



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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MEMORANDUM

FROM: Heather Sauls, White River Field Office, Acting Renewable Resources Staff
Supervisor

TO: Kent Walter, White River Field Office, Field Manager

SUBJECT: West Douglas Herd Area Review of Current Situation

INTRODUCTION

The West Douglas Herd Area (WDHA) is located in northwestern Colorado, southwest of Rangely and approximately 50 miles north of Grand Junction. The WDHA encompasses 123,387 acres of federal land administered by the Bureau of Land Management (BLM) White River Field Office (WRFO) and 4,754 acres of private land. All of the West Douglas Herd Area is within Rio Blanco County, Colorado.

As you are aware, in 2012, the litigation (*Colorado Wild Horse and Burro Coalition, Inc. v. Salazar*, No. 10-1645-RMC (D.D.C.)), on the 2005 West Douglas Herd Area Amendment was dismissed by the U.S. District Court as not ripe for judicial review. Based on the dismissal of that court case, WRFO staff have prepared a review of the current situation and history of the management within the WDHA. This review is based on the requirements under the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA or The Act) and the BLM's Manual 4700 for determining whether an excess of wild horses exists. Those requirements are as follows:

1. Review of the current inventory of lands within its jurisdiction;
2. Information contained in any land use planning completed pursuant to Section 1712 of Title 43;
3. Information contained in court ordered environmental impact statements as defined in Section 1902 of Title 43; and

4. Additional information as it becomes available, including research and study mandated by The Act, or in the absence of the information above on the basis of all information currently available.

In accordance with 16 USC § 1332(f), "excess animals" means wild free roaming horses or burros 1) which have been removed from an area by the Secretary pursuant to application law or, 2) which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.

In addition, the BLM's 4700 Manual (Wild Free-Roaming Horses and Burros Management) provides additional guidance of elements to consider when making a determination of excess, including the following:

- Determinations of Excess (Section 4.3). Before issuing a decision to gather and remove animals, the authorized officer shall first determine whether excess WH&B are present and require immediate removal. In making this determination, the authorized officer shall analyze grazing utilization and distribution, trend in range ecological condition, actual use, climate (weather) data, current population inventory, wild horses and burros located outside the HMA in areas not designated for their long-term maintenance and other factors such as the results of land health assessments which demonstrate removal is needed to restore or maintain the range in a TNEB.
- Elements to consider (Section 7.1.2). In making a determination that excess wild horses and burros are present and require immediate removal, the authorized officer shall analyze current information for the following elements: grazing utilization and distribution; trend in range ecological condition; actual use; climate (weather) data; current population inventory; wild horses and burros located outside the HMA, or in herd areas (HAs) not designated for their long-term maintenance; and other factors such as the results of land health assessments which demonstrate removal is needed to restore or maintain the range.

REVIEW OF ELEMENTS FOR EXCESS WILD HORSES DETERMINATION

The history of wild horses in the WDHA is summarized in Attachment 1 (Wild Horse Management History and Current Conditions within the West Douglas Herd Area). This history document has outlined how the wild horses that reside in the WDHA or areas adjacent to the WDHA have been impacting the landscape and the ability to preserve and maintain a thriving, natural ecological balance and multiple-use relationship in the area. Attachment 1 provides the WRFO's review of all of the necessary elements that pertain to the WDHA based on The Act and BLM Handbook 4700. The following, outline some of the key points within Attachment 1 which provide the background and rationale for the overall recommendation below.

Wild horses Outside of the West Douglas Herd Area Boundary:

In accordance with 43 C.F.R. § 4700.0-5, the BLM's 4700 Manual defines a herd area "as the areas of public lands identified as habitat used by wild horses at the time The Act was passed (December 15, 1971)." HAs are those areas in which the BLM has the authority to manage wild

horses. See 16 U.S.C. § 1331 and 43 C.F.R. § 4710.4. Therefore, those wild horses that are currently located outside of the boundary of the WDHA are outside of the areas in which the BLM has the authority to manage and maintain wild horses. Therefore, these wild horses are excess and in accordance with The Act and must be removed from those areas outside of the boundary.

Wild Horses within the West Douglas Herd Area Boundary:

The most recent planning effort was the West Douglas Herd Area Resource Management Plan Amendment (2005), which removed all of the Animal Unit Months (AUM) temporarily allocated to wild horses in previous planning documents. The removal of AUMs for wild horses within the WDHA, while still maintaining a population of wild horses and cattle results in overstocking and overutilization and without reductions in AUMs for livestock results in not maintaining a thriving natural ecological balance in accordance with The Act. In addition, the 2005 Amendment identified that all of the wild horses within and outside of the WDHA (those located west of Douglas Creek) are in areas not designated for their long-term management. This was based on the intensive management required to maintain genetic viability of the herd, provide adequate horse habitat and suitable conditions for other competing uses, to keep horses within the boundaries of the management area, and to carry-out gathers in the localized rough terrain (Decision Record for CO-WRFO-05-083-EA).

Attachment 1, pages 4-30 provides an overview of all of the BLM-WRFO's Land Use Plans and Court Ordered EISs. These plans address wild horse management within the WDHA and decisions not to designate the area for the long-term management of the wild horse herds. Since the passage of the The Act the WRFO has completed nine land use planning efforts, analyzing several alternatives for long term management of wild horses within the WDHA. The decision of all of the land use planning efforts was to remove wild horses west of Douglas Creek, all determining that the BLM could not maintain a thriving natural ecological balance and multiple-use relationship west of Douglas Creek.

Trend

The WRFO reviewed existing trend monitoring data for range sites throughout the WDHA (pages 56-93, Attachment 1). This review indicates a downward trend in desired plant communities throughout the WDHA (with the exception of the Cottonwood site), which has resulted in a failure to meet land health standards on the Texas Creek sites and will likely result in not meeting land health standards unless continued over utilization is addressed. Trend data collected in the summer of 2012 using the Daubenmire canopy coverage and frequency transect methods was compared to the 2003 trend data as well as other additional historical data. These data indicate persistent declines in perennial herbaceous ground cover and in the composition of native grasses and forbs in rangeland communities within the WDHA, presumably because of incompatible stocking levels or duration of growing season use (including use of allocated AUMs for livestock) by wild horses.

Spring Monitoring

Within the WDHA there are seven known perennial springs which are all located within the summer range habitat (Map 15). Wild horses primarily use three of these springs: Palouse, Big Cedar, and Wild Rose as well as two unnamed seeps east of Texas Mountain. Pit reservoirs

constructed in the area generally do not retain water throughout the summer and fall in sufficient quantities to provide reliable season long water. Due to the limited water sources available and concentrated wild horse distribution within the summer range, heavy use of these sources has occurred. The concentrated heavy use has led to degradation of riparian and upland communities that have crossed an ecological threshold in which they are unlikely to recover without human intervention. Photos 29-37 (Attachment 1) are of water sources located in the summer habitat around the Texas Mountain area.

Current Population of Wild Horses

The current estimated population of approximately 300 wild horses west of Douglas Creek are located either within the WDHA, which has not been designated for long term management of wild horses or outside of the area they were found in 1971. Due to limited summer range, forage conditions, and limited availability of water within the WDHA, the WRFO anticipates that current populations have resulted in wild horse expansion to areas outside of the WDHA boundary. In addition continued increases in population will result in additional wild horses moving further outside of the WDHA boundary in search of habitat.

Livestock Use

The WRFO has reviewed the livestock permittee's actual use. Livestock use within the Winter/Spring pasture, which covers the majority of the WDHA, has been well below the authorized use of 8,932 AUMs (Tables 5 and 6, Attachment 1). All long-term trend sites within the HA are located within the Winter/Spring pasture.

The permittee in the southern portion of the WDHA has been voluntarily deferring use of the areas within the summer ranges since 2005. Maps 17 and 18 show this deferred grazing area. In 2014, the permittee and the BLM entered into a Memorandum of Understanding regarding this deferred area and outlined the criteria that would have to be met prior to allowing cattle back onto these ranges in order to allow for the restoration and maintenance of the range once excess wild horse populations are removed.

Although the actual amount of available forage for each year shown may be less due to environmental factors such as drought, the forage allocation unused by livestock would likely be enough to support the wild horse population within the WDHA if wild horse use were evenly distributed across the HA. The available forage is for the entire WDHA, population inventories and on the ground observation of wild horse distribution shows that wild horse use is concentrated within their preferred habitat centered on the limited summer range in the southern portion of the WDHA. Wild horse use does not occur uniformly across the entire WDHA resulting in over utilization of these areas.

Summary

Data and observations for each of the elements required by BLM Handbook 4700-1 to make a determination that excess wild horses are present show that the current population of wild horses within the WDHA is not suitable to maintaining or making progress toward achieving land health standards (Section 5.0, Attachment 1). Concentrated overutilization of vegetation has led to a transition to undesirable vegetation communities that are not meeting land health standards within some areas of the WDHA. Rangelands that have not transitioned to undesirable states

have shown a decline in desirable species composition and density; these sites are vulnerable to further deterioration to the point it is no longer capable of meeting or moving toward achieving land health standards which is compounded during periods of drought. Livestock grazing has been reduced and/or deferred within the WDHA to avoid long term degradation and reduced sustainability of the rangeland resources. Despite the reduction of livestock use, the population of wild horses within and outside of the WDHA has increased to the highest level since passage of The Act resulting in declining rangeland conditions vulnerable to long term degradation and impairment. Throughout the WDHA, many sites are not meeting or are moving toward not meeting land health standards.

RECOMMENDATION TO MANAGEMENT

Based on information provided in the Wild Horse Management History and Current Conditions within the West Douglas Herd Area, there are approximately 300 wild horses using an area that has not been designated through the land use plan for long term management of wild horses. It is apparent that a thriving natural ecological balance does not exist within the WDHA, even after these areas have been voluntarily deferred from livestock grazing. Because a thriving natural ecological balance does not exist, the wild horses within the WDHA are considered excess and the White River Field Office must begin the development of a gather plan to remove excess wild horses from within and outside of the WDHA.

Attachment 1: Wild Horse Management History and Current Conditions within the West Douglas Herd Area