

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

**Decision Record
DOI-BLM-UT-W010-2017-0009-EA**

December 2018

**Onaqui Mountain Herd Management Area
Population Control**

Location: Townships 6-11 South, Ranges 5-9 West, multiple sections, Salt Lake Meridian, Tooele County, Utah.

Applicant/Address: Not Applicable.

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Decision Record
Onaqui Mountain Herd Management Area Population Control
DOI-BLM-UT-W010-2017-0009-EA
Tooele County, UT

The Salt Lake Field Office of the Bureau of Land Management (BLM) has completed the Onaqui Mountain Herd Management Area (HMA) Population Control Environmental Assessment (EA), serialized as DOI-BLM-UT-W010-2017-0009-EA, and a corresponding Finding of No Significant Impacts (FONSI). These and other supporting documents are included on BLM's NEPA Register.¹

The EA analyzes and discloses the potential site-specific environmental effects of the proposed action and other alternatives to the proposed action. The BLM used an interdisciplinary approach to balance proposed uses with different resource values and ensure compliance with all applicable laws, regulations, and policies, in accordance with the National Environmental Policy Act (NEPA).

This Decision Record includes:

- Background
- Summary of Alternatives
- Decision
- Rationale for Decision
- Authorities
- Plan Conformance and Consistency
- Administrative Remedies

Background

The Wild Free-Roaming Horses and Burros Act (WFRHBA) of 1971 and the Federal Land Policy and Management Act (FLPMA) of 1976 mandate that BLM manage wild horses so as to preserve and maintain a “thriving natural ecological balance” (TNEB) and multiple use relationships on public lands and also protect rangeland resources from deterioration associated with wild horse overpopulation.

The appropriate management level (AML) is the number of wild horses that can be sustained within a designated HMA so as to achieve TNEB on the range. Wild horse populations that exceed upper AML do not automatically trigger a statutory duty under the WFRHBA to “immediately remove” horses from overpopulated HMAs. Instead, BLM removes excess horses from the range only after BLM first makes two determinations: (1) that an overpopulation of wild horses exists in a given area, and (2) that removal of excess horses is necessary to achieve a TNEB. It is within BLM's discretion to achieve AML solely by removal of all excess horses, or by some other management option such as a combination of removal and population growth suppression.

¹ The NEPA Register is located online at: <https://go.usa.gov/xP2ag>.

The legal land description for the Onaqui Mountain HMA is Townships 6-11 South, Ranges 5-9 West, multiple sections, Salt Lake Meridian, Tooele County, Utah [Figure 1 (Appendix A) in the EA]. The HMA is located in Tooele County, Utah, near the Juab County line and covers approximately 240,153 acres (205,394 acres managed by BLM). Department of Defense lands occur immediately adjacent to the HMA, which horses do utilize.

The AML for the Onaqui Mountain HMA is 159 wild horses with a range of 121-210 (low-high range, respectively). With the 2018 foals, the population is now estimated to be 510. It is anticipated that by the time a gather could occur in 2019 the population would be approximately 586 wild horse.

Summary of Alternatives

The BLM prepared the EA to analyze the environmental impacts associated with the proposed gather, removal, and fertility control measures. Three alternatives were analyzed in detail in the EA. Fifteen additional alternatives were considered but eliminated from detailed analysis (EA at section 2.5).

The three alternatives analyzed in detail in the EA are summarized below.

- **Alternative A** (the proposed action) aims to achieve AML by removing approximately 465 wild horses inside and adjacent to the HMA in an initial gather. Following the initial gather, the BLM would return periodically over a period of ten years to maintain AML by removing excess wild horses and by administering the fertility control vaccine, *Porcine zona pellucida* (PZP). Under this alternative, the administration of PZP would continue pursuant to the current protocol, with a few minor modifications. The BLM would continue to conduct monitoring activities in the HMA, including the monitoring of individual and herd health (including mares after fertility control vaccine treatments), genetic diversity (via hair sampling), population size (via flight and ground inventories), population growth rate assessments, and rangeland, wildlife habitat, and riparian conditions. Specific details are contained in Section 2.2 and applicable appendices of the EA.
- **Alternative B** is the same as Alternative A except that it also includes using GonaCon-Equine vaccine and sterilization (spaying and neutering) as fertility control treatments in addition to PZP. Specific details are contained in Section 2.3 and applicable appendices of the EA.
- **Alternative C** (no action alternative) would be the continuation of current management. The BLM would not gather any horses and would continue with administration of PZP according to the current protocol. Specific details are contained in Section 2.4.

Decision

Based on my review and consideration of the EA and FONSI it is my decision to select Alternative A as described in the EA, with the addition of the use of GonaCon-Equine as analyzed in Alternative B. My decision does not adopt or approve use of the permanent sterilization methods (spaying and neutering) analyzed in Alternative B.

All protective measures as identified in section 2.2.1 will be implemented. All management actions included in this decision will be implemented in adherence to the Comprehensive Animal

Welfare Policy (CAWP) requirements (or its future revision or replacement) and all applicable law and policy. Management actions authorized by this decision include all individual horses that are determined to be wild and free roaming within and adjacent to the HMA.

Specifically, my decision includes:

1. Excess wild horses will be gathered inside and adjacent to the HMA via trapping (water/bait) and helicopter methods. Wild horse numbers will be reduced to the low end of AML as outlined in Alternative A and Appendix E of the EA. Any wild horses removed from the HMA will be managed as described in Appendix F of the EA.
2. Fertility control vaccines on qualifying mares will be utilized to help maintain the population within AML numbers, as described in Alternative A, Alternative B, and Appendix E. Field darting procedures for mare vaccination will be conducted by trained personnel as described in Appendix G of the EA.
3. The BLM would continue to conduct monitoring activities in the HMA, including the monitoring of individual and herd health (including mares after fertility control vaccine treatments), genetic diversity (via hair sampling), population size (via flight and ground inventories), population growth rate assessments, and rangeland, wildlife habitat, and riparian conditions.
4. After the initial gather, the target removal number would be adjusted accordingly based off updated population inventories for the HMA and the resulting projection of excess animals over AML.

This decision is effective upon issuance pursuant to 43 CFR 4770.3(c).

Rationale for Decision

Excess wild horses currently exist within and adjacent to the HMA. Removal of excess wild horses is necessary to achieve a TNEB. With the 2018 foals, the population is now estimated to be 510. It is anticipated that by the time a gather could occur in 2019 the population would be approximately 586 wild horse. AML for the HMA is 159 wild horses with a range of 121-210 (low-high range, respectively). The BLM's monitoring data shows that current rangeland and habitat conditions are degraded and that invasive grasses are of significant concern. Additional information is contained in the EA at Sections 1.2, 3.3.1, 3.3.3 and 3.3.6. Excess wild horse numbers are expected to increase each year if no action is taken by the BLM.

The BLM is required to manage public lands in a manner that avoids degradation of rangelands. This population control plan is necessary to protect individual wild horses and overall herd health, reduce rangeland resource deterioration, and minimize impacts associated with the overpopulation of wild horses within the HMA. This population control plan, including its individual components, meets the purpose and needs for agency action as explained in the EA and is necessary to achieve and maintain a TNEB between wild horses and other multiple uses as required under Section 1333(a) of the WFRHBA and Section 302 of the FLPMA. The gathering of wild horses down to low AML is also necessary to comply with the hard-trigger management response for the Sheepracks Greater Sage-grouse Population Area, as required by the Approved Resource Management Plan Amendment for Greater Sage-Grouse (BLM 2015a, BLM 2015b).

The following provides a summary of my rationale for not selecting the other alternatives:

- **Alternative B:** GonaCon-Equine was selected from alternative B to provide the BLM with another management tool to help reduce population growth within the HMA. Sterilization (spaying and neutering) was not approved for the HMA, as the BLM determined, at this time, that there are other sufficient management tools (i.e., gathers and fertility control vaccines) to achieve and maintain AML in the HMA.
- **Alternative C:** The BLM determined that there currently are excess wild horses inside and adjacent to the HMA. This alternative does not meet the BLM’s purpose and need to manage wild horses within the HMA in a manner that achieves and maintains the herd within the established AML and comply with applicable land use plans. This alternative would not manage wild horse numbers in a manner that maintains/restores a TNEB and multiple use relationships on the public lands consistent with the provisions of Section 1333(a) of the WFRHBA.

Public Involvement

Initial notice of this population control plan was posted on the NEPA Register on 9/27/2017. As part of the environmental review process, the BLM offered a 30-day scoping period (beginning 10/2/2017) and a 30-day comment period (beginning 6/13/2018). The BLM also issued corresponding press releases and mass emails to the West Desert District’s media outlets and wild horse advocacy groups on these same dates. The results of these public participation periods are contained in the Scoping Report and Comment Report prepared for this EA. These documents are available on the project’s NEPA Register webpage.² The EA at Sections 5.2 and 5.4 also identifies the multiple agencies/governments that the BLM consulted with or cooperated with in preparing this EA.

Authorities

The authority for this Decision is provided under the § 1333(a), and § 1333(b)(1) of the WFRHBA, as amended, which states that the Secretary of the Interior shall “determine appropriate management levels of wild free-roaming horses and burros on areas of public lands; and determine whether appropriate management levels will be achieved by the removal or destruction of excess animals, or other options (such as sterilization or natural controls on population levels)”; Section 404 of FLPMA; and the regulations at 43 CFR § 4700.

Plan Conformance and Consistency

This population control plan was reviewed and found to be in conformance with the land use plan goals and objectives as required by 43 CFR 1610.5. Specific wild horse program decisions are contained in the January 1990, Record of Decision for the Pony Express Resource Management Plan (RMP) as amended by the Decision Record issued for Wild Horse Appropriate Management Level and Herd Management Area/Herd Boundary Environmental Assessment (UT-020-2002-100) (February 2003) and the Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana, Nevada and Northeastern

² The project’s NEPA Register webpage is located online at: <https://go.usa.gov/xP2ag>

California, Oregon, and Utah (September 2015) and its Attachment 4 (ARMPA). Plan conformance discussions are contained in the EA at Section 1.4.

Appeal Provisions

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on the date signed below. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at 2370 South Decker Lake Blvd, West Valley City, UT 84119. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer. Instructions for filing an appeal are contained on the attached Form 1842-1 (Appendix A).

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall 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 irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Approval



Matt Preston
Salt Lake Field Manager

12 / 14 / 2015

Date

Appendix:

- A. Appeal Process Form 1842-1