United States Department of the Interior
Bureau of Land Management

Categorical Exclusion Not Established By Statute
DOI-BLM-UT-C010-2015-0[illegible]-CX

March 2015

Private Land Wild Horse Trapping 2015

Location: Private Lands Adjacent to Bible Springs Complex, North Hills HMA and Chloride HMA, Iron and Beaver Counties, Utah

Applicant/Address: **Cedar City Field Office, BLM**

Cedar City Field Office
176 E. DL Sargent Dr.
Cedar City, UT 84721
435-865-3000

BLM

CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE

A. Background

BLM Office: LLUTC0100, Cedar City Field Office Lease/Serial/Case File No: None

Proposed Action Title/Type: Private Land Wild Horse Trapping 2015

Location of Proposed Action: Private lands adjacent to the Bible Springs Complex, North Hills Herd Management Area (HMA) and Chloride HMA, Iron and Beaver counties, Utah

Description of Proposed Action: The proposed action is to water trap and remove up to 50 horses from private lands outside and/or adjacent to the Bible Spring Complex (which includes the Bible Spring, Blawn Wash, Four Mile and Tilly Creek HMAs), the North Hills HMA and the Chloride HMA. The action is needed to prevent damage to private property, resources, corrals, and domestic horses. Temporary panel structures/corrals would be constructed around strategic water sources on private lands. Bait may also be placed in the corrals to influence the horses to stay in the corrals longer than if they were only watering. Gates would be wired open until the capture day. This would allow wildlife, livestock and wild horses access to the water, while the wild horses become comfortable entering the corrals to drink. The gates would be manually closed by a BLM authorized person. The horses would then be handled and transported by BLM personnel or persons authorized by the BLM. Captured horses would be kept in a BLM temporary holding facility for up to 4 weeks. They would then be moved to a BLM preparation or short term holding facility.

Standard Operating Procedures and Special Stipulations which would be applied to reduce impacts to resources of concern are listed in Appendix 1. Maps associated with the project are contained in Appendix 2.

B. Land Use Plan Conformance

The proposed action is subject to the Pinyon Management Framework Plan (MFP) approved on June 1, 1983 and the Cedar/Beaver/Garfield/Antimony Resource Management Plan (CBGA-RMP) approved October 1, 1986. This action has been reviewed for conformance with these plans (43 CFR 1610.5, BLM MS 1617.3). The MFP decision (RM 1.8, WH1.1…) states: "…remove horses as required to maintain horse numbers at or below 1982 inventory levels…". The RMP decision (p153-157) states: "…keeping the number of animals between 15 and 30 head…This will require the periodic removal of wild horses."

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, D. Rangeland Management:

#2. Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed;

#4. Removal of wild horses or burros from private lands at the request of the landowner;
#5. Processing (transporting, sorting, providing veterinary care, vaccinating, testing for communicable disease, training, gelding, marketing, maintaining, feeding and trimming of hooves) of excess wild horses and burros; and
#6. Approval of the adoption of healthy, excess wild horses and burros.

These categorical exclusions are appropriate in this situation because there are no extraordinary circumstances that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply.

I considered the potential effects from the proposed action when mitigated by the Standard Operating Procedures and Special Stipulations included in Attachment 1. With these mitigations in place, no significant impacts are expected.

D: Signature

Authorizing Official: Dan Fletcher Date: 3/31/15

Dan Fletcher
Acting Cedar City Field Office Manager

Contact Person

For additional information concerning this CX review, contact Dan Fletcher, Acting Field Office Manager, Cedar City Field Office, 176 E. DL Sargent Dr., Cedar City, UT, 84720, 435-865-3000.

Categorical Exclusion Review Record

Resource	Extraordinary Circumstances apply? Yes/No	Assigned Specialist Signature	Date
Air Quality	No	Chad Hunter	3/23/2015
Areas of Critical Environmental Concern	No	Dave Jacobson	3-24-2015
Cultural Resources	No	Jamie Palmer	3/24/15
Environmental Justice	No	Chad Hunter	3/23/2015
Farm Lands (prime or unique)	No	Chad Hunter	3/23/2015
Floodplains	No	Chad Hunter	3/23/2015
Invasive Species/Noxious Weeds	No	Jessica Bulloch	3/23/2015
Migratory Birds	No	Sheri Whitfield	24 March 2015
Native American Religious Concerns	No	Jamie Palmer	3/24/15
Threatened, Endangered, or Candidate Species	No	Sheri Whitfield for Sheri	24 March 2015
Wastes (hazardous or solid)	No	Randy Peterson	3/24/15
Water Quality (drinking or ground)	No	Chad Hunter	3/23/2015
Wetlands / Riparian Zones	No	Adam Stephens	3/24/2015
Wild and Scenic Rivers	No	Dave Jacobson	3-24-2015
Wilderness	No	Dave Jacobson	3-24-2015
Other:			

Environmental Coordinator Gena Genovis Date: 3/31/15

Extraordinary Circumstance to Categorical Exclusions

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	**No** X	**Rationale:** The proposed activity is of low risk to public health and safety, as it will take place on isolated private land parcels, adjacent to the Bible Springs Complex HMA, North Hills HMA and Chloride HMA.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	**No** X	**Rationale:** No historic or cultural resources would be affected. There are no park or refuge lands, scenic rivers, national natural landmarks, prime farmlands, or national monuments in the affected area. No wetlands would be deteriorated nor floodplain use impacted. The area aquifer would not be affected. Migratory birds would have access to water during project implementation. There may be some disturbance from project activities. It is anticipated that nesting does not occur at trap sites due to a lack of vegetation from previous disturbances. Raptors may nest near the trap locations. Raptor surveys would be conducted prior to setting up traps. Best management practices will be implemented when possible.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	**No** X	**Rationale:** The proposal would only have negligible impacts on any resources; no conflicts between alternative resource uses are anticipated. Similar projects implemented in the past have not resulted in resource conflicts or controversial impacts. While there is controversy surrounding wild horse and burro management, there is no scientific controversy related to this project.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	**No** X	**Rationale:** The environmental impacts would be negligible. No unique unknown environmental risks are anticipated. The impacts are predictable based on previous similar projects.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		

Extraordinary Circumstances		
Yes	**No** X	**Rationale:** The proposal is not precedent setting. The proposal is consistent with policy regarding wild horses that have strayed on to private land (43 CFR 4700.20). This action should not prompt future actions. No future actions which might result in significant impacts to the environment are known at this time.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	**No** X	**Rationale:** The impacts from the proposal would not contribute to potentially cumulative significant impacts now or in the reasonably foreseeable future.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the Bureau.		
Yes	**No** X	**Rationale:** The proposed action does not include any surface disturbance that would have the potential to adversely impact cultural resources that are potentially eligible for the National Register of Historic Places. There are no sites listed on the National Register within the proposed trap locations. Therefore, the proposed action will not affect historic properties.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	**No** X	**Rationale:** There would be no effect to federally listed endangered, threatened, candidate or proposed species from this project. Species either do not occur within the project area or the following stipulations would apply: Occupied Utah prairie dog habitat will be avoided; if any trap locations are proposed within 4 miles of sage-grouse habitat, informal coordination with the Utah Division of Wildlife Resources will occur and potential impacts to sage grouse will be considered before authorizing that location.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	**No** X	**Rationale:** The proposal would be in conformance with all known environmental laws or requirements. This includes the Migratory Bird Treaty Act, Fish and Wildlife Coordination Act, county ordinances, and state statutes.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	**No** X	**Rationale:** This project would not have an adverse effect on low income or minority populations.

Extraordinary Circumstances		
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	**No**	**Rationale:** Based on previous government to government consultations with the Paiute Indian Tribe of Utah, the Hopi Tribe and data from recent ethnographic studies, this action would not adversely affect the physical integrity or limit access to any known sacred sites.
	X	
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	**No**	**Rationale:** The proposal is expected to have no net effect on noxious weeds.
	X	

Appendix 1

Standard Operating Procedures and Special Stipulations for Conducting Wild Horse Gathers

STANDARD OPERATING PROCEDURES
(FLPMA – 16 USC 1338a, Wild Horse and Burro Handbook – H-4710-1, 43 CFR 4700)

Gathering would be conducted by using agency personnel and agency approved personnel experienced in the humane capture and handling of wild horses. The same rules apply whether a BLM personnel or agency approved personnel are used. The following stipulations and procedures will be followed during the contract period to ensure the welfare, safety and humane treatment of the wild horses in accordance with the provisions of 43 CFR 4700.

1. Water Trapping

This method involves setting up a trap constructed of temporary panel around a well-used water source and manually closing the gate(s) using a pull rope once the wild horses enter the trap. This requires personal to be at the trap site to man and close the gate.

Bait may also be placed in the corrals to influence the horses to stay in the corrals longer than if they were only watering. Gates would be wired open until the capture day. This would allow wildlife and livestock access to the water, while the wild horses become comfortable entering the corrals to drink. When gates are manned wildlife and livestock would be permitted to enter and leave the trap without capture.

2. Portable Corral Traps/Exclosures

Capture traps would be constructed in a fashion to minimize the potential for injury to wild horses and BLM or BLM authorized personnel. Gates would be wired open at all unmanned trap sites, and would be left closed only when needed to hold horses inside. Trapped horses would not be held inside the traps for a period exceeding 10 hours, unless provided with feed and water.

The Utah Division of Wildlife Resources would be notified as soon as possible if any wildlife became injured during capture operations. If for some unusual circumstance wildlife was to be caught inside trap(s) they would be released immediately.

3. Animal Handling and Care

Prior to any gathering operations, the wild horse and burro specialist will provide for a pre-capture evaluation of existing conditions in the gather areas. The evaluation will include animal condition, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine whether the proposed activities will necessitate the presence of a veterinarian during operations. If it is determined that capture efforts necessitate the services of a veterinarian, one would be obtained before capture would proceed.

No fence modifications will be made without authorization from the Authorized Officer. The BLM or BLM authorized personal shall be responsible for restoration of any fence modification which has been made.

It is the responsibility of the BLM to provide security to prevent loss, injury or death of captured animals until delivery to final destination.

Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours.

Branded or privately owned animals captured during gather operations will be handled in accordance with state estray laws and existing BLM policy.

All capture activities shall incorporate the following:

- All traps shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:

- Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.

- The loading chute shall also be a minimum of 6 feet high.

- All runways shall be of sufficient length and height to ensure animal and wrangler safety and may be covered with plywood, burlap, plastic snow fence or like material a minimum 1 foot to 6 feet.

- All crowding pens including the gates leading to the runways may, if necessary to prevent injuries from escape attempts, be covered with a material which prevents the animals from seeing out (plywood, burlap, snow fence etc.) and should be covered a minimum of 1 foot 2 feet to 6 feet.

- When holding facilities are used, and alternate pens are necessary to separate mares with small foals, animals which will be released, sick and injured animals, and estrays from the other animals or to facilitate sorting as to age, number, size, temperament, sex, and condition; they will be constructed to minimize injury due to fighting and trampling. In some cases, the Government will require that animals be restrained for determining an animal's age or for other purposes. In these instances, a portable restraining chute will be provided by the Government. Either segregation or temporary marking and later segregation will be at the discretion of the BLM authorized personal.

- If animals are held in the traps and/or holding facilities, a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day will be supplied. Animals held

for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

- Separate water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, rubber over metal) so as to avoid injury to animals.

- When dust conditions occur within or adjacent to the trap or holding facility, the contractor/BLM shall be required to wet down the ground with water.

7. Treatment of Injured or Sick; Disposition of Terminal Animals

The BLM shall restrain sick or injured animals if treatment is necessary. A veterinarian may be called to make a diagnosis and final determination. Destruction shall be done by the most humane method available. Authority for humane destruction of wild horses (or burros) is provided by the Wild Free-Roaming Horse and Burro Act of 1971, Section 3(b)(2)(A), 43 CFR 4730.1, BLM Manual 4730 - Euthanasia is in accordance with BLM policy as expressed in Instructional Memorandum No. 2009-041.

Any captured horses that are found to have the following conditions may be humanely destroyed:

- The animal shows a hopeless prognosis for life.
- Suffers from a chronic or incurable disease.
- Requires continuous care for acute pain and suffering.
- Not capable of maintaining a Henneke body condition rating of one or two.
- Has an acute or chronic injury, physical defect or lameness that would not allow the animal to live and interact with other horses, keep up with its peers or exhibits behaviors which may be considered essential for an acceptable quality of life constantly or for the foreseeable future.
- Suffers from an acute or chronic infectious disease where State or Federal animal health officials order the humane destruction of the animal as a disease control measure.

The Authorized Officer will determine if injured animals must be destroyed and provide for destruction of such animals. The BLM may be required to dispose of the carcasses as directed by the Authorized Officer.

The carcasses of the animals that die or must be destroyed will be disposed of in accordance with Utah State laws.

8. Motorized Equipment

All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals.

Vehicles shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.

Only stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities. Only stock trailers, or single deck trucks shall be used to haul animals from temporary holding facilities to final destination(s). Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from the vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have at the minimum a 5 foot wide swinging gate. The use of double deck trailers is unacceptable and will not be allowed.

Vehicles used to transport animals to the final destination(s) shall be equipped with at least one (1) door at the rear end of the vehicle, which is capable of sliding either horizontally of vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough, so that the animals cannot push their hooves through the sides. Final approval of vehicles to transport animals shall be held by the Authorized Officer.

Floors of vehicles, trailers, and the loading chute shall be covered and maintained with materials sufficient to prevent the animals from slipping.

Animals to be loaded and transported in any vehicle or trailer shall be as directed by the Authorized Officer and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The minimum square footage per animal is as follows:

- 11 square feet/adult horse (1.4 linear foot in an 8 foot wide trailer)
- 6 square feet/horse foal (0.75 linear foot in an 8 foot trailer)

The Authorized Officer shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, or other factors when planning for the movement of captured animals. The Authorized Officer shall provide for any brand and/or inspection services required for the captured animals.

Communication lines will be established with personnel involved in off-loading the animals to receive feedback on how the animals arrive (condition/injury etc.). Should problems arise, gathering methods, shipping methods and/or separation of the animals will be changed in an attempt to alleviate the problems.

If the Authorized Officer determines that dust conditions are such that animals could be endangered during transportation, the BLM or BLM authorized personal will be instructed to adjust speed and/or use alternate routes.

Periodic checks by the Authorized Officer will be made as animals are transported along dirt roads. If speed restrictions are in effect the Authorized Officer will at times follow and/or time trips to ensure compliance.

9. Special Stipulations.

- Trap locations will be surveyed for special status species, as needed, based on the potential for a species to occur in that area.
- If special status species are found near trap locations, they will be avoided or best management practices will be implemented, if possible.
- Occupied Utah prairie dog habitat will be avoided.
- If any trap locations are proposed within sage-grouse habitat, or within four miles of a lek, informal coordination with the Utah Division of Wildlife Resources will occur and potential impacts to sage grouse will be considered before authorizing that location.
- Private landowners or the proper administering agency(s) will be contacted and authorization obtained prior to setting up traps on any lands which are not administered by BLM. Wherever possible, traps will be constructed in such a manner as to not block vehicular access on existing roads.
- If possible, traps will be constructed so that no riparian vegetation is contained within them. Impacts to riparian vegetation and/or running water located within a trap (and available to horses) will be mitigated by removing horses from the trap immediately upon capture. No vehicles will be operated on riparian vegetation or on saturated soils associated with riparian/wetland areas.
- Whenever possible, gathering will be conducted when soils are dry or frozen and conditions are optimal for safety and protection of the horses and wranglers. Also, whenever possible, scheduling of gathers will be done to minimize impacts with big game hunting seasons.

Appendix 2

Project Maps

DECISION RECORD
Categorical Exclusion
Private Land Horse Trapping
DOI-BLM-UT-C010-2015-0043-CX

Authorities
The authority for the reduction of wild horse populations is contained in the Wild Horse and Burro Act of 1971 (Public Law 92-195) Section 3(a) and (b), and Title 43 of the Code of Federal Regulations 4720.2.

Compliance and Monitoring
BLM personnel will direct all trapping and removal operations.

Terms / Conditions / Stipulations
This decision is contingent on meeting all standard operating procedures and special stipulations included in Appendix 1 of DOI-BLM-UT-C010-2015-0043-CX.

Plan Conformancy and Consistency
The proposed action is subject to the Pinyon Management Framework Plan (MFP) approved on June 1, 1983 and the Cedar/Beaver/Garfield/Antimony Resource Management Plan (CBGA-RMP) approved October 1, 1986. This action has been reviewed for conformance with these plans (43 CFR 1610.5, BLM MS 1617.3). The MFP decision (RM 1.8, WH1.1…) states: "…remove horses as required to maintain horse numbers at or below 1982 inventory levels…". The RMP decision (p153-157) states: "…keeping the number of animals between 15 and 30 head…This will require the periodic removal of wild horses."

Decision
Based on my review of this CX, it is my final decision to authorize a gather and permanent removal of excess wild horses on private land near the Bible Spring Complex, North Hills Herd Management Area (HMA) and Chloride HMA as described in the attached CX.

Rationale for Decision
The BLM is charged with the enhancement and maintenance of healthy rangelands in order to provide a "thriving natural ecological balance" for all species residing on the range. Excess wild horses from the Bible Spring Complex, North Hills HMA and Chloride HMA are negatively impacting rangeland resources on private lands. The proposed action benefits the resources and helps restore the range to a thriving natural ecological balance. According to 43 CFR 4720.2, upon written request from a private landowner, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable.

Protest/Appeal
This decision is issued in accordance with 43 CFR 4770.3(c) which mandates in part: "decisions to remove...shall be effective upon issuance or on the date established in the decision." This decision is subject to appeal. If you wish to appeal this decision, as provided for in 43 CFR 4770.3 and 43 CFR 4, you must file an appeal in writing within 30 days of this decision with the

Cedar City Field Office, 176 E. DL Sargent Drive, Cedar City, Utah 84720. The appeal shall state clearly and concisely why you believe the decision is in error.

There shall be no delay period for the proposed action. Any request for a stay of the action, if filed, must comply with 43 CFR 4.21 (b) and must 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; and
4. Whether the public interest favors granting the stay.

Dan Fletcher

Dan Fletcher
Acting Cedar City Field Office Manager

3-31-15

Date

Attachments: DOI-BLM-UT-C010-2015-0043-CX