



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

White River Field Office
220 East Market Street,
Meeker, Colorado 81641



In Reply Refer To:
4700

DECISION RECORD
For the
2015 WEST DOUGLAS HERD AREA
WILD HORSE GATHER AND REMOVAL
DOI-BLM-CO-N05-2015-0023-EA

INTRODUCTION

The Bureau of Land Management (BLM) White River Field Office (WRFO) is proposing to gather and remove excess wild horses from within and/or adjacent to the West Douglas Herd Area (WDHA) beginning September 14, 2015 with 167 animals. As the WDHA has not been designated as a Herd Management Area (HMA), all excess wild horses gathered would be removed from the WDHA. Of those wild horses remaining within the WDHA, the BLM would begin utilizing bait and water trapping gather methods to gather and remove excess wild horses from the WDHA as soon as funding is allocated and space is available at short and long-term holding facilities. The WRFO may also utilize helicopter gather methods in subsequent fiscal years to remove remaining excess wild horses, these operation would likely be scheduled for a similar duration between July 1 and February 28. To comply with 43 CFR 4710.4, attempts will be made to gather all wild horses located outside the boundaries of the WDHA or approximately 74 wild horses will be gathered and removed.

The BLM's National Wild Horse and Burro Program has determined there is space available in short-term/long-term holding facilities for excess wild horses which may be gathered and removed from Colorado in Fiscal Year 2015. All wild horse gathers are subject to funding approval and further based on availability of short-term/long-term holding facilities. Within the WRFO, the priority would be to remove excess wild horses from within and adjacent to the West Douglas Herd Area (WDHA). However, if it becomes difficult to gather excess wild horses from the area due to weather, resource conditions, horse behavior, etc. the WRFO would gather excess wild horses from within and adjacent to the Piceance-East Douglas Herd Management Area (PEDHMA). Gather of any wild horses within or adjacent to the PEDHMA is contingent upon whether or not (and if so, how many) excess wild horses are gathered and removed from the WDHA. 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.

The proposed gather is necessary to address the removal of excess wild horses to maintain and restore a thriving natural ecological balance and multiple use relationship within the Field Office, restrict wild horses use to areas where they were found at passage of the WFRHBA that have been designated as Herd Management Areas through land use planning documents, and reduce (slow) population growth rates. The environmental assessment (EA) provides evidence to support the BLM's determination of excess and the appropriateness of the proposed action to gather and remove wild horses from within and adjacent to the WDHA.

The BLM has reviewed the information currently available and has determined that excess wild horses are present within the WDHA and that an overpopulation exists and that the gather and removal is necessary to remove excess animals in accordance with the authority provided in Section 1333 (b) (2) of the Wild Free-Roaming Horses and Burros Act (WFRHBA) of 1971, as amended, and to comply with 43 CFR 4710.4. The Environmental Assessment DOI-BLM-N05-2015-0023-EA considered seven alternatives four of which were analyzed in detail. This detailed analysis discloses the potential environmental impacts associated with Alternative A the proposed alternative using all approved gather methods; Alternative B a gather with exclusive use of bait and/or water trapping, Alternative C using all approved gather methods but removing wild horses in a phased approach based on age and sex, and Alternative D, the no action alternative where WRFO would not gather and remove excess wild horses within or adjacent to the WDHA at this time.

AUTHORITIES

The proposed gather and removal of excess wild horses within and immediately adjacent to the WDHA is in compliance with Public Law 92-125, the WFRHBA as amended; the Federal Land Policy and Management Act (FLPMA); and Public Law 95-514, the Public Rangelands Improvement Act of 1978 (PRIA), which require the BLM to protect, manage and control wild horse (or burro) populations on public lands.

DECISION

Based upon my review of the analysis in the EA, it is my decision to implement the Proposed Action, Alternative A, to gather and remove all excess wild horses from within the WDHA and to remove wild horses which have relocated outside of the WDHA boundary, as described in Alternative A of the EA, including the utilization of all Design Features under Sections 3.4 and 3.5 along with the Standard Operating Procedures listed in Appendix B of the EA.

This decision is in conformance with and will best implement the land use planning decisions as documented in the White River Record of Decision and Approved Resource Management Plan (WRRMP/ROD) dated July 1, 1997 and the West Douglas Herd Area Amendment (WDHAA) to the White River Resource Management Plan, Environmental Assessment CO-WRFO-05-083-EA dated October 10, 2007.

ALTERNATIVES CONSIDERED BUT NOT SELECTED

In addition to the selected alternative, the EA evaluated and analyzed three other alternatives:

Alternative B – Exclusive Use of Bait and/or Water Trapping: Exclusive use of bait and/or water trapping utilizes a trap constructed of portable, round-pipe steel panels. Funnel-shaped traps would be built, allowing wild horses to get deep into the trap so that the gate release mechanism has time to get the gate closed. Water traps would be located at a specific water source. Bait traps would be located in areas frequented by wild horses so that the wild horses would make use of the forage that is provided as bait. Water and/or bait trapping may be conducted at any time during the year. The exact locations of such bait and/or water trapping have not been determined at this time but these locations would be selected based on current wild horse use of an area and/or a given water source.

Alternative C - Use All Approved Gather Methods but Remove Wild Horses in a Phased Approach Based on Age and Sex: Alternative C is similar to Alternative A except all stallions over three years of age would be returned to the WDHA until the point when the sex ratio of gathered wild horses is 80 percent stallions and 20 percent dry mares, and/or mare/foal pairs, and stallions younger than three years of age. The BLM would then begin removing stallions over three years of age along with any of the dry mares, and/or mare foal pairs, and stallions younger than three years of age. Until the time that the 80/20 percent is reached, all mares, foals, and stallions three years old or younger would be gathered and removed from the WDHA. No stallions would be gelded that are returned to the WDHA. No mares or mare/foal pairs would be returned to the WDHA so there would be no need for the treatment of mares with porcine zona pellucide (PZP).

Alternative D – No Action: Under Alternative D, excess wild horses would not be gathered or removed from areas within and adjacent to the WDHA.

The EA also lists three additional alternatives that were considered by the BLM but were eliminated from detailed analysis. The rationale for not analyzing these alternatives is provided in the EA on pages 17 and 18.

RATIONALE

The finding to select Alternative A is based on the following rationale:

1. This decision is based on a Finding of No Significant Impact (FONSI) dated July 28, 2015. This decision is in accordance with the policy found in 43 CFR Part 4700 and the WFRHBA.
2. This decision is in conformance with the WRRMP/ROD dated July 1, 1997 which, for wild horse management, directs: “The North Piceance and West Douglas Herd Areas will be managed in the short-term (0 – 10 years) to provide forage for a herd of 0 to 50 horses in each herd area. The long term objective (+10 years) will be to remove all wild horses from these areas.”

Further, this decision in conformance with the West Douglas Herd Area Amendment (WDHAA) to the White River Resource Management Plan, Environmental Assessment No. CO-WRFO-05-083-EA dated October 10, 2007 with the decision: "Consistent with the resolution of the protests by the Assistant Director, it is therefore my decision to approve the proposed decision of Field Manager Kent E. Walter calling for the total removal of the wild horses in the West Douglas herd Area at the earliest practicable date." Signed by Sally Wisely, Colorado State Director.

3. Alternative A best meets the Purpose and Need to address an over population of wild horses and removal of excess wild horses in order to establish, preserve and maintain a thriving natural ecological balance and multiple-use relationship within the WDHA in accordance with the WFRHBA of 1971, and to manage wild horses within the area designated for long-term wild horse management, the Piceance-East Douglas Herd Management Area.
4. Upon my analysis of the data contained within the EA, the current wild horse population is over utilizing key vegetative species and continuous season long grazing is creating areas where plant communities are transitioning from desired plant communities to less desirable plant communities. This over utilization was most recently documented by the BLM in the 2015 document Wild Horse Management History and Current Conditions within the West Douglas Herd Area (Appendix C). These findings clearly demonstrate that an excess population of wild horses exists within the WDHA. As defined in 16 USC § 1332(f) "excess animals" means wild free-roaming horses or burros which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area. The excess wild horse population jeopardizes the BLM's ability to maintain a thriving natural ecological balance for all plant and animal species in balance with other multiple resource uses. Wild horse removal will decrease overall forage utilization within and adjacent to the WDHA and would be expected to prompt recovery of vegetation resources sufficient to achieve rangeland health standards and return areas to a state of a thriving natural ecological balance. Implementation of the Proposed Action (Alternative A), provides the BLM with the best opportunity to maintain a thriving natural ecological balance on these public lands. Implementation of Alternative A would result in the total removal of wild horses over time within and adjacent to the WDHA.

After careful consideration of all the aforementioned information and relevant factors, I have determined that an overpopulation of wild horses exists and that action is necessary to remove the excess wild horses from within and adjacent to the WDHA to protect land resources (upland vegetation and riparian plant communities, watershed function, habitat quality for other animal populations, along with threatened, endangered, and sensitive plant and animal species), and the continued multiple use management of the public lands. This action is necessary to ensure conformance with the applicable land use planning decisions. I have carefully reviewed all the available information and determined that gathering and removing of excess wild horses from the WDHA and adjacent areas is necessary in order to maintain a thriving natural ecological balance and multiple use relationship in the area.

Based on this determination, it is my decision to implement a gather to remove excess wild horses from within and immediately adjacent to the WDHA on approximately September 14, 2015. The gather is necessary to comply with 43 CFR 4710.1 and 43 CFR 4720.1.

CONSULTATION AND COORDINATION

Consultation with the required tribes has occurred and none of the tribes have identified any Traditional Cultural Properties or issues of cultural concern in the gather area.

The BLM completed coordination with State and Federal wildlife agencies throughout this process regarding potential threatened and endangered species and special status species. No formal consultation was required or conducted with the U.S. Fish and Wildlife Service as the known threatened or endangered populations would not be impacted by gather operations within and adjacent to the WDHA.

PUBLIC INVOLVEMENT

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

The BLM received a total of 54 public comments in the form of individual letters, faxes, calls, emails, and 10,279 form letter emails. The majority of the comments focused on the WDHA, although there were some comments that were applicable to both the WDHA and PEDHMA, and some comments that were specific to only the PEDHMA. In response to comments received, the BLM made minor changes in the final EA. The WRFO considered all of the scoping comments received and addressed those within the scope of the analysis throughout the EA.

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

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

PLAN CONSISTENCY

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the White River Record of Decision and

Approved Resource Management Plan (WRRMP/ROD) dated July 1, 1997; the West Douglas Herd Area Amendment (WDHAA) dated October 10, 2007; the Endangered Species Act; the Native American Religious Freedom Act; other cultural resource management laws and regulations; Executive Order 12898 regarding Environmental Justice; and Executive Order 13007 regarding the action will not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

ADMINISTRATIVE PROCEDURES

This decision is subject to appeal. If you wish to appeal this decision, as provided by 43 CFR 4770.3 and 43 CFR 4.4, you must file an appeal in writing within 30 days receipt of this decision with the Field Manager, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.

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

Should you wish to file a petition for stay, the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you decide to submit a petition for stay of the decision, a copy of the notice of appeal and petition for stay must be served simultaneously upon the parties identified below.

Field Manager
White River Field Office
220 East Market Street
Meeker, Colorado 81641

Office of the Regional Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, Colorado 80215

Office of Hearing and Appeals
Interior Board of Land Appeals
801 North Quincy Street, Suite 300
Arlington, Virginia 22203

The Office of Hearing and Appeals regulation do not provide for electronic filing of appeals; therefore, they will not be accepted.

APPROVAL

The West Douglas Herd Area Wild Horse Gather is approved for implementation beginning on or after September 14, 2015. Implementation of the gather to remove excess wild horses from the West Douglas Herd Area and those areas outside of the West Douglas Herd Area on/after this date is in accordance with the authority provided in Title 43CFR 4770.3(c), which states in part: "decisions...shall be effective upon issuance or on a date established in the decision" when removal of excess animals is necessary to ensure and maintain a thriving natural ecological balance and multiple-use relationship and compliance with land use planning decisions.



Kent E. Walter
Field Manager

JUL 28 2015

Date: