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4700

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



DECISION RECORD
For the
2015 PICEANCE-EAST DOUGLAS HERD MANAGEMENT AREA
AND ADJACENT AREAS
WILD HORSE GATHER
DOI-BLM-CO-N05-2015-0024-DNA

INTRODUCTION

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 2015. All wild horse gathers are subject to funding approval and further based on availability of short-term/long-term holding facilities. Within the WRFO, the priority would be to remove excess wild horses from within and adjacent to the West Douglas Herd Area (WDHA). However, if it becomes 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 within and adjacent to the Piceance-East Douglas Herd Management Area (PEDHMA). Gather of any wild horses within the PEDHMA and adjacent is contingent upon whether or not (and if so, how many) excess wild horses are gathered and removed from the WDHA. However, due to differences between the PEDHMA and the WDHA and the independent utility of the two proposals, the WRFO is conducting separate National Environmental Policy Act (NEPA) reviews for the two proposed gathers (DOI-BLM-CO-N05-2015-0024-DNA (Determination of NEPA Adequacy) and DOI-BLM-CO-N05-2015-0023-EA (Environmental Assessment), respectively). The proposed gather in PEDHMA is for a specified number of excess wild horses and would be conducted only during September 2015 using helicopter drive trapping or helicopter assisted roping. The PEDHMA is the area identified in the WRFO for management of wild horses. In contrast, the WDHA is not identified in the RMP for long-term management of wild horses and the proposed gather 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.

The Bureau of Land Management's (BLM) White River Field Office (WRFO) is proposing to gather and remove 167 excess wild horses from within and/or adjacent to the WDHA beginning September 14, 2015. If the total number of wild horses (167) is not able to be gathered from WDHA then BLM would move the gather operations to the PEDHMA where they would continue the gather operation for the remaining number of wild horses for a total 167 wild horses to be gathered in 2015. Of the wild horses gathered it is currently estimated that no wild horses would be returned to the PEDHMA, unless based on gather information WRFO needs to adjust the number of older, younger, mares or stallions that need to be gathered and removed. If no wild

horses are able to be gathered from the WDHA then gather operations will take place within or adjacent to the PEDHMA for the total 167 wild horses to be gathered and removed. To comply with 43 CFR 4710.4, attempts will be made to gather all wild horses located outside the boundaries of the PEDHMA or approximately 100 wild horses will be gathered and removed.

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, restrict wild horse use to areas where they were found at the passage of the WFRHBA that have been designated as Herd Management Areas through land use planning documents, and reduce (slow) population growth rates. The 2011 environmental assessment DOI-BLM-CO-110-2011-0058-EA provides evidence to support the BLM's determination of excess and the appropriateness of the proposed action to gather and remove wild horses from within and adjacent to the PEDHMA, the only change since that EA was prepared is the amount of energy development and that the wild horse population has continued to increase to approximately 377 wild horses within the PEDHMA.

The BLM has reviewed the information currently available and has determined that excess wild horses are present and require immediate removal, consistent with the authority provided in Section 1333 (b) (2) of the Wild Free-Roaming Horses and Burros Act (WFRHBA) of 1971, as amended, and to comply with 43 CFR 4710.4. The document DOI-BLM-CO-110-2011-0058-EA discloses the potential environmental impacts associated with proposed action using helicopter drive-trapping and helicopter assisted roping which are both approved gather methods, DOI-BLM-N05-2015-0024-DNA was prepared to determine the adequacy of the environmental review completed in the 2011 Environmental Assessment (EA) to conduct further gather operations approximately September 14 – 25, 2015 in addition to gather and removal completed September 2011.

AUTHORITIES

The proposed gather and removal of excess wild horses within and immediately adjacent to 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.

DECISION

Based upon my review of the DNA, it is my decision to implement the Proposed Action to gather and remove wild horses from within the PEDHMA and to remove wild horses which have relocated outside of the PEDHMA boundary, as described in the DNA, including the utilization of all Design Features along with the Standard Operating Procedures listed in Appendix A of the DNA.

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.

RATIONALE

The finding to select the Proposed Action is based on the following rationale:

1. This decision is based on a Finding of No Significant Impact (FONSI) dated July 28, 2015. This decision is in accordance with the policy found in CFR 4700 and the WFRHBA.
2. This decision is in conformance with the WRRMP/ROD dated July 1, 1997 which, for wild horse management, directs: "Manage for a wild horse herd within the Piceance-East Douglas Herd Management Area so that a thriving ecological balance is maintained for all plant and animal species on that range"
3. The proposed action best addresses the removal of an over population of excess wild horses in order to establish, preserve and maintain a thriving natural ecological balance and the multiple-use relationship within 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.
4. Implementation of proposed action would result in approximately 210 wild horses remaining within the PEDHMA if 167 wild horses are gathered and removed from within the PEDHMA only, not counting the wild horses that have relocated outside the PEDHMA boundaries. Excess wild horse removal will decrease overall forage utilization within and adjacent to the PEDHMA and would be expected to prompt recovery of vegetation resources sufficient to achieve rangeland health standards and return areas to a state of a thriving natural ecological balance. The excess wild horse population jeopardizes the BLM's ability to maintain a thriving natural ecological balance for all plant and animal species in balance with other multiple resource uses. Implementation of the Proposed Action provides the BLM with the best opportunity to maintain a thriving natural ecological balance on these public lands.

After careful consideration of all the aforementioned information and relevant factors, I have determined that action is necessary to remove excess wild horses from within and adjacent to 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 wild horses from the PEDHMA and adjacent areas 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 excess wild horses from within and immediately adjacent to the PEDHMA starting on approximately September 14, 2015. The gather is necessary to comply with 43 CFR 4710.1 and 43 CFR 4720.1.

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 as the known threatened or endangered populations would not be impacted by gather operations within and adjacent to the WDHA.

PUBLIC INVOLVEMENT

On January 30, 2015, the WRFO sent out a scoping letter to interested publics as well as issuing a press release requesting comments about the proposed gather alternatives with comment response due February 14, 2015. On April 6, 2015 the WRFO made the preliminary NEPA documents available for public review and comment, with a comment due date of May 5, 2015. The public was notified by a press release and the WRFO also sent letters to over 100 individuals and groups announcing the availability of the documents.

The BLM received a total of 54 public comments in the form of individual letters, faxes, calls, emails, and 10,279 form letter emails. The majority of the comments focused on the WDHA, although there were some comments that were applicable to both the WDHA and PEDHMA, and some comments that were specific to only the PEDHMA. In response to comments received, the BLM made minor changes in the final EA. The WRFO considered whether new comments were received that were not previously addressed within the scope of the analysis of the 2011 EA throughout preparation of the DNA.

Pursuant to 43 CFR §4740.2(b) the WRFO will announce via a press release, posting in the local newspapers, letters to interested the public, and on the WRFO website at <http://www.blm.gov/co/st/en/fo/wrfo.html> regarding the date, time and location of a public hearing on the use of helicopters and motorized vehicles in conjunction with the gather operations. Said meeting will be held at BLM, WRFO located at 220 East Market Street, Meeker, Colorado.

The BLM will provide the public with the opportunity to observe the gather of wild horses and gather operations as they occur, as well as to observe horses in temporary holding during gather operations. A schedule will be prepared and posted at <http://www.blm.gov/co/st/en/fo/wrfo.html> that will outline specific viewing opportunities.

PLAN CONSISTENCY

Based on information in the DNA, 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; 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 4.4, 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.

The appeal must state clearly and concisely why you think the decision is in error.

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 Piceance-East Douglas Herd Management Area Wild Horse Gather is approved for implementation beginning on or after September 14, 2015. Implementation of the gather to remove excess wild horses from the Piceance-East Douglas Herd Management Area and those areas outside of the HMA on/after this date if the total number of wild horses (167 in 2015) cannot be gathered and removed from the West Douglas Herd Area 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 and compliance with land use planning decisions.



Kent E. Walter
Field Manager

JUL 28 2015

Date: