U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

DETERMINATION OF NEPA ADEQUACY (DNA)

DOI-BLM-CO-N05-2015-0024-DNA

Identifying Information

Project Title: Piceance-East Douglas Herd Management Area and Adjacent Areas Wild Horse Gather

Legal Description: Sixth Principle Meridian
T 1 N, R 96 W, Sections 6-9, 16-22, 26-36
T 1 N, R 97 W, Sections 1 – 24
T 1 N, R 98 W, Sections 1 - 36
T 1 N, R 99 W, Sections 1 - 20, 30, 31
T 1 N, R 101 W, Sections 1 - 36
T 2 N, R 97 W, Sections 18 - 20, 28 - 34
T 2 N, R 98 W, Sections 2 – 36
T 1 S, R 96 W, Sections 4 – 10, 14 – 36
T 1 S, R 97 W, Sections 1, 2, 10 – 15, 21 – 28, 31 – 36
T 1 S, R 98 W, Sections 1 - 36
T 1 S, R 100 W, Sections 19, 29 - 32
T 1 S, R 101 W, Sections 1 - 4, 9 - 15, 22 - 26, 36
T 2 S, R 96 W, Sections 1 – 21, 28 – 32
T 2 S, R 97 W, Sections 1 – 4, 9 – 16, 21 – 26, 36
T 2 S, R 98 W, Sections 1 - 36
T 2 S, R 99 W, Sections 1 - 36
T 3 S, R 99 W, Sections 4 – 8, 17 – 20, 29 – 32
T 3 S, R 100 W, Sections 1 – 36
T 4 S, R 99 W, Sections 5 – 8
T 4 S, R 100 W, Sections 1 – 6, 10 – 12

Applicant: Department of the Interior, Bureau of Land Management (BLM), White River Field Office (WRFO)

Introduction

The Bureau of Land Management's (BLM) White River Field Office (WRFO) is proposing to gather and remove approximately 167 excess wild horses from within or adjacent to the Piceance-East Douglas Herd Management Area (PEDHMA) tentatively scheduled for September 14 - 25, 2015. If the BLM is fully successful implementing the proposed action, approximately

210 wild horses would remain within the PEDHMA which is within the Appropriate Management Level (AML) of 135-235 wild horses. No wild horse mares would be returned to the PEDHMA therefore there would be no need for the use of the Porcine Zona Pellucida (PZP) immunocontraception (fertility) drugs.

The gather area (analysis area) is larger than the PEDHMA because it includes areas/lands surrounding or adjacent to the PEDHMA where wild horses have relocated outside of the PEDHMA including the North Piceance Herd Area but does not include the West Douglas Herd Area. The gather area is located entirely within Rio Blanco County, approximately 25 miles west of Meeker, Colorado and approximately 100 miles north and east of Grand Junction, Colorado and does not include areas west of State Highway 139 (West Douglas Herd Area). The predominant land uses within the gather area are livestock grazing, recreation and energy development. The gather area comprises approximately 449,809 acres which is approximately 23 percent of all of the lands within the White River Field Office boundary. The PEDHMA itself comprises approximately 190,130 acres of public, state, and private lands. The map for the gather area (including the PEDHMA) is located in Appendix A, Map 1.

Issues and Concerns

At the close of the 2011 gather and removal of excess wild horses the number of wild horses that remained on the range was near or at the high end of the Appropriate Management Level (AML) within the PEDHMA. There were also excess wild horses that remained on the range located outside of the PEDHMA boundary. A post 2011 gather partial inventory was conducted in February 2012 where 183 adult wild horses were counted within the PEDHMA therefore with a 20 percent recruitment rate figured for 2012, 2013, 2014, and 2015 the PEDHMA is projected to have approximately 377 wild horses not including wild horses located outside of the PEDHMA boundary. Therefore, if BLM were to gather 167 wild horses from within the PEDHMA this would potentially only reduce the wild horse numbers to near the high end of the AML. The estimated population of 377 does not include those wild horses that have relocated outside of the PEDHMA. The proposed gather would allow the PEDHMA to remain within the AML and retain the ecological balance consistent with the multiple uses that exist.

The opportunity to remove up to 167 excess wild horses would aid in reducing associated impacts from excess wild horses in areas not maintaining a thriving, natural ecological balance. While the gather may take place anywhere within or adjacent to the PEDHMA, one of the priorities would be to remove excess wild horses in order to reduce impacts to vegetation communities that are associated with the priority habitat for greater sage-grouse. Greater sage-grouse are a BLM sensitive species and currently a Candidate for listing under the Endangered Species Act, the following locations would be considered the priority areas to remove excess wild horses that overlap with greater sage grouse habitat: southern portion of the Square S Grazing Allotment (Pasture C), the Reagles Grazing Allotment, and the area known as Magnolia Bench. The Tommy's Draw/Cathedral Creek and areas south are considered priority areas to remove excess wild horses because of their use of private lands and expansion into the Soldier and Lake Creek area. Further, the Barcus area has also been identified as an area that continually receives high use by an elevated wild horse population and for this reason will be considered a priority area (see Map 1 in Appendix A).

Relationship between the PEDHMA and West Douglas HA Gathers

The BLM's National Wild Horse and Burro Program has determined there is space available in short-term/long-term holding facilities for excess wild horses which may be gathered and removed from Colorado in Fiscal Year 2015. All wild horse gathers are subject to funding approval and further based on availability of short-term/long-term holding facilities. Within the WRFO, the priority would be to remove excess wild horses from within and adjacent to the West Douglas Herd Area (WDHA). However, if it becomes difficult to gather excess wild horses from the area due to weather, resource conditions, horse behavior, the WRFO would gather excess wild horses from within and adjacent to the PEDHMA. Gather of any wild horses within the PEDHMA is contingent upon whether or not (and if so, how many) excess wild horses are gathered and removed from the WDHA. However, due to differences between the PEDHMA and the WDHA and the independent utility of the two proposals, the WRFO is conducting separate National Environmental Policy Act (NEPA) reviews for the two proposed gathers; DOI-BLM-CO-N05-2015-0024-DNA and DOI-BLM-CO-N05-2015-0023-EA, respectively. The proposed gather in PEDHMA is for a specified number of excess wild horses and would be conducted only during September 2015 using helicopter drive trapping or helicopter assisted roping. The PEDHMA is the area identified in the WRFO for management of wild horses. In contrast, the WDHA is not identified in the RMP for long-term management of wild horses and the proposed gather would be conducted over a period of several years using a variety of gather techniques including helicopter drive trapping, helicopter assisted roping, and bait and water trapping. To make sure that the WRFO's gather plans for excess wild horses are clearly understood by the public, both of the NEPA reviews will be made available for public review at the same time.

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

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

Date Approved: July 1997

Decision Language (page 2-26): Objective: "Manage for a wild horse herd … within the Piceance-East Douglas Herd Management Area (HMA) so that a thriving ecological balance is maintained for all plant and animal species on that range."

Management:
"Wild horses will be managed to provide a healthy, viable breeding population with a diverse age structure."

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

"The wild horse herd population will be managed to improve range condition."

Proposed Action

The BLM, WRFO proposes to remove up to 167 excess wild horses from within the PEDHMA or areas adjacent to the PEDHMA including on an area locally known as Magnolia Bench (see Appendix A, Map 1). The gather would be conducted from approximately September 14 – 25, 2015 using helicopter drive-trapping and/or helicopter assisted roping.

Helicopter drive-trapping involves using a helicopter to spot and then herd wild horses towards a pre-constructed trap. Traps will be pre-constructed utilizing portable, round-pipe steel panels with funnel-shaped wings made up of jute fabric affixed to T-posts that have been temporarily tamped into the ground to create a visual barrier so that as the wild horses are hazed by the helicopter towards the trap through the "wings" or funnel so that the wild horses ultimately end up in the trap where people on-the-ground shut a gate behind them in order to catch them in the trap. In general, most traps would estimate to be 1 – 5 acres in size. Trap locations would be situated in areas where previously used trap sites were located or other disturbed areas whenever possible. It is possible that new trap sites will be selected based on where wild horses are to be removed. Trap locations are depicted for safety of maneuvering the wild horses into the trap, as well as, to gather the wild horses located in a given area.

Helicopter assisted roping includes herding by helicopter towards ropers who rope the wild horse(s). Once a wild horse is roped, another rider rides alongside the roped wild horse and roper, helping to haze, or herd the roped wild horse either towards the trap or towards a stock trailer. Once in the trap the rope is flipped away from the roped wild horse's neck and it joins the rest of the gathered wild horses. If a wild horse is hazed to a stock trailer located nearby, the wild horse is placed on the ground and then a ramp is placed to slide the wild horse into the trailer. Once in the trailer the wild horse's ropes are removed and the wild horse is allowed to stand inside the trailer.

For a detailed description of the gather methods incorporated into this proposed action refer to Standard Operating Procedures Washington Office (WO) Instruction Memorandum (IM) 2013-059. (Note: All Washington Office Instruction Memorandums (WO IMs) can be found online at http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction.html).

Design Features

The following design features have been incorporated into the Proposed Action and will be adhered to by Wild Horse and Burro (WH&B) National Program Contractor and/or BLM personnel.

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

3. All refueling will occur on existing roads or a site approved by the BLM as a helicopter staging area. All approved staging areas will be a minimum of 200 feet from any riparian

area or stream channel. The operator could utilize absorbent pads while refueling to limit the potential of fuel spills. In the event of a spill of lubricant, hydraulic fluids, fuels, or other hydrocarbons will be reported to the BLM's Contracting Officer Representative or Project Inspector so that BLM can immediately conduct evaluations of any necessary clean-up actions, as well as perform such actions to ensure compliance with applicable Laws, Rules, and regulations.

4. CPW staff will be contacted to coordinate gather operations in an effort to develop mutually compatible strategies that may reduce the intensity and localize the expanse of helicopter-related disturbances in the big game hunting areas.

5. The BLM will provide the public/media with safe and transparent visitation at wild horse gather operation in accordance with WO-IM-2013-058. The BLM will conduct gather operations while ensuring the humane treatment of wild horses in accordance with WO-IM 2013-059. A schedule will be prepared and posted on the WRFO's website (http://www.blm.gov/co/st/en/fo/wrfo.html) that would outline specific viewing opportunities and other relevant information. The BLM will provide concise, accurate and timely information about gather operations with communication and reporting during the course of an ongoing wild horse gather in accordance with WO-IM 2013-061.

6. The WRFO will establish the Incident Command System (ICS) to enable safe, efficient, and successful wild horse gather operations in accordance with WO-IM-2013-060.

7. The BLM would not construct trap locations or temporary holding facilities within 200 meters of known occupied habitat for listed plant species. If trap sites are anticipated in potential or suitable habitat or within an ACEC (Lower Greasewood Creek, Upper Greasewood Creek, Yanks Gulch/Upper Greasewood Creek, Coal Draw, Oil Spring Mountain, East Douglas Creek, South Cathedral Creek, Duck Creek, Ryan Gulch or Dudley Bluffs) that have not been previously disturbed, 24 hours of notification will be required and a pre-survey for special status plant species will be conducted prior to mobilization of vehicles and equipment by a BLM plant specialist. If BLM Sensitive plant species or federally listed plant species are located, another site will be selected at a distance greater than 200 meters from the edge of the population or occurrence and pre-surveyed similarly, as necessary.

8. A veterinarian from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) would be at the gather to examine animals and make recommendations to the BLM for care and treatment of the gathered wild horses. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy (WO-IM-2009-041).

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

10. Removed wild horses would mostly likely be transported to the Canon City, Colorado

BLM holding facility where they would be prepared (freeze-marked, vaccinated, and de-wormed) for adoption, sale (with limitations), or long-term holding unless unforeseen circumstances warranted that the wild horses be transported to a different approved BLM holding facility (i.e. at Rock Springs, Wyoming).

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

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

13. Any hay fed at holding facilities, on public lands, would be certified as weed free. Any noxious weeds that establish as a result of the proposed action will be controlled by the BLM. All of the trap locations would be monitored for up to three years for weed species infestation following gather operations. If discovered, the BLM would treat these locations following procedures outlined in DOI-BLM-CO-110-2010-0005-EA (http://www.blm.gov/co/st/en/BLM_Information/nepa/wrfo/FY_2010.html). It is estimated that the total acreage affected would be less than 30 acres.

14. Trap locations and holding areas will be sited to avoid cultural 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 conducted to ensure that any resources present are avoided.

15. Known and reported fossil localities will 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 will be modified to avoid impacting identified fossil resources.

16. All of the trap locations will be monitored for up to three years for vegetation recovery. If problems with vegetation establishment are discovered, BLM will treat these locations based on the aid in vegetation recovery that may be necessary, i.e. broadcast seeding, at the trap locations. It is estimated that approximately 30 acres will be affected for what would be considered the life of the gather and removal efforts.

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

18. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The BLM will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously

determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The BLM will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

19. Pursuant to 43 CFR 10.4(g), the BLM will immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony will stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

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

21. For Minerals and ROWs: Prior to commencement of gathering operations, the BLM will notify existing right-of-way holders, range permittees, operators, and lessees of any location, date, and time associated with the gather that may affect their permitted activities.

22. If gather operations are conducted during any of the CPW GMU 21 or 22 big game seasons, Special Recreation Permit holders for commercial big game guiding and outfitting will be notified of the gather activities and locations in advance.

Review of Existing NEPA Documents

Name of Plan: Piceance-East Douglas Herd Management Area Wild Horse Gather Plan

NEPA Document Number: DOI-BLM-CO-110-2011-0058-EA

Date Approved: August 19, 2011

NEPA Adequacy Criteria

1. Is the Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

   Yes, the Proposed Action is similar in location and nature to what has been previously analyzed. The existing NEPA document (DOI-BLM-CO-110-2011-0058-EA) considered using the same gather techniques in the same area as the Proposed Action. The only difference in location between the existing NEPA document and the Proposed Action is

the inclusion of White Coyote, Pollock Canyon, West Dry Lake Canyon, and Brushy Point Draw, which are all outside of the southern portion of the PEDHMA but where wild horses have been recently relocated. The impacts associated with gather and removal of excess wild horses within these areas are similar to those already disclosed for other areas outside the PEDHMA.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

   Yes, the range of alternatives analyzed in the existing NEPA document is appropriate for the new Proposed Action. The existing NEPA document (DOI-BLM-CO-110-2011-0058-EA) analyzed four alternatives: 1) Gather and Remove: Selective Removal; 2) Gather and Remove: Low End of AML; 3) Gather and Removal Outside HMA Only and Reduce Livestock Grazing; and 4) No gather or removal - No Action. No reasons were identified to analyze additional alternatives, and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

   Yes, the existing analysis remains valid. In 2012, Colorado Parks and Wildlife (CPW) identified preliminary priority habitat (PPH), preliminary general habitat (PGH), and linkage/connectivity habitat for greater sage-grouse. Greater sage-grouse are a candidate for listing under the Endangered Species Act and are considered a BLM sensitive species. PPH is defined as "areas that have the highest conservation value to maintaining sustainable greater sage-grouse populations. These areas include breeding, late brood-rearing and winter concentration areas". PGH is defined as "areas of occupied seasonal or year-round habitat outside of PPH". Linkage/connectivity habitat is defined as "areas that have been identified as broader regions of connectivity important to facilitate the movement of greater sage-grouse and maintain ecological processes". These new delineations are largely coincident with previous nesting, brood-rearing and winter ranges that were used for analysis in the original Environmental Assessment (EA). No additional areas were identified by CPW as important breeding or wintering habitat. Impacts associated with the Proposed Action would not be expected to differ from those identified in DOI-BLM-CO-110-2011-0058-EA. See below for more detailed discussion of affected sage-grouse habitat.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

   Yes, the effects of implementing the Proposed Action are similar to those analyzed in the existing NEPA document. Review by BLM WRFO specialists in this document (DOI-BLM-CO-N05-2014-0024-DNA) did not indicate there would be any direct, indirect, and

cumulative effects from the Proposed Action that were not adequately addressed in DOI-BLM-CO-110-2011-0058-EA.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

   Yes, public involvement is adequate with the current Proposed Action. Internal scoping was initiated when the project was presented to the WRFO interdisciplinary team on December 16, 2014. External scoping was conducted from January 30, 2015 until February 14, 2015. As of March 9, 2015 WRFO had received comments from 19 individuals or organizations and 9,096 form letters. The majority of these comments were related to the proposed gather operation in the WDHA, although a few of the comments were directed towards both the WDHA and the PEDHMA. This project was posted on the BLM's on-line National Environmental Policy Act (NEPA) register (ePlanning).

   On April 6, 2015 the WRFO made the preliminary NEPA documents available for public review and comment, with a comment due date of May 5, 2015. The public was notified by a press release and the WRFO also sent letters to over 100 individuals and groups announcing the availability of the documents. The BLM received a total of 54 public comments in the form of individual letters, faxes, calls, emails, and 10,279 form letter emails. The majority of the comments focused on the WDHA, although there were some comments that were applicable to both the WDHA and PEDHMA, and some comments that were specific to only the PEDHMA. In response to comments received, the BLM made minor changes in the final DNA. Changes made were for clarification purposes and did not change the intent of the document. The WRFO considered all of the scoping comments received and addressed those within the scope of the analysis. The WRFO considered whether new comments were received that were not previously addressed within the scope of the analysis of the 2011 EA throughout preparation of the DNA. Refer to Appendix G in DOI-BLM-CO-N05-2015-0023-EA for a summary of the preliminary document comments.

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on December 16, 2014. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	2/19/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	2/3/2015
Keith Sauter	Hydrologist	Soil Resources, Surface and Groundwater Quality, and Hydrology	2/20/2015
Matt Dupire	Ecologist	Special Status Plant Species	3/9/2015
Melissa J. Kindall	Wild Horse Management	Project Lead	3/12/2015

Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	3/13/2015

Cultural Resources: Impacts to cultural resources associated with wild horse gather operations were adequately addressed in the original EA (DOI-BLM-CO-110-2011-0058-EA). Traps and temporary holding facilities location will be located in previously used trap sites or on an area of existing disturbance, such as road or a wash, when possible. The possibility of finding intact cultural resources in these areas is minimal to non-existent. If an existing disturbed area cannot be located for traps and temporary holding facilities, a cultural resource inventory will take place prior to the gather. If cultural resources are located during this inventory, the trap site or temporary holding facility will be moved to another location, which does not contain cultural resources.

Soil Resources: Impacts to soil resources associated with the Proposed Action were adequately addressed in Section 3.4.1 Soil, Water, and Air in DOI-BLM-CO-110-2011-0058-EA. Direct/indirect impacts to soil resources should be minimized by locating traps and temporary holding facilities in previously used trap locations and/or areas of preexisting disturbances, when feasible. If it becomes necessary to locate a trap and/or temporary holding facilities in a previously undisturbed location, a soil resource inventory would be conducted by the WRFO Hydrologist (Soil/Water/Air Lead) prior to the gather and proper Best Management Practices (BMPs) will be implemented to minimize impacts to BLM administered soil resources.

Surface Water Quality, Ground Water Quality, and Hydrology: Impacts to soil resources associated with the Proposed Action were adequately addressed in Section 3.4.1 Soil, Water, and Air in DOI-BLM-CO-110-2011-0058-EA. If it becomes necessary to locate a trap and/or temporary holding facilities in a previously undisturbed location or near a groundwater expression such as a spring, a resource inventory would be conducted by the WRFO Hydrologist (Soil/Water/Air Lead) prior to the gather and proper BMPs will be implemented to minimize impacts to BLM administered surface and groundwater resources.

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

Threatened and Endangered Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. See Question #3 under NEPA Adequacy Criteria above for discussion on recent delineations of greater sage-grouse habitat. Approximately 14,208 acres of Proposed Priority Habitat (PPH) and 41,874 acres of Proposed General Habitat (PGH) for the greater sage-grouse occur within the gather boundary. Similarly, 4,746 acres of PPH and 527 acres of PGH occur within the Magnolia Bench boundary. Impacts to greater sage-grouse and sagebrush communities associated with gather operations were adequately addressed in the original EA (DOI-BLM-CO-110-2011-0058-EA). Gather operations are tentatively scheduled to take place from September 14 – 25, and would have no potential to disrupt nesting efforts. Noise from low flying aircraft may result in the displacement of grouse, however this would be localized and short term in nature. While there is potential for traps to be located in PPH/PGH, an effort will be placed on using areas that have been previously disturbed. The Proposed Action would not be expected to have any long term

adverse influence on greater sage-grouse or sagebrush communities that support nesting and wintering activities of these birds.

Impacts to big game and nongame species associated with gather operations were adequately addressed in the original EA (DOI-BLM-CO-110-2011-0058-EA). Gather operations would be confined to timeframes outside the reproductive periods for big game and nongame species (mid to late-September) and would therefore have no potential to directly influence migratory bird/raptor nesting outcomes or disrupt big game calving activities. Noise associated with low-flying aircraft would be expected to displace local wildlife, however these impacts would be short term and localized and would not be expected to have any substantial adverse consequences to local wildlife populations. Every effort will be made to locate trap sites in areas with existing disturbance. In those instances where this would not be possible, vegetation damage would be expected, however this would be concentrated and would not be expected to reduce/permanently remove forage and cover resources available for local wildlife species.

BLM Sensitive, Threatened and Endangered Plant Species: Impacts to the four BLM Sensitive Species: *Gentianella tortuosa* (Cathedral Bluffs Dwarf Gentian); *Gilia stenothyrsa* (Narrow-Stem Gilia); *Lesquerella parviflora* (Piceance Bladderpod); and the *Thalictrum heliophilum* (Sun-Loving Meadowrue) as well as the two Threatened and Endangered Plant Species: *Physaria congesta* (Dudley Bluffs Bladderpod) and *Physaria obcordata* (Dudley Bluffs Twinpod) associated with wild horse gather operations were adequately addressed in the original EA (DOI-BLM-CO-110-2011-0058-EA).

Tribes, Individuals, Organizations, or Agencies Consulted

Letters describing the proposed action and to address any tribal concerns were sent to the Eastern Shoshone Tribes (Wind River Reservation), Northern Ute Indian Tribe (Uintah & Ouray Reservation), Southern Ute Indian Tribe, Ute Mountain Ute Tribe, Pueblo of Jemez, and The Hopi Tribe on February 3, 2015.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitute BLM's compliance with the requirements of the NEPA.

Kent E. Walter

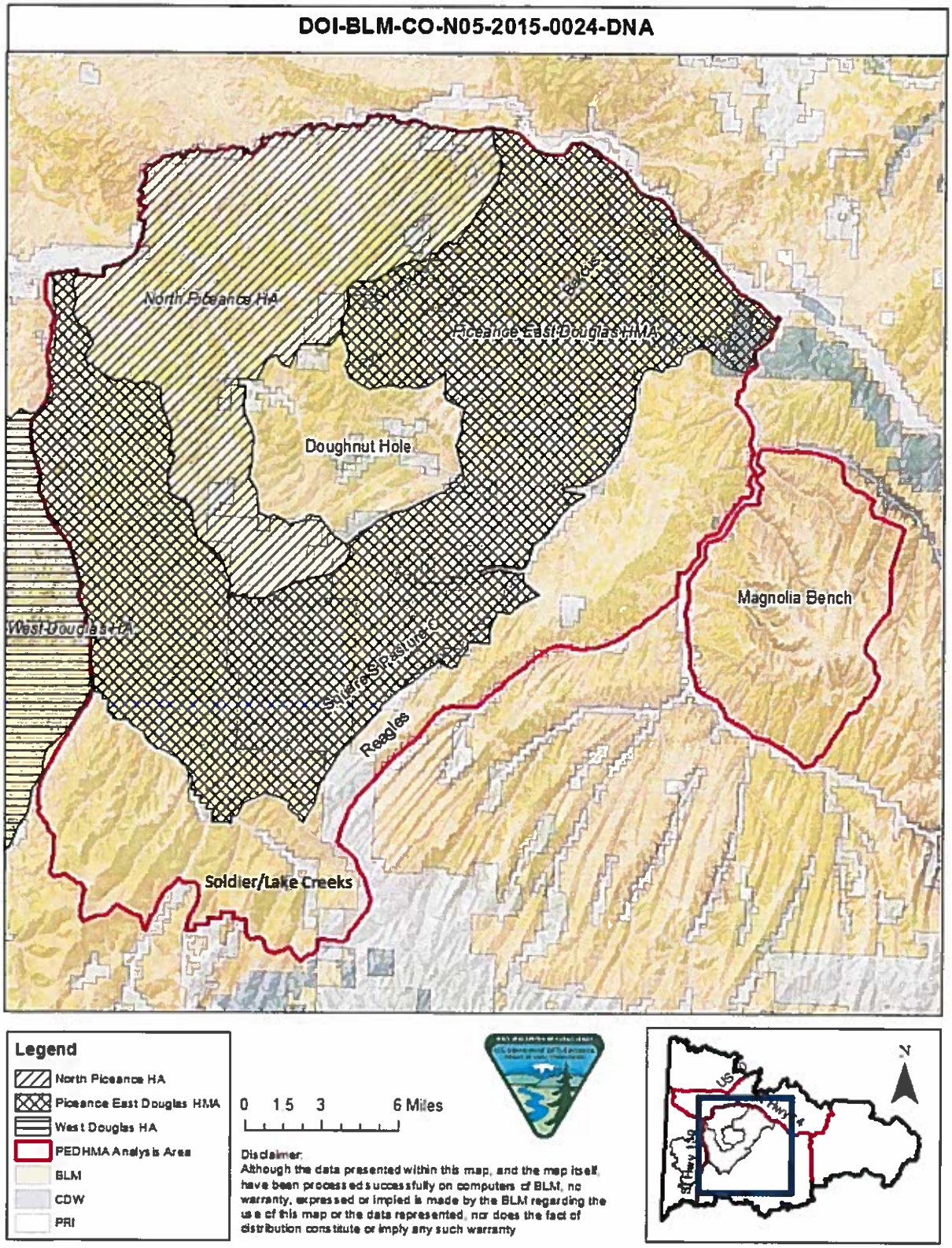
Kent E. Walter, Field Manager

JUL 28 2015

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific guidance.

Appendix A. Map 1



APPENDIX A: STANDARD OPERATING PROCEDURES

BLM Standard Operating Procedures for Wild Horse Gathers

Gathers are conducted by utilizing contractors from the Wild Horse Gathers-Western States Contract or BLM personnel. The following procedures for gathering and handling wild horses apply whether a contractor or BLM personnel conduct a gather. For helicopter gathers conducted by BLM personnel, gather operations will be conducted in conformance with the *Wild Horse Aviation Management Handbook* (January 2009).

Prior to any gathering operation, the BLM will provide for a pre-capture evaluation of existing conditions in the gather area(s). The evaluation will include animal conditions, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with wilderness boundaries, the location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine whether the proposed activities will necessitate the presence of a veterinarian during operations. If it is determined that a large number of animals may need to be euthanized or capture operations could be facilitated by a veterinarian, these services would be arranged before the capture would proceed. The contractor will be apprised of all conditions and will be given instructions regarding the capture and handling of animals to ensure their health and welfare is protected.

Trap sites and temporary holding sites will be located to reduce the likelihood of injury and stress to the animals, and to minimize potential damage to the natural resources of the area. These sites would be located on or near existing roads whenever possible.

The primary capture methods used in the performance of gather operations include:

1. Helicopter Drive Trapping. This capture method involves utilizing a helicopter to herd wild horses into a temporary trap.
2. Helicopter Assisted Roping. This capture method involves utilizing a helicopter to herd wild horses or burros to ropers.
3. Bait Trapping. This capture method involves utilizing bait (e.g., water or feed) to lure wild horses into a temporary trap.

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

A. Capture Methods used in the Performance of Gather Contract Operations

1. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:

All trap and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (PI) prior to construction. The Contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

2. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors. Under normal circumstances this travel should not exceed 10 miles and may be much less dependent on existing conditions (i.e. ground conditions, animal health, and extreme temperature [high and low]).

3. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be 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 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.

b. All loading chute sides shall be a minimum of 6 feet high and shall be fully covered, plywood, metal without holes larger than 2"x4".

c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.

d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, plastic snow fence, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses.

e. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking or sliding gates.

4. No modification of existing fences will be made without authorization from the COR/PI. The Contractor shall be responsible for restoration of any fence modification which he has made.

5. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to wet down the ground with water.

6. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, estrays or other animals the COR determines need to be housed in a separate pen from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government will require that animals be restrained for the purpose of determining an animal's age, sex, or other necessary procedures. In these instances, a portable restraining chute may be necessary and will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering

requires that animals be released back into the capture area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the COR.

7. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. 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. The contractor will supply certified weed free hay if required by State, County, and Federal regulation.

An animal that is held at a temporary holding facility through the night is defined as a horse/burro feed day. An animal that is held for only a portion of a day and is shipped or released does not constitute a feed day.

8. It is the responsibility of the Contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.

9. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI will determine if animals must be euthanized and provide for the destruction of such animals. The Contractor may be required to humanely euthanize animals in the field and to dispose of the carcasses as directed by the COR/PI.

10. Animals shall be transported to their final destination from temporary holding facilities as quickly as possible after capture unless prior approval is granted by the COR for unusual circumstances. Animals to be released back into the HMA following gather operations may be held up to 21 days or as directed by the COR. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR. The Contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the COR. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours in any 24 hour period. Animals that are to be 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/PI or Field Office horse specialist.

B. Capture Methods That May Be Used in the Performance of a Gather

1. Capture attempts may be accomplished by utilizing bait (feed, water, mineral licks) to lure animals into a temporary trap. If this capture method is selected, the following applies:

a. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.

b. All trigger and/or trip gate devices must be approved by the COR/PI prior to capture of animals.

c. Traps shall be checked a minimum of once every 10 hours.

2. Capture attempts may be accomplished by utilizing a helicopter to drive animals into a temporary trap. If the contractor selects this method the following applies:

a. A minimum of two saddle-horses shall be immediately available at the trap site to accomplish roping if necessary. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one half hour.

b. The contractor shall assure that foals shall not be left behind, and orphaned.

3. Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If the contractor, with the approval of the COR/PI, selects this method the following applies:

a. Under no circumstances shall animals be tied down for more than one hour.

b. The contractor shall assure that foals shall not be left behind, or orphaned.

c. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

C. Use of 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 COR/PI, if requested, with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.

2. All motorized equipment, tractor-trailers, and stock trailers 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 tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have at least two (2) partition gates providing at least three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing at least two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5

foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.

4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer which is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. 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 all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.

5. Floors of tractor-trailers, stock trailers and loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping as much as possible during transport.

6. Animals to be loaded and transported in any trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);
8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
4 square feet per burro foal (.50 linear feet in an 8 foot wide trailer).

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

8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor will be instructed to adjust speed.

D. Safety and Communications

1. The Contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the capture of wild horses utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government will take steps necessary to protect the welfare of the animals.

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

b. The Contractor shall obtain the necessary FCC licenses for the radio system

c. All accidents occurring during the performance of any task order shall be immediately reported to the COR/PI.

2. Should the contractor choose to utilize a helicopter the following will apply:

a. 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, applicable regulations of the State in which the gather is located.

b. Fueling operations shall not take place within 1,000 feet of animals.

E. Site Clearances

No personnel working at gather sites may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage or otherwise alter or deface any archaeological resource located on public lands or Indian lands.

Prior to setting up a trap or temporary holding facility, BLM will conduct all necessary clearances (archaeological, T&E, etc. as necessary). All proposed site(s) must be inspected by a government archaeologist. Once archaeological clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.

F. Public Participation

Opportunities for public viewing (i.e. media, interested public) of gather operations will be made available to the extent possible; however, the primary considerations will be to protect the health, safety and welfare of the animals being gathered and the personnel involved. The public must adhere to guidance from the on-site BLM representative. It is BLM policy that the public will not be allowed to come into direct contact with wild horses or burros being held in BLM facilities. Only authorized BLM personnel or contractors may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at any time or for any reason during BLM operations.

H. Responsibility and Lines of Communication

Contracting Officer's Representative/Project Inspector
Jerome Fox, Northwest Colorado District, Wild Horse Specialist

Project Inspector
Tyrell Turner, White River Field Office, Rangeland Management Specialist

Project Inspector
Melissa Kindall, White River Field Office, Range Technician

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Field Manager, Kent Walter and/or Assistant Field Manager, Ester McCullough will take an active role to ensure the appropriate lines of communication are established between the field, White River Field Office, Northwest Colorado District Office, Colorado State Office, National Program Office, and BLM Holding Facility offices at Canon City. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquiries will be handled through the Assistant Field Manager for Renewable Resources and Northwest Colorado District Office Public Affairs. These individuals will be the primary contact and will coordinate with the COR/PI on any inquiries.

The COR/PIs will coordinate with the contractor and the corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications will be vigorously enforced.
Should the Contractor show negligence and/or not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.