# United States Department of the Interior
# Bureau of Land Management

---

## Environmental Assessment
## DOI-BLM-CO-N05-2017-0056

### Gather and Removal of Excess Wild Horses
### Outside of the Piceance-East Douglas Herd Management Area

**August 2017**
**Environmental Assessment**

U.S. Department of the Interior
Bureau of Land Management, Northwest District
White River Field Office
220 East Market Street
Meeker, CO 81641

# TABLE OF CONTENTS


1. Introduction ..... 1
1.1. Identifying Information ..... 1
1.2. Background ..... 1
1.3. Purpose and Need for Action ..... 2
1.4. Decision to be Made ..... 3
1.5. Conformance with the Land Use Plan ..... 4
1.6. Relationship to Laws, Regulations, and Other Plans ..... 5
2. Public involvement ..... 7
2.1. Scoping ..... 7
2.2. Public Comment ..... 8
3. Proposed Action and Alternatives ..... 8
3.1.1. Off-Range Corrals or Off-Range Pastures ..... 8
3.2. Alternative A (Proposed Action): Use All Approved Gather Methods ..... 9
3.2.1. Gather Methods ..... 9
3.2.2. Design Features for Helicopter Gathers ..... 10
3.2.3. Fiscal Year 2017 ..... 11
3.3. Alternative B: Exclusive Use of Bait and/or Water Trapping ..... 11
3.3.1. Fiscal Year 2017 ..... 11
3.4. Design Features Common to both Gather Alternatives (Alternatives A and B) ..... 11
3.5. Alternative C: No Action Alternative ..... 14
3.6. Alternatives Considered but Eliminated from Detailed Analysis ..... 14
4. Issues ..... 15
4.1. Issues Analyzed ..... 15
4.2. Issues Considered but Not Analyzed ..... 16
5. Affected Environment and Environmental Consequences ..... 19
5.1. General Setting & Access to the Analysis Area ..... 19
5.2. Assumptions for Analysis ..... 19
5.3. Cumulative Impacts ..... 21
5.3.1. Cumulative Impacts Analysis Areas ..... 21
5.3.2. Past, Present, and Reasonably Foreseeable Future Actions ..... 21
5.4. Wild Horses ..... 22
5.4.1. Affected Environment ..... 22
5.4.2. Environmental Consequences – Alt A (All Gather Methods) ..... 24
5.4.3. Environmental Consequences – Alt B (Bait/Water Trapping Only) ..... 31
5.4.4. Environmental Consequences – Alt C (No Action) ..... 32
5.5. Vegetation ..... 33
5.5.1. Affected Environment ..... 33
5.5.2. Environmental Consequences – Alt A (All Gather Methods) ..... 35
5.5.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 35

5.5.4. Environmental Consequences – Alt C (No Action) ..... 36
5.6. Livestock Grazing ..... 36
5.6.1. Environmental Consequences – Alt A (All Gather Methods) ..... 38
5.6.2. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 39
5.6.3. Environmental Consequences – Alt C (No Action) ..... 39
5.7. Special Status Plant Species ..... 39
5.7.1. Affected Environment ..... 39
5.7.2. Environmental Consequences – Alt A (All Gather Methods) ..... 41
5.7.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 42
5.7.4. Environmental Consequences – Alt C (No Action) ..... 42
5.8. Terrestrial Wildlife ..... 43
5.8.1. Affected Environment ..... 43
5.8.2. Environmental Consequences – Alt A (All Gather Methods) ..... 43
5.8.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 45
5.8.4. Environmental Consequences – Alt C (No Action) ..... 46
5.9. Special Status Animal Species ..... 46
5.9.1. Affected Environment ..... 46
5.9.2. Environmental Consequences – Alt A (All Gather Methods) ..... 49
5.9.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 50
5.9.4. Environmental Consequences – Alt C (No Action) ..... 50
5.10. Migratory Birds ..... 51
5.10.1. Affected Environment ..... 51
5.10.2. Environmental Consequences – Alt A (All Gather Methods) ..... 51
5.10.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 52
5.10.4. Environmental Consequences – Alt C (No Action) ..... 52
5.11. Aquatic Wildlife ..... 53
5.11.1. Affected Environment ..... 53
5.11.2. Environmental Consequences – Alt A (All Gather Methods) ..... 53
5.11.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 54
5.11.4. Environmental Consequences – Alt C (No Action) ..... 54
5.12. Invasive, Non-Native Species ..... 55
5.12.1. Affected Environment ..... 55
5.12.2. Environmental Consequences – Alt A (All Gather Methods) ..... 55
5.12.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 55
5.12.4. Environmental Consequences – Alt C (No Action) ..... 56
5.13. Cultural Resources ..... 56
5.13.1. Affected Environment ..... 56
5.13.2. Environmental Consequences – Alt A (All Gather Methods) ..... 56
5.13.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 57
5.13.4. Environmental Consequences – Alt C (No Action) ..... 57

5.14. Paleontological Resources ..... 58
5.14.1. Affected Environment ..... 58
5.14.2. Environmental Consequences – Alt A (All Gather Methods) ..... 58
5.14.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 59
5.14.4. Environmental Consequences – Alt C (No Action) ..... 59
5.15. Lands with Wilderness Characteristics ..... 60
5.15.1. Affected Environment ..... 60
5.15.2. Environmental Consequences – Alt A (All Gather Methods) ..... 60
5.15.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 61
5.15.4. Environmental Consequences – Alt C (No Action) ..... 61
5.16. Recreation ..... 62
5.16.1. Affected Environment ..... 62
5.16.2. Environmental Consequences – Alt A (All Gather Methods) ..... 62
5.16.3. Environmental Consequences – Alt B (Bait/Water Trapping) ..... 63
5.16.4. Environmental Consequences – Alt C (No Action) ..... 64
5.17. Colorado Standards for Public Land Health ..... 64
5.17.1. Standard 1 – Upland Soils ..... 64
5.17.2. Standard 2 – Riparian Systems ..... 64
5.17.3. Standard 3 – Plant and Animal Communities ..... 65
5.17.4. Standard 4 – Special Status Species ..... 65
5.17.5. Standard 5 – Water Quality ..... 65
6. Supporting Information ..... 65
6.1. Interdisciplinary Review ..... 65
6.2. Tribes, Individuals, Organizations, or Agencies Consulted ..... 66
6.3. References ..... 66
Appendix A. Map ..... 67
Appendix B. Excerpt from History Document ..... 68
Appendix C. Memorandums ..... 96
Appendix D. Response to Public Comments ..... 102
Appendix E. CAWP Standards ..... 131

# 1. INTRODUCTION

## 1.1. Identifying Information

**Project Title:** Gather of Excess Wild Horses Outside of the Piceance-East Douglas Herd Management Area

**Legal Description:** 6th Principal Meridian, Rio Blanco County, Colorado

Portions of (refer to Map 1):
Township 3 North, Ranges 99 and 100 West
Township 2 North, Ranges 96 to 101West
Township 1 North, Ranges 94 to 101 West
Township 1 South, Ranges 94 to 101 West
Township 2 South, Ranges 94 to 101 West
Township 3 South, Ranges 94 to 102 West
Township 4 South, Ranges 94 to 102 West
Township 5 South, Ranges 94 to 102 West

**NEPA Document Number**: DOI-BLM-CO-N05-2017-0056-EA

## 1.2. Background

The analysis area (gather area) includes areas within the White River Field Office (WRFO) where any potential exists for excess wild horses to relocate outside of the Piceance-East Douglas Herd Management Area (PEDHMA), specifically west of Highway 13, south of Highway 64, east of State Highway 139, and north of the WRFO boundary. The analysis area is located primarily within Rio Blanco County but includes portions of Garfield County. The analysis area totals approximately 773,213 acres of which 517,288 acres is BLM administered public land, 18,193 acres is State land, and 237,732 acres is privately owned. The analysis area totals approximately 29 percent of all of the lands within the WRFO jurisdiction. The predominant land uses within the analysis area are livestock grazing, recreation, and energy development. The map for the analysis area (which also depicts the relation of the analysis area to the PEDHMA) is located in Appendix A, Map 1.

A summary of how the BLM made decisions to manage wild horses in the PEDHMA (and not in the North Piceance or West Douglas Herd Areas) can be found in *Wild Horse Management History and Current Conditions within the West Douglas Herd Area*, January 2015 (with corrects dated April 2015 and September 2015), pages 1 through 23 (Appendix B), and is incorporated by reference. In general, the two herd areas and the herd management area represent the locations wild horses were found at the passage of the Wild Free-Roaming Horse and Burro Act (WFRHBA). Through land use planning decisions, the BLM decided only to manage for wild horses in the PEDHMA. The PEDHMA itself is comprised of approximately 190,130 acres, including 158,310 acres of public land, 5,330 acres of State land, and 26,490 acres of private property.

After a review of the current land use plan, the WRFO Field Manager concluded that all wild horses outside of the PEDHMA (specific to the analysis area) meet the statutory definition of excess animals, as determined in Memorandums dated March 2017 (see Appendix C). Based on that review, the WRFO Field

Manager has concluded that an overpopulation exists and that the gather and removal is necessary to remove excess animals in accordance with the authority provided in 16 USC 1332 (f), 1333 (a), 1333 (b) (2), and 1334. Upon those findings, the Bureau of Land Management (BLM) shall immediately remove excess animals from the range and is requesting such action take place under the memorandum dated March 2017. Gather and removal operations shall be conducted until excess animals in the project area have been removed in order to restore a thriving natural ecological balance and protect the range from deterioration associated with an overpopulation of wild horses.

The most recent inventory of wild horses in the PEDHMA was conducted in February 2016 but included only a portion of areas located outside of the PEDHMA boundary (specifically in the Cathedral/Lake/Soldier Creek drainages). During that inventory, 44 wild horses were counted in the Cathedral/Lake/Soldier Creek drainages, outside of the PEDHMA; with an estimated 20 percent foal recruitment in 2016 and again in 2017, the BLM estimates that 64 wild horses have relocated outside of the PEDHMA in this area specifically. Although the February 2016 inventory did not include any other areas located outside of the PEDHMA based on past history and on the ground sightings in other areas, the BLM estimates 214 excess wild horses will be located outside of the PEDHMA (east of State Highway 139) by the end of year 2017.

This Environmental Assessment (EA) specifically considers the methods to be used to gather and remove excess wild horses that reside outside of the PEDHMA. The BLM is preparing this EA to disclose and analyze the environmental consequences of the methods used to gather and remove excess wild horses located outside of the PEDHMA in compliance with the National Environmental Policy Act (NEPA). The EA is a baseline document for potential future wild horse removals outside the HMA over the next several years that could include using helicopters and/or bait- and water-trapping. It specifically includes a proposed helicopter gather in the fall of 2017 to remove 100 wild horses located outside the HMA. The preliminary EA identified a gather and removal of 72 wild horses, however, since that time the WRFO has been approved for the gather and removal of 100 wild horses. This modification, from 72 to 100 wild horses, did not result in any change and/or modification to the analysis.

This EA is also tiered to the White River Resource Area Proposed RMP and Final Environmental Impact Statement (FEIS) (1996) which also disclosed potential impacts associated with removing wild horses. The conditions and environmental effects described in the FEIS are still valid. Exceptions include the number of wild horses has increased, livestock operator(s) have voluntarily deferred grazing in areas outside of the PEDHMA, various wild land fires have taken place in varying sizes over the years, and drought conditions have varied over the years. However, these conditions do not substantially alter the effects described in the FEIS.

That analysis can be found in Chapter 4 of the FEIS in sections labeled as impacts from proposed wild horse management (on various resources, including wild horses) and is incorporated by reference. That document can be found on the BLM's ePlanning site (Proposed RMP and FEIS) at http://bit.ly/2vj8biv.

## 1.3. Purpose and Need for Action

This EA is a site-specific analysis of potential impacts that could result with the implementation of the Proposed Action or alternatives to the Proposed Action.

The need for this action is that the BLM has determined that excess wild horses exist on lands outside of the PEDHMA, requiring that they be gathered and removed. This determination is based on the White River Resource Management Plan (RMP) and any other information, and in accordance with The Wild Free-Roaming Horses and Burros Act of 1971, as amended (WFRHBA).

After a careful review of the current land use plan, the WRFO Field Manager concluded that all wild horses that have relocated outside of the PEDHMA are excess animals, as defined in WFRHBA, 16 USC 1332(f), and the BLM Manual Sec. 4720.12 ("*Excess animals are defined as those animals which must be removed from an area to preserve and maintain a thriving natural ecological balance (TNEB) and multiple-use relationship in that area. This definition includes wild horses or burros located outside of the HMA in areas not designated for their long term maintenance*").

Based on this review, the WRFO Field Manager has concluded that an overpopulation exists and that the gather and removal is necessary to remove excess animals in accordance with the authority provided in WFRHBA, 16 USC § 1333 (b) (2), which provides that upon those findings, the BLM shall immediately remove excess animals from the range. The BLM has determined that all of the wild horses that reside outside the PEDHMA are excess animals that require removal in order to comply with existing land use planning decisions set forth in the White River Resource Management Plan (Record of Decision, July 1997) and WFRHBA.

Gather and removal operations shall be conducted until excess animals have been removed in order to restore a thriving natural ecological balance and protect the range from deterioration associated with an overpopulation of wild horses. The WFRHBA also provides that "If wild free-roaming horses or burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshal or agent of the Secretary, who shall arrange to have the animals removed." (Section 1334, as amended). BLM's management of WH&B must comply with law and policy.

## 1.4. Decision to be Made

Upon completion of this EA, the Authorized Officer (AO) will make a determination as to whether any "significant" impacts could result from the implementation of these actions. "Significance" is defined by the National Environmental Policy Act (NEPA) and is found in regulation 40 CFR 1508.27. An EA provides evidence necessary to determine whether a significant impact exists. If the BLM determines that the proposal would result in a "significant" impact, then the BLM would prepare an Environmental Impact Statement (EIS) for the project. If the AO determines that this project does not have "significant" impacts following the analysis, then the BLM would prepare and sign a "Finding of No Significant Impact" and Decision Record which implements the agency's selected alternative.

Based on the analysis contained in this EA, the AO will decide whether to approve or deny the Proposed Action to begin to gather and remove excess wild horses from outside of the PEDHMA, and if so, under what terms and conditions.

The objective of the action is to remove excess wild horses from outside of the PEDHMA so that a thriving ecological balance is maintained. The AO will select the alternative that best allows the BLM to meet the purpose and need for the action.

The Field Manager is the AO, and will decide one of the following:

- To approve specific types of gather methods and design features to gather and remove excess wild horses that reside outside of the PEDHMA;
- To analyze the effects of gather and removal operations in an EIS; or
- To deny wild horse gather and removal operations outside of the PEDHMA.

## 1.5. Conformance with the Land Use Plan

The Proposed Action is subject to and in conformance with the following plan (43 CFR 1610.5-3(a), BLM 1617.3):

Name of Plan: Northwest Colorado Greater Sage-grouse Resource Management Plan Amendment

Date Approved: September 22, 2015

Decision Number/Page: Objective WHB-1. "Manage wild horses in a manner designed to 1) avoid reductions in grass, forb and shrub cover, and 2) avoid increasing unpalatable forbs and invasive plant such as *Bromus tectorum* (cheatgrass)." (page 2-13).

Management: MD WHB-2: (ADH) Prioritize gathers in GRSG PHMA, unless removals are necessary in other areas to prevent catastrophic environmental issues, including herd health impacts. Consider GRSG habitat requirements in conjunction with all resource values managed by the BLM, and give preference to GRSG habitat unless site-specific circumstances warrant an exemption. (page 2-13).

Name of Plan: White River Record of Decision and Approved Resource Management Plan (WRRMP).

Date Approved: July 1, 1997

Decision Number/Page: Objective: "Manage for a wild horse herd … [135-235 animals] on 190,130 acres within the Piceance-East Douglas Herd Management Area (HMA) so that a thriving ecological balance is maintained for all plant and animal species on that range." (page 2-26)

Management: "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 – 50 wild horses in each herd area. The long term objective (+10 years) will be to remove all wild horses from these areas." (page 2-26)

"The boundary of the Piceance-East Douglas HMA will be expanded to include the Greasewood allotment (presently a part of the North Piceance Herd Area)." (page 2-26)

## 1.6. Relationship to Laws, Regulations, and Other Plans

The Wild Free-Roaming Horses and Burros Act of 1971, as amended, provides:

16 USC 1332 (f)

> "excess animals" means wild free-roaming horses or burros (1) which have been removed from an area by the Secretary pursuant to applicable law or, (2) which 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 USC 1333 (a)

> The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands.

To achieve a thriving natural ecological balance (TNEB) on the public lands, wild horses and burros (WH&B) should be managed in a manner that assures significant progress is made toward achieving the Land Health Standards for upland vegetation and riparian plant communities, watershed function, and habitat quality for animal populations, as well as other site-specific or landscape-level objectives, including those necessary to protect and manage threatened, endangered, and sensitive species. WH&B herd health is promoted by achieving and maintaining a TNEB.

However, Bureau of Land Management wild horse and burro program goals have expanded beyond simply establishing and maintaining a TNEB (i.e., establishing AML for individual herds), to include achieving/maintaining population size within the established AML as well as managing for healthy, self-sustaining wild horse population. The focus of wild horse management has also expanded to place emphasis on achieving rangeland health as measured through the Standards for Rangeland Health.

16 USC 1333 (b)(2)

> Where the Secretary determines on the basis of (i) the current inventory of lands within his jurisdiction; (ii) information contained in any land use planning completed pursuant to section 202 of the Federal Land Policy and Management Act of 1976; (iii) information contained in court ordered environmental impact statements as defined in section 2[3] of the Public Range Lands Improvement Act of 1978; and (iv) such additional information as becomes available to him from time to time, including that information developed in the research study mandated by this section, or in the absence of the information contained in (i-iv) above on the basis of all information currently available to him, that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels.

16 USC 1334. Private maintenance; numerical approximation; strays on private lands; removal; destruction by agents

> If wild free-roaming horses or burros stray from public lands onto private owned land, the owners of such land may inform the nearest Federal marshal or agent of the Secretary, who shall arrange to have the animals removed. In no event shall such wild free-roaming horses and burros be destroyed except by the agents of the Secretary. Nothing in this section shall be construed to prohibit a private landowner from maintaining wild free-roaming horses or burros on his private lands, or lands leased from the Government, if he does so in a manner that protects them from

harassment, and if the animals were not willfully removed or enticed from the public lands. Any individuals who maintain such wild free-roaming horses or burros on their private lands or lands leased from the Government shall notify the appropriate agent of the Secretary and supply him with a reasonable approximation of the number of animals so maintained.

The Federal Land Policy and Management Act of 1976 (FLPMA) requires that an action under consideration be in conformance with the applicable BLM land use plan, and be consistent with other federal, state, and local laws and policies to the maximum extent possible.

Title 43 Part 4700 of the Code of Federal Regulations (CFR) provides:
Subpart 4710 – Management Considerations

Sec. 4710.1: Land use planning.
Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant to part 1600 of this title.

Sec. 4710.4: Constraints on management.
Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

Subpart 4720 - Removal

Sec. 4720.1: Removal of excess animals from public lands.
Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately in the following order.

(a) Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title;

(b) Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title; and

(c) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this title.[1]

Sec. 4720.2: Removal of strayed or excess animals from private lands (see also 16 USC 1334)

Sec. 4720.2-1: Removal of strayed animals from private lands.
Upon written request from the private landowner to any representative of the Bureau of Land Management, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable. The private landowner may also submit the written request to a Federal

[1] Note that the BLM's ability to implement subsection c has been previously prohibited by Congress through appropriations riders.

marshal, who shall notify the authorized officer. The request shall indicate the numbers of wild horses or burros, the date(s) the animals were on the land, legal description of the private land, and any special conditions that should be considered in the gathering plan.

Sec. 4720.2-2: Removal of excess animals from private lands.
If the authorized officer determines that proper management requires the removal of wild horses and burros from areas that include private lands, the authorized officer shall obtain the written consent of the private owner before entering such lands. Flying aircraft over lands does not constitute entry.

BLM Manual 4720 - Removal
Sec. 4720.1-12: Excess Animals.

Excess animals are defined as those animals which must be removed from an area to preserve and maintain a thriving natural ecological balance (TNEB) and multiple-use relationship in that area. This definition includes wild horses or burros located outside the HMA in areas not designated for their long-term maintenance.

BLM Standards for Public Land Health in Colorado
In January 1997, the Colorado BLM approved the Standards for Public Land Health. These standards cover upland soils, riparian systems, plant and animal communities, threatened and endangered species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. Because a standard exists for these five categories, a finding must be made for each of them in an environmental analysis. The BLM applies standards on a landscape scale and related to the potential of the landscape.

# 2. PUBLIC INVOLVEMENT

## 2.1. Scoping

According to the BLM NEPA Handbook, "… scoping is the process by which the BLM solicits internal and external input on issues, impacts, and alternatives" and is considered a form of public involvement in the NEPA process (Section 6.3). Scoping is both an internal and external process. Internal scoping was initiated when the project was presented to the WRFO interdisciplinary team on March 28, 2017.

While external scoping for EAs is not required (40 CFR 1501.7; 43 CFR 46.305(a)), CEQ regulations direct agencies to encourage and facilitate public involvement in the NEPA process to the fullest extent possible (40 CFR 1500.2(d), 40 CFR 1506.6), and DOI regulations (43 CFR 46.305(a)) and the BLM's NEPA Handbook gives the Authorized Officer the discretion to conduct external scoping for EAs.

This project was posted on the BLM's online NEPA register (ePlanning) on April 6, 2017. In this case, additional outreach for external scoping was not conducted since the proposed gather and removal of excess wild horses outside of the PEDHMA was expected to have similar issues to those previously raised by the public during consideration of gathers and removals of excess wild horses within the PEDHMA (e.g., CO-110-2006-030-EA, DOI-BLM-CO-110-2010-0089-EA, DOI-BLM-CO-110-2011-0058-EA, and DOI-BLM-CO-N05-2015-0024-DNA).

## 2.2. Public Comment

On June 5, 2017 the WRFO made the preliminary environmental assessment and unsigned finding of no significant impact (FONSI) available for public review and comment on the BLM's NEPA register (ePlanning), with a comment due date of July 5, 2017. The public was notified by a press release and the WRFO sent letters to approximately 100 individuals and groups announcing the availability of the documents.

The BLM received a total of 122 comments during the comment period. Of the comments received, 101 were individuals submitting comments via a form letter, 10 were considered individual comments other than a form letter, and 11 were from commenters that were associated with an organization.

Major comment issues raised included (but not limited to); e.g. use of fertility control, costs associated with gather and/or holding, use of helicopter to gather, management of wild horses within the PEDHMA, AML within the PEDHMA, development of a working group for the PEDHMA, range improvements within the PEDHMA, and allocation of AUMs in the analysis area.

Public comments on the Preliminary EA are summarized in Appendix C and where appropriate are incorporated into the document.

# 3. PROPOSED ACTION AND ALTERNATIVES

This chapter describes the Proposed Action and alternatives, including any that were considered but eliminated from detailed analysis. The BLM has developed three alternatives which will be considered in detail:

- Alternative A – Proposed Action - Use all approved gather methods
- Alternative B – Exclusive use of bait and/or water trapping
- Alternative C – No Action Alternative.

All gather operations would be conducted according to Washington Office Instruction Memorandum (WOIM) #2015-151 which establishes policy for the Wild Horse and Burro (WH&B) gather component of the Comprehensive Animal Welfare Program (CAWP). It defines standards, training and monitoring for conducting safe, efficient and successful WH&B gather operations while ensuring humane care and handling of animals gathered. The WOIM #2015-151, attachment 1 (CAWP) can be found as Appendix E while all other memorandums, manuals and handbooks related to management of wild horses can be found at https://www.blm.gov/media/blm-policy/.

The gather and removal of excess wild horses would be completed by a BLM Wild Horse and Burro (WH&B) National Program Contractor and/or BLM personnel.

### 3.1.1. *Off-Range Corrals or Off-Range Pastures*

Excess wild horses that would be gathered and removed from outside the PEDHMA would be transported to either off-range corrals (ORC) and/or off-range pastures (ORP). All wild horse gathers and removals

are subject to funding approval and further based on space availability of ORC and/or ORP. The gather and removal of excess wild horses that have relocated outside of the PEDHMA would be conducted over a period of several years using a variety of gather techniques including helicopter drive trapping, helicopter assisted roping, or bait and water trapping once the BLM's National Wild Horse and Burro Program office has determined space is available and the WRFO received such approval.

## 3.2. Alternative A (Proposed Action): Use All Approved Gather Methods

Under Alternative A (Proposed Action), the BLM would use all approved gather methods (either individually or in various combinations) to remove excess wild horses from areas outside of the PEDHMA; west of Highway 13, south of Highway 64, east of Highway 139 and north of the WRFO boundary (**Appendix A** - Map 1). Gather and removal operations would be recurring over the life of this plan as funding and space in off-range corrals and/or off-range pastures allow until the excess wild horses are gathered and removed from areas outside of the PEDHMA.

### 3.2.1. *Gather Methods*

The types of approved gather methods include:

1. Helicopter drive-trapping: involves using a helicopter to spot and then herd wild horses towards a pre-constructed trap. Traps would be pre-constructed utilizing portable, round-pipe steel panels with funnel-shaped wings made up of jute fabric affixed to T-posts that have been temporarily tamped into the ground to create a visual barrier so that as the wild horses are hazed by the helicopter towards the trap through the "wings" or funnel so that the wild horses ultimately end up in the trap where people on-the-ground shut a gate behind them in order to catch them in the trap. In general, most traps would be 1 – 5 acres in size. Trap locations would be situated in areas where previously used trap sites were located or other disturbed areas whenever possible. Trap locations would be chosen for safety of maneuvering the wild horses into the trap, as well as, to gather the wild horses located in a given area. Helicopter drive-trapping would not be conducted between the dates of March 1 and June 30 which are considered to be the peak foaling period (WOIM #2010-183), except if emergency situations existing according to WOIM #2015-152 (found at https://on.doi.gov/2uo5lEA). The BLM Wild Horse and Burro Handbook, H-4700-1, Section 4.4.4 prohibits the capture of wild horses by helicopter during peak foaling periods except in case of emergency.

2. Helicopter assisted roping: includes herding by helicopter towards ropers who rope the wild horse(s). Once roped, another rider rides alongside the roped wild horse and roper, helping to haze, or herd, the roped wild horse either towards the trap or towards a stock trailer. Once at the trap the rope is slipped off the wild horse's neck and it joins the rest of the trapped wild horses. No helicopter assisted roping would be conducted between the dates of March 1 and June 30 due to the BLM's policy which prohibits the capture of wild horses by helicopter during peak foaling periods.

3. Water trapping: utilizes a trap constructed of portable, round-pipe steel panels. Funnel-shaped traps are built allowing wild horses to get deep into the trap so that the gate release mechanism has time to close. Water traps are located at a specific water source. Water trapping may be conducted at any time of year.

4. Bait trapping: utilizes a trap constructed of portable, round-pipe steel panels. Funnel-shaped traps would be built which allow wild horses to get deep into the trap so that the gate release mechanism has time to close. Bait traps would be located in areas frequented by wild horses so that the horses make use of the provided forage (quality, weed free hay). Bait trapping may be conducted at any time of year.

### 3.2.2. *Design Features for Helicopter Gathers*

1. Avoid, if possible, helicopter gather operations from late-August through November for high public use areas during big game hunting seasons.

2. Colorado Parks and Wildlife (CPW) staff would be contacted to coordinate gather operations in an effort to develop mutually compatible strategies that may reduce the intensity and localize the expanse of helicopter related disturbances during big game hunting seasons.

3. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates and applicable regulations of the State in which the gather is located.

4. Aviation fueling operations would be conducted a minimum of 1,000 feet from wild horses in traps or temporary holding facilities.

5. All refueling would occur on existing roads or a site approved by the BLM as a helicopter staging area. All approved staging areas would be a minimum of 200 feet from any riparian area or stream channel. The operator would utilize absorbent pads while refueling to limit the potential of fuel spills. In the event of a spill of lubricant, hydraulic fluids, fuels, or other hydrocarbons, the spill would be reported to the BLM's Contracting Officer Representative (COR) or Project Inspector (PI) so that BLM can immediately conduct evaluations of any necessary clean-up actions, as well as perform such actions to ensure compliance with applicable laws, rules, and regulations.

6. If possible, the BLM would avoid helicopter gather operations from December through February to reduce/eliminate impacts to big game during the critical winter period.

7. If possible, the BLM would avoid helicopter gather operations from July 1 through August 15 to reduce/eliminate impacts to nesting raptors and migratory birds.

8. A veterinarian from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) would be at the gather operation to examine animals and make recommendations to the BLM for care and treatment of the gathered wild horses. Decisions to humanely euthanize animals in field situations would be made in conformance with BLMs Manual 4730 and WOIM #2015-070.

### 3.2.3. *Fiscal Year 2017*

For Fiscal Year (FY) 2017, the BLM's National Wild Horse and Burro Program has determined there is space available in off-range corrals and/or off-range pastures for excess wild horses which may be removed from Colorado.

Gather and removal operations, under Alternative A, if approved, would be tentatively scheduled in fall of 2017 (potentially in September for approximately 7 days) with an anticipated gather and removal of approximately 100 excess wild horses. Several factors such as animal health, weather conditions, or other considerations could result in adjustments in the schedule. For the FY 2017 gather/removal operation proposed under Alternative A, the WRFO anticipates using helicopter drive-trapping and helicopter assisted roping, and not bait or water trapping methods.

## 3.3. Alternative B: Exclusive Use of Bait and/or Water Trapping

Exclusive use of bait and/or water trapping uses 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. Gather and removal operations would be recurring as funding and space in off-range corrals and/or off-range pastures allow until the excess wild horses are gathered and removed from areas outside of the PEDHMA.

### 3.3.1. *Fiscal Year 2017*

Gather and removal operations under Alternative B, if approved, would be tentatively scheduled in fall of 2017 (potentially starting in September for approximately 60 days) with an anticipated gather and removal of approximately 100 excess wild horses.

## 3.4. Design Features Common to both Gather Alternatives (Alternatives A and B)

Animal Welfare:

1. Contractors and/or BLM staff would utilize trailers to transport gathered wild horses to a temporary holding facility where they would receive appropriate food and water. Holding facilities and gather sites have historically been located on both public and private lands due to road access and availability of water and may be located on such lands again during proposed gather operations.

2. Wild horses that are removed from the area would most likely be transported to the Canon City, Colorado BLM holding facility where they would be prepared (freeze-marked, vaccinated, and de-wormed) for adoption, sale (as regulations permit), or long-term holding unless unforeseen circumstances warranted that the wild horses be transported to a different approved BLM holding facility (i.e. at Rock Springs, Wyoming).

3. There is no proposal to hold a wild horse adoption at the temporary holding facility upon completion of a gather operation because of current market conditions. However, if determined that an adoption is warranted, the BLM may hold an adoption offering approximately 10 wild horses with a date to be decided upon and advertised.

Communication:

4. The WRFO would utilize the Incident Command System (ICS) to enable safe, efficient, and successful wild horse gather and removal operations in accordance with WOIM #2013-060.

5. The BLM would provide the public/media with safe and transparent visitation at wild horse gather operation in accordance with WOIM #2013-058. The BLM would conduct gather operations while ensuring the humane treatment of wild horses in accordance with WOIM #2015-151. A schedule would be prepared and posted on the appropriate website that would outline specific viewing opportunities and other relevant information. The BLM would provide concise, accurate and timely information about gather operations with communication and reporting during the course of an ongoing wild horse gather in accordance with WOIM #2013-061.

6. Any discovery of hazardous or potentially hazardous materials would be reported to the BLM hazardous materials coordinator and Law Enforcement for investigation.

7. Prior to commencement of gathering operations, the BLM would notify existing right-of-way holders, range permittees, operators, and lessees of any location, date, and time associated with the gather operation that may affect their permitted activities.

8. If gather operations are conducted during any of the CPW big game seasons, Special Recreation Permit holders authorized to operate in the analysis area for commercial big game guiding and outfitting would be notified of the gather activities and locations in advance.

9. The BLM is responsible for informing all persons who are associated with the project that they would be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.

10. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery would cease, and the WRFO Archaeologist would be notified immediately. Work may not resume at that location until approved by the AO. The BLM would make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, the BLM would evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The BLM would implement the mitigation in a timely manner. The process would be fully documented in reports, site forms, maps, drawings, and photographs. The BLM would forward documentation to the SHPO for review and concurrence.

11. Pursuant to 43 CFR 10.4(g), the BLM would immediately upon the discovery of human remains,

funerary items, sacred objects, or objects of cultural patrimony stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

12. The BLM would be responsible for informing all persons who are associated with gather operations that they would be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

Weed Management and Reclamation:

13. Any hay fed at trap sites or holding facilities, on public lands, would be certified as weed free. Any noxious weeds that establish as a result of the proposed action would be controlled by the BLM. All of the trap locations would be monitored for up to three years for weed species infestation following gather operations. If weeds were discovered, the BLM would treat these locations following procedures outlined in the WRFO's Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA). It is estimated that the total acreage affected would be less than 50 acres.

14. All of the trap locations would be monitored for up to three years for vegetation recovery. If problems with vegetation establishment are discovered, BLM would treat these locations based on the aid in vegetation recovery that may be necessary, i.e. broadcast seeding, at the trap locations. It is estimated that approximately 50 acres would be affected for what would be considered the life of the gather and removal efforts.

15. All equipment used for gather operations shall be cleaned before it comes to WRFO and when it leaves WRFO to minimize the potential spread of noxious and/or invasive weed species.

16. Equipment shall be cleaned when moving between locations within the analysis area if noxious weeds are encountered and if there is any potential for weed seeds to be carried between locations.

Restrictions on Trap Locations:

17. The BLM would not construct trap locations or temporary holding facilities within 300 meters of known occupied habitat for listed plant species. If trap sites are anticipated in potential or suitable habitat that have not been previously disturbed, 24 hours of notification would be required and a pre-survey for special status plant species would be conducted prior to mobilization of vehicles and equipment by a BLM plant specialist. If BLM Sensitive plant species or federally listed plant species are located, another site would be selected at a distance greater at least 300 meters from the edge of the population or occurrence and pre-surveyed similarly, as necessary.

18. Traps and temporary holding facilities location would be located in previously used trap sites or on an area of existing disturbance, such as road or a wash. If an existing disturbed area cannot be located for traps and temporary holding facilities, a cultural resource inventory would take place prior to the gather if there is inadequate inventory data available. If cultural resources are located during this inventory, the trap site or temporary holding facility would be moved to another location, which does not contain cultural resources.

19. No traps or holding facilities would be located at or impede the use of the developed recreation sites in Canyon Pintado National Historic District.

20. Known and reported fossil localities would be avoided when locating trap sites and associated wing fences and holding facilities. Sites without adequate inventory data would need to be examined for the presence of fossils during trap site selection activities. Trap facilities would be relocated or modified to avoid impacting identified fossil resources.

21. Surveys of suitable raptor nesting habitat would be conducted by WRFO staff at those trap sites proposed for use or development from April 15 to August 15. In the event an active raptor nest is found in the vicinity of trapping operations, these sites would be afforded a buffer adequate to effectively isolate nesting activity from disruptions generated by wild horse trapping operations as required in the 1997 White River RMP.

22. Those sites proposed for water trapping would be surveyed by WRFO wildlife staff prior to use to determine if sites are occupied by aquatic amphibian species. If trapping efforts are found to impact individuals or habitat, the trap site would be relocated.

23. Any traps placed within an ACEC would be limited to areas of existing disturbance and would be placed in a manner that it would not impact resources for which the ACEC has been designated. Until the BLM makes a decision (through a land use planning process) on whether or not to designate the two potential ACECs within the gather area, the BLM would place traps in the same manner as within the designated ACECs.

Minimizing Erosion:

24. All activity shall cease when soils or road surfaces become saturated to a depth of three inches unless otherwise approved by the AO.

25. Any trap sites located on greater than 35 percent slope would be evaluated in the field by WRFO hydrology staff prior to identifying any necessary mitigation in order to ensure that use of the site would still allow for meeting Public Land Health Standard 1 (e.g., minimizing overland surface erosion and subsequent rill and/or gully formation). Example of mitigation may include: placement of waddels.

## 3.5. Alternative C: No Action Alternative

Under Alternative C, excess wild horses would not be gathered or removed from areas located outside of the PEDHMA.

## 3.6. Alternatives Considered but Eliminated from Detailed Analysis

**A. Other alternative capture techniques:** The BLM has identified net gunning, chemical immobilization, and wrangler/horseback drive trapping as other capture techniques for gathering wild horses.

Generally, net gunning techniques normally used to capture animals also rely on helicopters. The

BLM has not approved this technique for the use in gathering of wild horses.

Chemical immobilization is a very specialized technique and strictly regulated. Currently, the BLM does not have sufficient expertise to implement this method and it would be impractical to use given the area, varied topographic, terrain features, and the large areas of dense over story of pinyon/juniper trees, any potential access limitations, along with the approachability of the wild horses located outside of the PEDHMA.

Use of wrangler on horseback drive-trapping as the only gather method to remove excess wild horses can be fairly effective on a small scale or for the gathering of individual wild horses but due to the number of excess wild horses to be gathered, the large geographic size outside of the PEDHMA, rough terrain, and approachability of the wild horses in this area, this technique would be ineffective and impractical to meet the purpose and need. Horseback drive-trapping is also very labor intensive and can be harmful to the domestic horses and wranglers during the gather operations.

For the reasons listed above, these alternative gather methods were eliminated from further consideration.

**B. Capture excess wild horses located outside of the PEDHMA using all available approved gather methods and then return them to the PEDHMA:** The BLM is not considering returning any of the gathered wild horses back into the PEDHMA since the PEDHMA is currently over the Appropriate Management Level (AML). The number of wild horses estimated in the PEDHMA is over double the AML which is between 135-235 wild horses. The BLM estimates the current population of wild horses within the PEDHMA to be a conservative 454 wild horses as of 2017 (including foals).

# 4. ISSUES

The CEQ Regulations state that NEPA documents "… must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail" (40 CFR 1500.1(b)). While many issues may arise during scoping, not all of the issues raised warrant analysis in an environmental assessment (EA). Issues will be analyzed if: 1) an analysis of the issue is necessary to make a reasoned choice between alternatives, or 2) if the issue is associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of the impacts. The following sections list the resources considered and the determination as to whether they require additional analysis.

## 4.1. Issues Analyzed

The following issues were identified during internal scoping as potential issues of concern for the Proposed Action. These issues will be addressed in this EA.

- **Aquatic Wildlife**: Helicopter gather and roping operations as well as bait and water trapping have the potential to impact aquatic communities.

- **Vegetation**: Vegetation would be disturbed at trap sites and holding facilities due to trampling by wild horses and increased vehicle and foot traffic.

- **Invasive, Non-Native Species**: Gather methods have the potential to impact the area with the introduction of or increase in invasive, non-native plant species.

- **Migratory Birds**: If trapping efforts occur during the nesting season (May – July), there may be potential for temporary displacement/disruption due to high levels of disturbance, particularly if nest sites are in close proximity to concentrated activity.

- **Terrestrial Wildlife**: Gather operations have the potential to temporarily displace big game within 0.5 to 1 mile of activity. Depending on the time of year, gather-related activity could result in prolonged nest absences for raptors if not mitigated.

- **Special Status Animal Species**: Helicopter gather and roping operations as well as bait and water trapping have the potential to impact special status animal species and habitats that provide forage and cover resources during critical timeframes.

- **Special Status Plant Species**: Gather operations have the potential impact special status plants as a result of trailing and trampling from horses, or from routine gather operations such as trap set-up and take-down, increased foot traffic, and herding of horses to the trap location.

- **Cultural Resources**: Direct impacts to cultural resources will be reduced by placing traps and temporary holding facilities in previously used trap sites or on an area of existing disturbance when possible. If an existing disturbed area cannot be located for traps and temporary holding facilities, a cultural resource inventory will take place prior to the gather operation. However, the Proposed Action can still directly and indirectly adversely affect cultural resources.

- **Paleontological Resources**: The Proposed Action can impact exposed fossils, suspected fossil localities, and exposed outcrops of stone.

- **Lands with Wilderness Characteristics**: There are six lands with wilderness characteristics units that have been identified as having wilderness characteristics within the proposed analysis area (refer to Map 2). There is potential for the proposed activities associated with the various alternatives to impact wilderness characteristics in these units.

- **Livestock Grazing**: Livestock located near gather activities would be temporarily disturbed or displaced by helicopter activity and the increased vehicle traffic during gather operations.

- **Wild Horses**: Wild horses may experience stress, injury, social disruption, or even, rarely, mortality as a result of gather and removal operations.

- **Recreation**: There is potential for the activities proposed in the various alternatives to impact the desired experiences of big game hunters and other recreationalists during gather operations.

## 4.2. Issues Considered but Not Analyzed

- **Air Quality**: The analysis area is located in rural northwest Colorado in the White River Basin. Industrial facilities in the White River Basin include coal mines, soda ash mines, natural gas

processing plants, and power plants. Due to these industrial uses, increased population and oil and gas development in this region, emissions of air pollutants in the White River Basin due to exhaust emissions and dust (particulate matter) occur. Overall air quality conditions in the White River Basin are generally good due to effective atmospheric dispersion conditions and limited transport of air pollutants from outside the area. The WRFO has been classified as either attainment or unclassified for all air pollutants, and most of the area has been designated for the prevention of significant deterioration (PSD) class II for Dinosaur National Monument. Regional air quality parameters including dust are being measured on a continuous basis at monitoring sites located at Meeker, Rangely, Dinosaur, and near the Flat Tops Wilderness Area. Impacts to air quality, specifically generation of fugitive dust, could occur from either proposed gather operations or from increased wild horse grazing and trailing. However, these impacts would be relatively minor, localized, and temporary and a detailed analysis of such impacts is not necessary to inform the BLM's selection of an alternative.

- **Wetlands and Riparian Zones**: Wetland and riparian zones are unlikely to be impacted by helicopter drive trapping operations. If water sources which support wetland or riparian zones are chosen for water trapping operations, these operations are not likely to increase the amount of use these areas receive under natural conditions. As the trap sites are continuously monitored while actively in use there would not be an opportunity for increased or prolonged congregation within these areas from the present situation during gather operations.

- **Geology and Minerals**: Gathering and removing wild horses would have little to no impacts on the geologic and mineral resources. The Design Feature requiring the notification of the affected mineral operators would allow the operators to schedule maintenance and production operations to prevent conflict of activities in the analysis area.

- **Native American Religious Concerns**: No Native American religious concerns are known in the area, and none have been noted by tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

- **Fire Management**: The Proposed Action would not affect the Northwest Colorado Fire Management Unit Plan.

- **Social and Economic Conditions**: There would not be any substantial changes to local social or economic conditions.

- **Environmental Justice**: According to the most recent Census Bureau statistics (2010) and guidelines provided in WOIM #2002-164, there are no minority or low income populations within the WRFO.

- **Prime and Unique Farmlands**: There are no prime and unique farmlands within the analysis area.

- **Soil Resources**: Soils with landslide potential and/or located on slopes greater than 35 percent within the analysis area have been mapped and broken down by USGS 24,000 scale maps (and are available for reference in the WRFO) to provide a reference during the proposed gather operations. Any trap sites located on these slopes would be evaluated in the field to identify any necessary mitigation to ensure that use of the site would meet Public Land Health Standard 1 (e.g.,

minimizing overland surface erosion and subsequent rill and/or gully formation.). Example of mitigation may include: placement of waddels.

- **Surface and Ground Water Quality**: The gathering and removal of wild horses utilizing traps and temporary holding facilities would not result in impacts to surface or groundwater quality. If traps are located near surface and/or groundwater expressions (springs), resource impacts would be temporary and are not expected to exceed current impacts from wild horse usage.

- **Floodplains, Hydrology, and Water Rights**: Based on U.S. Army Corps of Engineers (USACE) 2007 data, several delineated floodplains exist within the analysis area (and are available for reference in the WRFO). The gathering and removal of wild horses utilizing traps and temporary holding facilities would not impact delineated floodplains or stream channel hydrology beyond current impacts from wild horse usage. Water rights: Given the temporary nature of the Proposed Action and Alternatives, no long-term impacts to designated beneficial uses of water rights located within the analysis area are foreseen.

- **Realty Authorizations**: Gathering and removing wild horses would have little to no impacts on Realty Authorizations. The Design Feature requiring the notification of the affected holders would allow the operators to schedule maintenance and production operations to prevent conflict of activities in analysis areas.

- **Visual Resources**: Due to the temporary nature of all proposed activities associated with all of the alternatives, there would be no long-term impacts or changes to the existing character of the landscape as a result of implementing any of the alternatives.

- **Wilderness Study Areas**: No Wilderness Study Areas (WSA) are located within the proposed analysis area. There is no potential for the proposed activities to impact managing WSAs.

- **Access and Transportation**: There would be no changes to public access or the BLM travel and transportation system as a result of implementing any of the proposed alternatives. It is unlikely that any existing routes would change in character or that new vehicle routes would be created as a result of implementing any of the proposed alternatives. Access to and from the trap sites and/or holding facilities by BLM employees, contractors, the public, and others associated with the proposed activities is likely to result in an inconsequential and temporary increase in traffic volume on routes used for this project.

- **Wild and Scenic Rivers**: There are no Wild and Scenic Rivers within the WRFO.

- **Scenic Byways**: No Scenic Byways are located within the proposed analysis area. There is no potential for the proposed activities to impact managing Scenic Byways.

- **Areas of Critical Environmental Concern (ACEC)**: The proposed gather area intersects 10 ACECs and two potential ACECs. These ACECs and potential ACECs have been identified for special status plants, paleontological values, remnant vegetation associations (RVAs), biologically diverse plant communities, riparian habitat, Colorado River cutthroat habitat, and trout fisheries. Impacts to these values are analyzed in each individual resource section in this EA. Based on the

design features the BLM has committed to, impacts to resources within the ACECs and potential ACECs are expected to be nominal and do not require further detailed analysis.

- **Forestry and Woodland Products**: There would be no impacts to forestry and woodland products as a result of the proposed action or any of the alternatives.

- **Hazardous or Solid Wastes**: There are no anticipated impacts that would result from materials that would be used, stored, transported, or disposed of in association with the proposed action or any of the alternatives. Use, storage, transportation, and disposal of small amounts of chemical and solid waste potentially used would be in accordance with the BLMs policy and guidelines, and other federal, state, and local laws.

# 5. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

## 5.1. General Setting & Access to the Analysis Area

Generally, the analysis area is characterized as a plateau geographic type with numerous washes and draws that can run long and deep. Elevations range from 5,600 feet near the White River drainage to 8,500 feet near the Cathedral Bluffs area. Precipitation ranges from 10 inches at the lower elevations and 20 inches at the higher elevations. Vegetation is highly varied as a result of topography and precipitation. At the lower elevations are greasewood bottoms, the mid-elevations are pinyon/juniper woodlands and sagebrush parks, and the upper elevations are made up of mountain shrub and Douglas-fir communities. There are some natural waters (springs, seeps, creeks) and some supplemental water provided by stock ponds which are scattered throughout the area. Several vegetation treatment areas outside of the PEDHMA provide open space and forage. Several fences existing in various locations, common to livestock management and along highway rights-of-way. All fences would be considered when gathering wild horses.

Various county roads are available to access the area including but not limited to the following: Rio Blanco County Road (RBC) 122 (Calamity Ridge), RBC Road 68 (Dry Ryan), RBC Road 69 (Hunter Ridge), Portions of RBC Road 103 (Cathedral Ridge), RBC Road 76 (Greasewood), RBC Road 3 (Collins Gulch), RBC Road 26 (Black Sulphur), and portions of RBC Road 24 (Ryan Gulch). Additional access is available off of several numbered or unnumbered BLM roads, as well as other private or energy related roads. A majority of the roads may pose potential travel issues after a moderate rain event.

## 5.2. Assumptions for Analysis

**Assumed Timeframes Necessary to Gather Excess Wild Horses**

The BLM anticipates that gathering all of the excess wild horses in any one year period, regardless of the gather methods used, may not be attainable due to terrain, pinyon-juniper cover, potential for storm conditions affecting ability to travel in the area, budget, available holding capacity for wild horses, and the historic gather success rates known to the area.

The BLM anticipates that based on the history of difficult gather operations for this area that more than one trap location would be required no matter the gather method and that the number of days at any given

trap location could vary widely. The BLM anticipates that trap sites used for helicopter drive trapping would typically be active for 1 to 3 days during a gather operation, where bait/water trap sites may be active for extended periods in order to gather the same number of wild horses as the helicopter drive trap method.

Variables such as weather delays, availability of off-range corrals and/or off-range pastures spaces, difficulties in gathering the excess wild horses including wild horse behavior, availability of gather contractors, and budget could adjust the time period needed to complete gather operations.

**Trap Locations**

Due to the need to be able to access gathered wild horses at trap locations with trucks and trailers, it is assumed that the majority of trap locations (whether using helicopters, water, or bait) would be located near existing disturbances and/or roads.

However, there may be rare occurrences when this is not the case. For example, in the past the BLM has used helicopters to deliver panels to trap sites not accessible by vehicles and then ponied out the gathered horses (i.e., the wild horse is led to another trap next to a road by following a lead domestic horse and with a second domestic horse following behind the wild horse). In the last 10 years, the BLM has only used this approach once and there were no injuries or any anticipated increase in risk of injury.

**Acreage**

It is estimated that the total acreage affected would be approximately 50 acres and includes utilization of previously disturbed locations for gather operation.

**Impacts Due to Changes in the Wild Horse Population and/or Distribution**

The analysis in this EA focuses on the impacts associated with proposed gather operations (e.g., use of helicopters, bait or water traps, temporary corrals, etc.). It is anticipated that under each of the alternatives there would be a change in the wild horse population that has relocated outside of the PEDHMA. The number of wild horses that have relocated outside of the PEDHMA has increased and conditions have varied over the years.

For Fiscal Year 2017, the National Program Office estimates that they would only be able to provide space in off-range corrals or off-range pastures for up to 72 excess wild horses from the WRFO. For Alternatives A and B, if we assumed a similar number of excess wild horses could be accommodated each fiscal year in holding facilities, then it would take approximately 3 years (2017 – 2019) to gather and remove excess wild horses from areas located outside of the PEDHMA with a 100 percent success rate for each gather operation.

**Table 1. For Alternatives A & B the Minimum Number of Years Required in order to Gather Excess Wild Horses from Areas Outside of the PEDHMA**

| Year | Estimated Wild Horse Population at the Start of the Year | Annual Recruitment | Estimate Excess Wild Horse Population at Time of Gather | Excess Wild Horses Removed via Gathers | Remaining Wild Horses |
|---|---|---|---|---|---|
| 2016 | 145 | 29 | 0 | 0 | 174 |
| 2017 | 174 | 35 | 210 | 100 | 110 |
| 2018 | 110 | 22 | 132 | 100 | 32 |
| 2019 | 32 | 6 | 38 | 38 | 0 |

## 5.3. Cumulative Impacts

### 5.3.1. *Cumulative Impacts Analysis Areas*

The geographic extent (Cumulative Impact Analysis Area or CIAA) of cumulative impacts are listed below in Table 2

**Table 2. Cumulative Impacts Analysis Area by Resource (Cumulative Impacts)**

| Resource | CIAA | Total CIAA Acreage |
|---|---|---|
| Wild Horses, Cultural & Paleontology, Livestock Grazing, Special Status Plant Species, Vegetation, Invasive Species, Recreation, Lands with Wilderness Characteristics, Aquatic Wildlife, Migratory Birds, Terrestrial Wildlife, and Special Status Animal Species | Outside of PEDHMA areas subject to gather and removal operations. | Approximately 773,213 acres (517,288 acres of public, 18,193 acres of state, and 237,732 acres of private). |

### 5.3.2. *Past, Present, and Reasonably Foreseeable Future Actions*

Cumulative effects are defined in the CEQ regulations (40 CFR 1508.7) as "... the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions."

Other past, present, and reasonably foreseeable actions in the analysis area include: grazing by livestock, wild horses and wildlife; and construction and/or maintenance associated with range improvement projects; energy development and/or maintenance of energy related facilities, vegetation treatments; and both wildfires managed for resource benefit and prescribed fires. Generally, recreation use is characterized by dispersed camping, off road vehicle use, wild horse and wildlife viewing, as well as big game hunting activities.

As of May 2017, the Colorado Oil and Gas Conservation Commission database indicated there were a total of 1,163 producing wells, and 114 shut-in wells in the identified area of the proposed gather and removal operation. Most energy development was conducted decades ago but still requires regular maintenance activities of those facilities using the area.

## 5.4. Wild Horses

### 5.4.1. *Affected Environment*

**Population Estimates and Geographic Distribution**

In February 2016, the BLM (2 observers and the pilot)[2] conducted a direct count inventory by helicopter of the wild horses west of State Highway 139 and within the PEDHMA along with a portion outside of the PEDHMA known as Cathedral/Lake/Soldier Creeks which indicated an estimated population of 44 wild horses plus 1 domestic horse. It can be difficult to count wild horses due to the dense coniferous (pinyon/juniper) canopy cover located across portions of the analysis area.

The 2016 estimated population of the wild horses outside of the PEDHMA is generated from the previous inventories (experienced BLM staff knowledge base of locations where wild horses have relocated outside of PEDHMA), reports by the public, game camera photographs including video by the public and BLM staff, and staff observations, along with the BLM's 2016 helicopter inventory including the Cathedral/Lake/Soldier Creeks area and includes annual foaling recruitment rates of 20 percent for 2016 (Table 3). The current estimated population for those areas can be found in Table 4; at the time of the proposed gather there could be approximately 210 wild horses in the analysis area.

**Table 3. Estimated Wild Horse Population for 2016**

| Location Outside of PEDHMA* | 2016 Estimated Population | + 2016 20% Recruitment | Estimated Population as of 12/31/2016 | Unallocated Forage Utilization by AUMs |
|---|---|---|---|---|
| Magnolia Bench | 8 | 1 | 9 | 108 |
| North Piceance Herd Area | 35 | 8 | 43 | 516 |
| Doughnut Hole | 8 | 1 | 9 | 108 |
| Pastures A &B, Ryan Gulch | 50 | 10 | 60 | 720 |
| Cathedral/Lake/Soldier Creeks | 44 | 9 | 53 | 636 |
| **2016 Total** | 145 | 29 | 174 | 2,088 |

**Table 4. Estimated Wild Horse Population for 2017**

| Location Outside of PEDHMA* | 12/31/2016 Estimated Population | + 2017 20% Recruitment | July 31, 2017 Estimated Population | Unallocated Forage Utilization by AUMs |
|---|---|---|---|---|
| Magnolia Bench | 9 | 2 | 11 | 132 |
| North Piceance Herd Area | 43 | 9 | 52 | 624 |
| Doughnut Hole | 9 | 2 | 11 | 132 |
| Pastures A &B, Ryan Gulch | 60 | 12 | 72 | 864 |
| Cathedral/Lake/Soldier Creeks | 53 | 11 | 64 | 768 |
| **2017 Total** | 174 | 36 | 210 | 2,520 |

*Removal concentration areas.

[2] A copy of the 2016 inventory report is available online on the project website (http://bit.ly/2qhnKFo).

Most wild horses found outside of the PEDHMA are found in the areas adjacent to the PEDHMA boundary except for the area locally known as Magnolia Bench which is located east of Piceance Creek and also east of Rio Blanco County Road 5. In the last five years or so, wild horses outside of the PEDHMA have started to expand into new areas such as the Lake and Soldier Creek area. The BLM is aware of wild horses moving into the Ryan Gulch area outside of the PEDHMA boundary, but it is unknown if they have also moved into other major drainages such as Fawn Creek or Black Sulphur Creek.

Wild horse gathers/removals have been conducted 18 times over the past 37 years in the area: 1980, 1981, 1983, 1984, 1985, 1989, 1991, 1992, 1993, 1994, 1996, 1997, 1998, 1999, 2002, 2006, 2010, and 2011. The last time that excess wild horses were gathered and removed in the area was in 2011 due to an overpopulation of wild horses within the PEDHMA and included gather operations for those excess wild horses that had relocated outside of the PEDHMA. Not all of the previous gathers targeted the gather and removal of excess wild horses located outside of the PEDHMA. Not all of the previous gather operations were fully successful in meeting project objectives or were only partially successful in some areas while not successful in other areas which made for a varied outcome from the original objectives of the project (i.e., selective gather/removal turns into a gate cut gather/removal having reduced the number of wild horses in one area instead across the landscape).

Wild horse distribution is becoming more and more lopsided in that heavier utilization is occurring where water sources of necessary quantity and quality exist with those connected habitats outside of the PEDHMA at higher, continued risk of degradation. Wild horses that have located outside can remain outside but on occasion have been found back within the PEDHMA boundary. Past gather operations and the removal of excess wild horses in specific areas have resulted in decreased forage competition with livestock. Competition with other ungulates (including deer and elk) is over forage, water, space and cover necessary for healthy survival by all that utilize the area. Over the last several decades, various amounts of land were burned by wild fires on the range. Wild horses that used these areas prior to the fires are expected to move into different areas until forage and cover resources within the burned area have recovered. Wild horses continue to seek areas outside of the PEDHMA and perhaps outside of the areas they are known to currently occupy (i.e., further to the east in Black Sulphur Creek).

Based on past and current inventories of wild horses it is apparent that occupation and use by wild horses has extended beyond the PEDHMA boundary and in some cases onto private lands. When this occurs it makes it difficult for land owners to manage their livestock and their domestic horses because when a wild horse gains access to private lands they may injure and/or breed with the domestic horse(s), attempt to incorporate the domestics into a herd, and make use of the forage and water resources on those private lands.

**Genetic Diversity and Viability**

Blood samples have been collected from the wild horses gathered and/or removed from inside and outside of the PEDHMA in past years with genetic baseline data (e.g., genetic diversity, historical origins of the herd, unique markers) included in written reports received in 2002 and 2010. The samples were analyzed by Dr. E. Gus Cothran, previously with Department of Veterinary Science, University of Kentucky, Lexington, KY, now with Equine Genetics Laboratory, Texas A&M University. There is no identified need at this time to gather any genetic samples from wild horses that would be gathered or removed from outside of the PEDHMA.

Smaller herds (<200 horses) which experience some degree of isolation tend to lose genetic information through genetic drift. The loss of genetic material has a negative impact on the genetic composition of a small herd. Wild horses located outside of the PEDHMA are not managed for a viable healthy breeding wild horse herd.

## 5.4.2. *Environmental Consequences – Alt A (All Gather Methods)*

### Direct and Indirect Impacts

All wild horses would experience varying levels of stress during herding, gather, handling, and holding when gathered. Wild horses herded using helicopter drive trapping and helicopter assisted roping would be herded cross country. Those wild horses gathered during water and bait trapping would not be herded cross country. Stress levels, and the potential for injury, would be highest immediately following gather when wild horses are moved through the chutes during sorting and when they are being loaded into trailers. Confinement of wild horses at the temporary holding facility may increase the likelihood of injury, and stress/confinement related illness.

If the local conditions require a helicopter drive-trap operation, the BLM would use a contractor or in-house gather team to perform the gather activities in cooperation with BLM and other appropriate staff. The contractor would be required to conduct all helicopter operations in a safe manner and in compliance with Federal Aviation Administration (FAA) regulations 14 CFR § 91.119 and BLM WOIM #2010-164.

Helicopter drive trapping involves use of a helicopter to herd wild horses into a temporary trap. CAWP Standards (Appendix E) would be followed to ensure that the gather is conducted in a safe and humane manner, and to minimize potential impacts or injury to the wild horses. Traps would be set in an area with high probability of access by wild horses using the topography of the area, if possible, to assist with capturing excess wild horses residing within the area. Traps would consist of a large catch pen and may or may not include several connected holding corrals, jute-covered wings and a loading chute. The jute-covered wings are made of material, not wire, to avoid injury to the wild horses. The wings form an alley way used to guide the wild horses into the trap. Trap locations are changed during the gather to reduce the distance that the animals must travel or if the trap's design needs adjustment. A helicopter is used to locate and herd wild horses to the trap locations. The pilot uses a pressure and release system while guiding them to the trap site, allowing them to travel at their own pace. As the herd approaches the trap the pilot applies pressure and usually a prada horse (trained domestic horse) is released guiding the wild horses into the trap. Once wild horses are gathered they are removed from the trap and transported to a temporary holding facility where they are sorted, or if the trap location and temporary holding facility are one immediately after capture the wild horses are sorted all in attempts to reduce injury and stress to the animals.

The helicopter work is done at various heights above the ground, from as little as 10-15 feet (when herding the animals the last short distance to the gather corral) to several hundred feet (when doing a recon of the area). While helicopters are highly maneuverable and the pilots are very skilled in their operation, unknown and unexpected obstacles in their path can impact their ability to react in time to avoid impacts to the wild horses being herded by the helicopter in that they may not be able to react and can be potentially harmed or caused to flee which can lead to injury and additional stress. When the helicopter is working close to the ground, the rotor wash of the helicopter is a safety concern by potentially causing loose vegetation, dirt, and other objects to fly through the air which can strike or land

in close proximity as well as cause decreased visibility for the wild horses. Though rare, helicopter crashes and hard landings can and have occurred (approximately 10) over the last 40+ years while conducting wild horse gathers which necessitates the need to follow gather operations and visitor protocols at every wild horse gather to assure safety of the people and animals involved. Flying debris caused by a helicopter incident would pose a safety concern to BLM and contractor staff, visitors, and the wild horses.

During the herding process, wild horses could try to flee if they perceive that something or someone suddenly blocks or crosses their path. Fleeing wild horses could go through wire fences, traverse unstable terrain, and go through areas that they normally would not travel in order to get away, all of which can lead them to injure themselves or people by striking or trampling them if they are in the animal's path. Disturbances in and around the gather and holding corral have the potential to injure the government and contractor staff who are trying to sort, move and care for the wild horses by causing them to be kicked, struck, and possibly trampled by the animals trying to flee. Such disturbances also have the potential for similar harm to the public themselves. Both the herding processing and the disturbances in and around the gather/holding corrals has the potential for wild horses to be injured due to the activities causing the animals to be stressed, however, as they become use to the various activities they have been known to settle down and in many instances have started to simply watch the activities without incident.

Trap locations could be placed at a given location for 1 day up to several weeks; however, helicopter trap locations are usually in place for 1 day up to several days and are commonly located on previously disturbed areas. Bait and water trap locations could be utilized intermittently or continuously. For example, an intermittent trap would be utilized for 2 consecutive days and then left in place until needed again either several days later or several weeks later. When traps are left in place and not being utilized to capture wild horses it would be open enough for wild horses, livestock and other wildlife to enter and exit at will while a continuous trap would be utilized daily after constructed until it was deemed no longer necessary at a given location.

Well placed and well-constructed traps and temporary holding facilities, safety-conscious corral construction, additional pens (if necessary) for any wild horses that need kept separate from other wild horses, as well as well-maintained equipment would decrease stress and the potential for injury and illness of those wild horses that have been gathered. The CAWP Standards (Appendix E) would be implemented and are expected to further reduce the potential for stress, injury and/or illness of the wild horses gathered.

Experienced BLM personnel (reference April 2001, Western Horseman article regarding "Handling Mustangs" at BLM facilities) would be onsite during all phases of the operation. The BLM plans to have an Animal and Plant Health Inspection Service (APHIS) or contracted licensed veterinarian on-site throughout the gather operations to examine animals and make recommendations to BLM for care and treatment of wild horses. BLM staff would be present at the gather at all times to observe animal condition, ensure humane treatment of wild horses, and ensure contract requirements are met. To continue to further minimize the level of activity, address health and safety of observers, and reduce stress to wild horses, the BLM would require that observers coordinate viewing opportunities with an assigned BLM representative during the gather operation.

Since 2004, BLM Nevada has gathered over 40,000 excess animals. Of these, gather related mortality has averaged only 0.5%, which is very low when handling wild animals. Another 0.6% of the animals captured were humanely euthanized due to pre-existing conditions and in accordance with BLM policy.

This data affirms that the use of helicopters and motorized vehicles are a safe, humane, effective and practical means for gathering and removing excess wild horses and burros from the range.

The BLM policy limits gathering wild horses by helicopter during the 6 weeks prior to and following the peak foaling season. The peak of foaling occurs between mid-April to mid-May. Therefore, the use of helicopters to assist in the removal of wild horses from March 1 through June 30 is limited to emergency situations. This timing limitation would be expected to decrease impacts and disruption to mares and foals during critical birth and bonding timeframes.

During any gather operation wild horses may become separated from other members of their band(s), and some may ultimately escape being gathered, requiring subsequent gather efforts. If subsequent annual gathers are needed, the remaining wild horses potentially can become more and more difficult to gather as the herd and the band sizes decrease and with habituation to gather methods (helicopter and/or water and bait trapping). It is expected that after the initial gather and removal in 2017, that the remaining wild horses in a given area would form smaller bands and in some cases become solitary wild horses. Wild horses that evade being gathered, during the initial gather, would experience herding stress as described above each time they are herded until they are gathered. Wild horses are herd animals so it is expected that as wild horses are gathered and removed that those wild horses that remain would eventually reform into new bands that may all be bachelors or may be bands that include mares and stallions, however, there are times when there could be a single wild horse with no band.

Over the past several decades, various impacts to wild horses as a result of gather activities have been observed. Under the action alternatives, impacts to wild horses would be both direct and indirect, occurring to both individual horses and the population as a whole. The BLM has been conducting wild horse gathers since the mid-1970s, and have been using helicopters for such gathers. During this time, methods and procedures have been identified and refined to minimize stress and impacts to wild horses during gather implementation.

Individual, direct impacts to wild horses include the handling stress associated with the roundup, capture, sorting, handling, and transportation of the animals. The intensity of these impacts varies by individual, and is indicated by behaviors ranging from nervous agitation to physical distress. When being herded to trap site corrals by the helicopter, injuries sustained by wild horses may include bruises, scrapes, or cuts to feet, legs, face, or body from rocks, brush or tree limbs. Rarely, wild horses may encounter barbed wire fences and may receive wire cuts. These injuries are very rarely fatal and are treated on-site until a veterinarian can examine the animal and determine if additional treatment is indicated.

Other injuries may occur after a wild horse has been captured and is either within the trap site corral, the temporary holding corral, during transport between facilities, or during sorting and handling. Occasionally, wild horses may sustain a spinal injury or a fractured limb but based on prior gather statistics, serious injuries requiring humane euthanasia occur in less than1 horse per every 100 captured. Similar injuries could be sustained if wild horses were captured through bait and/or water trapping, as the animals still need to be sorted, aged, transported, and otherwise handled following their capture. These injuries result from kicks and bites, or from collisions with corral panels or gates.

To minimize the potential for injuries, the wild horses are transported from the trap site to the temporary or off-range corrals where they are sorted as quickly and safely as possible, then moved into larger holding pens where they are provided with hay and water. On some gathers, due to the temperament of the

wild horses that are not as calm, injures may be more frequent. Indirect individual impacts are those which occur to individual wild horses after the initial event. These may include miscarriages in mares, increased social displacement, and conflict between stallions. These impacts, like direct individual impacts, are known to occur intermittently during wild horse gather operations. An example of an indirect individual impact would be the brief 1-2 minute skirmish between older stallions which ends when one stud retreats. Injuries typically involve a bite or kick with bruises which do not break the skin. Like direct individual impacts, the frequency of these impacts varies with the population and the individual. It is unknown the number of miscarriages possible by wild horses that are gathered and removed, or those wild horses that evade being gathered, however, BLM believes the rate to occur in about 1 to 5 percent of the captured mares, particularly if the mares are in very thin body condition or in poor health. A few foals may be orphaned during a gather. This can occur if the mare rejects the foal, the foal becomes separated from its mother and cannot be matched up following sorting, the mare dies or must be humanely euthanized during the gather, the foal is ill or weak and needs immediate care that requires removal from the mother, or the mother does not produce enough milk to support the foal. On occasion, foals would be gathered that were previously orphaned on the range (prior to the gather) because the mother rejected it or died. These foals are usually in poor condition. Every effort would be made to provide appropriate care to orphan foals. Veterinarians may administer electrolyte solutions or orphan foals may be fed milk replacer as needed to support their nutritional needs. Orphan foals may be placed in a foster home in order to receive additional care. Despite these efforts, some orphan foals may die or be humanely euthanized as an act of mercy if the prognosis for survival is poor.

In some areas, gathering wild horses during the winter may avoid the stress that could be associated with a summer gather. By fall and winter, foals are of good body size and sufficient age to be easily weaned. Winter gathers are often preferred when terrain and higher elevations make it difficult to gather wild horses during the summer months. Under winter conditions, wild horses are often located in lower elevations due to snow cover at higher elevations. This typically makes the wild horses closer to the potential trap sites and reduces the potential for fatigue and stress. While deep snow can tire wild horses as they are moved to the trap, the helicopter pilots allow the wild horses to travel slowly at their own pace. Trails in the snow are often followed to make it easier for wild horses to travel to the trap site. On occasion, trails can be plowed in the snow to facilitate the safe and humane movement of wild horses to a trap. In some areas, a winter gather may result in less stress as the cold and snow does not affect wild horses to the degree that heat and dust might during a summer gather. Wild horses may be able to travel farther and over terrain that is more difficult during the winter, even if snow does not cover the ground. Water requirements are lower during the winter months, making distress from heat exhaustion rare.

By comparison, during summer gathers, wild horses may travel long distances between water and forage and become easily dehydrated. Depending on the year, the potential for reliable water resources to have a reduced flow during the summer months is possible so there is potential that for those wild horses that start out with a reduced intake of water would have a heightened risk of dehydration due to lack of base body fluids. Through the capture and sorting process, wild horses would be examined for overall general health as well as new or old injuries.

Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy. BLM Euthanasia Policy WOIM #2015-070 would be used as a guide to determine if animals meet the criteria and should be euthanized. Animals that are euthanized for non-gather related reasons include those with old injuries such as broken or deformed limbs that cause lameness or prevent the animal from

being able to maintain an acceptable body condition (equal to or greater than BCS 3); old animals that have serious dental abnormalities or severely worn teeth and are not expected to maintain an acceptable body condition, and wild horses that have serious physical defects such as club feet, severe limb deformities, or sway back.

As the excess wild horses are gathered and removed from outside of the PEDHMA they would be transported to the Canon City holding facility or if circumstances warrant another BLM approved holding facility (i.e., Rock Springs, WY).

**Transport, Off-Range Corrals, and Adoption (or Sale) Preparation**
Horses would be gathered into temporary traps and transported to temporary holding corrals to be processed and transported from the capture/temporary holding corrals to the designated BLM off-range corral(s) in accordance with BLM WOIM #2015-151. From there, they would be made available for adoption or sale to qualified individuals or placed in off-range pastures (ORP).

Wild horses selected for removal from the range would be transported to the receiving off-range corrals (ORC) in straight deck semi-trailers, goose-neck stock trailers or other approved vehicle. Vehicles would be inspected by the BLM Contracting Officer's representative (COR) or Project Inspector (PI) prior to use to ensure wild horses could be safely transported and that the interior of the trailer is in a sanitary condition. Wild horses would be segregated by age and sex and loaded into separate compartments. A small number of mares may be shipped with foals. Transportation of recently captured wild horses would be limited to a maximum of 8 hours. During transport, potential effects to individual horses may include stress, as well as slipping, falling, kicking, biting, or being stepped on by another animal. Unless wild horses are in extremely poor condition, it is rare for an animal to be seriously injured or die during transport.

Upon arrival at the ORC, recently captured wild horses would be off-loaded by compartment and placed in holding pens where they would be fed good quality hay and water. Most wild horses begin to eat and drink immediately and adjust rapidly to their new situation. Lactating mares and young foals would be put in a separate pen to encourage pairing. At the ORC, a veterinarian would examine each load of horses and provide recommendations to the BLM regarding care, treatment, and if necessary, euthanasia of the recently captured wild horses. Wild horses in very thin condition or animals with injuries would be sorted and placed in hospital pens, fed separately and/or treated for their injuries as indicated. Recently captured wild horses, generally mares, in very thin condition may have difficulty transitioning to feed. Some mares may lose their pregnancies. Every effort would be taken to help the mare make a quiet, low stress transition to captivity and domestic feed to minimize the risk of miscarriage or death.

After recently captured wild horses have transitioned to their new environment, they would be prepared for adoption or sale. Preparation would involve freeze-marking the animals with a unique identification number, drawing a blood sample to test for equine infections and anemia, vaccination against common diseases, castration, and de-worming. During the preparation process, potential impacts to wild horses would be similar to those that can occur during handling and transportation. Serious injuries and deaths from injuries during the preparation process are rare, but can occur.

At ORC, a minimum of 400 square feet would be provided per animal. Mortality at ORC averages approximately 5 percent per year (GAO 2008), and includes animals euthanized due to a pre-existing

condition; animals in extremely poor condition; animals that are injured and would not recover; animals which are unable to transition to feed; and animals which are seriously injured or accidentally die during sorting, handling, or preparation.

Adoption applicants would be required to have at least a 400 square foot corral with panels that are at least six feet tall for wild horses over 18 months of age. Applicants would be required to provide adequate shelter, feed, and water. The BLM retains title to the wild horse for one year and most of the wild horses and the facilities would be inspected to assure the adopter is complying with the BLM's requirements. After one year, the adopter may apply for title to the wild horse after an inspection from a humane official, veterinarian, or other individual approved by the authorized officer, at which point the wild horse would become the property of the adopter. Adoptions are conducted in accordance with 43 CFR Subpart 4750. Potential buyers would be required to fill out an application and be pre-approved before they may buy a wild horse.

A sale-eligible wild horse is any animal that is more than 10 years old; or has been offered unsuccessfully for adoption three times. The application also specifies that all buyers may not resell the animal to slaughter buyers or anyone who would sell the animal to a commercial processing plant. Sales of wild horses would be conducted in accordance with BLM policy.

Between 2007 and 2009, nearly 62 percent of the excess wild horses or burros removed in the WRFO were adopted and about 8 percent were sold with limitation (to good homes) to qualified individuals. Most wild horses 5 years of age and older would be transported to ORP. Each ORP would be subject to a separate environmental analysis and decision making process. Animals in ORPs would remain available for adoption or sale to individuals interested in acquiring a larger number of animals that can provide the animals with a good home. The BLM has maintained ORPs in the Midwest for over 20 years.

Potential impacts to wild horses from transport to adoption, sale and/or LTPs would be similar to those previously described. One difference is that when shipping wild horses for adoption, sale or ORP, animals may be transported for a maximum of 24 hours. Immediately prior to transportation, and after every 18-24 hours of transportation, animals would be offloaded and provided a minimum of 8 hours on-the-ground rest. During the rest period, each animal would be provided access to unlimited amounts of clean water and good quality hay with adequate space to allow all animals to eat at one time. Most animals would not be shipped more than 18 hours before they are rested.

ORPs would be designed to provide excess wild horses with humane, life-long care in a natural setting off the public rangelands. There wild horses are maintained in grassland pastures large enough to allow free-roaming behavior and with the forage, water, and shelter necessary to sustain them in good condition. About 46,000 wild horses (according to Off-Range Pasture Fact Sheet, Updated May 1, 2017), that are in excess of the existing adoption or sale demand (because of age or other factors), are currently located on private land pastures in Iowa, Kansas, Oklahoma, and South Dakota. Located in mid or tall grass prairie regions of the United States, these ORP are highly productive grasslands as compared to more arid western rangelands. These pastures comprise about 256,000 acres (an average of about 8-10 acres per animal). Mares and castrated stallions (geldings) would be segregated into separate pastures except one facility where geldings and mares would coexist. No reproduction would occur in the long-term grassland pastures, but foals born to mares that are pregnant when they were removed from the range would be gathered and weaned when they reach about 8-10 months of age and would then be shipped to ORC where

they would be made available for adoption. Handling by humans would be minimized to the extent possible although regular on-the-ground observation and weekly counts of the wild horses to ascertain their numbers, well-being, and safety are conducted. A very small percentage of the animals may be humanely euthanized if they are in very thin condition and are not expected to improve to a Body Condition Score (BCS) of 3 or greater (base on the Henneke Scoring System – updated October 26, 2016) due to age or other factors, see WOIM #2015-070. Natural mortality of wild horses in ORP averages approximately 8 percent per year, but can be higher or lower depending on the average age of the wild horses pastured there (GAO-09-77, Page 52). The savings to the American taxpayer which would result from contracting for ORP would average about $4.45 per wild horse per day as compared with maintaining the animals in ORC at a higher cost.

As described above BLM recognizes that wild horses experience some level of stress during capture, handling, transportation and holding. It is likely that individual wild horses experience differing levels of stress and subsequently respond differently following stress, however the varying levels of stress and response cannot be differentiated between individual horses. Wild horses would be observed by experienced BLM staff and a professional veterinarian immediately following capture for indications of injury, exhaustion, or improper herding. Following transport, the animals would be given the opportunity to acclimate to short term holding facilities while being observed from a distance. Historically, experienced BLM staff have observed that wild horses settle down and adjust within 30 minutes of handling. Wild horses in short term holding would be provided fresh free choice feed and water and carefully observed by experienced BLM staff and a professional veterinarian to ensure adequate feed and water are available, each animal has opportunity to eat and drink, and that each animal is able to eat or drink. During past gather operations, it has been observed that wild horses willingly consume feed and water following a short period of acclimation. Long term negative impacts of stress from capture are not evident in wild horses currently in short and long term holding pastures, since these animals do not exhibit widespread signs of chronic health problems.

While humane euthanasia and sale without limitation of healthy wild horses for which there is no adoption demand would be authorized under the WFRHBA, Congress prohibited the use of appropriated funds between 1987 and 2004, 2010, and 2015 for this purpose. However, Section 116 of the 2017 Omnibus Spending Bill allows for the transfer of excess wild horses or burros, removed from public lands, to other Federal, State, and local government agencies for use as work animals. It also provides for the transfer to be conducted as soon as a request is received from such agencies. Animals that are transferred using this method would immediately lose its status as a wild horse or burro as defined under the WFRHBA. It also states that any agency receiving animals through this type of transfer would not allow the animals to be destroyed, used in a way that would result in their destruction for, or transfer to any entity that would destroy the animals for use in commercial products. Euthanasia of these animals would only be done under the direction of a licensed veterinarian for cases of severe injury, sickness or old age.

### Cumulative Impacts

Under this alternative, wild horses would experience the associated stresses and possible deaths during gather operations for as long as gather operations are being conducted until all of the excess wild horses are gathered and removed that are located outside of the PEDHMA boundary. Further, for those excess wild horses not gathered at this time, the remaining wild horses (a reduced number of wild horses) would experience the possibility of drought conditions, various sized wild land fires to the area, temporary disruptions from energy development related activities (including facilities maintenance), various kinds of

recreational uses in the area, and possibly a reduce level of competition associated with livestock and wildlife for forage/water/cover.

If BLM is successful in implementing the Proposed Action (if approved) excess wild horses located adjacent to the PEDHMA would be gathered and removed, would not occupy private lands, would not relocate further outside of the PEDHMA, and would not be available for viewing by the public in areas outside of the PEDHMA. The impacts to the various resources located outside of the PEDHMA would be removed from wild horses.

The WRFO would continue to manage a healthy wild horse herd in the PEDHMA.

### 5.4.3. *Environmental Consequences – Alt B (Bait/Water Trapping Only)*

#### Direct and Indirect Impacts

Impacts resulting from this alternative are similar to those of the Proposed Action, except that gathering excess horses using bait/water trapping could occur at any time of the year and traps would remain in place until the target number of animals are removed. Generally, bait/water trapping is most effective when a specific resource is limited, such as water during the summer months. For example, in some areas, a group of wild horses may congregate at a given watering site during the summer because few perennial water resources are available nearby. Under those circumstances, water trapping could be a useful means of reducing the number of wild horses at a given location, which can also relieve the resource pressure caused by too many wild horses. As the proposed bait and/or water trapping is considered a lower stress approach to gathering wild horses such trapping can continue into the foaling season due to anticipated reduced stress thereby reducing the potential for harm to the mares or foals.

Due to the presence of mountainous terrain, vegetative cover and the potential for summer thunder/rain and winter snow storm conditions, gather efficiency may be less than optimal. This type of gather operation regularly takes a minimum of several days up to several months to complete so wild horses are essentially in contact with human activity associated with the gather operation could either cause them to habituate to human activity thus lessening their wildness or cause them to avoid human activity thus retaining their wildness. Gather operations conducted during the winter can also be stressful to wild horses due to snow depths, potentially slick conditions, and cold temperatures, however, because they are not being herded into traps they would not experience stresses associated with cross country travel including temporary respiratory problems associated with breathing cold air.

Bait and/or water trapping would not necessarily be used, but may be used if circumstances require it. Bait and/or water trapping generally require a longer window of time for success than helicopter drive trapping. Although the trap would be set in a high probability area for capturing excess wild horses residing within the area, and at the most effective time periods, varied amounts of time are required for the wild horses to acclimate to the trap and/or decide to access the water/bait.

Trapping involves setting up portable panels around an existing water source or in an active wild horse area, or around a pre-set water or bait source. The portable panels would be set up to allow wild horses to go freely in and out of the corral until they have adjusted to it. When the wild horses fully adapt to the corral, it is fitted with a gate system. The acclimation of the horses creates a low stress trapping method.

During this acclimation period the wild horses would experience some stress due to the panels being setup and perceived access restriction to the water/bait source.

When actively trapping wild horses, the trap would be staffed or checked on a daily basis by either BLM personnel or authorized contractor staff. Wild horses would be either removed immediately or fed and watered for up to several days prior to transport to a holding facility. Existing roads would be used to access the trap sites.

Impacts to wild horses associated with transport, ORC, LTP, and adoption preparation would be the same as described in Alternative A.

#### Cumulative Impacts

Under this alternative, the cumulative impacts would be similar to Alternative A.

### 5.4.4. *Environmental Consequences – Alt C (No Action)*

#### Direct and Indirect Impacts

Under this alternative, wild horses would not experience the stresses associated with gathering, removal and/or adoption versus Alternatives A and B. The current population of wild horses would continue to increase at an annual rate of approximately 20 percent. With such a growth rate the population of wild horses would expect to be double by 2021 for approximately 472 wild horses located outside of the PEDHMA boundary. Wild horses would continue to compete for forage, water, cover and space with the wildlife and livestock in the area. The locations closest to water would experience the heaviest utilization and occurrences when wild horses may keep other wildlife and livestock from access to water sources especially during times of limited water sources. Wild horses would be expected to travel greater distances from water sources to available forage.

As a result, there would be no change to the social structure of the wild horses located outside of the PEDHMA. Projected population increases would result in increasing competition for available forage and water resources, and eventually lead to long-term deterioration of wild horse health. Lactating mares, foals, and older animals would be affected more than other wild horses in the population as they are most susceptible to stress, including forage and water depletion. Social stress among animals would likely increase when a shortage of resources increased. The potential risk of injury or death would increase as wild horses search and compete for forage and water. Because wild horses are herd animals and since excess wild horses exist outside of the PEDHMA boundary there is an increased chance that wild horses located inside the PEDHMA would be drawn to join the excess wild horses located outside of the PEDHMA.

#### Cumulative Impacts

Wild horse use and past and present land uses, such as livestock grazing and foraging by deer and elk would be expected to continue to occur in the future. Wild horses are expected to continue to seek the resources they need to survive in areas beyond their current locations as the population increases both inside and outside of the PEDHMA boundary. The BLM would expect the wild horse population to reach levels that could, in the future, negatively impact the resources (on both public and private lands)

ultimately impacting not only those resources but the health of individual wild horses. Death losses would be expected.

## 5.5. Vegetation

### 5.5.1. *Affected Environment*

Native plant communities can be described by major plant associations that are characterized by one or two dominant plant species or an association of several dominant plant species. Distribution of these associations is influenced primarily by precipitation and elevation and, to a lesser extent, by aspect and soil type. Table 5 shows the vegetation communities by ecological sites and acres associated with each site within the analysis area.

**Table 5. Vegetation Communities by Ecological Site by Acreage**

| Ecological Site/Woodland Type | Plant Community Appearance | Predominant Plant Species in Plant Community | Acres in the WRFO Outside the PEDHMA |
|---|---|---|---|
| Alkaline Slopes | Sagebrush/grass | Greasewood, Big Sagebrush, western wheatgrass, sand dropseed | 4,989 |
| Badlands | Barren | Low Desert Shrubs and grasses | 2,133 |
| Brushy Loam | Deciduous Shrub / Grass Shrubland | Serviceberry, oakbrush, snowberry, mountain brome, slender wheatgrass, western wheatgrass, Letterman and Columbia needle grasses | 111,274 |
| Clayey Foothills | Grass / Open Shrub Shrubland | Western wheatgrass, mutton grass, Indian rice grass, squirreltail, June grass, Wyoming big sagebrush, black sagebrush | 5,529 |
| Clayey Slopes | Grassland | Salina wildrye, mutton grass, western wheatgrass, June grass, squirreltail, shadscale | 9,069 |
| Deep Clay Loam | Grass / Open Shrub Shrubland | Western wheatgrass, slender wheatgrass, mutton grass, squirreltail, June grass, Letterman and Columbia needle grasses, mountain big sagebrush | 1,892 |
| Deep Loam | Grassland | Bluebunch wheatgrass, mottongrass, needle-and-thread, western wheatgrass, slender wheatgrass, big sagebrush, serviceberry, snowberry. | 5,670 |
| Dry Exposure | Grassland | Beardless bluebunch wheatgrass, needle-and-thread, June grass, Indian rice grass, fringed sage, buckwheats | 11,484 |
| Foothills Swale | Grass Shrubland | Basin wildrye, western wheatgrass, Indian ricegrass, big sagebrush, rubber rabbitbrush | 42,729 |

| Ecological Site/Woodland Type | Plant Community Appearance | Predominant Plant Species in Plant Community | Acres in the WRFO Outside the PEDHMA |
|---|---|---|---|
| Loamy Slopes | Mix Shrub / Grass Shrubland | Mountain mahogany, bitterbrush, serviceberry, mountain big sagebrush, beardless bluebunch wheatgrass, western wheatgrass, June grass, Indian rice grass | 90,396 |
| Mountain Loam | Grass / Open Shrub Shrubland | Mountain brome, slender wheatgrass, western wheatgrass, Letterman and Columbia needle grasses, mountain big sagebrush, bitterbrush, low rabbitbrush, snowberry, serviceberry | 48,426 |
| Pinyon/Juniper | Pinyon/Juniper Woodland | Pinyon pine, Utah juniper, mountain mahogany, bitterbrush, serviceberry, Wyoming big sagebrush, beardless bluebunch wheatgrass, western wheatgrass, June grass, Indian rice grass, mutton grass | 312,849 |
| Aspen Woodlands | Quaking Aspen Forest | Aspen, blue wildrye, mountain brome, idaho fescue, parry oatgrass, Columbia needlegrass, Lettermans needlegrass, nodding brome, snowberry, chokecherry, serviceberry, silver sagebrush | 21,698 |
| Rock Outcrop | Barren | Very scattered shrubs and grasses | 8,102 |
| Rolling Loam | Sagebrush/grass Shrubland | Wyoming big sagebrush, winterfat, low rabbitbrush, horsebrush, bitterbrush, western wheat grass, Indian rice grass, squirreltail, June grass, Nevada and Sandberg bluegrass | 23,400 |
| Salt Desert Breaks | Salt Desert Shrubland | Galleta, salina wildrye, squirreltail, Indian rice grass, needle-and-thread, shadscale, winterfat | 3,943 |
| Spruce-Fir woodland | Spruce / Fir Forest | Douglas fir, serviceberry, chokecherry, snowberry, elk sedge, mountain brome | 13,368 |
| Stony Foothills | Grass / Open Shrub Shrubland | Beardless bluebunch wheatgrass, western wheatgrass, needle-and-thread, June grass, Indian rice grass, fringed sage, Wyoming big sagebrush, black sage, serviceberry, pinyon and juniper | 54,299 |
| Torrifluvents | Nearly Barren | Sparse Desert Shrubs and annual grasses | 1,643 |
| Acres Unclassified | | | 320 |
| | | Total Acres | 773,213 |

## 5.5.2. *Environmental Consequences – Alt A (All Gather Methods)*

### Direct and Indirect Impacts

During gather operations, vegetation would be disturbed at the location of trap sites and holding facilities due to congregation and trampling by wild horses and the increased vehicle and foot traffic. However, impacts to vegetation due to trampling would be expected to be minimal because every effort would be made to place trap sites in areas that have already been disturbed. The amount of vegetation that would be disturbed or affected is dependent on the number of wild horses gathered at a specific site and the duration those wild horses remain at the trap site/holding facility. Vegetation disturbance would be short term and limited to locations of temporary gather and holding facilities. It would be expected that plant communities would recover from disturbance within three years.

Under this alternative, trap sites may be re-used annually until excess wild horses are captured and removed, which would result in less opportunity for recovery between gather operations. Previous gather operations have typically utilized areas of existing disturbance for trap location such as roads, or well pads allowing for fewer disturbances of native vegetation communities. It would be expected that as the number of excess wild horses is reduced, the quantity of trap sites needed would be reduced. It would be expected that the health and vigor or rangeland vegetation communities outside of the PEDHMA would improve as the population of excess wild horses is reduced.

### Cumulative Impacts

Activities that have impacted vegetation in the past and would be expected to continue to impact vegetation in the analysis area include oil and gas exploration, recreation, livestock and wild horse grazing. It is reasonably foreseeable there would be continued development of oil and gas resources within this area above the existing infrastructure associated with oil and gas exploration including well pads, pipelines, roads, and compressor stations. Construction of new oil and gas infrastructure would reduce the amount of vegetation available for forage. As these disturbed lands are reclaimed, however, it would be expected to improve the health of vegetation communities. Livestock grazing results in removal of forage, however the number of animals, season of use, duration, and species of grazing animal is controlled to avoid long-term degradation of vegetation. In the event of drought or wildfire, livestock could be removed from the range to prevent damage. Negative impacts to vegetation from Alternative A would be considered short term, and vegetation would be able to recover.

## 5.5.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

### Direct and Indirect Impacts

Impacts to the vegetation communities under Alternative B would be similar to those described for Alternative A. If trap sites are not located within areas of pre-disturbance, vegetation would be affected by trampling and congregation of wild horses at the trap site horses and the increased vehicle and foot traffic. The primary difference would be the duration the trap sites are left constructed and active. Under this alternative, the time period to gather and remove excess wild horses would likely be increased, although gather operations would likely be prolonged, this would not be expected to increase the impacts on vegetation communities associated with gather activities.

### Cumulative Impacts

Cumulative impacts are the same as those described under Alternative A.

### 5.5.4. *Environmental Consequences – Alt C (No Action)*

#### Direct and Indirect Impacts

Under Alternative C wild horses would not be gathered and removed from areas outside of the PEDHMA. There would be no impacts associated with gather operations. Vegetation would not be trampled or disturbed as a result of any gather activities. Failure to gather wild horses would result in increased utilization of vegetation as the wild horse population increases. The constant overuse of rangeland vegetation would decrease the ability of plants to complete their growth cycle, recover from grazing while decreasing regeneration. As a result, desirable native plants would eventually be replaced by less desirable, often non-native plants, most commonly the invasive annual cheat grass.

#### Cumulative Impacts

As addressed in Alternative A, oil and gas exploration, recreation, livestock and wild horse grazing are the primary activities which have or are currently influencing vegetation communities in the analysis area. Failure to gather wild horses would result in increased utilization of vegetation as the wild horse population increases, this increase combined with wildlife and livestock use would exceed the amount of available forage resulting in continual overuse. The constant overuse of rangeland vegetation under the No Action alternative would decrease the ability of plants to complete their growth cycle, recover from grazing while decreasing regeneration. As a result, desirable native plants would eventually be replaced by less desirable, often non-native plants, most commonly the invasive annual cheat grass. Once the desired native rangeland vegetation community has been lost it generally cannot recover without human intervention, which is often time consuming, and expensive. The loss of valuable rangeland forage would force wild horses to continue to expand their range to areas outside of the PEDHMA where they are not found as of this date, likely resulting in an increase to the geographic scope of impacts associated with heightened year-long use to native vegetation communities including those located outside of the PEDHMA as wild horse use increases.

## 5.6. Livestock Grazing

The proposed gather and removal area overlaps 41 grazing allotments entirely, as well as partially overlapping 4 additional allotments (Cathedral Bluffs, East Douglas Creek, Square S, and Twin Buttes) refer to Table 6. The total BLM land authorized for livestock grazing in this area is 514,165 acres, the remaining 3,123 acres of BLM land within the analysis area is not included within allotments authorized for livestock grazing. Season of use during which livestock are authorized to graze varies by allotment and ranges from spring to late winter.

**Table 6. Allotment Acres and Authorized Active Animal Unit Months (AUMs) within the Analysis Area**

| Allotment Name | BLM Acres of Allotment within Analysis Area | Private or State Acres of Allotment Within Analysis Area | BLM Authorized Active AUMs |
|---|---|---|---|
| Black Sulphur | 15,764 | 4,046 | 1,655 |
| **Boise Creek[1]** | **8,327** | **0** | **1,023** |
| Brush Hole | 887 | 870 | 140 |
| **Cathedral Bluffs** | **31,270** | **10,854** | **5,175** |
| Cow Creek | 7,816 | 4,866 | 709 |
| Davis Creek | 4,627 | 1,210 | 516 |

| Allotment Name | BLM Acres of Allotment within Analysis Area | Private or State Acres of Allotment Within Analysis Area | BLM Authorized Active AUMs |
|---|---|---|---|
| **Duck Creek** | **21,324** | **3,998** | **1,270** |
| **E Douglas Creek** | **35,150** | **2,048** | **2,400** |
| **E Fork Spring Creek** | **3,318** | **949** | **196** |
| Fawn Creek | 19,265 | 18,483 | 1,749 |
| Fourteen Mile | 2,499 | 471 | 220 |
| Gordon Gulch | 4,733 | 0 | 250 |
| **Hammond Draw** | **6,903** | **0** | **215** |
| **Hatch Gulch** | **8,887** | **554** | **656** |
| Hyberger | 1,684 | 202 | 350 |
| **Little Hills** | **34,159** | **368** | **,959** |
| Little Rancho | 1,138 | 917 | 260 |
| **Little Spring Creek** | **13,150** | **1,402** | **931** |
| **Lower Fletcher Draw** | **9,649** | **95** | **513** |
| Lower Fourteen Mile | 3,030 | 853 | 169 |
| Main Dry Fork | 10,127 | 1,268 | 1,356 |
| McCarthy Gulch | 1,283 | 2,613 | 32 |
| **McKee/Collins** | **9,438** | **176** | **708** |
| MTW | 17,746 | 9,455 | 1,441 |
| **North Dry Fork** | **11,960** | **9,502** | **812** |
| Oldland Gulch | 10,791 | 303 | 1,040 |
| Piceance Creek | 8,878 | 23,282 | 1,063 |
| Pine Knott Gulch | 978 | 230 | 96 |
| Powerline | 567 | 291 | 71 |
| Puckett Gulch | 1,406 | 2,194 | 60 |
| **Reagles** | **19,470** | **2,519** | **952** |
| Robinson | 266 | 342 | 30 |
| Schutte Gulch | 3,858 | 2,286 | 146 |
| Segar Gulch | 13,499 | 129 | 1,225 |
| Segar Mountain | 5,690 | 330 | 617 |
| Skinner Ridge | 939 | 637 | 119 |
| Slash EV | 30,683 | 13,826 | 3,757 |
| **Spring Creek** | **31,756** | **8,475** | **3,642** |
| **Square S** | **51,444** | **10,070** | **3,522** |
| Thirteen Mile | 7,267 | 716 | 766 |
| **Twin Buttes** | **14,852** | **4,136** | **11,550** |
| **Upper Fletcher Draw** | **6,242** | **1,281** | **506** |
| Upper Thirteen Mile | 698 | 1,221 | 150 |
| West Stewart Gulch | 19,677 | 29,969 | 2,016 |
| Wood Road Gulch | 1,073 | 170 | 72 |
| Total | 514,165 | 17,7605 | 57,105 |

[1]The allotments in **bold text** in the table are either adjacent to the PEDHMA or wild horses have been observed in these allotments.

### 5.6.1. *Environmental Consequences – Alt A (All Gather Methods)*

#### Direct and Indirect Impacts

Under the Proposed Action, wild horse gather operations would likely have few direct impacts to livestock grazing. BLM would coordinate with livestock operators in areas where and while gather operations are conducted. Livestock located near gather activities would be temporarily disturbed or displaced by helicopter activity and the increased vehicle traffic during gather operations. Typically livestock would move back into the area once gather operations cease. Bait and water traps would be continuously monitored while they are active, therefore there would be little chance that livestock would become inadvertently trapped. Placement of bait and water traps would not likely disrupt grazing management practices. If water traps are placed in an area which livestock rely for water, they would be constructed in a manner that would not exclude livestock or wildlife use. As identified above in bold text, it is expected that gather operations would be concentrated within allotments adjacent to the PEDHMA, or within those allotments where wild horses have been observed outside of the HMA.

#### Cumulative Impacts

The analysis area for rangeland management includes the allotments located outside of the PEDHMA. Reasonably foreseeable activities in this area include livestock grazing, oil and gas development and recreation.

Continued livestock grazing within these grazing allotments removes vegetation associated with AUMs which are allocated for livestock consumption. Wildlife grazing within these grazing allotments removes vegetation associated with AUMs, which are allocated for wildlife consumption.

The BLM currently anticipates a further increase in oil and gas activity within this area; however, existing infrastructure associated with these activities (i.e., well pads, pipelines and compressor stations) has resulted in long-term removal of vegetation. Current reclamation associated with this activity has provided positive benefits to rangeland management, as these wells begin to lose production value and are successfully reclaimed, increasing the amount of valuable forage.

Recreation activities (i.e., hunting, hiking, OHV use) may result in removal and impact to vegetation associated with AUMs, which are allocated to livestock and wildlife for consumption. In addition, activities may displace livestock and redistribute animals within the allotment resulting in unanticipated distribution.

Generally, impacts associated with the Proposed Action would be considered short term, and would not have long-term effects to rangeland management.

Alternatives A and B would result in the removal of excess wild horses from those areas located outside of the PEDHMA (analysis area). Livestock distribution would improve allowing for lower utilization and deferment, which may improve vegetation communities.

### 5.6.2. *Environmental Consequences – Alt B (Bait/Water Trapping)*

#### Direct and Indirect Impacts

Impacts to livestock grazing management for this alternative would be similar to those described for Alternative A. There would be no potential for displacement of livestock due to helicopter activity under this alternative.

#### Cumulative Impacts

Cumulative impacts would be the same as those described under Alternative A.

### 5.6.3. *Environmental Consequences – Alt C (No Action)*

#### Direct and Indirect Impacts

Under Alternative C wild horses would not be gathered and removed from the lands located outside of the PEDHMA (analysis area). There would be no short term impacts to rangeland resources associated with gather operations.

#### Cumulative Impacts

As addressed in Alternative A, oil and gas exploration, recreation, livestock, wild horse, and wildlife grazing are the primary activities which have or are currently influencing vegetation communities in the analysis area. Failure to gather wild horses would likely result in impacts to the rangeland resources within the analysis area including irreversible loss of native perennial vegetation resulting in a conversion to unhealthy, low producing rangelands unable to support livestock, wildlife, or wild horse grazing. Once rangelands have crossed this threshold they are then no longer comprised of healthy perennial vegetation communities capable of supporting the current Allotment Management Plan (AMP). This would require revision to the current AMP or implementation of human manipulations to restore degraded rangelands which are often time consuming and expensive to complete.

In the event of drought, fire, or other natural phenomenon which could drastically reduce the amount of available forage within the analysis area, the BLM would coordinate with livestock operators to reduce or remove livestock use to prevent irreversible degradation to rangeland resources. However, these proactive conservation efforts alone may not fully achieve deferment levels necessary to prevent longstanding resource damage if the excess wild horse population is not also reduced.

## 5.7. Special Status Plant Species

### 5.7.1. *Affected Environment*

Two plant species listed as federally threatened (FT) and five plant species listed as BLM sensitive species (S) occur within the areas of consideration for gather and removal actions and are listed below in Table 7.

**Table 7. BLM Sensitive, and Threatened and Endangered Plant Species within the Analysis Area**

| Species | Common Name | Status[1] | Location |
|---|---|---|---|
| *Gentialnella tortuosa* | Cathedral Bluff dwarf gentian | S | South Cathedral Bluffs ACEC |
| *Gilia stenothyrsa* | Narrow-stem gilia | S | Lower Greasewood ACEC |
| *Thalictrum heliophilum* | Cathedral Bluff Meadow-rue | S | South Cathedral Bluffs ACEC |
| *Lesquerella parviflora* | Piceance bladderpod | S | South Cathedral Bluffs ACEC, Piceance Creek |
| *Astragalus detritalis* | Debris milkvetch | S | Fletcher Gulch |
| *Physaria congesta* | Dudley Bluffs bladderpod | FT | Duck Creek ACEC, Lower Yellow Creek, Piceance Creek |
| *Physaria obcordata* | Dudley Bluffs twinpod | FT | Lower Yellow Creek, Piceance Creek |

[1]FT = Federally Threatened and S = BLM Sensitive

All seven of the plants occur on barren to semi-barren white shales of the Green River Formation except narrow-stem gilia, which is found on the Uinta Formation.

Monitoring studies in the South Cathedral Bluffs ACEC have indicated stable populations for the Utah gentian, the Piceance bladderpod and the Cathedral Bluff Meadow-rue. All three plants occur on shale barrens that are moderately to very steep and are not foraged upon by large herbivores due to the stature of the plant, steepness of the slope and the barrenness of their habitat. Monitoring data has not indicated that wild horses have occupied the habitats for these three species.

Likewise, monitoring studies for the Narrow-stem gilia in the Lower Greasewood ACEC have shown very little use of this plant's habitat by wild horses. Its habitat is also shale barrens on very steep slopes. Monitoring has indicated populations to be stable and is not foraged upon by large herbivores.

Two monitoring sites for the Dudley Bluffs bladderpod occur in the Duck Creek ACEC, one within the PEDHMA and one within Pasture B of the Square S allotment. The BLM established both monitoring sites in May 1996. Monitoring study within the PEDHMA has shown a declining trend with a 68 percent decrease in the density of the Dudley Bluffs bladderpod since the site's establishment. The monitoring study outside the PEDHMA within Pasture B showed a 7 percent decline in the density of the Dudley Bluffs bladderpod from 1996-2007.

Trampling damage by wild horses as well as livestock was noted at both study sites. The damage noted was from wild horses and livestock trailing across the study sites, from some animals rolling in the barren soil, and from wild horses scuffling and fighting. In most cases due to the weight of the animal and the size of their hooves, some individual plants that were trampled were uprooted or severed at the crown resulting in death of the plant.

There are multiple Piceance twinpod populations within the area under consideration. Piceance twinpod generally occurs on steep shale slopes in the analysis area. No monitoring studies occur for the Piceance twinpod within the area under consideration; however no evidence has been observed that wild horses or

any other large herbivore occupy these sites in a manner that is detrimental to the threatened plants primarily as a result of the steep slopes and barren soils on which they occur.

## 5.7.2. *Environmental Consequences – Alt A (All Gather Methods)*

### Direct and Indirect Impacts

The potential impacts associated with the Proposed Action would be short term impacts from placement of traps and wings for all gather methods, or herding wild horses with a helicopter on or across the habitat of one on the special status plant species. Design features in the Proposed Action would mitigate these impacts. The BLM would not construct trap locations or temporary holding facilities within 300 meters of known occupied habitat for listed plant species. If trap sites are anticipated in potential or suitable habitat that have not been previously disturbed, 24 hours of notification would be required and a pre-survey for special status plant species would be conducted prior to mobilization of vehicles and equipment by a BLM plant specialist. If BLM Sensitive plant species or federally listed plant species are located, another site would be selected at a distance greater at least 300 meters from the edge of the population or occurrence and pre-surveyed similarly, as necessary. Long-term impacts can be associated with the number of wild horses within the areas under consideration over a given time period. Removal of wild horses outside of the PEDHMA will benefit special status plants by eliminating trailing impacts across plant populations by wild horses. Some incidental trampling of special status plants could occur depending on the number of wild horses herded and the route that they take in getting to the trap.

No short or long-term impacts, negative or positive, are anticipated to occur to the Dudley Bluffs twinpod, the Narrow-stem gilia, the Piceance bladderpod, Debris milkvetch, Cathedral Bluff Meadow-rue, and Cathedral Bluff dwarf gentian. No impacts are anticipated to these six plant species due to the steepness of their habitat and due to the lack of evidence that wild horses use their habitats.

The Dudley Bluffs bladderpod is likely the only special status plant species that could be impacted by the Proposed Action. Its habitats are less steep than those of the other special status plants and are thus more likely to be impacted by gather operations.

During the removal operation, wild horses would be herded by helicopter to a trap site. When the wild horses are not near the trap, they would be allowed to proceed at their own pace, rather than being driven by the helicopter, on trails they are familiar with and use frequently. This part of the operation is not expected to impact the Dudley Bluffs bladderpod. Any trails used in the gather operation which cross the habitat for this plant are well used and have been so for many years. No individuals of this plant are expected to occur within these well-traveled trails.

Bait and water trapping would not involve actively pushing horses to the trap. Horses would passively enter the trap on their own with no pressure and would likely use existing travel routes to get to the trap. No impacts would be expected to special status plants due to bait and water trapping based on design features in the Proposed Action.

### Cumulative Impacts

Past and present impacts to special status plants in the action area are generally related to energy development, road development, grazing, dispersed recreation, and wild horses. All of these activities would be expected to continue into the foreseeable future.

Cumulative impacts associated with the Proposed Action from gather operations would be expected to be negligible based on the incorporated design features. Long-term impacts from removing excess horses outside of the PEDHMA would be expected to decrease the amount of trailing and trampling damage to special status plants from wild horses; however livestock grazing in the area would likely continue, and wild horses and cattle often use the same trails. Since trails would continue to be used it is unlikely trails through plant populations would completely heal themselves, but the amount of trailing activity would be decreased by removing wild horses.

## 5.7.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

### Direct and Indirect Impacts

Impacts from bait and water trapping would be the same as those analyzed in the Proposed Action less the helicopter drive trapping.

### Cumulative Impacts

Cumulative impacts of alternative B would be the same as those analyzed in the Proposed Action.

## 5.7.4. *Environmental Consequences – Alt C (No Action)*

### Direct and Indirect Impacts

The No Action Alternative would have no impacts on plants as a result of gather operations. No traps would be set up on BLM lands and horses would not be herded into traps using helicopters.

Long-term impacts to special status plants from the No Action Alternative would primarily be related to the continued trailing/trampling of special status plants from wild horses. Horse populations would continue to grow if no gathers/removals occur increasing the amount of potential trailing across plant populations.

### Cumulative Impacts

Past and present impacts to special status plants in the action area would be the same as those analyzed in the Proposed Action. Cumulative impacts from the no action alternative would be the continued trailing and trampling of special status plants by wild horses. As wild horse populations continue to grow into the future, trailing use would continue to increase as populations increase if no gathers/removals occur in the future.

## 5.8. Terrestrial Wildlife

### 5.8.1. *Affected Environment*

*Big game*
The analysis area supports year-round big game use. The higher elevation aspen/spruce-fir woodlands that make up the extreme southern portion of the analysis area as well as the Cathedral Bluffs are classified by Colorado Parks and Wildlife (CPW) as mule deer summer range. These ranges typically receive use from May through September. The remainder is classified as winter range, with those areas along the White River and Piceance Creek further delineated into severe winter range/winter concentration areas. Severe winter range is considered a specialized component of winter range that supports virtually all of a herd's population in the most extreme conditions (heavy snowfall, extreme cold temperatures, etc.). These winter ranges are generally occupied from October through April.

*Raptors*
Raptor nesting activities are dispersed throughout the analysis area. Mature components of pinyon-juniper woodlands, as well as aspen and spruce-fir woodlands may provide suitable nest substrate for woodland raptors including accipiters, buteos, and stick nesting owl species. These woodlands may also provide substrate for cavity nesters such as flammulated, pygmy and saw-whet owls. Cliffs and rock outcrops in the area may support the nesting functions of golden eagle, red-tailed hawk, prairie and peregrine falcons. Nesting records for potentially affected hawks, eagles, and owls indicate that nest attempts (initiated as early as March) are largely (85 percent) complete and young fledged by early August. There are dozens of known (historic and recent) raptor nests documented throughout the analysis area.

*Dusky Grouse*
The analysis area encompasses a peninsula of higher elevation habitats along the southern boundary and bluffs that support year-long dusky grouse occupation. Grouse winter habitat and year-round distribution centers on mixed spruce and fir forest along the bluffs and like habitats throughout the southern extent of the analysis area. Habitats that support nesting, brood-rearing, and general summer and fall distribution are confined to mixed shrub and higher elevation (above 7,200 feet) sagebrush habitats. After the first snows (~by mid-October), dusky grouse distribution is strongly associated with mature arboreal cover in spruce, fir, and pine, and diets consist primarily of conifer needles.

*Small Mammals*
Small mammal populations are poorly documented; however, the 20 or so species that are likely to occur in this area are widely distributed throughout the Great Basin or Rocky Mountain regions. Even though several species have relatively specialized habitat affiliation (i.e., shrubland with well-developed understories), all species display broad ecological tolerance. No narrowly distributed or highly specialized species or subspecific populations are known to occur in the analysis area.

### 5.8.2. *Environmental Consequences – Alt A (All Gather Methods)*

#### Direct and Indirect Impacts

**Big Game**

Helicopter drive-trapping and assisted roping: Possibly for FY2017, extensive and potentially disruptive helicopter operations would be conducted in the analysis area during September. Helicopter herding

represents a high-intensity, but transient source of disturbance that would become increasingly concentrated and more frequent near the trap site. Most big game would be on their summer ranges during this timeframe. By July, offspring would be sufficiently mobile to avoid disturbances, with little risk of separation from adults. It is doubtful that dispersed helicopter herding and the initially intense, but short-term and relatively predictable gathering/holding activities would contribute significantly to deterioration in animal fitness at the population level, but big game would tend to avoid or be displaced from areas within 0.5 to 1 mile of this activity. It is anticipated that displaced animals would return, more or less, to pre-disturbance distribution soon after gather operations at an individual site were complete.

Gather related effects would be similar to those discussed above if conducted July through February, except those operations may extend into the winter and late winter months of December through February when adverse weather and forage conditions exert their greatest influence on big game condition (i.e., on severe winter ranges) and when animals are most concentrated (i.e., winter concentration areas). Although disturbances would be short term, energy expended by animals repeatedly avoiding gather activity or fleeing close helicopter approach, particularly in more open sagebrush terrain and under snowpack conditions, may influence the subsequent condition (e.g., winter fitness, gestation) of those animals affected. An extended gather strategy, depending on the duration and frequency of operations on these ranges, may have adverse consequences on a relatively small portion of the big game population, but would provide a measure of flexibility in scheduling gathers to avoid important big game hunting seasons.

Water and bait trapping: Water or bait trapping would not be expected to have a substantial influence on big game populations or habitat. These operations involve the ground-based capture of individual animals. Although these capture techniques may be used during big game occupation, these operations represent very localized and short-term points of potential disturbance that would have no substantive adverse influence on animal distribution or energetics.

**Nongame Species**

Helicopter drive-trapping and assisted roping: As proposed, operations associated with the 2017 gather would generally be confined to timeframes outside of the raptor nesting season (possibly September) and would therefore have no potential to directly influence the outcome of nesting activities. The timing, intensity and duration of gather activities would not be expected to have any substantial adverse consequences on local bird populations. Helicopter based gather activities may coincide with the later reproductive activities of non-game wildlife from early July through mid-August in subsequent years. In the case of passerine birds and small mammals, this intense, but localized activity has the potential to disrupt reproductive activity but at levels discountable at the local population level (see Migratory Bird section).

The relatively infrequent circumstance where active cliff or woodland raptor nests would be subjected to brief and close approach by helicopter activity late in the nesting sequence would not be expected to prompt prolonged nest absences or have any substantive influence on chick survival. Preparation and gathering work in July and August may infrequently involve late nesting attempts of raptors, including golden eagle and BLM-sensitive accipitrine hawks. Surveys of suitable raptor nesting habitat would be conducted by WRFO staff on those trap sites proposed for use or development during the breeding period. In the event an active raptor nest is found in the vicinity of trapping operations, these sites would be afforded a buffer adequate to effectively isolate nesting activity from disruptions generated by wild horse trapping operations.

*Dusky grouse*: Gather activities would be temporally or spatially asynchronous with and would have no effective influence on the reproductive or wintering functions of dusky grouse.

Water and bait trapping: Neither bait nor water trapping would be expected to have a substantial influence on raptors or habitats that support their reproductive functions. If trapping efforts occur during the nesting season (May – July), there may be potential for temporary displacement/disruption, however due to the nature of the sites (e.g., typically located in degraded or disturbed areas or in areas easily accessible by vehicle, etc.), it is unlikely that these locations would provide suitable substrate for nesting raptors. Trap sites would be localized and small in extent, and set-up duration as well as length of time animals would be in the trap is generally short-term. Depending on trapping success, these sites may remain in use for a longer period of time (several weeks). Coordination with wildlife staff would be necessary to ensure bait/water trap locations would have minimal impacts to woodland raptors. Surveys would be conducted by WRFO staff for bait/water trap sites proposed for use or development from April 15 to August 15 and, depending on survey results, trap sites may be relocated if necessary. Trapping efforts conducted outside the nesting season would not be expected to have any conceivable influence on raptor nesting activities.

### Cumulative Impacts

In addition to wild horse use, energy development and livestock grazing are the primary activities impacting big game and nongame species and habitats in the analysis area. These activities can result in the reduction, modification or complete removal of forage and cover resources for local wildlife.

Alternative A (use of all gather methods) would not be expected to have any adverse consequences on local big game and nongame wildlife populations nor would it be expected to detract from habitat quality. Any impacts to vegetation would be localized and short term.

Removal of excess wild horses from outside the PEDHMA would eliminated competitive interactions of wild horses largely on big game summer and severe winter ranges. Reducing the overall grazing load through wild horse removal or reduction would provide both immediate and longer term improvement in big game forage conditions throughout the year. For non-game wildlife species, removal of wild horses would in the short term increase herbaceous expression as forage and cover available in ridgeline, bottomland and mixed shrub and big sagebrush communities.

## 5.8.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

### Direct and Indirect Impacts

Impacts to terrestrial wildlife species and habitats that provide forage and cover resources associated with bait and water trapping would be identical to those discussed above under Alternative A.

### Cumulative Impacts

Cumulative impacts to terrestrial wildlife species and habitats that provide forage and cover resources would be similar to those described above under Alternative A.

### 5.8.4. *Environmental Consequences – Alt C (No Action)*

#### Direct and Indirect Impacts

Under the No Action Alternative there would be no direct or indirect impacts associated with gather operations (helicopter drive trapping and assisted roping, bait or water trapping) to big game and nongame species or habitats that provide forage and cover resources.

#### Cumulative Impacts

As addressed in Alternative A, grazing (both livestock and wild horse) and energy development are the primary activities that have or are currently influencing rangeland conditions that provide forage and cover resources for big game and nongame wildlife species in the analysis area. Although there would be no direct or indirect impacts associated with gather operations, failure to gather excess wild horses outside of the PEDHMA would result in continued year-long grazing use, exacerbating detrimental effects on wildlife resources, particularly in preferred use areas. Shifts in ground cover composition resulting from inappropriate levels of growing season use by wild horses compounded with authorized livestock use would reduce the suitability and utility of affected shrub-steppe habitat in the longer term and may be irreversible barring extraordinary management intervention. Progressive deterioration of native ground cover communities, particularly in sage-steppe habitats, would contribute to the cumulative range-wide deterioration and modification/loss of sagebrush habitats from oil and gas developments and the proliferation of invasive annual grasses.

Raptor nest habitat would not be directly affected by declining range conditions attributable to unregulated wild horse populations, however, these species would remain vulnerable to the indirect effects of declining range health, namely reduced abundance and diversity of avian and mammalian prey stemming from degraded herbaceous ground cover.

## 5.9. Special Status Animal Species

### 5.9.1. *Affected Environment*

There are no threatened or endangered animal species that are known to inhabit or derive important use from the analysis area.

The endangered Colorado pikeminnow occupies the lower White River below Taylor Draw dam. The White River and its 100 year floodplain below Rio Blanco Lake have been designated as critical habitat for the fish. Approximately two miles of the White River (~500 acres of critical habitat) are located within the analysis area, however this is all privately owned and does not involve any BLM administered lands. There is no occupied habitat that is located within the analysis area.

A number of animals that may inhabit the analysis area are classified as sensitive species by the BLM. These species are thought to be especially susceptible to population level influences. It is the policy of the BLM to identify these species on a state specific basis and ensure that BLM actions do not contribute to their becoming candidate for listing under the Endangered Species Act. Sensitive species that are known to occur or have a reasonable probability of occurring in the analysis area include: greater sage-grouse northern goshawk (integral with raptor discussion in Terrestrial Wildlife section), Brewer’s sparrow (integral with the Migratory Bird section), Townsend’s big-eared and big free-tailed bats fringed myotis Colorado cutthroat trout bald eagle, and northern leopard frog.

Greater sage-grouse: The southern extent of the analysis area supports sagebrush communities that provide habitat for greater sage-grouse. The greater sage-grouse is a BLM sensitive species and one that has received considerable management attention in the past several years. Based on the 2015 Northwest Colorado Greater Sage-grouse Approved Resource Management Plan Amendment (NW CO ARMPA), sage-grouse habitat has been classified into two types: 1) priority habitat management areas (PHMA) and 2) general habitat management areas (GHMA). PHMA is defined in the NW CO ARMPA as those areas having the highest conservation value to maintaining sustainable greater sage-grouse populations. These areas would include breeding, late brood-rearing, and winter concentration areas. Approximately 152,229 acres of PHMA is located within the analysis area. GHMA is defined in the NW CO ARMPA as lands that require some special management to sustain greater sage-grouse populations.

Isolated areas with low activity are typically considered to be general habitat. Roughly 91,248 acres of GHMA are located within the analysis area. Small numbers of sage-grouse have been sporadically encountered by local CPW staff in larger Wyoming big sagebrush parks, and within the last two years a small (3 – 5 bird) lek has been documented in the northwest polygon of the analysis area (along the Cathedral Bluffs), however there appears to be no consistent use or occupation of these habitats and the habitat offers few attributes that would be expected to serve summer/nesting functions. As such, the analysis area (which is classified as GHMA) is widely considered to be unoccupied or have an extremely low occupancy rate by greater sage-grouse. PHMA is largely confined to the southern portion of the larger polygon within the analysis area. There are dozens of known leks scattered throughout the area with the majority of grouse use confined to the ridgelines.

Greater sage-grouse populations generally require large expanses of intact sagebrush habitat. Height and structure of herbaceous vegetation is an important component in nesting habitat and can influence sage-grouse nest site selection, nest success, and chick survival. Habitat requirements typically vary depending on season of use. Productive nesting areas are typically characterized by continuous sagebrush of the appropriate height and shape, with an understory of native grasses (typically bunchgrasses) and forbs, with a horizontal and vertical structural diversity that provides herbaceous forage for pre-laying and nesting hens, concealment from predators during the nesting period, and an insect prey base. Succulent forbs and mesic areas are important during the summer and late-brood rearing period. Both shrub canopy and grass cover are important for reproductive success. Sage-grouse begin nesting from mid-April through mid-May with chicks appearing from mid-May through mid-July; peaking from mid to late June.

Brewer's sparrow: Brewer's sparrows are common and widely distributed in virtually all big sagebrush and mixed brush communities throughout the analysis area. These birds are typically one of the most common members of these avian communities and breeding densities probably range between 10-40 pairs per 100 acres. Typical of most migratory passerines in this area, nesting activities normally take place between mid-May and mid-July. This species is addressed integral with the Migratory Bird section.

Northern goshawk: Upper elevation aspen and Douglas fir woodlands and mature components of pinyon and juniper woodlands within the analysis area likely support the nesting functions of northern goshawk. Goshawks establish breeding territories as early as March and begin nesting by the end of April. Nestlings are normally fledged and independent of the nest stand by mid-August. An influx of migrant goshawk appears to elevate densities in the WRFO during the winter months. This species is addressed integral with

woodland raptors in the Terrestrial Wildlife section. There are roughly half a dozen documented goshawk nests in the analysis area.

Townsend's big-eared bat, big free-tailed bat, and fringed myotis: Although the distribution of these bats is poorly understood, recent acoustical surveys in the Piceance Basin and along the lower White River have documented the localized presence of Townsend's big-eared and big free-tailed bat along larger perennial waterways. These bats typically use caves, mines, bridges, and unoccupied buildings for night, nursery, and hibernation roosts, but in western Colorado, single or small groups of bats use rock crevices and tree cavities. Although rock outcrops and mature conifers suitable as temporary daytime roosts for small numbers of bats are widely available in the analysis area, and relatively extensive riparian communities are available along the White River and other larger tributaries, there are no underground mines or known caves, and unoccupied buildings are extremely limited in the analysis area. Birthing and rearing of young for these bats occurs in May and June, and young are flighted by the end of July. The big free-tailed bat is not known to breed in Colorado.

Midget faded rattlesnake: The midget faded rattlesnake is the smallest member of the western rattlesnake species complex. This subspecies is thought to be generally confined to the Green River geologic formation in southeast Wyoming, eastern Utah and western Colorado, and appears to have very narrow preference for bedded sandstone outcrops with fallen mid-slope slabs on south to southeast exposures below 7,000 feet in elevation. Midget faded rattlesnakes occur in small discrete groups and exhibit classic metapopulation distribution. These snakes display strong fidelity to and remain closely associated with hibernacula for overwintering and reproductive activities. Narrowly adapted to specialized habitat, this snake was documented in scattered locations across the WRFO and is likely the only rattlesnake south of the White River.

Bald eagle: The White River corridor is the hub for seasonal bald eagle use of the White River valley. Particularly during the late fall and winter months, several dozens of bald eagles make regular foraging use of open upland communities south of the river, and are particularly common along its larger tributaries (e.g., Piceance Creek, Black Sulphur Creek). These foraging forays from nocturnal roosts along the White River are dispersed and opportunistic. Concentrated diurnal use and nocturnal roosting functions during the winter, and summer use attributable to a number of nest sites (all on private lands) situated in river corridor's cottonwood stands, occur along the entire north edge of the project area.

Colorado River cutthroat trout: The East Douglas Creek Area of Critical Environmental Concern (ACEC), which encompasses the White-Colorado River divide and the East Douglas drainage, is located within the analysis area. This ACEC circumscribes the watershed contributing to most of the BLM administered native cutthroat trout habitat in the WRFO (lineage Colorado River). This ACEC was established through the 1997 RMP with the intent of highlighting these fishery values and as the basis to coordinate all land uses in a manner compatible with or complementary to stream habitat recovery. Occupied stream reaches include East Douglas, Bear Park, Lake Creek, and Soldier Creek. Colorado River cutthroat trout are also present in BLM administered portions of Black Sulphur Creek (outside the ACEC).

Northern leopard frog**:** Northern leopard frogs are sporadically distributed along the White River, East Douglas and Piceance Creeks. There have been no documented sightings along other perennial systems within the analysis area.

## 5.9.2. *Environmental Consequences – Alt A (All Gather Methods)*

### Direct and Indirect Impacts

Habitats occupied by Colorado pike-minnow are geographically separated from the analysis area. Because there is no reasonable likelihood that project related influences would extend beyond the analysis area gather operations would have no reasonable chance of affecting this species. Critical habitat (100 year floodplain) located within the analysis area is not administered by the BLM and would have no potential to be used/considered as bait/water trapping sites.

Helicopter drive-trapping and assisted roping: Impacts to special status animal species, would be similar to those described in the Aquatic Species, Migratory Bird and Terrestrial Wildlife sections.

*Northern goshawk*
There would be no potential to influence nesting outcomes of northern goshawk from 2017 gather efforts as they are scheduled to occur outside of the breeding season. Based on preferred nest site placement (interior of heavy canopied stands) and nest density, there would be a very low probability of helicopter encounters, much less prolonged or frequent disturbances that would jeopardize nest success late in the nesting season (July-August) should subsequent gather efforts occur during this timeframe. Requirements to survey areas potentially influenced by trapping and holding activities will reduce the risk of nest involvement in these instances to negligible levels.

*Brewer's sparrow*
Brewer's sparrow are widely distributed in suitable habitat across the analysis area. Reproduction in each of these species would normally be complete by early to mid-July. Brief and infrequent helicopter flyovers would not be expected to fail nest attempts late in the nesting sequence. The proportion of habitat and number of animals influenced by those facets of the gather that involve longer duration impacts (e.g., helicopter staging, holding and trap sites) would be discountable at the landscape and population levels (see for example, Migratory Birds section).

*Sensitive Bats*
It is unlikely that the analysis area offers habitat suitable for hibernation or rearing of young for the three species of bat (big free-tailed bat not known to reproduce in Colorado). Perhaps widely distributed singly or in small groups during the summer months, roosting bats may be subject to short term gather related activity at discrete trapping and holding sites, and briefly and infrequently during dispersed helicopter flyovers during July and August. Besides the potential for displacement of individuals from temporary diurnal roosts near holding/trapping sites and helicopter staging areas (about 50 acres maximum), gather operations would have no potential to interfere with any important roost functions (e.g., hibernacula, nurseries).

*Midget faded rattlesnake*
Due to the limited amount of suitable habitat (rock outcrops) and higher elevation of the analysis area (majority above 7,000 ft), impacts to midget faded rattlesnake associated with gather efforts would be minimal.

*Colorado River cutthroat trout*
Impacts to CRCT associated with helicopter gathers would be similar to those discussed for other fish species in the Aquatic Wildlife section.

*Bald Eagle*
The 2017 helicopter gather effort would not be expected to have an influence on nesting bald eagles as it is scheduled to occur outside the breeding period. Although subsequent gather efforts could coincide with the early nesting period, they would not be expected to disrupt nesting efforts. All nests are located on private lands along the White River where fences and other barriers preclude access from wild horses.

*Greater sage-grouse*
Helicopter gather efforts would largely take place outside of the sage-grouse reproductive period (March through early-July), and would occur well after young are sufficiently mobile. Improvements in understory associated with reductions in year-long grazing (particularly in PHMA) would far outweigh the short-term disruption/displacement associated with gather efforts.

Water and bait trapping: Impacts to special status animal species would be similar to those described in the Aquatic Species, Migratory Birds, and Terrestrial Wildlife sections. Coordination with wildlife staff would be necessary to ensure bait/water trap locations would have minimal impacts to special status animal species. Any trap or bait sites that have the potential to adversely influence special status species would be relocated.

#### Cumulative Impacts

Cumulative impacts to special status species would be similar to those discussed in the Aquatic Species, Migratory Birds, and Terrestrial Wildlife sections.

### 5.9.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

#### Direct and Indirect Impacts

Impacts to special status animal species associated with bait and water trapping would be similar to those described under Proposed Action for Aquatic Species, Migratory Birds, and Terrestrial Wildlife sections.

#### Cumulative Impacts

Cumulative impacts to special status animal species would be similar to those discussed in the Aquatic Species, Migratory Birds, and Terrestrial Wildlife sections.

### 5.9.4. *Environmental Consequences – Alt C (No Action)*

#### Direct and Indirect Impacts

Impacts to special status animal species would be similar to those discussed in the Aquatic Species, Migratory Birds, and Terrestrial Wildlife species sections.

#### Cumulative Impacts

Cumulative impacts to special status animal species would be similar to those discussed in the Aquatic Species, Migratory Birds, and Terrestrial Wildlife sections. Failure to remove excess horses from outside the PEDHMA would result in continued year-long grazing which would exacerbate deleterious effects on

herbaceous understories. This would be of particular detriment to greater sage-grouse that require well developed and structurally diverse understories.

## 5.10. Migratory Birds

### 5.10.1. *Affected Environment*

The analysis area spans a variety of elevational ranges and habitat types. The southern extent of the analysis area is generally more rugged and higher in elevation. These steeper hillsides are broadly encompassed by pinyon-juniper woodlands throughout the mid-elevations. Upper elevation woodlands are largely comprised of Douglas fir, aspen and Engelmann spruce. High elevation sagebrush, mountain shrub and aspen are common throughout the south central and southeastern portion of the analysis area. The central and northern areas of the analysis area are largely comprised of low to mid-elevation sagebrush parks with a matrix of pinyon and juniper dominated ridges.

A wide variety of migratory birds fulfill nesting requirements in these woodland and shrubland communities during the breeding season (typically May through July). Species associated with these shrubland and woodland communities are typical and widely represented in the WRFO and the region. Several bird species have been identified as Birds of Conservation Concern (BOC) by the FWS including Brewer's sparrow, sagebrush sparrow, sage thrasher) (sagebrush associates), pinyon jay), juniper titmouse Gray vireo, and Cassin's finch (pinyon-juniper associates). These birds are typically well distributed in extensive suitable habitats.

Portions of perennial or intermittent streams inside the analysis area boundary sporadically support a simple contingent of riparian-affiliated migratory birds (e.g., rough-winged swallow, song sparrow). Larger systems (i.e., main stem Douglas Creek) are represented by better developed willow and sedge dominated riparian vegetation that supports richer avian communities that include such members as yellow warbler blue grosbeak, yellow-breasted chat), and willow flycatcher.

### 5.10.2. *Environmental Consequences – Alt A (All Gather Methods)*

#### Direct and Indirect Impacts

Helicopter drive-trapping and assisted roping: Primary gather and trapping operations would involve the use of aircraft and considerable ground activity, but these activities are typically widely dispersed and short in duration (i.e., helicopter surveillance and herding). As proposed for FY2017, gather operations associated with this alternative would be confined to timeframes outside the nesting season of all migratory birds (August or September) and would therefore have no potential to directly influence the outcome of migratory bird nesting activities. The timing, intensity and duration of gather activities would not be expected to have any substantial adverse consequences on local bird populations.

Helicopter gathers in subsequent years may influence nesting activities, particularly if gather operations were to take place during July (latter portion of the breeding season). There may be potential for inadvertent nest trampling and mortality of nestlings. This would be expected to have the most pronounced influence on ground and low shrub nesting species. Assuming most nesting activity would have been completed by early July, it is unlikely that gather activities would disrupt a number of nests large enough to have discernible influence on population-level abundance or reproductive performance, even at the smallest landscape level. There would be no identified impacts resulting from this alternative during winter months when migratory birds are not present within the analysis area.

Bait and water trapping: Neither bait nor water trapping would be expected to have a substantial influence on migratory birds or habitats that support their reproductive functions. Impacts associated with trapping are typically concentrated but localized. If trapping efforts occur during the nesting season (May – July), there may be potential for temporary displacement/disruption due to high levels of disturbance, particularly if nest sites are in close proximity to concentrated activity. However, due to the nature of the sites (e.g., typically located in degraded or disturbed areas or in areas easily accessible by vehicle, etc.), it is unlikely that these locations would involve any more than one or two pair of birds. Trap sites would be localized and small in extent, and set-up duration, as well as length of time animals would be in the trap is generally short-term. Trapping efforts conducted outside the nesting season would not be expected to have any conceivable influence on migratory birds or associated habitats.

#### Cumulative Impacts

In addition to wild horse use, energy development and livestock grazing are the primary activities impacting migratory birds and migratory bird habitat in the analysis area. All of these activities result in the reduction, modification or complete removal of forage and cover resources for migratory birds. Alternative A (use of all gather methods) would not be expected to have any adverse consequences on local migratory bird populations nor would it be expected to detract from habitat quality. Any impacts to vegetation would be localized and short term.

Removal of excess wild horses from outside the PEDHMA would, in the short term increase herbaceous expression as forage and cover available for migratory birds in ridgeline, bottomland and mixed shrub and big sagebrush communities. In the long term, improvements/enhancement in herbaceous composition, density and height would be expected to result in increased nest densities in these shrubland and grassland communities.

### 5.10.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

#### Direct and Indirect Impacts

Impacts to migratory birds and habitats that provide foraging and nesting resources would be identical to bait/water trapping methods described above under Alternative A.

#### Cumulative Impacts

Cumulative impacts to migratory birds and habitats that provide foraging and nesting resources would be similar to those described above under Alternative A.

### 5.10.4. *Environmental Consequences – Alt C (No Action)*

#### Direct and Indirect Impacts

Under the No Action Alternative there would be no direct or indirect impacts associated with gather operations (helicopter drive trapping and assisted roping, bait or water trapping) to migratory bird nesting activities or habitats that support their breeding functions.

#### Cumulative Impacts

As addressed in Alternative A, livestock grazing, energy development and wild horse use are the primary activities that have or are currently influencing rangeland conditions that support migratory bird nesting functions in the analysis area. Although there would be no direct or indirect impacts associated with gather

operations under this alternative, failure to gather wild horses would allow for continued reductions or modifications in upland rangeland conditions associated with year-long grazing use. This would prolong and exacerbate detrimental effects on wildlife resources, particularly in preferred use areas. Strong reductions in the density and height of herbaceous ground cover from collective ungulate grazing would be expected to depress nest success and or breeding densities, particularly to ground nesting and near-ground nesting species. Shifts in ground cover composition resulting from inappropriate levels of growing season use by wild horses compounded by authorized livestock use would reduce the suitability and utility of affected shrub-steppe habitat in the longer term and may be irreversible barring extraordinary management intervention.

## 5.11. Aquatic Wildlife

### 5.11.1. *Affected Environment*

There are dozens of perennial and intermittent streams located within the analysis area, several of which are known to support populations of higher order aquatic species. Speckled dace, a native minnow, are common in East Douglas, Piceance and Cathedral Creeks. Approximately 22 river miles of the White River (all privately owned) are located within the analysis area. This system provides habitat for a number of native and non-native fish species, amphibians and dozens of avian species. The remainder of the systems in the analysis area are not known to support fisheries or herptile populations. Perennial and ephemeral ponds and reservoirs located throughout the analysis area may provide habitat for tiger salamander and chorus frog, as well as BLM sensitive northern leopard frog (see also Affected Environment in Special Status Animal Species section). East Douglas, Lake, Soldier and Black Sulphur Creeks support populations of BLM sensitive Colorado River cutthroat trout. This species was discussed above in the Special Status Animal Species section.

### 5.11.2. *Environmental Consequences – Alt A (All Gather Methods)*

#### Direct and Indirect Impacts

Helicopter drive-trapping and assisted roping: As conditioned by the design features, helicopter drive trapping and roping would have little if any discernable direct influence on aquatic wildlife communities. Safeguards integral with the Proposed Action are intended to reduce the risk of water contamination from helicopter fueling or inadvertent fuel spills. Drive trapping and roping operations, including helicopter staging areas and drive trap/holding areas would be sited to preclude direct or indirect riparian or aquatic habitat involvement.

Bait trapping: Bait trapping would not be expected to have a substantial influence on aquatic communities. Bait stations would be sited to avoid any direct involvement with the floodplain or riparian/aquatic habitat.

Water trapping: As mitigated, there would be very little potential for water trapping efforts to influence aquatic communities. Proposed sites would be surveyed by BLM wildlife staff prior to use. If it is determined that trapping efforts would negatively influence aquatic communities, an alternate location would be used.

#### Cumulative Impacts

In addition to wild horse use, energy development and livestock grazing are the primary activities influencing aquatic communities in the analysis area. These activities have the potential to result in

alteration or reductions in riparian vegetation and upland rangeland conditions, which may influence riparian communities (reservoirs) and downstream channel conditions. Alternative A (use of all gather methods) would not be expected to have any adverse consequences on aquatic wildlife populations nor would it be expected to detract from habitat quality. Any impacts to riparian vegetation associated with water trapping efforts would be localized and short term (see Riparian in Section 4.2 above).

Removal of excess wild horses from outside the PEDHMA would reduce year-long grazing use of riparian areas and surrounding uplands. Reducing grazing intensity would allow greater expression of obligate riparian and wetland species that provide superior erosion resistance and are the key elements in supporting processes that improve and restore channel function. Proper functioning systems increase channel stability, prolong flow and generally support richer and more diverse vertebrate and invertebrate animal communities than degraded systems.

### 5.11.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

#### Direct and Indirect Impacts

Impacts to aquatic communities associated with water and bait trapping would be identical to those described above under Alternative A.

#### Cumulative Impacts

Cumulative impacts associated with bait and water trapping would be similar to those described above under the Proposed Action.

### 5.11.4. *Environmental Consequences – Alt C (No Action)*

#### Direct and Indirect Impacts

There would be no direct or indirect impacts to aquatic communities associated with gather operations (helicopter drive trapping and assisted roping, bait or water trapping) under the No Action Alternative.

#### Cumulative Impacts

As addressed in Alternative A, livestock grazing, energy development and wild horse use are the primary activities that have the greatest potential to influence aquatic communities in the analysis area. Although there appears to be little direct influence from wild horse and livestock use on channel or riparian vegetation associated with the majority of the channels within the analysis area, continued reductions or modifications in upland rangeland conditions associated with year-long wild horse grazing use may lead to increased sediment loads to these systems, which can aggravate downstream sediment delivery to the White River. Over time, heavy sediment deposition in these tributary channel systems would be expected to degrade the suitability of aquatic habitat available for fish, amphibians, beaver, waterfowl, and aquatic invertebrates. Similarly, continued year-long use of perennial and ephemeral ponds by wild horses would be expected to result in degradation of these sites (reduced water quality, reduction in riparian vegetation as a form of cover, etc.).

## 5.12. Invasive, Non-Native Species

### 5.12.1. *Affected Environment*

The state of Colorado has noxious weed species classified into three categories: List A, List B, and List C. List A species are targeted for eradication in Colorado. List B are those plant species which management plans have been developed to limit the spread of these species. List C are those plant species which management plans have been developed to aid in management for the jurisdictions that choose to manage them. There are no List A noxious weeds known to exist outside of the PEDHMA. However, there are several List B species known to occur, but none are known that occur in a large area but more specifically scattered throughout. Known List B species located outside of the PEDHMA are as follows: Hoary cress (*Lepidium draba*) (whitetop), houndstongue (*Cynoglossum officinale*), Russian knapweed (*Rhaponticum repens*), spotted knapweed (*Centaurea stoebe*), musk thistle (*Carduus nutans*), Canada thistle (*Cirsium arvense*), bull thistle (*Cirsium vulgare*), Russian olive (*Elaeagnus angustifolia*), salt cedar (*Tamarix spp*.), and halogeton (*Halogeton glomeratus)*. The List C species, cheat grass (*Bromus tectorum*), is scattered throughout the analysis area along with common mullein and possibly other early seral annual invasive species.

### 5.12.2. *Environmental Consequences – Alt A (All Gather Methods)*

#### Direct and Indirect Impacts

Disturbance of vegetation associated with trap locations, vehicle and human traffic could provide the opportunity for invasive, non-native species to establish in the analysis area. Use of equipment could carry weed seeds and propagate from other areas onto the analysis area. Disturbance to vegetation is expected to be minimal (see Vegetation Section) so opportunity for non-native or weeds to establish and proliferate on any area associated with the project is minimal. The associated design features requiring equipment to be washed, and monitoring trap sites for three years following the gather will minimize the potential for the establishment of new populations of noxious and invasive weeds by minimizing the chance of seeds being introduced to the sites by washing equipment. If new weeds do appear in the project area, ongoing monitoring for three years will allow for early detection rapid response (EDRR) to treat new infestations and hopefully eradicate them from the site before they become too expansive.

#### Cumulative Impacts

Past and present land uses including: wild horse and livestock grazing; energy development; and dispersed recreation have all contributed to establishment and proliferation of invasive, non-native species in the analysis area. Reductions in the numbers of horse use from the gather will likely decrease the amount of disturbance in the project area from horse use and minimize the amount of new weed populations being established from horses in the analysis area. Cumulative impacts from the gather itself is not anticipated to add additional cumulative impacts to the current situation with the design features provided.

### 5.12.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

#### Direct and Indirect Impacts

Impacts from Alternative B would be the same as those analyzed in Alternative A.

### Cumulative Impacts

Cumulative impacts for Alternative B are expected to be the same as those analyzed in Alternative A.

### 5.12.4. *Environmental Consequences – Alt C (No Action)*

### Direct and Indirect Impacts

The No Action Alternative would result in no additional soil or vegetation disturbance and result in no change from the current situation in regards to invasive, non-native species from gather operations.

### Cumulative Impacts

As addressed in Alternative A, wild horse and livestock grazing, energy development and dispersed recreation are the primary activities influencing rangeland conditions that could impact the kinds and size of the areas of invasive, non-native species in the analysis area. Failure to gather wild horses would allow for continued modification in upland rangeland conditions associated with year-long grazing use by wild horses that would have the potential to increase both the kinds and size of an area of invasive, non-native species to become established in the analysis area.

## 5.13. Cultural Resources

### 5.13.1. *Affected Environment*

The analysis area is known to contain a wide variety of prehistoric and historic resources. Prehistoric sites include but are not necessarily limited to rock art, masonry structures, open lithic scatters, open campsites, and wickiup villages. Such sites seem to be particularly concentrated on the ridges overlooking the various tributaries to the East Douglas, Piceance, Spring, and Yellow Creeks. Recent inventory data suggests that site densities tend to be very high throughout these areas. Historic resources are primarily related to early ranching and livestock grazing efforts and are concentrated along the moister drainage bottoms. Sites include, but are not limited to: old homesteads, line shacks, corrals, pasture fences, and railroad grades.

### 5.13.2. *Environmental Consequences – Alt A (All Gather Methods)*

### Direct and Indirect Impacts

While traps and temporary holding facilities location would be surveyed for cultural resources prior, direct impact to cultural resources could still occur since herding wild horses via helicopter is not a precise process and wild horses might trail through sites as they are herded. If the wild horses are moving at a trot or cantor the force of hoof strikes would be higher than if wild horses are just walking and could cause deeper and more extensive disturbance of site contexts along with crushing or breaking of artifacts. Bait or water trapping would also avoid all known sites and the traps sites themselves would not cause any impacts to known sites. However, as wild horses become habituated to the trap locations prior to being captured they could concentrate in adjacent areas for thermal cover and could select areas where sites are present. The selection of site areas for concentration could result in severe trampling impacts to those sites until the wild horses are captured and removed. These impacts would be permanent and irreversible and cause a loss of scientific data regarding the human use and adaptation to the area over time.

### Cumulative Impacts

Livestock and wild horse grazing, energy development, and dispersed recreation are currently the primary activities that have the greatest opportunity to impact cultural resources in the analysis area. Gathering operations would avoid sites to the extent possible in an effort to reduce impacts. Overall impacts to cultural resources would be lower because wild horse numbers would be reduced. However, there would continue to be impacts to cultural resources due to the past and present presence of wild horses in the area such as trampling, increased wind and water erosion, and the other impacts described above. As long as there are wild horses in the analysis area, there would continue to be wild horse related impacts that are cumulative to other past and present land use.

## 5.13.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

### Direct and Indirect Impacts

Direct impacts to cultural resources would be reduced by not driving wild horses via helicopter or using helicopter assisted roping because it reduces the possibility for wild horses trailing through archaeological sites as they are herded. Bait and water trapping would also avoid all known sites and the traps sites themselves would not cause any direct impacts to known sites. However, indirect impacts could occur as wild horses become habituated to the trap locations prior to being captured they could concentrate in adjacent areas for thermal cover possibly selecting areas where sites are present. The selection of site areas for concentration could result in severe trampling impacts to those sites until the wild horses are captured and removed. The loss of site contextual data is permanent and irreversible and causes a loss of scientific data regarding the human use and adaptation to the area over time.

### Cumulative Impacts

Livestock and wild horse grazing, energy development, and dispersed recreation are currently the primary activities that have the greatest opportunity to impact cultural resources in the analysis area. Gathering operations would avoid sites to the extent possible in an effort to reduce impacts. Overall impacts to cultural resources would be lower as wild horse numbers are reduced. However, there would continue to be impacts to cultural resources due to the presence of wild horses in the area and the impacts described above such as increased wind and water erosion, trampling and so on. As long as there are wild horses located outside of the PEDHMA, there would continue to be wild horse related impacts that are cumulative to other past and present land use.

## 5.13.4. *Environmental Consequences – Alt C (No Action)*

### Direct and Indirect Impacts

Not gathering wild horses from the analysis area would result in the continued increase in wild horse numbers and the increase of related impacts. Areas of band concentration would undergo increased trampling of resources, standing archaeological and historical features would experience increases in rubbing and congregating. Increased grazing pressure and reduction in vegetation cover along with soil loosened by trampling would result in increased soil erosion, which would significantly increase the loss of surface features such as hearths, tool stone concentrations or other similar cultural features. The loss of site contextual data would be permanent and irreversible and would cause a loss of scientific data regarding the human use and adaptation to the area over time.

### Cumulative Impacts

Wild horses and past and present land uses, such as livestock grazing and foraging by deer, elk, and are expected to continue to occur in the future. The impacts described above, such as increased wind and water erosion, trampling, and so on would continue and intensify as the wild horse population increases. Sites are vulnerable to a number of impacts because of wild horse activity. In areas where wild horses concentrate or trail sites are at risk from trampling which can crush and break artifacts or churn up the soil destroying the site context – the spatial relationship between artifacts and cultural features. Further, as wild horses rub or scratch on standing features, such as structural walls, wickiup poles or other vertical manmade items these items can be knocked down. Loosing these elements hastens the collapse of architectural features such as wickiups or homestead cabins. In area of concentration, if the vegetation cover is reduced significantly by trampling or grazing the loosened and unprotected soil is more susceptible to wind and water erosion, which can also destroy overall site contexts by eliminating the vertical spacing that, might indicate change through time. Trampling can also cause horizontal movement of artifacts, especially during muddy conditions when items encapsulated in mud adhere to wild horse hooves as they move about.

## 5.14. Paleontological Resources

### 5.14.1. *Affected Environment*

The analysis area contains horizontal planes and near vertical outcrops of the geological formations Iles, Uinta, Wasatch, Green River Williams Fork, and Mesaverde Group, which are known to produce scientifically valuable fossils, resulting in Potential Fossil Yield Classifications (PFYCs) 4 and 5 (Tweto 1979, Armstrong and Wolny 1989). The area is known to produce fossils from Paleocene and Eocene mammals, fish, reptiles, birds, invertebrates, and various florae. Inventory data indicate that wild horse trampling can negatively affect exposed fossils. These impacts are manifest by badly fragmented or crushed fossils found on the surface of the more horizontal and gently sloping areas of the formation. In areas where wild horses concentrate and rub on vertical exposures there is the potential to break larger specimens or remove smaller fossil completely from the stone matrix, causing a permanent and irreversible loss of scientific data.

### 5.14.2. *Environmental Consequences – Alt A (All Gather Methods)*

#### Direct and Indirect Impacts

Fossils could be directly impacted by gather operations if trap sites and associated wing fences or holding facilities are located in known and reported fossil localities. Careful placement of trap sites and holding facilities would limit the damage to exposed fossils and fossil localities.

Herding wild horses via helicopter is not a precise undertaking and wild horses may trail across exposed outcrops of fossil bearing stone as they travel to trap sites or roping areas. There is the potential to damage or destroy some fossil resources as the wild horses trail across the formation, particularly if the rock surface is weathered and soft and the wild horses travel through at a rate of speed greater than a walk. Bait and water trapping pose a limited threat of impacts to fossil resources as traps will be sited to avoid all known or suspected fossil localities and exposed outcrops of stone. A potential indirect impact from bait and water trapping could occur if wild horses concentrate in areas of rock exposure as they become habituated to the trap before capture. Soft and weathered rock exposures could be further eroded by trampling causing loss of smaller fossils to erosion or crushing and breaking of fossils by trampling. Loss of fossil specimens due to crushing or erosion is an irreversible, permanent loss of scientific data.

### Cumulative Impacts

The removal of wild horses would reduce adverse impacts to fossil resources. Impacts to fossil resources from the continuing presence of wild horses in the analysis area combined with past and present land use would be reduced under Alternative A. Impacts from livestock grazing, foraging by deer and elk, along with unauthorized developments, such as the creation of new roads by recreational users will continue to occur as they have in the past. All impacts to the regional cultural resource database would be permanent, irreversible, and irretrievable, resulting in an ongoing cumulative loss of scientific data.

## 5.14.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

### Direct and Indirect Impacts

Bait and water trapping pose a limited threat of impacts to fossil resources as traps would be placed to avoid all known or suspected fossil localities and exposed outcrops of stone. A potential indirect impact from bait and water trapping could occur if wild horses concentrate in areas of rock exposure as they become habituated to the trap before capture. Soft and weathered rock exposures could be further eroded by trampling causing loss of smaller fossils to erosion or crushing and breaking of fossils by trampling. Loss of fossil specimens due to crushing or erosion is an irreversible, permanent loss of scientific data.

### Cumulative Impacts

The continuing presence of wild horses would continue to result in adverse impacts to fossil resources. Impacts to fossil resources from the continuing presence of wild horses in the analysis area combined with past and present land use would result in some continuing, irreversible and cumulative loss of scientific paleontological data. Cumulative impacts would be similar to Alternative A.

## 5.14.4. *Environmental Consequences – Alt C (No Action)*

### Direct and Indirect Impacts

Under the No Action Alternative wild horse numbers would continue to increase. With the increase in wild horse numbers there would be a corresponding increase in wild horse concentrating and/or trailing in some areas or rubbing on exposed vertical exposures in other areas. Should those concentration or trailing areas happen to coincide with exposures of fossiliferous stone or rock outcrops there is an increased potential for damage to fossil resources from trampling of or rubbing on the expose rock. The more wild horses there are the greater potential for trailing and concentrating on exposed horizontal surfaces or rubbing on vertical surfaces and the greater the potential impact to fossil resources. Loss of fossil resources under this alternative would potentially be the most severe of the alternatives. The loss of fossil resources and scientific data that accompanies them is permanent and irretrievable.

### Cumulative Impacts

The continuing presence and increasing number of wild horses would likely result in adverse impacts to fossil resources. Impacts to fossil resources from the continuing presence of wild horses in the analysis area combined with past and present land use would result in some continuing, irreversible and cumulative loss of scientific paleontological data.

## 5.15. Lands with Wilderness Characteristics

### 5.15.1. *Affected Environment*

The WRFO has completed an assessment of public managed lands with wilderness characteristics outside of existing WSAs. The BLM Manual 6310 - Conducting Wilderness Characteristics Inventory on BLM Lands, provides the guidance from which the WRFO performed the wilderness characteristic inventory process. In order for an area to qualify as lands with wilderness characteristics, it must possess sufficient size, naturalness, and outstanding opportunities for either solitude or primitive and unconfined recreation. In addition, it may also possess supplemental values.

There are six units identified as containing wilderness characteristics located within the analysis area. These units include: Unit 1-Pike Ridge (14,500 acres), Unit 3-Brushy Point (11,500 acres), Unit 5-Galloway Gulch (5,200 acres), Unit 8-Ernie Howard Gulch (6,400 acres), Unit 15-Hammond Draw (6,100 acres), Unit 17-Boise Creek (7,100 acres).

The WRFO has not yet made management decisions on lands with wilderness characteristics units specifically in regards to wild horses, but has made management decisions for these areas for oil and gas development in the 2015 Oil and Gas Development Record of Decision/Approved RMP Amendment. According to BLM Manual 6320-Considering wilderness characteristics in the land use planning process may result in several outcomes, including, but not limited to: (1) emphasizing other multiple uses as a priority over protecting wilderness characteristics; (2) emphasizing other multiple uses while applying management restrictions (conditions of use, mitigation measures) to reduce impacts to wilderness characteristics; (3) the protection of wilderness characteristics as a priority over other multiple uses.

In the Oil and Gas Development RMPA all of the above units, except Unit 1-Pike Ridge, would be managed to emphasize other multiple uses as a priority over protecting wilderness characteristics (Tier 3). Of Unit 1-Pike Ridge there would be 5,165 acres managed to protect wilderness characteristics as a priority over other multiple uses (Tier 1). The remaining approximately 9,310 acres in Unit-1 Pike Ridge would be managed to emphasize other multiple uses while applying management restrictions to reduce impacts to wilderness characteristics (Tier 2).

### 5.15.2. *Environmental Consequences – Alt A (All Gather Methods)*

#### Direct and Indirect Impacts

The use of helicopters to gather wild horses may result in short term, temporary impacts to those seeking the outstanding opportunities for either solitude or primitive and unconfined recreation found within each identified wilderness characteristics unit. This impact would only be realized if this recreational opportunity is the experience sought by those recreating in these units in the same area and at the same time as helicopter flights. Based on the planned timing of these proposed activities, it is likely that big game hunters would be hunting in these areas during this time. Big game hunting is considered a primitive, unconfined recreational opportunity and some hunters may also be there to experience the solitude or naturalness of the setting. In order to reduce these impacts to big game hunters, CPW staff would be contacted to coordinate gather operations in an effort to develop mutually compatible strategies that may reduce the intensity and localize the expanse of helicopter related disturbances during big game

hunting seasons. Also, if possible helicopter gather operations would be avoided from late-August through November for high public use areas during big game hunting seasons.

The use of water and/or bait traps as gather methods combined with holding facilities may result in up to a total 50 acres of trampled ground. These concentrated areas of use may initially not appear natural immediately after use. According to BLM Manual 6310, apparent naturalness refers to whether or not an area looks natural to the average visitor who is not familiar with the biological composition of natural ecosystems versus human affected ecosystems. However, these areas are expected to naturally reclaim and would be monitored for any noxious weeds for up to three years. This would therefore be a short term, temporary impact to the naturalness of these small localized areas, but would result in no long-term impacts to the wilderness characteristics found within these units.

#### Cumulative Impacts

Combined with other past, existing, and foreseeable activities in the analysis area, this alternative is likely to not have any long-term impacts in these lands with wilderness characteristics units.

### 5.15.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

#### Direct and Indirect Impacts

The use of water and/or bait traps as gather methods combined with holding facilities may result in up to a total 50 acres of trampled ground. These concentrated areas of use may initially not appear natural after use. According to BLM Manual 6310, apparent naturalness refers to whether or not an area looks natural to the average visitor who is not familiar with the biological composition of natural ecosystems versus human affected ecosystems. However, these areas are expected to naturally reclaim and would be monitored for any noxious weeds for up to three years. This would therefore be a short term, temporary impact to the naturalness of these units, but would result in no long-term impacts to the wilderness characteristics found within these units.

#### Cumulative Impacts

Combined with other past, existing, and foreseeable activities in the analysis area, this alternative is likely to not have any long-term impacts in these lands with wilderness characteristics units.

### 5.15.4. *Environmental Consequences – Alt C (No Action)*

#### Direct and Indirect Impacts

This alternative would result in no short term temporary impacts such as those described under Alternative A.

#### Cumulative Impacts

Combined with other past, existing, and foreseeable activities in the analysis area, this alternative is likely to not have any long-term impacts in these lands with wilderness characteristics units.

## 5.16. Recreation

### 5.16.1. *Affected Environment*

The analysis area is located in the central portion of the WRFO and the primary recreational activity in this area is big game hunting. The analysis area consists of the majority of CPW's Game Management Unit (GMU) 22 (632,893 acres), slightly less than half of GMU 21 (569,332 acres) and small portions of GMU 31 and 32. The CPW big game seasons (archery, muzzleloader, and 1st-4th rifle seasons) run from late August through mid-November of each year. GMU 22 is managed as an over-the-counter, unlimited antlered elk license area that in 2016 had 2,613 elk hunters for all manners of take with 13,273 recreation days and a 23 percent success rate according to CPW statistics. GMU 22 is also popular deer hunting unit with 770 hunters in 2016 for all manners of take with 3,854 recreation days and a 75 percent success rate. GMU 21 is managed by CPW as a trophy mule deer hunting area with 379 mule deer hunting licenses issued in 2016 with 1,957 recreation days and an 81 percent success rate. GMU 21 also provides excellent elk hunting opportunities with 2,289 elk hunting licenses issued in 2016 with 11,912 recreation days and a 19 percent success rate.

There are currently 20 Special Recreation Permits (SRPs) for commercial big game guiding and outfitting with authorized operating areas within all or parts of the analysis area. Elk and deer hunters have notified both WRFO staff and CPW staff that wild horses have negatively impacted their desired hunting experience and opportunity. This has typically occurred in localized areas, such as water sources, when these areas are occupied by wild horses and the hunted big game was thought to have been displaced from these areas by wild horses by these hunters. GMU 21 has a 2016-2017 CPW mountain lion harvest quota of 15 and GMU has a 2016-2017 CPW mountain lion harvest quota of 17, which are some of the highest GMU mountain lion harvest quotas in the state. The mountain lion hunting season generally runs from mid-November through April each year. There are currently fourteen SRPs for commercial mountain lion guiding and outfitting permitted to operate throughout the entire WRFO, several of these outfitters guide mountain lion clients in GMU 21 each year.

One of the eight developed recreation sites in Canyon Pintado National Historic District (CPNHD) is located within the analysis area along the east side of State Highway 139. The South Orientation Site is developed with signage, surfaced parking areas, vault toilets, and interpretive panels for learning about the unique rock art at each site. According to BLM traffic counter data the South Orientation Site received over 10,700 visits in 2016.

Other recreational activities that occur within the analysis area at lower and more dispersed levels include recreational Off-Highway Vehicle (OHV) riding, hiking, mountain biking, wild horse viewing, and rock climbing. There are currently no developed facilities that support these activities in the analysis area.

### 5.16.2. *Environmental Consequences – Alt A (All Gather Methods)*

#### Direct and Indirect Impacts

Helicopter drive-trapping or helicopter assisted roping to gather wild horses may impact big game hunter's desired recreation experience and hunting success if low flying helicopter operations occur at the same time and place as those hunting. The tentative preliminary gather dates of seven days in August or September 2017 could overlap with CPW archery (August 26-Spetember 24, 2017) and muzzle loading (September 9-17, 2017) big game hunting seasons. Based on CPW hunting seasons and statistics the

action described under this alternative could have a maximum impact on the desired experiences and success of up to approximately 900 archery elk hunters and/or 197 muzzleloader elk hunters. This could also have a maximum impact on the desired experience and success of up to approximately 100 archery deer hunters and 63 muzzleloader deer hunters. It is unlikely that all hunters would be impacted as a result of implementing this alternative because the analysis area does not cover the entire GMU, the statistics include private land hunting, and the helicopter would have to be flying in the same area and same time as the hunting is taking place. Also, if the gather operations only take seven days, there would be numerous hunters that would likely be hunting during dates when there are no gather operations in these areas.

The design features and the timing of the proposed gather operations are intended to impact fewer individual hunters than other times during the October through November big game rifle hunting seasons when the majority of hunting is taking place. If helicopter based gather operations are conducted during the big game hunting seasons, CPW staff would be contacted to coordinate gather operations in an effort to develop mutually compatible strategies that may reduce the intensity and localize the expanse of helicopter related disturbances during big game hunting seasons. In an effort to reduce the potential for helicopter flights to be where commercial big game outfitters are planning to guide clients, the 20 SRP holders for commercial big game guiding and outfitting would be notified of the gather activities and specific locations and dates as soon as BLM knows. A long-term positive effect to big game hunters may be realized in localized areas where desired big game hunting opportunities and experiences may be improved. This may occur at water sources or concentration areas that were formerly occupied by wild horses where now big game will no longer be displaced from these areas. Therefore desired big game hunting experiences and opportunities may be improved in these areas over the long-term as a result of this alternative.

The gather may result in visitors not being able to view as many wild horses in this area as before the gather. However, this opportunity would still be available and appropriate on nearby public lands in the PEDHMA. Also, every gather day is considered a public observation day according to WO IM #2013-058 (Wild Horse and Burro Gathers: Public and Media Management). This provides the public an opportunity to view the gather operations. This alternative is not expected to have any impacts to the developed recreation sites located within the analysis area because no traps or holding facilities would be located within or impede the use of these sites. This alternative is not expected to have any other substantial or long-term impacts to any other recreational activities, opportunities, or experiences in the analysis area.

### Cumulative Impacts

Combined with former, existing, and potential future oil and gas development and production, livestock grazing, wild horse gathers, recreational activities, rights-of-ways, and other public land use activities there are no known cumulative effects identified for recreational experiences, settings, or opportunities as a result of gathering of wild horses.

## 5.16.3. *Environmental Consequences – Alt B (Bait/Water Trapping)*

### Direct and Indirect Impacts

This alternative would result in impacting fewer big game hunters than Alternative A because a helicopter would not be used to gather wild horses. However there may be a small number of hunters impacted at water trap sites that are planned to be used as part of their hunting strategy.

Other recreation related impacts would be the same as described under Alternative A.

### Cumulative Impacts

Combined with former, existing, and potential future oil and gas development and production, livestock grazing, wild horse gathers, recreational activities, rights-of-ways, and other public land use activities there are no known cumulative effects identified for recreational experiences, settings, or opportunities as a result of gathering of wild horses.

## 5.16.4. *Environmental Consequences – Alt C (No Action)*

### Direct and Indirect Impacts

By not gathering any wild horses, there would be no direct impacts to big game hunters or any other recreationalists starting in 2017. Indirectly by not removing wild horses, hunters may continue to have diminished hunting experiences and opportunities in localized areas where wild horses are reported to be displacing big game. Recreationalists would likely continue to see wild horses in this area. Some recreationalists may perceive this as a positive experience and opportunity while others may see this as providing a more negative experience.

### Cumulative Impacts

Combined with former, existing, and potential future oil and gas development and production, livestock grazing, wild horse gathers, recreational activities, rights-of-ways, and other public land use activities there are no known cumulative effects identified for recreational experiences, settings, or opportunities as a result of gathering of wild horses.

# 5.17. Colorado Standards for Public Land Health

In January 1997, the Colorado BLM approved the Standards for Public Land Health. These Standards cover upland soils, riparian systems, plant and animal communities, special status species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. If there is the potential to impact these resources, the BLM will note whether or not the analysis area currently meets the Standards and whether or not implementation of the Proposed Action would impair the Standards.

## 5.17.1. *Standard 1 – Upland Soils*

The locations of traps and/or holding facilities are planned for pre-disturbed sites with initial design features and/or mitigation in place. As such, upland soils in and around the traps and/or holding facilities would not be negatively impacted by Alternatives A or B. Under Alternative C, long-term negative impacts on the upland soils could be realized as wild horse numbers continue to increase and make unregulated year round use in those areas located outside of the PEDHMA.

## 5.17.2. *Standard 2 – Riparian Systems*

Wetland and riparian zones are unlikely to be impacted by helicopter drive trapping operations. If water sources which support wetland or riparian zones are chosen for water trapping operations, these operations are not likely to increase the amount of use these areas receive under natural conditions. As the trap sites are continuously monitored while actively in use there would not be an opportunity for increased or prolonged congregation within these areas from the present situation during gather operations. Under Alternative C, long-term negative impacts on any riparian systems located outside of the PEDHMA could

be realized as wild horse numbers continue to increase and make unregulated year round use in the limited riparian areas located outside of the PEDHMA.

### 5.17.3. *Standard 3 – Plant and Animal Communities*

Alternatives A and B are not expected to have an influence on plants and animal communities and, as such, the project should have no influence on the status of applicable Land Health Standards. Cumulative impacts from Alternative C could have long-term impacts to plant and animal communities due to increased forage use.

### 5.17.4. *Standard 4 – Special Status Species*

Alternatives A and B are not expected to influence populations or habitats of plants and animals associated with the Endangered Species Act or BLM sensitive plant and animal species and, as such, the project should have no influence on the status of applicable Land Health Standards. Cumulative impacts from Alternative C could have long-term impacts to plant populations due to increased forage use.

### 5.17.5. *Standard 5 – Water Quality*

The locations of traps and/or holding facilities are planned for pre-disturbed sites with design features and/or mitigation in place. As such, ephemeral and perennial water quality in and around the traps and/or holding facilities should not be negatively impacted by the Proposed Action. Under Alternative C, long-term negative impacts could be realized as wild horse numbers continue to increase in areas located outside of the PEDHMA due to a continuous, concentrated use of this resource.

# 6. SUPPORTING INFORMATION

## 6.1. Interdisciplinary Review

**Table 8. List of Preparers**

| Name | Title | Area of Responsibility | Date Signed |
|---|---|---|---|
| Keith Sauter | Hydrologist | Surface and Ground Water Quality; Floodplains, Hydrology, and Water Rights; Soils Resources, Prime and Unique Farmlands | 04/12/2017 |
| Lisa Belmonte | Wildlife Biologist | Special Status Animal Species, Migratory Birds, and Aquatic and Terrestrial Wildlife | 04/17/2017 |
| Tyrell Turner | Rangeland Management Specialist | Vegetation, Livestock Grazing, Wetlands and Riparian Zones | 04/25/2017 |
| Matthew Dupire | Ecologist | Special Status Plant Species, Forestry and Woodland Products, Areas of Critical Environmental Concern | 04/20/2017 |
| Sarah MacDonald | Archaeologist | Cultural Resources, Paleontological Resources, Native American Religious Concerns | 04/21/2017 |
| Aaron Grimes | Outdoor Recreation Planner | Visual Resources, Lands with Wilderness Characteristics, Recreation, Access and Transportation, Wilderness, Scenic Byways | 04/18/2017 |
| Paul Daggett | Mining Engineer | Air Quality; Geology and Minerals | 04/07/2017 |

| Name | Title | Area of Responsibility | Date Signed |
|---|---|---|---|
| Bob Klages | Fire Management Specialist | Fire Management | 04/25/2017 |
| Stacey Burke | Realty Specialist | Realty Authorizations | 03/29/2017 |
| James R. Roberts | Supervisory Natural Resource Specialist | Hazardous or Solid Wastes | 04/25/2017 |
| Melissa J. Kindall | Range Technician | Invasive/Non-Native Species, Wild Horse Management/Project Lead | 05/03/2017 |
| Heather Sauls | Planning & Environmental Coordinator | Social and Economic Conditions, NEPA Compliance | 05/07/2017 |
| Erin Jones | Planning & Environmental Coordinator | NEPA Compliance | 08/04/2017 |

## 6.2. Tribes, Individuals, Organizations, or Agencies Consulted

Letters describing the proposed action were sent to the Eastern Shoshone Tribes (Wind River Reservation), Ute Indian Tribe (Uintah & Ouray Reservation), Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Pueblo of Jemez, and The Hopi Tribe on April 20, 2017.

In addition, the BLM archaeologist presented the proposed action to tribal representatives from the Ute Indian Tribe (Uintah & Ouray Reservation) and the Ute Mountain Ute Tribe at the Bi-Annual Tribal Consultation Meeting April 18, 2017. No concerns have been noted by tribal authorities.

## 6.3. References

Armstrong, Harley and David Wolny. 1989. *Paleontological Resources of Northwest Colorado: A Regional Analysis*. Museum of Western Colorado, Grand Junction, Colorado.

Bureau of Land Management (BLM) Manual 6310 - Conducting Wilderness Characteristics Inventory on BLM Lands. C. (2) (b) pg. 6-7 Rel. 6-129. March 15, 2012

BLM Manual 6320 - Considering wilderness characteristics in the BLM land use planning process. A. pg. 3 Rel. 6-130. March 15, 2012.

BLM Manual 6330 - Management of Wilderness Study Areas. C. 1-10. D (10) 1-36. Rel. 6-134. July 13, 2012.

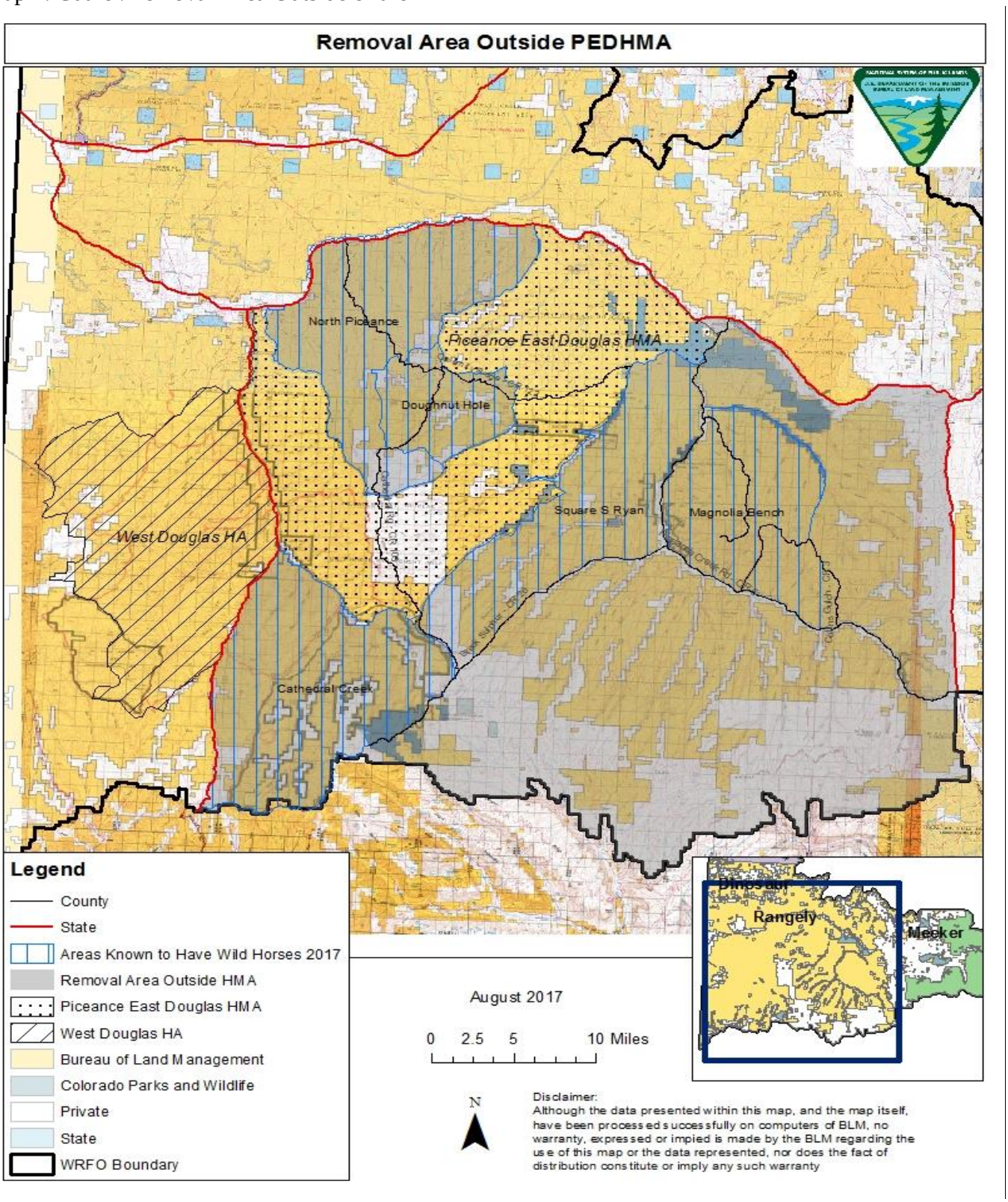
Grandin, Temple, Ph.D. "Handling Mustangs. Equine behavior researcher Temple Grandin discusses a scoring system that evaluates handling of mustangs at BLM facilities." Western Horseman. April 2001: pages 180 – 186.

Davis, R.M. 1976. National Range Handbook U.S. Department of Agriculture, Soil Conservation Service, Washington D.C., July 13, 1976.

Tweto, Ogden. 1979. Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

# Appendix A. Map

Map 1. Gather/Removal Area Outside of the PEDHMA



# APPENDIX B. EXCERPT FROM HISTORY DOCUMENT

The following is an excerpt from the *Wild Horse Management History and Current Conditions within the West Douglas Herd Area*, January 2015 (with corrections dated April 2015 and September 2015), pages 1 through 23.

# Wild Horse Management History and Current Conditions within the West Douglas Herd Area

Bureau of Land Management, White River Field Office

Prepared by Tyrell Turner, Rangeland Management Specialist
January 2015 (Updated April 2015, September 2015)

Documentation of Changes From the Original January 2015 Version

| Section | Revision | Date |
|---|---|---|
| 4.1 (Table 3) | Corrected shading in table which incorrectly identified aerial inventories occurring in 2011 and 2013; the inventories actually occurred during 2010 and 2012. | 4/3/2015 |
| 4.1 (Table 3) | Corrected shading in table which incorrectly identified aerial inventories occurring in 1995, 1998, 2003, and 2006; the inventories actually occurred in 1994, 1997, 2002, and 2005 | 9/3/2015 |

## *Table of Contents*


1.0 Introduction ..... 1

2.0 Federal Law and BLM Policy for Management of Wild Horses ..... 1

2.1 Federal Laws Related to Management of Wild Horses ..... 2

2.1.1 Wild Horse Annie Act of 1959 (Public Law 86-234) ..... 2

2.1.2 Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195) ..... 2

2.1.3 Federal Land Policy and Management Act of 1976 (Public Law 94-579) ..... 2

2.1.4 Public Rangelands Improvement Act of 1978 (PRIA) (Public Law 95-514) ..... 2

2.2 BLM Policy Related to Management of Wild Horses ..... 3

2.2.1 BLM Manual 4700 and BLM Handbook 4700-1 ..... 3

3.0 WRFO Land Use Planning Decisions for Wild Horses ..... 4

3.1 Identification of the Douglas Creek and Piceance Basin Herd Units (1974) ..... 6

3.2 1975 Management Framework Plan ..... 8

3.3 1980 Management Framework Plan Decisions ..... 13

3.4 1981 White River Resource Area Grazing Management EIS. ..... 17

3.5 1981 WRRA Herd Management Area Plan ..... 18

3.6 1983-1986 Evolution of Herd Area Naming ..... 19

3.7 1985 WRRA Piceance Basin RMP ..... 21

3.8 1997 WRRA Resource Management Plan ..... 21

3.9 2002 White River Field Office Begins Resource Management Plan Amendment ..... 24

3.10 2005 West Douglas Herd Area Amendment ..... 29

4.0 Population and Distribution of Wild Horses in West Douglas HA ..... 30

4.1 Population Estimates ..... 30

4.2 Genetic Variation within the West Douglas Herd ..... 34

4.3 Distribution of Wild Horses within the West Douglas HA ..... 34

4.4 Factors Influencing Wild Horse Distribution ..... 42

4.5 Wild Horses Located in Areas Not Designated for Their Long-Term Maintenance ..... 47

5.0 Range Conditions within the West Douglas Herd Area ..... 47

5.1 Grazing Utilization and Distribution: ..... 47
5.2 Actual Use ..... 51
5.3 Climate (Weather) Data ..... 54
5.4 Trend in Range Ecological Condition ..... 56
5.4.1 Horse Draw Trend Plot ..... 61
5.4.2 Cottonwood 1 Trend Plot ..... 62
5.4.3 Texas Creek 1 Trend Plot ..... 65
5.4.4 Texas Creek 2 Trend Plot ..... 69
5.4.5 Texas Creek 3 Trend Plot ..... 70
5.4.6 Texas Creek 4 Trend Plot ..... 74
5.4.7 Red Wash 1 Trend Plot ..... 75
5.4.8 Texas Mountain 1 Trend Plot ..... 78
5.4.9 Texas Mountain 2 Trend Plot ..... 80
5.4.10 Water Canyon 1 Trend Plot ..... 83
5.4.11 Water Canyon 2 Trend Plot ..... 85
5.4.12 Water Canyon 3 Trend Plot ..... 88
5.4.13 Bull Draw Fire Trend Plot ..... 89
5.4.14 Wild Rose Fire ..... 92
5.4.15 Summary of Trend Plot Data ..... 92
5.5 Spring Monitoring ..... 93
6.0 Summary ..... 99

**Maps**

Map 1. Herd Units within the White River Resource Area ..... 5
Map 2. Original Wild Horse Inventory and Wild Horse Herd Units within the White River Resource Area, 1974 ..... 7
Map 3. Areas Identified for Continued Management or Removal per the 1975 MFP ..... 12
Map 4. Selected Wild Horse Range and Original Wild Horse Inventory (1980) ..... 16
Map 5. Wild Horse Habitat Naming Following 1986 Revision of Wild Horse and Burro Program Regulations ..... 20
Map 6. Current Piceance-East Douglas HMA, North Piceance HA, and West Douglas HA Boundaries ..... 23
Map 7. Active Oil and Gas Wells, Leases and Units, and Utility Corridors as Analyzed in CO-WRFO-03-050-EA ..... 28
Map 8. Original 1974 Wild Horse Inventory ..... 36
Map 9. 1982 Aerial Inventory of the Douglas Creek Unit ..... 37
Map 10. 1985 Aerial Inventory Area West of Douglas Creek in the Douglas Creek Herd Unit . 38
Map 11. 1994 Aerial Inventory of the West Douglas Herd Area ..... 39
Map 12. 2005 Aerial Inventory of the West Douglas Herd Area ..... 40
Map 13. 2012 Aerial Inventory of the West Douglas Herd Area ..... 41
Map 14. Oil and Gas Wells and Leases Effective Prior to 1971 within the West Douglas Herd Area ..... 44
Map 15. West Douglas Herd Area with Digital Elevation Model ..... 45
Map 16. West Douglas Herd Area with Digital Elevation Model and Shaded Winter Range ..... 46

## 1.0 Introduction

The Bureau of Land Management (BLM) is responsible for the protection, management and control of wild free-roaming horses and burros (WH&B). Under the Wild Free-Roaming Horses and Burros Act (WFRHBA), WH&B are considered an integral part of the national system of public lands in the areas they were found in 1971. The BLM's goal is to manage healthy WH&B populations on healthy rangelands. To achieve this goal, the BLM also prescribes management to assure WH&B populations are in balance with other uses of the public lands and that a thriving natural ecological balance (TNEB) is achieved and maintained.

The purpose of this document is to review management actions prescribed by the White River Field Office through the land use planning process to maintain TNEB as well as analyze the current conditions within the West Douglas Herd Area (WDHA) to determine whether TNEB is being maintained or whether excess wild horses are present within the WDHA.

## 2.0 Federal Law and BLM Policy for Management of Wild Horses

It is the policy of the BLM, in accordance with the Wild Free-Roaming Horses and Burros Act (Public law 92-195, as amended), its implementing regulations at 43 CFR Part 4700, and other laws governing the administration of public land to protect and manage wild horses and burros on public lands in areas where they were found in 1971 at passage of the WFRHBA. The policy described below is an abbreviated summary of the BLM's current management policy for wild horses. For a full description of the BLM's policy for management of wild horses and burros, refer to BLM Manual 4700 (pages 5-6).

A. Protect wild horses and burros from unauthorized capture, branding, harassment or death.

B. Consider wild horses and burros in the areas where they were found in 1971 (Herd Areas or HAs) as an integral part of the national system of public lands. Maintain a permanent record of the HAs that existed in 1971.

C. Consider wild horses and burros comparably with other resource values for each HA in the formulation of land use plans (LUPs). Herd Management Areas shall be established in those HAs within which wild horses and burros can be managed for the long term. An HMA may be considered for designation as a wild horse or burro range to be managed principally, but not necessarily exclusively, for wild horses and burros when significant public value is present.

D. Manage wild horses and burros in a manner designed to achieve and maintain a TNEB and multiple-use relationships on the public lands. Management activities should be carried out at the minimum feasible level necessary to attain the objectives identified in approved LUPs and Herd Management Area Plans (HMAPs) and should also ensure the animals' free-roaming behavior is maintained.

## 2.1 Federal Laws Related to Management of Wild Horses

During the 1950s, documented abuses of wild horses led concerned individuals and national humane organizations to push for federal protections of wild horses. Subsequently, Congress passed the Wild Horse Annie Act in 1959 prohibiting the use of aircraft or motor vehicles to capture or kill wild horses or burros on public lands and polluting watering holes on public lands to trap, kill, wound, or maim wild horses or burros. Despite the 1959 act, wild horse exploitation continued. To protect wild horses and burros, Congress passed additional legislation in 1971 titled the Wild Free Roaming Horses and Burros Act of 1971 to require the protection and management of wild free-roaming horses and burros on public lands. The 1971 act was amended by the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978.

### 2.1.1 Wild Horse Annie Act of 1959 (Public Law 86-234)

Establishes criminal penalties for using an aircraft or motor vehicle to hunt wild horses or burros on public lands for capturing or killing and for polluting watering holes on public lands to trap, kill, wound, or maim wild horse or burros.

### 2.1.2 Wild Free-Roaming Horses and Burros Act of 1971 Public Law 92-195)

Directs the Secretaries of the Interior and Agriculture to protect and manage wild horses and burros as components of the public lands to achieve and maintain a thriving natural ecological balance. Once information becomes available to the Secretary that an overpopulation of WH&B exists on a given area of the public lands, the Secretary "may order old, sick, or lame animals to be destroyed in the most humane manner possible, and he may cause additional excess wild free-roaming horses and burros to be captured and removed for private maintenance under humane conditions and care." (P.L 92-195 Sec. 3 (b)). The act also establishes criminal penalties for a number of offenses involving wild horses and burros.

### 2.1.3 Federal Land Policy and Management Act of 1976 (Public Law 94-579)

Directs the Secretary of the Interior to prepare and maintain an inventory of public lands and their resources and other values and with public involvement, to develop, maintain, and revise land use plans (LUP), which provide for the use of public lands. The Federal Land Policy and Management Act (FLPMA) also directs the Secretary to manage the public lands under principles of multiple use and sustained yield. This act also authorizes the Secretaries of the Interior and Agriculture to contract for the use of helicopters and for using motor vehicles to transport captured animals after a public hearing and in accordance with humane procedures.

### 2.1.4 Public Rangelands Improvement Act of 1978 (Public Law 95-514)

Directs the Secretaries of the Interior and Agriculture to maintain a current inventory of wild horses and burros on given areas of public lands to determine whether and where overpopulation exists and whether to remove excess animals, the appropriate management levels, and whether appropriate management levels could be achieved by removal or destruction of excess animals or through other options. Section 3 of the WFRHBA was amended to direct the Secretary that upon finding that an overpopulation exists and that action is necessary to remove excess wild horses and burros, "he shall immediately remove excess animal from the range" (P.L. 92-195 as

amended Sec. 3 (b) (2)) to restore a thriving natural ecological balance. Authorizes the Secretaries, upon application, to grant title to excess wild horses and burros which an individual provided humane conditions, treatment, and care for a period of 1 year. This act also provides that a wild horse or burro is no longer a wild horse and burro for purposes of the 1971 act once title has passed to an individual or in a number of other circumstances. The Public Rangelands Improvement Act (PRIA) also states that no wild horse and burro or its remains may be sold or transferred for consideration for processing into a commercial product.

## 2.2 BLM Policy Related to Management of Wild Horses

The BLM interprets laws through promulgation of regulations and provides guidance through policy contained in manuals, handbooks, and instruction memoranda. Regulations implementing laws relating to the protection, management, and control of wild horses and burros under the administration of the BLM are 43 C.F.R. 4700, subpart 4710 directs management considerations for implementation of those laws. Manuals contain the BLM policy and program direction. It provides policy, procedures, and instructions to manage programs. Handbooks are the source of detailed instructions for performing specialized procedures to carry out policy and direction described in the Manual Section. Handbooks provide specific detailed instructions, techniques, procedures, practices, and processes. Handbooks do not contain broad objectives, policies, assignment of responsibilities, or delegations needed primarily by line officials and principal staff officials to administer programs. Handbooks are considered part of the Manual and have the same force of authority as the Manual Section. Instruction Memoranda are temporary directives that supplement the Bureau Manual Sections; however, there are no current IMs relevant to making determinations of excess wild horse or burros.

### 2.2.1 BLM Manual 4700 and BLM Handbook 4700-1

The current versions of the BLM manual 4700 and BLM Handbook H-4700-1 released July 7, 2010 provide guidance for all aspects of wild horse and burro protection and management as well as define terms commonly used when describing wild horse and burro protection and management activities.

Two important terms describing wild horse habitat are Herd Area (HA) and Herd Management Area (HMA). Herd Area is defined in 43 CFR 4700.0-5 (d) and further explained in H4700-1 as the "Geographic areas of the public lands identified as habitat used by WH&B at the time the WFRHBA was enacted (12/15/1971)." Direction for establishment of an HMA is provided in 43 CFR 4710.3-1, Herd Management Area is defined in H4700-1 as "May be established in those HAs within which WH&B can be managed for the long term. HMAs are designated through the LUP process for the maintenance of WH&B herds. In delineating each HMA, the authorized officer shall consider the appropriate management level (AML) for the herd, habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 43 CFR 4710.4." (H-4700-1 pg 57)

Guidance contained in the BLM Handbook 4700-1 states: "Where appropriate, the LUP may include decisions not to manage WH&B in all or a part of an HA." An example given in the handbook is "where essential habitat components (forage, water, cover and space) are unavailable or insufficient to sustain healthy WH&B and healthy rangelands over the long term." (H-4700-1 2.1.4)

Where LUPs include decisions to designate HMAs within all or a portion of a HA, wild horses must be managed to achieve and maintain a thriving natural ecological balance (TNEB) and multiple use relationships on the public lands. TNEB means "WH&B are managed in a manner that assures significant progress is made toward achieving the Land Health Standards for upland vegetation and riparian plant communities, watershed function, and habitat quality for animal populations…" Before issuing a decision to gather and remove animals, the authorized officer will analyze multiple factors to determine whether excess animals are present and removal is necessary to restore or maintain the range in a TNEB.

The Act defines excess animals as: "wild free-roaming horses or burros (1) which have been removed from an area by the Secretary pursuant to applicable law or, (2) which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple –use relationship in that area." The term excess animals is further defined in BLM Manual Section 4720.1 as: "those animals which must be removed from an area to preserve and maintain a thriving natural ecological balance (TNEB) and multiple-use relationship in that area. This definition includes wild horses or burros located outside the HMA in areas not designated for their long-term maintenance."

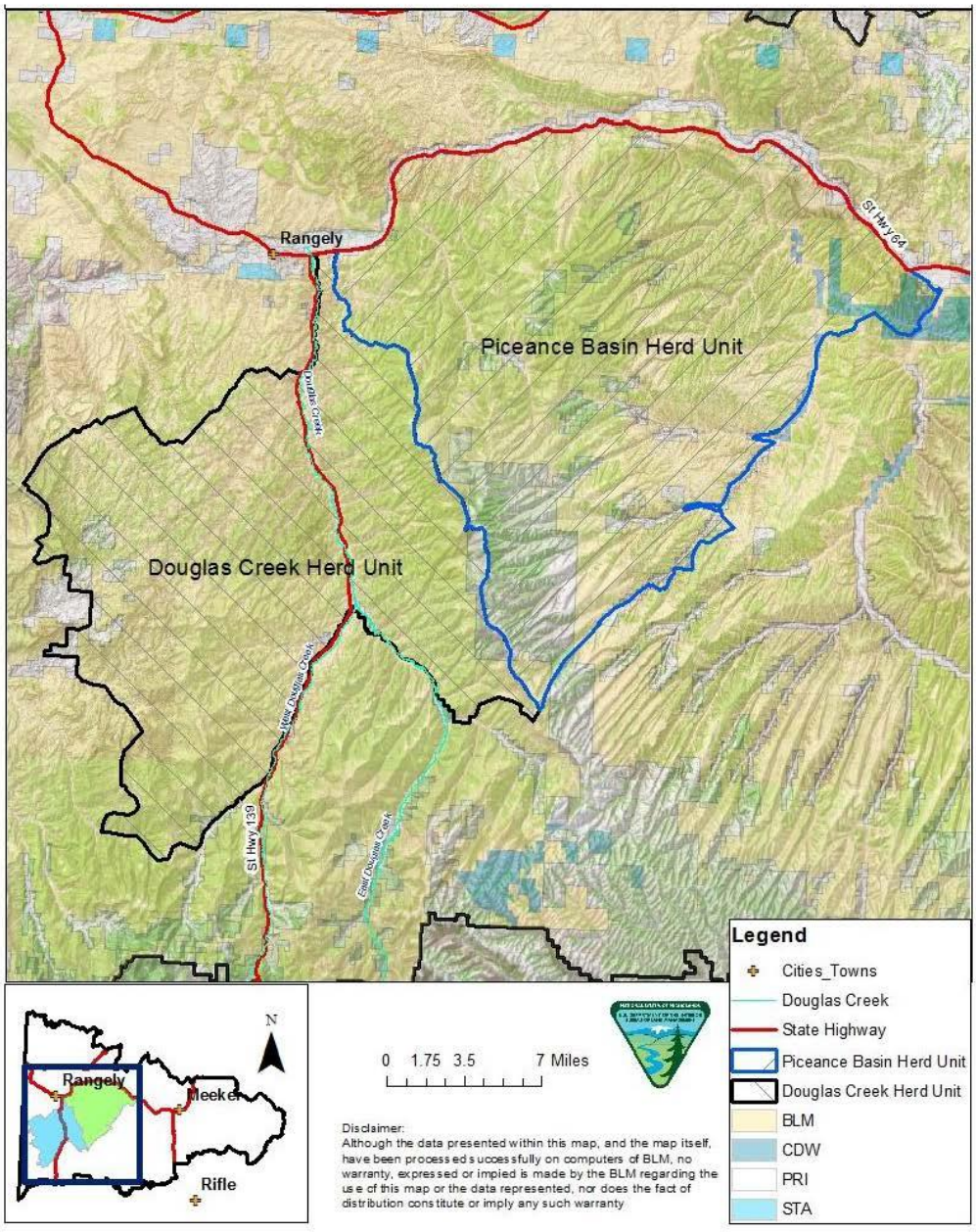
## *3.0 WRFO Land Use Planning Decisions for Wild Horses*

This summary presents an overview of the analysis and subsequent land use planning decisions that the BLM White River Field Office (WRFO) have made regarding the West Douglas Herd Area (WDHA). Since the passage of the Wild Free Roaming Horses and Burros Act (The Act) of 1971, this area has been analyzed multiple times for the feasibility of designating this area as a Herd Management Area for long term maintenance of wild horses. The WDHA has not been designated as an area for long term maintenance of wild horses.

Since passage of The Act, the WRFO has completed six land use planning documents which direct management of the multiple uses including wild horses within the resource area. The first plan called the White River Management Framework Plan was completed in 1975, during preparation of this plan two herd units were identified as the habitat used by wild horses in the resource area in 1971. The WRFO identified two herd units the Piceance Basin Herd Unit and the Douglas Creek Herd Unit, which shared a common boundary along the Cathedral Bluffs (Map 1).

Through analysis and decisions of the various land use planning documents, the requirement to manage wild horses within areas they were found in 1971 (43CFR 4710.4) and evolution of naming conventions for the areas where wild horses where found at passage of The Act (See Section 3.6), the WRFO has designated one HMA for long term maintenance of wild horses and given titles to two HAs for those areas within the original herd units which have not been designated for long term maintenance of wild horses. The Piceance-East Douglas HMA includes the portion of the Douglas Creek Herd Unit east of Douglas Creek and the southern and eastern portion of the Piceance Basin Herd Unit. The North Piceance HA (NPHA) includes the portion of the Piceance Basin Herd Unit not designated for long-term maintenance of wild horses, and the West Douglas HA includes the portion of the Douglas Creek Herd Unit not designated for long term maintenance of wild horses (Map 6).

**Map 1. Herd Units within the White River Resource Area**

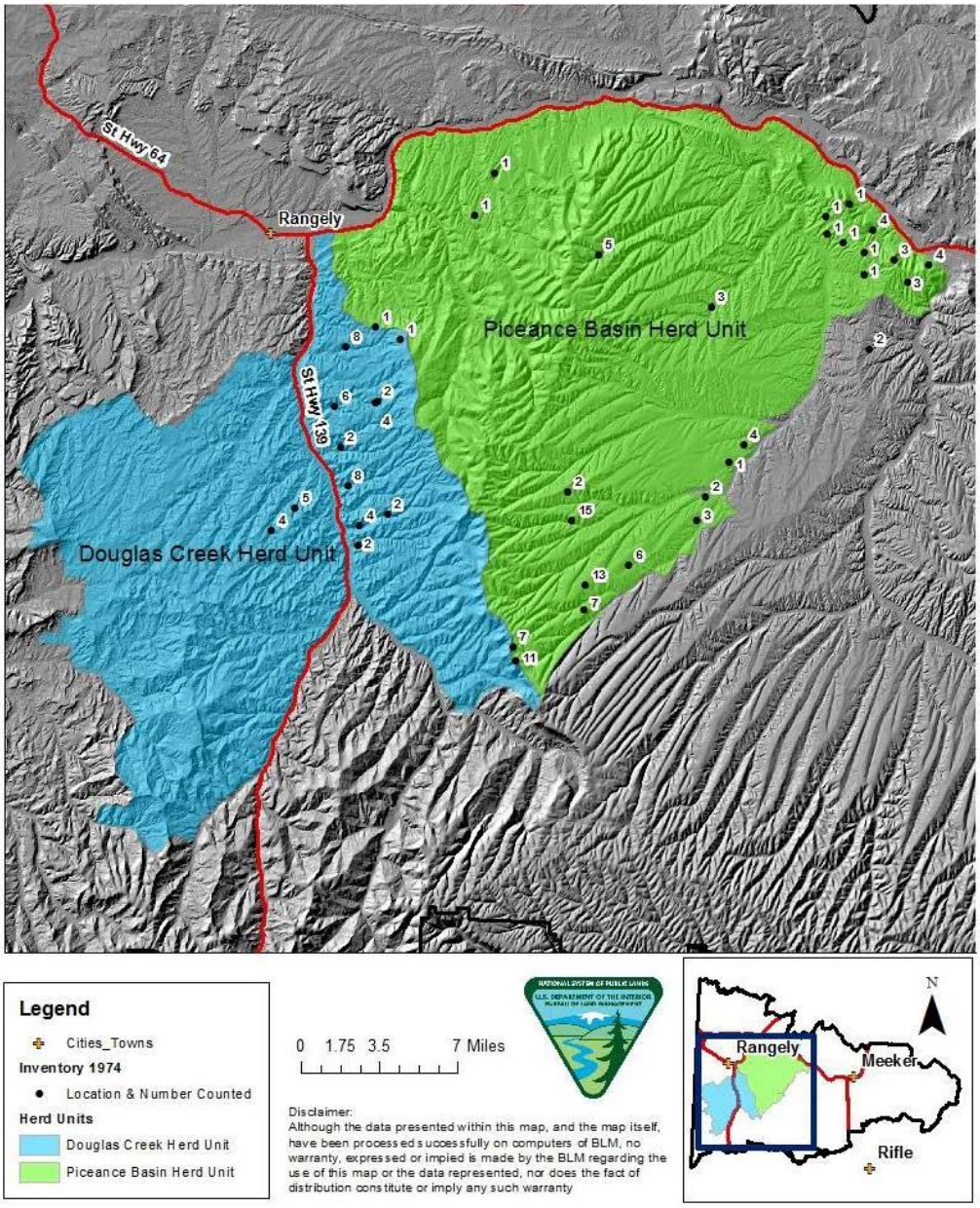


## 3.1 Identification of the Douglas Creek and Piceance Basin Herd Units (1974)

The White River Resource Area (WRRA) completed its first land use plan in 1975. In the Wild Free Roaming Horses and Burros Act (The Act) of 1971 each area that horses and burros were found in 1971 received the designation as Herd Units. Each HU was to be analyzed for the components of habitat required for the long term suitability for self-sustaining wild horse herds; the components analyzed are: water, feed, cover, and space. Within the WRRA two areas were analyzed: Douglas Creek Herd Unit and Piceance Basin Herd Unit. One Herd Management Area was designated from a portion of both herd units that met all requirements for self-sustaining herds. The portions of each unit that remained in HA status were renamed West Douglas HA and North Piceance HA.

The BLM WRFO completed its first inventory of wild horses within the WRRA from February 26 – March 6, 1974, and a second inventory was completed August 12-16, 1974. Information regarding the number and distribution of wild horses collected during these inventories was used to identify the habitat used by wild horses at passage of The Act and establish the two herd units. The Piceance Basin Herd Unit included 247,615 acres of public, private and state lands. The Douglas Creek Herd Unit included 188,142 acres of public and private lands, although no wild horses were observed in the southern and western portion of this herd unit during the aerial inventory, the boundary was delineated based on barriers existing in 1971 that would restrict wild horse movement throughout this area. The two herd units shared a common boundary along the Cathedral Bluffs, which was also the boundary of the planning units. Map 2 shows the location and number of wild horses counted during the original 1974 inventory as well as the two herd units identified through this effort.

**Map 2. Original Wild Horse Inventory and Wild Horse Herd Units within the White River Resource Area, 1974**



## 3.2 1975 Management Framework Plan

The first land use plan completed in 1975 was developed in two phases which began in early 1974. This plan established objectives and constraints for each resource and support activity throughout the WRRA. The first phase was called the Unit Resource Analysis (URA) which included internal and external scoping on the values, resources, and uses present on the public land, as well as, opportunities for developing and/or protecting these values and uses. The URA was completed for three planning units within the WRRA which were Rangely, Piceance Basin, and Meeker.

Following the completion of the URA portion of the land use plan, management alternatives were developed in the Management Framework Plan (MFP). The first step of the MFP was a single resource or use approach to developing management alternatives which maximized and/or optimized that resource regardless of conflicts with other resources or uses. The single resource objectives developed for wild horses in 1975 were:

- WH-A- Establishment of a wild horse range consisting of parts of the Piceance Basin Herd Unit and parts of the Douglas Creek Herd Unit, consisting of 107,000 acres and capable of supporting 430 wild horses.
- WH-B- Establish a wild horse range of 462,812 acres which would include all of the Douglas Creek herd unit (Rangely Planning Unit) and all of the Piceance Basin herd unit.
- WH-C- Manage wild horses on all wild horse ranges in combination with livestock and other uses. (WRMFP, Vol. II, Wild Horses, 1975)

The next step in the process was to identify conflicts with other resources or uses in a Multiple-Use Analysis and develop a multiple use recommendation (or alternative). These multiple-use recommendations were presented to external publics and internally within the BLM before multiple use decisions were made. Multiple-Use Decisions were completed by the Craig District Manager following public review and comment. The Colorado State Director approved the Multiple Use Decisions on June 30, 1975. Table 1 includes multiple use recommendations and rationale directly from the 1975 MFP.

**Table 1. Summary of 1975 Multiple Use Decisions**

| Multiple Use Recommendation | Rationale |
|---|---|
| That at the present time, the wild horses east of Douglas Creek be left where they presently are located | This is their natural habitat, and the degree of disturbance by other activities needs further study |
| Update forage surveys in the wild horse area east of Douglas Creek | These studies are needed to determine the carrying capacity for wild horses and livestock |
| After completion of the forage surveys, and determination is made on the maximum and minimum number of horse to maintain, forage will be allocated for these horses and for livestock | The Wild Horse and Burro Act states that forage will be allocated for wild horses, and by law and BLM policy, forage will be allocated for livestock |

| Multiple Use Recommendation | Rationale |
|---|---|
| That the horses west of Douglas Creek be removed from the entire resource area | The increase in oil and gas activities in this area warrants removal of the horses. Without forage surveys completed east of Douglas Creek to determine the carrying capacity, the area should not be burdened. Gas development activity is causing horses to disperse into areas where they did not exist prior to 1971. The Wild Horse and Burro Act states that horse range or habitat will not expand beyond the area occupied when the law was passed. |
| Construct a fence along the East Douglas Creek and Main Douglas Creek road | This fence would keep the horses off the highway and out of the active oil and gas field |
| Do not construct any new fences in the wild horse area east of Douglas Creek until studies and a joint management plan for wild horses, livestock and wildlife has been completed and approved and the need for these fences identified | Sufficient livestock boundary fences exist and additional fences would hinder wild horse management. Fence construction should be based upon need |
| Do not construct any new roads in area 4759 except as needed for mineral exploration and development | Additional roads would reduce the naturalness of this area and the wild horse habitat |
| Allow oil and gas exploration and development, oil shale development and saline minerals development with sufficient stipulations to protect the wild horse habitat | This would help meet the energy needs of the nation and aid in becoming energy self-sufficient by 1980. It is not presently know the degree of impact that the minerals program has on wild horses in this area. |
| That studies be initiated to determine the impacts of the existing fences on wild horses | These studies are needed to formulate an effective management plan that would improve the habitat for both livestock and wild horses |
| Initiate studies to determine feasibility of consolidating grazing allotments, relocation of fences and removal of some of the existing fences | These studies are needed to aid in determining impacts and to formulate an effective management plan for the area |
| That after forage surveys and studies are completed, a management plan for the horses and wildlife and cattle be completed. Livestock and horse numbers will be determined from the studies and management plan. | The management plan for wild horses should be correlated with movement of livestock. The management plan is needed to properly manage the horses and to comply with the Wild Horse and Burro Act. |
| That vegetative manipulation and other land treatment practices be allowed on areas not within the intensive mineral activity areas and not in conflict with other identified resource values | This would ass forage for horses which has been lost to mineral activities |
| Do not acquire private lands for wild horse management | The Wild Horse and Burro act provides for management on private lands. The cost of these lands would outweigh the benefits received |
| No vegetative manipulation will be allowed between Douglas Creek and Cathedral Bluffs, known as the Philadelphia Creek Area | This area should remain in its present state at the present time. Vegetative manipulation should not be initiated until a forage survey has been completed to determine if additional forage is needed in this locale |
| As energy development intensifies in Piceance Basin and forage is reduced, all present herbivore animals should be reduced proportionately | At the present time, the horses are compatible with the minerals activities, and to move them is not warranted. The public expressed the desire that livestock use be reduced proportionate to reduction in horse use, if any reduction is imposed |
| Continue studies to determine migration, feeding habits, sex, age ratio, and production | These studies are needed to effectively manage the horses and to formulate a management plan |
| Continue surveillance for unlawful human acts | This is BLM policy and is necessary to protect the horses as per the Wild Horse and Burro Act |

| Multiple Use Recommendation | Rationale |
|---|---|
| Prior to formulation and execution of a management plan, all gates in the vicinity of where horses exist will be loft open at the end of the livestock grazing season | This would allow for more wild horse movement during the winter months and is necessary for better habitat management by reducing concentration of use |
| That all ORV use not be allowed anywhere during the winter and spring months and vehicles be restricted to the existing roads and trails all year, with the exception to allow that ORV use necessary for oil and gas and mineral exploration and development | This would avoid disturbance of wild horses during critical winter and spring months when forage conditions of horses are very important. It would allow for oil and gas and mineral exploration and development to help meet the self-sufficiency needs of the nation. Expected ORV use will increase dramatically as industrial development occurs |
| That no use by livestock, wildlife, or horses be discontinued or reduced to increase forage available for wild horses until forage surveys are conducted, forage allocated for horses and the need for an adjustment in grazing use is identified | The need for adjustment in grazing use has not been identified for the present horse numbers. Forage data is unsufficient at the present time to determine any grazing use adjustments that may be needed |
| That big game hunting be considered on hunting unit basis, and to reject the specified hunting recommendation WH-B.5 | Proper harvest of wildlife must be by hunting units already established. The Division of Wildlife controls the type of hunting allowed |
| Construct only those corrals and traps as defined in the management plan or need is identified | These traps and corrals will be required for management of the horse herd. Also, see analysis and recommendation for RC-1 |
| Reject recommendation WH-B.15 to construct a permanent field camp in the wild horse range | This camp is not needed to manage wild horses. Protection of these facilities in remote areas would be very difficult. It would distract from the naturalness of the area |
| Do not acquire private lands for wild horse management only. Initiate land acquisition studies in the vicinity of the C-a oil shale prototype lease tract for mineral development and wild horse use. This study should be done in conjunction with the wild horse management plan | These lands are located in a highly mineralized area. Industry has indicated the desire to acquire some of these lands for mineral development (see M-7 analysis). Increasing minerals activities could negate the horse use and land acquisition, but wild horses could use these lands until such activities occur. These studies are needed to determine the need for federal ownership of these lands |
| Disallow any land treatment practices or minerals surface occupancy on the ecologically unique area | To protect pinyon-juniper and ponderosa pine relic areas. (Refer to F-3.8, F-3.9, and R-14.6) |
| Management and removal of excess wild horses included in the management plan will be consistent with the present regulations and recommendations of the National Wild Horse Advisory Board. Recommendations will be obtained from wild horse groups for removal and disposal. Recommend that the removal will be every second year by experienced and qualified people by means of water traps and corrals | This will comply with the law. It will provide for control, orderly management, and sustained long term use |
| Establish an observation area only after the management plan has been completed and the need identified | The need for and location of an observation area cannot be determined until studies and management plan have been completed |

Along with the decisions and reasons of the MFP, the Unit Resource Analysis (Current Situation) also provided background information for the decisions.

- URA- Step III Page WH-4 -Identified one "herd unit" in the Rangely area, this was the Douglas Herd Unit containing 187,970 acres.

- URA- Step III Page WH-4 -Identified that there was likely interchange between the Piceance Herd Unit and the east side of Douglas Creek.

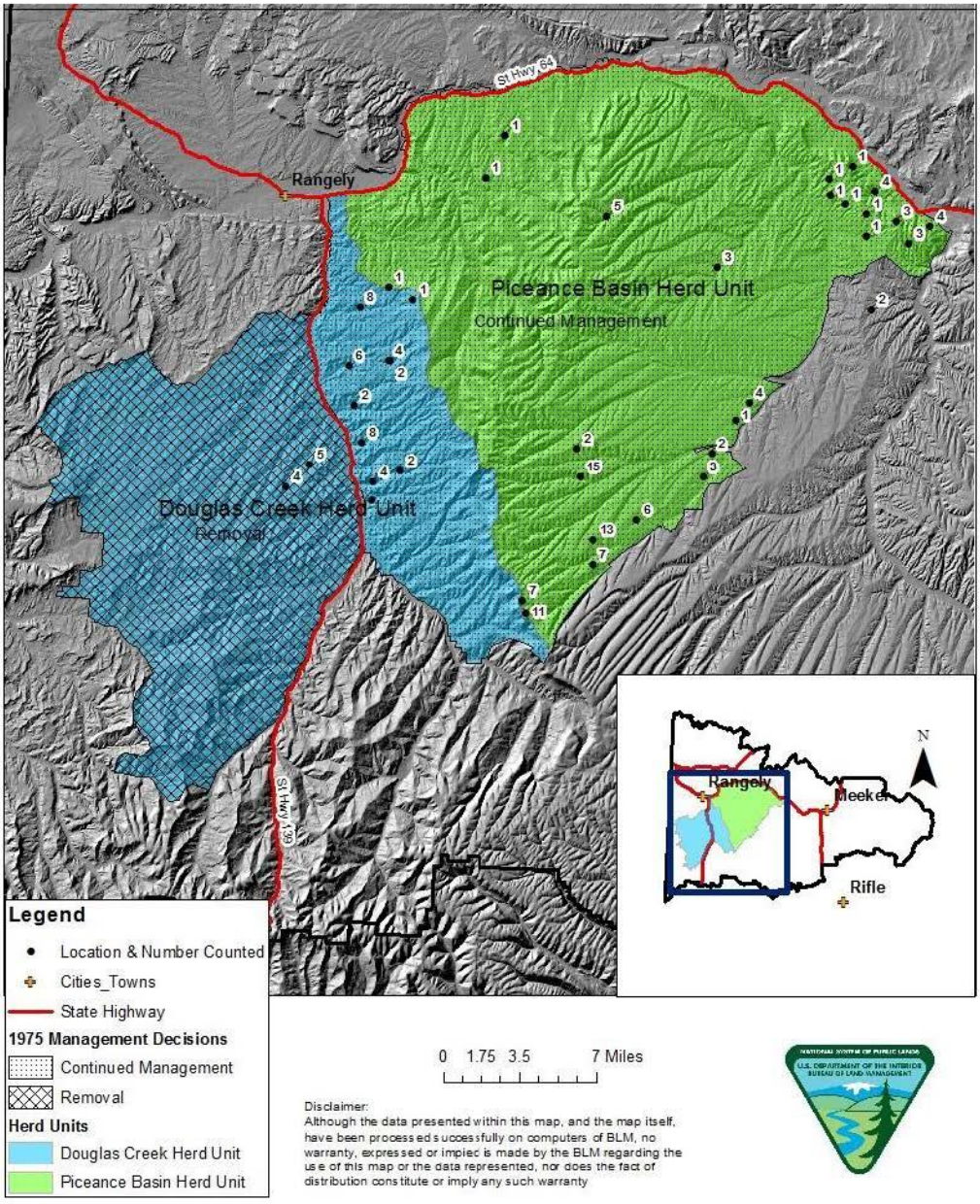
- URA- Step III Page WH-10 -Identified conflicts between wild horses and oil and gas development. "Currently, the greatest activity concerning oil and gas production in the Craig District is taking place within the Rangely Planning Unit."

- URA- Step III Page WH-13 -Identified Utilization/distribution problems resulting from energy development and human population increases projected for the future. "There are three actions that one can expect: The horses will migrate into other areas of the range that are not as accessible to the human population. The areas they will migrate into will probably be less desirable than the areas presently occupied. These areas would have less forage and could eventually be overused. The second action that may take place is that horses will migrate into areas already used by horses. This would result in overuse of the range and possibly increased conflict between horses. The third action is that the horses will remain within the disturbed area. This would result in horse behavior that would resemble the behavior of black bears in Yellowstone National Park."

The final decision in this MFP regarding wild horse management was a collection of the three objectives recommended in step 1 of the MFP. The decision was made to "manage wild horses with wildlife and livestock. The wild horses will be managed on their present range with the exception of that portion of the horse range lying west of Douglas Creek." (WRMFP, Vol. II, Wild Horses, 1975). The decision was also made to update 244,000 acres of forage survey to determine carrying capacity for numbers of wild horses, livestock and wildlife that can be supported in this area.

Map 3 shows the Herd Units identified during the URA stage of the planning process, as well as the areas selected for continued management of wild horses, forage analysis update, and the area west of Douglas Creek selected for removal of all wild horses. The stippled area within the Piceance Basin Herd Unit and the portion of the Douglas Creek Herd Unit east of Douglas creek is the area chosen to continue to manage wild horses and update forage surveys, the cross hatched area within the portion of the Douglas Creek Herd Unit west of Douglas Creek is the area that was chosen for removal of wild horses.

**Map 3. Areas Identified for Continued Management or Removal per the 1975 MFP**



## 3.3 1980 Management Framework Plan Decisions

In 1978 through 1980, another planning effort was undertaken to update the 1975 MFP. This update was driven by the court ordered environmental impact statements for the livestock grazing program. This update included a forage allocation for livestock, wild horses, and big game wildlife.

As in the 1975 MFP, the BLM conducted internal and external scoping meetings in development of the Unit Resource Analysis (present situation and opportunities for enhancement). Again, the URA identified two wild horse herd units, the Douglas Creek Herd Unit and the Piceance Basin Herd Unit.

In the 1980 MFP, two objectives (alternatives) were advanced by the wild horse specialist to enhance or optimize opportunities for management of a viable wild horse population (WRMFP, Wild Horse, 1980):

- Objective WH-1: Maintain 462,812 acres of wild horse habitat, capable of supporting a minimum of 200 wild horses and a maximum of 450 wild horses, within the 1971 wild horse range boundaries which include the Piceance Basin wild horse Herd Unit and the Douglas Creek Herd Unit.
- Objective WH-2: Maintain 107,000 acres of wild horse habitat capable of supporting 100 to 250 wild horses. This area will consist of Tommy's Draw, Philadelphia Creek, and Hogan Draw allotments in the Rangely Planning Unit (east of Douglas Creek) and part of the Boxelder and Square S allotments in the Piceance Basin Planning Unit.

In the next step, a multiple use conflict analysis was conducted for each Objective and a Multiple-Use Recommendation advanced by the Area Manager in February, 1979. Multiple-Use Decisions were completed by the Craig District Manager following public review and comment. The Colorado State Director approved the Multiple Use Decisions April 1981. Table 2 includes multiple use recommendations and rationale directly from the 1980 MFP.

**Table 2 Summary of 1980 Multiple Use Decisions**

| Multiple Use Recommendation | Rationale |
|---|---|
| All horses west of Douglas Creek be removed. | The increase in oil and gas activities in this area warrants removal of the horses. Gas development activity is causing horses to disperse into areas where they did not exist prior to 1971. The Wild Horse and Burro Act states that horse range or habitat will not expand beyond the area occupied when the law was passed |
| Reduce the horse herd to 30 head in the Cathedral Bluff Allotment (Hogan Draw, Philadelphia Draw and Tommy's Draw Area) and maintain that level | This area is their natural habitat; however, the herd has increased substantially since passage of the Act in 1971. Reducing the herd to approximately 30 head will bring it down to approximately what it was in 1971. There is presently substantial conflict between horse and livestock |
| Reduce the horse numbers in the C pasture of the Square S Allotment to 25 head and maintain at that level | Same as #2 |

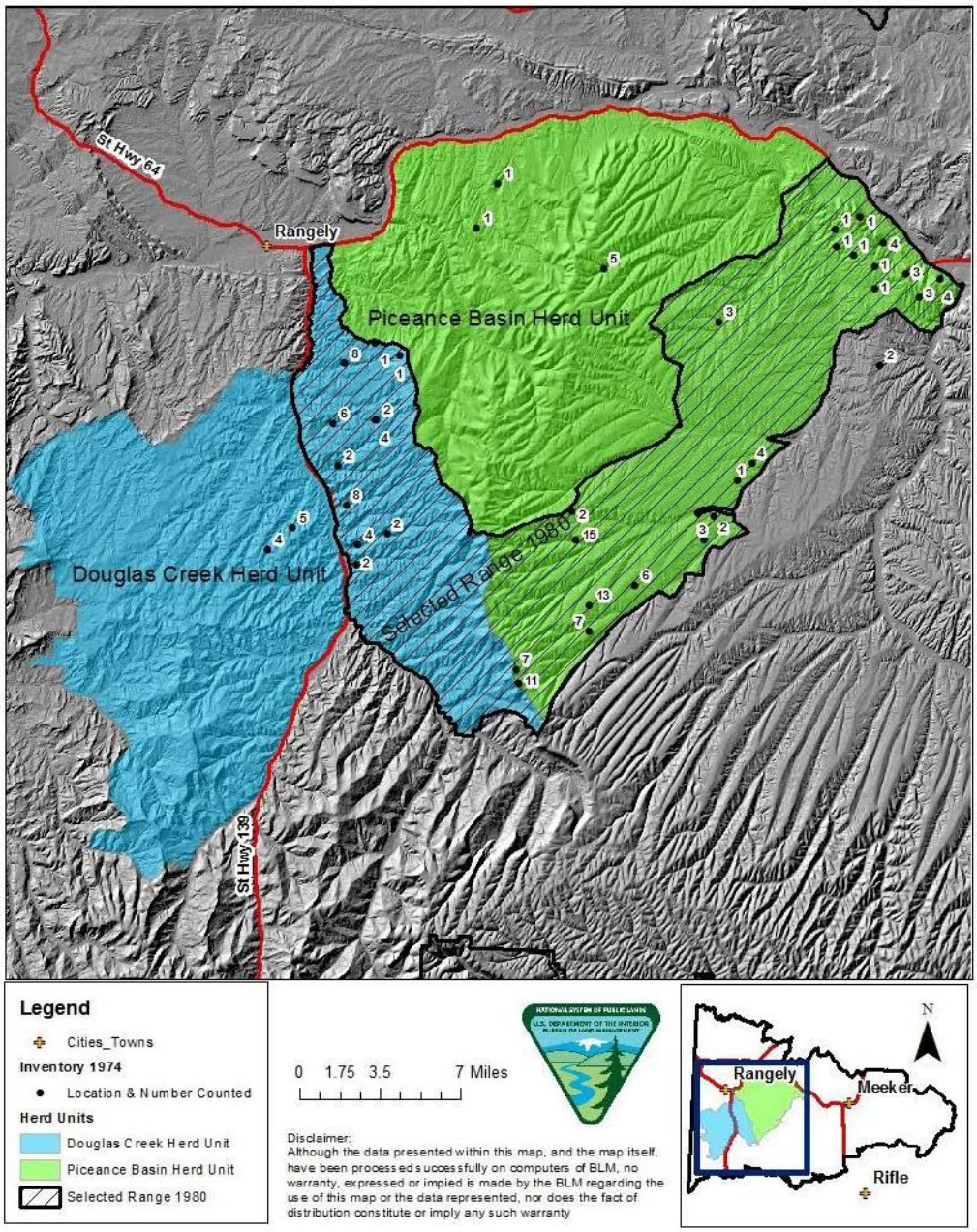
| | |
|---|---|
| Reduce the horse numbers in the Box Elder pasture of Yellow Cr. Allotment to 25 head and in the Barcus Pinto Gulch area to 15 and maintain at that level | Same as #2 |
| Remove all horses from the rest of the Square S Allotment as well as from the following allotments: Yellow Creek, Spring Creek, Greasewood, Hammond Draw, Upper Fletcher, Lower Fletcher, Boise Creek, Little Spring Creek, and Rocky Ridge | Wild horses in these areas are in direct competition with wildlife and livestock. Also refer to #1 |
| Construct a fence along the East Douglas Creek and Main Douglas Creek road (approximately 12 miles) | This fence would keep the horses off the highway and out of the active oil and gas field |
| Construct approximately 3-1/2 miles of boundary fence on the Big Ridge between Spring Creek and Cathedral Bluffs Allotments | This will prevent drift from Cathedral Bluffs into Spring Creek Allotment |
| Complete the boundary fence around Yellow Creek Allotment | Prevent horses from drifting into the adjoining allotments which are being recommended for complete removal |
| Accept Step II Multiple Use Recommendation RM-14 on fencing in the Cathedral Bluffs and Spring Creek Allotments | This will insure free movement of horses |
| Reserve 1400 AUMs of forage for between 95 and 120 head of wild horses | This is the amount of forage necessary to sustain approximately 120 head of horses which will be the maximum number allowed in the horse range |
| Complete a management Plan for wild horses by the end of FY81 | Management plan is needed to properly manage the horses and comply with the Wild Horse and Burro Act |
| Vegetative manipulation will be conducted in accordance with Step II multiple use recommendation RM-1 | Same as RM-1.14 |
| Update forage surveys in the Cathedral Bluffs and Yellow Creek Allotments in FY81 | These surveys are needed to determine carrying capacities for wild horse, wildlife and livestock |
| Accept Step II multiple use recommendation RM-1.4 on water developments | Same as RM-1.4 |
| Do not acquire private land for wild horse management | The wild horse and burro act provides for management on private lands. The cost of these lands would outweigh the benefits received |
| Construct a small holding corral centrally located so it can be utilized for both the Douglas Creek and Piceance areas | Horses must be held for several days for brand inspections and claiming procedures |
| That all ORV use not be allowed anywhere during the winter and spring months and vehicles be restricted to the existing roads and trails all year, with the exception to allow that ORV use necessary for oil and gas and mineral exploration and development | This would avoid disturbance of wild horses during critical winter and spring months when forage conditions of horses are very important. It would allow for oil and gas and mineral exploration and development to help meet the self-sufficiency needs of the nation. Expected ORV use will increase dramatically as industry development occurs |
| Accept Step II multiple use recommendation F-1.2, F-2.2, and RM-1.14 | Same as F-1.2, F-2.2 and RM1.14 |
| Establish an observation area only after the management plan has been completed and the need identified | The need for and location of an observation area cannot be determined until studies and management plan have been completed |
| Construct 3 water traps in the south ½ of the Rangely Planning Unit, west of State Highway #139 | This area has a limited supply of water which will make water trapping an effective means of removing wild horses from this area |

| | |
|---|---|
| Construct a minimum of 2 water traps in Cathedral Bluffs | Same as above |
| Set up cooperative agreement with the Colorado Division of Wildlife | Cooperative agreements are necessary for management of wild horses on state owned land and is also necessary for compliance with the wild horse law 92-915 |
| Accept Step II multiple use recommendation RM-1.7 on interior fences | Same as RM-1.7 |
| Accept Step II multiple use recommendation RM-1.2 on restricting livestock use during spring grazing season | Same as RM-1.2 |
| No limitation on wildlife use be implemented until forage surveys are conducted and the need for restriction are identified | The need for Adjustment in grazing use has not been identified for the present horse numbers. Forage data is unsufficient at the present time to determine any grazing use adjustments that may needed |
| Where determined necessary by the area manager, gates will be left open or fence segments let down during periods of non-use by livestock, to allow horse movement | So as not to restrict horse movement between and within allotments |

The final decision in this MFP regarding wild horse management was to reserve 2,101 AUMs of forage for between 95 to 140 wild horses within the 161,300 acre (148,153 acres public land) selected range. Wild horses would be removed from areas outside the selected range including those wild horses west of Douglas Creek. At this time the portions of the herd units outside of the selected range were known only as adjacent areas and did not have HA titles as there was no regulation or policy at this time which provided the description of Herd Areas.

Map 4 shows the selected range for wild horse management within the White River Resource Area following completion of the MFP update in 1980. This map also includes the original wild horse inventory completed in 1974. The selected range was chosen "because it has the most concentrated wild horse population (their preferred habitat), has reliable sources of water during late summer, and has a balance between summer and winter range." This area would support a high quality herd representative of the situation in effect at the passage of The Act.

**Map 4. Selected Wild Horse Range and Original Wild Horse Inventory (1980)**



## 3.4 1981 White River Resource Area Grazing Management EIS.

The recommendations of the 1980 MFP were again presented to the BLM's internal and external publics along with the scoping process for the court ordered grazing EIS. The Multiple-Use Recommendations from the MFP became the proposed action for the 1981 Grazing EIS.

In addition to the proposed action, the Grazing EIS evaluated five other alternatives, some of which were developed from opportunities or objectives identified in the URA/MFP. As relates to wild horses, the grazing EIS evaluated the following alternatives in detail:

- Alternative A (Proposed Action)
  - Manage 90 to 140 horses on 148,153 acres public land (161,300 total acres) which includes parts of both herd units.
  - Allocate 2,101 AUMs of forage for wild horse use within the area described.
  - Remove all horses west of Douglas Creek and from all other allotments in the Piceance Basin not designated for management of wild horses.

- Alternative B (No Action)
  - Manage present herd of 625 horses on 443,979 acres public land recognized as the area occupied by wild horses in 1971.
  - Allocate 9,364 AUMs of forage for horse use within the area described.

- Alternative C (Eliminate all Livestock Grazing)
  - Manage 500 to 750 head of wild horses on 443,979 acres public land.
  - Allocate 9,364 AUMs of forage for horse use within the area described.

- Alternative D (Optimize Livestock Grazing)
  - Manage 52 wild horses on 148,153 acres public land (161,300 total acres).
  - Allocate 797 AUMs of forage for horse use within the area described.
  - Remove all horses west of Douglas Creek and from all other allotments in the Piceance Basin not designated for management of wild horses.

- Alternative E (Emphasis on Other Resource Uses)
  - Manage 280 to 450 head of wild horses on 148,153 acres public land (161,300 total acres).
  - Allocate 4,200 AUMs of forage for horse use within the area described.
  - Remove all horses west of Douglas Creek and from all other allotments in the Piceance Basin not designated for management of wild horses.

- Alternative F (Optimize Wild Horses)
  - Manage 700 to 1,125 head of wild horses on 443,979 acres public land.
  - Allocate 16,865 AUMs of forage for horse use within the area described.

During public review of the Draft Grazing EIS, responses indicated concern regarding proposals for managing wild horses. Major areas of concern included: 1) the need for reducing the size of the wild horse range; 2) the proposed population levels; and 3) the possibility of the proposals violating the mandates of the Act.

These issues were addressed in the Final Grazing EIS and again emphasized the principal considerations used in reducing the size of the wild horse range including:

- The designated range (161,300 acres) is considered their preferred habitat and has been allocated for continued wild horse use;
- The amount of habitat already lost from oil and gas development and associated human disturbance and the projected new disturbance west of Douglas Creek;
- The amount of critical deer winter range, the number of existing fences restricting horse movement, the lack of dependable watering areas and the lack of sufficient summer forage in the non-designated ranges in the Piceance Basin.

In April 1981 the State Director approved both the Rangeland Program Summary (the Record of Decision for the Grazing EIS) and the Multiple-Use Decisions for the WRRA MFP. The decisions for wild horse management were:

1. Allocate 2,101 AUMs of forage for 95 to 140 wild horses to be managed on an area of 148,153 acres of public land (161,300 total acres); and
2. Remove horses from 295,826 acres which includes all horses west of Douglas Creek and all horses from those allotments in the Piceance Basin which are not part of the designated management area.

The rationale noted in the Rangeland Program Summary: "The proposed wild horse use area was chosen because it has the most concentrated wild horse population (their preferred habitat), has reliable sources of water during summer, and has a balance between summer and winter range." and, "Decisions for wild horse management are aimed at maintaining a viable wild horse population within the best habitat of their present range, while simultaneously satisfying the needs for various other resource considerations." (Rangeland Program Summary White River Resource Area, page 7). The decisions for wild horse management made through this EIS were the same as those made in the 1980 MFP; the selected range and forage allocations did not change.

## 3.5 1981 WRRA Herd Management Area Plan

The herd management area plan (HMAP) was an activity plan developed to implement the land use decisions made in the 1980 MFP and 1981 EIS. This plan reiterated the land use decisions of managing a viable wild horse population within a Herd Management Area consisting of 148,153 acres of public land (161,300 total acres).

The HMAP developed specific objectives, following public input, for managing a viable wild horse herd. Objectives with detailed planned actions to achieve each objective developed in the HMAP include:

A. Maintain wild horse herds at a level consistent with the carrying capacity for the area while providing adequate forage for livestock and wildlife.

B. Improve the range condition in the herd management area within 15 years.

C. Maintain levels of utilization on key forage by limiting the maximum allowable utilization to 40 percent on ranges used on a continuous yearlong basis, and 50 percent on ranges used on a continual seasonal basis.

D. Maintain the free roaming behavior of wild horses.

E. Maintain a healthy, viable breeding population of wild horses.

F. Provide for the protection of wild horses from harassment and unauthorized capture.

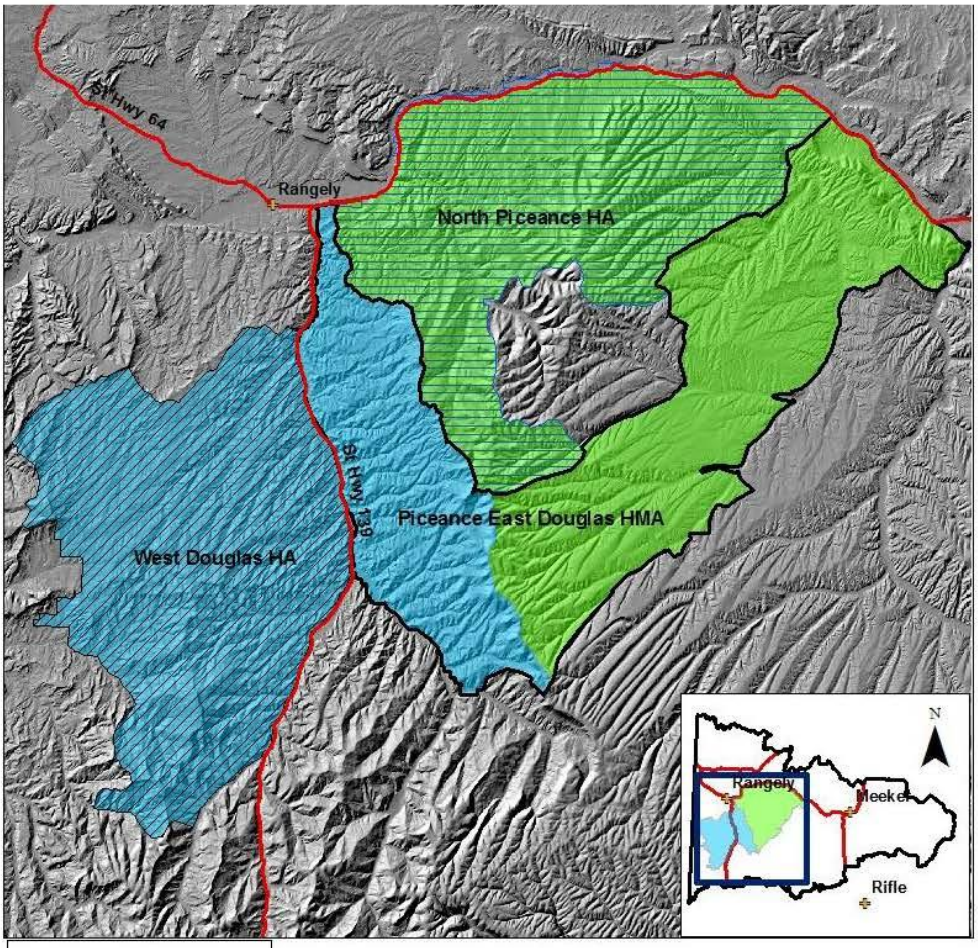
The objectives developed in the HMAP were designed to protect, manage, and control wild horses on a long term continuing basis within the herd management area established through the land use planning process. This plan was specific to the selected range for wild horse management as all wild horses outside of the selected range were to be removed in accordance with the land use plan.

## 3.6 1983-1986 Evolution of Herd Area Identification

Within early planning documents, the areas occupied by wild horses were known as the horse range, which was separated into two herd units within the separate planning areas. Following completion of the 1980 MFP update and the 1981 herd management area plan, the "selected range" became known as the White River Herd Management Area. Areas outside of the herd management area but within the herd units were commonly referred to by geographic reference, or the grazing allotment name (i.e., Texas Mountain or Twin Buttes). National BLM Wild Horse and Burro Program guidance in 1983 identifies Herd Areas as areas that "Collectively represent the maximum distribution of horses in a planning area." The term Herd Area therefore evolved as a way to differentiate between the areas within the herd units that were selected for management of wild horses, which was the Herd Management Area, and areas within the herd units not selected for management became known as Herd Areas.

In 1986, wild horse and burro regulations (43CFR part 4700) were revised, the definition of Herd Areas changed to "the geographic area identified as having been used by a herd as its habitat in 1971". The first known White River reference to the term Herd Area was August 1986 in the 6th report to Congress. At this time, the portions of the Piceance Basin and Douglas Creek Herd Units selected for management were known as the Piceance-East Douglas Herd Management Area (PEDHMA), the portion of the Douglas Creek Herd Unit not chosen for long term management becomes known as the West Douglas Herd Area, and the portion of the Piceance Basin Herd Unit not chosen for management becomes known as the North Piceance Herd Area (NPHA). Although now given three distinct names, these areas collectively include the original herd units identified in the 1974 MFP. Map 5. Wild Horse Habitat Naming Following 1986 Revision of Wild Horse and Burro Program Regulations shows the location of the herd areas, the herd management area, and the name of each area as well as the original herd areas identified in 1974. The area between the NPHA and the PEDHMA originally identified as part of the Piceance Basin Herd Unit was not included in either the NPHA or PEDHMA as this area was completely fenced and no wild horses were observed in that region during the original inventory in 1974.

**Map 5. Wild Horse Habitat Naming Following 1986 Revision of Wild Horse and Burro Program Regulations**



## 3.7 1985 WRRA Piceance Basin RMP

In 1985 the BLM WRFO developed another land use plan specific to the Piceance Basin with appropriate scoping and public review, this plan was driven by mineral resources in the Piceance Basin. In this plan, the 1981 Grazing EIS decisions concerning wild horse management in the Piceance Basin planning unit were incorporated and carried forward in the 1985 RMP. In addition, some of the objectives covering the Piceance Basin developed in the Herd Management Area Plan for managing a viable herd in a free roaming habitat were incorporated into the RMP as land use decisions. This plan did not change any decisions made in the 1980 MFP, 1981 Grazing EIS, or the HMAP, no alternatives to wild horse management decisions from earlier planning documents were considered.

## 3.8 1997 WRRA Resource Management Plan

The next land use plan decision is the Record of Decision for the White River Resource Area, Resource Management Plan which was approved by the State Director on July 1, 1997.

The Draft Resource Management Plan evaluated four alternatives for wild horse management developed through the public scoping process.

- Alternative A.
  - A total of 2,100 AUMs of forage would be provided to support 60-140 wild horses.
  - The boundary of the Piceance-East Douglas Herd Area, containing 161,300 acres would be unchanged.
  - Wild Horses would be removed from the North Piceance (107,590 acres) and the West Douglas (190,870 acres) Herd Areas.
  - The HMA would be open to motorized vehicles with no restrictions.

- Alternative B.
  - A total of 1,050 AUMs of forage would be provided to support 60-70 wild horses.
  - The Piceance-East Douglas HMA would be adjusted to exclude the upper part of the Boxelder Allotment (6,080 acres) and Pasture C of the Square S Allotment (12,460 acres), which were patented in 1987.
  - The adjusted Piceance-East Douglas HMA, totaling 146,200 acres, would be managed to provide 900 to 1,050 AUMs of forage for 60 to 70 horses.
  - Wild horses would be removed from the excluded portion of the Boxelder Allotment and Pasture C of the Square S Allotment in the Piceance-East Douglas HMA. Wild horses would also be removed from the North Piceance HA and the West Douglas HA.
  - Motorized vehicles would be allowed only on existing roads and trails.

- Alternative C.
  - A total of 4,800 AUMs would be provided to support 320 wild horses. The Piceance-East Douglas HMA would be managed to provide 2,100 AUMs of forage for 90-140 horses.
  - The North Piceance HA would be designated as the North Piceance HMA. The North Piceance HMA would be managed to provide 600-900 AUMs of forage for 40-60 wild horses.

- A portion of the West Douglas HA would be designated as the Texas Creek HMA; 1,050 AUMs of forage would be allocated for 60-70 wild horses Texas Creek HMA and the remainder of the existing West Douglas HA would also serve as a permanent relocation area for older, predominantly male, unadoptable horses which are gathered from within the White River Resource Area.
- The Texas Creek HMA (41,370 acres) and the remainder of the West Douglas HA (149,500 acres) would also support a population of younger age-class animals. These horses might be used for introduction into the North Piceance and Piceance-East Douglas HMA for increased genetic diversity in those herds.
- The remainder of the West Douglas HA (149,500 acres) would be allocated 750 AUMs of forage to support a population of 0 to 50 horses.
- Motorized vehicles would be allowed only on existing roads and trails.

- Alternative D.
  - A total of 2,100 AUMs would be provided to support 95-140 horses.
  - The boundary of the Piceance-East Douglas HMA would be expanded to include the Greasewood Allotment (28,830 acres) portion of the North Piceance HA. The expanded Piceance-East Douglas HMA, totaling 190,130 acres, would be managed to provide 1,430 to 2,100 AUMs of forage for 95-140 horses.
  - The remainder of the North Piceance HA (78,760 acres) and the West Douglas HA (190,870 acres) would be managed in the short term (0-10 years) to provide 750 AUMs of forage for population of 0 to 50 horses in each area (a total of 1,500 AUMs). The long-term objective would be to remove all wild horses in both areas.
  - A cooperative management agreement for the Boxelder Allotment and Square S Pasture C would be pursued with Shell Minerals, holder of 13,900 acres.
  - Motorized vehicles would be allowed on designated roads and trails.

The decision for horse management (WRROD/RMP pg2-26) was to implement Alternative D:

- "Manage for a wild horse herd of 95-140 animals on 190,130 acres within the Piceance-East Douglas Herd Management Area (HMA) so that a thriving ecological balance is maintained for plant and animal species on that range."

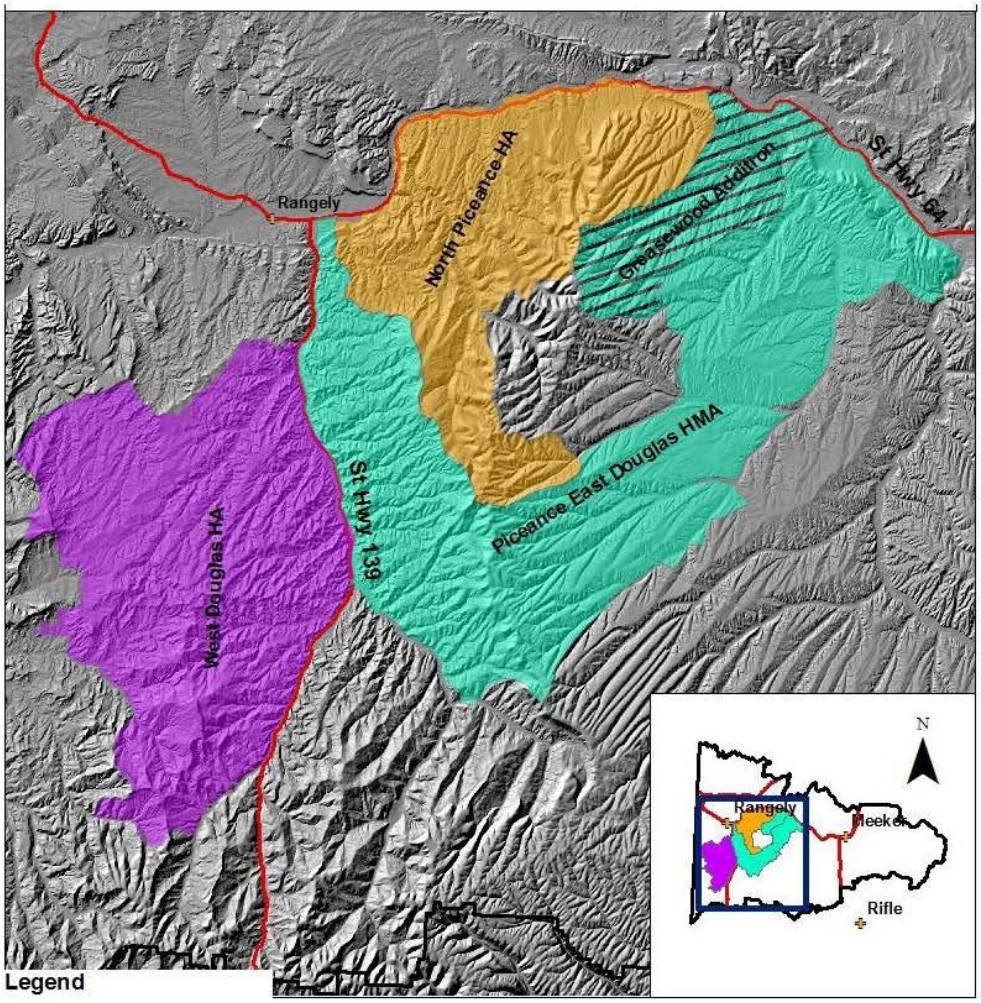
- "The North Piceance and West Douglas Herd Areas will be managed in the short-term (0-10) years) to provide forage for a herd of 0 to 50 horses in each herd area. The long term objective (+10 years) will be to remove all wild horses from these areas.

- "The boundary of the Piceance-East Douglas HMA will be expanded to include the Greasewood allotment (presently a part of the North Piceance Herd Area).

- "Monitoring studies will be conducted and the long term appropriate management level (AML) for the Herd Management Area will be adjusted based on the results of this monitoring."

The AML for the PEDHMA was increased in 2002 from 95-140 to 135-235 wild horses, a 58% increase of median population from 117 to 185. Map 6 shows the present day Piceance-East Douglas Herd Management Area including the 28,830 acre Greasewood Addition to the HMA, the map also shows the current herd area boundaries.

**Map 6. Current Piceance-East Douglas HMA, North Piceance HA, and West Douglas HA Boundaries**



# APPENDIX C. MEMORANDUMS

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
White River Field Office
220 East Market Street
Meeker, CO 81641

In Reply Refer To:
4700 (LLCON05000)

March 9, 2017

MEMORANDUM

FROM: Kyle Arnold, White River Field Office, Renewal Resources Staff Supervisor

TO: White River Field Office, Field Manager

SUBJECT: Wild Horses Outside of the Piceance-East Douglas Herd Management Area

**Introduction**

The WRFO has been working on improving boundary fences for the Piceance-East Douglas Herd Management Area (HMA). Along with repairing several sections of fence annually the construction of new fence sections along Highway 64, Main Barcus Creek, County Road 5 were completed in 2015 and a section along Tommys Draw is planned to be completed in late spring/early summer 2017. To use gather resources and contractors efficiently, the WRFO should plan to gather excess wild horses that have relocated outside of the HMA at the same time that we are gathering excess wild horses from private property near Tommys Draw. It is not feasible to attempt to herd the wild horses that are now located outside of the boundary fence of the HMA back into the HMA since the recent 2016 aerial inventory data identifies that the population of wild horses within the HMA exceeds the Appropriate Management Level (AML).

**Piceance-East Douglas Herd Management Area**

Through previous Land Use Plan decisions the WRFO chose to manage wild horses in the Piceance-East Douglas Herd Management Area (HMA) which was designated in 1986 for the long-term management of wild horses on the selected range from the Piceance Basin Unit, and the portion of the Douglas Creek Unit east of Douglas Creek. In 1997, through the RMP the HMA was expanded adding approximately 28,830 acres to the HMA. The current HMA is comprised of approximately 158,310 acres of public; 5,330 acres of state; and 26,490 acres of private lands totaling approximately 190,130 acres. The present day HMA contained the largest concentration of wild horses during the original census conducted in 1974 with 141 of the 154 wild horses counted during this inventory were found within the current HMA boundary. In the 1980 Management Framework Plan, the appropriate management level (AML) was set at 95-140 wild horses would be managed within the selected range, this was carried forward in the 1997 RMP. The AML was adjusted upward in 2002 to the current range of 135-235 wild horses.

Excess animals are defined as those animals which must be removed from an area to preserve and maintain a thriving natural ecological balance (TNEB) and multiple-use relationship in that

area. This definition includes wild horses or burros located outside the HMA in areas not designated for their long-term maintenance . (BLM Manual 4720 – Removal (Public), Rel. 4-113 (dated July 7, 2010), section 4720.12)

**Rationale for a Gather in FY17**

***Prviate Land Requests***

The WRFO has received two written requests from the Powell 4A Ranch requesting removal of wild horses from outside of the HMA that have relocated on to the ranch's private property. The first request was dated February 20, 2015 (including video documentation) and identified that a mare on the ranch went missing and a gelding had to be euthanized after injuries received from a stud using the private lands; they also noted this issue as having started nearly two decades previous to this request. The second request was received July 7, 2016 for removal stating the following reasons: 1) consumption of irrigated meadows by wild horses results in not being able to produce hay or utilize as pasture because feed is removed; 2) fencing around the ranch does not keep the wild horses out; 3) the wild horses are destroying riparian areas; 4) stud horses are injuring and endangering the wellbeing of domestic livestock; and 5) the physical threat to the rancher and any other riders while gathering livestock. Daily ranching tasks as a rancher are hindered because of the horses' territorial instincts on the private lands. These requests and video are on file at WRFO.

By letter dated July 25, 2016 from the WRFO to Powell 4A Ranch, the WRFO identified that the process of requesting approval from the National Program Office (NPO) to conduct a wild horse gather/removal of approximately 60 wild horses from this area had been initiated tentatively for sometime in 2016 or after July 1, 2017. The NPO approved the WRFO to conduct a gather/removal specific to this area once the fence along Tommys Draw ( DOI-BLM-CO-N05-2014-0035) was constructed.

The BLM's regulations at 43 CFR 4720.2-1 provide direction on removing wild horses from private lands: Upon written request from the private land owner to any representative of the Bureau of Land Management, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable. The private landowner may also submit the written request to a Federal marshall, who shall notify the authorized officer. The request shall indicate the numbers of wild horses and burros, the date(s) the animals were on the land, legal description of the private lands, and any special conditions that should be considered in the gather plan.

***Fencing in the Area***

The BLM identified the need for a fence to be constructed in the area of Cathedral Creek just east of the Tommys Draw drainage (the project has been called the Tommys Draw Fence) to retain wild horses within the HMA boundary. The project was evaluated and approved in 2016 (DOI-BLM-CO-N05-2014-0035-EA) and the WRFO is working towards completion of fence construction in late spring/early summer of 2017.

***Wild Horse Population Estimates***

In February 2016 the WRFO conducted an aerial inventory of the wild horses located within the HMA that resulted in a count of 342 located within the HMA. Since that inventory the wild horses have produced offspring in 2016 at the approximate 20 percent recruitment rate that has

been used for this region, bringing the HMA population estimate to approximately 409 wild horses prior to the 2017 foaling season. The estimated number of wild horses within the HMA after 2017 foaling will be 491. The Appropriate Management Level within the HMA is 135-235 wild horses.

Due to limited flight time, WRFO was only able to conduct an inventory outside of the HMA in the location north and south of Cathedral Creek, and areas south and west of East Douglas Creek to State Highway 139 during the February 2016 aerial inventory. In these areas, the WRFO identified 44 excess wild horses that have relocated outside of the HMA. Assuming a 20 percent recruitment rate each year for 2016 and 2017, the estimated population of excess wild horses in these areas is 64. Wild horses have been documented by WRFO staff making use on private lands in this area.

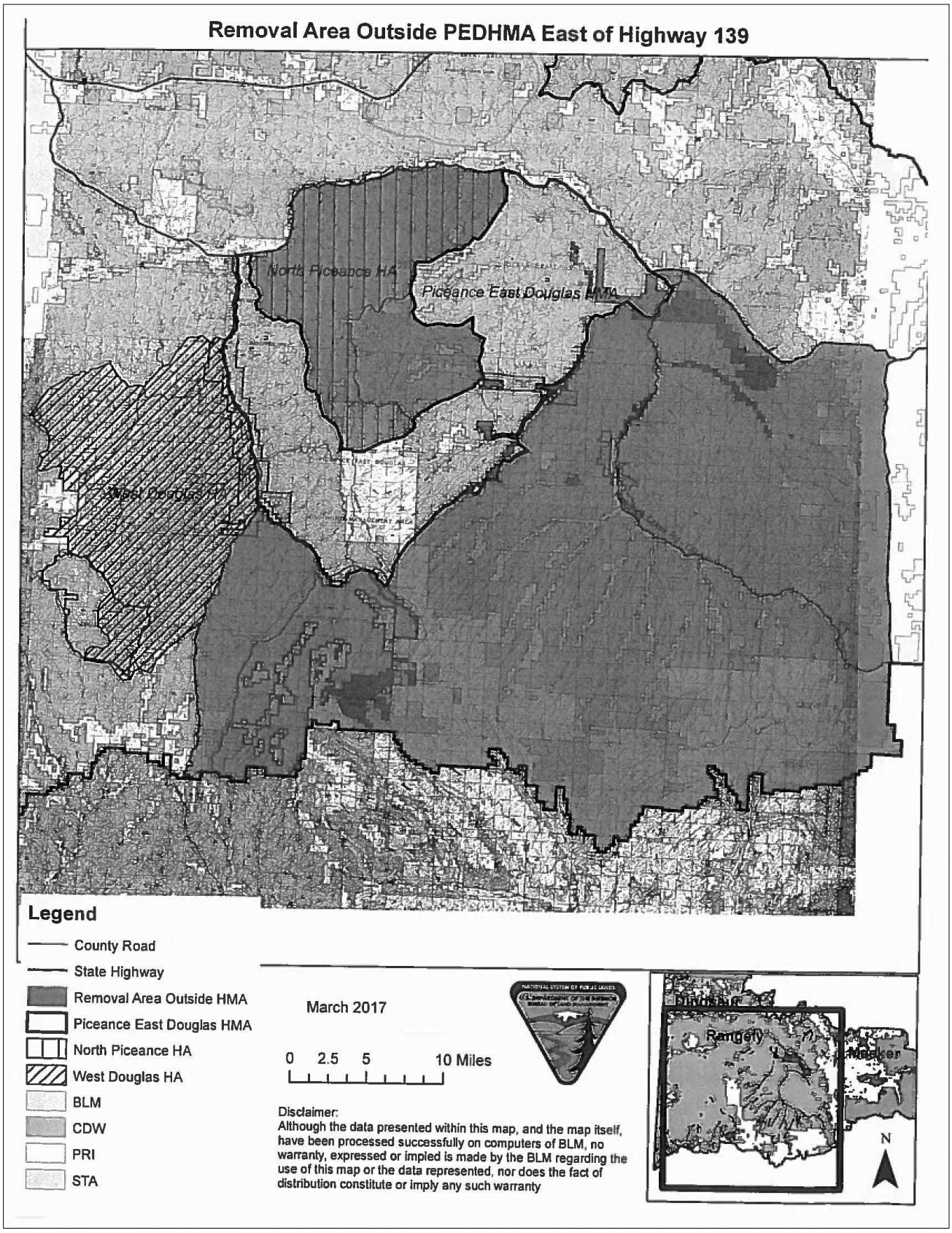
For the remaining areas where an aerial inventory was not able to be conducted but is where excess wild horses have relocated outside of the HMA the following estimate plus a 20 percent recruitment rate in 2016 increased the population as follows: Magnolia Bench – 10; Doughnut Hole – 10; Square S, Pastures A & B and Ryan Gulch (also known as the Reagles Allotment) – 60; North Piceance Herd Area – 42. In short, the WRFO has approximately 175 excess wild horses located outside of the HMA boundary and again does not include the 2017 recruitement.

**Recommendation to Management**

The WRFO must begin development of a gather plan to remove excess wild horses from areas outside of the HMA (see attached map). As you know, the WRFO has designated this HMA for the long-term management of wild horses. BLM Manual 4720, defines excess animals "as those animals which must be removed from an area to preserve and maintain a thriving natural ecological balance (TNEB) and multiple-use relationship in that area. This definition includes wild horses or burros located outside the HMA in areas not designated for their long-term maintenance" (BLM Manual 4720.12). It is important that the WRFO immediately begin development of a gather/removal plan in order to respond to requests from a private landowner to remove wild horses from private property near Tommys Draw outside of the HMA.

Benjamin Smith, Northwest District Wild Horse and Burro Specialist, indicated on February 21, 2017 that the WRFO was placed on the NPO's schedule for the gather and removal of 72 excess wild horses with the understanding that the Tommys Draw fence construction would be completed prior to the operation. Staff recommendation is that the Cathedral Creek area be our focus for the FY 2017 gather and removal operation however, the WRFO would take full advantage of the ability/approval to remove 72 excess wild horse from outside the HMA no matter where they are located.

Attachment
Map


Removal Area Outside PEDHMA East of Highway 139
North Piceance HA
Piceance East Douglas HMA
West Douglas HA
Legend
County Road
State Highway
Removal Area Outside HMA
Piceance East Douglas HMA
North Piceance HA
West Douglas HA
BLM
CDW
PRI
STA
March 2017
0 2.5 5 10 Miles
Disclaimer:
Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied is made by the BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty
Rangely
Meeker
N

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT
White River Field Office
220 East Market Street
Meeker, CO 81641

In Reply Refer To:
4700 (CO-LLCON05000)

March 13, 2017

MEMORANDUM

FROM: Field Manager, White River Field Office

TO: District Manager, Northwest Colorado District

SUBJECT: Excess Wild Horse Determination Decision

**Introduction**
I have concluded my review of the information presented to me from WRFO staff via Memorandum dated March 9, 2017 with recommendations to gather and remove up to 72 excess wild horses that are located outside of the Piceance-East Douglas Herd Management Area (HMA). I have concluded my review of the information and carefully considered that under: The Wild Free-Roaming Horses and Burros Act of 1971 and BLM Manual 4720 Excess animals are defined as those animals which must be removed from an area to preserve and maintain a thriving natural ecological balance (TNEB) and multiple-use relationship in that area. This definition includes wild horses or burros located outside the HMA in areas not designated for their long-term maintenance.

Further, the WRFO has received two written requests from the Powell 4A Ranch requesting removal of wild horses from outside of the HMA that have relocated on to the ranch's private property (requests dated February 20, 2015 and June 27, 2016). The BLM's regulations at 43 CFR 4720.2-1 state: Upon written request from the private land owner to any representative of the Bureau of Land Management, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable.

It is not feasible to attempt to herd the wild horses that are located outside of the boundary fence of the HMA back into the HMA since the recent 2016 aerial inventory suggests that the population of wild horses within the HMA will exceed the upper end of our Appropriate Management Level (135 – 235) by double after factoring in the estimated 20% annual recruitment rate for 2017.

**DECISION**
Based upon my review of the information, and after consideration of all applicable laws, regulations and rules, it is my decision that all wild horses that have relocated outside of the HMA boundaries are excess, therefore I have instructed my staff to begin the development of a

gather/removal plan for excess wild horses that have relocated outside of the HMA beginning with the excess wild horses generally located in an area known as Cathedral Creek. The WRFO will take full advantage of the ability/approval to remove 72 excess wild horses from outside the HMA (see attached map) no matter where they are located after being placed on the National Program Office's gather/removal schedule for FY 2017.

Lauren Brown
Acting Field Manager

Attachment
Memorandum (March 9, 2017)
Map

# APPENDIX D. RESPONSE TO PUBLIC COMMENTS

As of July 5, 2017 the WRFO had received comments from 128 individuals and/or organizations of which 103 consisted of a form letter. The majority of these comments were related to the proposed gather operations outside of the PEDHMA. Substantive comments are those that question the accuracy of the information in the EA, the assumptions used for the analysis, present new information relevant to the analysis, or present reasonable alternatives other than those analyzed in the EA (BLM NEPA Handbook, Section 6.9.2.1). The comments received by the public are summarized below.

**SUMMARY OF SUBSTANTIVE PUBLIC COMMENTS**

| # | Comment Received From | Summarized Comment | BLM Response |
|---|---|---|---|
| 1 | Individuals via Form Letter | Asks BLM to incorporate the following revisions into the Proposed Action:<br>• Utilize only least-intrusive capture methods, such as bait- and water-trapping that are much less expensive and traumatic for the horses than roundups; | Refer to Section 5.2 Assumptions for Analysis. The exclusive use of bait and water trapping capture methods will not meet the purpose and need to remove excess wild horses in an immediate/timely manner. |
| 2 | Individuals via Form Letter | Relocate the horses outside the HMA back into the designated area instead of permanently removing them; | Refer to Section 3.6 Alternatives Considered but Eliminated from Detailed Analysis. B. Capture excess wild horses located outside of the PEDHMA using all available approved gather methods and then return them to the PEDHMA. |
| 3 | Individuals via Form Letter | Implement a consistent PZP fertility control program to remedy the conditions that are causing the horses to leave the HMA; and | Utilization of a PZP fertility control program to reduce population growth within the PEDHMA is outside of the scope of this EA. There are other reasons why wild horses can be found outside of the PEDHMA, such as downed fencing, open gates and areas where the same requirements for living (i.e. water, forage, cover and space) exist. |
| 4 | Individuals via Form Letter | Increase the Appropriate Management Level of the HMA to population levels and give wild horses their fair share of public lands. | This comment is outside of the scope of the analysis in this EA. This analysis is specific to wild horses that have relocated outside of the PEDHMA. The Appropriate Management Level (AML) is specific to the PEDHMA. The AML level was set in the White River RMP based on balancing multiple uses in the area and would require a plan amendment to adjust. AML adjustments are not an implementation level decision. Simply raising AML and returning excess wild horses is not a reasonable or feasible proposal and does not maintain TNEB in conjunction with other uses. |
| 5 | Individuals via Form Letter | Provide - Detailed annual census information, both actual counts and projected population numbers, including information about the data | Refer to Section 5.4.1 for population estimates. The BLM is not required to collect new data to fill all data gaps. The BLM will use the best available information to evaluate potential |

| | | | |
|---|---|---|---|
| | | on which population projections/estimates are based; | impacts to resources and resource uses in the project area. The BLM would evaluate whether the incomplete information is relevant to potential significant adverse impacts and the overall cost of obtaining the information. |
| 6 | Individuals via Form Letter | Provide - Complete breakdown of livestock grazing in the HMA as well as the public lands outside of the HMA that are managed by the BLM., including active and actual Animal Unit Month allocations for each of the past five years; | See response to #4 and 5. Refer to Section 5.6. Further, information on livestock grazing for all of BLM is available online under the Rangeland Administration System. *https://www.blm.gov/ras/* |
| 7 | Individuals via Form Letter | Provide - Impacts to taxpayers – the full costs of this action to American taxpayers, including the costs of each roundup and the long-term costs of warehousing of horses removed in the roundup; | In this case a cost-benefit analysis is not relevant to the choice among alternatives, and is not required under NEPA, 40 CFR 1502.23. Nonetheless, the actual cost of each gather operation varies based on numerous factors such as the bid process to select a contractor, number of excess wild horses to gather, weather, terrain, proximity of horses to trap locations, vegetation, etc. According to the 2017 Wild Horse and Burro Program Fact Sheet, the BLM generally estimates it costs $48,000 to care for one unadopted horse that remains in a corral over its lifetime. |
| 8 | Individuals via Form Letter | Provide - Impacts to captured wild horses – a detailed analysis including expected injury and mortality rates during the roundup and in holding facilities as well as outcomes if they are euthanized or sold for slaughter; | Refer to 5.4.2 Environmental Consequences – Alt A (All Gather Methods), Direct and Indirect Impacts, Transport, Off-Range Corrals, and Adoption (or Sale) Preparation. Current appropriations language prohibits sale without limitation and euthanasia of healthy wild horses. |
| 9 | Individuals via Form Letter | A detailed plan that incorporates the following findings of the NAS's 2013 review of the BLM Wild Horse and Burro Program into the analysis and determination for the Proposed Action: o Current management approach of removals is fueling high population growth rates.<br>o Appropriate Management Levels lack scientific basis, transparency and equity.<br>o Using fertility control is more cost effective over the long run than continuing to remove horses from the range.<br>o Only acceptable and approved fertility control method that is currently available without further research is PZP. | The EA is specific to wild horses that have relocated outside of the PEDHMA and is outside of the scope of this EA. The NAS review found that free-ranging horse populations are growing at high rates because their numbers are held below levels affected by food limitation and density dependence.<br>The NAS review also found that density dependence, due to food limitation, will reduce population growth rates in equids and other large herbivores through reduced fecundity and survival. Case studies show that animal responses to density dependence will include increased numbers of animals that are in poor body condition and are dying from starvation. Rangeland health is also affected by density dependence. Density dependence management would not be consistent with maintaining healthy wild horses within a thriving natural ecological balance.<br><br>The land use planning decisions and appropriate management level establishment |

| | | | |
|---|---|---|---|
| | | | for the PEDHMA included consideration of rangeland inventories and public participation. This EA is specific to wild horses that have relocated outside of the PEDHMA and is outside of the scope of this EA.<br><br>The use of PZP to reduce the population growth will not meet the purpose and need to remove excess wild horses and is outside of the scope of this EA. Again, this EA is specific to wild horses that have relocated outside of the PEDHMA and is outside of the scope of this EA. |
| 10 | Organization/ Colorado Wool Growers Association and White River & Douglas Creek Conservation Districts, Farm Bureau, Cripple Cowboy Cow Outfit, Inc. | Specific policy statements we request BLM to adhere to in the EA Decision: 4.13.3 #3 – Animal Welfare: We recommend changing the language of "sale (with limitations)" to "sale (according to current law)" since the EA is expected to be effective for several years and restrictions may be removed. | Refer to Sections 3.4 #3 and 5.4.2 in the EA under **Transport, Off-Range Corrals, and Adoption (or Sale) Preparation** regarding the sale of wild horses.<br><br>The BLM is making no decisions regarding future adoptions or sales of wild horses. For purposes of analyzing the proposed action under NEPA, specific changes to law for sale authority are not reasonably foreseeable at this time. |
| 11 | Organization/ SWAT | Moving forward, there is a group forming to support this HMA and the use of PZP for fertility control can be an excellent way to control population. | This comment is outside of the scope of this EA. The BLM WRFO is currently in the process of developing such working relationships with various interest groups. |
| 12 | Colorado Parks and Wildlife | Scheduling helicopter operations outside of late August and extending through the end of November in areas that receive high use by public hunters. To further reduce conflicts between the public and helicopter gather operations, CPW recommends WRFO schedule helicopter gather operations from September 25th through October 14th. | Refer to Section 3.2.2. Design Features for Helicopter Gathers, #1 and #2. These design features are built into the Proposed Action that would help reduce impacts to hunters. The BLM takes into account any important dates no matter the area of gather operation. BLM cannot guarantee that gather operations would be restricted to CPW recommended timeframe(s) due to coordination at the national level and/or gather contractor availability. |
| 13 | Organization/ White River & Douglas Creek Conservation Districts | The Rio Blanco County Land and Natural Resources Plan and Policies (Plan) has a specific section (4.13) regarding the management of "wild" horses within the boundaries of Rio Blanco County and we ask that you utilize the information and policies within that section as you you're your decision on the EA.<br><br>Specific policy statements we request BLM to adhere to in the EA Decision:<br>4.13.3 #4 – Immediately remove wild horses from private lands when notified of their presence as defined | Refer to Sections 1.6. The BLM has received requests from a private land owner to gather and remove wild horses that have relocated outside of the PEDHMA. This EA addresses that request and also would apply to gathering and removal of wild horses on BLM lands that have relocated outside of the PEDHMA.<br><br>Fences have been constructed and/or maintained in order to limit wild horse relocation outside of the PEDHMA. Refer to Environmental Assessments: DOI-BLM-CO-N05-2014-0035-EA and DOI-BLM-CO-N05-2016-0057-EA along with Range Improvement Project Cooperative Agreements that are |

| | | | |
|---|---|---|---|
| | | through the WFRHB Act and Colorado estray laws. Immediate removal should be conducted in such a manner so that the horses will not return to the private land nor be placed within County boundaries as long as the BLM is out of compliance with AML. | associated with the PEDHMA boundary and allotment fences. |
| 14 | Organization/ White River & Douglas Creek Conservation Districts | Specific policy statements we request BLM to adhere to in the EA Decision: 4.13.3 #5 – Demand the immediate removal of all feral horses within Rio Blanco County that are found outside the PEDHMA in accordance with the Act, including the areas referenced as the West Douglas and North Piceance Herd Areas. | Decisions related to wild horses in the West Douglas Herd Area is outside the scope of this EA (refer to DOI-BLM-CO-N05-2015-0023-EA). However, this EA does consider the gather and removal of excess wild horses outside of the PEDHMA located east of State Highway 139, south of State Highway 64 and west of State Highway 13-789 including the North Piceance Herd Area. |
| 15 | Swanson | I ask you reject your proposition for the slaughter of Americas iconic mustangs and burros. Please please maintain the current ban on slaughtering these majestic animals (sic). | This comment is outside of the scope of this EA. See response to #8. |
| 16 | Voorhies | If the population needs to be reduced, then plan to catch, geld, treat and release. There are so many other ways to regulate the population. | Refer to 3.6 Alternatives Considered but Eliminated from Detailed Analysis. B. Capture excess wild horses located outside of the PEDHMA using all available approved gather methods and then return them to the PEDHMA: The BLM is not considering returning any of the gathered wild horses back into the PEDHMA since the PEDHMA is currently over the Appropriate Management Level (AML). The number of wild horses estimated in the PEDHMA is over double the AML which is between 135-235 wild horses. The BLM estimates the current population of wild horses within the PEDHMA to be a conservative 454 wild horses as of 2017 (including foals).<br><br>Capture and treatment through gelding of stallions or administration of PZP to mares and releasing treated wild horses in areas outside the PEDHMA is inconsistent with the authority of the secretary to manage wild horses where found at passage of the WFRHBA, the requirement to immediately remove excess animals, and the decision of the WRFO ROD/RMP to manage wild horses within the established PEDHMA.<br><br>Refer to response to Comment #3. |
| 17 | Nickoles | The EA fails to consider, analyze or provide: economic impacts of the | In determining which issues must be addressed in an environmental analysis, the CEQ |

| | | | |
|---|---|---|---|
| | | proposed action, in violation of the NEPA. No breakdown of the costs of the proposed action, including costs for rounding up, processing, short-term holding and long-term maintenance of the horses for life is provided. | Regulations state that NEPA documents "… must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail" (40 CFR 1500.1(b)). While many issues may arise during scoping, not all of the issues raised warrant analysis in the EA. Issues were analyzed if: 1) an analysis of the issue is necessary to make a reasoned choice between alternatives, or 2) if the issue is associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of the impacts (see EA Section 4).<br><br>Financial costs of the various alternatives were not analyzed since it wasn't necessary to make a choice between alternatives or to determine if an EIS was necessary due to potential significant impacts. The costs of processing, off-range corrals, and off-range pastures would be the same regardless of the gather method. The costs of helicopter gathers compared to bait and water trapping would vary depending on the length of the gather operations and the number of personnel involved. In general, helicopter gathers are more expensive over a shorter timeframe due to contract costs and additional BLM personnel not directly associated with wild horse management (such as public information officers). However, while bait and/or water trapping may require less personnel overall, they often take much longer to gather the same number of horses as staff time must be repeatedly used for setting and monitoring trap locations. |
| 18 | Nickoles | I would like to see the EA revised to reflect the following: return horses that are currently outside of the PEDHMA back into the HMA. | Refer to response to Comment #2. |
| 19 | Nickoles | I would like to see the EA revised to reflect the following: implement the necessary fencing to keep horses from wandering off the HMA. This is a much less expensive option to roundup, removal and warehousing of horses. There is an expressed interest in the formation of a PEDHMA volunteer group that can help facilitate this option at a reduced cost to BLM. | Refer to response to Comment #13. |
| 20 | Nickoles | Initiate a PZP fertility control program utilizing a volunteer organization which can help document herd size, bands and individual mares for darting. | Fertility control of the of the wild horse population within the PEDHMA is outside of the scope of this EA. Refer to response to Comment #9 and #11. |

| | | | |
|---|---|---|---|
| 21 | Nickoles | Increase the AML and size of the HMA with the inclusion of the Greasewood allotment and any other available adjoining parcels. | Adjustments to AML and changes to the boundary of the PEDHMA are outside the scope of this EA. The Greasewood Allotment was added to the PEDHMA under the 1997 RMP and has functioned as part of the PEDHMA since that time. |
| 22 | Nickoles | Create, restore and maintain water sources within the HMA. This will help keep horses within the boundaries of the PEDHMA. | Refer to response to Comment #6. Environmental assessment DOI-BLM-CO-N05-2016-0057-EA includes the redevelopment of the Corcoran Spring located in the PEDHMA. Other examples include conversion of monitoring wells drilled by the U.S. Geological Survey back in the 1960s to watering facilities located within the PEDHMA depending on depths of well, pumping capabilities, etc. |
| 23 | Nickoles | Should the need for a removal occur, use only water or bait trapping to reduce stress, cost and keep bands intact which will further facilitate herd documentation efforts. Return any older, unadoptable horses back into the HMA. | Refer to response to Comment #1. |
| 24 | Rio Blanco County (RBC) Farm Bureau | Additionally, the RBC Farm Bureau is aware that the White River and Douglas Creek Conservation Districts and Rio Blanco County have a Land use Plan; Rio Blanco County Land and Natural Resources Plan And Policies. Contained in the Plan is a section specific to excess wild horses in Rio Blanco County; section 4.13. We ask that you please take this plan into consideration when making a decision on this EA, as required by NEPA and FLPMA. | The BLM is implementing an existing land use plan, and is not engaged in a planning process. Nonetheless, the proposed gather of excess wild horses outside of the PEDHMA is consistent with the WRFO RMP and the County's land use plan section 4.13.3 (see policy statements in responses to Comments #4 and #5). |
| 25 | Cripple Cowboy Cow Outfit, Inc. | I did not see the Rio Blanco County Commission listed as being consulted, I know they submitted comments, but they should also be considered a local consulting agency. | The BLM attempts to foster close coordination and transparency with local governments. As you noted, Rio Blanco County did provide comments on the Preliminary EA during the public comment period. In addition, Rio Blanco County (staff member and one commissioner) and the White River and Douglas Creek Conservation Districts (staff member) attend the BLM's weekly NEPA meetings and were present when the proposed gather was presented to the BLM's interdisciplinary team on March 28, 2017. |
| 26 | Cripple Cowboy Cow Outfit, Inc. | The EA should call for removal of all wild horses living outside of the PEDHMA no matter where they are located within the WRFO boundaries. | This EA analyzes the gather and removal excess wild horses that have located outside of the PEDHMA and are located east of State Highway 139, while DOI-BLM-CO-N05-2015-0023-EA analyzed the removal of excess wild horses west of State Highway 139. |

| | | | |
|---|---|---|---|
| 27 | Bessey | Wild horses and burros are supposed to be treated as "components of the public lands". 16 U.S.C. § 1333(a) The law is clear that "wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death" and entitled to roam free on public lands where they were living at the time the Act was passed in 1971. 16 U.S.C. § 1331 These legally protected areas are known as "herd areas," and are defined as "the geographic area identified as having been used by a herd as its habitat in 1971." (emphasis added). 43 C.F.R. § 4700.0-5(d). | Through land use planning decisions, the BLM designated the PEDHMA for wild horse management. An explanation of how the BLM made decisions to manage wild horses in the PEDHMA (and not in the North Piceance or West Douglas Herd Areas) can be found in *Wild Horse Management History and Current Conditions within the West Douglas Herd Area*, January 2015 (with corrects dated April 2015 and September 2015), pages 1 through 23 (Appendix B). The two herd areas and the herd management area represent the maximum distribution of wild horses within the planning area at the passage of the WFRHBA. |
| 28 | Bessey | The BLM has authorized itself to divide herd areas into "herd management areas", something not authorized by WFRHBA. 43 CFR 4710.3-1. In this way, with no statutory authority at all, BLM has limited wild horses and burros' access to thousands of acres that were historically their herd areas. This is done without thought about the horses' seasonal migration patterns or available resources. The BLM then removes wild horses and burros from the artificially created "herd management areas" on the basis there is insufficient forage, water or habitat! BLM also targets them for removal if they cross the artificial boundaries into their original herd areas. (emphasis added). | Refer to response to Comment #27. The BLM interprets laws through promulgation of regulations. Regulations implementing laws relating to the protection, management, and control of wild horses and burros under the administration of BLM are 43 CFR 4700. Subpart 4710 directs management considerations for implementation of those laws. |
| 29 | Bessey | The BLM has no idea how many native Wild Horses & Burros exist on HMAs or HAs. That is a MAJOR problem. The BLM has never conducted an appropriate aerial census of all HMAs or HAs in the 10 states where native Wild Horses & Burros exist. The BLM has no intimate knowledge of the native Wild Horses on HMAs or HAs - they are just a number. At best, the BLM just guesses when it is required to produce an Environmental Assessment (EA), which is typically an exaggerated number that has been inflated by three times. How can the BLM even know how to "manage" if it doesn't know how many Wild | Outside of the scope for discussion of wild horse numbers in other areas.<br><br>Refer to 3.6 Alternatives Considered but Eliminated from Detailed Analysis. B. Capture excess wild horses located outside of the PEDHMA using all available approved gather methods and then return them to the PEDHMA: The BLM is not considering returning any of the gathered wild horses back into the PEDHMA since the PEDHMA is currently over the Appropriate Management Level (AML). The number of wild horses estimated in the PEDHMA is over double the AML which is between 135-235 wild horses. The BLM estimates the current population of wild horses within the PEDHMA to be a |

| | | | |
|---|---|---|---|
| | | Horses & Burros are on the HMAs or HAs? It can't! "The Public Rangelands Improvement Act of 1978 amended the WFRHBA to require BLM to determine appropriate management levels (AML) and maintain an inventory of wild horses and burros to help achieve these goals." (emphasis added) [3] | conservative 454 wild horses as of 2017 (including foals).<br><br>Refer to Section 5.4.1 for how WRFO came up with the estimated population of wild horses located outside of the PEDHMA further WRFO staff believe is a conservative estimate based on past inventories and gather operations in the area associated with this EA<br>Refer to 1.6 Relationship to Laws, Regulations, and Other Plans.<br><br>The Public Rangeland Improvement Act of 1978 also states that the inventory of wild horse on public lands shall be used to "make determinations as to whether and where an overpopulation exists and whether action should be taken to remove excess animals" through aerial inventory, the use of trail cameras, and on the ground observation it has been determined that an excess population of wild horses exist outside of the boundary of the PEDHMA and require removal in accordance with the WFRHBA. |
| 30 | Bessey | The BLM's plans for each HMAs or HAs are too aggressive and threaten the health and genetic viability of all Herd Management Areas in the West. I believe the plans should be amended with less stringent measures to allow our native Wild Horses & Burros to continue to endure and prosper. In some instances, boundaries of HMAs or HAs need to be adjusted so that they are joined (specifically the Wyoming "checkerboard", Kiger & Riddle HMAs in Oregon, and others) allowing natural interchanges between the herds to reverse damage of inbreeding. The BLM is intentionally jeopardizing and destroying native Wild Horse & Burro habitat that was assigned to them in violation of the Wild Horse & Burros Protection Act. | This comment is outside of the scope of analysis for this EA. Refer to the Response to Comment #27. |
| 31 | Bessey | The BLM should reduce livestock grazing permanently to achieve a more equitable use of land by Wild Horses, other wildlife, livestock, and stakeholders. Ranchers should not own more livestock then they can adequately graze on their OWN privately owned lands. "Welfare" ranchers do not have a RIGHT to | This comment is outside of the scope of analysis for this EA. Reduction or removal of livestock was previously analyzed in the RMP for all areas, and for the PEDHMA under DOI-BLM-CO-110-2011-0058-EA.<br><br>This alternative was not brought forward for analysis because it would be inconsistent with the current land use plans for the areas outside |

| | | | |
|---|---|---|---|
| | | graze cattle on public lands. It's a PRIVILEGE that can and should be revoked. | the HMA, and with multiple use management. This gather document is not the appropriate mechanism for adjusting the authorized livestock use within the allotments associated with the area in order to reallocate forage to wild horses.<br><br>This alternative would also be inconsistent with the WFRHBA, which requires the consideration of multiple uses and directs the Secretary of the Interior, through the BLM, to immediately remove excess wild horses if it is determined that action is necessary. Livestock grazing can only be reduced or eliminated if the BLM follows regulations at 43 CFR 4100 and must be consistent with multiple use allocations set forth in the land-use plan. Except in emergency circumstances, such changes to livestock grazing may be considered only through revisions to land-use plans to re-allocation of livestock forage to wild horses and to eliminate or reduce livestock grazing.<br><br>Furthermore, the re-allocation of livestock AUMs to increase the wild horse AML would not achieve a thriving natural ecological balance due to differences in how wild horses and livestock graze. Unlike livestock which can be confined to specific pastures, limited periods of use, and specific seasons-of-use so as to minimize impacts to vegetation during the critical growing season or to riparian zones during the summer months, wild horses are present year-round and their impacts to rangeland resources cannot be controlled through establishment of a grazing system, such as for livestock. Thus, impacts from wild horses can only be addressed by limiting their numbers to a level that does not adversely impact rangeland resources and other multiple uses. |
| 32 | Bessey | Wild horses and burros are legally DESIGNATED on the Herd Management Area (HMA) and livestock are only PERMITTED. Definition of the word "designated" is to "set aside for" or "assign" or "authorize". Definition of "permit" is to "allow" or "let" or "tolerate." The Wild Horse and Burro lands and resources are set aside for, and assigned and authorized for, the use of wild horses and burros whereas the livestock is only allowed and tolerated and let to use the public range resources. While commercial | This comment is outside of the scope of analysis for this EA. Allocations for where to manage for wild horses and where to permit livestock grazing are land use planning decisions that were made in the RMP. |

| | | | |
|---|---|---|---|
| | | livestock grazing is permitted on public lands, it is not a requirement under the agency's multiple use mandate as outlined in the Federal Land Policy and Management Act of 1976 (FLPMA). Public land grazing clearly is a privilege not a right, while the BLM is mandated by law to protect wild horses and burros. | |
| 33 | Bessey | The BLM fails to manage the native Wild Horse and Burros by natural attrition and a carefully managed ongoing PZP programs that are administered using strict animal welfare protocols. The BLM should educate staff to recognize family structures, herd formations, Wild Horse & Burro socialization, and general Wild Horse & Burro behaviors, as well as, proper conservation alternatives. | Refer to response to Comment #20. |
| 34 | Bessey | One of the most effective forms of population control is protection of natural predators. BLM should coordinate with Fish Wildlife & Parks and local authorities to eliminate hunting of natural predators within and around the HMAs or HAs. | This comment is outside of the scope of the analysis in this EA. Colorado Parks and Wildlife is responsible for the number of big game licenses that are issued and are in support of the proposed gather operation. The NAS review found predation will not typically control population growth rates of free ranging wild horses. |
| 35 | Bessey | With regard to the EA Piceance-East Douglas Herd Management Area (DOI-BLM-CO-N05-2015-0024-DNA), I am strongly opposed with the outlined actions and am very disappointed. The majority of Americans that submitted prior comments for these same actions in February 2015 were opposed to the BLM's proposed actions. The BLM considered none of the comments. There is no justification for these removals, a waste of millions of taxpayers' dollars for helicopter removals that traumatize our native Wild Horses, and short & long-term holding facility costs. This waste of taxpayer dollars only benefit a few: "welfare" ranchers, oil & gas monopolies, and mining operations that are already wealthy exploiting America's natural resources and the American public. The BLM has failed to properly analyze the economic impacts of roundups verses appropriately managing our native | This comment is outside of the scope of the analysis in this EA. This EA analyzes the gathering and removal of wild horses that have relocated outside of the PEDHMA while the document you are referring to dealt with excess wild horses located within the PEDHMA.<br><br>The RMP allows for livestock grazing, mineral development, recreation, and wild horses along with identifying wilderness study areas and areas of critical environmental concern.<br><br>Regarding costs, refer to response to Comment #7.<br><br>Regarding euthanasia, refer to response to Comment #8. |

| | | | |
|---|---|---|---|
| | | Wild Horses on their designated HMAs. The BLM fails to include in their cost analysis that amount of money that it costs the taxpayers to subside "welfare" ranchers, including non-payment of violation penalties.<br><br>Attachments 2 and 3 regarding current proposal to euathanize or send to slaughter "excess" wild horses. The prevailing social sentiment clearly calls for reductions in livestock AUM allocations and increases in wild horse AUMs. | |
| 36 | Bessey | BLM should not be permitted to: Future roundups and removals from West Douglas or Piceance-East Douglas HMAs should be prohibited until a complete population census and appropriate/reputable range land studies are to be taken | This comment is outside of the scope of analysis for this EA. This analysis is not for an action associated with excess wild horses located within the PEDHMA or the West Douglas Herd Area. |
| 37 | Bessey | BLM should not be permitted to: Limit the destruction of natural resources by limiting "welfare" rancher permits, oil & gas destruction of land water resources, and mining operations of our public lands. | This comment is outside of the scope of this EA. Refer to response to Comment #35. |
| 38 | Bessey | BLM should: Revoke grazing rights of cattle and sheep on 514,165 acres pursuant to 43 CFR § 4510.5. Wild horses and burros are legally DESIGNATED on the Herd Management Areas (HMAs) and livestock are only PERMITTED. This alternative cannot legally be dismissed; . | Refer to response to Comment #31. |
| 39 | Bessey | BLM should: Implement a conservation plan that maintains the Wild Horses habitat in a "thriving natural ecological balance"; | This comment is outside the scope of analysis for this EA. The HMAP identifies and sets objectives for wild horses and their habitat within the PEDHMA not for areas located outside of the PEDHMA. |
| 40 | Bessey | BLM should: Conduct or authorize appropriate and reputable range studies through impartial third-parties; | This comment is outside the scope of analysis for this EA. Refer to response to Comment #11. The parties interested in forming a group to support management of wild horses within the PEDHMA have expressed interest and willingness to conduct range studies, construct and maintain range improvement projects, as well as documentation of the wild horses within the area. |
| 41 | Bessey | BLM should: Allocate money to restore the vegetative state of depleted range land with native grasses pursuant to the 2009 HMAP | The reference to the 2009 HMAP is not correct for the WRFO's PEDHMA. Vegetation treatments would not meet the purpose and need for the proposed action and therefore are outside of the scope of analysis for this EA, |

| | | | |
|---|---|---|---|
| | | caused by cattle and sheep overgrazing; (sic) | however, they are conducted within and outside of the PEDHMA under separate analysis. |
| 42 | Bessey | BLM should: The EA and DNA do not provide an adequate and documented Wild Horse population census; and therefore is not justification for proposed removals. A complete population census should be taken; | Your reference of an EA and DNA at this time is incorrect. Under this analysis please refer to section 5.4.1 Affected Environment for the estimated population and origin for that estimate. |
| 43 | Bessey | BLM should: Genetic variability should be maintained at a healthy level even if it means increasing the AMLs; | This comment is outside of the scope of analysis for this EA. Refer to section 5.4.1 Affected Environment, Genetic Diversity and Viability for information. |
| 44 | Bessey<br><br><br><br>AWHC | BLM should: DOI/BLM should use strict animal welfare protocols in administering a comprehensive PZP contraceptive program based on the statistics of the census;<br><br>Most promising fertility-control methods for free-ranging horses or burros are PZP vaccines and GonaCon™ vaccine for females and chemical vasectomy for males. This conclusion is based on criteria such as delivery method, availability, efficacy, duration of effect, and potential for side effects. Of the recommended fertility control alternatives, the NAS concluded that the only method available for use now without further research is the PZP birth control vaccine. (Attachment 1. Please also see Attachments 5 and 6 for more information on PZP.) | This comment is outside of the scope of analysis for this EA. The use of a contraceptive program would be developed for use within and not for use outside of the PEDHMA.<br><br>Regarding attachment 1 thank you for your comment. For attachments 5 and 6, these articles and others aid the WRFO in the current development of a working group just for such efforts and others within the PEDHMA. |
| 45 | Bessey | BLM should: Utilize remote darting for PZP contraceptives. It has been successful in the Pryor Mountain herds of Montana. It is less traumatic to the Wild Horses, especially the very young. Remote darting results in less injuries to the Wild Horses. Horses should not be removed from the range. Horses should be captured in a manner that preserves the integrity of social bands. Preference should be given to remote darting over bait/water trapping; | Refer to response to Comment #3. The use of PZP contraceptives on those wild horses located outside of the PEDHMA is outside of the scope of analysis for this EA and will not meet the purpose and need to remove excess wild horses in an immediate/timely manner consistent with the WFRHBA and land use planning decisions. |
| 56 | Bessey | BLM should: Develop on-the-range management strategies to prevent Wild Horses and Burros from leaving designated ranges and to facilitate their appropriate usage of HMAs by: □ water development and restoration; | Refer to responses to comment #13 and #19. |

| | | | |
|---|---|---|---|
| | | fencing removal or construction;<br>underpasses where highways are limiting or keep Wild Horses and Burros from accessing whole HMAs; and | |
| 57 | Bessey | BLM should: Coordinate with Fish Wildlife & Parks and local authorities to eliminate hunting of natural predators within and the around the HMAs or HAs. | Refer to response to comment #34. |
| 58 | Friends of Animals (FoA) | In the EA, BLM proposes to roundup wild horses with helicopters outside of the HMA over the next four years—removing 72 wild horses during each of first three years and 46 wild horses in the final year for a total of approximately 262 wild horses. BLM fails to consider returning the wild horses to the PEDHMA or allowing horses in nearby Herd Areas (HA). Instead, BLM purposes to force them into captive holding facilities where they face uncertain futures.3 Friends of Animals opposes these proposed roundups because they would traumatize and harm the wild horses, and they are not necessary to preserve and maintain a thriving natural ecological balance in the area.<br>3 *See Wild Horses Could be Sold to Slaughter in Trump Budget Plan*, http://www.pbs.org/newshour/rundown/wild-horses-sold-slaughter-trump-budget-plan/ | Under Table 1, for Alternatives A & B the Minimum Number of Years Required in order to Gather Excess Wild Horses from Area Outside of the PEDHMA an estimated total of 262 wild horses would be gathered and removed in the four year time period from outside of the PEDHMA. As a result of the change in number of wild horses to be gathered and remove from 72 to 100 the time frame was reduced by one year (2019) and also reduced by 24 excess wild horses to be gathered and removed from outside of the PEDHMA.<br><br>Refer to section 3.6 Alternatives Considered but Eliminated from Detailed Analysis under B. Capture excess wild horses located outside of the PEDHMA using all available approved gather methods and then return them to the PEDHMA. BLM will continue to manage for TNEB in the area designated for long-term management (within the PEDHMA). The return of excess wild horses to the HA or PEDHMA would not achieve TNEB in those area because PEDHMA is over AML. Refer to response #4 regarding changes to AML and #61 regarding TNEB.<br><br>The enactment of specific changes to sale authority or limitations is not reasonably foreseeable at this time. The gather and removal of excess wild horses in areas not-designated for wild horse management is consistent with applicable law. The responsibility to gather and remove excess wild horses is not contingent on BLM's sale authority. BLM's future off-range holding, adoption, or sale of wild horses will conform to applicable law. |
| 59 | Friends of Animals | BLM failed to analyze any action alternatives that include an option other than rounding up and permanently removing wild horses. As discussed in more detail below, BLM should circulate an Environmental Impact Statement | Refer to response to Comments #27, 31, 32 and 37. This comment is outside of the scope of analysis for this EA and would not respond to the purpose and need. |

| | | | |
|---|---|---|---|
| | | (EIS) or new EA that analyzes additional alternative, including allowing wild horses in nearby herd areas and adjusting the Appropriate Management Level (AML) in the PEDHMA to support additional horses. | The Appropriate Management Level (AML) is specific to the PEDHMA. The AML for areas outside of the PEDHMA is zero.<br><br>WRFO believes the commenter is referring to the use PZP contraception in an effort to suppress the wild horse population that have relocated outside of the PEDHMA in an effort for those wild horses to remain in those areas until they are a non-reproducing herd and eventually die from natural causes but WRFO does not want to assume the meaning of the comment. |
| 60 | Friends of Animals | Not only is BLM required to consider such reasonable alternatives under NEPA, but BLM's duties under the Wild Free-Roaming Horses and Burros Act and its own binding commitments in the White River Resource Management Plan Record of Decision also require BLM to update its wild horse plan and AML for the area. Moreover, wild horse roundups cause considerable stress to wild horses, specifically helicopter roundups. BLM's proposed action is based on misguided and outdated information and there is no justification to force these remarkable animals into a life of captivity. | Refer to response to Comments #27, 31, 32 and 37. This comment is outside of the scope of analysis for this EA. The HMAP identifies and sets objectives for the wild horse herd and their habitat within the PEDHMA. Although a goal of the HMAP is to avoid migration of wild horses outside of the established PEDHMA there is currently a population of excess wild horses which have relocated to areas not designated for their long term management and removal is necessary in accordance with the WFRHBA. |
| 61 | Friends of Animals | According to BLM's own wild horse manual, prior to making an excess determination the authorized officer must analyze: (1) grazing utilization and distribution, (2) trend in range ecological condition, (3) actual use, (4) climate (weather) data, (5) current population inventory, (6) wild horses and burros located outside the HMA in areas not designated for their long-term maintenance and (7) other factors such as the results of land health assessments which demonstrate removal is needed to restore or maintain the range in a thriving natural ecological balance. | <u>Refer to Section 1.6 Relationship to Laws, Regulations, and Other Plans under BLM Manual 4720 - Removal</u><br>Sec. 4720.1-12: Excess Animals. Excess animals are defined as those animals which must be removed from an area to preserve and maintain a thriving natural ecological balance (TNEB) and multiple-use relationship in that area. This definition includes wild horses or burros located outside the HMA in areas not designated for their long-term maintenance.<br><br>TNEB occurs when wild horses are managed in a manner that assures significant progress is made toward achieving land health standards. There is no forage allocation for excess animals which have relocated outside of the PEDHMA as these areas were not designated for long term management of wild horses, or include areas where wild horses were not found at passage of WFRHBA and cannot be considered for long term management. As there is no forage allocated to the excess wild horses in these areas, overutilization of forage leading to declining health of ecological sites which do |

| | | | |
|---|---|---|---|
| | | | not meet land health standards is likely. Because, these areas are not designated for long term management of wild horses, the excess wild horses outside of the PEDHMA are not managed to achieve and maintain a TNEB however, these lands are managed in a manner designed to meet land health standards or make progress toward achieving those standards, as the population of excess wild horses outside of the PEDHMA increases and overutilization occurs, the risk of ecological sites failing to achieve or make progress toward achieving land health standards also increases. |
| 62 | Friends of Animals | In the Preliminary EA, BLM fails to consider what qualifies as a self-sustaining, healthy population of wild horses and how alternative actions would impact the health and sustainability of wild horses. BLM also fails to adequately analyze any plans or alternatives that protect wild horses. BLM does not provide any habitat which is devoted principally to wild horses and which sets aside some areas to protect them from conflicting uses. Additionally, BLM's analysis of the proposed action and alternatives is not based on an up-to-date inventory of wild horses or conditions of the range. BLM's reliance on an outdated Resource Management Plan cannot be considered a proper determination that there are excess horses or that action is necessary to remove them. Prior to taking any action, BLM must correct these deficiencies, as well as other violations of the Act. | This EA analyzes the impacts of gathering and removing excess wild horses from certain areas outside of the PEDHMA. The BLM is not engaged in a land use planning process, but would implement previous planning decisions through the Proposed Action. Accordingly, any discussion of management of self-sustaining wild horse populations is outside the scope of analysis for this EA.<br><br>The 1997 RMP determined that wild horses would be managed within the boundaries of the PEDHMA and allows other uses within the PEDHMA including livestock grazing and mineral development. The RMP is not "outdated" as it remains in effect until changed via an amendment or a revision. |
| 63 | Friends of Animals | First, the WHBA does not require it to remove all wild horses outside the PEDHMA. The BLM has several options under the WHBA. It can return the wild horses to the PEDHMA, and it can return wild horses to nearby herd areas. Moreover, BLM is actually prohibited from removing wild horses unless it has first made a determination that: (1) "an overpopulation [of wild horses] exists on a given area of the public lands," **and** (2) "action is necessary to remove excess animals." 16 U.S.C. § 1333(b)(2). | The BLM is not considering returning gathered excess wild horses to the PEDHMA since it currently exceeds AML (refer to EA Section 3.6, B) levels established in the 1997 WRFO RMP.<br><br>The BLM is not able to consider returning gathered excess wild horses to either the North Piceance or West Douglas Herd Areas since these areas have not been identified in the 1997 WRFO RMP for management of wild horses.<br><br>The BLM has determined that excess wild horses exist outside the PEDHMA and that action is necessary to remove them (see 3/9/17 Memo from WRFO Renewable Resources Staff Supervisor to WRFO Field Manager and |

| | | | |
|---|---|---|---|
| | | | 3/13/17 Memo from the WRFO Field Manager to the Northwest District Manager).<br><br>The WFRHBA further states that once such a determination has been made, that the Secretary "shall immediately remove excess animals from the range..." (16 USC § 1333(b)(2) (See Appendix C for excess determination information). |
| 64 | Friends of Animals | Second, there is no indication that the AML is accurate or reflects the number of horses that will create a thriving natural ecological balance. The EA does not disclose any information about how the AML was calculated. The EA only references the twenty-year-old White River Resource Management Plan (RMP) and does not analyze current information about range conditions or considerations of BLM's obligations to protect wild horses under the WHBA.<br><br>Included information from: Francis J. Singer & Linda Zeigenfuss, "Genetic Effective Population Size in the Pryor Mountain Wild Horse Herd: Implications for Conservation Genetics and Viability Goals in Wild Horses" (Nat'l Applied Res. Scis. Ctr., Bureau of Land Mgmt., Resource Notes Nov. 29, 2000). [16] Using Science to Improve Wild Horse and Burro Program at 8. Gus Cothran, "Genetic Variation in Horse Population" (Nat'l Applied Res. Scis. Ctr., Bureau of Land Mgmt., Resource Notes July 20, 2000). Gus Cothran, "Genetic Analysis of the Piceance-East Douglas HMA, CO" (June 1, 2010) at 4. | This comment is outside of the scope of the analysis in this EA. This EA is not authorizing actions to achieve AML within the PEDHMA. |
| 65 | Friends of Animals | Finally, BLM's reliance on the1997 White River Resource Area Management Plan to justify rounding up wild horses now. According to its own legally binding commitments in the Record of Decision: Periodically, **but not to exceed five year intervals**, the Area Manager shall update the plan by evaluating: 1) progress in implementing plan decisions; 2) the effectiveness of plan decisions in achieving desired | The BLM has informally evaluated the 1997 WRFO RMP on an ongoing basis and identified when plan amendments were necessary due to changes in policy, changes in uses on public lands, and significant new information from resource assessments, monitoring, and scientific studies (BLM Land Use Planning Handbook, page 45). In addition to the 2005 West Douglas Herd Area Amendment, the RMP has been kept up to date through targeted amendments addressing oil shale (2001, 2008, 2013), transportation (2004 and ongoing plan |

| | | | |
|---|---|---|---|
| | | outcomes; and 3) identifying the need for plan amendments.<br><br>Record of Decision, White River Resource Management Plan at 2 (July 1, 1997) (emphasis added). | amendment), geothermal (2008), utility corridors (2009), solar energy (2012), oil and gas development (2015), and sage-grouse habitat management (2015). |
| 66 | Friends of Animals | Additionally, the Plan stated that "[m]onitoring studies will be conducted and the long term appropriate management level (AML) for the Herd Management Area will be adjusted based on the results of this monitoring." RMP at 2-26. BLM's analysis includes no information on when, if ever, the twenty-year-old plan has been evaluated and updated as required by the Record of Decision.4 Moreover, BLM has not considered the factors required by its guidance, nor has it inventoried the majority of areas outside the PEDHMA, which it claims have excess wild horses. The EA also fails to include past populations numbers, so one cannot determine the population growth rate.5<br><br>4 Although BLM may have updated the AML since the 1997 RMP, it did not include any information about the current AML in the proposed EA and there is no indication it has evaluated the AML in the last five years as required.<br>5 The most recent inventory of wild horses in the PEDHMA was conducted in February 2016 but included only a small portion of areas located outside of the PEDHMA boundary, specifically in the Cathedral/Lake/Soldier Creek drainages. Notably, the area surveyed comprised only a minuscule portion of the 773,213 acre roundup area. During the inventory, approximately 44 wild horses were counted outside of the PEDHMA boundary. From this inventory, BLM arbitrarily estimates that 214 excess wild horses will be located outside of the PEDHMA by the end of 2017, and therefore proposes the helicopter roundup to remove 72 wild horses from outside the PEDHMA this fall. It is unclear how BLM has reached its conclusion about the wild horse population outside the PEDHMA. Thus, BLM must disclose how it reached its population estimate and disclose past population data in order for FoA, and the public, to evaluate BLM's estimate and make informed comments. | This comment is outside of the scope of the analysis for this EA. This EA is not analyzing actions to achieve AML within the PEDHMA. |

| | | | |
|---|---|---|---|
| 67 | Friends of Animals | BLM should circulate another EA or EIS that provides a full and fair discussion of the issues and informs decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. *See* 40 C.F.R. § 1502.1. Friends of Animals asks BLM to consider a full range of alternatives to the proposed roundup in areas outside the PEDHMA, including (1) adjusting the current AML at the PEDHMA and returning the wild horses that are found in nearby or adjacent areas to the PEDHMA; (2) expanding the wild horse range to allow wild horses in areas they inhabited at the time that Congress passed the WHBA; and (3) reducing conflicting uses such as private grazing of domestic animals and energy development on wild horse Has and HMAs. | Adjusting AML within the PEDHMA is outside the scope of analysis for this EA, but an evaluation of AML would be within the scope of discussion during any future update to the PEDHMA Herd Management Area Plan.<br><br>Expanding wild horse management to areas would require a land use plan amendment as would decisions to close these areas to livestock grazing and mineral development. The decisions in the RMP (as amended) remain valid. There are no changes in circumstances that would prompt the BLM to re-consider these decisions during an amendment (such as new or revised policy; new, intensified, or changed uses on public land; or significant new information from resource assessments, monitoring, or scientific studies) (BLM Land Use Planning Handbook (H-1601-1) page 45). |
| 68 | Friends of Animals | Friends of Animals requests that BLM consider reducing the amount of forage allocated for private ranchers to graze cattle and sheep rather than removing wild horses. Reducing the amount of forage allocated for private ranchers to graze their animals would have a more beneficial effect on the White River Resource Area and avoid or minimize adverse impacts caused by cattle and sheep grazing. Similarly, reducing destructive activities related to energy development would also avoid adverse impacts to the environment. BLM acknowledges that the predominant land uses in the area are cattle grazing, and oil and gas exploration. However, BLM fails to consider reducing these uses in wild horse HAs and HMAs. Such an alternative would enhance the quality of the human environment and should be considered under NEPA. | This comment is outside of the scope of analysis for this EA. Refer to response to Comments #27, 31, 32 and 37. |
| 69 | Friends of Animals | BLM should not ignore the positive impacts of wild horses (e.g., Craig Downer, *How Wild Horses & Burros Help North American Ecosystems*.) | See response to comment #16 regarding the selection of which issues should be addressed in the EA. The role wild horses may play in the ecology of seed dispersal, for example, is not necessary for a reasoned choice between alternatives or to identify potential significant issues. |

| | | | |
|---|---|---|---|
| 70 | Friends of Animals | BLM should consider the proposed actions impact on the genetic diversity and health of wild horses. | Refer to Section 5.4.1 Affected Environment, Genetic Diversity and Viability. To date the genetic samples that have been taken and those reports from those samples are for wild horses located within the PEDHMA or within the WDHA not for wild horses that have relocated outside of the PEDHMA east of State Highway 139. The gathering of genetic sampling data within the PEDHMA in order to manage for a diverse and healthy herd of wild horses has been and will continue to be performed by the WRFO. |
| 71 | Friends of Animals | BLM should consider the ethical impacts of its actions, including consideration of the physical, social, and behavioral impacts of the proposed roundup, and subsequent captivity, on wild horses.<br><br>*See* attached: (1) Bruce Nock, PhD, *Wild Horses—The Stress of Captivity*, and (2) Declaration of Dr. Nock prepared for previous litigation. | Refer to Section 5.4.2 identifies stresses wild horses may experience associated with helicopter assisted gather operations. Section 5.4.3 identifies stresses wild horses may experience associated with bait/water trapping gather operations, and finally in Section 5.4.3 the BLM identifies stresses that wild horse may experience due to an over population of wild horses.<br><br>As described in the various sections of the EA (as identified above), the BLM recognizes that wild horses experience stress and the BLM does not down play the importance of such. While the BLM acknowledges such articles as Dr. Nock's opinion, in BLM's experience wild horses do not exhibit widespread signs of chronic health problems during capture or in holding facilities. |
| 72 | Friends of Animals | But the BLM fails to acknowledge or discuss the harmful consequences of the stress, specifically the stress caused by helicopter roundups. In fact, BLM seems more concerned about the impact of the helicopter roundups on big game hunters rather than the impact helicopter roundups and subsequent captivity will have on wild horses. | Refer to response to Comment #71.<br><br>Humane care and handling of wild horses is a high priority for BLM. The *Comprehensive Animal Welfare Program for Wild Horse and Burro Gathers*, dated June 30, 2015, (refer to Appendix E) developed in collaboration with University of California, Davis, School of Veterinary Medicine includes standard requirements for the capture, handling, transportation, and care of wild horses managed by the BLM to ensure responsible and humane care and treatment of wild horses using the best available science, husbandry, and handling practices applicable for wild horses and burros. |
| 73 | Cloud Foundation | Although the BLM has concluded that all wild horses that have relocated outside of the PEDHMA are renamed "excess animals", as defined in the Act, 16 U.S.C. 1332 (f), and the BLM Manual Sec. 4720.12, it is imperative that these | Refer to response to Comment #2. |

| | | | |
|---|---|---|---|
| | | animals are relocated to the original HMA. | |
| 74 | Cloud Foundation | The use of a helicopter to capture these wild horses and subsequent care and feeding could cost in excess of $10,000,000.00: ($50,000 x 210 – care for life) + (approximately $1000 x 210 – round-up cost). | Refer to response to Comments #1, 7 and 17. |
| 75 | Cloud Foundation | Relocating these horses, the cost of a fence and the fixing of the somewhat optimally functioning water supply will be much lower than $10,000,000.00. The springs need additional work and have for years. Therefore our recommendation is to revise the EA to include the following: Fix the springs so the horses do not wander outside the HMA; Construct a fence to insure the boundaries are as impenetrable as possible; | Refer to response to Comments #13 and 22. |
| 76 | Cloud Foundation | Remove all wild horses outside of the HMA boundaries and utilize fertility control on mares released back into the HMA. (sic) | Refer to response to Comments #3, 9, 11 and 20. |
| 77 | Cloud Foundation | We cannot stress this point strongly enough: older animals removed (those over 5 years of age) could be sold without limitation if the President's Budget is implemented. We realize the Secretary of Interior is pro-slaughter as he acknowledged this as a Congressman in MT. This means that killer buys would be allowed to purchase horses from your HMAs. (sic) | Refer to response to Comments #8, 15, 35 and 58. |
| 78 | Cloud Foundation | Implement a comprehensive PZP fertility control program for the entire HMA; this program would include documentation of all horses in the HMA, using volunteers to identify mares to be darted, identify all horses to create an exact census, and follow up darting and documentation in following years with the goal to achieve zero population growth. Volunteers could be used to document, dart, aid in bait trapping and any other areas where the BLM may need assistance. | Refer to response to Comment #11, 40, 44 and 76. |
| 79 | Cloud Foundation | Utilize only least-intrusive capture methods, such as bait- and water-trapping that are much less expensive and traumatic for the horses than helicopter roundups and keeps the | Refer to response to Comment #1. |

| | | | |
|---|---|---|---|
| | | bands together. This would also provide the opportunity for volunteers to document each band; if removals must are made, remove only young horses which have bloodlines that are strongly represented in the remainder of the herd; return older, potentially unadoptable horses to the HMA, and | |
| 80 | Cloud Foundation | Collaborate with trainers, currently used by TCF and others, to gentle the younger horses that may be removed; | Refer to response to Comments #11, 40 and 44. |
| 81 | Cloud Foundation | Increase the Appropriate Management Level of the HMA to population levels relative to the herd size, giving wild horses their fair share of public lands (i.e. 51% of forage). | Refer to response to Comments #4, 16, 21, 29, 59, 60, 63, 64, 66 and 67. |

The BLM also received other comments that indicated various individuals, organizations, and agencies were either in support of or against the proposed gather of excess wild horses (i.e., White River and Douglas Creek Soil Conservation Districts, Rio Blanco County Board of County Commissioners, and several big game hunters to the area).

**SUMMARY OF NON SUBSTANTIVE PUBLIC COMMENTS**

| # | Comment Received From | Summarized Comment | BLM Response |
|---|---|---|---|
| 1 | Colorado Parks and Wildlife | CPW supports BLM's efforts to responsibly manage the distribution and abundance of wild horses that are associated with the PEDHMA. | Thank you for your comment. |
| 2 | Colorado Wool Growers Association | While bait and/or water trapping can be a helpful management tool, the use of helicopters is more effective and efficient in gathering large numbers of horses in a shorter period of time. Therefore, the CWGA is opposed to Alternative B which excludes the use of helicopters. | Thank you for your comment. |
| 3 | Colorado Wool Growers Association | Alternative C – No Action – is unacceptable. The PEDHMA is over AML, and horses continue to leave HMA. De facto herd expansion only exacerbates an already extremely difficult situation, making the overall overpopulation of horses worse, not better. | Thank you for your comment. |
| 4 | Colorado Wood Growers Association and White River & | Communication #6: The CWGA supports public viewing opportunities and gather operations on public land when it does not negatively impact | Thank you for your comment. |

| | | | |
|---|---|---|---|
| | Douglas Creek Conservation Districts | the gather operations. However, we oppose viewing activities on private land unless access has been pre-approved by the landowner. | |
| 5 | Billingsley | I am very supportive of Alternative A. These invasive animals, while beautiful, are damaging the ecosystem. My only concern is the continued housing of these animals through taxpayer dollars after they have been gathered. Animals unwanted by the general public should be humanely euthanized. | Thank you for your comment. |
| 6 | Cunningham | As a person whose interest in wild horses is peripheral at best, but whole interest is in the health of the dry and eroded lands in the subject area, I believe that the BLM's proposed management plan for wild horses is an appropriate one. My experience with the watershed health of this general area is exemplified by the condition of Douglas Creek, a classic example of the bad effects of uncontrolled grazing, erodible soils, and fluctuating weather. Cattle historically started that particular mess, but these days cattle management on the public range is at least somewhat controllable and responsible. Horses are the wild card that have to be managed more rigorously. I suppose that this suggestion is contrary to the Wild Horse and Burro Act, but this horse herd – and probably others as well – should be subject to a hunting season just like game animals, with the goal of substantial reduction in numbers. The massive expenditures imposed on the BLM for horse gathering, selling, holding and general management is a fiscal and biological scandal. Thanks for your work under difficult circumstances. | Thank you for your comment. |
| 7 | Revelle | I am in favor of gathering and removing, using helicopters, trapping, or whatever other means are available, not just 72 horses, but all horses in excess of the 235 horses the range will support. I would like to think the healthiest 235 would be the ones left in the herd. | Thank you for your comment. |
| 8 | Revelle | I have long disagreed with the gathering and penning of horses just | Thank you for your comment. |

| | | | |
|---|---|---|---|
| | | to feed them until they die. I think that is an absurd waste of tax money. I believe that the exces horses should be slaughtered and use for dog food. To me, it's no worse to slaughter a horse than it is to slaughter any other animal, and letting our public lands be degraded by too many horses is poor land management. | |
| 9 | Revelle | Because slaughtering horses is not likely to happen in America, the excess horses should be sold to a country that can use the, whether for human food or dog food. The money earned should be used to keep the remaining herd healthy. | Thank you for your comment. |
| 10 | Veenstra | I'd like to first thank you for the work you're doing with the wild horses! It a difficult situation, you have done a good job and continue to improve your programs each year in a more humane way. The current bill proposed by Trump is horrific and goes against everything the west stands for! These wonderful animals live a harsh life and most do well. Your efforts with PCP and limited roundups plus adoption have made great strides in preserving the mustang and more and more people are becoming educated and supportive of these efforts. Please continue your efforts and do everything you can to preserve this living heritage! | Thank you for your comment (sic). |
| 11 | Voorhies | NOT okay with the mustangs protection changing. There are far to many horses ending up in at slaughter.<br><br>Mustangs are not only an American staple but a world wide staple. This to me is the same as saying you would kill a Bald Eagle.<br><br>I don't want my grandchildren to end up only seeing one in a zoo one day.<br><br>Our country and its people don't respect the world that was given to us. It is our DUTY to take care of ALL the creatures of our world. | Thank you for your comment. |
| 12 | Capozzelli | It is time to stop the roundups of wild horses and burros, stop the interference and extermination of | Thank you for your comment. |

| | | | |
|---|---|---|---|
| | | America's wild horses and burros. Wild horse and burro roundups are breaking up family bands, causing injuries – sometimes death. | |
| 13 | Organization/ SWAT | Do not use a helicopter as a means of gathering horses outside of the PEDHMA. | Thank you for your comment. |
| 14 | Nickoles | For any horses that must be removed, consider creating a PEDHMA specific training program with trainers and facilities to assist in adoptions rather than warehousing; much like that of GEMS (Great Escape Mustang Sanctuary) which has been successful with such a program for the Sand Wash Basin HMA horses. | Thank you for your comment. The BLM, WRFO is currently in the process of developing such working relationships with various interest groups and believe that an agreement will be realized in the near future. |
| 15 | Rio Blanco County (RBC) Farm Bureau | Alternative A: The RBC Farm Bureau supports Alternative A; use all approved gather methods to remove excess wild horses. … RBC Farm Bureau feels that it is best to allow the BLM to use all approved methods including helicopters to gather the excess wild horses that are currently overpopulated. Using all approved methods will allow the BLM to conduct gathers as quickly and efficiently as possible. | Thank you for your comment. |
| 16 | Rio Blanco County (RBC) Farm Bureau | Alternative B: The RBC Farm Bureau is not support of this alternative; bait and water trapping only. Given the overpopulation, and the terrain of the area, the BLM needs at their disposal any and all tools to gather wild horses quickly and efficiently. | Thank you for your comment. |
| 17 | Rio Blanco County (RBC) Farm Bureau | Alternative C: The RBC Farm Bureau is highly in opposition to this alternative; no action. As stated in the EA, if no action were to occur, the population outside of the PEDHMA could grow to 472 horses by 2021. That is a significant increase in population outside of the PEDHMA let alone the population that is currently more than double inside the HMA. This alternative will further complicate the problem with excess wild horses, and make removing the excess even more difficult. | Thank you for your comment. |
| 18 | Rio Blanco County (RBC) Farm Bureau | Alternative C: The RBC Farm Bureau is highly in opposition to this alternative; no action. As stated in the EA, if no action were to occur, the | Thank you for your comment. |

| | | | |
|---|---|---|---|
| | | population outside of the PEDHMA could grow to 472 horses by 2021. That is a significant increase in population outside of the PEDHMA let alone the population that is currently more than double inside the HMA. This alternative will further complicate the problem with excess wild horses, and make removing the excess even more difficult. | |
| 19 | White River & Douglas Creek Conservation Districts | Alternative A: The Districts and County support proposed Alternative A – utilizing all approved gather methods to remove the horses. Given that the HMA is more than double AML, with an additional 210 horses outside of the HMA, the Districts and County feel it is best to give the WRFO all the tools and options necessary to gather excess "wild" horses as quickly and efficiently as possible. | Thank you for your comment. |
| 20 | White River & Douglas Creek Conservation Districts | Alternative B: The Districts and County are not supportive of this alternative as we believe the helicopters are often necessary to gather larger number of horses in a shorter time frame in many locations, especially in and around the PEDHMA due to the rugged terrain. There is certainly a time and place for the Bait and/or Water Trapping but it is important to leave options open so the contractors can be as effective and efficient as possible. | Thank you for your comment. |
| 21 | White River & Douglas Creek Conservation Districts | Alternative C: The Districts and County totally reject this alternative. The PEDHMA is over AML, causing horses to leave the boundaries of the HMA. No action will further complex the problem, adding additional excess "wild" horses on the range. Additionally, this alternative is inconsistent with the Rio Blanco County Land and natural Resources Plan and Policies. | Thank you for your comment. |
| 22 | Lagrone | Please refrain from using inhumane helicopter drives to round up the wild horses from areas outside of the PEDHMA, in CO. Helicopter round ups are expensive and tax payers should not pay this expense. Promote adoptions or put up fences to discourage wild horses and burros from naturally roaming outside of | Thank you for your comment. |

| | | | |
|---|---|---|---|
| | | preferred habitat areas. The BLM also should make sure natural migration paths are available to wild horses and burros, as well as replacing any herd-area land these herds have been deprived of. Another more viable alternative to helicopter rounds ups is to conduct bait-trapping operations in a humane manner. | |
| 23 | Rose-Fortmueller | Please do not round up the federally protected wild horses. Please manage them humanely via proven fertility vaccines. Please do not take away the horses freedom and break up their family bands. If we continue on this path, we will force wild horses into extinction. Please humanely manage our wild horses, not round them up to be later sent to slaughter. | Thank you for your comment. |
| 24 | Sidofsky | Leave those wild horses alone! Don't try to catch them. Don't try to corral them. Don't try to move them. Don't kill them for dog food. Don't sell them to companies for dog food, medications, etc. Leave a little bit of wild west Colorado history alone. | Thank you for your comment. |
| 25 | Bessey | The BLM has distorted the authority given to the Secretary of the Interior to fits its own agenda, which is backed by "welfare" ranchers, politicians and lobbyists of the U.S. Congress. | Thank you for your comment. |
| 26 | Bessey | Just recently a news release stated that Ryan Zinke, Secretary of the Interior, a Washingtonite first, and Montanan second, stated that the Interior Budget is going to be cut. Therefore, it makes perfect since to just relocate the horses that are outside of the HMA back into the Piceance-East Douglas Herd Management Area. Problem solved -- no exorbitant expense for removal. There is no need to remove Wild Horses. For that matter, the Wild Horses and Burros that are in long term holding should be returned to their former homes. That would alleviate the shortfalls in the budget. To further balance the Interior budget, the BLM should be collecting on all the delinquent grazing fees from "welfare" ranchers and revoking grazing rights. Only 3% of the beef raised in the United States is | Thank you for your comment. |

| | | | |
|---|---|---|---|
| | | consumed by Americans. The other 97% is sold in foreign countries. A "welfare" rancher has more money today than I can ever earn in a lifetime. That's because they take advantage of BLM grazing permits thinking "public lands" is their land to use for "free" and not for ALL Americans. The grazing fees need to be increased to also balance the Interior budget. They have been much too low for way to long of a time. | |
| 27 | Bessey | The fact is that the 1982 National Academy of Sciences report and two General Accounting Office reports have countered key points in BLM's premise for its current herd reduction campaign. These government-sanctioned documents concluded that: (i) horses reproduce at a much slower rate than BLM asserts, (ii) wild horse forage use remains a small fraction of cattle forage use on public ranges, (iii) "despite congressional direction, BLM did not base its removal of wild horses from federal rangeland on how many horses ranges could support," and (iv) "BLM was making its removal decisions on the basis of an interest in reaching perceived historic population levels, or the recommendations of advisor groups largely composed of livestock permittees." (emphasis added). [4] | Thank you for your comment. |
| 28 | Bessey | BLM should not be permitted to: Conduct helicopter removals or any bait/water trapping removals at this time. | Thank you for your comment. |
| 29 | Bessey | BLM should: Irrigation equipment if paid with American tax dollars or subsidies should remain in use for our native Wild Horses, Burros, and other wildlife, such as elk, deer, antelope, big horn sheep, birds, etc. year-round; and | Thank you for your comment. |
| 30 | AWHC | BLM must begin to consider other methods in addition to bait/water trapping that would be more humane and less stressful for both individual horses and bands of horses. For example, at the April 2015 Wild Horse and Burro Advisory Meeting, Dr. Sue McDonell presented the | Thank you for your comment. When it becomes necessary to capture wild horses, BLM considers all approved gather methods and implements the most appropriate method within BLM policy to humanely capture animals and meet the objectives for why the capture is necessary. |

| | | | |
|---|---|---|---|
| | | option of positive reinforcement behavior modification, and in a 2015 article published in *The Stockmanship Journal*, Dr. Blake McCann details his work implementing low-stress livestock handling methods with the wild horses in the Theodore Roosevelt National Park. (Attachment 4) Compared to the use of helicopters and multiple handlers on horseback, both approaches could require less investment in staffing and logistical support – and therefore significant savings. | |
| 31 | AWHC | The use of real-time cameras is also supported by a report commissioned by Cattoor Livestock Roundup, a long-time roundup contractor hired by the BLM. Prepared by Mark J. Deesing, Animal Behavior & Facilities Design consultant for Grandin Livestock Handling System, it states, *"Video monitoring of animal operations is a good way to ensure humane handling is taking place on a daily basis*. Video cameras mounted in helicopters and in the capture and holding pens can also render the activists' videos as simply nothing more than proof that your business 'walks the walk' when it comes to upholding animal welfare standards." (Emphasis added) (Attachment 7, p. 9) | Thank you for your comment.<br><br>Mark J. Deesing also prepared the report/review of the Yellow Creek Corrals in the April 2001 issue of Western Horseman magazine located in the WRFO. Giving the facility and the BLM staff an excellent rating.<br><br>In accordance with WO IM 2013-058: "The public/media are prohibited from riding or placing equipment in the helicopters contracted for a gather. The National Gather Contract Attachment 1 §C.9.d states "under no circumstances will the public or any media or media equipment be allowed in or on the gather helicopter while the helicopter is on a gather operation." The placement of public/media cameras or recording equipment on panels, gates and loading equipment including trucks and trailers are also prohibited." |
| 32 | AWHC | Additionally, ongoing research supports the warning in the 2013 NAS report that the BLM's continuing practice of roundup and removals is "expensive and unproductive" and was "facilitating high rates of population growth." One example is Charles W. de Seve and Stephanie L. Boyles Griffin's article, "An Economic Model Demonstrating the Long-term Cost Benefits of Incorporating Fertility Control into Wild Horse (equus caballus) | Thank you for your comment.<br>Refer to comments: 3, 9, 11, 20, and 45 |

| | | | |
|---|---|---|---|
| | | Management Programs on Public Lands in the United States" published in *The Journal of Zoo and Wildlife Medicine*. Using a hybrid population and economic model, they argue that a management approach that combines some removal but primarily the application of the PZP vaccination to mares would save tens of millions of dollars over 12 years because the BLM would not have to assume the expense of life-long care of horses who were removed and placed in holding facilities. (Attachment 11) | |

# APPENDIX E. CAWP STANDARDS

The following is Attachment 1 from Washington Office Instruction Memorandum 2015-151.

## ATTACHMENT 1: COMPREHENSIVE ANIMAL WELFARE PROGRAM FOR WILD HORSE AND BURRO GATHERS

## STANDARDS

Developed by

The Bureau of Land Management
Wild Horse and Burro Program

in collaboration with

Carolyn L. Stull, PhD
Kathryn E. Holcomb, PhD
University of California, Davis
School of Veterinary Medicine

June 30, 2015

# WELFARE ASSESSMENT STANDARDS for GATHERS

## CONTENTS

**Welfare Assessment Standards**


I. FACILITY DESIGN ..... 2
A. Trap Site and Temporary Holding Facility ..... 2
B. Loading and Unloading Areas ..... 4
II. CAPTURE TECHNIQUE ..... 5
A. Capture Techniques ..... 5
B. Helicopter Drive Trapping ..... 5
C. Roping ..... 7
D. Bait Trapping ..... 8
III. WILD HORSE AND BURRO CARE ..... 8
A. Veterinarian ..... 8
B. Care ..... 9
C. Biosecurity ..... 11
IV. HANDLING ..... 12
A. Willful Acts of Abuse ..... 12
B. General Handling ..... 12
C. Handling Aids ..... 12
V. TRANSPORTATION ..... 13
A. General ..... 13
B. Vehicles ..... 14
C. Care of WH&Bs during Transport Procedures ..... 15
VI. EUTHANASIA or DEATH ..... 16
A. Euthanasia Procedures during Gather Operations ..... 16
B. Carcass Disposal ..... 17

**Required documentation and responsibilities of Lead COR/COR/PI at gathers** ..... 18

**Schematic of CAWP Gather Components** ..... 20

## STANDARDS

**Standard Definitions**

**Major Standard:** Impacts the health or welfare of WH&Bs. Relates to an alterable equipment or facility standard or procedure. Appropriate wording is "must," "unacceptable," "prohibited."

**Minor Standard:** unlikely to affect WH&Bs health or welfare or involves an uncontrollable situation. Appropriate wording is "should."

**Lead COR** = Lead Contracting Officer's Representative

**COR** = Contracting Officer's Representative

**PI** = Project Inspector

**WH&Bs** = Wild horses and burros

# I. FACILITY DESIGN

### A. Trap Site and Temporary Holding Facility

1. The trap site and temporary holding facility must be constructed of stout materials and must be maintained in proper working condition, including gates that swing freely and latch or tie easily. (**major**)
2. The trap site should be moved close to WH&B locations whenever possible to minimize the distance the animals need to travel.(minor)
3. If jute is hung on the fence posts of an existing wire fence in the trap wing, the wire should be either be rolled up or let down for the entire length of the jute in such a way that minimizes the possibility of entanglement by WH&Bs unless otherwise approved by the Lead COR/COR/PI. (minor)
4. Fence panels in pens and alleys must be not less than 6 feet high for horses, 5 feet high for burros, and the bottom rail must not be more than 12 inches from ground level. (**major**)

5. The temporary holding facility must have a sufficient number of pens available to sort WH&Bs according to gender, age, number, temperament, or physical condition. (**major**)
    a. All pens must be assembled with capability for expansion. (**major**)
    b. Alternate pens must be made available for the following: (**major**)
        1) WH&Bs that are weak or debilitated
        2) Mares/jennies with dependent foals
    c. WH&Bs in pens at the temporary holding facility should be maintained at a proper stocking density such that when at rest all WH&Bs occupy no more than half the pen area. (minor)
6. An appropriate chute designed for restraining WH&Bs must be available for necessary procedures at the temporary holding facility. This does not apply to bait trapping operations unless directed by the Lead COR/COR/PI. (**major**)
7. There must be no holes, gaps or openings, protruding surfaces, or sharp edges present in fence panels or other structures that may cause escape or possible injury. (**major**)
8. Padding must be installed on the overhead bars of all gates and chutes used in single file alleys. (**major**)
9. Hinged, self-latching gates must be used in all pens and alleys except for entry gates into the trap, which may be secured with tie ropes. (**major**)
10. Finger gates (one-way funnel gates) used in bait trapping must be constructed of materials approved by the Lead COR/COR/PI. Finger gates must not be constructed of materials that have sharp ends that may cause injuries to WH&Bs, such as "T" posts, sharpened willows, etc. (**major**)
11. Water must be provided at a minimum rate of ten gallons per 1000 pound animal per day, adjusted accordingly for larger or smaller horses, burros and foals, and environmental conditions, with each trough placed in a separate location of the pen (i.e. troughs at opposite ends of the pen). Water must be refilled at least every morning and evening. (**major**)
12. The design of pens at the trap site and temporary holding facility should be constructed with rounded corners. (minor)

13. All gates and panels in the animal holding and handling pens and alleys of the trap site must be covered with materials such as plywood, snow fence, tarps, burlap, etc. approximately 48" in height to provide a visual barrier for the animals. All materials must be secured in place.(**major**)

    These guidelines apply:

    a. For exterior fences, material covering panels and gates must extend from the top of the panel or gate toward the ground.(**major** )
    b. For alleys and small internal handling pens, material covering panels and gates should extend from no more than 12 inches below the top of the panel or gate toward the ground to facilitate visibility of animals and the use of flags and paddles during sorting. (minor)
    c. The initial capture pen may be left uncovered as necessary to encourage animals to enter the first pen of the trap. (minor)

14. Non-essential personnel and equipment must be located to minimize disturbance of WH&Bs. (**major**)
15. Trash, debris, and reflective or noisy objects should be eliminated from the trap site and temporary holding facility. (minor)

**B. Loading and Unloading Areas**

1. Facilities in areas for loading and unloading WH&Bs at the trap site or temporary holding facility must be maintained in a safe and proper working condition, including gates that swing freely and latch or tie easily. (**major**)
2. The side panels of the loading chute must be a minimum of 6 feet high and fully covered with materials such as plywood or metal without holes that may cause injury. (**major**)
3. There must be no holes, gaps or openings, protruding surfaces, or sharp edges present in fence panels or other structures that may cause escape or possible injury. (**major**)
4. All gates and doors must open and close easily and latch securely. (**major**)

5. Loading and unloading ramps must have a non-slip surface and be maintained in a safe and proper working condition to prevent slips and falls. Examples of non-slip flooring would include, but not be limited to, rubber mats, sand, shavings, and steel reinforcement rods built into ramp. There must be no holes in the flooring or items that can cause an animal to trip. (**major**)
6. Trailers must be properly aligned with loading and unloading chutes and panels such that no gaps exist between the chute/panel and floor or sides of the trailer creating a situation where a WH&B could injure itself. (**major**)
7. Stock trailers should be positioned for loading or unloading such that there is no more than 12" clearance between the ground and floor of the trailer for burros and 18" for horses. (minor)

## II. CAPTURE TECHNIQUE

### A. Capture Techniques

1. WH&Bs gathered on a routine basis for removal or return to range must be captured by the following approved procedures under direction of the Lead COR/COR/PI. (**major**)
   a. Helicopter
   b. Bait trapping
2. WH&Bs must not be captured by snares or net gunning. (**major**)
3. Chemical immobilization must only be used for capture under exceptional circumstances and under the direct supervision of an on-site veterinarian experienced with the technique. (**major**)

### B. Helicopter Drive Trapping

1. The helicopter must be operated using pressure and release methods to herd the animals in a desired direction and should not repeatedly evoke erratic behavior in the WH&Bs causing injury or exhaustion. Animals must not be pursued to a point of exhaustion; the on-site veterinarian must examine WH&Bs for signs of exhaustion. (**major**)

2. The rate of movement and distance the animals travel must not exceed limitations set by the Lead COR/COR/PI who will consider terrain, physical barriers, access limitations, weather, condition of the animals, urgency of the operation (animals facing drought, starvation, fire, etc.) and other factors. (**major**)
    a. WH&Bs that are weak or debilitated must be identified by BLM staff or the contractors. Appropriate gather and handling methods should be used according to the direction of the Lead COR/COR/PI. (**major**)
    b. The appropriate herding distance and rate of movement must be determined on a case-by-case basis considering the weakest or smallest animal in the group (e.g., foals, pregnant mares, or horses that are weakened by body condition, age, or poor health) and the range and environmental conditions present. (**major**)
    c. Rate of movement and distance travelled must not result in exhaustion at the trap site, with the exception of animals requiring capture that have an existing severely compromised condition prior to gather. Where compromised animals cannot be left on the range or where doing so would only serve to prolong their suffering, euthanasia will be performed in accordance with BLM policy. (**major**)
3. WH&Bs must not be pursued repeatedly by the helicopter such that the rate of movement and distance travelled exceeds the limitation set by the Lead COR/COR/PI. Abandoning the pursuit or alternative capture methods may be considered by the Lead COR/COR/PI in these cases. (**major**)
4. When WH&Bs are herded through a fence line en route to the trap, the Lead COR/COR/PI must be notified by the contractor. The Lead COR/COR/PI must determine the appropriate width of the opening that the fence is let down to allow for safe passage through the opening. The Lead COR/COR/PI must decide if existing fence lines require marking to increase visibility to WH&Bs. (**major**)
5. The helicopter must not come into physical contact with any WH&B. The physical contact of any WH&B by helicopter must be documented by Lead COR/COR/PI along with the circumstances. (**major**)
6. WH&Bs may escape or evade the gather site while being moved by the helicopter. If there are mare/dependent foal pairs in a group being brought to a trap and half of an identified pair is thought to have evaded capture, multiple attempts by helicopter may

be used to bring the missing half of the pair to the trap or to facilitate capture by roping. In these instances, animal condition and fatigue must be evaluated by the Lead COR/COR/PI or on-site veterinarian on a case-by-case basis to determine the number of attempts that can be made to capture an animal.(**major**)

7. Horse captures must not be conducted when ambient temperature at the trap site is below 10ºF or above 95ºF without approval of the Lead COR/COR/PI. Burro captures must not be conducted when ambient temperature is below 10ºF or above 100ºF without approval of the Lead COR/COR/PI. The Lead COR/COR/PI will not approve captures when the ambient temperature exceeds 105 ºF. (**major**)

**C. Roping**

1. The roping of any WH&B must be approved prior to the procedure by the Lead COR/COR/PI. (**major**).
2. The roping of any WH&B must be documented by the Lead COR/COR/PI along with the circumstances. WH&Bs may be roped under circumstances which include but are not limited to the following: reunite a mare or jenny and her dependent foal; capture nuisance, injured or sick WH&Bs or those that require euthanasia; environmental reasons such as deep snow or traps that cannot be set up due to location or environmentally sensitive designation; and public and animal safety or legal mandates for removal. (**major**)
3. Ropers should dally the rope to their saddle horn such that animals can be brought to a stop as slowly as possible and must not tie the rope hard and fast to the saddle so as to intentionally jerk animals off their feet. (**major**)
4. WH&Bs that are roped and tied down in recumbency must be continuously observed and monitored by an attendant at a maximum of 100 feet from the animal. (**major**)
5. WH&Bs that are roped and tied down in recumbency must be untied within 30 minutes. (**major**)
6. If the animal is tied down within the wings of the trap, helicopter drive trapping within the wings will cease until the tied-down animal is removed. (**major**)
7. Sleds, slide boards, or slip sheets must be placed underneath the animal's body to move and/or load recumbent WH&Bs. (**major**)

8. Halters and ropes tied to a WH&B may be used to roll, turn, position or load a recumbent animal, but a WH&B must not be dragged across the ground by a halter or rope attached to its body while in a recumbent position. (**major**)
9. Animals captured by roping must be evaluated by the on-site/on-call veterinarian within four hours after capture, marked for identification at the trap site, and be re-evaluated periodically as deemed necessary by the on-site/on-call veterinarian. (**major**)

**D. Bait Trapping**

1. WH&Bs may be lured into a temporary trap using bait (feed, mineral supplement, water) or sexual attractants (mares/jennies in heat) with the following requirements:
   a. The period of time water sources other than in the trap site are inaccessible must not adversely affect the wellbeing of WH&Bs, wildlife or livestock, as determined by the Lead COR/COR/PI. (**major**)
   b. Unattended traps must not be left unobserved for more than 12 hours. (**major**)
   c. Mares/jennies and their dependent foals must not be separated unless for safe transport. (**major**)
   d. WH&Bs held for more than 12 hours must be provided with accessible clean water at a minimum rate of ten gallons per 1000 pound animal per day, adjusted accordingly for larger or smaller horses, burros and foals and environmental conditions. (**major**)
   e. WH&Bs held for more than 12 hours must be provided good quality hay at a minimum rate of 20 pounds per 1000 pound adult animal per day, adjusted accordingly for larger or smaller horses, burros and foals. (**major**)
      1) Hay must not contain poisonous weeds, debris, or toxic substances. (**major**)
      2) Hay placement must allow all WH&Bs to eat simultaneously. (**major**)

## III. WILD HORSE AND BURRO CARE

**A. Veterinarian**

1. On-site veterinary support must be provided for all helicopter gathers and on-site or on-call support must be provided for bait trapping. (**major**)

2. Veterinary support must be under the direction of the Lead COR/COR/PI. The on-site/on-call veterinarian will provide consultation on matters related to WH&B health, handling, welfare, and euthanasia at the request of the Lead COR/COR/PI. All decisions regarding medical treatment or euthanasia will be made by the on-site Lead COR/COR/PI. (**major**)

**B. Care**

1. Feeding and Watering
   a. Adult WH&Bs held in traps or temporary holding pens for longer than 12 hours must be fed every morning and evening with water available at all times other than when animals are being sorted or worked. (**major)**
   b. Water must be provided at a minimum rate of ten gallons per 1000 pound animal per day, adjusted accordingly for larger or smaller horses, burros and foals, and environmental conditions, with each trough placed in a separate location of the pen (i.e. troughs at opposite ends of the pen). . (**major**)
   c. Good quality hay must be fed at a minimum rate of 20 pounds per 1000 pound adult animal per day, adjusted accordingly for larger or smaller horses, burros and foals. (**major**)
      i. Hay must not contain poisonous weeds or toxic substances. (**major**)
      ii. Hay placement must allow all WH&Bs to eat simultaneously. (**major**)
   d. When water or feed deprivation conditions exist on the range prior to the gather, the Lead COR/COR/PI should adjust the watering and feeding arrangements in consultation with the onsite veterinarian as necessary to provide for the needs of the animals. (minor)
2. Dust abatement
   a. Dust abatement by spraying the ground with water must be employed when necessary at the trap site and temporary holding facility. (**major**)

3. Trap Site
    a. Dependent foals or weak/debilitated animals must be separated from other WH&Bs at the trap site to avoid injuries during transportation to the temporary holding facility. Separation of dependent foals from mares must not exceed four hours unless the Lead COR/COR/PI authorizes a longer time or a decision is made to wean the foals. (**major**)
4. Temporary Holding Facility
    a. All WH&Bs in confinement must be observed at least once daily to identify sick or injured WH&Bs and ensure adequate food and water. (**major**)
    b. Foals must be reunited with their mares/jennies at the temporary holding facility within four hours of capture unless the Lead COR/COR/PI authorizes a longer time or foals are old enough to be weaned during the gather. (**major**)
    c. Non-ambulatory WH&Bs must be located in a pen separate from the general population and must be examined by the BLM horse specialist and/or on-call or on-site veterinarian as soon as possible, no more than four hours after recumbency is observed. Unless otherwise directed by a veterinarian, hay and water must be accessible to an animal within six hours after recumbency.(**major**)
    d. Alternate pens must be made available for the following: (**major**)
        1) WH&Bs that are weak or debilitated
        2) Mares/jennies with dependent foals
    e. Aggressive WH&Bs causing serious injury to other animals should be identified and relocated into alternate pens when possible. (minor)
    f. WH&Bs in pens at the temporary holding facility should be maintained at a proper stocking density such that when at rest all WH&Bs occupy no more than half the pen area. (minor)

**C. Biosecurity**

1. Health records for all saddle and pilot horses used on WH&B gathers must be provided to the Lead COR/COR/PI prior to joining a gather, including: (**major**)
   a. Certificate of Veterinary Inspection (Health Certificate, within 30 days).
   b. Proof of:
      1) A negative test for equine infectious anemia (Coggins or EIA ELISA test) within 12 months.
      2) Vaccination for tetanus, eastern and western equine encephalomyelitis, West Nile virus, equine herpes virus, influenza, *Streptococcus equi*, and rabies within 12 months.
2. Saddle horses, pilot horses and mares used for bait trapping lures must not be removed from the gather operation (such as for an equestrian event) and allowed to return unless they have been observed to be free from signs of infectious disease for a period of at least three weeks and a new Certificate of Veterinary Examination is obtained after three weeks and prior to returning to the gather. (**major**)
3. WH&Bs, saddle horses, and pilot horses showing signs of infectious disease must be examined by the on-site/on-call veterinarian. (**major**)
   a. Any saddle or pilot horses showing signs of infectious disease (fever, nasal discharge, or illness) must be removed from service and isolated from other animals on the gather until such time as the horse is free from signs of infectious disease and approved by the on-site/on-call veterinarian to return to the gather. (**major**)
   b. Groups of WH&Bs showing signs of infectious disease should not be mixed with groups of healthy WH&Bs at the temporary holding facility, or during transport. (minor)
4. Horses not involved with gather operations should remain at least 300 yards from WH&Bs, saddle horses, and pilot horses being actively used on a gather. (minor)

## IV. HANDLING

### A. Willful Acts of Abuse

1. Hitting, kicking, striking, or beating any WH&B in an abusive manner is prohibited. (**major**)
2. Dragging a recumbent WH&B without a sled, slide board or slip sheet is prohibited. Ropes used for moving the recumbent animal must be attached to the sled, slide board or slip sheet unless being loaded as specified in Section II. C. 8. (**major**)
3. There should be no deliberate driving of WH&Bs into other animals, closed gates, panels, or other equipment. (minor)
4. There should be no deliberate slamming of gates and doors on WH&Bs. (minor)
5. There should be no excessive noise (e.g., constant yelling) or sudden activity causing WH&Bs to become unnecessarily flighty, disturbed or agitated. (minor)

### B. General Handling

1. All sorting, loading or unloading of WH&Bs during gathers must be performed during daylight hours except when unforeseen circumstances develop and the Lead COR/CO/PI approves the use of supplemental light. (**major**)
2. WH&Bs should be handled to enter runways or chutes in a forward direction. (minor)
3. WH&Bs should not remain in single-file alleyways, runways, or chutes longer than 30 minutes. (minor)
4. Equipment except for helicopters should be operated and located in a manner to minimize flighty behavior . (minor)

### C. Handling Aids

1. Handling aids such as flags and shaker paddles must be the primary tools for driving and moving WH&Bs during handling and transport procedures. Contact of the flag or paddle end of primary handling aids with a WH&B is allowed. Ropes looped around the hindquarters may be used from horseback or on foot to assist in moving an animal forward or during loading. (**major**)

2. Electric prods must not be used routinely as a driving aid or handling tool. Electric prods may be used in limited circumstances only if the following guidelines are followed:
    a. Electric prods must only be a commercially available make and model that uses DC battery power and batteries should be fully charged at all times. (**major**)
    b. The electric prod device must never be disguised or concealed. (**major**)
    c. Electric prods must only be used after three attempts using other handling aids (flag, shaker paddle, voice or body position) have been tried unsuccessfully to move the WH&Bs. (**major**)
    d. Electric prods must only be picked up when intended to deliver a stimulus; these devices must not be constantly carried by the handlers. (**major**)
    e. Space in front of an animal must be available to move the WH&B forward prior to application of the electric prod. (**major**)
    f. Electric prods must never be applied to the face, genitals, anus, or underside of the tail of a WH&B. (**major**)
    g. Electric prods must not be applied to any one WH&B more than three times during a procedure (e.g., sorting, loading) except in extreme cases with approval of the Lead COR/COR/PI. Each exception must be approved at the time by the Lead COR/COR/PI. (**major**)
    h. Any electric prod use that may be necessary must be documented daily by the Lead COR/COR/PI including time of day, circumstances, handler, location (trap site or temporary holding facility), and any injuries (to WH&B or human). (**major**)

## V. TRANSPORTATION

### A. General

1. All sorting, loading, or unloading of WH&Bs during gathers must be performed during daylight hours except when unforeseen circumstances develop and the Lead COR/CO/PI approves the use of supplemental light. (**major**)

2. WH&Bs identified for removal should be shipped from the temporary holding facility to a BLM facility within 48 hours. (minor)
    a. Shipping delays for animals that are being held for release to range or potential on-site adoption must be approved by the Lead COR/COR/PI. (**major**)
3. Shipping should occur in the following order of priority; 1) debilitated animals, 2) pairs, 3) weanlings, 4) dry mares and 5) studs. (minor)
4. Planned
5. transport time to the BLM preparation facility from the trap site or temporary holding facility must not exceed 10 hours. (**major**)
6. WH&Bs should not wait in stock trailers and/or semi-trailers at a standstill for more than a combined period of three hours during the entire journey. (minor)

**B. Vehicles**

1. Straight-deck trailers and stock trailers must be used for transporting WH&Bs. (**major**)
    a. Two-tiered or double deck trailers are prohibited. (**major**)
    b. Transport vehicles for WH&Bs must have a covered roof or overhead bars containing them such that WH&Bs cannot escape. (**major**)
2. WH&Bs must have adequate headroom during loading and unloading and must be able to maintain a normal posture with all four feet on the floor during transport without contacting the roof or overhead bars. (**major**)
3. The width and height of all gates and doors must allow WH&Bs to move through freely. (**major**)
4. All gates and doors must open and close easily and be able to be secured in a closed position. (**major**)
5. The rear door(s) of the trailers must be capable of opening the full width of the trailer. (**major**)
6. Loading and unloading ramps must have a non-slip surface and be maintained in proper working condition to prevent slips and falls. (**major**)

7. Transport vehicles more than 18 feet and less than 40 feet in length must have a minimum of one partition gate providing two compartments; transport vehicles 40 feet or longer must have at least two partition gates to provide a minimum of three compartments. (**major**)
8. All partitions and panels inside of trailers must be free of sharp edges or holes that could cause injury to WH&Bs. (**major**)
9. The inner lining of all trailers must be strong enough to withstand failure by kicking that would lead to injuries. (**major**)
10. Partition gates in transport vehicles should be used to distribute the load into compartments during travel. (minor)
11. Surfaces and floors of trailers must be cleaned of dirt, manure and other organic matter prior to the beginning of a gather. (**major**)

**C. Care of WH&Bs during Transport Procedures**

1. WH&Bs that are loaded and transported from the temporary holding facility to the BLM preparation facility must be fit to endure travel. (**major**)
   a. WH&Bs that are non-ambulatory, blind in both eyes, or severely injured must not be loaded and shipped unless it is to receive immediate veterinary care or euthanasia. (**major**)
   b. WH&Bs that are weak or debilitated must not be transported without approval of the Lead COR/COR/PI in consultation with the on-site veterinarian. Appropriate actions for their care during transport must be taken according to direction of the Lead COR/COR/PI. (**major**)
2. WH&Bs should be sorted prior to transport to ensure compatibility and minimize aggressive behavior that may cause injury. (minor)
3. Trailers must be loaded using the minimum space allowance in all compartments as follows: (**major**)
   a. 12 square feet per adult horse.
   b. 6.0 square feet per dependent horse foal.
   c. 8.0 square feet per adult burro.
   d. 4.0 square feet per dependent burro foal.

4. The Lead COR/COR/PI in consultation with the receiving Facility Manager must document any WH&B that is recumbent or dead upon arrival at the destination. (**major**)
    a. Non-ambulatory or recumbent WH&Bs must be evaluated on the trailer and either euthanized or removed from the trailers using a sled, slide board or slip sheet. (**major**)
5. Saddle horses must not be transported in the same compartment with WH&Bs. (**major**)

## VI. EUTHANASIA OR DEATH

### A. Euthanasia Procedure during Gather Operations

1. An authorized, properly trained, and experienced person as well as a firearm appropriate for the circumstances must be available at all times during gather operations. When the travel time between the trap site and temporary holding facility exceeds one hour or if radio or cellular communication is not reliable, provisions for euthanasia must be in place at both the trap site and temporary holding facility during the gather operation. (**major**)
2. Euthanasia must be performed according to American Veterinary Medical Association euthanasia guidelines (2013) using methods of gunshot or injection of an approved euthanasia agent. (**major**)
3. The decision to euthanize and method of euthanasia must be directed by the Authorized Officer or their Authorized Representative(s) that include but are not limited to the Lead COR/COR/PI who must be on site and may consult with the on-site/on-call veterinarian. (**major**)
4. Photos needed to document an animal's condition should be taken prior to the animal being euthanized. No photos of animals that have been euthanized should be taken. An exception is when a veterinarian or the Lead COR/COR/PI may want to document certain findings discovered during a postmortem examination or necropsy. (minor)
5. Any WH&B that dies or is euthanized must be documented by the Lead COR/COR/PI including time of day, circumstances, euthanasia method, location, a

description of the age, gender, and color of the animal and the reason the animal was euthanized. (**major**)

6. The on-site/on-call veterinarian should review the history and conduct a postmortem physical examination of any WH&B that dies or is euthanized during the gather operation. A necropsy should be performed whenever feasible if the cause of death is unknown. (minor)

**B. Carcass Disposal**

1. The Lead COR/COR/PI must ensure that appropriate equipment is available for the timely disposal of carcasses when necessary on the range, at the trap site, and temporary holding facility. (**major**)
2. Disposal of carcasses must be in accordance with state and local laws. (**major**)
3. WH&Bs euthanized with a barbiturate euthanasia agent must be buried or otherwise disposed of properly. (**major**)
4. Carcasses left on the range should not be placed in washes or riparian areas where future runoff may carry debris into ponds or waterways. Trenches or holes for buried animals should be dug so the bottom of the hole is at least 6 feet above the water table and 4-6 feet of level earth covers the top of the carcass with additional dirt mounded on top where possible. (minor)

## CAWP

## REQUIRED DOCUMENTATION AND RESPONSIBILITIES OF LEAD COR/COR/PI

### Required Documentation

| Section | Documentation |
|---|---|
| II.B.5 | Helicopter contact with any WH&B. |
| II.C.2 | Roping of any WH&B. |
| III.B.3.a and III.B.4.b | Reason for allowing longer than four hours to reunite foals with mares/jennies. Does not apply if foals are being weaned. |
| III.C.1 | Health status of all saddle and pilot horses. |
| IV.C.2.h | All uses of electric prod. |
| V.C.4 | Any WH&B that is recumbent or dead upon arrival at destination following transport. |
| VI.A.5 | Any WH&B that dies or is euthanized during gather operation. |

**Responsibilities**

| Section | Responsibility |
|---|---|
| I.A.10 | Approve materials used in construction of finger gates in bait trapping |
| II.A.1 | Direct gather procedures using approved gather technique. |
| II.B. 2 | Determine rate of movement and distance limitations for WH&B helicopter gather. |
| II.B.2.a | Direct appropriate gather/handling methods for weak or debilitated WH&B. |
| II.B.3 | Determine whether to abandon pursuit or use other capture method in order to avoid repeated pursuit of WH&B. |
| II.B.4 | Determine width and need for visibility marking when using opening in fence en route to trap. |
| II.B.6 | Determine number of attempts that can be made to capture the missing half of a mare/foal pair that has become separated. |
| II.B.7 | Determine whether to proceed with gather when ambient temperature is outside the range of 10°F to 95°F for horses or 10°F to 100°F for burros. |
| II.C.1 | Approve roping of any WH&B. |
| II.D.1.a | Determine period of time that water outside a bait trap is inaccessible such that wellbeing of WH&Bs, wildlife, or livestock is not adversely affected. |
| III.A.2 | Direct and consult with on-site/on-call veterinarian on any matters related to WH&B health, handling, welfare and euthanasia. |

| | |
|---|---|
| III.B.1.e | Adjust feed/water as necessary, in consultation with onsite/on call veterinarian, to provide for needs of animals when water or feed deprivation conditions exist on range. |
| III.B.4.c | Determine provision of water and hay to non-ambulatory animals. |
| IV.C.2.g | Approve use of electric prod more than three times, for exceptional cases only. |
| V.A.1 | Approve sorting, loading, or unloading at night with use of supplemental light. |
| V.A.2.a | Approve shipping delays of greater than 48 hours from temporary holding facility to BLM facility. |
| V.C.1.b | Approve of transport and care during transport for weak or debilitated WH&B. |
| VI.A.3 | Direct decision regarding euthanasia and method of euthanasia for any WH&B; may consult with on-site/on-call veterinarian. |
| VI.B.1 | Ensure that appropriate equipment is available for carcass disposal. |