

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

**Environmental Assessment
DOI-BLM-UT-C020-2016-0001-EA**

January 2016

**Fountain Green Off-Range Pasture (ORP) for Wild Horses
Solicitation L14PS00777**

Location:

**T13S, R02E, SLM, UT, Sections 12, 13, 14, 15, 22, 23, 24, 26, and 27
T13S, R03E, SLM, UT, Sections 6, 7, 18, and 19
Fountain Green, Utah**

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Table of Contents

1.0	Introduction.....	3
1.1	Purpose and Need for the Proposed Action	5
1.2	Decision to be Made.....	5
1.3	Conformance with Applicable Land Use Plan.....	5
1.4	Relationships to Statutes, Regulations, and Other Plans.....	5
1.5	Required Permits	6
1.6	Scoping and Development of Issues	6
2.0	Description of Alternatives	8
2.1	No Action Alternative	8
2.2	Proposed Action	8
3.0	Affected Environment.....	12
3.1	Cultural Resources	13
3.2	Invasive Species and Noxious Weeds.....	14
3.3	Livestock Grazing	14
4.0	Environmental Effects	15
4.1	Cultural Resources	15
4.1.1	No Action.....	15
4.1.2	Proposed Action.....	15
4.2	Invasive Species and Noxious Weeds.....	15
4.2.1	No Action.....	15
4.2.2	Proposed Action.....	16
4.3	Livestock Grazing	16
4.3.1	No Action.....	16
4.3.2	Proposed Action.....	16
5.0	Coordination	18
5.1	List of Agencies, Organizations, and Individuals Contacted.....	18
5.2	List of Preparers	19
	Appendices.....	20
	Appendix A Interdisciplinary Team Checklist.....	20

1.0 Introduction

As part of its responsibility to manage and protect wild horses, including those removed from overpopulated herds roaming Western public rangelands, the Bureau of Land Management (BLM) has solicited bids for new, long-term holding facilities (pastures) that provide a free-roaming environment for wild horses under Solicitation L14PS00777. The solicitation was open between July 10, 2014 and August 28, 2014.

The purpose of the solicitation was to obtain one or more long-term pasture (LTP) facilities located in the states of Arizona, California, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming, Oregon and Washington excluding west of the Cascade Mountain Range in Oregon and Washington only. The objective is for each LTP facility to pasture a minimum of 100 and up to a maximum of 5,000 wild horses throughout each year of a one year contract with either a 4-year or 9-year option period. The intent is to provide a pasture (grassland) setting for these animals while they are cared for on private land. During the first years of this contract, the majority of the horses may be younger and older adoptable animals that will be shipped and received on a year-round basis. It is the intent of the BLM that the number of animals at the facility will decline during the period of this contract.

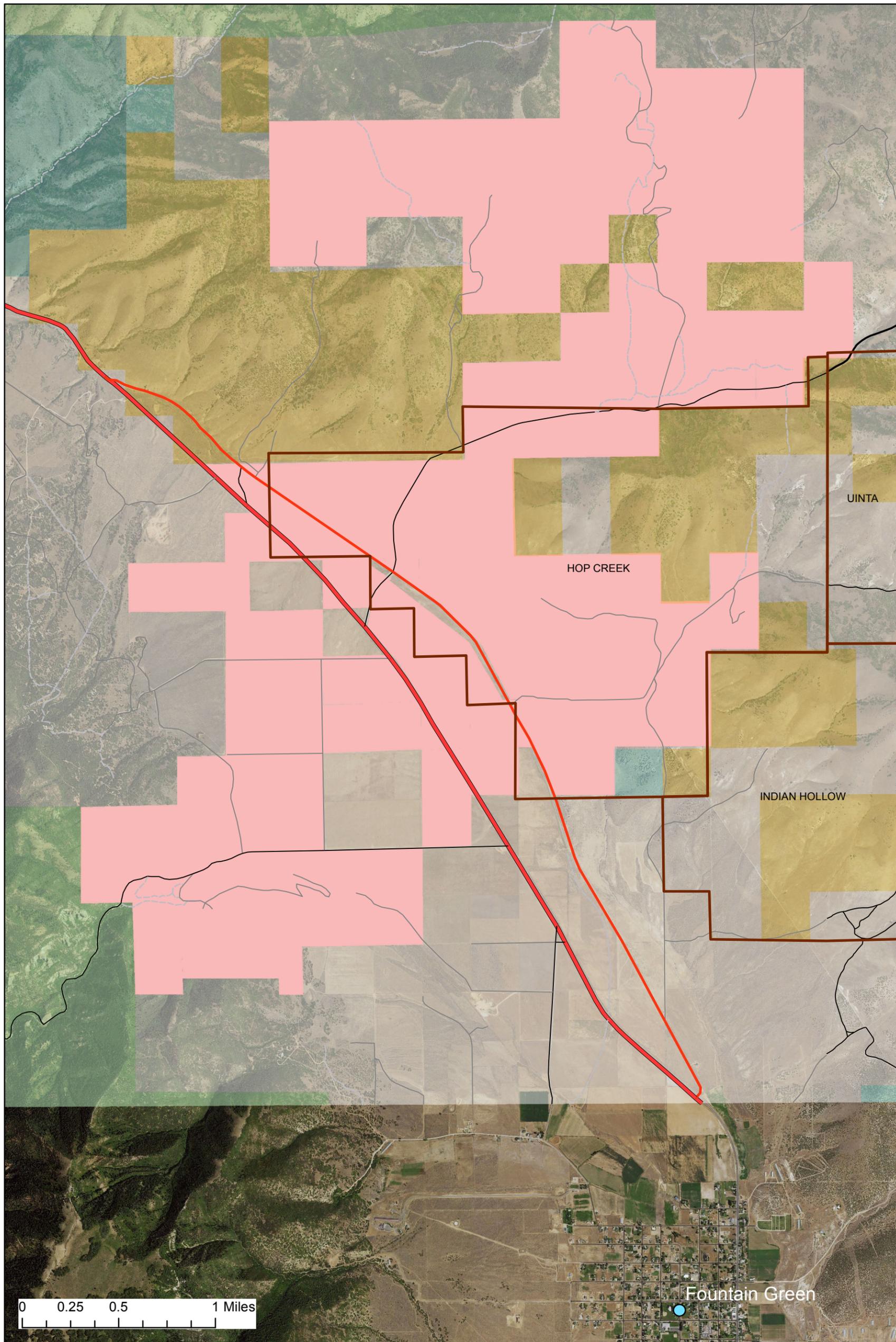
Wild horses on public lands administered by the Bureau of Land Management and U.S. Forest Service are protected, managed, and controlled under the provisions of the Wild and Free-Roaming Horses and Burro Act of December 15, 1971, as amended (16 U.S.C. 1331-1340). As resource conditions and other factors warrant, excess wild horses are removed from public lands and placed in private maintenance through the Adopt-A-Horse Program. Horses that have not been adopted because of age or other factors are cared for on private land.

The Proposed Action, as described in Chapter 2, is to fund a contract for a wild horse off-range pasture (ORP) facility on the Tate Farms property, near Fountain Green, Utah (**Figure 1**).

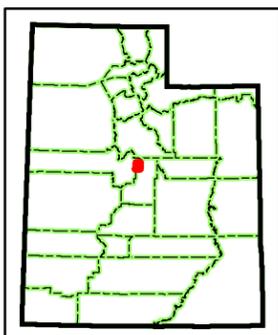
Figure 1

Fountain Green Off-Range Pasture

BLM



UTAH STATE OFFICE



- Utah Cities
- Allotments
- Bureau of Land Management (BLM)
- Private
- State
- State Wildlife Reserve/Management Area
- US Forest Service (USFS)
- Tate Farms
- Class 1 Primary Route
- Class 2 Secondary Route
- Cloverleaf or interchange
- Class 3 Primary Road
- Class 4 Secondary Road
- Class 5 Unimproved Road
- Other



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



1.1 Purpose and Need for the Proposed Action

The BLM action is responding to the need to provide additional long-term holding capacity in compliance with the Wild and Free-Roaming Horses and Burros Act of December 15, 1971, as amended (16 U.S.C. 1331-1340), which requires that wild horses be cared for safely and humanely when removed from public land. The purpose of the proposed action is to enter into a contract for the care and maintenance of up to 700 wild horses. The BLM solicited applications from private organizations and individuals capable of building and operating such a facility through Solicitation L14PS00777. The proposed action evaluates an application received as a result of that process.

1.2 Decision to be Made

Based on the results of this National Environmental Policy Act (NEPA) analysis, the Richfield Field Manager will decide if and under what conditions, stipulations, and terms an ORP 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 Plan¹ (August 2011) or the Sanpete County Resource Management Plan² (June 2012).

The award of a contract to fund space, feeding, and care for up to 700 wild horses at an ORP facility on private land is considered a Federal action which requires BLM to comply with all applicable laws, including NEPA. The following statutes and resultant regulations are of primary concern to this EA:

- Clean Water Act of 1972;
- 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;
- Utah Administrative Code R317-2-7.2 and R317-2-14; and
- Wild Free-Roaming Horses and Burro Act of 1971, as amended.

¹ The Sanpete County General Plan is located at http://sanpete.com/downloads/plan/Sanpete_General_Plan.pdf

² The Sanpete County Resource Management Plan is located at http://sanpete.com/downloads/plan/Resource_Management_Plan.pdf

1.5 Required Permits

There are no known permits required for the Proposed Action. However, if any pollutant were discharged (e.g. manure or wastewater) from the facility, the Utah Department of Environmental Quality, Division of Water Quality, may require a permit.

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 November 13, 2015. As noted in Section 5.1, notices were sent to neighboring property owners and land managers on November 25 and 30, 2015, which requested that any initial comments be provided by December 30, 2015. Comments received as a result of the scoping process are summarized below.

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:

- **Cultural Resources:** How would placement of wild horses and construction of boundary fences at this location affect historic properties?
- **Invasive Species and Noxious Weeds:** How might wild horses affect the spread of invasive species and noxious weeds onto public and private lands adjacent to the project area?
- **Livestock Grazing:** How would fencing private lands affect the Hop Creek Allotment?

Issues identified during public scoping that were not carried forward for analysis include:

- What procedures would be followed if wildlife damaged fencing and horses escaped the ORP? Will the applicant carry insurance?
 - If determined to be necessary by the Contracting Officer's Representative (COR) or Project Inspector (PI), some sections of fencing may need to be wildlife-friendly, as noted in the last bullet in this section, minimizing the possibility that wildlife would damage fences. The contractor would be required to observe horses at least once per week to determine the overall condition and number of the horses. Observation may be conducted more frequently, when conditions warrant, to ensure that fences are properly maintained. If the number of horses was found to be fewer than expected, the contractor would immediately notify the BLM and would be responsible for collecting the horse(s).
 - If awarded the contract, the applicant would be required to carry liability insurance in a form satisfactory to the Contracting Officer, by an insurance company that is acceptable to the Contracting Officer.
- Will placement of wild horses at this location result in increased traffic, stopped vehicles hoping to view wild horses, or pedestrians crossing the road to approach wild horses?
 - Wild horses will be within sight of public roads when they are placed in corrals for short periods of time upon arrival for acclimation or before they are shipped, as well as when they move into lower pastures. If a passerby should choose to stop a vehicle on the side of the road, he or she could stop on Water Hollow Road.

However, the ORP is not intended to be a public viewing area, and as a result, the contractor will restrict or prohibit access onto the site by the general public with signs indicating that the pastures are private property. Any requests to observe the horses or tour the site would be forwarded to the COR and/or PI.

- Will the area be denuded of vegetation, resulting in flooding in Fountain Green?
 - As noted in Solicitation L14PS00777, Section 4, Specific Services, Subpart F, vegetation monitoring on the property will be conducted by qualified BLM personnel. If vegetation utilization exceeds the moderate level (41-60% use), adjustments to the stocking rate may need to be made so that land health is maintained.

- Is there enough forage and water to sustain up to 700 wild horses?
 - The Natural Resources Conservation Service (NRCS) calculated the carrying capacity of the potential ORP as approximately 639 wild horses. Using BLM's forage weight per animal unit month (AUM) (1000 versus NRCS' 800), the carrying capacity was calculated as up to 800 wild horses. Based on site visits and the applicant's ability to provide supplemental feed, BLM then identified 700 horses as the maximum number possible on the property. Horses will be delivered to the property in phases, and their health must be maintained in good condition year-round. The stocking rate will be adjusted as necessary to ensure that horses are maintained in good condition. The applicant will be required to provide adequate water, either from holding ponds or tanks, to the horses year-round.

- How would fencing in the area affect wildlife?
 - According to Solicitation L14PS00777, to which this application responds, if determined to be necessary by the COR or PI, the contractor may need to flag certain fences with eight inches of flagging attached to the top horizontal member of the fence every twenty feet to make the fences more visible to both horses and native wildlife. In some areas, wildlife-friendly fences will need to be constructed, which may include raising the bottom wire from sixteen to eighteen inches off the ground; using a white resin coated top wire; using smooth wire (instead of barbed wire) at key wildlife crossings; using flagging or white PVC pipe on the top wire to increase visibility; or constructing gates or sections of let-down fence at key wildlife crossings that could be opened when horses are not grazing in the pasture.

2.0 Description of Alternatives

This EA analyzes the Proposed Action and No Action alternatives. The purpose of the EA is to verify the property's carrying capacity (an appropriate wild horse stocking level) and to analyze the potential environmental effects associated with the operation and maintenance of an ORP facility on the offered private lands. The BLM will terminate the contract for convenience if: (a) resource issues are identified during the environmental analysis process which cannot be effectively mitigated; (b) an agreement cannot be reached as to an appropriate stocking level for the offered property; or (c) the contractor is unable or unwilling to comply with any mitigation or additional management or monitoring requirements identified in the EA. 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.

2.1 No Action Alternative

The No Action alternative would not fund nor authorize the placement of wild horses at this location. The applicant has been operating a private cow-calf operation on his private pastures, in conjunction with the BLM Hop Creek Allotment and its season of use from October 1 – November 30 and May 1 – June 30. The permit for the Hop Creek Allotment expired on October 31, 2015. Grazing would be allowed to continue under the authority of the Federal Land Policy and Management Act (FLPMA), Section 402(C)(2) / Appropriation Act while the BLM initiated and completed the permit renewal process. This process would analyze a full range of alternatives for the Hop Creek Allotment, which is an action independent from whether or not the ORP is authorized.

2.2 Proposed Action

The Proposed Action is for the Bureau of Land Management (BLM) to enter into a contract for the care and maintenance of wild horses in an area referred to as an off-range pasture (ORP) facility on the Tate Farms property, located on both sides of Highway 132 within T13S, R02E, SLM, UT, Sections 12, 13, 14, 15, 22, 23, 24, 26, 27, and T13S, R03E, SLM, UT, Sections 6, 7, 18, and 19, near Fountain Green, Utah, totaling approximately 3,900 acres. The application is from Scott Noll, who manages the family-owned Tate Farms. The estimated capacity of the Tate Farms property is a maximum of 700 horses.

The proposed ORP would be constructed on private land. Only fenced private lands owned by Tate Farms are offered for this ORP. Private land located on the northwest corner of proposal area adjacent to BLM and U.S. Forest Service (USFS) land, but located outside existing fences, is not included in this proposal. Four unfenced BLM parcels are located on the northern half of the property; the applicant has agreed to fence his private land in accordance with the stipulation in Solicitation L14PS00777 that states, "If any unfenced public lands are located within the privately owned or controlled land, the public lands must be fenced out using the fence specifications outlined in item d above, and will not be used in the BLM's calculation of carrying capacity." One of these parcels has a road through it, near the eastern boundary. Again, the applicant has agreed to fence his private land and to install gates, rather than cattle guards, at all road crossings or fence openings to keep horses in pastures in accordance with Section 4(D),

Specific Services, of Solicitation L14PS00777. In the southern half of the property, additional state and BLM parcels will be fenced out.

The ORP facility would:

- Maintain the excess wild horses in pastures large enough to allow free-roaming behavior and that can provide food, water and shelter necessary to sustain the animals in good condition;
- Gather and prepare all horses, in a humane manner, that fall under the criterion of saleable or adoptable animals;
- Protect animal welfare by ensuring appropriate care, handling, and humane treatment of all wild horses under BLM management;
- Minimize the handling of wild horses by humans;
- Provide regular, on-the-ground monitoring of the wild horses to ascertain their well-being and safety;
- Provide management by individuals who are knowledgeable and experienced about the behavior and nutritional requirements of equines and the management of land for the sustained production of grass and other desirable forage plants;
- Obtain and abide by all required permits.

Pasture Characteristics

Some parcels of BLM and state land are currently unfenced; according to requirements in the contract, the applicant would be required to fence these lands out. The applicant will also check fences at least weekly when horses are in pastures. More frequent checks may occur should conditions warrant. Because the ORP is not a public viewing facility, the applicant will restrict or prohibit access onto the site by the general public with signs indicating that the pastures are private property.

Sage and oak brush are present throughout the property; high density areas would be evaluated and cut back each year, as necessary. The applicant is currently working with the state and county to control oak brush by chipping areas that can be accessed. Weeds are also present on the property; the applicant has worked with local weed control agents, BLM, and the county on weed control spraying, and will continue to do so. Any weed spraying conducted within pastures where horses graze would need to be in conformance with herbicide labels and instructions for use near grazing animals.

Water and Nutrition

In addition to forage from pastures, the applicant would also feed horses fodder, a thick mat of grass or legumes that is produced on-site. Fodder would be grown inside a controlled environment and would be used as supplemental feed when pastures do not produce enough forage to sustain the horses in adequate body condition.

If awarded the contract, the applicant would purchase a tank that would allow him to haul 10-15 thousand gallons of water per day. The applicant would provide evenly spaced and abundant

stock water, along with cross fencing and proper gate placement, to encourage horses to move naturally from one pasture to another. The applicant would also provide minerals and salt in areas where he would like to focus grazing; these would be checked and adjusted on a weekly basis.

Working Corral Characteristics

Small adjustments to the existing working corral facility (**Figure 2**) would need to be constructed to fulfill the requirements for handling horses rather than cattle. Loading and unloading would be accomplished by either goose neck or semi-type stock trailer. Trucks would access the area from the county road, which is graded year-round by the county. Snow removal is usually completed within 24 hours, and could be completed sooner if necessary.

Once horses arrive on-site, they would be sorted into a number of holding pens.



Figure 2: Main working corral facility.

A 12-24 inch extension would be welded on top of the current fence to meet the 72 inch requirement in the contract.

Handling

Horses arriving at the property could be unloaded directly into an alley that leads to six different holding pens. The pens are designed to have multiple entries and exits to allow for low stress handling. The main alley was designed to be wide enough to handle a large flow of animals, if necessary. Based on the layout of the property, extensive movement of the horses would be kept to a minimum. If it would be necessary to move horses a considerable distance, the applicant would bring in the required number of riders to slowly move the animals to the correct pasture. If

necessary, the horses would be moved in small groups over a number of days. If horses needed to safely cross a gravel or dirt county road, the applicant would open specific gates and use temporary panels to facilitate their movement. If horses needed to be moved from one pasture to another, they would be enticed into moving by following a supplemental feed truck, or by seeking out strategically-placed supplemental feed or minerals. No horses would be moved or pushed across Highway 132; rather, all horses that graze on the west side of Highway 132 would be delivered to the individual pastures in a horse trailer or in a large transport trailer with a portable unloading chute. Prior to any movement of horses, the applicant would comply with the contractual requirement to notify the appropriate BLM Contracting Officer's Representative (COR) or Project Inspector (PI). If an individual or group of horses needed to be captured, a qualified person would determine the best method to complete such capture.

In the event of an animal death, the applicant would identify the animal and document the circumstances associated with the death. Once properly documented, the remains would be disposed of in accordance with local and state requirements. The applicant may be required to euthanize horses that are suffering, as an act of mercy, in accordance with BLM's Wild Horse and Burro euthanasia policy.

Horse Monitoring

The applicant would conduct weekly counts to confirm the number of horses in his pastures.

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.

Pasture Characteristics

The private lands offered in the Proposed Action are divided in two by State Highway 132 (**Figure 1**). Hay, fodder production, and equipment location are centrally located, directly adjacent to Highway 132. The property is currently used as a cow-calf operation. Located on both sides of the highway, the applicant's two main pastures are subdivided into smaller pastures, facilitating the use of rotational grazing.

The perimeter and cross fencing in pastures is primarily a four or five wire barb fence. Fencing is 48 inches high, at a minimum. Wire spacing is 8-12 inches, with no more than 12 inch spacing. T-post spacing varies depending on when fences were constructed, but most are 16 – 20 feet apart. In specific locations, fencing runs along a county road most often used for sheep movement. A combination of woven wire fencing, along with 2 or 3 strands of barbed wire, is in these areas. Most corner braces are constructed of either drill pipe or timbers. After the 2007 Salt Creek Fire, the applicant worked with the Natural Resources Conservation Service (NRCS) to replace and/or repair many fences. As a result, many fences have 6 or 7 wires, and wildlife crossing areas include integrated gates and drop fences.

The majority of grazing pastures have adequate cover for horses. The lower elevation areas that were previously in hay production do not provide any cover, but those areas are adjacent to pastures that will have cover. Natural cover consists of oak, cedar, juniper, pine, and aspen. In addition, a number of ravines would provide cover.

Water

At present, there are numerous stock tanks, ponds, springs, and other water sources spread throughout the property.

Working Corral Characteristics

The on-site working corral facility (**Figure 2**) was recently rebuilt to accommodate a large number of animals.

Six of the nine smaller holding pens have attached loafing sheds (small sheds that would allow the horses to escape rain or sun). An additional 12,000 square foot pen is available for longer term holding. One 2,800 square foot pen is primarily used for sorting, but would be able to provide short term holding, as well.

All corral fencing is constructed of drill pipe and is currently 60 inches tall. The main alley is 12 feet wide, tapers to 28 inches, and measures 65 feet long. The loading chute is 28 inches wide. Currently, there are three alley stops that could be changed to sliding gates. Sand and gravel are currently being used to grade the corral. No drainage problems have yet been identified; once grading is complete, drainage will be further improved. Solid belting is also being installed in the main alley, loading chute, and tub. The existing squeeze chute can be removed from the concrete pad and replaced with a tip chute. Permanent lighting is already in place and is powered by a generator.

Another set of holding pens is located on the west side of Water Hollow Road (**Figure 3**), which has larger paddocks and the ability to load and unload animals, if necessary.



Figure 3: Location of secondary corral facility.

3.1 Cultural Resources

Based on the Richfield Field Office’s literature review for the area, cultural resources are present within the project area. Approximately eleven Class III inventories have been conducted in the boundaries and within one mile of the project area. These surveys located and recorded twenty six archaeological sites. These include: sparse prehistoric artifact scatters of mostly chert flakes (i.e. lithic scatters), isolated prehistoric artifacts (i.e. stone tools) and historic trash scatters associated with farming and ranching in the area. Eight of these sites have previously been determined to be eligible for inclusion in the National Register of Historic Places because of their potential to provide important information in prehistory or history.

3.2 Invasive Species and Noxious Weeds

The approximately 3,900 acres of private land consists of grass and alfalfa pastures at lower elevations and mountainous oak, sage, and grass range land at higher elevations. Grasses on the range land include an intermediate wheat grass, orchard grass, and variations of brome grass. Weedy species such as cheatgrass, Russian thistle, tumble mustard, blue mustard, African mustard, and halogeton are also present on the property. The current use of the property is a cow-calf operation. In the past year, herds have been managed more intensively, including reducing the sizes of large pastures, improving stock watering, resting pastures, timing grazing with the presence of seasonal grasses, and avoiding overgrazing. The property is currently grazed from April 15 – January 31, with supplemental alfalfa hay supplied when necessary.

In 2007, the majority of the range pasture was burned in the Salt Creek Fire. Using state and federal assistance, almost all of the range pasture was replanted. Wheat grass is well established, and other areas that are not as well established are being over seeded. The applicant is also working with county and state agencies to control oak brush in areas that can be accessed by chipping the brush. In addition, local weed control agencies, counties, and BLM have sprayed for weeds on Tate Farms in cooperation with the applicant.

3.3 Livestock Grazing

As depicted in **Figure 1**, some of the private land offered in this proposal is part of the Hop Creek Allotment, on which the applicant is also the permittee. The Hop Creek Allotment is adjacent to both the Uinta and Indian Hollow Allotments. The allotment is currently comprised of fifty percent (50%) public land. Water sources are largely located on these private lands. There are fifty eight (58) active AUMs on the Hop Creek Allotment, and the season of use is October 1 – November 30 and May 1 – June 30. The permit for the Hop Creek Allotment expired on October 31, 2015. Grazing would be allowed to continue under the authority of the Federal Land Policy and Management Act (FLPMA), Section 402(C)(2) / Appropriation Act while the BLM initiated and completed the permit renewal process. This process would analyze a full range of alternatives for the Hop Creek Allotment, which is an action independent from whether or not the ORP is authorized.

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 (Sections 3.1 and 3.2).

4.1 Cultural Resources

4.1.1 No Action

4.1.1.1 Direct and Indirect Impacts

As noted in Section 3.1, any previously recorded cultural resources eligible for inclusion in the National Register of Historic Places may be subject to direct impacts from future actions on private land not associated with this project.

4.1.2 Proposed Action

4.1.2.1 Direct and Indirect Impacts

The area subject to potential direct impacts from the construction of boundary fences and the grazing of wild horses on the offered private lands is limited to those lands. A Class III survey located along any boundary fences will occur prior to construction. If a cultural resource eligible for inclusion in the National Register of Historic Places is located within the construction area of the fence line, the project will be redesigned to avoid any potential adverse effects to this and any other eligible site, while ensuring that all public lands are fenced out. If needed, portions of private land may be fenced in with public land to ensure that both fence lines and horses are kept away from eligible cultural sites.

If potential adverse effects are identified to occur on private land from grazing, the Richfield Field Manager will work with the private land owner to develop measures to protect these resources.

4.1.2.2 Cumulative Impacts

Because BLM would only authorize an action that effectively avoided impacts to cultural resources, the Proposed Action would not contribute additional cumulative impacts to the project or surrounding area.

4.2 Invasive Species and Noxious Weeds

4.2.1 No Action

4.2.1.1 Direct and Indirect Impacts

If BLM does not authorize an off-range pasture at this location, it is likely that the applicant would continue his current cow-calf operation. The potential for weed establishment on non-private land is still present under the No Action alternative as long as the property is grazed.

4.2.2 Proposed Action

4.2.2.1 Direct and Indirect Impacts

The Proposed Action would allow wild horses to graze on desirable vegetation in both higher and lower elevations. Desirable vegetation could diminish and soil disturbance could increase if improper grazing practices were employed by the applicant, resulting in decreased competition between desirable vegetation and known populations of noxious weeds. Because weeds establish more easily in disturbed soil, improper grazing practices could increase the likelihood that noxious weeds would expand throughout the pastures. Because the Proposed Action is adjacent to public and state lands, it is possible that new weed populations could establish on these neighboring properties by their proximity to the Proposed Action.

4.2.2.2 Cumulative Impacts

The Proposed Action, if unmitigated, would likely increase the cumulative impact of noxious weeds on the landscape. Because noxious weeds on BLM lands are and will continue to be treated annually, and the applicant is already working with other agencies to control weeds on his private lands, BLM would include continuation of a noxious weed control program as part of its stipulations for approving the Proposed Action. If weed populations on private land begin to spread to neighboring non-private lands, a more intense weed control program may need to be implemented. This situation could be identified by the applicant, during routine fence line and horse monitoring, and/or by qualified BLM personnel who perform vegetation monitoring as outlined in Solicitation L14PS00777, Section 4(F), Specific Services.

4.3 Livestock Grazing

4.3.1 No Action

4.3.1.1 Direct and Indirect Impacts

The No Action alternative would not authorize an ORP. The permit for the Hop Creek Allotment expired on October 31, 2015. Grazing would be allowed to continue under the authority of the Federal Land Policy and Management Act (FLPMA), Section 402(C)(2) / Appropriation Act while the BLM initiated and completed the permit renewal process. This process would analyze a full range of alternatives for the Hop Creek Allotment, which is an action independent from whether or not the ORP is authorized.

4.3.2 Proposed Action

4.3.2.1 Direct and Indirect Impacts

In order to be granted the contract for an ORP, the applicant must only offer private, fenced lands. Currently, some of the applicant's private lands are located in and are part of the Hop Creek Allotment. If the contract for an ORP were granted, the applicant would complete construction of fencing around his private property. As a result, the Hop Creek Allotment would be greatly reduced in size and have limited water access. The grazing permit for Tate Farms, also the applicant for the ORP, expired 10/31/2015. Regardless of whether or not BLM authorizes an ORP, BLM will initiate the permit renewal process to analyze a full range of alternatives for the future of the Hop Creek Allotment.

4.3.2.2 Cumulative Effects

If the contract were awarded, the project would likely increase the percent public land on the Hop Creek Allotment. Regardless of whether or not BLM authorizes an ORP, BLM will initiate the permit renewal process to analyze a full range of alternatives for the future of the Hop Creek Allotment. There are no known additional impacts to that allotment or neighboring allotments.

5.0 Coordination

5.1 List of Agencies, Organizations, and Individuals Contacted

Neighboring property owners and land managers contacted during scoping include:

Name	Purpose	Outcome
Apple Spring Allotment Permittee	Proposed Action is near the Apple Spring Allotment.	No response.
City of Fountain Green, Utah	Proposed Action is located near Fountain Green, Utah.	BLM received a letter from the Mayor of Fountain Green during scoping.
Indian Hollow Allotment Permittee	Proposed Action is adjacent to the Indian Hollow Allotment.	No response.
Sanpete County Commissioners Claudia Jarrett, Steven Frischknecht, and Scott Bartholomew	Proposed Action is located within Sanpete County.	BLM received a letter from the County Commissioners during scoping.
U.S. Forest Service – Uinta-Wasatch-Cache National Forest	Proposed Action is adjacent to public land managed by the U.S. Forest Service.	No response.
Uinta Allotment Permittee	Proposed Action is adjacent to the Uinta Allotment.	No response.
Utah Department of Environmental Quality (UDEQ), Division of Water Quality (DWQ)	BLM requested that DWQ provide information on whether the ORP would require any permits.	DWQ provided input on required permits.
Utah Division of Forestry, Fire & State Lands –	Proposed Action is adjacent to Utah State Lands.	No response.

Central Area		
Utah Division of Wildlife Resources – Central Region	Proposed Action is adjacent to a Utah State Wildlife Reserve / Management Area.	No response.

5.2 List of Preparers

BLM staff specialists who determined the affected resources for this document are listed in the Interdisciplinary Team 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
Brandon Boshell	Supervisory Renewable Resource Specialist
Julie Carson	Planning & Environmental Specialist
Gina Ginouves	Planning & Environmental Coordinator
Lauren Kingston	Archaeologist
Nathan Thomas	Archaeologist
Victor (Gus) Warr	Wild Horse and Burro Program Lead

Appendices

Appendix A Interdisciplinary Team Checklist

Project Title: Fountain Green Off-Range Pasture

NEPA Log Number: DOI-BLM-UT-C020-0001-EA

File/Serial Number:

Project Leader: Julie Carson (Utah State Office), Brandon Boshell (Richfield Field Office), and Gus Warr (Utah State Office)

DETERMINATION OF STAFF: (Choose one of the following abbreviated options for the left column)

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
RESOURCES AND ISSUES CONSIDERED (INCLUDES SUPPLEMENTAL AUTHORITIES APPENDIX 1 H-1790-1)				
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. No further analysis or mitigation is warranted.	Mark Dean	10/8/2015
NP	Areas of Critical Environmental Concern	The 2008 Richfield Field Office RMP was reviewed; there are no BLM Areas of Critical Environmental Concern within the proposed action area.	Jennifer Christensen	11.3.2015
PI	Cultural Resources	A literature review of the APE is currently being carried out by BLM cultural resource personnel. Previously documented historic properties are present within the project area. The review addresses both impacts to historic properties from the construction of the boundary fence and grazing within the facility. Results of the literature review will determine the amount and scale of site visits and Class III inventory that will be necessary to evaluate and eventually determine the proposed project's potential effect to historic properties. Consultation with Utah's SHPO will follow BLM's determination of effects to historic properties.	Lauren Kingston	11/10/15
NI	Environmental Justice	The Proposed Action is located entirely within Sanpete County, but it is adjacent to Juab County. The analysis area for Environmental Justice is Sanpete County as well as the Nephi Census County Division (CCD), which is the eastern portion of Juab County. This scale includes relevant populations without unnecessary diluting the analysis area. Based on best available information from Headwaters Economics' Economic Profile System (EPS), the minority populations in Sanpete County and Nephi CCD are 8.8% and 3.5%, respectively, compared with 11.3% in Utah as a whole. The only subcategory that exceeds the Utah average is "some other race alone", at 4.2% in Sanpete County, compared to 3.8% in Utah as a whole. The percentage of people who self-	/s/ Julie Carson	11/12/2015

Determination	Resource	Rationale for Determination	Signature	Date
		<p>identify as Hispanic in Sanpete County and Nephi CCD are 9.4% and 4.2%, respectively, compared with 12.5% in Utah. The percentage of people who self-identify as American Indian and Alaska Native alone or with other races in Sanpete County and Nephi CCD are 1.3% and 0.1%, respectively, compared with 1.4% in Utah. Both Sanpete County and Nephi CCD are at or above the poverty rates in Utah overall, indicating that a low-income population exists for consideration of disproportionately high and adverse human health and environmental effects. However, potential impacts, such as from increased dust or odors, are not expected to disproportionately affect this population.</p>		
NP	Farmlands (Prime or Unique)	There are no prime/unique farmlands within or near the project area according to the Soil Survey of the Sanpete Valley Area, Utah (627).	Brant Hallows	11/3/15
NI	Fire/Fuels Management	Since the proposed action would occur on private lands it would have minimal impact on fuels/fire management as outlined.	Bob Bate	11/10/15
NI	Floodplains	The proposed action will not increase the risk of damage to human life and property and will not alter the functionality of any floodplains. Will not be contrary to Executive Order 11988 – Floodplain Management.	Brant Hallows	11/3/15
NI	Geology / Mineral Resources/Energy Production	This action is limited to surface disturbance and should have no impact on geology, mineral resources or energy production.	John Reay	11/17/2015
NI	Greater Sage-Grouse	The Proposed Action is located within a General Habitat Management Area (GHMA) for greater sage-grouse. However, no occupied leks are located within or near the project area, and there is no record of birds using this area for other seasonal habitats, resulting in no anticipated impacts to greater sage-grouse. Furthermore, management actions for GHMA from the <i>Approved Resource Management Plan Amendment for the Great Basin Region</i> [e.g. Utah] do not apply to private lands.	Larry Greenwood	1-6-15
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 quantitative 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 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
PI	Invasive Species/Noxious Weeds (EO 13112)	There are known populations of noxious weeds on site. The proposed action will be a significant increase in grazing pressure and could increase the likelihood of weed population expansion by reducing the competition from desirable vegetation. The contractor should employ an active weed management program to contain those populations. The noxious weeds occurring on BLM lands are and will continue to be treated annually. Should the weed populations on the private land began to spread to BLM lands, a more intense weed control program on the private land may need to be implemented.	Brant Hallows	11/3/15

Determination	Resource	Rationale for Determination	Signature	Date
NP	Lands with Wilderness Characteristics	The 2008 Richfield Field Office RMP was reviewed, there are no BLM Lands with Wilderness Characteristics or Natural Areas in the RFO within the private property proposed action area.	Jennifer Christensen	11.3.2015
NI	Lands/Access	If approved, the proposed action would not have any additional impacts on lands or access within the described area. Any action taken under this proposal would be subject to valid existing rights. Seasonal route restrictions should be observed. Since the permits would be renewed in accordance with current authorizations, further analysis for this resource would not be prudent. Note: The Agency Preferred Alternative for the Transwest Express transmission line crosses through the project area. It is expected that conflicts between the two projects could be dealt with through site-specific mitigation.	/s/Michael B. Utley	10/15/2015
PI	Livestock Grazing	The private land that is involved with the proposed action falls in large part within the Hop Creek Allotment. Currently the permittee runs on both private and public lands. The requirement by the proposed action to fence off all public lands from the private will effectively isolate a few BLM land parcels. It will result in the inability of the Hop Creek Allotment to be used in a feasible manner. If the proposed action is approved, future discussion and decisions will need to be made on the future of the Hop Creek Allotment.	Brandon Jolley	11/4/2015
NP	Migratory Birds	No priority migratory birds are present.	Larry Greenwood	10-6-15
NP	National Historic Trails	A review of GIS data on historic trails reveals that there are no congressionally designated National Historic Trails passing through the proposed action area. BLM does not manage trails on private property.	Jennifer Christensen	11.3.2015
NP	Native American Religious Concerns	Based on previous government to government consultations with the Paiute Indian Tribe of Utah and the Ute Indian Tribe, no previous sacred sites or Native American Religious Concerns have been brought forward in this area, therefore the proposed action will likely not affect any known Native American sacred sites as defined in E.O. 13007 or prevent or inhibit access to any traditional or religious sites.	Lauren Kingston	11/10/15
NI	Paleontology	This action will occur in PFYC classifications 1 through 4 or Very Low through Very High. However evaluation and protection of paleontological resources under this classification is only applicable to lands under BLM jurisdiction and do not apply to private lands.	John Reay	11/17/2015
PI	Rangeland Health Standards	The established rangeland health standards do not apply to private land. The proposed action does have the potential indirectly impact adjacent rangelands by allowing for the establishment and spread of weed species beyond the private land boundaries. The contractor should employ an active weed program to contain and manage weed populations in order to protect upland range health.	Brandon Jolley	11/4/2015
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 Area (SRMA) or an Extensive Recreation Management Area (ERMA). The proposed action on private property does not occur within an area managed for recreation by the BLM. Dispersed recreation may be affected or increase on nearby BLM lands in the form of wildlife/horse viewing, etc. but not	Jennifer Christensen	11.3.2015

Determination	Resource	Rationale for Determination	Signature	Date
		to a degree that would warrant further analysis.		
NP	Sensitive Animal Species	See Attached Clearance.	Larry Greenwood	10-6-15
NI	Socio-Economics	The analysis area for Socioeconomics is the same as identified in the Environmental Justice section. Because the Proposed Action would result in increased federal funding to one farm in the analysis area, BLM does not anticipate any adverse impacts from this action on socioeconomics. If the Proposed Action is implemented, changes in property values to neighboring areas are not anticipated because the area is characterized by other agricultural activity including sheep, cow, and turkey farms. If BLM sees an increase in traffic to the area for the purpose of viewing wild horses, these encounters would be casual and incidental.	/s/ Julie Carson	11/12/2015
NI	Soils	As long as the contractor maintains sufficient vegetation cover to prevent accelerated runoff and soil erosion on the said private lands, there will be no impacts to soil resources on adjacent BLM lands.	Brant Hallows	11/3/15
NP	Threatened, Endangered, Candidate or Special Status Plant Species	See Attached Clearance.	Larry Greenwood	10-6-15
NP	Threatened, Endangered, or Candidate Animal Species	See Attached Clearance.	Larry Greenwood	10-6-15
NI	Vegetation Excluding Designated/Special Status Species	The proposed project site is dominated by mountain big sagebrush, Gambel oak, Antelope bitterbrush, birchleaf mtn. mahogany, scattered pinyon/juniper trees, snake weed, low rabbit-brush, rubber rabbitbrush, blue bunch wheatgrass, Sandberg bluegrass, muttongrass, squirreltail grass, Indian ricegrass, plains pricklypear, southern mtn. phlox and annual weedy species such as cheatgrass, Russian thistle, tumble mustard, blue mustard, African mustard and halogeton. Vegetation would not be affected to a degree that detailed analysis is required. This conclusion is based on the fact that the NRCS determined the carrying capacity for the area and also that there would be supplemental feeding of alfalfa and fodder.	Larry Greenwood	10-6-15
NI	Visual Resources	The Richfield Field Office 2008 RMP was reviewed. There is no Visual Resource Management Class or Visual Resource Inventory for the proposed action area because it is on private property. The area is currently private lands used for agriculture, cow/calf operations, and similar activities.	Jennifer Christensen	11.3.2015
NI	Wastes (hazardous or solid)	Excessive manure build up may potentially affect 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. With proper management and removal of excess manure the project would have no impact to wastes.	Stan Andersen	11/13/15
NI	Water Resources/Quality (drinking/surface/ground)	Water resources within the project area include intermittent and ephemeral streams, and perennial springs, and ponds. Potential impacts to these resources are not considered because they are on private land. Activities that occur on private land could result in impacts to water quality in adjacent BLM streams, but there are no perennial streams near the project area and sensitivity of these potential water resource impacts is low.	Mark Dean	11/3/2015

Determination	Resource	Rationale for Determination	Signature	Date
NP	Water Rights	No BLM water rights would be affected by the proposed action.	Mark Dean	11/3/2015
NP	Wetlands/Riparian Zones	There are riparian/wetland resources associated with water sources on private land within the project area. Potential impacts to these resources are not considered because they are on private land.	Mark Dean	11/3/2015
NP	Wild and Scenic Rivers	The Richfield Field Office 2008 RMP was reviewed; there are no BLM Wild and Scenic Rivers within the proposed action area.	Jennifer Christensen	11.3.2015
NI	Wild Horses and Burros	Wild horses will be present at the facility as the primary ungulate foraging on the premise. The intent is to provide a pasture (grassland) setting for these animals while they are cared for on private land. 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 are at the forefront of the proposed operation as per their Technical Proposal submitted for the contract. In reviewing their pasture management plans, supplemental feeding criteria, site design, fencing, working facility plans, and horse handling procedures; these all appear adequate towards providing adequate care for wild horses placed in the care of the contractor. Also the proposal as written meets the objective of protecting animal welfare and humane treatment.	V. Gus Warr	12.03.15
NP	Wilderness/WSA	The Richfield Field Office RMP was reviewed. There are no BLM Wilderness or WSAs in the proposed action area.	Jennifer Christensen	11.3.2015
NI	Wildlife and Fish Excluding Designated/Special Status Species	Dominant wildlife species known to occur in the area include mule deer, elk, black-tailed jackrabbit, cottontail rabbit, rock squirrel, horned lark, pinyon jay, great horned owl, striped skunk, spotted skunk, Ord's kangaroo rat and deer mouse. These species would not be affected to a degree that detailed analysis is required.	Larry Greenwood	10-6-15
NI	Woodland / Forestry	The proposed action would have no impact on woodland/forestry.	Bob Bate	11/10/15

FINAL REVIEW:

Reviewer Title	Signature	Date	Comments
Environmental Coordinator	<i>Gina Gincowes</i>	8 Jan 2016	
Authorized Officer	<i>Wayne A. Wetzel</i>	15 Jan 2016	

SPECIAL STATUS PLANT AND ANIMAL CLEARANCEDATE October 6, 2015PROJECT Fountain Green Off-Range PastureBLM ALLOTMENT N/A Private LandGEOLOGY Tertiary Volcanic Tuffs and Ignimbrites, Flagstaff Limestone, Green River Formation, Colton Formation, Quaternary Recent AlluviumLEGAL DESCRIPTION T. 13 S. R. 2 E. Sections 12, 13, 14, 15, 22, 23, 24, 26 & 27; T. 13 S. R. 3 E. Sections 18 & 19.INTRODUCTION

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

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.

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.

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.

/s/ Larry Greenwood