

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Casper Field Office
2987 Prospector Drive
Casper, WY 82604

DECISION RECORD

**Cañon City, Delta (Sutherland), and Wheatland Off-Range Corrals Environmental
Assessment**

NEPA NO. DOI-BLM-WO-WO2000-2020-004-EA

INTRODUCTION

The Bureau of Land Management (BLM) manages wild horses and burros (WHB) as part of its overall multiple-use mission. Under the authority of the 1971 Wild Free-Roaming Horses and Burros Act, the BLM manages and protects these living symbols of the Western spirit while ensuring that population levels are in balance with other public rangeland resources and uses. To ensure that healthy herds thrive on healthy rangelands, the BLM removes excess animals from the range to control the size of herds, which have virtually no predators and can double in population every four to five years.

As part of its responsibility to manage and protect WHB, including those removed from herds roaming Western public rangelands, the BLM has solicited bids for new, off-range corrals (ORC) located in Colorado, Utah, and/or Wyoming, under Solicitation #140L0119R0007. The solicitation was open between July 29, 2019 through September 16, 2019. Each ORC had to be able to provide humane care for a one-year period, with a renewal option under BLM contract for four one-year extensions. The animals would remain in ORC until they are placed into private maintenance through adoptions or sales or are transported to off-range pastures (ORP).

DECISION

It is my decision to authorize the portion of the Proposed Action (Alternative 1) in the Environmental Assessment: DOI-BLM-WO-WO2000-2020-004-EA, specifically pertaining to the ORC near Wheatland, Wyoming. This decision is contingent upon the contractor's acquisition of all required permits, including those from the Wyoming Department of Environmental Quality. The ORC is located in T26N, R68W, Section 26, 11 miles north of Wheatland, Wyoming, on approximately 200 acres of private land. This decision will fund space, feed, and care for up to 3,500 WHB in the ORC, owned and operated by ZimMetal and Welding, Inc, for a one-year period with a renewal option under BLM contract for four one-year extensions.

Terms / Conditions / Stipulations

- Provide land, pens, feed, salt, minerals, and water necessary for maintaining WHB in their care.
- Provide corrals and adequate facilities to load, unload, prepare, and sort WHB.

- Provide humane care of all WHB during receiving, holding and preparation, prior to shipment to other ORC or ORP, adoption or sale.
- Provide regular, on-the-ground observation of the WHB to ascertain their well-being and safety.
- Provide facility management by individuals who are knowledgeable and experienced about the behavior and nutritional requirements of WHB.
- Maintain and prepare excess WHB for placement into private care, from BLM wide gather operations or from other western ORCs.
- Provide the opportunity for the BLM to host private placement events for the public to select animals.
- Provide an office building equipped with electricity, phone, fax machine, internet, office furniture, and restrooms.
- Ensure entry gates into the ORC can be locked to provide adequate security during non-work hours.
- Obtain and abide by all required permits.

AUTHORITIES

The authority for this decision is contained in the 1971 Wild Free-Roaming Horses and Burros Act, as amended.

PLAN CONSISTENCY AND CONFORMANCE

The Proposed Action does not conflict with any known State or local planning or zoning ordinances. This action is not specifically addressed in the Platte County Development Plan (2008), however the proposal is consistent with the land uses occurring within the area.

The 2007 Casper Resource Management Plan (RMP) and Record of Decision (ROD) is silent on private land uses but does not prohibit such management actions. Therefore, the proposed action is consistent and in conformance with the Casper RMP and ROD.

ALTERNATIVES CONSIDERED

The EA considered two alternatives: the Proposed Action and the No Action alternative. The No Action alternative was not chosen because it did not meet BLM's purpose or need for action. No additional alternatives were developed because there were no potential impacts on resources to be resolved through these alternatives.

PUBLIC INVOLVEMENT

A preliminary environmental assessment was made available on the ePlanning website (<https://eplanning.blm.gov/>) to interested individuals, agencies and groups for a 15-day public review and comment period that opened on July 10, 2020 and closed on July 24, 2020. Directions on accessing the preliminary EA were delivered via mail or email to 250 individuals, organizations, and State and county agencies. A total of eighteen comment letters were received, which included comments from eleven individuals, two groups, and five agencies. Appendix C of the final environmental assessment provides a detailed summary of the comments received and how BLM used these comments in preparing the

final environmental assessment.

RATIONALE

I have reviewed the Environmental Assessment (EA), including the explanation and resolution of any potentially significant environmental impacts and reviewed and thoroughly considered public comments regarding the EA. I am incorporating Solicitation #140L0119R0007 by reference because of the specifications for construction and care of the WHB. I have also reviewed the ten Intensity Factors for significance listed in 40 CFR 1508.27, and have determined that the Proposed Action, does not constitute a major Federal action affecting the quality of the human environment or causing unnecessary or undue degradation of the natural environment. Therefore, an Environmental Impact Statement has not been prepared.

APPEALS

You have the right to appeal this decision to the Casper Field Manager, in accordance with the regulations contained in 43 CFR Part 4.410, 4.411, 4.412, and 4.413. Your appeal must be filed within thirty (30) days from receipt or issuance of this decision with the Bureau of Land Management at the following address:

Lonny Bagley, Field Manager
BLM Casper Field Office
2987 Prospector Drive
Casper, WY 82604

The appellant must also serve a copy of the appeal by certified mail to the Solicitor's Office at the following address:

Regional Solicitor
Rocky Mountain Region
755 Parfet St., Suite 151,
Lakewood, CO 80215

Within 30 days after filing the Notice of Appeal, you must file a complete statement of reasons and a statement of standing as to why you are appealing with the U.S. Department of Interior, Interior Board of Land Appeals in accordance with 43 CFR 4.412. The Statement of reasons and statement of standing must also be served on the Casper Field Manager and the Rocky Mountain Regional Solicitor's offices at the addresses provided above.

Service must also be provided to each person named in the decision and must be in accordance with 43 CFR 4.401(c). Failure to file the statement of reasons and statement of standing within the time required will subject the appeal to summary dismissal as provided in 43 CFR 4.402. Failure to provide proper service of the appeal, statement of standing and statement of reasons will subject the appeal to summary dismissal as provided at 43 CFR 4.413(b) and 43 CFR 4.402 (b), (c) and (d).

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

In accordance with 43 CFR 4.21(b), a petition for stay of a decision pending appeal 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 immediate and irreparable harm if the stay is not granted; and
- (4) whether the public interest favors granting the stay.

In accordance with 43 CFR 4.401, the BLM does not accept fax or email filing of a notice of appeal and/or petition for stay. BLM cannot accept electronic submission (e.g. compact disk or other electronic media) of appeal documents due to the Federal Information Systems Security Awareness guidance. Please submit relevant appeal documents in hard copy form for consideration. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Lonny R. Bagley
Casper Field Manager

Date