



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
White River Field Office
73544 Highway 64
Meeker, Colorado 81641



In Reply Refer To:
4710; 4720 (CO-11000)

July 27, 2006

**NOTICE OF FINAL DECISION
FULL FORCE AND EFFECT
2006 WEST DOUGLAS HERD AREA
WILD HORSE REMOVAL**

According to the most recent aerial census, conducted in February 2005 and after factoring a growth rate of 20% for each year following the census (2005 and 2006) the wild horse population in Colorado's West Douglas Wild Horse Herd Area (HA) is conservatively estimated at 139 wild horses (inside the HA). Approximately nine (9) wild horses have relocated from the West Douglas HA into allotments adjoining the HA, however it is believed that up to 35 head of wild horses may have relocated outside of the HA. These allotments are not within the West Douglas HA. It is estimated that 23 of the wild horses will be foals which will be approximately six (6) months of age at the time of the gather. In compliance with 43 CFR 4710.4, all wild horses that have relocated outside the boundaries of the HA will be captured and removed. These animals will either be transported to BLM Canon City wild horse holding facility or offered for adoption locally.

This full force and effect decision entails the capture and removal of approximately 89 wild horses from within and capture and removal of all the wild horses that have located outside the West Douglas Herd Area. The full force and effect decision includes the capture and removal of all wild horses that have relocated into allotments adjoining the West Douglas Herd Area. The majority of captured wild horses between the age of foal and five (5) years will be placed into the BLM adoption program. Wild horses older than five years will be sent to long term holding facilities. At the completion of the removal project the West Douglas herd will consist of approximately 50 wild horses. Allotments adjoining the Herd Area will not contain wild horses.

The gather operation will be primarily completed using the helicopter drive-trapping and helicopter-roping methods of capture while hay and water trapping are considered secondary capture methods. Helicopter-roping will only be used on a case-by-case basis, for specific wild horses, when roping is determined more effective than helicopter drive-trapping. A veterinarian will be on-site or on immediate call during the gather project.

In response to crucial range conditions resulting from drought, and to allay the risk of range degradation likely to occur should the removal be delayed, this action will be completed under the auspice of a full force and effect decision. The decision will be implemented as soon as funding becomes available, and following a thirty day appeal period granted to assure affected and interested parties time to review this management decision. The full force and effect decision remains in effect

until the action described in CO-110-06-166-EA is completed. The rationale for placing this decision in full force and effect is as follows:

1. Any delay in action would have a direct, negative impact on plant communities relied upon by wild horses, wildlife, and livestock and, in turn, would consequently negatively affect the habitat of these animal species.
2. Drought conditions have resulted in substantially low plant vigor and production with consequent limited forage for wild horses and other range users.
3. Implementation of the White River Resource Management Plan of 1997.
4. Wild horses have relocated outside the West Douglas Herd Area into locations outside the boundaries.

Authority: The authority for this decision is contained in Title 43 of the Code of Federal Regulations 4700.0-6(a), Policy: Wild horses will be managed in accordance with approved land use plans. Section 1333 of the Wild Free-Roaming Horse and Burro Act of 1971, (WFRHBA), and the implementing regulations 43 CFR Subpart 4710.1 Land use planning, instruct the BLM that, “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.”

Title 43 of the Code of Federal Regulations 4710.4, Constraints on Management that states: “Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas.”

Sec. 3(a) and (b) and Sec. 4 of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended, and in Title 43 of the Code of Federal Regulations, 4700.0-1, Purpose which recognizes the protection of wild horses by stating: “The purpose of these regulations is to implement the laws relating to the protection, management, and control of wild horses and burros under the administration of the Bureau of Land Management.”

Full Force and Effect Authority: The authority for the Full Force and Effect decision can be found at 43 Code of Federal Regulations 4770.3(c) which states: “The authorized officer may place in full force and effect decisions to remove wild horses or burros from public lands if removal is required by applicable law or to preserve or maintain a thriving ecological balance and multiple use relationship. Full force and effect decisions shall take effect on the date specified, regardless of an appeal. Appeals and petitions for stay of decisions shall be filed with the Interior Board of Land Appeals, as specified in this part.”

Appeals: Within 30 days of receipt of this decision, interested and affected parties have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 Code of Federal Regulations, Part 4, Subpart E, and 43 Code of Federal Regulations 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, parties are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If a party wishes to file an appeal and petition for a stay, the

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ENVIRONMENTAL ASSESSMENT

NUMBER: CO-110-2006-166-EA

CASEFILE/PROJECT NUMBER: Wild Horse Removal Plan; West Douglas Region

PROJECT NAME: 2006 West Douglas Wild Horse Gather Plan

LEGAL DESCRIPTION: The West Douglas Herd Area encompasses 127,387 acres of lands administered by the Bureau of Land Management, White River Field Office, Meeker, Colorado as previously described, in detail, in the West Douglas Herd Area Plan Amendment environmental assessment (EA) CO-110-2005-083-EA (April 28, 2005).

APPLICANT: BLM; White River Field Office

ISSUES AND CONCERNS (optional): None

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Background/Introduction: Due to the fact that protests on the proposed West Douglas Herd Area Plan Amendment to the 1997 White River Resource Management Plan (RMP) have not yet been resolved, the purpose and need for this gather is to remove wild horses from the West Douglas Herd Area down to the 0 – 50 range required by 2006 in the current RMP decision. The plan amendment decision under protest requires BLM to comply with the 1997 White River RMP for the total removal of wild horses from the West Douglas Herd Area by July 2007.

Proposed Action: The Bureau of Land Management, White River Field Office (WRFO) has determined the wild horse population in the West Douglas Herd Area (HA) exceeds the 0 – 50 short term range permitted in the 1997 RMP and is not in balance with other resources managed in the HA.

In accordance with the Federal Land Policy and Management Act of 1976; 43 U.S.C. 1732(a); the Wild, Free Roaming Horse and Burros Act of 1971; 16 U.S.C. 1333; the 43 Code of Federal Regulation (CFR) 4720.1, 4180.2, 4710.4, and 1610-5-3(a); BLM Manual 4180.06 and Handbook H-4180.1, CH. III; and the White River Resource Management Plan (RMP), the White River Field Office plans to gather approximately 89 wild horses from the HA in September, 2006. The project will be completed by a BLM Wild Horse and Burro (WH&B) National Program Contractor using helicopter drive-trapping, helicopter assisted roping, water

and hay trapping. The first 89 horses captured from inside the HA will be removed. We will not be selectively removing horses. At completion of the project, the herd will consist of approximately 50 wild horses; the high end of the 0 - 50 range required by the 1997 RMP to be attained in 2006.

In compliance with 43 CFR 4710.4, all horses that have relocated outside the boundaries of the HA will be captured and removed. These animals will either be transported to BLM Canon City wild horse holding facility or offered for adoption locally.

No Action Alternative: Under the no action alternative, the action would result in BLM's non-compliance with the 1997 White River RMP which requires BLM to reduce the West Douglas HA to 0-50 wild horses by 2006. As documented extensively by current monitoring data (detailed in EAs CO-110-2005-083 and CO-WRFO-03-050) and every land use planning and wild horse removal decision over the last 30 years, wild horses in the West Douglas HA cannot be maintained within the parameters of a thriving, natural ecological balance as required by law, and the consequent degradation of range sites from the no action alternative would be irreversible and irretrievable.

ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD

The no-action alternative was eliminated from further consideration because it is in direct conflict with the wild horse management objectives identified in the July, 1997 White River RMP Record of Decision, and the 1971 Wild and Free-Roaming Horse and Burro Act, PL-92-195. The Act mandates the Bureau to prevent range deterioration resulting from wild horse overpopulation, and directs the BLM to preserve and maintain a thriving natural ecological balance and multiple use relationships in areas where horses are managed as a component of multiple uses.

NEED FOR THE ACTION

The twofold intent of this action is to restore a thriving, natural, ecological balance to the affected range resources, and to bring wild horse numbers into compliance with the 1997 White River RMP range of 0-50 wild horses required by 2006. BLM may not suspend action in conformance with an existing land use plan pending completion of a plan amendment. Further West Douglas Herd Area analysis is addressed in the following environmental assessments: CO-WRFO-03-050-EA and CO-110-2005-083-EA.

Wild horses are known to exist outside the boundaries of the HA. These wild horses must be captured in accordance with 43 CFR 4710.4 which states that "management of [wild horses] shall be undertaken with the objective of limiting the animals' distribution to herd areas", which is the "geographic area identified as having been used by a herd as its habitat in 1971" (43 CFR 4700.0-5), and with P.L. 92-195, which limits wild horse management to areas inhabited by wild horses at the time of the passage of the December, 1971 Act.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been

reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-26, Wild Horse 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 will be to removal all wild horses from these areas...The wild horse herd population will be managed to improve range condition.”

AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:

STANDARDS FOR PUBLIC LAND HEALTH: In January 1997, the Colorado Bureau of Land Management 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. Conformance with rangeland health standards is required, and BLM is required to reduce wild horses when an area fails to maintain, make progress towards meeting, or meet rangeland health standards and the wild horses are a causal factor. Because a standard exists for these five categories, a finding must be made for each of them in an environmental analysis. These findings are located in specific elements listed below:

CRITICAL ELEMENTS

AIR QUALITY

Affected Environment: The entire White River Resource area has been classified as either attainment or unclassified for all pollutants, and most of the area has been designated prevention of significant deterioration (PSD) class II. The proposed action is not located within a ten mile radius of any special designation air sheds or non-attainment areas. The air quality criteria pollutant likely to be most affected by the proposed actions is the level of inhalable particulate matter, specifically particles ten microns or less in diameter (PM₁₀) associated with fugitive dust. No air quality monitoring data is available for the survey area. However, it is apparent that current air quality within the herd area is good because only one location on the western slope (Grand Junction, CO) is monitoring for criteria pollutants other than PM₁₀. Furthermore, the Colorado Air Pollution Control Division (APCD) estimates the maximum PM₁₀ levels (24-hour average) in rural portions of western Colorado to be near 50 micrograms per cubic meter (µg/m³). This estimate is well below the National Ambient Air Quality Standard (NAAQS) for PM₁₀ (24-hour average) of 150 µg/m³ (CDPHE-APCD, 2005).

Environmental Consequences of the Proposed Action: Reducing the number of wild

horses to 50 will minimize the grazing impact horses currently have on the vegetation. As a result, effective ground cover is expected to increase which will reduce exposure of soils to eolian processes minimizing potential fugitive dust production. Air quality is expected to benefit from removal of horses. Implementation of the proposed action will have the greatest benefit to maintain/improve local air quality within the herd area.

Mitigation: None

CULTURAL RESOURCES:

Affected Environment: The Douglas Creek area, in general, and the core herd area specifically, are known to contain a wide variety of prehistoric and historic resources. Sites include but are not necessarily limited to open lithic scatters, open campsites, wickiup villages, Rock Art sites and horse trap sites. Such sites seem to be particularly concentrated on the ridges overlooking the various tributaries to Douglas Creek, particularly where the Piñon-juniper and sagebrush vegetation communities come together. Recent inventory data suggests that site densities tend to be very high throughout the area. Horse traps, both prehistoric and historic seem to be concentrated on ridges in the Piñon-juniper vegetation communities where the traps can be camouflaged. 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, occasional irrigation ditches and hay meadows.

Environmental Consequences of the Proposed Action: Reduction of horses to the high end of the 1997 RMP range will serve to reduce the concentration of horses in sensitive site locations. Reduction of concentration in high site density areas will reduce the damage to sites from trampling due to concentration, from trailing to water or foaling areas or thermal cover locations where horses congregate to avoid intense summer heat or shelter from intense winter cold conditions. Horses may also scratch and rub on standing features such as wickiup poles or fence poles which serve to accelerate the collapse of the structures present. Reducing horse numbers will reduce the impacts associated with these activities.

Mitigation: Horse trap locations and holding areas, except for the Yellow Creek holding facility, will need to be sited to avoid archaeological resources. In areas with acceptable levels of inventory no additional field work should be necessary except to ensure that sites in the near vicinity can be adequately avoided by drive lines, wing fences and traps. In areas where inadequate inventory data exists an inventory will be necessary to ensure that any resources present are avoided.

INVASIVE, NON-NATIVE SPECIES (This includes vegetation information related to Public Land Health Standard 3.)

Affected Environment: Noxious weeds and their continued encroachment on BLM lands represent a serious threat to the continued productivity, diversified use and aesthetic value of White River Resource Area lands. We currently have an active noxious weed management

program which emphasizes cooperation with Rio Blanco County, private landowners and BLM land users. This program is based in part on the 1990 White River Resource Area Noxious Weed Management Plan and the priorities established by the *Record of Decision, Vegetation Treatment on BLM Lands, 13 Western States* (BLM 1991). The current program uses an integrated management approach using: (1) chemical control using BLM approved chemicals, (2) biological control insect releases focused on leafy spurge, musk and Canada thistles, (3) mechanical control primarily digging of initial infestations of biennial noxious weed species, and (4) management to maintain competitive vegetation to prevent noxious weed invasion and spread. All aspects of this program have been effective where they have been applied.

Within the herd area there has been a number of outbreaks of noxious weeds. Noxious weeds of concern include cheatgrass, halogeton, thistles (bull, musk and Canada), knapweeds (spotted, diffuse and Russian), burdock, hoary cress, mullein, black henbane and houndstongue. Cheatgrass and halogeton are found throughout the herd area, with the primary control method being management to maintain competitive desirable species. On those noxious weed species which are controlled by direct control methods, there has been good success at containing the initial outbreaks.

Environmental Consequences of the Proposed Action: Failure to reduce horses in these areas would continue to degrade plant communities as the horse population increases. Readily available forage will continue to decrease as the wild horses are expected to expand their range in search of forage. Degraded plant communities are expected to increase. Weakened plant communities will be susceptible to weed invasion.

Gather activities would disturb soils in localized areas, primarily associated with traps and holding pens. Follow-up inspections by BLM of these sites and treatment of any noxious weeds would prevent noxious weeds from invading and dominating adjacent native plant communities. Hay utilized at trap sites or holding facilities could be a source of noxious weeds.

Mitigation: Any hay fed at trap sites or holding facilities, on BLM, will be certified as weed free. Any noxious weeds that establish as a result of the proposed action will be controlled by the BLM.

MIGRATORY BIRDS

Affected Environment: A large array of migratory birds fulfills nesting functions throughout the herd area's woodland and shrubland habitats during the months of May, June, and July. Species associated with these shrubland and woodland communities are typical and widely represented in the Resource Area and region. Those bird populations associated with this Resource Area's shrublands and pinyon-juniper identified as having higher conservation interest (i.e., Rocky Mountain Bird Observatory, Partners in Flight program) are listed in table below. These birds are typically well distributed in extensive suitable habitats. Species classified with the forest types (aspen/fir) are best associated with mesic aspen stands in this Resource Area—a habitat type that does not occur within the herd area. There is no reasonable expectation for these birds to be well represented in the herd area's small and disjunct fir stands.

Birds with High Conservation Priority by Habitat Association in Herd Area:

	Habitat Association			
	Sagebrush	Pinyon-juniper	Mountain shrub	Aspen/fir
Birds	Brewer's sparrow, green-tailed towhee	gray flycatcher, gray vireo, pinyon jay, juniper titmouse, black-throated gray warbler, violet-green swallow	blue grouse, common poorwill, Virginia's warbler	broad-tailed hummingbird, red-naped sapsucker, purple martin, Cordilleran flycatcher, MacGillivray's warbler

Those portions of Douglas and West Douglas Creeks within the herd area boundary also support a strong contingent of riparian-affiliated (willow and tamarisk) neo-tropical migratory birds, including: yellow warbler, yellow-breasted chat, blue grosbeak, and lazuli bunting. Although uncommon and sporadic breeding species at this time, willow flycatcher and common yellowthroat are expected to increase in abundance and distribution as these channels continue to develop more stable and extensive willow and sedge dominated components.

Environmental Consequences of the Proposed Action: Inventory and gather operations commonly involve the use of aircraft and considerable ground activity, but these activities would be relegated to the late summer or fall months (i.e., August-October). Although water and hay trapping strategies that involve the assembly and emplacement of fence panels may precede contracted gather operations, these activities would be extremely localized (maximum trap size of about 0.1 acre) and would involve only the latest nesting attempts (mid to late July). It would be inconceivable that these activities would involve more than 2 pairs of higher priority nesting birds.

Mitigation: None.

THREATENED, ENDANGERED, AND SENSITIVE ANIMAL SPECIES (includes a finding on Public Land Health Standard 4)

Affected Environment: No animals listed, proposed, or candidate under the Endangered Species Act are known to make appreciable use of the herd area. Those that occur within the project area or that could be influenced by the project are discussed below.

Colorado River pike-minnow: The endangered pike-minnow 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. The West Douglas herd area is located in the Douglas, Cottonwood, and Evacuation Creek watersheds, all of which drain to the White River below Taylor Draw dam. The river is separated varying distances from affected portions of the watershed by ephemeral or intermittent drainage systems, as follows:

- Douglas Creek watershed (65% of herd area): 6 miles
- Cottonwood Creek watershed (15% of herd area): 7 miles
- Evacuation Creek watershed (20% of herd area): 22 miles

Management of the herd area within the constraints of the Bureau's Standards for Rangeland Health would pose no reasonable threat of direct or indirect influence on water quality or channel/floodplain condition or function in those portions of the White River regarded as critical habitat.

Bald eagle: The White River corridor is the hub for seasonal bald eagle use of the lower White River Valley. Particularly during the later fall and winter months, up to several dozen bald eagles make regular foraging use of open upland communities south of the river, but these forays in search of big game and livestock carrion and small game (e.g., rabbit and hare) are dispersed and opportunistic. Concentrated diurnal use and nocturnal roosting functions during the winter, and potential summer use attributable to a former nest site near the Utah border are associated with the river corridor's cottonwood stands, a minimum of five miles north of the herd area boundary.

Bald eagle use associated with the lower White River valley, especially during the fall and winter use period, is loosely linked to populations of big game and small game as a source of nutrition, but the availability of winter forage is largely independent of horse management associated with the herd area.

Mexican spotted owl: BLM is aware of several records of Mexican spotted owl in the vicinity of this Resource Area: one unpaired male in the canyons of Dinosaur National Monument, CO in the summer of 1996 and 1997 (about 35 miles north of the herd area) and a single bird in the Book Cliffs of east-central Utah during the fall of 1958 where several owls have been documented in recent follow-up surveys (about 40 miles southwest of the herd area. Extensive surveys for Mexican spotted owl by the Vernal, Utah Field Office in woodland habitats similar to those available in this Resource Area have not produced any owls. The nearest designated critical habitat lies in Carbon County, Utah, about 60 miles west of the herd area, and the only persistently occupied habitats in western Colorado occur near Mesa Verde National Park, about 170 miles south of the herd area.

Suitable habitat in Utah and, ostensibly, in adjacent portions of western Colorado, is believed to consist of arid canyonlands or steep (>40% slopes) canyons with dense stands of mature pinyon-juniper with Douglas-fir or mixed-conifer forest with high canopy closures and open understories, particularly in association with rock outcrops. In the course of preparing state-wide Biological Assessments for BLM's land use plans, contractors evaluated the suitability of Mexican spotted owl habitat within this Resource Area. Initial indications are that potential suitable habitat is narrowly confined to about 1,700 acres in 5 relatively small (320 acres \geq 4 sites \geq 65 acres) parcels of steep, north-facing canyons supporting mixed conifer forests along the White-Colorado River divide. These habitat parcels are located a minimum of two miles south of the current herd area boundary.

Management of horses within the West Douglas herd area would not be expected to have any effective influence on the suitability or utility of habitat that has potential for occupation by Mexican spotted owls in this Resource Area.

BLM Sensitive Species: A number of animals are classified as sensitive by the BLM. These

species are thought to be especially susceptible to population-level influences from incompatible land use actions. It is the policy of BLM to identify these species on a state-by-state basis and ensure that BLM actions do not contribute to their becoming candidate for listing under the Endangered Species Act. Sensitive species that may occupy the herd area include the northern goshawk, greater sage-grouse, Townsend's big-eared bat, and fringed and Yuma myotis. These species will not be discussed separately in the Environmental Consequences Section (below), but will be evaluated, where applicable, by inference or in conjunction with nongame terrestrial wildlife discussions.

Northern goshawk: The northern goshawk is normally associated with mature, higher elevation coniferous and aspen forests. The BLM has no record of goshawk nesting activity in the herd area, but based on experience in the adjacent Piceance Basin, the goshawk probably nests sparingly (e.g., 1-3 pair) in the southern half of the herd area in mature pinyon-juniper woodlands (above 6500') and in the area's higher elevation Douglas-fir and spruce-fir forests. Goshawks subsist primarily on a diet of medium-sized mammals and birds (e.g., grouse, ground and tree squirrel, rabbit). Although never common, an influx of migrant goshawk appears to elevate densities in this Resource Area during the winter months.

Outside of more heavily developed natural gas fields within the herd area (about 30% of the herd area), the extent and character of mature pinyon-juniper woodlands and other forest types within the herd area as goshawk nest habitat are believed static. Since much of the birds' prey base appears to fluctuate around long term means (e.g., blue grouse) or are relatively independent of prevailing land use activities (e.g., red squirrel), it is presumed that local breeding and wintering populations of northern goshawk are also stable. However, because reductions in herbaceous ground cover, riparian damage, and deleterious shifts in native bunchgrass composition, attributable to collective ungulate use (past and present) suppress the abundance and availability of potential prey, it is likely that annual goshawk reproduction and winter survival are, to an indeterminate degree, responsive to grazing effects.

Greater sage-grouse: Small numbers of sage grouse have been sporadically encountered in larger Wyoming big sagebrush parks on the north and northwest portions of the herd area, but there appears to be no consistent use or occupation of these habitats. These areas are not associated with any known strutting grounds and the habitat offers few attributes that would be expected to serve summer, nesting, or brood-rearing functions.

Townsend's big-eared bat, and fringed and Yuma myotis: Although the distribution and ecology of these bats are poorly understood, limited collections have documented their presence from western Colorado's, semi-desert shrublands, woodlands, and canyonlands. These bats use caves, mines, and unoccupied buildings for night, nursery, and hibernation roosts. The big-eared bat and Yuma myotis, in particular, prefer to forage over riparian habitats.

Although these bats likely occur seasonally in small numbers in or near the herd area, habitat suitability may be sharply constrained by the paucity of suitable night, nursery, and hibernation sites. Although rock outcrops suitable for temporary daytime roosts are well distributed in the herd area, and relatively extensive riparian communities are available in West Douglas and mainstem Douglas Creeks, there are no underground mines or known caves, and unoccupied

buildings are extremely limited within several miles of the herd area.

Environmental Consequences of the Proposed Action: Proposed gather operations would have no influence on listed, proposed, or candidate animal species or associated habitat. Sediment contribution attributable to the present horse population in the Douglas basin probably represents an indiscernible fraction of Douglas Creek's total sediment load. Although it is unlikely that resource degradation from expanding horse populations would ever be allowed to reach a magnitude that would significantly increase sediment loads in Douglas Creek, postponing control of horses would allow persistent and incremental annual increases in sediment yields to the lower White River's endangered fisheries.

Because BLM sensitive animals either occur peripherally in the herd area (i.e., greater sage-grouse) or are associated with pinyon-juniper woodlands or rock outcrops that are relatively unresponsive to short term grazing influences, current management of horses in the herd area probably has only subtle, indirect effects on the northern goshawk and the 3 bats through their small mammal/bird and insect prey bases. Because proposed horse gather operations would be expected to result in relatively localized and temporary overall reductions in grazing-related influences within and outside the herd area, it is unlikely that horse reductions would have any functional effect on the current demographics of these BLM sensitive species.

Mitigation: None.

Finding on the Public Land Health Standard for Threatened & Endangered species: Horse management within and in proximity to the herd area has little effective influence on animals protected under the Endangered Species Act and likely exerts only peripheral or subtle indirect influences on BLM sensitive animal species (see discussion above). Considering its limited support of special status animal populations, the project area generally satisfies the land health standard. The proposed action, in and of itself, would provide for relatively short-term vegetation responses that cannot be expected to enhance attributes at scales that could effect measurable responses in special status species populations. However, reducing the intensity of growing season use by 40-50% on ranges co-occupied by big game and horses during the summer months would maintain and prevent further decline in the vigor and composition of herbaceous understories as forage and cover for resident big game, small game, and non-game animals—a result that complements continued meeting of the land health standard.

THREATENED AND ENDANGERED PLANTS: (This includes all information related to plants in Public Land Health Standard 4.)

Affected Environment: Limited inventories have been conducted for rare and endemic or rare and BLM sensitive species within the herd area. Many of these sensitive species in the region are endemic to the Green River geologic formation. This formation is limited to the Uintah Basin of Utah and the Piceance Basin/Roan Plateau of Colorado. Exposures of the Parachute Creek Member of the Green River Formation along Banta and Gilsonite Ridges (both outside the herd area) provide the habitat for five sensitive plant species. Two sensitive species (*Penstemon grahamii* (Graham beardtongue) and *Penstemon albifluvis* (White River

Penstemon)) are rare throughout their range of distribution in the White River resource area. The other three sensitive species (*Oreocarya rollinsii* (*Rollins cryptanth*), *Eriogonium ephedroides* (*Ephedra buckwheat*), and *Parthenium ligulatum* (*Ligulate feverfew*)) are rare in Colorado and are more common in the Uintah Basin of Utah. The following species could have suitable habitat in the WSA portion of the herd area: *Penstemon grahamii* (Graham beardtongue) and *Penstemon albifluvis* (White River Penstemon). Both of these have been found only on Raven Ridge (north of the herd area) in Colorado, and extend along the White River towards eastern Utah where the formation occurs. Some suitable habitat for both the penstemon species occurs along the White River in Colorado just west of Raven Ridge, but no reports of either species has been documented there. *Oreocarya rollinsii* (*Rollins cryptanth*), *Eriogonium ephedroides* (*Ephedra buckwheat*), and *Parthenium ligulatum* (*Ligulate feverfew*) occur on exposures of the Parachute Creek Member and have been found along the Utah state line to the west of the herd area. Potential habitat also occurs in the Green River formation adjacent to the herd area on Texas Mountain, Oil Spring Mountain, Gilsonite Hills, Rabbit Mountain, Park Mountain and perhaps in Lower Evacuation Creek.

Environmental Consequences of the Proposed Action: All of the rare and sensitive plant species described in the Affected Environment section are narrow endemics of the Green River Geologic formation. In general, the sites on which the plants are found provide little in the way of forage because the formation consists of barren shale and is not used much by wild horses. Removal of the wild horses would not result in substantial increases in the protection of these plant species.

Mitigation: Oil Spring Mountain Wilderness Study Area maintains a No Surface Occupancy Stipulation on all sites where rare/protected species could exist. Threatened, endangered and sensitive plant species found would be inventoried and monitored to determine their location and density. Populations determined to be impacted by management would be protected or avoided.

Finding on the Public Land Health Standard for Threatened & Endangered species: There is no reasonable likelihood that the proposed action or no action alternative would have an influence on the condition or function of Threatened, Endangered, or Sensitive plant species provided that the mitigation is followed. Thus there would be no effect on achieving the land health standard.

WASTES, HAZARDOUS OR SOLID

Affected Environment: Needles may be used for treatment of wild horses; however only by the contract veterinarian and by qualified BLM personnel. No liquid nitrogen will be stored or used at the temporary holding facility.

Environmental Consequences of the Proposed Action: Needles could present a hazard to public safety.

Mitigation: All needles will be disposed of by the contract veterinarian. The hazmat

coordinator will be notified in the case of any issues or concerns regarding the needles.

WATER QUALITY, SURFACE AND GROUND (includes a finding on Standard 5)

Affected Environment: The affected environment includes four watersheds; Douglas Creek, Evacuation Creek, Hells Hole, and Cottonwood Creek. Cottonwood Creek, Evacuation Creek and Douglas Creek watersheds were identified in the White River ROD/RMP as being fragile watersheds because a large amount of the soils present in these watersheds have characteristics of fragile soils (i.e. very high erosion potential, high salt content, slopes greater than 35%, and lack of vegetation cover that protects the watershed from overland flows). The “Status of Water Quality in Colorado – 2004” plus the 2006 update (CDPHE, 2006b) were reviewed for information related to the proposed recreation area. The herd area is situated entirely within the White River Drainage Basin. The following table (Table 1) shows the affected water quality stream segments, area impacted (in acres), as well as any special designations for each of the affected stream segments.

Table 1:

Stream Segment	River Basin	Acres Affected	Designated Beneficial Uses	Use Protected (Y/N)	303(d) listed?	M&E listed?	Impairment	Priority
22	White	40,328	Aquatic Life Warm 2, Recreation 1b, Agriculture	Y	Douglas Creek	Soldier Creek	Sediment	Low
23	White	21,888	Aquatic Life Cold 1, Recreation 1a, Water Supply, Agriculture	N	N/A	N/A	N/A	N/A

Stream segment 23 is defined as the mainstem of East and West Douglas Creek, including all tributaries, from their sources to their confluence. Stream segment 23 has not been classified as use protected. An intermediate level of water quality protection applies to waters that have not been designated outstanding waters or use-protected waters. For these waters, no degradation is allowed unless deemed appropriate following an antidegradation review.

Stream segment 22 is defined as all tributaries to the White River, including all wetlands, lakes and reservoirs, from a point immediately above the confluence with Douglas Creek to the Colorado/Utah border, except for specific listings in segment 23. Stream segment 22 has been designated as use protected. The antidegradation review requirements in the Antidegradation Rule are not applicable to waters designated use-protected. For those waters, only the protection specified in each reach will apply. Numeric standards for each stream segment can be found in Regulation No. 37 Classifications and Numeric Standards for Lower Colorado River Basin (CDPHE, 2004a).

Newly promulgated Colorado Regulations Nos. 93 and 94 (CDPHE, 2006c and 2006d, respectively) were also reviewed for information related to the proposed project area drainages. Regulation No. 93 is the State’s list of water-quality-limited segments requiring Total Maximum Daily Loads (TMDLs). The 2006 list of segments needing development of TMDLs includes two segments within the White River - segment 9b, White River tributaries North & South Forks to Piceance Creek, specifically the Flag Creek portion (for impairment from selenium with a low priority for TMDL development) and segment 22, tributaries to the White River, Douglas Creek

to the Colorado/Utah boarder, specifically West Evacuation Wash, and Douglas Creek (sediment impairments). Regulation 94 is the State's list of water bodies identified for monitoring and evaluation, to assess water quality and determine if a need for TMDLs exists. The list includes two White River segments that are potentially impaired – 9 (Flag Creek) and 22 (Soldier Creek). Neither Flag Creek nor Soldier Creek are located within the boundaries of the Herd area.

Douglas Creek Watershed: There are 271,504 acres in the Douglas Creek watershed, 240,796 acres are Federal lands and 79,368 acres are on Federal lands within the West Douglas Herd Area. Douglas Creek is tributary to the White River near Rangely, Colorado. The hydrologic setting of the Douglas Creek watershed ranges from relatively low lying, semi-arid lands yielding relatively little flow to steep, moderately high mountains that contribute major flows to Douglas Creek. There is very little flow or water quality data available for the tributaries to Douglas Creek. A USGS gauging station at the mouth of Douglas Creek collected instantaneous flows and periodic water quality data for the water years, 1977, 1978 and 1995. For the period of record, data indicates, this drainage to be an ephemeral stream, flowing in direct response to snow melt or rain. Spring runoff from the semi-arid lands, generally occurs from March through early May and, from the higher terrain, into early June. Documented instantaneous peak flows from summer storms are 3,250 cfs on July 24, 1977, and 541 cfs on July 14, 1995. The major pollutants that the Douglas Creek watershed contributes to the White River are high sediment and salinity loads. USGS measured a late summer rainstorm on October 6, 1994. The instantaneous sediment load at the discharge of 6.3 cfs was 15,800 mg/l or 270 tons per day with a specific conductance of 4,750 μ mhos. Douglas Creek was added to the states 303(d) list of impaired watersheds requiring TMDLs (sediment) effective April 30, 2006. Douglas Creek is also listed in the White River ROD/RMP as a fragile watershed because it has soils that are both highly erosive and moderately saline.

Evacuation Creek Watershed: Evacuation Creek watershed is 114,800 acres; of these acres 99,100 Federal lands; and of these; 24,700 acres are in the herd area. Within the herd area the tributaries to Evacuation Creek are Texas and Missouri Creeks, and Park Canyon. The hydrologic setting of the area ranges from relatively flat dissected basins to steep, barren side slopes in the upper reaches. Texas Creek is an ephemeral channel and is listed in the White River ROD/RMP as a fragile watershed. This listing is due to the highly erosive soils within the watershed and the fact that it contains soils that are moderately saline. Runoff from these semi-arid areas is generally from snowmelt; March through May and high intensity summer and late fall rainstorms. The White River ROD/RMP recommends using best management practices to help heal the watershed and reduce sediment and salinity loads. Instantaneous measurements of flow and water quality data are not available for these tributaries of Evacuation Creek.

Currently, there are two active soil stabilization plans within the Evacuation Creek watershed. The purposes of these activity plans are to reduce the present rate of soil erosion, control salinity transportation off-site, improve native plant cover, and aid the watershed's ability to retain precipitation.

As required by the Clean Water Act, the state of Utah has designated the White River from the Colorado-Utah state line to the confluence with the Green River as fully supporting of all of its beneficial use classifications. This segment beneficial use classification is: Recreation and

Aesthetics, 2B; and Aquatic Life Use Support, 3C. Four parameters have been listed on the Numeric Criteria for this reach. These parameters are: dissolved oxygen = 5.5 mg/l, pH = 6.5 - 9.0, maximum Fecal Coliform = 2000/100ml and maximum Total Coliform = 5000/100ml. For these parameters, a fully supporting rating indicated the criterion was not exceeded in more than 10% of the samples collected. Evacuation Creek in Utah has not been assessed at this time. Data that is available for this drainage indicates total dissolved solids entering the White River to exceed state standards in 18 of the 19 samples collected. The mean concentration was 3,041 mg/l.

Cottonwood Creek Watershed: There are 28,300 acres in the Cottonwood Creek watershed, 26,500 acres are Federal lands and 18,460 acres are Federal lands within the West Douglas Herd Area. Cottonwood Creek is an ephemeral drainage that is tributary to the White River downstream from Rangely Colorado. It is typical of a semi-arid setting, in that runoff comes during spring snowmelt and intense summer or late fall rainstorms and carries with it elevated sediment loads. A localized intense storm has the ability to erode upstream sediments deposited over a five to ten year period in just one event. Cottonwood Creek watershed is listed in the White River ROD/RMP as a fragile watershed because it is a low precipitation area with flashy intense runoff and soils that are highly erosive.

Hell's Hole Watershed: There are 7,486 total acres in the Hell's Hole watershed all of which are Federal lands; 831 acres are within the Herd area. The hydrologic setting of Hells Hole is similar to Cottonwood Creek and Hells Hole is in the same stream segment identified by the State.

Environmental Consequences of the Proposed Action: Because feral horses tend to remain in the same area year after year, watershed conditions in these sensitive watersheds are at an extreme risk of becoming even more degraded. Proper grazing practices within fragile watersheds are consequential in reducing erosion and sedimentation from both streambed and upland sources. Compliance and consistency with the state non-point source management plan, state water quality standards and the Clean Water Act (CWA) is mandatory. The CWA places responsibility for protection of water quality with the states and requires federal agency compliance. Improving the rangeland conditions and vegetation cover by reducing the amounts of vegetation grazed by horses and better distributing the animals, would have a positive affect on watershed stability and water quality.

Mitigation: None

Finding on the Public Land Health Standard for water quality: This standard states that water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado. Water Quality standards for surface and ground-waters include the designated beneficial uses, numeric criteria, narrative criteria and antidegradation requirements set forth under State law (5 CCR 1002-8) as required by Section 303(c) of the Clean Water Act. Indicators for achieving these standards are: appropriate populations of macroinvertebrates, vertebrates, and algae are present and surface and ground waters only contain substances (e.g. sediment, scum, floating debris, odor, heavy metal precipitates on channel substrate) attributable to humans within the amounts, concentrations or combinations as directed by the water quality

standards established by the State of Colorado (5 CCR 1002-8).

With the exception of Douglas Creek (listed on the states 303(d) list for sediment impairments) most of the affected watersheds within and just outside the herd area are identified as meeting land health standards. However, many of the upper tributaries are ephemeral in nature and do not meet standards during periods of peak flows. In addition, reducing horse numbers within the herd area may help to improve over time, portions of stream segment 22 (Douglas Creek) back to meeting standards.

WETLANDS AND RIPARIAN ZONES (includes a finding on Standard 2)

Affected Environment: The descriptions of riparian systems are organized by the same four watersheds as the above descriptions of water quality.

Douglas Creek Watershed: Within the Douglas Creek watershed, riparian systems occur on Main Douglas, West Douglas, and West Creeks. These riparian systems are located within relatively wide valley bottoms (200-600 yards). The upper terraces of these valleys are composed of sagebrush, greasewood, western wheatgrass and annual grasses and forbs. The riparian habitat is located within incised channels of these valley bottoms. Plant composition within the riparian zone is coyote willow, tamarisk, cattails, carex and juncus. The stream channels are confined by incised channel banks, have low stream gradients, meandering channel and have channel materials composed of silt clay bed materials. These streams are in proper functioning condition with an upward trend. These streams are dependant on coyote willow and carex/juncus plant communities for streambank stability. All of these streams have beaver which subsist even when the channel and their ponds are dry. Suitable habitat for willow growth is limited to the area between the incised channel banks, which limits forage and dam building materials for the beaver. Once willow stocks are depleted, beaver abandon these stretches of the stream to inhabit suitable habitat either upstream or downstream.

Under the current livestock management program, the majority of livestock use along West Douglas Creek is during the migrations between the winter and summer ranges. Grazing use of the riparian area is physically limited by the incised channels and beaver ponds which act as enclosures. Where livestock do have access to the stream channel, livestock use is localized and heavy. No adverse impacts to riparian habitats have been identified as a result of grazing use by wild horses. Horse use may be limited as a result of disturbance from vehicles using state highway 139, which runs along Main and West Douglas Creeks.

Livestock use on West Creek is similar to that described for West Douglas Creek.

Livestock use on Main Stem Douglas Creek is primarily during the winter and spring with a four year livestock management program requiring removal of livestock by May 15, May 31, April 1 and May 1, providing for total deferment of one year and partial deferment two of the four years. A group of wild horses has been using Main Douglas Creek in the vicinity of Vandamore Draw. The riparian area continues to develop and improve under these current uses and management.

Texas Creek Watershed: Texas Creek has no riparian vegetation nor is there any known opportunity for the development of a riparian system in this channel.

Cottonwood Creek Watershed: Cottonwood Creek has no riparian vegetation nor is there any known opportunity for the development of a riparian system in this channel. Cottonwood Creek is named for several cottonwoods growing within two miles of the confluence of the White River. The cottonwood habitat is the result of side hill springs which do not contribute to Cottonwood Creek.

Hell's Hole Watershed: Only the upper portion of this watershed is contained in the herd area, there is no perennial water, or any opportunity for development of a riparian system.

Larger, more persistent springs receive concentrated use by all large grazing animals on a seasonal or year-round basis. Heavy and persistent use has suppressed riparian development on some sites, degrading the downstream potential for riparian expression and suppressing vegetation-derived stability to the spring site and downstream channels and banks.

Environmental Consequences of the Proposed Action: Actual gather operations would have no impact on riparian or wetland sites as no traps will be placed in or adjacent to riparian areas. Removal of the horses within the HA is expected to promote more seasonality in subsequent grazing use patterns by horses, remove the confounding influence of long duration horse use, and allow livestock management prescriptions designed to enhance riparian and channel conditions to operate as intended. Grazing patterns of more seasonal, shorter duration and of reduced intensity would be more consistent with desired maintenance or improvement of these at-risk riparian and channel systems.

Horses contribute to the cumulative removal of herbaceous material from channel features and valley terraces. The horses presently exceed the prescribed 1997 RMP range within the HA and all horses outside the HA, either through prolonging the duration and/or intensity of grazing use, exacerbate grazing-related effects on riparian condition and function, including: 1) increasing the rate and absolute quantity of bank and floodplain vegetation removed, which impairs the systems ability to capture and retain sediment for channel development and restoration processes (this effect can involve extending concentrated use more deeply into the growing season or increasing dormant season use when there are no further opportunities for regrowth and reestablishment of effective stubble), 2) prolonging growing season use that depresses the vigor and density of channel vegetation and selects against those obligate herbaceous forms that yield optimum channel stability and erosion resistance, and 3) reducing plant vigor and density and reducing residual surface litter on valley terraces, which reduces moisture infiltration and alluvial storage that sustains and prolongs delivery to adjacent channels through the summer and fall months. Reducing the duration and intensity of grazing by wild horses along these valley terraces would increase foliar cover, surface litter, and stem/root mass densities, thereby enhancing moisture infiltration and directly increasing channel recharge and contributing incrementally to prolonged flow and vegetation expression in adjacent channels. Removal of horses outside the HA would eliminate the influence of horse use on riparian-bearing channels, but more importantly, eliminate the potential for the eventual development of grazing-related problems on these systems as horse populations increase. Implementation of the proposed action will have the

greatest benefit to maintain/improve riparian systems within the HA.

Mitigation: Enhance riparian development at springs by preventing access to the source and providing water outside of the riparian area.

Finding on the Standard for Public Land Health for Riparian Systems: Based on the impacts described for the proposed action the standard for public land health for riparian systems will be affected as described in the following table:

	CONDITION OF STREAM BY STREAM MILES			
	CURRENT SITUATION		PROPOSED ACTION	
	Functioning	Not Functioning	Functioning	Not Functioning
WEST DOUGLAS CREEK WATERSHED				
West Creek	1.2	0	1.2	0
West Douglas Ck	2	0	2	0
Main Douglas Ck	4.8	0	4.8	0
Totals	8	0	8	0

WILDERNESS:

Affected Environment: Oil Spring Mountain Wilderness Study Area (WSA), which straddles the southern boundary of the West Douglas Herd Area, is an undeveloped island surrounded by scattered oil and gas wells, roads and well pads. There are no other areas remaining in a natural state with similar landforms and ecosystems within the oil and gas development belt in this region of Western Colorado. Management of WSAs is directed by the BLM’s Interim Management Policy (IMP) which mandates management so as not to impair their suitability for preservation as wilderness. This language is derived from the Federal Land Policy and Management Act (FLPMA), and is referred to as the “non-impairment” mandate. The *Wilderness Study Report, Record of Decision, Craig District Study Areas* (BLM 1991) does not recommend that Oil Spring Mountain WSA become a designated wilderness because of pre-FLPMA oil and gas leases; however, the WSA will continue to be managed per the IMP until such time as Congress acts to either release the area to other multiple uses or designate it as wilderness. Public interest groups in Colorado have identified additional area with potential wilderness character within the herd area which includes additional acres adjacent to, and north of the WSA.

The values listed below are typically used to describe the wilderness character of a WSA. The Oil Spring Mountain WSA specific descriptions following each value are excerpts from the *Craig District Wilderness Study Report Record of Decision* (BLM 1991).

NATURALNESS: The Oil Spring Mountain WSA is predominantly natural in character with negligible human imprints. Only minor imprints of humans are scattered around the periphery of the WSA. Existing range improvements include five improved springs and seven stock ponds

which are screened by vegetation and topography. Eleven abandoned or plugged wells occur within the WSA and two shut-in gas wells in the western portion of the WSA, all of which are well screened by vegetation and topography and remain substantially unnoticeable within the area.

SOLITUDE: Topographic and vegetative screening within the WSA provides outstanding opportunities for visitors to experience solitude. The large blocked configuration of the WSA provides ample room for visitors to disperse and become isolated and segregated from others using the area. The relatively low use within the WSA also contributes to outstanding opportunities for solitude.

PRIMITIVE AND UNCONFINED RECREATION: The WSA contains outstanding opportunities for primitive and unconfined recreation. Big game hunting is the primary activity while others include hiking, backpacking, horseback riding and wildlife viewing. The rugged dissected topography and varying landforms are appealing for photography. The very diverse botanic communities within the WSA provide excellent opportunities for nature study. The WSA is accessible via dirt roads which nearly surround the WSA. The large blocked configuration allows for unconfined movement within the WSA. Low use of this WSA contributes to excellent primitive recreation experiences.

SPECIAL FEATURES/SUPPLEMENTAL VALUES: A portion of the WSA is identified as critical habitat (summer range) for mule deer. The diverse vegetation types also provide a variety of wildlife habitat and biological diversity. The WSA is an undeveloped island surrounded by oil and gas development. The area provides undisturbed habitat for flora and fauna displaced by human activities outside the WSA. A small natural arch and cave in the southwest portion of the WSA adds interest. Archeological sites also occur within the WSA. No other special features are known to occur in the Oil Spring Mountain WSA. It is of note that horses were identified in the original wilderness inventory conducted in 1979 and within the *Intensive Wilderness Inventory Analysis of Public Comment and Final Wilderness Study Areas*, within the WSA, yet this information was not carried through to the *Craig District Wilderness Study Report, Record of Decision* (BLM 1991).

Environmental Consequences of the Proposed Action:

NATURALNESS: No impact.

SOLITUDE: Periodic low flying helicopter gathers operations may occur over the WSA at regular intervals and this event could impact wilderness users by introducing the sight and sound of mechanized equipment which would disrupt the experience of solitude.

PRIMITIVE & UNCONFINED RECREATION: Wild horses may add to the primitive recreation experience as they add to the free and wild character of the landscape and their decrease in numbers in the WSA may decrease primitive and unconfined recreation opportunities such as wild horse viewing and photography.

SPECIAL FEATURES: By retaining some of the wild horses, a supplemental value to the WSA

will persist.

Mitigation: Avoid high-use public use periods such as fall big game hunting seasons and weekends when implementing wild horse gather and census operations.

CRITICAL ELEMENTS NOT PRESENT OR NOT AFFECTED:

No ACEC’s, flood plains, prime and unique farmlands, or Wild and Scenic Rivers exist within the area affected by the proposed action. There are also no Native American religious or environmental justice concerns associated with the proposed action.

NON-CRITICAL ELEMENTS

The following elements **must** be addressed due to the involvement of Standards for Public Land Health:

SOILS (includes a finding on Standard 1)

Affected Environment: The table below depicts the soils/soil associations by range sites and the acres of each type within the herd area. A detailed description of each of the soils can be found in the Order III, Soil Survey of Rio Blanco County Area Colorado, available at the BLM White River Field Office.

Soil Mapping Units found within the Herd Area with Soil Characteristics

Soil #	Soil Name	Slope	Range site	Salinity	Run Off	Erosion Potential	Bedrock	Acres in HA
74	Rentsac-Moyerson-rock outcrop complex	5-65%	PJ Woodlands/Clayey Slopes	<2	Medium	Moderate to very high	10-20	82414
53	Moyerson stony clay loam	15-65%	Clayey Slopes	2-4	Rapid	Very high	10-20	8438
91	Torriorthents-rock outcrop complex	15-90%	Stoney Foothills		Rapid	Very high	10-20	7910
10	Blazon, Moist-Rentsac complex	6-65%	Pinyon-Juniper woodland	2-4	Rapid	Moderate to very high	10-20	6732
41	Havre loam	0-4%	Foothill Swale	<4	Medium	Slight	>60	2307
104	Yamac Loam	2-15%	Rolling Loam	<2	Medium	Slight to moderate	>60	1861
64	Piceance fine sandy loam	5-15%	Rolling Loam	<2	Medium	Moderate to high	20-40	1853
61	Patent loam	3-8%	Rolling Loam	<2	Medium	Moderate	>60	1839
68	Rabbitex-Work loams	10-25%	PJ woodland/Deep Loam	<2	Medium	Moderate to high	40-60	1822
67	Rabbitex flaggy loam	10-65%	Pinyon-Juniper woodland	<2	Medium	Moderate to very high	40-60	1774
73	Rentsac channery	5-50%	Pinyon-Juniper	<2	Rapid	Moderate	10-20	1344

Soil #	Soil Name	Slope	Range site	Salinity	Run Off	Erosion Potential	Bedrock	Acres in HA
	loam		woodlands			to very high		
89	Tisworth fine sandy loam	0-5%	Alkaline Slopes	>4	Rapid	Moderate	>60	1215
90	Torrifluvents gullied	0-5%	None		Rapid	Very high	>60	1211
69	Razorba channery sandy loam	30-75%	Spruce-Fir woodland	<2	Medium	Very high	>60	1197
36	Glendive fine sandy loam	2-4%	Foothills Swale	2-4	Slow	Slight	>60	990
75	Rentsac-Piceance complex	2-30%	PJ woodland/Rolling Loam	<2	Medium	Moderate to high	10-20	778
9	Blakabin-Rhone-Waybe complex	5-50%	Brushy Loam/Brushy Loam/Dry Exposure	<2	Medium to rapid	Moderate to very high	>60	587
5	Badland	50-100%	None	--	Very rapid	Very high	0-10	512
94	Turley fine sandy loam	3-8%	Alkaline Slopes	2-4	Medium	Slight to moderate	>60	484
93	Turley fine sandy loam	0-3%	Alkaline Slopes	2-4	Medium	Slight	>60	463
70	Redcreek-Rentsac complex	5-30%	PJ woodlands/PJ woodlands	<2	Very high	Moderate to high	10-20	445
60	Patent loam	0-3%	Rolling Loam	<2	Medium	Slight	>60	292
78	Rock Outcrop	50-100%	None	--	Very high	Slight	0	194
96	Veatch channery loam	12-50%	Loamy Slopes	<2	Medium	Moderate to very high	20-40	160
19	Chipeta-Walknolls complex	5-15%	Clayey Saltdesert/Saltdesert breaks	8-16	Rapid	High	10-20	152
58	Parachute loam	25-75%	Brushy Loam	<2	Medium	Very high	20-40	152
76	Rhone loam	30-75%	Brushy Loam	<2	Medium	Very high	40-60	144
42	Irigul channery loam	5-50%	Loamy Slopes	<2	Medium to rapid	Very high	10-20	128
15	Castner channery loam	5-50%	Pinyon-Juniper woodlands	<2	Medium to rapid	Moderate to very high	10-20	124
3	Absher loam	0-3%	Alkaline Slopes	4-8	Medium	Moderate to high	>60	118
37	Glenton sandy loam	1-6%	Alkaline Slopes	<4	Slow	Moderate	>60	116
95	Uffens loam	0-5%	Alkaline Slopes	4-8	Slow	Moderate	>60	78
62	Patent loam	8-15%	Rolling Loam	<2	Medium	High	>60	60
43	Irigul-Parachute complex	12-45% 5-30%	Loamy Slopes/Mountain Loam	<2	Rapid	Slight to high	10-20	43

Soil #	Soil Name	Slope	Range site	Salinity	Run Off	Erosion Potential	Bedrock	Acres in HA
13	Bulkley channery silty clay loam	5-30%	Pinyon-Juniper woodlands	<2	Rapid	High	40-60	42
6	Barcus channery loamy sand	2-8%	Foothills Swale	<2	Slow	Moderate	>60	40
4	Absher loam	3-8%	Alkaline Slopes	4-8	Rapid	Moderate to very high	>60	31
101	Work loam	3-8%	Deep Loam	<2	Medium	Moderate	>60	27
54	Nagitsy-Irigul Channery loams	5-50%	Brushy Loam/Loamy Slopes	<2	Medium	Slight to very high	20-40	24
1	Abor Clay loam	5-30%	Clayey Foothills	<4	Rapid	High	20-40	20
33	Forelle loam	3-8%	Rolling Loam	<2	Medium	Moderate	>60	12
48	Kobar silty clay loam	3-8%	Deep Clay Loam	<2	Medium to rapid	Moderate	>60	7
98	Waybe-Vandamore Variant-rock outcrop complex	5-30%	Dry Exposure	<4	Rapid	Moderate to high	10-20	2
1	Abor clay loam	5-30%	Clayey Foothills	<4	Rapid	High	20-40	20
33	Forelle loam	3-8%	Rolling Loam	<2	Medium	Moderate	>60	12
48	Kobar silty clay loam	3-8%	Deep Clay Loam	<2	Medium to rapid	Moderate	>60	7
98	Waybe-Vandamore Variant-rock outcrop complex	5-30%	Dry Exposure	<4	Rapid	Moderate to high	10-20	2

Many of the soils within the herd area are considered to be fragile on slopes greater than 35 percent and have been mapped as Controlled Surface Use Stipulation 1 (CSU-1) in the White River ROD/RMP. CSU-1 states that surface disturbing activities will be allowed in these areas only after an engineered construction/reclamation plan is submitted by the operator and approved by the Field Manager. An exception may be granted by the Field Manager if an environmental analysis of the proposed action identifies that the scale of the operation would not result in any long term decrease in site productivity or increased erosion. A total of 52,570 acres are considered to be fragile or extremely saline on slopes exceeding 35 percent; of these; 51,782 acres are mapped as being fragile. Excessive slope steepness increases the erosion potential of soils because it increases the rate at which water will flow overland and transport soil particles. The USDA Soil Conservation Service publications state that slopes of 20 to 35 percent contribute to a severe erosion hazard.

Approximately 788 acres within the herd area are mapped as being highly saline as well as fragile. In addition, a substantial acreage of soils are slightly to strongly saline at the surface or in a near surface subhorizon. These soils generally support a sparse vegetation cover of low salt tolerant desert shrubs, grasses, and cryptogamic lichens. They formed in alluvium, colluvium, residuum, and reworked eolian deposits derived dominantly from shale and sandstone. Because they lack continual moisture, these soils are dry, causing salts to precipitate at the surface as soil moisture evaporates. Runoff from these areas transports salt in solution and sediment contains

undissolved salts that go rapidly into solution when they reach a major waterway

In addition, within the planning area, approximately 108,767 acres or 85% of the total acres consist of soils less than 20 inches deep. The majority of these soil surfaces generally have a high portion of fine materials with little organic matter. Characteristic of these soils is slow permeability, low available water capacity, steep slopes, and shallow depth to rock; making runoff rapid.

Soils susceptible to wind erosion cover approximately 10,300 acres. These soils have very fine sands and sandy loam and lack clay and organic matter. Permeability is usually rapid, available water capacity is moderate.

The soil types used to determine land health standard are listed in the table below with corresponding acreage of each soil type. These soils are primarily located in drainage bottoms where the horses tend to congregate.

Soils not meeting the Land Health Standard

SOIL NUMBER	SOIL NAME	RANGE SITE	SLOPE	ACRES IN HA
3	Absher loam	Alkaline Slopes	0-3%	118
6	Barcus channery loamy sand	Foothills Swale	2-8%	40
36	Glendive fine sandy loam	Foothills Swale	2-4%	990
37	Glenton sandy loam	Alkaline Slopes	1-6%	116
41	Havre loam	Foothill Swale	0-4%	2307
61	Patent loam	Rolling Loam	3-8%	1839
89	Tisworth fine sandy loam	Alkaline Slopes	0-5%	1212
90	Torrifluvents gullied	Alkaline Slopes	0-5%	1210
93	Turley fine sandy loam	Alkaline Slopes	0-3%	463
94	Turley fine sandy loam	Alkaline Slopes	3-8%	483
Total Acres				8778

Environmental Consequences of the Proposed Action: Season long grazing in fragile watersheds would cause soil compaction, reduce infiltration, and decrease watershed stability. Improving the rangeland conditions and vegetation cover by removing horses and thus removing some of the current grazing pressure would help to reduce this depletion of vegetation, and therefore have a positive affect on watershed stability and soil productivity. Direct and indirect impacts from gather activities would include but are not limited to, disturbance of vegetation and soil compaction at the trap sites. These impacts are expected to be short-term recovering to pre-horse removal conditions within three years.

Mitigation: No additional mitigation would be necessary.

Finding on the Public Land Health Standard for Upland Soils: This standard states: upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes. Adequate soils infiltration and permeability allows for the accumulation of soil moisture necessary for optimal plant growth and vigor, and minimizes surface runoff. Indicators of this standard are: expression of rills and soil pedestals is minimal, evidence of actively-eroding gullies (incised channels) is minimal, canopy and ground cover is

appropriate, with litter accumulating in place and is not sorted by normal overland water flow, there is appropriate organic matter in soil, there is diversity of plant species with a variety of root depth, upland swales have vegetation cover or density greater than that of adjacent uplands, and there are vigorous, desirable plants.

Most of the affected soils within the herd area currently are meeting standards for upland soil health. However, areas identified as being in early seral states which are dominated by undesirable plant species such as cheat grass (see Invasive, Non-Native Species and Vegetation portions of this document) do not meet standards. Portions of the herd area in early seral states have significantly reduced infiltration and permeability rates which can lead to increased hill slope soil erosion. Season-long grazing (prolonged use during the growing and dormant seasons) is a primary cause of soils not meeting the Land Health Standards. With implementation of the proposed action, herd reduction is expected to temporarily allow soils the opportunity to improve and work towards achieving the standards.

VEGETATION (includes a finding on Standard 3)

Affected Environment: The 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.

Vegetation Communities by Ecological Site and Acreage

ECOLOGICAL SITE/ RANGE SITE/ WOODLAND TYPE	PLANT COMMUNITY APPEARANCE	PREDOMINANT PLANT SPECIES IN PLANT COMMUNITY	ACRES WITHIN HERD AREA
Pinyon/Juniper	P/J Woodland	Pinyon, Juniper	43966 (36%)
Clayey Slopes	Hillside Bunchgrass/Salt Desert Shrub	Salina wildrye, Indian ricegrass, Sandberg bluegrass shadscale, sagebrush	40404 (32.7%)
Rock Outcrop	Barren	Very Scattered shrubs and grasses	16247 (13%)
Stony Foothills	Pinyon/Juniper	Pinyon, juniper, Indian ricegrass, beardless wheatgrass, prairie junegrass, low rabbitbrush	7822 (6%)
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	4604 (3.7%)
Foothills Swale	Grass Shrubland	Basin wildrye, western wheatgrass, Indian ricegrass, big sagebrush, rubber rabbitbrush	3117 (2.5%)
Alkaline Slopes	Sagebrush/grass	Greasewood, Big Sagebrush, western wheatgrass, sand dropseed	2221 (1.7%)
Mountain Loam/D-fir	Douglas-Fir Forest Stands	North and West facing steep slopes of predominately Douglas-Fir	1196 (.9%)
Torrifluvents	Nearly Barren	Sparse Desert Shrubs and annual grasses	1164 (.9%)
Brushy Loam	Mountain Shrub type	Utah serviceberry, snowberry, mountain brome, elk sedge	742 (.6%)

ECOLOGICAL SITE/ RANGE SITE/ WOODLAND TYPE	PLANT COMMUNITY APPEARANCE	PREDOMINANT PLANT SPECIES IN PLANT COMMUNITY	ACRES WITHIN HERD AREA
Deep Loam	Low Shrubs and Grass	Beardless wheatgrass, muttongrass, snowberry and sagebrush	756 (.6%)
Badlands	Barren	Low Desert Shrubs and grasses	506 (.4%)
Loamy Slopes	Sagebrush/grass Shrubland	Wyoming big sagebrush, Beardless wheatgrass, western wheatgrass and serviceberry	352 (.3%)
Dry Exposure	Grass Shrubland	Bluebunch wheatgrass, bottlebrush squirreltail, Colorado buckwheat, winterfat, Douglas rabbitbrush	149 (.1%)
Clay Salt Desert	Salt Desert Shrub	Douglas rabbitbrush, Indian ricegrass, Sandberg bluegrass shadscale, sagebrush	68 (.05%)
Salt Desert Breaks	Salt Desert Shrub	Indian ricegrass, galleta, needle and threadgrass, thickspike wheatgrass, Douglas rabbitbrush, shadscale	53 (.04%)
Clayey Foothills	Grass Shrubland	Western wheatgrass, green needlegrass, big sagebrush, dwarf rabbitbrush	20 (.02%)
Total			123,387

Within the Herd Area plant communities are classified by “range sites” or “non-range sites”. A range site is a distinctive kind of rangeland that differs from other kinds of rangeland in its ability to produce a characteristic natural plant community. A range site is the product of all the environmental factors responsible for its development. It is capable of supporting a native plant community typified by an association of species that differs from that of other range sites in the kind or proportion of species or in total production (National Range Handbook 1976). Range sites were classified by the present communities’ similarities to the climax communities. The following chart shows this classification:

RANGE CONDITION CLASS	PERCENTAGE OF PRESENT PLANT COMMUNITY THAT IS CLIMAX FOR THE RANGE SITE. (BASED ON WEIGHT)
Potential Natural Community (PNC)	76-100
Late Seral	51-75
Mid Seral	26-50
Early Seral	0-25

Listed below are the Ecological sites for the Herd area and Range Condition classification:

Potential Natural Community Condition Class:

ECOLOGICAL SITE	ACRES
Alkaline Slopes	97
Dry Exposure	149
Total	246

Late Seral Condition Class:

ECOLOGICAL SITE	ACRES
Alkaline Slopes	87

ECOLOGICAL SITE	ACRES
Brushy Loam	440
Clayey Foothills	20
Clayey Slopes	38,050
Deep Loam	729
Loamy Slopes	246
Rolling Loam	173
Total	39,74539,745

Mid-Seral Condition Class:

ECOLOGICAL SITE	ACRES
Alkaline Slopes	250
Brushy Loam	302
Clayey Salt Desert	68
Clayey Slopes	2,354
Deep Loam	27
Foothills Swale	972
Loamy Slopes	106
Rolling Loam	3,367
Salt Desert Breaks	53
Total	7,4997,499

Early Seral:

ECOLOGICAL SITE	ACRES
Alkaline Slopes	1,787
Foothills Swale	2,145
Rolling Loam	1,064
Total	4,996

Listed below are the non-range sites for the Herd area. Non-range sites are composed of forests, woodlands and non-graze able sites including badlands and rock outcrops. Non-range sites are generally not considered as range forage producing sites. The following tables list these sites and the acres associated:

Non-Range Sites:

NON-RANGE SITES	SUCCESSIONAL STAGE	ACRES
Torrifluvents	Not Classified	1,164
Pinyon/Juniper Woodlands	Late Seral	40,716
Douglas-fir-Spruce/Fir Forests	PNC	1,196
Pinyon/Juniper Chainings & Fires	Early	3,250
Badlands	Not Classified	506
Rock Outcrop	Not Classified	16,247
Stony Foothills (Pinyon/Juniper)	Late Seral	7,822
Total		70,90170,901

Summary: Within the West Douglas Herd area there are 52,488 acres (42%) identified as rangeland sites and 70,901 acres (58%) of non-rangeland sites. Of the rangeland sites **!The Formula Not In Table** acres (5%) are considered Potential Natural Community; **!The Formula Not In Table** acres (76%) are considered late-seral; **!The Formula Not In Table** acres (18%) are considered as mid-seral; and 4,996 acres (10%) are considered early-seral. Refer to Table 3-6

Environmental Consequences of the Proposed Action: Horses would be managed at 50 head of horses, which is approximately a 50% decrease in horse use. Wild horses are expected to continue to use their preferred ranges and maintain early seral vegetation conditions on approximately 1,000 acres within the West Texas and East Texas Pastures.

Impacts from gather activities would include disturbance of vegetation at trap sites. Vegetation is expected to recover from disturbance within three years.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial): Removal of horses down to 50 head would decrease grazing by approximately 50% on those sites preferred by horses. Within this area approximately 1,000 acres do not meet standards in terms of noxious weeds (cheatgrass) which is directly attributable to wild horse use. Because of the influence of cheatgrass and low precipitation these vegetation associations are not expected to develop and meet standards within a ten year timeframe.

Mitigation: Vegetation monitoring studies and evaluation of those studies would be used to determine acres meeting the standards for rangeland health. These studies would be used for; documenting carrying capacity, determining the need for range improvements and land treatments, modifying livestock periods of use by pasture, adjustments in livestock numbers.

WILDLIFE, AQUATIC (includes a finding on Standard 3)

Affected Environment: Although an important Colorado River cutthroat trout fishery exists in the adjacent East Douglas watershed, there are no perennial systems capable of sustaining a cutthroat fishery in the herd area. Perennial reaches of the West Douglas and mainstem Douglas channels are known only to support small numbers of speckled dace, an abundant and widely distributed nongame species. Beaver have intermittently colonized Douglas Creek, as well as a small portion of West Douglas Creek near Sand Draw. These beaver ponds and their lengthy backwaters are exploited by small, but well distributed breeding populations of mallard, green-winged teal, and spotted sandpiper.

Environmental Consequences of the Proposed Action: Those channel systems that support riparian or aquatic attributes within the herd area tend to remain unaffected by horse grazing due to passive constraints imposed by torturous and deep, vertically incised walls and extensive beaver ponding. The condition and function of these aquatic communities continues to improve under current herd influences and it is expected that the rate and direction of vegetation/channel improvements would not be altered appreciably with reduced numbers of horses.

Mitigation: None.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Vegetation and Wildlife, Aquatic): The aquatic communities associated with the herd area

currently meet the land health standard and have consistently displayed long-term improving trends. The proposed action is not expected to have any appreciable influence on aquatic habitat condition or trends and would not detract from continued meeting of the standard.

WILDLIFE, TERRESTRIAL (includes a finding on Standard 3)

Affected Environment: Wildlife inhabiting the West Douglas herd area, and upon which management emphasis is placed, includes big game (mule deer and elk), blue grouse, and nongame species (e.g. raptors.)

Big Game: Horse distribution in this Resource Area is coincident with the seasonal ranges of both mule deer and elk. The current herd area encompasses about 30% of the general winter range and 3% of the summer range (critical habitat) available to deer, and about 10% the summer range (critical habitat), 8% of the severe winter range, and about 39% of the remaining winter range extent available to elk in Game Management Unit (GMU) 21. Critical habitat is a designation conveyed to seasonal habitats that, within a given big game herd area (Data Analysis Unit - DAU), are most limited in supply or are of inordinate value; the loss or deterioration of which would adversely affect the species.

Game Management Unit 21 (within which the herd area lies) is managed by Colorado Division of Wildlife (CDOW) as a trophy unit for mule deer. Population management is geared to improving herd structure and numbers. Approximately 60% of the DAUs deer population winters at lower elevations in the Douglas, Missouri, and Evacuation Creek drainages in mature pinyon and juniper woodlands interspersed with sagebrush and/or deciduous browse shrublands. Suitable summer habitat in the herd area is confined to higher elevation Douglas-fir and mixed shrub associations on Oil Spring, Texas, and Rabbit Mountains.

Deer population objectives remain consistent with those authorized in the RMP in 1997 for the Douglas planning unit (i.e., about 9,385 on BLM surface). CDOW estimates that wintering deer populations are about 50% below objective levels in GMU 21, which translates to a desired increase of about 4700 deer on Public Lands within the Game Management Unit. At present, it is estimated that about 100 deer summer in the Oil Spring/Texas Mountain area and an average 1600 deer winter on ranges within the herd area.

Elk populations in GMU 21 are considerably higher than Colorado Division of Wildlife's (CDOW) long-term population objective (2-3 times higher). CDOW is currently reevaluating their plans for managing elk in Data Analysis Unit (DAU) E-10, which includes the Piceance (Game Management Unit (GMU) 22) and Douglas (GMU 21) basins. However, it is likely that CDOW will continue to manage for reduced numbers of elk in an effort to reach the established population objective. Population density varies by season with fewer elk occupying the herd area during the core winter months (about 100 from late November through February) and larger numbers supported spring and fall (about 160-200 animals). Critical summer range habitat for elk is similar in distribution to that of mule deer. Oil Spring and Texas Mountains provide suitable summer habitat for elk, but relatively few animals (about 50) summer in the herd area.

In reviewing and mediating grazing management concerns in the Twin Buttes allotment (report dated March 1998), the Colorado Department of Agriculture Section 8 team found that numbers of deer and elk at that time were having little apparent effect on the allotment's vegetation resources or the livestock operation. However, the team cautioned that if Game Management Unit 21's elk populations continued to expand concurrent with increased deer abundance, excessive forage use would be of concern. Deer populations have remained relatively constant in GMU 21 since 1998 ($\pm 8\%$), whereas elk have increased in annual increments approaching 3%. Overall, increased big game forage use attributable to elk (about 350 AUMs) has been generally compensated by the current paucity of deer. Within the herd area, it is estimated that deer and elk consume an equivalent of 800 AUMs during the spring and summer and about 1800 AUMs during the dormant season—some 1650 AUMs below calculated forage use at objective levels. Achieving deer population objectives would add nearly 2000 AUMs of use to the herd area. CDOW is attempting to install innovative and aggressive methods to reduce elk populations in GMU 21 with the 2004 season.

Spring and fall elk numbers have increased such that localized forage/riparian conflicts with livestock have begun to occur (e.g., early spring use of bottoms in close proximity to steep conifer slopes, and on upland spring sites). Sources of free water are limited within the herd area. Larger, more persistent springs receive concentrated use by all large grazing animals on a seasonal or year-round basis.

The mid to late winter/early spring period (December to early May) presents the greatest nutritional challenge for deer, in part, because the quantity and accessibility of forage is constrained by snow accumulations and the nutritional properties of available forage is low. Adequate forage volume and quality are essential for avoiding excessive and irreversible weight loss that results in excessive winter mortality and inadequate fetal development. During most winters, snow cover limits the effective foraging area available to deer. Under heavy snow conditions and under normal circumstances by February, deer are often relegated to south facing slopes on late winter ranges which offer moderated daytime temperatures and snow depth. Although forage volume is small, south-facing slopes promote early herbaceous emergence and minimal constraint in accessing forage.

In March, April, and May deer seek and make increasing use of emerging herbaceous forage (up to 40% grasses) particularly in bottomland and valley situations. Early spring (April-May) forage supplies and availability are essential for increasing the physical condition of deer recuperating from winter deficiencies in preparation for spring movements, accelerated fetal growth and development, and subsequent lactation. Similarly, summer diets (June-August) involve 60-90% herbaceous forage, primarily nutrient-rich forbs.

As forbs progress toward dormancy with the onset of warmer and drier summer conditions, their nutritional value declines, and management that prolongs the availability of succulent, high quality forage is of great advantage (e.g., riparian and mesic channels/valleys). As sites producing fresh herbaceous material decline through late fall, browse begins to assume a dominant and nutritionally superior dietary fraction. Throughout this period (August through December), deer must assimilate nutrients and energy in excess of need, thereby allowing for the production and storage of fat and protein reserves in preparation for winter. Nutritional

assimilation is strongly enhanced by a diverse diet, regardless of season.

Although elk in GMU 21 are thought to rely principally on herbaceous forage throughout the year, seasonal patterns of forage use and nutritional need are similar to deer.

Blue grouse: The herd area encompasses a peninsula of higher elevation habitats extending north from the Douglas-Baxter Pass divide that support year-long blue grouse occupation (i.e., West Creek pasture and higher elevations of the East and West Texas Creek pastures). This range comprises about 14% of the potential blue grouse habitat available in Game Management Unit (GMU) 21. Grouse winter habitat and year-round distribution centers on the 1200 acres of mixed spruce and fir forest on Texas and Oil Spring Mountains. Habitats that support nesting, brood-rearing, and general summer and fall distribution are confined to about 2380 acres of surrounding mixed shrub and higher elevation (above 7200') sagebrush habitats (about 7% of those available in GMU 21).

After the first snows, blue grouse distribution is strongly associated with mature arboreal cover in spruce, fir, and pine; and diets consist primarily of conifer needles. Optimal nest and brood habitat consists of open mixed shrub stands with a conformation that provides effective horizontal and vertical concealment. Well developed herbaceous understory vegetation complements horizontal nest concealment and improves microclimatic (e.g. temperature, humidity, wind) conditions at the nest site. Both nest success and the survival of young broods is enhanced by well developed herbaceous understories beneath and among shrub canopies. Upland parks and adjacent drainage systems and spring sites produce persistent broadleaf herbage and insects favored and nutritionally required by hens and broods from April through August.

Collective use of herbaceous growth by livestock, horses, and big game on grouse nest and brood ranges affects the availability and utility of herbaceous plants used directly as forage, or as substrate for invertebrate prey, and the efficacy of herbaceous cover (i.e. grasses and forbs) as cover and concealment during the nesting and early-brood rearing period. Both early herbaceous growth (April-June) and residual stubble that persists from the previous growing season are thought to be important determinants in nest success and brood survival. Heavy grazing use typically prompts retreat of broods to more moderately utilized ranges, if available (i.e., concentrating birds and reducing the extent of suitable habitat).

Overall, herbaceous ground cover in potential grouse nest and brood habitats range in the vicinity of Texas and Oil Spring Mountains is ineffective as supplemental cover in terms of residual height and horizontal ground cover. In those areas with persistent spring through fall grazing by elk and horses, little interstitial (i.e., between shrub crowns) ground cover remains on bench, ridgeline, and basin habitats through the summer brood period and into the following nesting season. In particular, with water developed for seasonal livestock use, the woodland chainings on the east side of Texas Mountain have assumed heavy and persistent growing and dormant season use by horses. Although growing season use by horses and elk likely plays an influential role in preventing improvements in herbaceous expression, BLM believes the local condition may be related principally to advancing age and decadence within these shrub stands.

Raptors and Non-game Wildlife: Raptor nesting activities are dispersed throughout the project area. Nesting records are heavily skewed toward the more conspicuous cliff-nesting species. Golden eagles and red-tailed hawks nest predominantly on cliff faces found throughout this region. Systematic or extensive inventory for the less obvious, but probably more common woodland nesting species, including Cooper's and sharp-shinned hawks, northern pygmy, saw-whet, and long-eared owls, is lacking and few nests have been recorded relative to the extent of available habitat. Relatively small and dispersed forest tracts of spruce-fir and aspen can support inordinately high number of breeding woodland raptors. Nesting records for potentially affected hawks, eagles, and owls indicate that nest attempts (initiated as early as March) are largely (85%) complete and young fledged by early August.

The maintenance of raptor populations is largely dependent on its small mammal and bird prey base. Nongame animal populations are relied upon to provide sufficiently abundant and diverse prey to satisfy the requirements of these predators. Under any given circumstance, nongame populations are typically more diverse and abundant when the habitat's herbaceous component, as substrate for cover or forage, is better expressed in terms of height, ground cover, and compositional and structural diversity. Conversely, progressive declines in the density and height of herbaceous ground cover normally detract from the abundance and richness of nongame bird and small mammal communities.

The non-game bird community throughout the herd area's uplands is considered representative and complete with no obvious deficiencies in composition. Over 200 species of nongame birds have been recorded in habitats widely represented within the West Douglas herd area (e.g., pinyon-juniper, mountain shrub, sagebrush). Species associated with riparian/wetland and spruce/fir forest communities are confined to limited acreage in mainstem and West Douglas Creek (forming the eastern boundary of the herd area) and the tops of Texas and Oil Spring Mountains, respectively.

Small mammal populations are poorly documented; however, the 20 or so species that are likely to occur in the herd 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 herd area.

Environmental Consequences of the Proposed Action: Big game: Gather operations would be conducted in the late summer through fall months and are not expected to interfere with any important seasonal use functions (e.g., post-partum/lactation, severe winter range).

The proposed action is comparable to analyses made in the West Douglas Herd Area Amendment to the White River Resource Management Plan (Environmental Assessment CO-WRFO-05-083-EA, April 2005). The current proposal to reduce the herd area's horse population to 50 head would be similar in short term effect to the average horse population associated with the upper half of the AML range presented in Alternative B of the above-referenced Amendment (average 44 head, range 29-60). The following effects assessment is considered reasonably equivalent to that developed for Alternative B of the 2005 Amendment.

Summer Use: Near term removal of 89 horses within the West Douglas herd area (65% reduction in total horse numbers) would reduce collective ungulate summer grazing use on the Oil Spring/Texas Mountain complex by about half across 3 and 10 percent of the deer and elk summer habitats available in Game Management Unit (GMU) 21, respectively. It would also reduce collective ungulate grazing intensity by about 5% across nearly 10% of both the general deer winter ranges and elk severe winter ranges within the GMU.

Big game summer use and fawning and calve-rearing habitats in the Oil Spring/Texas Mountain area are tied to the availability of a limited number of upland waters. Considering the attraction of water for all summer/fall grazers, about 6,000 acres of bottomland and mixed-shrub habitats within two miles of water are subjected to persistent growing season use. Accelerated declines in the availability of preferred herbaceous forage through concentrated grazing use or failure to accumulate sufficient herbaceous litter to prolong the retention of soil moisture reduces the prospects of deer or elk maintaining favorable nutritional status through the fawn or calf-rearing period. Under prevailing levels of big game, livestock, and horse use, understory character (i.e., density, vigor, and composition of native perennial herbaceous vegetation) in preferred horse use areas remains static or continues to regress, implying that collective ungulate use during the growing season is currently more intensive or persistent than thresholds that would allow for recovery and/or improvement of understory conditions.

The proposed gather would temporarily reduce cumulative ungulate use in the Oil Spring/Texas Mountain area during June, July, and August by up to 50%. This short term reduction in grazing intensity would provide for increased herbaceous expression on about 3,700 bottomland and shrubland acres preferred by horses during the summer, but continued season-long regimens would not be expected to prompt any meaningful community-level advances in plant density, ground cover, or herbaceous composition, particularly on the estimated 1,600 acres of early seral habitats in the East and West Texas and West Creek pastures. Under this grazing regimen, the vigor and seed production of native herbs would be expected to remain static, thereby temporarily deferring progressive adverse shifts in herbaceous composition (i.e., replacement of cool season grasses and broadleaf forbs important to elk and deer during the spring, summer, and fall with annuals and warm season perennials).

Static trends or diminutive gains in herbaceous forage conditions on big game critical summer habitats would fail to contribute to the timely improvement of forage properties considered paramount in elevating the nutritional status and enhancing the reproductive performance of GMU 21's mule deer populations. Horse-induced displacement of big game from critical summer habitats would continue to contribute incrementally to continued declines in the utility (i.e., effective extent) of critical deer habitat and would not lend substantively to efforts by the

Colorado Division of Wildlife to stem or reverse the decline in the State's mule deer populations.

Winter Use: Horse reductions would reduce cumulative ungulate grazing loads on big game winter ranges in the herd area by no more than 2% (i.e., 5% reduction in collective grazing use on about 30% of big game winter range in herd area), although localized effects would be more pronounced in preferred bottomland sites in the East and West Texas pastures and on elk severe winter ranges where about 80-90 AUMs of horse use during June, July, and August would be removed.

Continued season-long grazing regimens on the Texas and Oil Spring Mountain complex at 50-60% of current levels (i.e., next 2 years) would not be expected to allow for substantive reductions in the duration of spring livestock use on big game winter ranges at lower elevations in the herd area. Indirect improvements to herbaceous forage conditions on these winter ranges would likely be unremarkable and functionally indistinguishable from present conditions.

Blue grouse: Gather activities would be asynchronous with and would have no effective influence on the reproductive or wintering functions of blue grouse.

Horses make year-round use of the open mountain shrub and sagebrush communities which comprise general summer, nesting, and/or brood-rearing habitats for blue grouse in the Oil Spring/Texas Mountain area. A recurring issue identified on each pasture during the latest livestock grazing evaluation is the need to improve litter accumulation and increase the native component in understory composition. From the wildlife perspective, this issue indicates strong reductions in residual ground cover during the dormant season and/or late in the growing season, as well as persistent growing season use that suppresses plant vigor and competitiveness. Cumulative cover height reductions through July, particularly near water, are sufficient to substantially reduce the utility of grouse brood and nest ranges. Alterations in the composition of herbaceous communities also involve increased expression of annual (cheatgrass, mustards), introduced (Kentucky bluegrass), or grazing tolerant (grama) species which fail to offer comparable persistence, structure, or production as substrate for invertebrate prey and/or supplemental cover for reproductive functions.

Temporary reductions in horse populations would be expected to reduce cumulative ungulate use during the late nest and brood period by about 40-50% in the short term (i.e., next 2 years). Although this action would reduce the rate and ultimate level of herbaceous cover decline on 2,400 acres of blue grouse nest and brood habitats in the herd area, continued season-long grazing regimens applied to these reproductive habitats are expected to be capable of only maintaining current understory characteristics such that little functional improvement in herbaceous plant vigor, ground cover density, or understory composition would be expected. It is likely that the utility of grouse brood or nest habitat in the herd area would remain static.

Non-Game Wildlife: Gather activities would be asynchronous with and would have no effective direct influence on the reproductive functions of non-game wildlife.

The abundance and distribution of nongame bird and mammal populations would be expected to remain static under this alternative. Although temporary reductions in grazing use intensity (i.e.,

40-50% over next 2 years) attributable to horse reductions would be expected to enhance ground cover expression (e.g., residual volume) on approximately 6,000 acres of bottomland and mixed-shrub habitats within 2 miles of water that receive concentrated ungulate use, this change is not considered sufficiently prolonged or dramatic enough to elicit functional improvements in ground cover density, community composition, or the accumulation of residual ground cover.

Reduced upland use attributable to horse removal would have little influence on riparian conditions in mainstem and West Douglas Creek or West Creek channels. Long-term improvements in channel and floodplain character that have favored expansion and improved continuity of woody and herbaceous riparian habitats for those birds (e.g., see migratory bird section) and mammals (e.g., bats, montane and long-tailed vole) associated with well developed riparian habitats would continue.

Mitigation: Surveys for raptor nesting activity will be conducted by WRFO staff on those trap sites proposed for use or development prior to August 15. In the event an active raptor nest is found in the vicinity of trapping operations, these sites will be afforded a buffer adequate to effectively isolate nesting activity from disruptions generated from horse trapping operations.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Vegetation and Wildlife, Aquatic): On a landscape scale, the herd area and its encompassing watersheds generally meet the land health standard in providing for viable native animal communities commensurate with habitat potential. Particularly on those higher elevation ranges associated with the Oil Spring/Texas Mountain complex, the proposed action would provide important temporary relief of grazing-related influences attributable to horse populations well in excess of authorized use (i.e., current population of 139+ versus 0-50 authorized). Although the proposed action cannot be expected to prompt any long-term vegetation improvements in locales that have been subjected to persistent growing season use, this action would be consistent with maintaining the current status in meeting the land health standard. There are no indications that current conditions are jeopardizing the viability of any regional wildlife population for the foreseeable future.

OTHER NON-CRITICAL ELEMENTS: For the following elements, only those brought forward for analysis will be addressed further.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Access and Transportation		X	
Cadastral Survey	X		
Fire Management			X
Forest Management		X	
Geology and Minerals	X		
Hydrology/Water Rights			X
Law Enforcement		X	

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Noise			X
Paleontology			X
Rangeland Management			X
Realty Authorizations		X	
Recreation			X
Visual Resources		X	
Wild Horses			X

FIRE MANAGEMENT

Affected Environment: In September, 2003, the Texas Mountain prescribed burn was completed for wildland fuels management within the herd area. The prescribed burn treated 1,230 acres within the herd area. Since the completion of this project undesired invasive annuals including cheatgrass have established on the site and appear to be increasing. This is of concern in the post fire environment due to the increased flammability and fire return interval for cheatgrass. Pretreatment the project area did have cheatgrass, however the species was a minor component of the plant community. Since the completion of the prescribed burn a resident horse herd of unknown size has utilized the burn area all four seasons of the year. The early seral perennial vegetation has been directly impacted by continued year round grazing to a threshold where aggressive annuals may dominate the site without some deferment of grazing within the burn area. Cattle grazing has been deferred from the burn area from the time of the burn through 2005 to allow re-establishment of early seral perennial vegetation. This would indicate a correlation between horse utilization and undesirable species composition within the burn area. Preliminary monitoring results from May 16, 2006 indicate moderate to severe utilization of grasses on the monitoring plot site. There was also little residual plant biomass from the previous year (2005) which was an abnormally wet year for the area.

From a fire ecology perspective, increased cheatgrass dominance within a plant community leads to a disruption in the natural fire cycle by increasing the fine fuel loading and fuel bed continuity. This results in an increased fire return interval which leads to larger uncharacteristically intense fires that further degrade native plant communities.

Environmental Consequences of the Proposed Action: Removal of horses that are present in the herd area will aid in maintaining the ecological stability of native plant communities. Plant communities will be less susceptible to weed invasion, including increased dominance of cheatgrass. This will decrease the potential to change the fire regime of the affected native plant communities from infrequent fire return intervals (≥ 100 years) to more frequent ≤ 10 year fire cycles which inhibit native plant growth and establishment and favor short lived, flashy annuals which result in uncharacteristically large and difficult to control fires.

Mitigation: None.

HYDROLOGY AND WATER RIGHTS:

Affected Environment: Spring inventories were completed in 1985, 1986 and 1987 for all of White River Resource Area to identify springs that could have water rights filed on them. Table 2 below shows the findings of this inventory. Identified are sixteen springs that are located within the West Douglas Herd Area. The State of Colorado water courts do not except water filings on seasonal water sources so they do not have water rights filed on them. Twelve of the sixteen springs are in the Evacuation Creek watershed, while the other four are in the Douglas Creek watershed. There are no springs on record in the upper tributaries of Cottonwood Creek or Hells Hole. In addition, the specific conductances (SC) of twelve of these sources have values greater than 5,000 micromhos indicating high levels of salinity. Levels this high make them less desirable as water sources.

Table 2:

SPRING NAME	QR	SEC#	LOCATION	WATER RIGHT	SC	PH	Q IN GPM	COMMENT S	WATERSHED
155-01	NWSW	10	T1S R102W	85CW439	9790	8	0.79	Perennial	West Douglas
176-03	SENE	20	T3S 102W	--	6321	7.6	0.2	Seasonal	Evacuation Ck
Wild Rose	NWSE	20	T3S 102W	W1547	8280	7.9	2	Perennial	Evacuation Ck
Big Cedar	SENE	29	T3S R102W	W1546	10315	7.7	30	Perennial	Evacuation Ck
176-06	NESE	29	T3S R102W	85CW391	12574	8	7.5	Perennial	Evacuation Ck
176-20	NWSE	29	T3S R102W	85CW391	2838	8.6	6.7	Perennial	Evacuation Ck
Wild Horse	NWSE	11	T3S R103W	W0467	1317	8.2	0.8	Seasonal	Evacuation Ck
Shale	SWNW	12	T4S R103W	W0467	4629	6.5	0.3	Seasonal	Evacuation Ck
180-03	SWNE	16	T4S R102W	--	12602	8	0.5	Seasonal	Evacuation Ck
180-20	NESE	18	T4S R102W	--	8172	8.1	1.6	Seasonal	Evacuation Ck
180-24	SENE	18	T4S R102W	--	1414	10.9	1.1	Seasonal	Evacuation Ck
181-01	SWNE	32	T3S R102W	--	13930	8.2	0.1	Seasonal	Evacuation Ck
181-21	NENE	8	T4S R102W	--	8588	8.2	0.5	Seasonal	West Douglas
181-31	NWNE	17	T4S R102W	85CW355	5278	8.3	0.1	Perennial	West Douglas
Oak Spg No 1	NWSE	17	T4S R102W	W1553	5170	8.8	2.9	Seasonal	West Douglas
181-34	SWNW	32	T3S R102W	--	13298	7.5	0.4	Seasonal	Evacuation Ck

Environmental Consequences of the Proposed Action: When the numbers of horses within and outside a herd area are not controlled negative impacts such as trampling, removal of vegetation to bare ground and eventually head cutting will occur. By removing horses as in the proposed action, one would expect water sources experiencing these impacts to improve. Removal of horses and limiting the number of horses on the range, would aid in relieving pressures on the existing water sources.

Mitigation: Refer to the Wetland Riparian section for recommended mitigation.

PALEONTOLOGY

Affected Environment: The proposed horse gather area is located in an area that is primarily mapped as the Mesa Verde Group which the BLM has classified as a Condition I area, meaning it is known to produce scientifically important fossil resources. Other formations in the area are the Wasatch, a Condition I formation and the Douglas Creek member of the Green River which is classified by the BLM as a Condition II formation.

Environmental Consequences of the Proposed Action: Reducing herd numbers to the prescribed RMP range will reduce the potential impacts to fossil resources from trampling on horizontal surfaces associated with trailing, concentration in areas of thermal cover/shade and water. Potential impacts from rubbing on exposed fossils on vertical surfaces would also be reduced by reducing herd numbers to the upper end of the prescribed RMP range.

Fossils could be impacted by gather operations if trap sites and associated wing fences or holding facilities are located in known and reported fossil localities.

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

RANGELAND MANAGEMENT:

Affected Environment: The descriptions for grazing management are organized by the two allotments within the planning area: Twin Buttes and Bull Draw. Twin Buttes allotment contains a total of 158,520 acres of which 113,825 acres are within the West Douglas herd area. Bull Draw allotment contains 9,564 acres and is entirely within the herd area.

BULL DRAW ALLOTMENT: The Bull Draw allotment is used in conjunction with the East Douglas Creek Allotment. This allotment contains 9,526 acres of public land and 38 acres of private land that are not controlled by the permittee. The permitted use for the Bull Draw allotment is 187 AUMs. The grazing schedule for the Bull Draw allotment is 43 cattle during the period November 16, to March 30.

TWIN BUTTES ALLOTMENT: The Twin Buttes Allotment contains 158,520 acres of public land and 17,540 acres of private land and is operated as an in-common allotment with two grazing permittees: James Steele and the Twin Buttes Ranch Company. James Steele runs 59 cattle during the period of November 1 to May 30 on the Twin Buttes allotment. The Twin Buttes Ranch Company runs 1157 cattle and is reliant on the public lands throughout the year. The Twin Buttes Ranch Co. manages livestock under an Allotment Management Plan completed in 1984, with a major revision completed in 1999. Twin Buttes Ranch Company is a cow/calf operation that also maintains a registered Hereford herd.

In general, the northern part of the allotment (which is the West Douglas Herd Area) is lower in elevation with a milder climate and precipitation averaging about 10-12 inches per year. These lower elevations are used during the winter and spring. The middle elevations centered around Texas Mountain have a wide variance in elevation and vegetation associations. This area is used during the fall, winter, and spring. The southern part of the allotment has the highest elevations (8000 feet) with precipitation ranging from 15-20 inches/year. This area is used during the summer and fall.

Within the Texas Creek pasture there are approximately 1,150 acres of pinyon/juniper forage manipulations completed in the 1960's and 1980's to augment spring and fall livestock forage on the allotment. These chainings currently produce approximately 144 AUMs of forage. As horse distribution shifted to the south these manipulations became their preferred habitat during the fall, winter and spring months. The 2005 census recorded 32 horses located on the chainings, a figure that equates to 320 AUMs, based on an eight month use period. Because of the limited forage there is competition among horses, wildlife, and livestock during the spring period, which results in decreased livestock management flexibility and shifts grazing use to other areas.

The inability of Twin Buttes Ranch to make use of the Texas Mountain area places an additional burden on the other pastures, and Twin Buttes Ranch has significantly decrease its grazing use of the area to account for wild horse use. Livestock use that coincides with the wild horses' preferred habitat in the Texas Mountain area during the spring period is necessary for the current Allotment Management Plan to function, which was based on the premise that BLM would follow the land use plans and removal all the wild horses. Implementation of the Twin Buttes Ranch's AMP would allow the opportunity for forage species to meet physiological requirements for growth, reproduction and carbohydrate storage.

The table below identifies the Permitted use by pasture for the Twin Buttes Allotment:

Twin Buttes Allotment Permitted Use by Pasture (Both Operators)

PASTURE	ACTIVE AUMS	SUSPENDED AUMS	TOTAL AUMS
Cottonwood	1340	1130	2470
Lower Horse Draw	680	0	680
Water Canyon	3360	0	3360
Park Canyon	96	0	96
Texas Creek**	3550	57	3607
Red Rock*	140	0	140
West Douglas*	1095	0	1095
West Creek**	1289	0	1289
Total	11550	1187	12737

* Pasture not within Herd Area.

** Part of pasture not within Herd Area

The grazing program for the Twin Buttes allotment is described in the Allotment Management Plan completed in 1999. This activity plan is based on the current Land Use Plan decision which calls for the removal of horses by 2007.

The following description is directly from the Twin Buttes Allotment Management Plan. Four units within the grazing management area have been identified within the lower winter and spring ranges. These units are Lower Cottonwood, Lower Big Horse, Lower Douglas Creek and Lower Texas Creek. Livestock would be spread across the whole of the winter range from approximately November 1 to March 31. This will allow for livestock to use the rims and south

slopes through the winter periods. On the Cottonwood Grazing Management (Unit #1), over a four year period, livestock would be cleared out by April 1, May 1, May 7, and May 31. On the remaining area of Cottonwood pasture, livestock would be progressively moved off the pasture ending May 31. On the Lower Horse Draw Grazing Management (Unit #2), over a four year period livestock would be cleared out by May 31, April 1, May 1, and May 15 (bottom areas cleared by May 7). On the Lower Douglas Grazing Management (Unit #3), over a four year period livestock would be cleared by May 15, May 31, April 1, and May 1. On the remaining Water Canyon pasture livestock would be progressively moved off the pasture ending May 31. On the W1/2 Texas Creek Grazing Management (Unit #4), over a four year period livestock would be cleared by May 1, May 15, May 31 and April 1. On the remaining area of W1/2 Texas Creek pasture livestock would be progressively moved off the pasture ending May 31.

The summer use period is June 5 to November 1 using the Red Rock, West Douglas and West Cr. Pastures (outside this planning area). Livestock are split, with half of the herd using the Red Rock and West Douglas pastures, and the remainder using the West Creek pasture. Cattle are rotated around each grazing area for two years and then the rotation would be reversed. Shown in the table below is the grazing schedule for this grazing program.

Twin Buttes Grazing Schedules

PASTURE	GRAZING USE PERIOD
Cottonwood	March 1 to April 1 March 1 to May 1 March 1 to May 20 March 1 to May 20
Lower Horse Draw	March 1 to May 20 March 1 to April 1 March 1 to May 1 March 1 to May 20
Water Canyon	March 1 to May 20 March 1 to May 20 March 1 to April 1 March 1 to May 1
W1/2 Texas Creek	March 1 to May 1 March 1 to May 20 March 1 to May 20 March 1 to April 1
E1/2 Texas Creek	March 1 to June 12
West Creek	June 5 to November 1
West Douglas Creek & Red Rock	June 5 to November 1
Park Canyon Pasture (1)	March 1 to May 20

Studies and Evaluation: Actual use records are maintained by the permittee throughout the course of each grazing season. These records provide the basis for actual use billings at the end of each grazing/billing period. Studies are being conducted on the allotment and include those

necessary to make an evaluation of the effectiveness of the plan.

Allotment Studies

RANGE STUDY	COMPLETION DATE	FREQUENCY	METHOD	RESPONSIBILITY
Actual Use	End of each grazing period	With each pasture change	Actual Use Record	Permittee
Utilization Mapping	3 Periods-winter spring, summer/fall	Every year	Key Forage plant	BLM
Condition and Trend	August/September	5 years	ESI, Photo Plots Daubenmire	BLM

AMP Evaluation: Evaluations of the AMP are made after each monitoring cycle.

Existing Water Developments: Within the West Douglas Herd area there are 69 stock ponds, 3 wells and four developed springs. The stock ponds range in age and usability and the majority are functional. None of the wells are functional.

Environmental Consequences of the Proposed Action: Under the proposed action, the wild horse population would be decreased to approximately 50 head. Wild horse impacts to the livestock operation are expected to decrease proportionally to the reduction in horse numbers. Current problems of localized overgrazing and season-long grazing, which has maintained sub-optimal forage resources would be improved in the Texas Mountain area, as would direct conflict between horses and cattle. Retaining wild horses would decrease the flexibility of the livestock operation in terms of planning movements of livestock and managing forage resources. Over the long term, rangeland monitoring studies would provide data which may be used to modify livestock numbers, periods of use and/or permitted use.

Mitigation: None

RECREATION

Affected Environment: Affected Environment: The proposed action occurs within the White River Extensive Recreation Management Area (ERMA). BLM custodially manages the ERMA to provide for unstructured recreation activities such as hunting, dispersed camping, hiking, horseback riding, wildlife viewing and off-highway vehicle use.

The West Douglas Herd area is located within Colorado Division of Wildlife (CDOW) Game Management Unit (GMU) 21. GMU 21 is heavily used by public land hunters during the fall mule deer and elk big game hunting season from August through November. Additionally, the following Special Recreation Permits have been issued for big game hunting outfitting within the West Douglas Herd area: Rimrock Outfitters, Peters Hunting Service, Bookcliff Outfitters, and Twin Buttes Outfitting.

Environmental Consequences of the Proposed Action: If helicopter horse gather

operations coincide with big game hunting seasons, it is likely that conflict between public land hunters and the gather operations will develop. Gather operations may disrupt public land hunters to a degree that the recreational activity, in this case big game hunting, may not be able to occur within helicopter gather operation impacted areas of the White River ERMA.

Mitigation: Avoid fall big game hunting seasons for helicopter gather operations.

NOISE

Affected Environment: The gather is expected to take as long as 9 days to complete. During this time the gather helicopter will be operating daily in specific locations within the areas identified for horse capture. The helicopter will not remain in any given location for long durations of time; rather the noise associated with helicopter use will be intense, isolated and short-lived between one gather location and another. Vehicular traffic in the form of motor vehicles and equipment pulled by these motor vehicles will occur in locations within the gather area. Again, this activity will focus in locations where wild horses are being captured and will shift from location to location on an almost daily basis.

Environmental Consequences of the Proposed Action: All of the areas identified for gather will be temporarily affected by noise associated with helicopters and increased vehicular traffic.

Mitigation: None

WILD HORSES

Affected Environment: Wild Horse History: The 1971 Wild and Free Roaming Horse and Burro Act mandate mandates that management of wild horses be considered in areas where they existed at the passage of the Act. Horses that relocate outside management boundaries, or onto private lands, are prioritized for removal. The White River Field Office completed the first land use plan in 1975. Two wild horse units were identified in the 1975 Plan: Piceance Unit and Douglas Creek Unit. The Douglas Creek Unit included what is now the East Douglas portion of the Piceance/East Douglas Herd Management Area and the West Douglas Herd Area. The East and West Douglas portions were physically separated by completion of a highway right-of way fence in 1983. The planning process established the boundary of the West Douglas Herd Area by considering the location of the horses within what was believed to be physical boundaries consisting of fences and topographic barriers. All Land Use Plans since 1975 contained the decision that wild horses would not be managed in the area now identified as the West Douglas Herd Area.

Wild Horse Herd Distribution: The initial aerial census recorded 9 wild horses in the area now recognized as the West Douglas Herd Area. These animals were located in the central eastern portion of the West Douglas Herd Area. Additional horses were identified in the Cottonwood Creek and Texas Mountain vicinities by the local public during scoping meetings held during the

planning stages of the 1975 Management Framework Plan.

Since the early 1980's varying numbers of wild horses have drifted outside the herd area. In 2001, when the herd was estimated at 113 head, 57 horses were documented outside the herd area expanding south to the top of Roan Plateau, and west to the Colorado-Utah border. The 2002 census recorded 15 of the 77 horses tallied located outside the herd area. The February 2005 census recorded 6 of the 97 horses outside the Herd Area boundary. Three of these horses were located approximately 4 miles west of the herd area boundary and the other 3 horses were immediately adjacent to the herd area boundary fence.

Total removals have been attempted starting in the early 1980's, with a concerted attempt in 1985. The 1985 attempt was unsuccessful for a variety of reasons including helicopter wary horses, horses inhabiting inaccessible locations and the size of the search area (approximately 20,000 acres). Gather projects aimed at total removal completed since 1985 were also unsuccessful due to a variety of reasons. Not all gathers have been targeted for total removal. The 2001 gather project concentrated on the removal of 53 horses that had relocated outside the Herd Area boundary. At least 4 horses remained outside the Herd Area at completion of the 2001 gather.

Wild horse herd distribution has been shifting to the Texas Mountain vicinity since the early 1980's. The 1981 inventory documented 92 horses in the herd area with 52 (69%) using the northern portion and 36 using the area around Texas mountain. The 1985 inventory showed 65% of the horses in the Texas Mountain area. In the 1996 survey 100% of the horses were using the Texas Mountain area. The 2005 census documented all but 7 horses in the southern half of the HA in the vicinity of Texas Mountain.

The current distribution of wild horses is attributable to a variety of factors including:

Human manipulation – Wild horse capture through the 1980's concentrated on removing horses from the northern Herd Area principally because the northern terrain is less rugged and is more road-accessible. The majority of the horses in the northern Herd Area were removed by 1985 with small groups continuing to use their northern range into the early 1990's. The last of these horses is the Vandamore Draw band. This small band normally summers on Texas Mountain but for the last few years has instead remained along the Main Stem Douglas Creek.

Wild horse habitat variables –The West Douglas Herd Area contains a habitat imbalance long on winter range and short on summer range. The lack of perennial waters on the winter range augments wild horse preference for higher elevation habitat during the summer months. Since the summer range is concentrated in the southern portion of the herd area, horses through time have shifted their habitat preference south since entering the area in the mid 1970's. Wild horses have not attempted to reoccupy the northern part of the herd area.

Human disturbance – The Douglas Creek Arch is a prolific zone for energy production. Energy production efforts in the north-central portion of the herd area have been substantial. While wild horses can certainly be found in proximity to developmental

activities, heavy industrial activity in the north appears a factor in the horse's preference for ranges to the south.

Competition with livestock – Livestock primarily utilize the northern half of the Herd Area because of the limited forage in the wild horse preferred habitat, there is competition among horses, wildlife, and livestock which result in decreased livestock management flexibility and shifts livestock grazing use to other areas.

Preferred habitat – For wild horses in the Texas Mountain area includes; Mailbox, Waggoneer and Sand Draw chainings; the bottoms of Texas Creek; the mountain shrub hillsides around Texas and Oil Springs Mountain and the connecting habitat. A total of 2,179 AUMS are available for cattle and wild horses in the Texas Mountain vicinity. Approximately 60% of this area is considered preferred habitat for horses.

Population Census: The earliest aerial survey (helicopter) was completed in February 1974. The February inventory recorded 9 horses located in the Big Bull Draw area. The local public later identified two other areas in the herd area that supported wild horses: Texas Mountain (7 horses) and Cottonwood Draw (5 horses). Since 1974 herd numbers have increased as high as 151 head (in 1996). The most recent census, completed in February, 2005 documented 97 horses: 72 adults and 25 yearlings.

The White River Field Office completed six gathers in West Douglas Herd Area between 1981 and 2001, removing a total of 372 horses between these dates. Table 3-1 below contains census data, estimated population size for years between census, gather years, and the number of horses removed during each gather.

Wild Horse Population History of the West Douglas Herd Area

Year	Number Removed	Estimated Population	Year	Number Removed	Estimated Population
1974		9*	1990		50
1975		30	1991		61*
1976		40	1992		66*
1977		53*	1993		84
1978		68	1994		105*
1979		85	1995		126
1980		106	1996	60	151
1981	74	133*	1997		95*
1982		68*	1998	72	137
1983		82	1999		78
1984	45	98	2000		94
1985	45	59	2001	53	113
1986		32	2002		77*
1987		44	2003		85
1988		50	2004		95
1989	23	63	2005		97*

*Number observed in Aerial Counts; all censuses were conducted by helicopter

**All census data is prior to the census year foal crop Projected population size

Dietary Habits of Wild Horses and Competition with Other Species: The National Research Council (NRC), established in 1916 by the National Academy of Sciences, completed an in-depth study of wild horses in the western states in 1982. Findings in the Council’s report include the dietary and spatial overlap between wild horses and other ungulates occupying the same habitat. Horse dietary preferences over a range of vegetation types represented in the West Douglas Herd Area are listed in the table below:

Wild Horse Dietary Preferences

Vegetation Type	Season of Use	% Grasses	% Forbs	% Browse
Mountain Shrub	Annual	85	1	12
Pinyon-Juniper	Annual	89	0	
Sagebrush-Grass / Pinyon-Juniper	Annual	94	0	5
Sagebrush-Grass (4 locations)	Annual	92.8	7	0.2
	Annual	95.9	3.6	0.3
	Annual	85.8	12.9	1.2
	Annual	95.2	2.5	2.4

NRC’s results were obtained from studies conducted over all seasons under a variety of environmental conditions in vegetative type representative of the majority of wild horse habitat. The table illustrates that wild horses rely primarily on grass plant species and compete to a far lesser extent for browse and forb plant species. The report identifies that wild horses rely on forbs and browse plant species primarily during isolated spans of time when heavy snowfall limits a horses’ ability to reach the grasses. The NRC Report states that horses and cattle share the most similar dietary preferences and, as such, possess the highest potential to compete with one another for available forage, especially during dry years when plant nutrition is seasonally low. NRC recognizes dietary overlap between wild horses and elk, particularly during the winter months. NRC does not recognize notable dietary overlap between wild horses and deer with the exception of during the early spring months when grasses move from dormancy and become the preferred forage of livestock, big game and wild horses. The NRC study concludes that wild horse and deer conflicts are more closely linked to dominance and displacement rather than dietary conflicts.

NRC identifies a difference between dietary overlap and spatial competition: ungulates can exhibit dietary overlap without negative impacts to the vegetative resource, or to species sharing the same resource. Competition only occurs when dietary overlap is coupled with a less than adequate supply of forage for user species.

Spatial Overlap and Competition: Wild horse distribution is seasonally coincident with livestock, elk and mule deer in the herd area. The NRC states that data related to forage preferences and competition between ungulate species does not provide adequate information to support decisions regarding forage allocations for wildlife, livestock and wild horses. Patterns of interaction between the user species are needed prior to determining management strategies addressing forage allocation. The report summarizes the following patterns of interaction between livestock, wildlife and wild horses:

1. The different species select mutually exclusive habitat types. There is no spatial interaction between the species.
2. The species have overlapping habitat preferences but segregate into distinct locations within their habitat.
3. The different species have overlapping habitat preferences and co-exist with one another. If the species have overlapping habitat preferences they do not compete with one another. If the species have overlapping forage requirements but are not present in sufficient numbers to deplete the forage reserves they do not compete with one another. If the forage is limited competition between the species will occur.

Herd Phenotype: The West Douglas wild horse is generally small (~14 – 14.2 hands high and 700-800 pounds), with a large, rounded jaw, straight to convex forehead, and a convex nose. Many of the horses have a deep chest, a short back and a sloping croup with relatively low set tail. The eyes are set wide apart and the ears are of average to short length.

Population Color Balance: Color variation in this herd has diminished between 1981 and the present. In 1981 the colors bay, black, grey, sorrel, and brown each contributed to at least 17% of the herd. The remaining 25% was composed of palomino, red and blue roan, buckskin, and pinto, and an occasional (3) albino. In 1996 the colors bay, brown, sorrel and black accounted for over 93% of captured horses. Three grey horses were captured, and removed. In 2001 74% of the horses captured were bay. The remaining 26% were sorrel, black and brown.

Decreased herd genetic diversity and genetic traits that exist in only trace frequencies likely contribute to the diminished variation in color. Natural selection and human selection are other probable reasons for the decrease in color variation. While colorful horses are desirable in that they serve as ‘marker’ horses during census and gather operations and are often more popular with adopters, herd health and survival cannot be directly linked to the expression of any particular color pattern within a population. Recognition is made that managing to encourage rarer colors is secondary to managing for desirable herd social structure and individual reproductive fitness.

Population demographics: Unless otherwise indicated, the data discussed below has been compiled during gathers completed between 1981 and 2001, and during ground observations.

Foaling Rates and Foal Survival: The 2005 census recorded 26.5% of the horses observed were yearlings (young yearlings approximately 10 months of age). Gather data collected between 1981 and 2001 recorded between 20% and 26% of captured horses were foals under 6 months of age. The 20% - 26% range of foals captured during gather activities and the 26.5% yearling ratio observed during the 2005 census indicates a productive population. Foal survival will continue to be monitored during aerial census and during gather activities.

Sex Ratio: Historically, and continuing into 2001, the adult and foal sex ratio of captured horses has been close to 50% male and 50% female. The most recent gather statistics (2001) was the one exception with a sex ratio of 60% male and 40% female. Studies suggest that wild horse

populations with long-term minimal human manipulation tend to favor a 40% male and 60% female ratio.

Herd Structure: Typical age structure for a wild ungulate herd is pyramid in shape, with each age group represented and the majority of horses present in the youngest age categories. The desired pyramid structure was recorded in the West Douglas herd during the original, 1981 gather of 110 horses with each age group less than 15 years of age well represented. Foals accounted for 25% of the horses captured. Note is made that no horses over 15 years of age were captured in 1981, suggesting early mortality since it is unlikely that the horses were wizened to helicopters and avoided capture. Data collected in 1996 and 1998 showed similar herd age structure with 20% of the captured horses under one year of age and no horses over 17 years captured.

Genetic Ancestry: Wild horse herds historically have been founded by a limited number of horses which then contribute to the resulting makeup of the herd. Blood samples from horses captured in October, 2001 were analyzed by Dr. Gus Cothran, geneticist at the University of Kentucky to determine genetic ancestry and genetic frequency. The West Douglas herd shares genetic similarity with the gaited North American breeds (most common was the Mountain Pleasure Horse), followed by the Iberian (Spanish ancestry) breeds. The Iberian similarity Cothran believes is more linked to the Spanish ancestry of many of the North American breeds rather than being directly linked with the historic Spanish Barb ancestry.

While comparison of the West Douglas herd with the Piceance-East Douglas HMA 84 Mesa Sub-group showed some genetic similarity, the West Douglas herd does not appear to have originated solely, or even primarily from the Piceance-East Douglas herd. Of the three Colorado horse herds genetically compared with West Douglas, the Piceance-East Douglas herd ranks the lowest in genetic similarity to West Douglas. West Douglas horses are most closely linked with Colorado's Little Bookcliffs herd followed by the Sand Wash herd.

Genetic Viability: Smaller herds (<200 horses in size) which experience some degree of isolation tend to lose genetic information through genetic drift (the loss of genetic material resulting from random mating of two individuals.) This loss of material has a negative impact on the genetic composition of a herd. According to the 2001 Cothran study, genetic variation in the West Douglas herd is among the lowest he has observed in any wild horse herd and the herd exhibits vulnerability to inbreeding depression. As much as 30% of herd diversity is present at notably low frequencies and risks being lost if the herd is managed under the current restrictions of low population size and no introduction of horses. Cothran states that herd variability can be preserved most effectively by managing as many horses as possible in the herd, and periodically introducing mares from other herds.

Two genetic variations were found in the West Douglas horses (PGD-D and A-be) that have seldom been observed in domestic horses and that were not detected in the adjoining Piceance-East Douglas herd. The PGD-D variant does not seem to be associated with any particular breed type. Cothran states that the A-be variant is "extremely rare" and that it has been seen in some standard breeds; possibly as few as 5 or 6 breeds. Cothran has not seen the A-be variant in any other wild horse herds. The horse possessing this marker was removed from the herd. It is

unknown whether any of the horses remaining in the West Douglas herd possess this marker gene. Neither previous gather records nor Cothran's genetic analysis documents this herd as possessing 'undesirable' genetic traits.

Environmental Consequences of the Proposed Action: The herd would be reduced to 50 head of wild horses, the high end of the 1997 RMP range of 0-50 wild horses required by 2006.

Mitigation: None

CUMULATIVE IMPACTS SUMMARY: Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. The area of cumulative impact analysis is the area immediately adjacent to it. Issues of major importance that are analyzed are maintaining rangeland health and proper management of wild horses within the established boundaries of a Herd Area.

Past actions regarding the management of wild horses has resulted in the current wild horse population within the Herd Area and some areas outside of the boundary. Wild horse management has contributed to the present resource condition and wild horse herd structure within the area. Removal of excess wild horses to the high point of the required RMP range would be expected to promote vegetation recovery and to maintain remaining animals in healthy condition. Until the wild horses can be gathered, impacts to vegetation, soils, and riparian areas will continue and excess wild horses will continue to compete with livestock and the native wildlife for the available water and vegetation.

While this analysis focuses on the removal of 89 excess wild horses from the HA the related action that is foreseeable within the HA is for implementing the current RMP for the complete removal of wild horses from the West Douglas HA by 2007. The proposed action should result in some stabilization efforts being realized with lower herd numbers.

REFERENCES CITED:

- Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division (APCD), 2005. "Colorado Air Quality Data Report – 2004," September 2005.
- Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Commission (WQCC), 2004a. Regulation No. 37 Classifications and Numeric Standards for Lower Colorado River Basin. Adopted 1983 and Effective January 20, 2004.
- CDPHE-WQCC, 2006b. "Status of Water Quality in Colorado – 2006, The Update to the 2002 and 2004 305(b) Report," April 2006.
- CDPHE-WQCC, 2006c. "Regulation No. 93, 2006 Section 303(d) List Water-Quality-Limited Segments Requiring TMDLs," effective April 30.

CDPHE-WQCC, 2006d. "Regulation No. 94, 2006 Colorado's Monitoring and Evaluation List," effective April 30, 2006.

Cothran, E. Gus, Ph.D., Department of Veterinary Science, University of Kentucky, Lexington, KY, 2002. "Genetic Analysis of the West Douglas CO feral Horse Herd"

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

PERSONS / AGENCIES CONSULTED:

None

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility
Nate Dieterich	Hydrologist	Air Quality
Tamara Meagley	Natural Resource Specialist	Areas of Critical Environmental Concern
Tamara Meagley	Natural Resource Specialist	Threatened and Endangered Plant Species
Michael Selle	Archeologist	Cultural Resources Paleontological Resources
Robert (Bob) Fowler	Rangeland Management Specialist	Invasive, Non-Native Species
Ed Hollowed	Wildlife Biologist	Migratory Birds
Ed Hollowed	Wildlife Biologist	Threatened, Endangered and Sensitive Animal Species
Melissa J. Kindall	Hazmat Collateral	Wastes, Hazardous or Solid
Nate Dieterich	Hydrologist	Water Quality, Surface and Ground Hydrology and Water Rights
Robert (Bob) Fowler	Forester	Wetlands and Riparian Zones
Chris Ham	Outdoor Recreation Planner	Wilderness
Nate Dieterich	Hydrologist	Soils
Robert (Bob) Fowler	Rangeland Management Specialist	Vegetation
Ed Hollowed	Wildlife Biologist	Wildlife Terrestrial and Aquatic
Chris Ham	Outdoor Recreation Planner	Access and Transportation
Ken Holsinger	Natural Resource Specialist	Fire Management
Robert Fowler	Forester	Forest Management
Paul Daggett	Mining Engineer	Geology and Minerals
Robert (Bob) Fowler	Rangeland Management Specialist	Rangeland Management
Penny Brown	Realty Specialist	Realty Authorizations
Chris Ham	Outdoor Recreation Planner	Recreation
Chris	Ham	Visual Resources
Melissa J. Kindall	Range Technician	Wild Horses

Finding of No Significant Impact/Decision Record (FONSI/DR)

CO-110-2006-166-EA

FINDING OF NO SIGNIFICANT IMPACT (FONSI)/RATIONALE: The environmental assessment and analyzing the environmental effects of the proposed action have been reviewed. The approved mitigation measures (listed below) result in a Finding of No Significant Impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

DECISION/RATIONALE: It is my decision to proceed with the Proposed Action analyzed in the 2006 West Douglas Wild Horse Environmental Assessment and Gather Plan to include the following:

- The reduction of the West Douglas wild horse herd to 50 wild horses, the high end of range for the herd.
- The total removal of wild horses from BLM administered allotments adjoining the West Douglas Herd Area with these animals placed into the BLM adoption program.

The herd will be reduced to 50 wild horses within the Herd Area. Approximately 89 wild horses will be removed from within the Herd Area and all horses that have drifted outside their Herd Area boundaries will be removed and placed into BLM's wild horse adoption program.

The planned action is in accord with the Code of Federal Regulations (CFR) 43, part 4700 which addresses the management of wild, free-roaming horses and burros. Specifically applicable to this removal action is subpart 4700.0-6, Policy; subpart 4710, Management Considerations; and subpart 4720, Removal.

The proposed action has been placed in full force and effect status in keeping with 43 CFR 4770.3(c) which authorizes the Bureau of Land Management to issue a full force and effect decision to remove wild horses from public and private lands. The planned removal will adhere to the policies and specifications included in the 2006 EA, as well as, to the specifications included in the National Program Office Wild Horse Removal Contract #NAR050089. This Decision Record is considered in effect until the actions included in the Proposed Action have been completed.

Gather Method: The gather and removal of wild horses from the proposed locations will be completed using helicopter drive trapping, helicopter drive roping, water, or hay trapping. The work will be completed by a nationally awarded gather contractor.

Rationale for Approval of the Proposed Action: The decision to removal wild horses from the

West Douglas Herd Area is based on vegetation monitoring studies which document that an ecological balance currently does not exist within the Herd Area. The proposed action will encourage restoration of a balance of use between wild horses, wildlife, and livestock.

The decision to removal wild horses determined in excess of what their range can support is in conformance with 43 CFR 4700.0-6 and 43 CFR 4720.1. The decision to removal wild horses from outside the Herd Area boundaries is in conformance with 43 CFR 4710.4. The decision to release animals in specified age groups back into the Herd Area is in conformance with current Wild Horse and Burro Program directives. The removal decision conforms with the 1971 Wild, Free-Roaming Horse and Burro Act, PL-92-195; with current regulations, policy, directives, and with the objectives contained in EA #CO-110-06-166-EA.

Rationale for Full Force and Effect: The rationale for placing the action into full force and effect is based on the following:

- The planned gather supports the management of wild horses in the West Douglas Herd Area identified in the 1997 White River Resource Area RMP.
- Reducing wild horse numbers, as identified in the 2006 EA, will encourage protection of key forage species from the overuse attributed to wild horses. The delay resulting from an appeal likely would result in direct, negative impacts on plant communities relied upon by the various range users. This situation, in turn, would negatively affect local watersheds and the habitat of animals dependant upon this vegetation.
- Limitation of wild horse distribution to inside the West Douglas Herd Area is in keeping with CFR 43 4710.4 regulations. A delay in the gather would increase the incidence of horses relocating outside the Herd Area boundaries as competition between wild horses, wildlife, and livestock increase.
- Completion of the planned removal in a timely, cost efficient manner is an action which benefits the taxpaying public.

MITIGATION MEASURES:

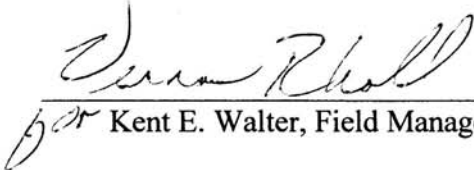
1. Cultural Resources: Horse trap locations and holding areas will need to be sited to avoid archaeological resources. In areas with acceptable levels of inventory no additional field work shall be necessary except to ensure that sites in the near vicinity can be adequately avoided by drive lines, wing fences and traps. In areas where inadequate inventory data exists an inventory will be necessary to ensure that any resources present are avoided.
2. Threatened and Endangered Plants/Areas of Critical Environmental Concern (ACEC): Facilities associated with removal actions will be allowed within the boundaries of a known ACEC following an inventory where any potential plant locations or potential habitat that is discovered to contain threatened and/or endangered plant species will become complete avoidance areas for any facilities proposed for use in this gather and removal action.

3. Wastes; Hazardous and Solid: All needles will be disposed of by the contract veterinarian. The liquid nitrogen will be handled only by experienced BLM personnel. The hazardous materials coordinator will be notified in the case of nitrogen spillage.
4. Noxious Weeds: Any hay fed at trap sites or holding facilities will be certified as weed free. Any noxious weeds that establish as a result of the Proposed Action will be controlled by the BLM and their Certified Pesticide Applicators.
5. Wild Horses: Monitoring would continue for the wild horses living within the Herd Area. Refer to Appendix A, EA #CO-110-06-166, Standard Operating Procedures of the Proposed Action.
6. Paleontology: Known and reported fossil localities shall be avoided when locating trap sites and associated wing fences and holding facilities. Sites without adequate inventory data will need to be examined for the presence of fossils during trap site selection activities. Trap facilities may need to be modified to avoid impacting identified fossil resources.
7. Wildlife, Terrestrial: Surveys for raptor nesting activity will be conducted by WRFO staff on those trap sites proposed for use or development prior to September 1, 2006. In the event an active raptor nest is found in the vicinity of trapping operations, these sites will be afforded a buffer adequate to effectively isolate nesting activity from disruptions generated from horse trapping operations.

NAME OF PREPARER: Melissa J. Kindall

NAME OF ENVIRONMENTAL COORDINATOR: Caroline P. Hollowed

SIGNATURE OF AUTHORIZED OFFICIAL:


for Kent E. Walter, Field Manager

DATE SIGNED: 7-27-06

ATTACHMENTS: Appendix A: -Standard Operating Procedures
Appendix B: -Public comments on West Douglas Herd Area Gather Plan
of 2006 and BLM's Responses to the Comments
Appendix C: Location Map of the Proposed Action

Appendix A

Standard Operating Procedures

The following considerations and guidelines are considered the technical portion of the 2006 Piceance East Douglas Wild Horse Gather Plan. This appendix outlines the safety considerations involved with the technical aspects of capturing wild horses, transporting the horses to temporary holding facilities, handling the captured animals and shipping the horses to the BLM Canon City, Colorado, or to the Rock Springs, Wyoming holding facility. This appendix defines the roles and responsibilities of individuals directly involved with the planned gather project.

The gather will be completed through a nationally awarded gather contract. Agency personnel will be directly involved in the completion of the project. The same procedures for capture and handling of wild horses apply to contractors, to agency personnel, and to volunteers.

The following stipulations and procedures will be followed to ensure the welfare, safety and humane treatment of the wild horses in accordance with the provisions of 43 CFR 4700.

A. Capture Method Descriptions

1. Helicopter drive trapping

The helicopter drive-trapping method of capture will be the primary method used to capture horses inside the HA. The following stipulations and procedures will be followed during the contract period to ensure the welfare, safety and humane treatment of the wild horses in accordance with the provisions of 43 CFR 4700 and with the KG Livestock, Incorporated gather contract. The capture will be conducted by BLM personnel and the contractor; both of whom are experienced in the humane capture and handling of wild horses. The same rules apply to both the contractor and to BLM personnel.

Helicopter drive-trapping involves using a helicopter to spot and then herd horses towards a pre-constructed trap. The trap is constructed of portable, round-pipe steel panels. Funnel-shaped trap wings are built out from the corners of the trap to funnel horses into the trap. Trap wings are built with jute or snow fence, which is draped over and tied around trees or steel posts. The wings form a visual barrier to the horses and they usually enter the trap without being aware they are being trapped.

The helicopter pilot completes a recon prior to trapping to see where the bands are located. Once the trap and wings are ready for use, the pilot starts moving one or more bands of horses toward the trap and into the wings. The number of horses/number of bands moved towards a trap at one time depends on a variety of facets including proximity of bands to the trap; the number of horses in each band; the distance bands travel to the trap; topography, weather conditions, temperature, time of year, animal condition and trap dimensions.

The pilot herds the horses into the wings of the trap and then hovers while a ground crew on foot and/or horseback comes in behind the horses, hazes them into the trap corral and closes a gate

behind the trapped horses. The helicopter remains in the trap wings close enough to keep the horses from running back out of the trap and far enough away to assure safety of the ground crew and the horses. Once the gate is closed, or when the pilot sees it is best for him to leave the area, the helicopter leaves the trap site.

A pair of Parada or Judas horses; are often supplied by the contractor to encourage bands of wild horses not to balk in the trap wings, and to run smoothly into the trap corrals. The Judas horses are best friends and do not like being separated from one another. One Judas horse is lightly tied in the trap corral. The second Judas horse is led into the mid-section of the trap wing and held along the edge of one side of the trap wing. As wild horses are moved by helicopter into the trap the Judas horse being held in the trap wing is released. The Judas horse picks up his tail and runs towards the trap corral to be with his buddy. The wild horses see a horse running free ahead of them. Their instinct tells them this horse is running to freedom; they follow the Judas horse into the trap corral. The Judas horses are familiar with being in close proximity to freshly-captured wild horses. The Parada horses, once trapped in the corral, hold their own but are not overly aggressive with the wild horses.

2. Helicopter Assisted Roping

Helicopter assisted roping is used when mares and foals become separated, when every horse must be captured from an area, and when specific animals are targeted for capture. In the upcoming gather helicopter assisted roping may be used if a mare and foal become separated, and to capture horses that have relocated outside HA boundaries. Helicopter roping will only be used when determined by the COR or PI as the most efficient manner to capture specific horses and when the roping can be done in a safe and humane manner.

In helicopter assisted rope capture individual horses are herded by helicopter towards ropers who rope the horse(s). Once roped, another rider rides alongside the roped horse and roper, helping to haze, or herd, the roped horse either towards the trap or towards a stock trailer. Once at the trap the rope is flipped away from the roped horse's neck and it joins the rest of the trapped horses. When hazed to a stock trailer the horse is hobbled, laid on its side and then either pulled or slid into the trailer. If the horse is slid into the trailer a fabric or wood surface is placed under the horse to protect the horses' hide as it is pulled into the trailer. Once in the trailer the horse is freed of ropes and allowed to quiet down before being transported to the trap site.

3. Water Trapping

Water trapping will be used when horses are not able to be helicopter drive trapped or roped, when every horse must be captured from an area, and when specific horses are targeted for capture. In the upcoming gather water trapping may be used for both horses within the HA and to capture horses that have relocated outside HA boundaries. Water trapping will be used when determined by the COR or PI as the most efficient manner to capture specific horses and when the helicopter drive trapping and assisted helicopter roping proves to be inadequate means of gathering or can not be done in a safe and humane manner.

In water trapping individual horses are allowed to use water sources before, during and after trap

construction. The trap is constructed of portable, round-pipe steel panels. Funnel-shaped traps are built which allows horses to get deep into the trap so that when the gate release mechanism is activated time is allowed for the gate to close which traps the horses inside. Once trapped the captured horses will be loaded into an appropriate stock trailer and delivered to the holding facility. The horses are not herded towards the water they simply make use of the water that they frequent naturally or human enhanced water sources.

4. Hay Trapping

Hay trapping will be used when horses are not able to be helicopter drive trapped or roped, when every horse must be captured from an area, and when specific horses are targeted for capture. In the upcoming gather hay trapping may be used for both horses within the HA and to capture horses that have relocated outside HA boundaries. Hay trapping will only be used when determined by the COR or PI as the most efficient manner to capture specific horses and when the helicopter drive trapping, assisted helicopter roping, and water trapping prove to be inadequate means of gathering or can not be done in a safe and humane manner.

In hay trapping individual horses are allowed to use water sources during and after trap construction. The trap is constructed of portable, round-pipe steel panels. Funnel-shaped traps are built which allows horses to get deep into the trap so that the gate release mechanism allows time for the gate to close. Once trapped the captured horses will be loaded into an appropriate stock trailer and delivered to the holding facility. The horses are not herded towards the hay but simply make use of the hay as necessary supplemental feed source. All hay used will be certified weed free hay.

B. Trap Site Selection

The Authorized Officer will make a careful determination of a boundary line to serve as an outer limit where the horses will be herded to each trap. The Authorized Officer will insure that the pilot is fully aware of all natural and man made barriers, which might restrict free movement of horses. Topography, distance, and current condition of the horses are factors that will be considered to set limits to minimize stress on horses.

Gather operations will be monitored to assure the body condition of the horses is compatible with the distances and the terrain over which they must travel. Pregnant mares, mares with small colts, and other horses will be allowed to drop out of bands that are being gathered if required to protect the safety and health of the animals.

All trap and holding facility locations will be approved by the Authorized Officer prior to construction. The situation may require moving of the trap. All traps and holding facilities not located on public land must have prior written approval of the landowner.

Trap sites will be located to cause as little injury and stress to the animals, and as little damage to the natural resources of the area, as possible. Sites will be located on or near existing roads. Additional trap sites may be required, as determined by the Authorized Officer, to relieve stress

to the animals caused by specific conditions at the time of the gather (i.e. dust, rocky terrain, temperatures, etc.).

C. Stipulations for Portable Corral Traps/Exclosures

1. Capture traps will be constructed in a fashion to minimize the potential for injury to wild horses and BLM personnel. Trapped horses held in traps longer than 10 hours will be fed and watered.
2. The Colorado Division of Wildlife will be notified as soon as possible if any wildlife are injured during capture operations. Wildlife caught inside traps will be released immediately.
3. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and in accordance with the following:
 - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and temporary holding facilities shall be without corners; oval or round in design.
 - b. All loading chute sides shall be fully covered with plywood (without holes) or like material. The loading chute shall also be a minimum of 6 feet high.
 - c. All runways shall be of sufficient length and height to ensure animal and wrangler safety and may be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 6 feet for horses.
 - d. If a government furnished portable chute is used to restrain, age, or to provide additional care for animals, it shall be placed in the runway in a manner as instructed by or in concurrence with the Authorized Officer.
 - e. All crowding pens including the gates leading to the runways will, if necessary to prevent injuries from escape attempts, be covered with a material which prevents the animals from seeing out (plywood, burlap, snow fence etc.) and should be covered a minimum of 2 feet to 6 feet for horses.
 - f. Alternate pens will be constructed at the temporary holding facility to hold mares with newborn foals, animals that will be released, sick or injured animals, and domestic estrays from the other horses. Horses may also be separated according to age, number, size, temperament, and sex. They pens will be constructed to minimize injury resulting from fighting and trampling.
 - g. In some cases, the Government will require that animals be restrained for determining an animal's age or for other purposes. In these instances, a portable restraining chute will be provided by the Government. Segregation or temporary marking and later segregation will be at the discretion of the COR.

4. If animals are held in the traps and/or holding facilities, a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day will be supplied. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day.

5. Water troughs shall be provided at each pen where animals are being held. Water troughs shall be constructed of such material (e.g. rubber, rubber over metal) so as to avoid injury to animals.

6. When dust conditions occur within or adjacent to the trap or holding facility, the contractor/BLM shall be required to wet down the ground with water.

D. Capture Stipulations

1. The contractor/BLM shall attempt to keep bands intact except where animal or human health and safety become considerations that prevent such procedures

2. At least one saddle-horse will be immediately available at the trap site to perform roping if necessary. Roping shall be done as determined by the Contracting Officer's Representative or Project Inspector. Roping will be performed in such a manner that bands will remain together. Under no circumstances shall animals be tied down for more than one hour.

3. Domestic saddle horses may be used to assist the helicopter pilot on the ground during the gather operation, by having the domestic horse act as a pilot (or "Judas") horse leading the wild horses into the trap site. Individual ground hazers and individuals on horseback will be used to assist in the gather.

4. Foals will not be left behind. If a situation arises where a foal becomes separated from its mare ropers with the help of the pilot will make every attempt to capture either the mare, or the foal and reunite the mare/foal pair keeping the safety of the horses and gather crew in mind.

E. Contract Helicopter, Pilot and Communications

1. 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.

2. When refueling, the helicopter shall remain a distance of at least 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.

3. The COR/PI shall have the means to communicate with the contractor's pilot at all times. If communications cannot be established, the Government will take steps as necessary to protect the welfare of the animals. The frequency (ies) used for this contract will be assigned by the COR/PI when the radio is used. The contractor shall obtain the necessary FCC licenses for the radio system.

4. The COR or PI will notify dispatch each morning prior to the helicopter leaving the ground to capture horses; and at the end of each day's project. Dispatch will be kept informed of the trap locations and location inside the HA where the pilot is herding/capturing horses. The gather pilot and COR will maintain open communications with dispatch to assure both parties are aware of aircraft other than the gather contractor who may be in the capture vicinity, or who request permission to travel through, or work in the capture vicinity.

5. The proper operation, service and maintenance of all contractor furnished helicopters is the responsibility of the contractor. The BLM reserves the right to remove from service pilots and helicopters which, in the opinion of the Contracting Officer or COR/PI, violate contract and FAA rules, are unsafe or otherwise unsatisfactory. In this event, the contractor will be notified in writing to furnish replacement pilots or helicopters within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative.

6. All incidents/accidents occurring during the performance of any delivery order shall be immediately reported to the COR.

F. Animal Handling and Care

1. Prior to capturing horses, the COR/PI will conduct a pre-capture evaluation of existing conditions in the gather areas. The evaluation will determine whether the proposed activities will require the presence of a veterinarian during the project or if the veterinarian can remain on-call during the gather operation. Animal health, temperature extremes; topography, distance to the traps, and other factors will be considered when deciding between an on-call vet contract and an on-site contract.

2. The contractor will be apprised of the all conditions and will be given instructions regarding the capture and handling of animals to ensure their health and welfare is protected.

3. The Authorize Officer and pilot will identify and discuss natural hazards and man-made hazards on the ground by looking at a topographic map so the helicopter flight crew, ground personnel, and wild horse safety will be maximized. Aerial hazards will be recorded on the project map.

4. No fence modifications will be made without authorization from the Authorized Officer. The contractor/BLM shall be responsible for restoration of any fence modification.

5. If the route the contractor/BLM proposes to herd animals passes through a fence, opening should be large enough to allow free and safe passage. Fence material shall be rolled up and fence posts will be removed or sufficiently marked to ensure safety of the animals. The standing fence on each side of the gap will be well flagged and covered with jute or like material.

6. Wings shall not be constructed from materials injurious to animals and must be approved by the Authorized Officer.

7. It is the responsibility of the contractor/BLM to provide security to prevent loss, injury or death of captured animals until delivery to final destination.

8. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the COR.

9. Branded or privately owned animals captured during gather operations will be handled in accordance with state estray laws and existing BLM policy.

10. Capture methods will be identified prior to issuance of delivery orders. Regardless of which methods are selected, all capture activities shall incorporate the following:

G. Treatment of Injured or Sick; Disposition of Terminal Animals

1. The contractor/BLM shall restrain sick or injured animals if treatment is necessary. A veterinarian may be called to make a diagnosis and final determination. Destruction shall be done by the most humane method available. Authority for humane destruction of wild horses (or burros) is provided by the Wild Free-Roaming Horse and Burro Act of 1971, Section 3(b)(2)(A), 43 CFR 4730.1, BLM Manual 4730 - Destruction of Wild Horses and Burros and Disposal of Remains, and is in accordance with BLM policy.

2. Any captured horses that are found to have the following conditions may be humanely destroyed:

- a. The animal shows a hopeless prognosis for life.
- b. Suffers from a chronic disease.
- c. Requires continuous care for acute pain and suffering.
- d. Not capable of maintaining a body condition rating of one or two.
- e. The animal is a danger to itself or others.

3. The Authorized Officer will determine if injured animals must be destroyed and provide for destruction of such animals. The contractor/BLM may be required to dispose of the carcasses as directed by the Authorized Officer.

4. The carcasses of the animals that die or must be destroyed as a result of any infectious, contagious, or parasitic disease will be disposed of by burial to a depth of at least 3 feet.

5. The carcasses of animals that must be destroyed as a result of age, injury, lameness, or non-contagious disease or illness will be disposed of by removing them from the capture site or holding corral and placing them in an inconspicuous location to minimize visual impacts. Carcasses will not be placed in drainages regardless of drainage size or downstream destination.

H. Motorized Equipment

1. All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The contractor shall provide the Authorized Officer with a current safety inspection (less than one year old) of all tractor/stock trailers used to transport animals to final destination.

2. Vehicles shall be in good repair, of adequate rated capacity, and operated so as to ensure that captured animals are transported without undue risk or injury.

3. Only stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities. Only stock trailers or single deck trucks shall be used to haul animals from temporary holding facilities to final destination(s). Sides or stock racks of transporting vehicles shall be a minimum height of 6 feet 6 inches from the vehicle floor. Single deck trucks with trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate animals. The compartments shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have at the minimum a 5 foot wide swinging gate. The use of double deck trailers is unacceptable and will not be allowed.

4. All vehicles used to transport animals to the final destination(s) shall be equipped with at least one (1) door at the rear end of the vehicle, which is capable of sliding either horizontally or vertically. The rear door must be capable of opening the full width of the trailer. All panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of the trailer must be strong enough, so that the animals cannot push their hooves through the sides. Final approval of vehicles to transport animals shall be held by the Authorized Officer.

5. Floors of vehicles, trailers, and the loading chute shall be covered and maintained with materials sufficient to prevent the animals from slipping.

6. Animals to be loaded and transported in any vehicle or trailer shall be as directed by the Authorized Officer and may include limitations on numbers according to age, size, sex, temperament, and animal condition. The minimum square footage per animal is as follows:

- 11 square feet/adult horse (1.4 linear feet in an 8 foot wide trailer)
- 8 square feet/adult burro (1.0 linear foot in an 8 foot wide trailer)
- 6 square feet/horse foal (0.75 linear feet in an 8 foot trailer)
- 4 square feet/burro foal (0.50 linear feet in a 8 foot wide trailer)

7. The Authorized Officer shall consider the condition of the animals, weather conditions, type of vehicles, distance to be transported, or other factors when planning for the movement of captured animals. The Authorized Officer shall provide for any brand and/or inspection services required for the captured animals.

8. Communication lines will be established with personnel involved in off-loading the animals to receive feedback on how the animals arrive (condition/injury etc.). Should problems arise, gathering methods, shipping methods and/or separation of the animals will be changed in an attempt to alleviate the problems.

9. If the Authorized Officer determines that dust conditions are such that animals could be endangered during transportation, the contractor/BLM will be instructed to adjust speed and/or use alternate routes.

10. Periodic checks by the Authorized Officer may be made as animals are transported along dirt roads. If speed restrictions are in effect the Authorized Officer will at times follow and/or time trips to ensure compliance.

I. Special Stipulations.

1. Private landowners or the proper administering agency(s) would be contacted and authorization obtained prior to setting up traps on any lands that are not administered by BLM. Wherever possible, traps would be constructed in such a manner as to not block vehicular access on existing roads.

2. Gathering would be conducted when soils are dry or frozen and conditions are optimal for safety and protection of the wild horses and wranglers. Whenever possible, gathering activities will be scheduled to minimize impacts with big game hunting seasons.

3. Gathers would not be conducted 6 weeks on either side of peak foaling season recognized between March 1 and June 30 to reduce the risk of injury or stress to pregnant mares and mares with young foals.

4. The helicopter would avoid eagles and other raptors, and would not be flown repeatedly over any identified active raptor nests. Unnecessary flying would not occur over big game on their winter ranges or active fawning/calving grounds during the period of use.

J. Safety

Safety of BLM employees, contractors, members of the public, and the wild horses will receive primary consideration. The following safety measures will be used by the Authorized Officer and all others involved in the operation as the basis for evaluating safety performance and for safety discussions during the daily briefings:

1. A briefing between all parties involved in the gather will be conducted each morning.

2. All BLM personnel, contractors and volunteers will wear protective clothing suitable for work of this nature. BLM will alert observers of the requirement to dress properly. BLM will assure that members of the public are in safe observation areas.

3. The handling of hazardous or potentially hazardous materials such as liquid nitrogen and vaccination needles will be accomplished in a safe and conscientious manner by BLM personnel or the contract veterinarian. (Refer to page 10, Wastes, Hazardous or Solid).

K. Responsibility and Lines of Communication

1. The Contracting Officer's Representative and Project Inspectors have the direct responsibility to ensure the contractor's compliance with the contract stipulations.

2. The Associate Field Manager and the Field Manager will take an active role to ensure the appropriate lines of communication are established between the Field Office, State Office, and Royal Gorge Field Office.

3. All employees involved in the gathering operations will keep the best interests of the animals and their own safety at the forefront at all times.

4. The COR will maintain open communications with dispatch to assure both parties are aware of project status; capture locations; and daily aviation activity.

Appendix B

PUBLIC COMMENTS ON WEST DOUGLAS HERD AREA GATHER PLAN OF 2006 AND BLM'S RESPONSES TO THE COMMENTS

INTRODUCTION

The public comment period for this Environmental Assessment was from June 5 through July 10th, 2006. Every comment letter was read and comments identified. Certain comments that suggested verbiage changes to the EA were incorporated into the final EA, and are not addressed further in this discussion. The appropriate Team Member was then assigned the comments relating to their specialty in order to develop a response. When the responses were complete, an effort was made to combine comments that contained the same or similar subject matter. Table A-1 contains a list of respondents and affiliation, the number of comments contained in each letter, and the number assigned to their specific comment(s). Individual respondents should be able to track their comments from the following table by finding their name and noting the comment numbers assigned to their comment.

Table A-1: List of Respondents

Name/Affiliation	Number of Comments	Comment Numbers
Darynne Anna Jessler	2	1,2
Jeffrey Hersch	1	1
Humane Society of the United States	7	3,4,5,6,7
Barbara Warner	1	1
Animal Welfare Institute	5	3,4,5,8,10
Valerie J, Stanley	5	3,6,7,10,11
C.E. Brooks and Associates	0	Comments addressed in document

Comment/Responses to the West Douglas Gather Plan:

1.) Several respondents questioned the need for gathering horses from the West Douglas Herd Area.

Response: The need for this gather is to remove wild horses from the West Douglas Herd Area down to the 0-50 range required in the current White River Resource Management Plan (RMP) decision by 2006. This gather would remove horses to the upper range proposed in the RMP. Section 1333 of the *Wild Free-Roaming Horse and Burro Act of 1971, (WFRHBA)*, and the implementing regulations *43 CFR Subpart 4710.1 Land use planning*, instruct the BLM that, “*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.*”

Currently, within the West Douglas herd area the public land health standards for vegetation and

soils are not being met (see pages 21 and 25, *EA CO-WRFO-06-166*). The regulations (*43 CFR 4710.4*) also require that management of wild horses shall be undertaken with the objective of limiting the animals' distribution to herd areas. The decision to gather horses is consistent with the provisions of WFRHBA and the FLPMA.

2.) One respondent questioned why there was not an alternative for maintenance of a genetically viable herd of 200 horses.

Response: Several alternatives to manage for larger numbers of horses were analyzed in the 1997 RMP. The final RMP stated that the herd would be managed for 0-50 horses until 2006, when all horses would be removed. This EA implements that decision to manage between zero and 50 horses

3.) Several letters questioned the removal of wild horses from the West Douglas Herd Area when the 2005 Amendment has not been completed. These respondents also questioned where BLM is in the process of completing the Amendment.

Response: The need for this gather is to remove wild horses from the West Douglas Herd Area down to the 0-50 range required in the current White River Resource Management Plan (RMP) decision by 2006. This gather would remove horses to the upper range proposed in the RMP. Currently, within the West Douglas herd area the public land health standards for vegetation and soils are not being met (see pages 21 and 25, *EA CO-WRFO-06-166*). The regulations (*43 CFR 4710.4*) also require that management of wild horses shall be undertaken with the objective of limiting the animals' distribution to herd areas.

The gather date is determined through advanced scheduling that is required to process wild horses through the national system of adoptions and care. The West Douglas Herd Area was identified for gather in 2006 through the national budget process, contingent upon the completion of NEPA. This EA provides information to the public and the decision maker on the number of horses counted in the 2005 census, rangeland conditions, and the method(s) of capture.

Until the final decision on the pending Amendment is approved, decisions contained in the current RMP completed in 1997 remain valid. That decision is that the West Douglas Herd Area will be managed in the short-term (0-10 years) to provide forage for a herd of 0 to 50 wild horses, with a long term objective (+10 years) of removing all wild horses from this area.

The BLM is currently responding to the protest letters and projects the final Amendment decision to be issued this fall.

4.) The West Douglas Herd Area boundaries are essentially arbitrary lines that are not restrictive in actuality. Further there are no safeguards to insure that the roundup will not force the wild horses from the Herd Area and be subject to the total gather factor proposed in the EA.

Response: The proposed gather of 98 wild horses includes those wild horses found within and outside the Herd Area. The removal would initially focus on wild horses outside the Herd Area and continue until 98 horses are captured, leaving 50 wild horses within the Herd Area.

5.) A respondent stated that the roundup and elimination of the wild horses from the West Douglas Herd Area will wipe out the Spanish line in that area and threaten the genetic viability of the remaining wild horses in the surrounding areas. A second respondent included a reference to recently discovered unique genetic characteristics of the West Douglas Herd Area wild horses.

Response: According to Dr. Cothran, the West Douglas herd does not possess unique or rare genetics that constitute isolation and protection. Dr. Cothran states in his genetic analysis of this herd “The West Douglas herd is unique only in that their history is somewhat different from other herds that are in this area and that probably share the same ancestry. The West Douglas horses show evidence of Spanish heritage but it is likely the type that came through North American breeds that also have Spanish ancestry.” Dr. Gus Cothran concludes from his genetics tests that “One cannot state with certainty that the West Douglas horses originated from the Piceance /East Douglas Herd. There are some similarities to the 84 Mesa group in the Piceance /East Douglas Herd Management Area, but the West Douglas herd does not appear to have originated solely, or even primarily from the Piceance /East Douglas herd.” Of the 3 Colorado horse herds genetically compared with West Douglas, the Piceance /East Douglas herd ranks the lowest in genetic similarity to W. Douglas. While the 84 Mesa group within the Piceance herd does share some genetic similarity to West Douglas wild horses, this similarity still ranks below the similarity seen between the West Douglas and Little Bookcliffs and Sand Wash Herds.

The proposed action with respect to the West Douglas herd is to gather approximately 89 wild horses within the Herd Area and the approximately 9 wild horses located outside the Herd Area. Approximately 50 wild horses will remain in the Herd Area.

6.) The Environmental Assessment is biased and pre-decisional. The EA reflects the ongoing process that is, and has been, inherently biased against the no action alternative and, therefore, any action taken by the agency that is based on the EA violates the fundamental goals and requirements of the National Environmental Policy Act.

The assessment is predecisional because BLM prepared this environmental assessment after committing to a 2005 schedule for roundups to take place in 2006.

The Environmental Assessment is insufficient and not in compliance with NEPA. BLM should have an alternative for leaving the West Douglas Horses intact.

Response: The EA on page 2 states the reasons the No-Action alternative is not considered is because it is in direct conflict with the 1997 RMP, as well as the *Wild Free-Roaming Horse and Burro Act of 1971, PL -92-195*, and the implementing regulations *43 CFR Subpart 4710.1 Land use planning*, instruct the BLM that, “*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.” The West Douglas gather would implement a decision of the current RMP.

The gather date is determined through advanced scheduling that is required to process wild horses through the national system of adoptions and care. The West Douglas Herd Area was identified for gather in 2006 through the national budget process, contingent upon the completion of NEPA. This EA provides information to the public and the decision maker on the number of horses to be removed, based on the 2005 census, rangeland conditions, and the method(s) of capture.

7.) BLM’s failure to prepare an Environmental Impact Statement violates the National Environmental Policy Act.

Response: We do not believe that the gather and removal of 98 wild horses from the West Douglas Herd Area meets the context and intensity criteria requiring an Environmental Impact Statement. This gather would implement decisions documented in the 1997 RMP Record of Decision and previously analyzed in the 1996 Final Environmental Impact Statement for the White River RMP.

8.) The Environmental Assessment lacks a sufficient range of alternatives.

Response: The range of alternatives was determined based on the current RMP decision which allows for 0-50 wild horses until 2006, and total removal thereafter. An RMP Amendment in which a full range of alternatives is considered is currently pending.

9.) The West Douglas Herd Area (HA) and Piceance/East Douglas Herd Management Area (HMA) should be analyzed together in a single Environmental Review.

Response: The West Douglas HA and Piceance/East Douglas HMA are being managed under separate RMP decisions because there is no interchange between these herds.

10.) The 1981 Rangeland Program Summary ignored the Act’s mandate that horses maintained in their 1971 habitat by decreeing that the herd would be maintained only “within the best habitat of their present range while simultaneously satisfying the needs for various other resource considerations”. The summary confesses its concern about the possibility of the proposals violating the mandates of the Wild Horse and Burro Act.

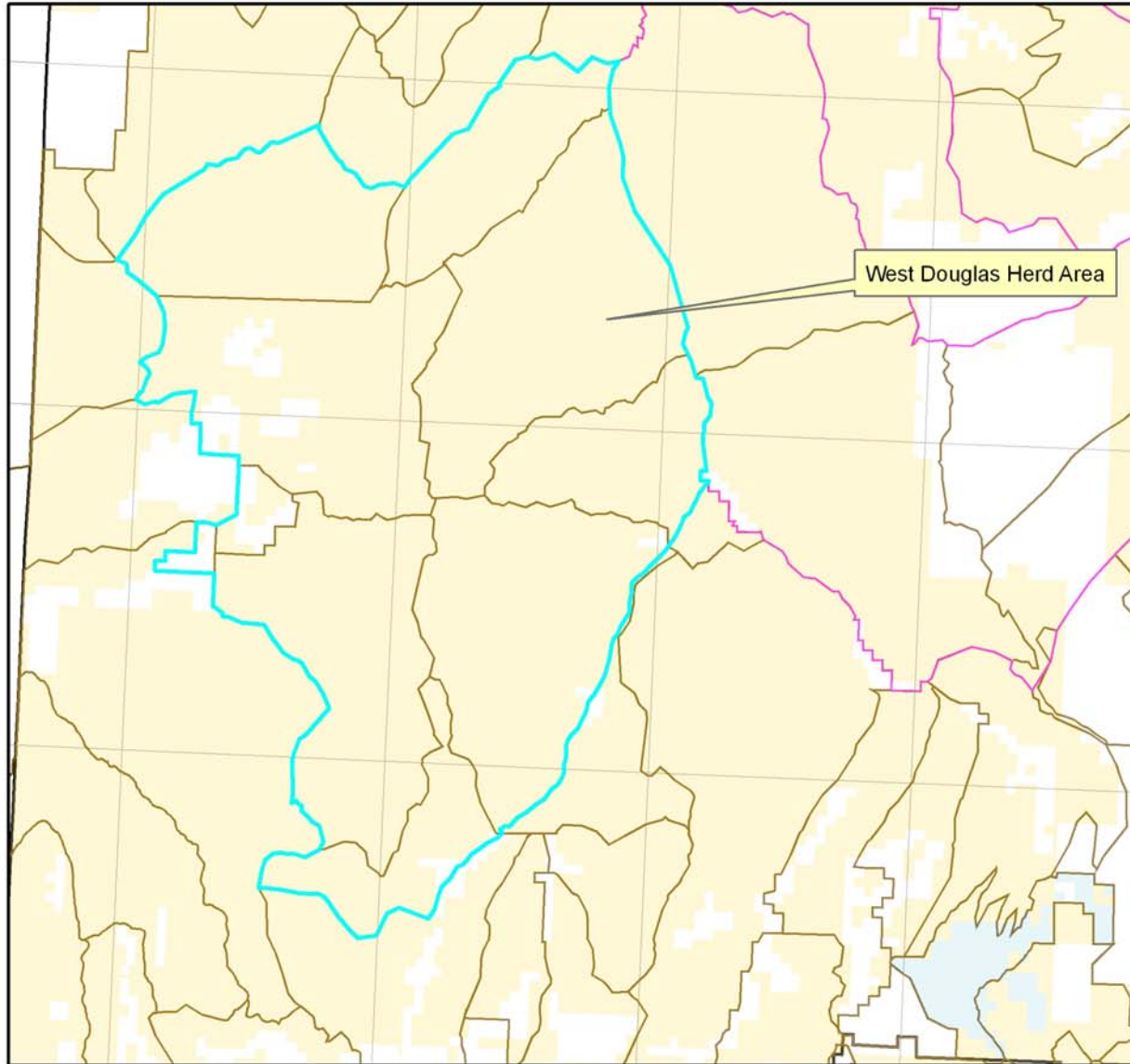
Response: The 1981 Rangeland Program Summary (RPS) was a public document provided to summarize the analysis and decisions of the 1981 Grazing Environmental Impact Statement. This document and the Program Summary have been superseded by the White River Resource Area Resource Management Plan of 1997.

In the Public Involvement section, the RPS (pages 11 & 12) summarizes the public involvement and concerns of the public. The section you refer to states: “There were three areas of concern involving wild horses; the need for reducing the size of the wild horse range; the proposed population levels; and the possibility of the proposals violating the Wild and Free Roaming Horse and Burro Act”. These were concerns voiced by the public not concerns of the BLM.

11.) BLM has drastically reduced the amount of acreage available to wild horses and burros by eliminating herd areas or artificially decreasing herd areas to create herd management areas.

Response: Herd Areas are not eliminated, they remain available for horse management through review and preparation of land use plans. The size of Herd Management Areas and appropriate management level (AML) are determined in land use plans and monitored through periodic activity-level environmental assessments, and that process is outside the scope of this particular EA. In 1997, the White River Field Office’s Piceance/East Douglas HMA was increased in size by 31,200 acres with the addition of the Greasewood pasture.

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- Allotments
- horse
- BLM
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7/27/2006

