

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

DECISION RECORD

SINBAD WILD BURRO HERD MANAGEMENT AREA
GATHER PLAN

DOI-BLM-UT-G020-2020-0017-EA

February 2022

Location: T. 20-23 S., R. 11-13 E. SLM, Emery County, Utah

Price Field Office
125 South 600 East
Price, Utah 84501
435-636-3600

BLM



SINBAD WILD BURRO HERD MANAGEMENT AREA GATHER PLAN

DOI-BLM-UT-G020-2020-0017-EA

DECISION RECORD

February 2022

DECISION

After reviewing all the facts and considering public comments on the EA, it is my decision to implement the Proposed Action as described in the Final Environmental Assessment for the Sinbad Wild Burro Herd Management Area Gather Plan (DOI-BLM- UT-G020-2020-0017-EA), except without the use of intrauterine devices (IUDs) as a form of population growth suppression at this time.

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

RATIONALE

As determined by an interdisciplinary team analysis (contained in DOI-BLM- UT-G020-2020-0017-EA), excess wild burros are present within the Sinbad Herd Management Area (HMA) and need to be removed to restore a thriving natural ecological balance. The current population of wild burros is in excess of established AML that is authorized within the HMA. The current estimated population of 328 wild burros is 468% of the Appropriate Management Level (AML) established through the 2008 Price Resource Management Plan (RMP). In addition, analysis of ongoing monitoring data indicates that yearlong grazing use by wild burros is degrading rangeland health through heavy and severe utilization levels in localized areas. The perennial key forage species have exhibited minimal growth in 2021 and perennial grasses did not grow in some locations. Heavy utilization levels by wild burros due to an overpopulation of wild burros in excess of AML have further compounded the issue.

In addition to degradation of the rangeland and lack of forage, the wild burros are also competing heavily with native wildlife which also depends on these areas for forage and water.

The BLM's goal is to manage wild burro herds to achieve and maintain viable, vigorous, and stable populations with healthy individuals. The gather is necessary to remove excess wild burros and to bring the wild burro population to near the established AML range (50-70 adults) and slow the population growth rate. In order to protect rangeland resources, as well as achieve and maintain a thriving natural ecological balance and multiple-use relationship between wild burros and other uses.

Leaving excess wild burros on the range under the No Action alternative would not comply with the Wild Free-Roaming Horse and Burro Act (WFRHBA) or applicable regulations and Bureau policy, nor will it comply with the Price RMP. The No Action alternative will allow continued deterioration of rangeland resources, including vegetative, soil, and riparian resources,

and could potentially result in the irreversible loss of native vegetative communities. Wild burros will continue to relocate in increasing numbers to areas outside the HMA boundaries due to competition for limited water, forage, and space within the HMA, adversely impacting public land resources not designated for wild burro management. The No Action Alternative also increases the likelihood of emergency conditions to occur which is expected to lead to the death or suffering of individual animals or to an emergency gather to prevent suffering or death due to insufficient forage or water.

In summary, implementation of this decision will:

- Remove approximately 278 burros, bringing the Sinbad HMA near low AML.
- Promote the improvement of rangeland resources within the Sinbad HMA, including wild burro range and wildlife habitat, by allowing rangeland health to improve and avoiding negative impacts to rangeland resources from overpopulation of wild burros. This will ensure that significant progress towards maintaining the Standards for Rangeland Health occurs and ensure healthy populations of wild burros are maintained in a thriving ecological balance for generations.
- Allow for the use of fertility control vaccine on jennies to help reduce the population growth rate. All jennies trapped and selected for release would be treated or boosted with fertility control vaccine treatment such as GonaCon and/or Porcine Zona Pellucida vaccine, or the most current approved formulations to prevent pregnancy in the following year(s).

AUTHORITIES

The authority for this Decision is contained in Section 1333(a) of the 1971 WFRHBA, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700.

PLAN CONFORMANCE AND CONSISTENCY

The Proposed Action is in conformance with the BLM's *Price Resource Management Plan (RMP)* approved October 2008. As discussed, the alternative will remove approximately 278 burros. Any jennies released back to the HMA will be treated with a fertility control vaccine. Conformance with BLM Land Use Plan (s) is in Section 1.4 of the EA.

ALTERNATIVES CONSIDERED

The Price Field Office (PFO) Interdisciplinary Team analyzed three alternative actions:

The Proposed Action

The current population of wild burros within the Sinbad HMA is estimated at 328 animals. The estimated population of wild burros within the Sinbad HMA as of March 01, 2021, is 269 burros. This figure is based upon the gather and release completed in April 2016, and on subsequent information collected by USGS and the 36 burros removed in 2020 during an emergency gather outside the HMA.

Approximately 268 excess wild burros will need to be removed after January 2022 to achieve the gather objectives within the HMA. Based on past gather success in the Sinbad HMA area, only 70-80% of the population can be gathered in a single year, which would be between 230 and 262 head. Population Growth Suppression administration would only be implemented upon reaching AML.

The Proposed Action includes utilizing the Comprehensive Animal Welfare Program (CAWP) and Design Features contained in the EA as Appendix C and D, respectively). These measures are incorporated into the project plan design. The Design Features include:

- Multiple capture sites (traps) may be used to capture wild burros from the HMA.
- Whenever possible, capture sites will be located in previously disturbed areas. Generally, these activity sites will be small (less than one-half acre) in size.
- No new roads will be constructed.
- No trap sites will be located on areas where threatened, endangered, and special status species occur without clearance.
- All capture and handling activities will be conducted in accordance with the most current policies and procedures of the BLM.
- During gather operations, safety precautions will be taken to protect all personnel, animals, and property involved in the process from injury or damage.
- Only authorized personnel will be allowed on-site during the removal operation.
- No hazardous material will be used, produced, transported, or stored in conjunction with this proposed action. Small amounts of carefully managed chemicals may be used to treat sick or injured animals at the capture sites.

In addition, the PFO personnel will collect and maintain data. Vegetation monitoring studies (rangeland health, trend, and utilization) will continue to be conducted in conjunction with livestock, wildlife, and wild burro use.

Alternative 2: Gather and Removal Without Fertility Control

Alternative 2 is similar in nature to the proposed action but it does not implement the use of fertility control.

No Action

This alternative consists of no direct management of wild burro numbers. The population of wild burros would continue to increase. Wild burros would be allowed to regulate their numbers naturally through old age, predation, disease, genetic-inbreeding, and forage, water, and space availability. Gather operations would not be used to directly manage the wild burro population.

No other alternatives were determined to be reasonable in meeting the purpose and need as stated in Chapter 2 of the EA (DOI-BLM-UT-G020-2020-0017-EA). See Chapter 2 and Appendix H of the EA for alternatives eliminated from further analysis.

PUBLIC INVOLVEMENT

Public involvement was initiated on this Proposed Action on March 11, 2020, by posting on the ePlanning web page and in the public rooms in the Price Field Office and Utah State BLM Office.

A Draft Environmental Assessment (EA) for the Sinbad Wild Burro Herd Management Area Gather Plan DOI-BLM-UT-G020-2020-0017-EA was made available to the public at the Price Field Office and online at the ePlanning web page at <https://go.usa.gov/xFxCy> ; for a 30-day review/comment period beginning on July 21, 2021 and e x t ending through September 3, 2021. Written comments were received from 4 individuals by mail. Comments were received from the State of Utah, and Emery County Public Lands. Comments were received from approximately 7 Interest groups, and 809 individuals. Approximately 516 of these letters were in a form letter format. Duplicates were not counted. Many of these comments contained overlapping issues/concerns which were consolidated into 176 comments and 26 distinct topics. There were 40 unique yet non-substantive comments not responded to. There were 4 individual comment letters submitted after the comment period closing date, these are not included in the total noted above but were still considered.

Refer to Appendix J of the Sinbad Wild Burro Herd Management Area Gather Plan EA for a detailed summary of the comments received and how BLM used these comments in preparing the EA. The final Sinbad Wild Burro Herd Management Area Gather Plan DOI-BLM-UT-G020-2020-0017-EA is available on the ePlanning at <https://go.usa.gov/xFxCy>.

The BLM initiated public involvement at a public hearing about the use of helicopters and motorized vehicles to capture and transport wild horses (or burros) on May 25, 2021, by holding a virtual public hearing using Zoom. This specific gather was not addressed at that public meeting, though other gathers that are planned within the state of Utah over the next 12 months were addressed. This meeting was advertised in papers and radio stations statewide. During this meeting, the public was given the opportunity to present new information and to voice any concerns regarding the use of these methods to capture wild horses. This process has been in place for over 20 years, and relevant issues associated with these methods have been addressed in the CAWP.

PROTEST AND APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with provisions found at 43 CFR Part 4.

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must **also** be filed with the Bureau of Land Management at the following address:

Kyle Beagley
Acting Field Manager
BLM-Price Field Office
125 S. 600 W.
Price, Utah 84501

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file

a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Interior Board of Land Appeals
Office of Hearing and Appeals
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Field Solicitor at the same time the original documents are filed with the above office:

Office of the Regional Solicitor
6201 Federal Building
125 South State Street
Salt Lake City, UT 84138-1180

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

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

Signatures	
Authorized Officer	Date

ATTACHMENTS

DOI-BLM-UT-G020-2020-0017-EA

Finding of No Significant Impact (DOI-BLM-UT-G020-2020-0017-EA)