



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
White River Field Office
220 East Market Street,
Meeker, Colorado 81641



In Reply Refer To:
4700

DECISION RECORD
For the
2017 Gather and Removal of Excess Wild Horses
Outside of the Piceance-East Douglas Herd Management Area
DOI-BLM-CO-N05-2017-0056-EA

INTRODUCTION

The Bureau of Land Management (BLM) White River Field Office (WRFO) is proposing to gather and remove all excess wild horses from areas located outside of the Piceance-East Douglas Herd Management Area (PEDHMA) specifically west of State Highway 13, south of State Highway 64, east of State Highway 139, and north of the WRFO boundary potentially beginning on September 14, 2017 with 100 excess animals. The PEDHMA is the area identified in the WRFO for management of wild horses. In contrast, the areas outside of the PEDHMA including North Piceance Herd Area are not identified in the RMP for long-term management of wild horses. The proposed action analyzed in environmental assessment (EA) number DOI-BLM-CO-N05-2017-0056-EA would be conducted over a period of several years using a variety of gather techniques including helicopter drive trapping, helicopter assisted roping, and bait and water trapping. As the area outside of the PEDHMA has not been designated a Herd Management Area, all excess wild horses gathered would be removed. The proposed action provides initially for the use of helicopter gather methods. Subsequently, as excess wild horses remain in the areas outside of the PEDHMA, the BLM would begin utilizing bait and water trapping gather methods to gather and remove excess wild horses from these areas as soon as funding is allocated and space is available at off-range corrals and off-range pastures. The WRFO may also utilize helicopter gather methods in subsequent fiscal years to remove remaining excess wild horses, these operation would likely be scheduled for a similar duration between July 1 and February 28. To comply with 43 CFR 4710.4, attempts will be made to gather all wild horses located outside the boundaries of the PEDHMA. Approximately 210 excess wild horses are currently outside of the PEDHMA. For the proposed gather and removal in 2017, the BLM will gather and remove approximately 100 excess wild horses. In subsequent years, the BLM will gather and remove any excess wild horses located outside of the PEDHMA including those animals that contribute to a population increase from annual recruitment of the animals that continue to reside outside of the PEDHMA until all excess animals are removed.

The BLM's National Wild Horse and Burro Program has determined there is space available in short-term/long-term holding facilities for excess wild horses which may be gathered and removed from Colorado in Fiscal Year 2017. All wild horse gathers are subject to funding approval and further based on availability of short-term/long-term holding facilities. The WRFO

has received two separate requests from a private land owner for the gather and removal of excess wild horses that have relocated outside of the PEDHMA and onto their private lands. All locations within the WRFO boundaries are generally difficult to gather excess wild horses from the area due to weather, resource conditions, horse behavior, etc. The WRFO would gather excess wild horses from other locations adjacent to the PEDHMA. Gather of any wild horses on public lands adjacent to the PEDHMA is contingent upon whether or not (and if so, how many) excess wild horses are gathered and removed from the location identified in the private land owners request. The proposed gather outside of the PEDHMA is for a specified number of excess wild horses (approximately 100 excess wild horses) and would be conducted during September 2017 using helicopter drive trapping or helicopter assisted roping. Subsequent gathers outside of the PEDHMA may occur in later years based on the success of the 2017 gather and any annual recruitment that may follow.

The proposed gather is necessary to address the removal of excess wild horses to maintain and restore a thriving natural ecological balance and multiple use relationship within WRFO, restrict wild horses use to areas where they were found at passage of the Wild Free-Roaming Horses and Burros Act (WFRHBA) of 1971 that have been designated as Herd Management Areas through land use planning documents, and reduce (slow) population growth rates. The memorandums, attached as Appendix C to the EA, support the BLM's determination of excess and the appropriateness of the proposed action to gather and remove wild horses from locations outside of the PEDHMA.

The BLM has reviewed the information currently available and has determined that excess wild horses are present in locations outside of the PEDHMA and that an overpopulation exists and that the gather and removal is necessary to remove excess animals in accordance with the authority provided in Sections 1332 (f), 1333 (a), 1333 (b) (2), and 1334 of the WFRHBA of 1971, as amended, and to comply with 43 CFR 4710.2 and 4710.4. The Environmental Assessment DOI-BLM-N05-2017-0056-EA considered five alternatives three of which were analyzed in detail. This detailed analysis discloses the potential environmental impacts associated with Alternative A the proposed alternative using all approved gather methods; Alternative B a gather with exclusive use of bait and/or water trapping, Alternative C, the no action alternative, where WRFO would not gather and remove excess wild horses located outside of the PEDHMA at this time.

AUTHORITIES

The proposed gather and removal of excess wild horses located outside of the PEDHMA is in compliance with Public Law 92-125, the WFRHBA as amended; the Federal Land Policy and Management Act (FLPMA); and Public Law 95-514, the Public Rangelands Improvement Act of 1978 (PRIA), which require the BLM to protect, manage and control wild horse (or burro) populations on public lands and remove them from private lands.

DECISION

Based upon my review of the analysis in the EA, it is my decision to implement the Proposed Action, Alternative A, to gather and remove all excess wild horses from areas located outside of the PEDHMA boundary beginning on September 14, 2017 with 100 excess animals. Gather operations would include using all Design Features under Sections 3.4 listed in the EA. The gather operations would be in compliance with Comprehensive Animal Welfare Program

(CAWP) found at Appendix C in the EA (Washington Office Instruction Memorandum #2015-151). This document defines standards, training and monitoring for conducting safe, efficient and successful wild horse and burro gather operations while ensuring humane care and handling of animals gathered.

This decision is in conformance with and will best implement the land use planning decisions as documented in the White River Record of Decision and Approved Resource Management Plan (WRRMP/ROD) dated July 1, 1997.

ALTERNATIVES CONSIDERED BUT NOT SELECTED

In addition to the selected alternative, the EA evaluated and analyzed two other alternatives:

Alternative B – Exclusive Use of Bait and/or Water Trapping: Exclusive use of bait and/or water trapping utilizes a trap constructed of portable, round-pipe steel panels. Funnel-shaped traps would be built, allowing wild horses to get deep into the trap so that the gate release mechanism has time to get the gate closed. Water traps would be located at a specific water source. Bait traps would be located in areas frequented by wild horses so that the wild horses would make use of the forage that is provided as bait. Water and/or bait trapping may be conducted at any time during the year. The exact locations of such bait and/or water trapping have not been determined at this time but these locations would be selected based on current wild horse use of an area and/or a given water source.

Alternative C – No Action: Under Alternative C, excess wild horses would not be gathered or removed from areas outside of the PEDHMA.

The EA also lists two additional alternatives that were considered by the BLM but were eliminated from detailed analysis. The rationale for not analyzing these alternatives is provided in the EA in Section 3.6.

RATIONALE

The finding to select Alternative A is based on the following rationale:

1. This decision is based on a Finding of No Significant Impact (FONSI) dated August 11, 2017. This decision is in accordance with the policies and requirements of 43 CFR Part 4700 and the WFRHBA.
2. This decision is in conformance with the WRRMP/ROD dated July 1, 1997 which, for wild horse management, directs: “The North Piceance and West Douglas Herd Areas will be managed in the short-term (0 – 10 years) to provide forage for a herd of 0 to 50 horses in each herd area. The long term objective (+10 years) will be to remove all wild horses from these areas.”
3. Alternative A best meets the Purpose and Need to address an over population of wild horses and removal of excess wild horses in order to establish, preserve and maintain a thriving natural ecological balance and multiple-use relationship in areas located outside of the PEDHMA in accordance with the WFRHBA of 1971, and to manage wild horses

within the area designated for long-term wild horse management, the Piceance-East Douglas Herd Management Area.

After careful consideration of all the aforementioned information and relevant factors, I have determined that an overpopulation of wild horses exists and that action is necessary to remove the excess wild horses from areas located outside of the PEDHMA to protect land resources (upland vegetation and riparian plant communities, watershed function, habitat quality for other animal populations, along with threatened, endangered, and sensitive plant and animal species), and the continued multiple use management of the public lands. This action is necessary to ensure conformance with the applicable land use planning decisions. I have carefully reviewed all the available information and determined that gathering and removing of excess wild horses from the areas located outside of the PEDHMA is necessary in order to maintain a thriving natural ecological balance and multiple use relationship in the area.

Based on this determination, it is my decision to implement a gather to remove all excess wild horses from outside of the PEDHMA potentially beginning on September 14, 2017 with the removal of up to 100 excess animals. The gather is necessary to comply with 43 CFR 4710.1, and 4720.2.

CONSULTATION AND COORDINATION

Consultation with the required tribes has occurred and none of the tribes have identified any Traditional Cultural Properties or issues of cultural concern in the gather area.

The BLM completed coordination with State and Federal wildlife agencies throughout this process regarding potential threatened and endangered species and special status species. No formal consultation was required or conducted with the U.S. Fish and Wildlife Service because the known threatened or endangered populations would not be impacted by gather operations outside of the PEDHMA.

PUBLIC INVOLVEMENT

On June 5, 2017 the WRFO made the preliminary NEPA documents available for public review and comment, with a comment due date of July 5, 2017. The public was notified by a press release and the WRFO sent letters to over 100 individuals and groups announcing the availability of the documents.

The BLM received a total of 128 public comments in the form of individual letters, calls, emails, of which 103 of the 128 consisted of form letter emails. The majority of the comments focused on the all of the wild horses no matter their location, and other comments were discussion on helicopter use and/or the use of fertility control. In response to comments received, the BLM made minor changes in the final EA. The WRFO considered all of the comments received and addressed those within the scope of the analysis throughout the EA. Responses to comments received during the public comment period can be found in Appendix D of the EA.

Pursuant to 43 CFR 4740.2(b) the WRFO announced on July 17, 2017 via a press release and posting in the local newspapers, and on the WRFO website <https://www.blm.gov/news/colorado> regarding a public hearing set for July 28, 2017 at the WRFO, 220 East Market Street, Meeker,

Colorado from 5 until 6 p.m. The meeting will focus on the use of helicopters and motorized vehicles in conjunction with wild horse management including gather operations.

The BLM will provide the public with the opportunity to observe the gather operations of wild horses in accordance with WO IM #2013-058. A schedule will be prepared and posted at <https://www.blm.gov/news/colorado> that will outline specific viewing opportunities.

PLAN CONSISTENCY AND STATUTORY/REGULATORY/POLICY CONFORMANCE

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the White River Record of Decision and Approved Resource Management Plan (WRRMP/ROD) dated July 1, 1997, as amended (Northwest Colorado Greater Sage-grouse RMP Amendment, 2015); the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13007 regarding the action will not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

ADMINISTRATIVE PROCEDURES

This decision is subject to appeal. If you wish to appeal this decision, as provided by 43 CFR 4770.3 and 43 CFR Part 4, you must file an appeal in writing within 30 days receipt of this decision with the Field Manager, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.

Should you wish to file a petition for stay, the appellant 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.

If you decide to submit a petition for stay of the decision, a copy of the notice of appeal and petition for stay must be served simultaneously upon the parties identified below.

Field Manager
White River Field Office
220 East Market Street
Meeker, Colorado 81641

Office of the Regional Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

Office of Hearing and Appeals
Interior Board of Land Appeals
801 North Quincy Street, Suite 300
Arlington, Virginia 22203

The Office of Hearing and Appeals regulation do not provide for electronic filing of appeals; therefore, they will not be accepted.

APPROVAL

The gather and removal of excess wild horses located outside of the Piceance-East Douglas Herd Management Area (PEDHMA) is approved for implementation to beginning on or after September 14, 2017. Implementation of the gather to remove excess wild horses from areas located outside of the PEDHMA on/after this date is in accordance with the authority provided in Title 43CFR 4770.3(c), which states in part: “decisions...shall be effective upon issuance or on a date established in the decision” when removal of excess animals is necessary to ensure and maintain a thriving natural ecological balance and multiple-use relationship.



Kent E. Walter
Field Manager



Date