UDEQ) and the BLM. Water quality criteria required by the Clean Water Act have been defined by UDEQ, and rules regarding water quality for water resources within and adjacent to the proposed facility have been defined in the Utah Administrative Code (UAC). UDEQ has identified beneficial uses of the Sevier River as: secondary contact recreation, warm water aquatic life, and agricultural uses. The 2004 TMDL indicated that these beneficial uses were not fully supported due to exceedances of total dissolved solids (TDS), sediment (TSS), total phosphorus (TP), and habitat alteration. UDEQ's most current report, a draft issued in October 2014,<sup>4</sup> identified only TDS as a parameter affecting these beneficial uses. The TMDL identified that sources of these parameters are agricultural return flows, land erosion, streambank erosion, livestock, lagoons, natural loads, and upstream loads.

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<sup>3</sup> TMDL Water Quality Study of the Middle and Lower Sevier River Watersheds, 2004. Utah Department of Environmental Quality.

[http://www.deq.utah.gov/ProgramsServices/programs/water/watersheds/docs/2006/09Sep/Sevier\\_River\\_TMDL.pdf](http://www.deq.utah.gov/ProgramsServices/programs/water/watersheds/docs/2006/09Sep/Sevier_River_TMDL.pdf)

<sup>4</sup> Utah Department of Environmental Quality, Division of Water Quality. Utah's October 2012-2014 Draft Integrated Report. Accessed June 29, 2015.

<http://www.deq.utah.gov/ProgramsServices/programs/water/wqmanagement/assessment/currentIROct.htm#draft>

## **4.0 Environmental Effects**

This section analyzes the potential direct, indirect, and cumulative impacts of the Proposed Action and No Action alternatives on the resources described in the Affected Environment section (Section 3.1).

### **4.1 Water Resources**

#### **4.1.1 Proposed Action**

##### **4.1.1.1 Direct and Indirect Impacts**

The proposed action could result in impacts to water quality if runoff from the proposed facility reaches the Sevier River or Olsen Slough. The proposed facility is an animal feeding operation (AFO). These facilities are recognized as potential sources of contamination for surface and groundwater resources and are regulated under the Clean Water Act. Accumulation of nutrients and other biological by-products can contaminate water resources if released. The proposed facility would be a sufficient distance from water resources to allow for adequate attenuation of contaminants during normal conditions, but it is possible that contamination could reach the river or slough during abnormal events if uncontained.

The facility operator would prepare and implement a Comprehensive Nutrient Management Plan (CNMP) designed to reduce and minimize the probability of contamination to surface water resources. The plan would detail the steps that would be taken to contain nutrients and reduce runoff from the facility. Compliance with a complete and adequate CNMP would reduce probability of any impacts to water resources as a result of the Proposed Action.

##### **4.1.1.2 Cumulative Impacts**

The cumulative impacts analysis area (CIAA) for water resources is the Middle Sevier Sub-basin of the Sevier River Basin. Past and present actions and natural conditions which affect water resources within the CIAA are described in the Affected Environment section (Section 3.1). There are no known reasonably foreseeable future actions which would affect water resources in ways similar to those described above; however, the predicted effects of climate change may result in some similar impacts in the long term.

As described in the Affected Environment section, there are several cumulative impacts within the CIAA which have resulted in substantive alterations from natural conditions or have crossed established thresholds. Water diversions, agriculture, and municipal use have altered sub-basin hydrology. Exceedance of water quality thresholds and related impacts to beneficial uses of water in the CIAA are also substantive departures from natural conditions. When considered in the context of these cumulative impacts, the incremental changes in impacts caused by the Proposed Action and No Action alternatives are very small. These incremental changes are not expected to reach any new cumulative impact thresholds in the short or long term.

## **4.1.2 No Action**

### **4.1.2.1 Direct and Indirect Impacts**

Under the No Action alternative, the current level of impacts to water resources would continue to occur, and the condition of water resources would remain as described in the Affected Environment section (Section 3.1).

## 5.0 Consultation and Coordination

### 5.1 List of Agencies, Organizations, and Individuals Consulted

Name	Purpose
Natural Resources Conservation Service (NRCS)	The Proposed Action would require a Comprehensive Nutrient Management Plan, as prepared by the NRCS.
Utah Department of Environmental Quality (UDEQ), Division of Water Quality	UDEQ has requested to be notified of projects in areas with impaired water quality.

### 5.2 List of Preparers

BLM staff specialists who determined the affected resources for this document are listed in the interdisciplinary checklist (Appendix A). Those who contributed further analysis in the body of the EA are listed in Table 5.1 below.

**Table 5.1 List of Preparers**

Name	Title
Julie Carson	Planning & Environmental Specialist
Mark Dean	Hydrologist
Victor (Gus) Warr	Wild Horse and Burro Program Lead

# Appendices

## Appendix A Interdisciplinary Team Checklist

**Project Title:** Axtell Off-Range Corral (ORC) for Wild Horses

**NEPA Log Number:** DOI-BLM-UT-C020-2015-0032-EA

**File/Serial Number:** Solicitation # L14PS00389

**Project Leader:** Julie Carson, Utah State Office

### DETERMINATION OF STAFF:

NP = not present in the area impacted by the proposed or alternative actions

NI = present, but not affected to a degree that detailed analysis is required

PI = present with potential for relevant impact that need to be analyzed in detail in the EA

NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents cited in Section D of the DNA form. The Rationale column may include NI and NP discussions.

Determination	Resource	Rationale for Determination	Signature	Date
<b>RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)</b>				
NI	Air Quality	The project may generate temporary and transitory emissions of particulate matter (i.e. dust), however emissions quantities are unlikely to be in excess of any relevant significance levels and are extremely unlikely to cause or contribute to any recognized air quality issues in the project area. Reasonable dust control practices (e.g. watering) applied if and when necessary should prevent any localized nuisance impacts during the proposed action. No further analysis or mitigation is warranted.	Leonard Herr	5/19/2015
NP	Areas of Critical Environmental Concern	The Richfield Field Office 2008 RMP was reviewed; there are no Areas of Critical Environmental Concern within the proposed action area.	Jennifer Christensen	4.22.2015
NI	Cultural Resources	A record search indicated that there are no cultural resources within previously surveyed portions of the project area and, based on previous survey in the greater area, the likelihood of additional cultural resources is low. The project will not impact known cultural resources in the vicinity of the proposed action area.	Ashley Losey	6/1/2015
NI	Environmental Justice	Based on best available information from the U.S. Census Bureau and the EPA's EJ View, both the population in poverty and the minority population are between 20 and 30% in the area of the proposed new facility. In contrast, Sanpete County as a whole has a minority population of just under 10% of the total population. Because there is a minority population of at least 10 percentage points higher within the census block of the proposed action, an Environmental Justice population exists. The location of the proposed facility, however, is not near any identified concentrated low income, minority, or Native American populations. Any impacts, such as an increase in dust or odors, would not disproportionately affect low income or minority populations.	Julie A Suhr Pierce	5/18/15
NP	Farmlands (Prime or Unique)	The soil survey of Sanpete Valley Area, Utah, Parts of Utah and Sanpete Counties identifies the parcel as farmland of statewide importance but not as 'Prime or Unique'.	Brant Hallows	5/13/15

Determination	Resource	Rationale for Determination	Signature	Date
NI	Fire/Fuels Management	The proposed action would have no impact on fuels/fire management.	Bob Bate	5/13/15
NI	Floodplains	The floodplain of the Sevier River is .5 miles west of the proposed facility. The proposed action would not increase the risk of flooding or damage to human life and property and would not be contrary to Executive Order 11988 – Floodplain Management.	Brant Hallows	5/13/15
NP	Geology / Mineral Resources/Energy Production	No Federal minerals will be impacted as the result of this proposed action.	/s/ J.Manning	4/22/2015
NI	Greenhouse Gas Emissions	Greenhouse gas (GHG) emissions from stock animals are a recognized and quantifiable impact; however it is not necessary to analyze this impact in this case. Recent CEQ draft guidance (released 12/18/2014) indicates that qualitative and/or qualitative analysis of GHG is acceptable even for small projects which may seem insignificant on a global scale. However, CEQ also states that agencies must consider how to analyze these impacts in a NEPA context which involves comparisons between alternatives. In this case there would be little if any difference in methane emissions between the no action alternative and proposed action at the global scale. For this reason detailed analysis is not warranted for the EA.	Mark Dean	4/22/2015
NI	Invasive Species/Noxious Weeds (EO 13112)	Knapweed is a relatively new noxious weed in the area but is of great concern and is presently being aggressively treated in close proximity (Axtell, Redmond, Gunnison, Sevier River) to the proposed facility. It is not likely that the proposed action will significantly increase the likelihood of noxious weed establishment. However, changing from a cultivated field, where plowing occurs in order to rotate the type of crop, and weeds are controlled to prevent decreasing crop yield, to a permanent holding facility where unused areas of the yards are easily neglected, could allow for new noxious weeds to go undetected until they are well established and spreading. It would therefore be prudent for the operator to establish an aggressive weed prevention and detection effort at the facility that would quickly detect and treat noxious weeds when they first appear, and therefore prevent any impacts from noxious weeds.	Brant Hallows	5/13/15
NP	Lands with Wilderness Characteristics	The Richfield Field Office 2008 RMP was reviewed; there are no Lands with Wilderness Characteristics (known as Natural Areas in the RFO) within the proposed action area on private property.	Jennifer Christensen	4.22.2015
NI	Lands/Access	As described, the proposed action would not substantially affect access to public land on a permanent basis. No roads providing access to public land would be closed for any extended period of time. Otherwise, since the proposal is located on private lands, the action would not result in any other impacts to Lands/Access.	/s/Michael B. Utley	4/27/2015
NP	Livestock Grazing	The proposed project area does not fall within any approved grazing allotments on BLM lands.	Brandon Jolley	5/5/2015
NP	Migratory Birds	No Priority Migratory Birds are present.	Larry Greenwood	4-28-15
NI	National Historic Trails	A review of the area in ArcMap reveals that the project area is approximately one mile from a designated section of the Old Spanish National Historic Trail. Estimating that the high	Julie Carson	6/4/2015

<b>Determination</b>	<b>Resource</b>	<b>Rationale for Determination</b>	<b>Signature</b>	<b>Date</b>
		point of any facility may extend to 8 meters, a Viewshed Analysis reveals that the proposed facility would not be visible from the Old Spanish National Historic Trail. No other National Historic Trails are present in the area.		
NI	Native American Religious Concerns	BLM action on private land would not have any known impact on Native American Religious Concerns.	/s/ Wayne Wetzel	7/28/2015
NP	Paleontology	No paleontological resources will be impacted as the result of this proposed action.	/s/ J.Manning	4/22/2015
NP	Powerlines	A review of the area in ArcMap reveals that this property is not located near or within any proposed power line corridors.	Julie Carson	5/22/2015
NP	Property Boundary Evaluation	See attached Land Description Review Certificate (Appendix C).	Daniel Webb	6/5/2015
NI	Rangeland Health Standards	The proposed project will have little to no direct or indirect effect on the range that would impact the established rangeland health standards.	Brandon Jolley	5/5/2015
NI	Recreation	The Richfield Field Office 2008 RMP was reviewed. The proposed action is entirely on private property and therefore does not fall within a Special Recreation Management Areas (SRMA) or an Extensive Recreation Management Area (ERMA). The proposed action area does not occur within an area managed for recreation by the BLM.	Jennifer Christensen	4.22.2015
NP	Sensitive Animal Species	No Species Present. See Attached Clearance (Appendix B).	Larry Greenwood	4-28-15
NI	Socioeconomics	Funding the proposed facility would provide additional income to one farm. If the Proposed Action were accepted, no change to neighboring property values is anticipated since the facility fits with the land uses of the surrounding area.	Julie Carson	7/14/2015
NI	Soils	Although the proposed action will create minor changes at the soil surface, soil conditions as a whole would remain largely unchanged. The animal hoof action will create a hardened surface layer but not a true compaction layer. The soil profile below the surface would not be altered.  It can be expected that accumulations of manure and feed would build up and eventually need to be removed. The removal should not include actual excavation of the existing soil profile.	Brant Hallows	5/14/15
NP	Threatened, Endangered, Candidate or Special Status Plant Species	No Species Present. See Attached Clearance (Appendix B).	Larry Greenwood	4-28-15
NP	Threatened, Endangered, or Candidate Animal Species	No Species Present. See Attached Clearance (Appendix B).	Larry Greenwood	4-28-15
NI	Vegetation Excluding Designated/Special Status Species	The area is private land and has been cultivated etc. in the past. Vegetation species that are present include Quackgrass, Crabgrass, Blue Mustard, Tumble Mustard, Russian Thistle and Kochia. All of these species are considered undesirable weeds. These would not be affected to a degree that detailed analysis is required.	Larry Greenwood	4-28-15
NI	Visual Resources	The Richfield Field Office 2008 RMP was reviewed. There is no Visual Resource Management Class for the proposed action area because it is on private property. The area and surrounding area is currently used as private, agriculture, corrals, etc. The proposed action should be consistent with current visuals in the area.	Jennifer Christensen	4.22.2015

Determination	Resource	Rationale for Determination	Signature	Date
NI	Wastes (hazardous or solid)	Excessive manure build-up may potentially impact surface area but not to the level to require ongoing soil tests. Clean up manure and soil bedding at regular intervals and more often during wet weather. Store excessive manure in a weather, pest/insect resistant container until proper disposal or spread as a fertilizer.	Glenn Pepper	5/22/2015
PI	Water Resources/Quality (drinking/surface/ground)	Runoff and infiltration from animal feeding operations (AFO) can potentially impact surface and groundwater quality. These facilities are regulated under the Clean Water Act and BLM must ensure the contractor is able to comply with NPDES requirements. The facility is located less than 0.5 miles from the Sevier River and as such there are potential impacts to this waterbody. The potential impact is large enough to warrant analysis in an EA.	Mark Dean	4/22/2015
NI	Water Rights	There are no BLM water rights in the vicinity of the project area which would be affected. The proponent will need to provide BLM with proof of water rights necessary to operate the facility.	Mark Dean	5/13/2015
NP	Wetlands/Riparian Zones	No Zones Present.	Larry Greenwood	4-28-15
NP	Wild and Scenic Rivers	The Richfield Field Office 2008 RMP was reviewed; there are no Wild and Scenic Rivers within the proposed action area.	Jennifer Christensen	4.22.2015
NI	Wild Horses and Burros	Wild horses will be present at the facility as the primary use for its existence. Based on the proposed diagram and layout of the facility, no impacts or concerns to the animals are anticipated, beyond normal unexpected issues that occur at other off-range holding facilities. The health and welfare of the horses seem to be at the forefront of the planning.	V. Gus Warr	06.26.15
NP	Wilderness/WSA	The Richfield Field Office 2008 RMP was reviewed; there are no Wilderness or wilderness study areas within the proposed action area.	Jennifer Christensen	4.22.2015
NI	Wildlife and Fish Excluding Designated/Special Status Species	Wildlife species that probably frequent the area are as follows: Townsends Ground Squirrel, Striped Skunk, Meadow Lark, Starling, Coyote and Mule Deer. These would not be affected to a degree that detailed analysis is required.	Larry Greenwood	4-28-15
NI	Woodland / Forestry	The proposed action would have no impact on woodland/forestry.	Bob Bate	5/13/15

**FINAL REVIEW:**

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	<i>/s/ Gina Gincoves</i>	7/30/2015	
Authorized Officer	<i>/S/ Wayne A. Wetzel</i>	8/4/2015	

## Appendix B Special Status Plant and Animal Clearance

4510  
(U-050)

### SPECIAL STATUS PLANT AND ANIMAL CLEARANCE

DATE April 28, 2015

PROJECT Axtell Horse Holding Facility

BLM ALLOTMENT N/A Private Land

GEOLOGY Quaternary Gravelly Surfaces

LEGAL DESCRIPTION Refer to EA

#### INTRODUCTION

BLM land within the Richfield Field Office contains eleven species that are federally listed as Threatened, Endangered or Proposed as such (Special Status Species). There are four animal species and six plant species as follows:

*Centrocercus urophasianus* (Greater Sage Grouse) Candidate 92 FR 989; March 5, 2010.

*Cynomys parvidens* (Utah Prairie Dog) Threatened 49 FR 22334; May 29, 1984.

*Empidonax trailii extimus* (Southwestern Willow Flycatcher) Endangered 60 FR 10715; February 27, 1995.

*Strix occidentalis lucida* (Mexican Spotted Owl) Threatened 58 FR 14271; March 16, 1993.

*Pediocactus despainii* Welsh & Goodrich (San Rafael Cactus) Endangered 52 FR 34917; September 16, 1987.

*Pediocactus winkleri* Heil (Winkler's Footcactus) Threatened 63 FR 44587; August 20, 1998.

*Schoenocrambe barnebyi* (Welsh & Atwood) Rollins (Barneby Reed-mustard) Endangered 57 FR 1403; January 14, 1992.

*Sclerocactus wrightiae* L. Benson (Wright Fishhook Cactus) Endangered 44 FR 58868; October 11, 1979.

*Spiranthes diluvialis* (Sheviak) Welsh Threatened 57 FR 2053; January 17, 1992.

*Townsendia aprica* Welsh & Reveal (Last Chance Townsendia) Threatened 50 FR 33737; August 21, 1985.

There are many other species within the Richfield Field Office that are not officially listed, but are considered Special Status Species. Known populations of all Threatened, Endangered and other special status species have been located and documented within the Field Office Area. Habitat information and requirements are known and can be applied to various actions accordingly.

#### REFERENCE SOURCES

1. Welsh, S.L. 1978. Endangered and Threatened Plants of Utah; A Reevaluation. Great Basin Naturalist 38 (1) : 118.
2. Greenwood, L.R. 1980 Endangered, Threatened or Sensitive Plant List - Richfield Field Office.
3. Endangered, Threatened or Sensitive Plant photograph collection Richfield Field Office - Photos verified by Dr. Welsh of BYU.
4. Endangered, Threatened or Sensitive plant location data summary for the Richfield Field Office - Data taken from mounted specimens contained in the BYU Herbarium; computer printout for the BYU Herbarium; and plants collected by L. Greenwood and subsequently Verified by Dr. Welsh.
5. Special Status Species location overlay for the Richfield Field Office.
6. Richfield Field Office Herbarium - Endangered, Threatened and Sensitive Plant collection for the Richfield Field Office. All specimens verified by S.L. Welsh of BYU.
7. Utah Endangered, Threatened and Sensitive Plant Field Guide. 1991. Atwood, Holland, Bolander, Franklin, House, Armstrong, Thorne and England.
8. A Field Guide to the Mammals. 1985. William H. Burt and Richard P. Grossenheider.
9. Birds of North America. 1966. Chandler S. Robbins, Bertel Bruun and Herbert S. Zim.
10. Utah Candidate Species. 1993. U.S. Fish and Wildlife Service, Utah-Colorado Field Office. Salt Lake City, Utah.

#### SPECIAL STATUS SPECIES OCCURRENCE

Populations of the described special status species do not occur in the area of concern. Therefore, there would not be any adverse impacts to special status plant and animal species.

/s/ Larry Greenwood

**Appendix C Land Description Review Certification**

*(See next page)*

**Land Description Review Certificate**  
 United States Department of the Interior - Bureau of Land Management  
 Division of Lands & Minerals  
 Utah State Office

June 05, 2015

To: Wild Horse & Burro Manager, Gus Warr (UT-933)  
 Attention: Julie Carson

From: Daniel W. Webb, Chief Cadastral Surveyor (UT-925) *DWW*  
 Utah State Office

Subject: Land Description Review (LDR) Certificate, Public Land Survey System (PLSS) Boundary Status

BLM LAND AREA CODE:	TOWNSHIP, RANGE, SECTION, QUARTER-QUARTER SECTION, MERIDIAN, AND STATE:	PURPOSE:
NEPA no. DOI-BLM-UT-C020-2015-0032-EA	T. 20 S., R. 01 E., SLM, UT, section 17. Axtell, UT	Review of the legal description and PLSS to ensure practicability of legal description for compliance.

UT925 Cadastral Survey was notified via LDR Worksheet on June 4, 2015. A description of the project, through written deeds, was provided that enabled the above referenced action to be reviewed. The following determination has been made:

*(Check one!) "NOT APPLICABLE"*

X	The land description is acceptable as written and presented for the stated purpose, see comments below.
	The land description has potential problems as noted below; however, the risk appears minor and the action within the stated purpose should not be affected.
	The land description has potential problems and should not be used as written for the stated purpose. The following errors and/or concerns as noted below need to be corrected/addressed before this description should be used.

Sufficiency of the land description for the stated purpose:

The descriptions provided are sufficient for this project, with one caveat, see below.

The land descriptions provided were ownership deeds of private land within "Kerry Despain, Solicitation #L14PS00389, Short Term Holding for Wild Horses and Burros," Figure 1-4, within T. 20 S., R. 01 E., SLM, UT, section 17, Axtell, Utah. Three (3) deed descriptions, containing eight (8) parcels were provided.

Note: Sanpete County, where these parcels are, has no electronic records online, either from the county assessor, recorder or survey records. Only the deeds provided were reviewed. With the descriptions provided, the Cadastral Survey staff has researched deeds and the official BLM records for this project review.

The eight parcel descriptions were all understandable and closed mathematically. The parcels were based on aliquot parts of the public land survey system within section 17.

Comments/Concerns/Corrections:

Attached are the three deeds with index numbers for each of the eight parcels and a BLM GIS diagram depicting the eight parcels. **Caveat:** the only issue to bring to attention is that the description for parcel #2 (100 acres) includes the area of parcel #1 (7.86 acres). If acreage is used for any purpose, care should be taken not to double count the acreage for parcels #1 and #2.

Condition of corner monuments:

Within T. 20 S., R. 01 E., SLM, UT, section 17:

The township was established by the General Land Office in 1856 and then re-established in 1871-1879; the section lines of section 17 were done in 1879. The sections corners were established at the standard one square mile unit, with monumentation at the sections corners and quarter section corners, eight monuments around the exterior of each on square mile section. The corners were marked, squared, wood posts, in a mound of earth, and 4 pits. County or private land surveys have not been researched.

Condition of boundary line marking: Field visits to existing boundary lines have not taken place. Based on the GIS data the portions of section lines and parcels are bounded by roads and fences.

Condition of Geographic Coordinate Data Base (GCDB): CadNSDIv2.0 is available through the BLM State Office, Branch of Geographic Sciences, and is based on previous existing BLM record of surveys.

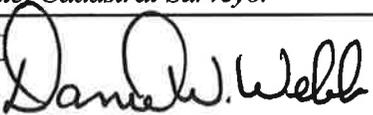
I certify that the parcel described on the attached conveyance document contains the following acreage(s):

  n/a   acres determined from GLO/BLM official records.  
  312.00   acres determined by   private deed descriptions  .

~~Certification: This Land Description Review correctly represents the records and documents compiled by me or under my direct supervision in conformance with the requirements of the Bureau of Land Management *Standards for BLM Administered Lands Boundary Evidence*, of the parcel(s) of land identified above.~~

<i>Name: Cadastral Surveyor or Certified Federal Surveyor</i>	<i>Title and Contact Information:</i>	<i>Date:</i>
[Signature]		
[Print Name]		

Certification: This Land Description Review correctly represents the records and documents compiled under my direction and control and in conformance with the requirements of the Bureau of Land Management *Standards for BLM Administered Lands Boundary Evidence*, of the parcel(s) of land identified above.

<i>Name: Chief Cadastral Surveyor</i>	<i>Contact Information:</i>	<i>Date:</i>
[Signature] 		
[Print Name] Daniel W. Webb	801 -539-4135	June 5, 1015

Attachments

*This certificate is to be retained in the official case file.*



VOLUME II

TECHNICAL CAPABILITIES  
Criterion A - Land, Climate Access, Equipment

Subcriterion (i) - Proof of Land Control

All property included in offer is owned by offeror.

Parcel  
#1

Recorded at Request of \_\_\_\_\_  
at \_\_\_\_\_, M. Fee Paid \$ \_\_\_\_\_  
by \_\_\_\_\_ Dep. Book \_\_\_\_\_ Page \_\_\_\_\_ Ref. \_\_\_\_\_  
Mail tax notice to \_\_\_\_\_ Address \_\_\_\_\_

SPECIAL WARRANTY DEED

[CORPORATE FORM]

AXTELL DAIRY AND SHEEP, a corporation organized and existing under the laws of the State of Utah, with its principal office at Axtell, of County of Sanpete, State of Utah, grantor, hereby CONVEYS AND WARRANTS against all claiming by, through or under it to KERRY M. DESPAIN and NANETTE F. DESPAIN, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common

of P.O. Box 57, Axtell, Utah 84621 for the sum of  
TEN AND NO/100 DOLLARS  
the following described tract of land in Sanpete County,  
State of Utah: 10941Y

Beginning at the center of Section 17, Township 20 South, Range 1 East, Salt Lake Base and Meridian; thence East 585 feet, thence North 585 feet, thence West 585 feet, thence South 585 feet to the point of beginning. Containing 7.86 acres, more or less.

00042512 100006 400004-0034  
SEAL & RECORDS-COUNTY RECORDS  
1995 APR 06 12:26 PM PST \$10.00 BY WH  
RECORDS: 400004-0034

17-26-15

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.  
In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19 \_\_\_\_\_

Attest:  
*LaPreal Olsen* Secretary  
By *Rex N. Olsen* President  
AXTELL DAIRY AND SHEEP

STATE OF UTAH,  
County of Sanpete

On the 2nd day of March, 1996, A. D. personally appeared before me Rex N. Olsen and LaPreal Olsen who being by me duly sworn did say, each for himself, that he, the said Rex N. Olsen is the president and he, the said LaPreal Olsen is the secretary of AXTELL DAIRY AND SHEEP, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said \_\_\_\_\_ and each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

PAUL ANDERSON  
NOTARY PUBLIC  
STATE OF UTAH  
My Comm. Expires NOV 11, 1999  
My residence is \_\_\_\_\_, \_\_\_\_\_, Utah

My commission expires 11-11-99 My residence is \_\_\_\_\_, \_\_\_\_\_, Utah

Figure 1

Est 169596 W 601 Pg 1520  
Date: 07-APR-2010 3:06:41PM  
Fee: \$19.00 Check  
Filed By: RBH  
REED D HATCH, Recorder  
SANPETE COUNTY CORPORATION  
For: NANETTE DESPAIN  
17-20-1E

WARRANTY DEED

AXTELL DAIRY AND SHEEP, a Utah Corporation, Grantor of Axtell City, County of Sanpete, State of Utah, hereby CONVEYS and WARRANTS to KERRY DESPAIN AND NANETTE DESPAIN, his wife as joint tenants with rights of survivorship and not as tenants in common, Grantees of 178 North 200 East, Axtell City, County of Sanpete, State of Utah for the sum of TEN AND NO/100-----DOLLARS, the following described tract of land located in Sanpete County, State of Utah, to-wit:

Parcels

- #2 - 10961  
BEG CTR SEC 17-20-1E W 10 C,S 20 C,E 30 C,N 40 C,W 20 C,S 20 C TO BEG CONT 100 AC
- #3 - 10963  
SE1/4 NW1/4 SEC 17-20-1E CONT 40 AC
- #4 - 10965  
SW1/4 NW1/4, SEC 17-20-1E CONT 40 AC
- #5 - 10966  
BEG 20 C E,NW COR SEC 17-20-1E S 15 C,E 38.5 C,N 15 C,W 38.5 C TO BEG CONT 57.75 AC
- #6 - 10957  
NW1/4 NW1/4, SEC 17-20-1E CONT 40 AC
- #7 - 10958  
BEG 20 C E,15 C S,NW COR SEC 17-20-1E S 5 C,E 38.5 C,N 5 C,W 38.5 C TO BEG CONT 19.25 AC

Together with all buildings and appurtenances located thereon or attached thereto.

WITNESS, the hands of said Grantor this 20 day of April, 1995.

AXTELL DAIRY AND SHEEP, a Utah Corporation  
Rex Olsen  
BY: REX OLSEN - President

STATE OF UTAH  
County of Sanpete ss.  
On the 20 day of April, 1995, personally appeared before me Rex Olsen, who being by me duly sworn, did say that he is

Figure 2

the President of Axtell Dairy and Sheep, a Utah Corporation, and that said instrument was signed in behalf of said corporation by authority of its ordinances, and said President acknowledged to me that said corporation executed the same.



*Ann R. Hinchman*  
NOTARY PUBLIC

Ent 169596 Bk 0601 Pg 1521

**Figure 3**

D LAND TITLE  
Case No. 2-8524

00063618 B000427 P00742-00742  
RECD D HATCH-SANPETE COUNTY RECORDER  
1998 OCT 01 16:49 PM FEE \$10.00 BY NEH  
REQUEST: D LAND TITLE 17-20-16

# WARRANTY DEED

**PATRICIA J. SPERRY**  
and **HARVEY MILES JENSEN**

grantor(s) of Nephi & Sandy, County of Juab & Salt Lake, State of Utah, hereby  
CONVEY(s) and WARRANT(s) to

**KERRY M. DESPAIN and NANNETTE F. DESPAIN, husband and wife, as joint tenants**  
21057  
grantee(s) of: P.O. Box / - Axtell, UT 84621

for the sum of: TEN (\$10.00) DOLLARS and other good and valuable consideration  
the following described tract of land in SANPETE County, State of Utah:

0967

Beginning 22.50 chains East from the Northwest corner of the Southwest Quarter  
of Section 17, Township 20 South, Range 1 East of the Salt Lake Base and  
Meridian; thence East 7.50 chains; thence South 20 chains; thence West  
7.50 chains; thence North 20 chains to the point of beginning.

Together with 30 shares in Gunnison Irrigation Co.

Subject to easements and rights-of-way of record or enforceable in law and equity.

WITNESS the hand of said grantor this 29th day of September 1998

Signed in the presence of

Patricia J. Sperry  
PATRICIA J. SPERRY

Harvey Miles Jensen  
HARVEY MILES JENSEN

STATE OF UTAH )  
County of SANPETE )

On the 29th day of September 1998, personally appeared before  
me PATRICIA J. SPERRY and HARVEY MILES JENSEN the signer(s)  
of the within instrument, who duly acknowledged to me that they executed the same.



Merrill R. Ogden  
Notary Public

Commission Expires: NOV. 10, 2001  
Residing In: MANTI, UT 84642

387 North Main, P.O. Box 727  
Richfield, Utah 84701  
(435) 896-6426

D LAND TITLE

120 North Main, P.O. Box 10  
Manti, Utah 84642  
(435) 835-2241

Parcel  
#8

(= 15.0 AC.)

Figure 4