



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Cedar City Field Office

176 E D.L. Sargent Dr.
Cedar City, UT 84720
Telephone (435) 586-2401
FAX (435) 865-3058



FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

Sulphur Wild Horse Gather and Removal Plan

EA Number: UT-040-08-19

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in the attached environmental assessment (EA# UT-040-08-19), and considering the significance criteria in 40 CFR 1508.27, I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

DECISION

Based on my review of the attached environmental assessment (EA# UT-040-08-19), it is my final decision to select the Proposed Action Alternative. This alternative would authorize a gather and permanent removal of excess wild horses within the Sulphur Herd Management Area. It would also implement management actions that would selectively sort individual horses according to selective removal policy as per BLM Washington Office guidance, IM # 2005-026. Wild horses that are removed would enter the Bureau of Land Management's Wild Horse Adoption Program or be moved to long term holding facilities.

Pursuant to the provision of 43 CFR 4770.3(c), this decision is **Effective Upon Issuance** or on the date signed and will remain in effect until modified or revoked by the Interior Board of Land Appeals on an appeal taken from this decision. This decision is effective upon issuance on this date and may be considered as the final decision of the Department of the Interior pursuant to the provisions of 5 USC 704 and subject to judicial review in accordance therewith.

RATIONAL FOR DECISION

The decision to allow the proposed action does not result in any undue or unnecessary environmental degradation and is in conformance with the BLM's *Pinyon Management Framework Plan (MFP)* approved June 10, 1983, Warm Springs Resource Area Resource Area Plan (RMP), and Sulphur Wild Horse Herd Management Area Plan (HMAP) of 1987.

The BLM is charged with the enhancement and maintenance of healthy rangelands in order to provide a “thriving natural ecological balance” for all species residing on the range. Excess wild horses within the Sulphur HMA are negatively impacting rangeland resources (including vegetation, soils, water quality, etc.). A gather of wild horses by the Cedar City Field Office needs to be implemented to prevent permanent rangeland resource damage and degraded health or death of wild horses. The Interior Board of Land Appeals (IBLA) through case No. 118 IBLA 75 (Animal Protection Institute Et. Al., 1991) has determined “excess animals” must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area (16 U.S.C. 1332(f)(1988)). The proposed action benefits the resources and helps restore the range to a thriving natural ecological balance.

The authority for the reduction of wild horse populations is contained in the Wild Horse and Burro Act of 1971 (Public Law 92-195) Section 3(a) and (b), and Title 43 of the Code of Federal Regulations 4720.1(b).

Pursuant 43 CFR 4770.3(c), this decision will be placed into effect immediately in order to ensure animal health, resource protection, and to restore an ecological balance.

PROCEDURES FOR APPEALING THIS DECISION

This decision is issued in accordance with 43 CFR 4770.3(c) which mandates in part: “decisions to remove...shall be effective upon issuance or on the date established in the decision.” This decision is subject to appeal. If you wish to appeal this decision, as provided for in 43 CFR 4770.3 and 43 CFR 4, you must file an appeal in writing within 30 days of this decision with the Cedar City Field Office, 176 E. DL Sargent Drive, Cedar City, Utah 84720. The appeal shall state clearly and concisely why you believe the decision is in error.

There shall be no delay period for the proposed action. Any request for a stay of the action, if filed, must comply with 43 CFR 4.21 (b) and must 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.

If you decide to also submit a petition for stay of the decision, a copy of the notice of appeal, statement of reasons, and petition for stay must be simultaneously filed with:

Interior Board of Land Appeals
Office of Hearing and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

and to the appropriate office of the Field Solicitor:

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

At the same time the original documents are filed with this office (see 43 CFR 4.413).

Todd S. Christensen
Color Country District Manager

Date