

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

Decision Record

DOI-BLM-UT-C010-2015-0011-EA

May 13, 2016

Sulphur Wild Horse Gather Plan

Location: Beaver, Iron and Millard Counties, Utah

**U.S. Department of the Interior
Bureau of Land Management
Cedar City Field Office**



INTRODUCTION

The Sulphur Herd Management Area (HMA) is located in western Iron, Beaver, and Millard counties, Utah approximately 50 miles west of Minersville, Utah in the Indian Peak and Mountain Home mountain ranges. The Sulphur HMA contains approximately 265,675 acres, with elevations ranging from 9,790 feet on top of Indian Peak to 6,000 feet in the valley floors.

The Bureau of Land Management (BLM) Cedar City Field Office (CCFO) has prepared the Sulphur Wild Horse Gather Plan to gather and remove excess wild horses from within and outside the Sulphur HMA, apply population growth suppression, collect data on wild horses to improve management and construct a fence along Highway 21 for public health and safety, beginning on or after July 1, 2016. Population growth suppression will be used within the HMA to reduce the annual population growth. The primary use of population growth suppression will be to maintain the population within the Appropriate Management Level (AML) once it is achieved and extend the time before another gather to remove excess wild horses is needed. Population growth suppression could be used prior to achieving AML if gather success, holding capacity limitations, population growth rates, other national gather priorities or other circumstances prevent achieving AML during a gather.

The BLM is proposing to conduct multiple gathers, approximately two to four times over a six to ten year period to remove excess wild horses until the Sulphur HMA wild horse population is at or near the lower AML of 165 head of wild horses. If the lower AML is reached before the end of the 10 year period, additional gathers will be conducted along with the use of population growth suppression to maintain the wild horse population in the Sulphur HMA within the AML.

The current population of wild horses within the HMA as of March 1, 2016 is estimated at 957 head. This number is based on a direct count during an aerial population inventory conducted February 2016 using the Simultaneous Double Count method. With an estimated population growth of 20%, due to the 2016 foal crop, the estimated population will be 1,148 head.

Approximately 983 head of excess wild horses will need to be removed before March 1, 2017 to achieve the lower AML within the HMA. However, based on past gather success in the Sulphur HMA, only 60-70 percent of the population can be gathered in a single year, thus requiring multiple gathers over more than a one year period in order to achieve AML. Regular population inventories will be conducted at a minimum of every 3-4 years to calculate the estimated population. This will be used to determine the number of horses captured, removed and treated with population growth suppression each gather. The most current population inventory will be used to adjust the estimated population. This will allow for adjustments to capture, removal and treatment numbers for these gathers after March 1, 2017 based on the most current population inventory.

A fence will be constructed along the Highway 21 right-of-way for approximately 17.5 miles. The portion from the Desert Experimental Station to Mormon Gap (approximately 7.5 miles) will be constructed first. This portion of the proposed fence has a fence on the opposite side of the highway, which prohibits movement beyond that point. The remaining portion of the fence from the Desert Experimental Station to the South Pine Valley Allotment Fence will be constructed as funding and priorities allow. The fence will be constructed in accordance with BLM specifications outlined in Appendix 5 of the attached EA (DOI-UT-C010-2015-0011-EA).

COMPLIANCE AND MONITORING

CCFO personal will collect and maintain data collected during gather and removal operations. A population inventory will be conducted every three years on the HMAs as required by the Wild Free Roaming Horse and Burro Act (WFRHBA) and BLM policy. Vegetation monitoring studies (rangeland

health, trend and utilization) will continue to be conducted in conjunction with livestock, wildlife and wild horse use.

Global positioning system (GPS) and very high frequency (VHF) radio collars and tags can be used to provide high spatial and temporal resolution information for detecting free-roaming horse locations and movement and for other research purposes including but not limited to effectiveness of population inventories, demographics, habitat use, interactions with other resources and movement of wild horses. This research and data will be collected and maintained by CCFO personnel, but may also be collected by partners of the BLM including but not limited to the United States Geological Service and universities.

STIPULATIONS

The gathers will be accomplished using the design features and standard operating procedures contained in DOI-UT-C010-2015-0011-EA. The design features include, but are not limited to the following.

- Multiple capture sites (traps) may be used to capture wild horses 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.
- Comprehensive Animal Welfare Program for Wild Horse and Burro Gathers will be followed.
- Helicopter gathers and water/bait trap gathers of a large size (more than 20 horses) will not be conducted between March 1 and June 30.
- During capture 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.
- Private landowners or the proper administering agency(s) will be contacted and authorization obtained prior to setting up traps on any lands which are not administered by BLM.
- Wherever possible, traps will be constructed in such a manner as to not block vehicular access on existing roads.
- If possible, traps will be constructed so that no riparian vegetation is contained within them. Impacts to riparian vegetation and/or running water located within a trap (and available to horses) will be mitigated by removing horses from the trap immediately upon capture. No vehicles will be operated on riparian vegetation or on saturated soils associated with riparian/wetland areas.
- Scheduling of gathers will minimize impacts with big game hunting seasons.
- The helicopter will avoid eagles and other raptors, and will not be flown repeatedly over any identified active raptor nests.
- No unnecessary flying will occur over big game on their winter ranges or active fawning/calving grounds during the period of use.
- 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.
- Weed free hay will be used in trap sites and temporary holding facilities located on BLM-administered lands.

DECISION

It is my decision to implement the Proposed Action (Alternative 1) as described in the Sulphur Wild Horse Gather Plan (DOI-UT-C010-2015-0011-EA). This decision is effective immediately pursuant to 43 CFR 4770.3(c).

RATIONALE

As determined in the Sulphur Wild Horse Gather Plan EA, excess wild horses are present within the Sulphur HMA and need to be removed to restore a thriving natural ecological balance. The current estimated population of 957 wild horses is 383% of the AML established through prior BLM decisions, with an additional 20% population increase after the foaling season in the spring of 2016. Analysis of ongoing monitoring data indicates that wild horses are degrading rangeland health through heavy and severe utilization levels, trailing, and trampling of riparian areas. Furthermore, the 2014 drought and previous drought years have 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 in 2014 and perennial grasses did not grow in some locations. Heavy and severe utilization levels by wild horses in 2014 and 2015 due to an overpopulation of wild horses in excess of AML have further compounded the issue.

Although there are areas with heavy and severe utilization on forage, the overriding limiting factor for the carrying capacity of the horses in the HMA is the supply of reliable water during the summer months. In 2015, 160,000 gallons of water were hauled to three different sites on the northern part of the HMA to sustain wild horse health. Upland vegetation in proximity to reliable water sources and these water haul sites is used heavily by wild horses, wildlife, and livestock, while vegetation in areas farther from water is used slightly. There are areas in the south part of the HMA that have adequate forage, but are not usable for most of the year due to lack of water and/or seasonal conditions (i.e. snow depth). During drought conditions, as has occurred during 1999-2004 and the last few years, several water sources dry up, concentrating wild horses on the remaining water sources and limiting the number of horses that the HMA can support without hauling water. The increased concentration of wild horses at these sites reduces vegetation, causes soil compaction and increases conflicts between horses. In 2015, several horses were euthanized due to poor body condition and injuries that occurred from fighting at the limited water sources. The water hauling is not sustainable for long periods of time.

In addition to degradation of the rangeland and lack of forage, the wild horses are also competing heavily with native wildlife including elk, mule deer, and pronghorn, which also depend on these areas for forage and water. In order to allow for drought recovery and upward trends in rangeland health, protect wildlife habitat, ensure long term health and success of wild horses and prevent widespread starvation and death of individual animals due to lack of forage during future seasons, gathers must be conducted to remove excess wild horses.

The gathers are needed to not only remove excess wild horses, but also to implement population growth suppression to slow population growth, maintain population size within AML, and to reduce the number of excess wild horses that need to be removed from this HMA in the long term. The action will result in fewer wild horses needing to be placed in short or long-term holding or in the adoption and sale programs over the next 10-20 years. The gathers are necessary to remove excess wild horses and to bring the wild horse population back to within the established AML range in order to achieve and maintain a thriving natural ecological balance between wild horses and other multiple uses as required under Section 1333(a) of the 1971 WFRHBA and Section 302(b) of the Federal Land Policy and Management Act of 1976.

The BLM is required to manage multiple uses to avoid degradation of public rangelands, and the removal of excess wild horses is necessary to protect rangeland resources from further deterioration or impacts associated with the current overpopulation of wild horses within the Sulphur HMA. This action will help achieve and then maintain population size within the AML of 165-250 head, reduce the number of wild horses that need to be removed during future gathers and extend the time between gathers beyond this action.

Nationwide, short and long term holding space for excess wild horses removed from the range is limited. In order to facilitate gathers and make progress toward objectives, numerous BLM districts 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 the AML goals. The Sulphur gathers will implement a phased approach in which the target is to achieve the low range of AML during the first few years of a 6 to 10 year period. Then additional follow-up wild horse gathers will occur to maintain the population within AML for the remainder of the 10 year period.

The Proposed Action is in conformance with the BLM's *Pinyon Management Framework Plan (MFP)* approved June 10, 1983 and *Warm Springs Resource Management Plan* approved March 23, 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 RMP identifies the Sulphur HMA as being suitable for wild horses and will maintain horse numbers in the HMA through "periodic removals". The Sulphur HMAP identifies the HMA boundaries in both of the 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 horse, those two and older, reaches the upper level of 180 horses." If wild horses of all ages are included in the AML number, the AML is 165 head to 250 head.

Leaving excess wild horses on the range under the No Action Alternative would not comply with the WFRHBA or applicable regulations and Bureau policy, nor will it comply with the applicable land use plans. 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 horses 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 horse management. The No Action Alternative also increases the likelihood of emergency conditions occurring, which is expected to lead to the death or suffering of individual animals or to an emergency gather in order to prevent suffering or death due to insufficient forage or water.

Based on numerous studies that have used modern radio (GPS/VHF) collars with remote releases and tags to study the ecology of wild ungulates and equids in particular, these devices have minimal effects on the animals wearing them. The use of collar and tag technology is critical to understanding how free-roaming horses move across the HMA and use increasingly scarce resources. Lack of this information has contributed to the management complexity of this species. Applying this technology to the study of free-roaming horses would provide the opportunity to better understand horse resource use, habitat preference, home range and movement patterns and can be incorporated into investigations of social structure and herd or band dynamics as well as behavioral modifications associated with reproductive management

including contraceptive use and sterilization. Such information can be used for future management decisions within the HMA.

The fence is needed to reduce the number of wild horse and vehicle collisions that occur in the area. The fence would help to keep wild horses from getting onto Highway 21 and causing vehicle collisions. This would reduce wild horse injuries and death in the north end of the HMA. This would improve public safety on the highway and the safety of the wild horses in that area.

In summary, implementation of this decision will provide the following.

- Achieve the lower AML within the first few years of a 6 to 10 year period and allow for additional follow-up gathers and population growth suppression to maintain the population within AML for the remainder of the 10 year period.
- In the long term, maintain the wild horse populations within the Sulphur HMA at a level that is consistent with the established AML.
- Reduce population growth rates, resulting in the need to gather less frequently and remove fewer wild horses in the future.
- Reduce or eliminate the number of excess wild horses that must be sent to long-term holding facilities or pasture over the long term.
- Promote the improvement of wild horse habitat within the Sulphur HMA by allowing rangeland health to improve by avoiding negative impacts to rangeland resources from an overpopulation of wild horses. This will ensure that significant progress towards attainment of Standards for Rangeland Health occurs and also ensure healthy populations of wild horses are maintained in a thriving ecological balance for generations.
- Improve future management of wild horses by applying GPS/VHF collars and tags to free-roaming horses.
- Reduce the number of wild horse and vehicle collisions and improve public and wild horse health and safety by building the fence along Utah State Highway 21.

PUBLIC INVOLVEMENT

Public involvement was initiated on April 8, 2014 by posting the proposed action on the BLM Electronic Notification Bulletin Board; it was moved to the eplanning web site in August of 2015. Both Iron and Beaver county commissioners have been in contact with the BLM requesting the removal of excess wild horses from private and public lands to within AML. The counties requested the use of fertility treatment methods be used on wild horses to reduce future population growth of wild horses. County resolutions have been passed to manage wild horse population with the counties at AML as directed by the WFRHBA. Additional request over the past two years for removal of wild horses from private and state lands have been received by the land owners adjacent to the Sulphur HMA.

A Preliminary Environmental Assessment (EA) for the Sulphur Wild Horse Gather Plan DOI-BLM-UT-C010-2015-0011-EA was available to the public at the Cedar City Field Office and on-line at http://www.blm.gov/ut/st/en/prog/wild_horse_and_burro.html or at <https://goo.gl/fo638L> for a 30-day review/comment period beginning on December 21, 2015 and ending January 19, 2016. Written comments were received from 3 individuals by mail or fax. Comments were received by the 2 counties. E-mail comments and form letters were received from approximately 6,800 individuals. Approximately 6,750 of these letters were in a form letter format. Comments received after January 22, 2016 were not accepted. Many of these comments contained overlapping issues/concerns which were consolidated into 162 comments and 15 distinct topics. Many of the comments were already addressed in the Preliminary EA. Others were outside the scope of the document or did not contain substantive comments. All comments were considered. Changes were made from the Preliminary EA to this Final EA based upon

those comments and public involvement. Comment responses are contained in Appendix 9 of the attached EA.

As required by regulation [43 CFR 4740.1(b)], a public hearing was held in Price, Utah on December 8, 2015 and will be held in subsequent years to discuss the use of helicopters and motorized vehicles in the management of Utah BLM's wild horses and burros. This meeting will be advertised in papers and radio stations statewide. The specific gather(s) that may occur within the state of Utah over approximately the next 12 months will be addressed at that public meeting .. Similar meetings have been held each year in Utah since the passage of the Federal Land Policy and Management Act of 1976. Comments received from the preliminary EA and at those public meetings will be considered and, if applicable, will be addressed in management actions, NEPA documents, and decision documents using the most current direction from the National Wild Horse and Burro Program.

AUTHORITY

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

APPROVAL

The Sulphur Wild Horse Gather Plan is approved for implementation upon issuance in accordance with 43 C.F.R. § 4770.3 (c) because the action is necessary to preserve and maintain a thriving ecological balance and multiple use relationship. 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.

APPEAL PROCEDURES

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:

Elizabeth Burghard, Field Manager
BLM, Cedar City Field Office
176 E. DL Sargent Drive
Cedar City, Utah 84721

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.


Elizabeth R. Burghard
Field Manager
Cedar City Field Office

5/13/16
Date

Attachment

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Finding of No Significant Impact (DOI-UT-C010-2015-0011-EA)