U.S. Department of the Interior
Bureau of Land Management

Finding of No Significant Impact and Decision Record

DOI-BLM-UT-C010-2020-0029-EA

January 21, 2022

Sulphur HMA Wild Horse Gather

Location: Iron, Beaver, and Millard Counties, Utah

U.S. Department of the Interior
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BLM

FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment
DOI-BLM-UT-C010-2020-0029-EA
Sulphur HMA Wild Horse Gather

Based upon a review of the Sulphur Herd Management Area Wild Horse Gather Environmental Assessment (EA) and the supporting documents, I have determined that Alternatives 1 and 2, as described in Chapter 2 of the EA, do not constitute major federal action that would significantly affect the quality of the human environment, individually or cumulatively with other actions. No environmental effects would occur that meet the definition of significance in context or intensity as defined by the Council of Environmental Quality (CEQ) in 40 Code of Federal Regulations (CFR) 1508.27, nor do the environmental effects exceed those described in the Pinyon Management Framework Plan (1983), the Warm Springs Resource Area Resource Management Plan/Record of Decision (RMP/ROD) (1987), and the Sulphur HMA Plan (1987). Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of Alternatives 1 and 2 as identified in the EA and described below.

Context: The project is a site-specific action on Bureau of Land Management (BLM) administered public land and does not in and of itself have international, national, regional, or statewide importance. The proposed action would allow the BLM to authorize the gather and removal of excess wild horses from within and outside the Sulphur Herd Management Area (HMA) located in Iron, Beaver, and Millard counties, Utah, in order to achieve the established Appropriate Management Level (AML) and implement population growth suppression to maintain the population to within AML over a period of 10 years.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memoranda, Acts, Regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal.

Impacts may be both beneficial and adverse: The EA describes both the beneficial and adverse impacts of the alternatives on resources and issues. The beneficial effects of the proposed action include maintaining a thriving natural ecological balance (TNEB) and multiple use relationship consistent with other resource needs. Gathers will benefit the health of the rangeland by decreasing the overutilization of vegetation by wild horses. A wild horse population within AML will benefit riparian and soils resources, as well. A decrease in competition for forage will benefit native wildlife species and have some limited benefit for permitted livestock grazing, allowing for continued multiple use and sustained yield. A wild horse population within AML will improve rangeland health conditions by limiting impacts associated with an overpopulation of wild horses. Wild horses will experience short term impacts when gathered and removed from the range and by having population growth suppression implemented. Design features contained in Alternatives 1 and 2 and appendices of the referenced EA will be implemented to reduce impacts to wild horses

during the gathers. None of the environmental impacts disclosed above and discussed in detail in the EA would have a significant impact on the human environment.

The degree to which the selected alternatives will affect public health or safety: Alternatives 1 and 2 do not pose significant adverse effects to public health or safety. The gathers will be conducted in accordance with the specifications and procedures outlined in the EA (including appendices) and will be in compliance with all health and safety regulations and requirements. Appropriate BLM staff will be present to ensure compliance with visitation protocols.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wilderness or wilderness study areas (WSA), wild and scenic rivers, or ecologically critical areas: The project area is not proximate to any park lands, wild and scenic rivers, ecologically critical areas, or WSAs. The gathers and population growth suppression will have no effect to significant cultural resources. The capture and temporary holding locations will be located on areas of existing disturbance. The possibility of finding intact cultural resource sites in these areas is minimal to non-existent. If an existing disturbed area cannot be located for the capture and temporary holding areas, a cultural resource inventory will take place prior to the gather. If cultural resources are located during this inventory, the capture area will be moved to another location which does not contain cultural resource sites.

The degree to which the effects on the quality of the human environment are likely to be highly controversial: Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among the alternatives. The effects that would occur from implementation of gathers are well known and understood. No anticipated effects have been identified that are scientifically controversial. Comments received during the public comment period for the EA provided no scientific evidence contradicting or casting doubt on the reasonableness of the authorized officer's conclusion, based on existing literature, the effects are not likely to be highly controversial.

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks: The possible effects on the human environment are not highly uncertain or involve unique or unknown risks. Helicopter-drive trapping as well as bait/water and horseback-drive trapping are not new methods of capturing wild horses and have been successfully completed for decades. There are no uncertain or unknown risks to the human environment associated with these capture methods. Population growth suppression is not uncertain and does not pose unknown risks to the human environment associated with treatments.

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration: Alternatives 1 and 2 will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Any future projects within the area or in the surrounding areas will be analyzed on their own merits with the appropriate level of NEPA documentation, independent of the actions currently selected. Alternatives 1 and 2 are not related to other actions with individually insignificant but cumulatively significant impacts within the project area, which includes connected actions regardless of land ownership. The

interdisciplinary team evaluated the possible actions in context of past, present, and reasonably foreseeable actions. Significant cumulative effects are not predicted.

The degree to which the action may adversely affect districts, sites, highways, structures, other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources: Alternatives 1 and 2 would not adversely affect significant scientific, cultural, or historic resources. The capture locations will be located in areas of existing disturbance. The possibility of finding intact cultural or historic resource sites in these areas is minimal to non-existent. If an existing disturbed area cannot be located for the capture locations, an appropriate and reasonable cultural and historic resource identification effort will take place prior to the gather. If cultural or historic resource sites are located during the identification effort, the capture location or temporary holding will be located so as to avoid or mitigate adverse effects to cultural and historic resources.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to he listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list: There are no federally listed ESA threatened, endangered, or candidate species known to occur within or reasonably near the proposed action. A portion of the HMA is located in the Hamlin Valley greater sage-grouse Priority Habitat Management Area and is subject to the Greater Sage Grouse Environmental Impact Statement ROD and Approved Resource Management Plan Amendments (ARMPA) for Utah, approved in September 2015. Alternatives 1 and 2 are supported by MA-WHB-1, which states, "Manage HMAs in GRSG habitat within established appropriate management level ranges to achieve and maintain GRSG habitat objectives" and MA-WHB-3, which states, "Prioritize gathers and population growth suppression techniques in HMAs in GRSG habitat, unless removals are necessary in other areas to address higher priority environmental issues, including herd health impacts."

Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements: Alternatives 1 and 2 will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. Applicable laws and regulations were considered in the EA. State, local and tribal interests were presented with the opportunity to participate in the environmental analysis process.

Paul N. Briggs
Cedar City Field Manager

January 24, 2022
Date

DECISION RECORD
Sulphur HMA Wild Horse Gather
DOI-BLM-UT-C010-2020-0029-EA
Iron, Beaver, and Millard Counties, Utah

The Bureau of Land Management (BLM) Cedar City Field Office (CCFO) has completed the Sulphur Herd Management Area (HMA) Wild Horse Gather Environmental Assessment (EA), serialized as DOI-BLM-UT-C010-2020-0029-EA, and a corresponding Finding of No Significant Impacts (FONSI). These and other supporting documents are included on BLM's National Environmental Policy Act (NEPA) ePlanning site at: https://eplanning.blm.gov/eplanning-ui/project/1505407/570.

DECISION

Based on my review and consideration of the EA and FONSI, it is my decision to select and implement Alternatives 1 and 2 as described in the attached EA. Under Alternative 2, management actions and design features would be the same as the Proposed Action (Alternative 1) with the exception that all the released mares would be treated with the population growth suppression vaccine GonaCon-Equine™ instead of a PZP vaccine. This allows the BLM the flexibility to continue to use either or both methods of contraception based on availably and most current information. All mares treated with vaccines will be individually marked with uniquely numbered RFID chips to enable BLM to track the treatment history of any given animal and ensure that all horses are treated consistently over time. Mares initially treated with PZP will be subsequently treated with PZP only, and mares initially treated with GonaCon will be subsequently treated with GonaCon only. When practical, BLM would focus on treating and releasing older mares that have already contributed their genetics to the herd. This decision is effective immediately pursuant to 43 CFR § 4770.3(c).

RATIONALE FOR DECISION

As discussed in the EA, BLM has determined that there is an overpopulation of wild horses within and outside the Sulphur HMA and that excess horses need to be removed and population growth suppressed to restore and maintain a thriving natural ecological balance (TNEB) within a multiple use mandate. The current estimated population is 497. This is 301% above lower AML. Analysis of ongoing monitoring data indicates that wild horses are contributing to the degradation of rangeland health through heavy and severe utilization levels, trailing, and trampling of riparian areas.

Additionally, precipitation data indicate that the Sulphur HMA has received only 30-50% of normal precipitation, placing the HMA in extreme drought from summer 2020 through the present time. As a result of this drought cycle, there is substantially reduced forage and water availability for wild horses, resulting in near emergency conditions, particularly in the lower elevations. The perennial key forage species have exhibited minimal growth, and perennial grasses have not recovered in some locations. Heavy and severe utilization levels by wild horses due to an overpopulation of wild horses in excess of the AML have further compounded the issue.

During drought conditions, as has occurred in the last few years, several water sources dry up for part of the year, concentrating wild horses on the remaining water sources and limiting the number of horses that the HMA can support without hauling thousands of gallons of water, which the BLM has had to do on multiple occasions.

Nationwide, off-range corral and off-range pasture holding space for excess wild horses removed from the range is limited. In order to facilitate gathers and make progress toward management objectives, numerous BLM districts throughout the West have implemented phased gather operations in which a portion of the excess wild horses are removed during the initial gather along with implementation of population controls, with additional excess wild horses to be removed during follow-up gather(s) to achieve and maintain the AML goals. The approach authorized in this Decision is consistent with Instruction Memorandum (IM) 2019-004, Issuance of Wild Horse and Burro Gather Decisions.

In summary, implementation of this decision will result in:

- Achieving HMA population levels at the lower end of the AML range by removing excess horses and implementing population growth suppression via fertility control vaccines PZP-22 (or current formulation) and GonaCon-Equine.
- In the long term, maintaining the wild horse populations within the Sulphur HMA at a level within the established AML.
- Reduced negative impacts to rangeland resources from excess wild horses and promote the improvement of wild horse habitat within the Sulphur HMA. This will ensure that significant progress towards attainment of heathy rangelands occurs and that healthy populations of wild horses are maintained in a thriving natural ecological balance for generations.

Reducing the numbers of excess wild horses on the range is consistent with findings and recommendations from the National Academy of Sciences (NAS), American Horse Protection Association (AHPA), the American Association of Equine Practitioners (AAEP), Humane Society of the United States (HSUS), Government Accountability Office (GAO), U.S. Department of the Interior Office of Inspector General (OIG), and current BLM policy.

AUTHORITY

The authority for this Decision is contained in Section 1333(a) of the Wild and Free Roaming Horses and Burros Act of 1971 (Public Law 92-195) (WFRHBA), Section 302(b) of the Federal Land Policy and Management Act of 1976 (43 USC 1701 *et seq.*), and regulations at 43 CFR Part 4700.

PLAN CONFORMANCE AND CONSISTENCY

The proposed action is subject to two land use plans: the Pinyon Management Framework Plan (MFP) approved in 1983 and the Warm Springs Resource Area Resource Management Plan/Record of Decision (RMP/ROD) approved in 1987.

The proposed action is in conformance with MFP Decision RM 1.8 and WH1.1 which states, "...remove horses as required to maintain horse numbers at or below 1982 inventory levels...consolidate and stabilize the Mountain Home-Sulphur herd unit and establish these

numbers between 135 and 180 horses." The MFP also states that the number of herd units and the population of each herd would depend on the results of monitoring studies, range condition, viewing opportunities, movement of wild horses, cooperative management, and range developments.

The Warm Springs Resource Area RMP/ROD identifies the Sulphur HMA as being suitable for wild horses and will maintain horse numbers in the HMA through "periodic removals." The Sulphur HMA Plan, completed in 1987, also identifies the HMA boundaries in both land use plans as suitable for wild horses and states the removal objective for both land use plans as "remove excess wild horses from the Sulphur HMA when the population of adult horses, those two and older, reaches the upper level of 180 horses."

An HMA Plan (HMAP) was completed for the Sulphur HMA in 1987, which contains the current AML for the HMA. The purpose of the HMAP is to "outline BLM's future management plans and direction for the Sulphur HMA and to assess the environmental impacts to all resources resulting from the proposed actions." The action alternatives are consistent with HMAP Objective II.A. 1. Which states, "Maintain a viable population of wild horses in the Sulphur HMA which does not fall below 135 head or exceed 180 head of adult horses defined as those over two years of age." Objective II. A. 5. States, "Remove excess wild horses from the Sulphur HMA when the population of adult horses reaches the upper level of 180 horses." These numbers correlate with those listed in the land use plans. If wild horses of all ages are included in the AML number, the AML is 165 head to 250 horses.

ALTERNATIVES CONSIDERED

Based on identified issues, four alternatives were considered in detail.

Alternative 1: Proposed Action – Gather and remove excess wild horses to low AML and implement population growth suppression using PZP-22 or most current formulation.

Alternative 2: Gather and remove excess wild horses to low AML and implement population growth suppression using GonaCon-Equine vaccine.

Alternative 3: Gather and remove excess wild horses to low AML; no population growth suppression.

Alternative 4: No Action

Alternatives considered but not analyzed in detail (Appendix 3 of the EA) include:

- Population growth suppression without removals.
- Use intrauterine devices (IUD) as a population growth suppression method.
- Remove or reduce livestock within the HMA.
- Gather wild horses to the AML upper limit.
- Population growth suppression treatment only including using bait/water trapping to remotely dart mares with PZP liquid only (no removal).
- Bait or water trap only.

- Control wild horse numbers by natural means.
- Gather and release excess wild horses every two years and apply PZP-22 to horses for release.
- Make individualized excess wild horse determinations prior to removal.
- Use of gelding as non-reproductive population to reduce population growth rate.
- Allow the public to capture and remove wild horses.
- Use alternative capture techniques instead of helicopters to capture excess wild horses.

COMPLIANCE AND MONITORING

As described in Chapter 4 of the EA, BLM personnel will collect and maintain data during gather and removal operations. An Animal and Plant Inspection Service (APHIS) or other licensed veterinarian will be on-site, if needed, to examine animals and make recommendations to BLM for care and treatment of the wild horses. Population inventory via aerial survey would be conducted every three to four years on the HMA as required by the WFRHBA and BLM policy. Vegetation monitoring studies (rangeland health, trend, and utilization) would continue to be conducted in conjunction with livestock, wildlife, and wild horse use.

Supplemental monitoring would take place, based on available funding and personnel, using GPS/VHF radio collars or radio tags to locate individuals and to monitor and record population dynamics, group size responses to change in animal density, management interventions, seasonal weather, and climate. Birth rates and population increase would be monitored after population growth suppression as funding and priorities allow. Samples for genetic monitoring will be collected during gathers. Periodic introduction of studs or mares from a different HMA, with desired characteristics similar to the wild horses within the HMA could be made, to augment genetic diversity in the HMA, as measured by observed heterozygosity, if the results of genetic monitoring indicate that is prudent.

MITIGATION

The gathers and population growth suppression will be accomplished using the design features and standard operating procedures detailed in Chapter 2 and appendices of the EA.

PUBLIC INVOLVMENT

Notification of the proposed action was posted on the BLM's ePlanning website on May 6, 2020. The BLM offered a 30-day public comment period on the EA beginning March 22, 2021. The EA information was provided on the project's ePlanning website and announced through a news release, letters, and emails. Public comments are summarized in Appendix 15 of the EA.

APPEAL PROVISIONS

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 C.F.R. Part 4. Instructions for filing an appeal are contained on the attached Form 1842-1 (Attachment 1).

Paul N. Briggs — January 24, 2022

Paul N. Briggs
Cedar City Field Manager

Date

Attachments:
1. Form 1842-1 - Appeals
2. Environmental Assessment DOI-BLM-UT-C010-2020-0029-EA