

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

ENVIRONMENTAL ASSESSMENT

NUMBER: DOI-BLM-CO-110-2012-0104-EA

CASEFILE/PROJECT NUMBER: N/A

PROJECT NAME: 2012 Emergency West Douglas Herd Area Wild Horse Gather

LEGAL DESCRIPTION: Sixth Principal Meridian, Rio Blanco County, Colorado
T. 3 S., R. 102 W.,
Section 16, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Section 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Section 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 21;
Section 28, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

APPLICANT: Bureau of Land Management, White River Field Office

INTRODUCTION

This Environmental Assessment (EA) has been prepared to analyze the White River Field Office's (WRFO) proposal to gather and remove wild horses from the Texas Mountain area of the West Douglas Herd Area (HA) as described in the legal description above. This proposal is based on extreme drought conditions in Rio Blanco County and monitoring conducted by WRFO staff.

The West Douglas HA is located in northwestern Colorado, southwest of Rangely and approximately 50 miles north of Grand Junction. The herd area encompasses 123,387 acres of federal land managed by the WRFO and 4,754 acres of private land. All of the West Douglas HA is within Rio Blanco County, Colorado.

The WRFO began monitoring drought conditions associated with a lack of winter snowfall in January 2012. As of February 2012, the WRFO issued drought letters to all livestock grazing permittees warning them that they may be forced to make adjustments to their operations to account for drought conditions and lack of available water and forage resources. Monitoring indicates that existing spring flows have decreased within the Texas Mountain region of the West Douglas HA, since the beginning of June 2012. The current (6/12/2012) U.S. Drought Monitor map identifies all of Rio Blanco County as being in a D3 or "extreme" drought intensity category

(http://www.droughtmonitor.unl.edu/DM_state.htm?CO,W). The WRFO began hauling water on June 15, 2012 to ensure wild horses on the east side of Texas Mountain in the southern portion of the West Douglas HA have access to water in an area where existing water resources have been heavily utilized by wild horses (DOI-BLM-CO110-2012-0105-CX). However, the situation has evolved into an emergency due to the difficulty in hauling water in to the area, continued reduction of spring flows, and reduction in forage within the area that wild horses are currently using. The WRFO is concerned that current body condition of the wild horses may be misleading since dehydration may not cause a change in body condition prior to causing death. Based on the current situation, prompt removal of excess wild horses from the most severely impacted areas would be necessary to ensure their health and welfare.

The BLM has determined that approximately 185 wild horses (adults and foals of the year) are currently present within the West Douglas HA and 43 wild horses are presently outside of the West Douglas HA boundary. At this time, approximately 50 excess wild horses, in the Texas Mountain area, are at immediate risk. Emergency conditions have emerged, necessitating the prompt removal of these excess wild horses in the Texas Mountain area to prevent premature death of individual wild horses. Water is a limited resource within the West Douglas HA and those traditional water sources are close to or have already dried up due to extreme drought conditions. Current weather patterns and models do not indicate any relief in the near future. Wild horses congregate around the few remaining seeps waiting for the puddles to recharge so that they can drink; limiting both the amount of time an animal spends foraging and the distance that they travel away from the water source to forage. In addition, these water sources when they begin to dry are impacted by trampling and further reduce the available surface waters, being converted into boggy muddy areas.

Dehydration is typically the combination of two factors: One is not drinking enough water, and second is replacing fluids slower than they are lost. A normal 1000-pound horse will usually drink about eight gallons of water a day

(<http://www.veterinarypartner.com/Content.plx?P=A&C=189&A=2772&S=0>). On a hot day, an adult horse may need to drink up to 20 gallons of water a day (Dr. Paul Nielson Personal Communication, 2012). Based on visual observation of the BLM's Range Specialist it appears that wild horse use has affected vegetation due to the limited distribution of wild horses away from water sources. Declines in wild horse body condition and overall health are not yet apparent for most horses because the current limiting factor is water and not forage; however, some of the less aggressive individuals have begun to experience declines in body condition. Moreover, body condition may not be an appropriate means to measure the overall health of wild horses since to determine hydration status of a wild horses you must perform a "pinch test" and a wild horse may appear to be in good body condition while suffering from severe dehydration which can result in death within a few days (Dr. Paul Nielson Personal Communication, 2012).

The BLM has reviewed the determinations made in its previous land use planning efforts and associated analyses, as well as all information currently available regarding range health and escalating drought conditions resulting in severe shortages of water. For the reasons stated below, the BLM concludes that an overpopulation of wild horses currently exists on the public lands in the West Douglas HA and that action is necessary to remove these excess animals on an emergency basis in the Texas Mountain area.

It may be necessary to conduct multiple gathers over the duration of drought conditions in the West Douglas HA as monitoring of wild horse condition, water supplies, and/or rangeland health conditions indicate. However, any additional gather operations for wild horses outside of the Texas Mountain area will be subject to additional review and documentation pursuant to the National Environmental Policy Act (NEPA).

BACKGROUND

In 1975, BLM drafted a White River Resource Area (WRRRA), Management Framework Plan (MFP) based on the information developed in the 1975 Unit Resource Analysis (URA). The 1975 URA identified two wild horse herd units, the Douglas Creek Herd Unit and the Piceance Basin Herd Unit. The 1975 Unit Resource Analysis further identified wild horse utilization/distribution problems resulting from human development and projected human population increases. Based on this analysis, the decision of the 1975 MFP was to: 1) remove wild horses west of Douglas Creek, 2) retain wild horses east of Douglas Creek, and 3) construct a fence along the Douglas Creek road (State Highway 139) from Rangely up East Douglas Creek.”

From 1978 through 1980, another planning effort was undertaken to update the 1975 MFP. This update was driven by court-ordered environmental impact statements requiring area-specific analysis of the livestock grazing program. A 1980 URA again identified two wild horse herd units, the Douglas Creek Herd Unit and the Piceance Basin Herd Unit. Based on the 1980 URA, the Piceance-East Douglas Area (including that portion of the Douglas Creek Herd Unit east of Douglas Creek) was selected for management of wild horses because of a “lower density of both developed and undeveloped energy resources than any other area within the two wild horse herd units” and, “[t]he topography of the proposed area is highly suited to the needs of wild horses... offers both summer and winter ranges and provides all other elements necessary for the survival of wild horses.”

The BLM’s 1980 White River Resource Area MFP called for the complete removal of wild horses from the herd area as the BLM, through information gained in land use planning completed pursuant to Section 202 of the Federal Land Policy and Management Act (FLPMA) of 1976, determined there to be an overpopulation on the public lands. As defined in 16 USC § 1332(f) "excess animals" includes 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. Through the MFP process, the BLM determined that it could not maintain a thriving natural ecological balance and multiple-use relationship outside of the designated Piceance-East Douglas Herd Management Area (HMA).¹

¹ 16 U.S.C. §1333(a). The BLM designated the Piceance/East Douglas Herd Management Area as a herd management area because at the time of the first wild horse census, wild horses were concentrated in the area, the area is wild horse preferred habitat, the area has reliable sources of water during late summer, and the area has a balance of summer and winter range, *White River Resource Area, Management Framework Plan, 1980, Wild Horse Management Summary*.

The 1981 White River Resource Area Herd Management Area Plan reiterated the 1980 MFP and 1981 Grazing Environmental Impact Statement decisions to remove all horses west of Douglas Creek and in allotments outside the Piceance-East Douglas HMA. The conditions that existed had not changed, and there was no new and significant information presented that would lead the BLM to change the determination that the horses needed to be removed in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.

In 1983, State Highway 139 was fenced separating the East Douglas portion of the Piceance-East Douglas HMA from the West Douglas HA.

In 1985, the WRRRA Piceance Basin Resource Management Plan (RMP) was developed for the Piceance Basin to analyze expected impacts resulting from oil shale development. Wild horse management would continue according to decisions approved in the 1981 Piceance-East Douglas Herd Management Area Plan.

The 1997 White River Record of Decision (ROD) and Approved Resource Management Plan, approved by the State Director on July 1, 1997, is the current land use plan decision for the WRRRA. The decision for horse management in the West Douglas HA was that "[t]he North Piceance and West Douglas Herd Areas [would] be managed in the short-term (0-10) years) to provide forage for a herd of 0 to 50 horses in each herd area. The long term objective (+10 years) will be to remove all wild horses from these areas."

The BLM's 1997 White River ROD/RMP reaffirmed the 1980 decision to remove wild horses from the herd area but allowed for an interim population of 0 to 50 animals for a period of ten years while implementing the removal decision.

In 2001, the Colorado State BLM Office directed the WRFO to review the decision in the 1997 White River RMP/ROD regarding management of wild horses in West Douglas HA. An RMP amendment planning process, specific to the issues of the West Douglas HA, allowed for an in-depth analysis of alternatives focused just on this area and was open to public participation. The West Douglas Herd Area Amendment was analyzed as CO-WRFO-05-083-EA.

In 2007, the BLM issued its final decision record for the West Douglas Herd Area Amendment and affirmed its planning decisions to remove all wild horses in the herd area. The State Director found that BLM could not maintain a thriving natural ecological balance and multiple-use relationship outside of the designated Piceance-East Douglas HMA and found that wild horses within the WRFO could be better managed within the designated Piceance-East Douglas HMA.

On September 3, 2010, the WRFO issued a gather plan decision to remove all excess wild horses from the WDHA and adjacent areas to implement the 1997 RMP and the October 10, 2007 RMP amendment. On September 29, 2010, a complaint challenging that decision and associated EA was filed in U.S. District Court. Case No. 10-1645 (D.D.C.) On February 9, 2011, BLM announced the withdrawal of the September 3, 2010 gather plan Decision Record and EA. The case is still pending, with the only remaining issue being whether BLM's land use planning decision to manage for zero horses in the West Douglas HA violates the WFRHBA and FLPMA. The proposed partial gather analyzed in this EA is in response to an emergency

situation and is not designed to fully implement the land use planning decision (management of zero horses in the HA) currently under review by the U.S. District Court.

Through all of the analysis completed by the BLM on the West Douglas HA, the BLM has consistently determined that a thriving natural ecological balance can best be achieved by managing horses in the Piceance-East Douglas HMA, rather than in the West Douglas HA, because the HMA is better suited to the needs of wild horses. This determination is based upon the existing White River land use planning decisions, resource use allocations, and their associated impacts specific to the West Douglas HA.

RELATIONSHIP TO STATUTES, REGULATIONS, POLICIES, PLANS OR OTHER ENVIRONMENTAL ANALYSES

Statutes:

The Wild Free-Roaming Horses and Burros Act of 1971, 16 U.S.C. 1333(a) provides:

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

The Wild Free-Roaming Horses and Burros Act of 1971, 16 U.S.C. 1333(b)(2) provides:

Where the Secretary determines on the basis of . . . information contained in any land use planning completed pursuant to section 202 of the Federal Land Policy and Management Act of 1976 . . . that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels.

The Federal Land Policy and Management Act of 1976, 43 U.S.C. 1732(b), provides:

In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.

Regulations:

Title 43 of the Code of Federal Regulations (CFR) provides:

Section 4710.1: 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.

Section 4710.4: Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall

be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

Section 4720.1: Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately....

Section 4740.2(b): Before using helicopters or motor vehicles in the management of wild horses or burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

Section 4770.3(c): ...the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

Plans:

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

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

Date Approved: July 1, 1997

Decision Number/Page: Page 2-26

Decision Language: “Wild horses will be managed to provide a healthy, viable breeding population with a diverse age structure.”

“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 (See Map 2-10).”

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

Name of Plan: West Douglas Herd Area Amendment (West Douglas HA) to the White River Resource Management Plan, Environmental Assessment CO-WRFO-05-083-EA

Date Approved: October 10, 2007

Language from the Decision Record:

“After extensive analysis and public input, the BLM concluded that a self-sustaining population of healthy wild horses could not be maintained within the West Douglas Herd

Area in balance with their habitat and other uses, within the bounds of where wild horses existed in 1971, and with the minimum level of management needed to achieve land use plan objectives. Intensive management would be required to maintain genetic viability of the herd, provide adequate horse habitat and suitable conditions for other competing uses, keep the horses within the boundaries of the management area, and to carry-out horse gathers in the localized rough terrain. For these reasons, BLM concluded that wild horses could be better managed within the adjacent Piceance-East Douglas Herd Management Area.”

PURPOSE & NEED FOR THE ACTION

The purpose for BLM action is to respond to the immediate risk of mortality to wild horses due to insufficient water resources resulting from emergency conditions of decreased spring flows and extreme drought in the Texas Mountain area within the West Douglas HA (see appendix C). The need for the Proposed Action is based on BLM’s obligations established by provisions of Section 1333 (a) of the Wild Free-Roaming Horses and Burros Act of 1971 which mandates management of wild horses in a “manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands” and “it is the policy of Congress that wild free roaming horses and burros shall be protected from ...death....”

Decision to be Made: The BLM will decide whether to: (a) gather approximately 50 excess wild horses from the Texas Mountain area of the West Douglas HA; (b) provide supplemental water and/or feed; or (c) to do nothing and let nature take its course.

SCOPING, PUBLIC INVOLVEMENT, AND ISSUES

Scoping: The BLM initiated public involvement in the West Douglas HA in 1974 when the BLM conducted a census of the wild horses existing in the WRFO’s boundaries by herd units as required by the Wild Free-Roaming Horses and Burros Act of 1971 and later identified in the 1997 White River ROD/RMP. Public involvement has continued through the planning efforts described in the Background Section above.

On Friday, June 22, 2012, the BLM reviewed court filed declarations from Lauryn Wachs and Donald E. Moore, D.V.M. related to Civil Action No. 10-cv-01645 (RMC). The BLM fully considered them as part of its analysis in this EA.

Issues: Nearly 30 issues were identified by both internal and external scoping during the development of 2005 West Douglas Herd Area Amendment, the 2008 West Douglas Herd Area Gather Plan (DOI-BLM-CO-110-2008-166), and the 2010 West Douglas Herd Area Gather Plan (DOI-BLM-CO-110-2010-0088).

Issues Outside the Scope of this EA

- Have all reasonable management options been considered and analyzed?
- Do management alternatives meet statutory requirements?

The BLM previously addressed alternative management options through the analyses of the 1997 White River ROD/RMP and 2005 West Douglas Herd Area Amendment. Therefore, these issues are considered outside the scope of this environmental analysis.

Issues Within the Scope of this EA and Addressed in the Document

- Placement of trap sites and other gather operations may impact cultural resource sites and artifacts.
- Continued overpopulation of horses will result in decreased rangeland health.
- Gather operations may have adverse impacts on various wildlife and plant species.
- The use of gather techniques other than helicopters to gather excess wild horses.
- The viability of management actions (i.e., provision of water/hay) other than gather operations for the duration of the drought.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Alternative A: Proposed Action to Gather Horses in the Texas Mountain Area

The Proposed Action is to conduct emergency gather operations to remove excess wild horses that are at immediate risk of mortality due to insufficient water resources in the Texas Mountain area of the West Douglas HA (see Map 1).

The project will be completed by BLM personnel using bait trapping. Bait trapping uses a trap constructed of portable, round-pipe steel panels surrounding “bait.” Bait may include both water and/or food to entice the animal into entering the trap. Prior to installing any portion of the trap the wild horses will need to become accustomed to the bait as a source of food or water. Once the horses are consistently going to the bait, additional panels are installed slowly over time so that the wild horses become conditioned to their presence. When all of the panels are installed, personnel observe the animals entering the trap from an off-site location and use a multi-frequency radio to trigger a gate release mechanism. A funnel-shaped trap is built allowing wild horses to get deep into the trap so that the gate release mechanism has time to close.

The proposed bait trap location is on the existing Texas Mountain Federal #6 well pad (T3S, R102W, Section 21 NW¼NE¼). This location is approximately one quarter mile from the existing seep where the wild horses have been congregating to wait for a turn to drink. Water troughs have been placed on the well pad and surrounding area in case it became necessary to coax the horses to this location (DOI-BLM-CO-110-2012-0105-CX). This location has enough room to set the trap on level terrain and vehicle access to move the wild horses upon trapping.

All excess wild horses captured as part of the emergency operations from within the Texas Mountain area (including adjacent public or private lands) will be removed and transported to the Yellow Creek Corrals (T1N R97W Section 24 NE¼NE¼). Horses may be temporarily held and cared for at the Yellow Creek Corrals (see Map 2) until a full load of horses can be transported to the BLM Cañon City Wild Horse Facility. While holding the wild horses at the Yellow Creek Corrals the BLM will provide electrolytes and other supplements as necessary.

The BLM issued a temporary closure on June 20, 2012 in order to minimize stress to wild horses after establishing emergency supplemental water sources within the Texas Mountain area. Due to

the need for limited personnel at the bait trap location during both the initial set up and during gather operations, the temporary closure will be maintained to provide the greatest potential for successful operations. The closure is located at:

T. 3 S., R. 102 W.,
Section 16, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Section 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Section 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 21;
Section 28, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

This closure would be in effect throughout gather operations. However, personnel could be allowed within the area through written consent of the Authorized Officer. This could include oil and gas operators, escorted members of the public, or allowing the public an opportunity to observe at the temporary corrals.

The public would be allowed to view wild horses being temporarily held at the Yellow Creek Corrals or at the BLM Cañon City Wild Horse Facility (by appointment and subject to Colorado Department of Corrections' security procedures).

For a detailed description of the gather methods incorporated into this Proposed Action refer to Appendix A – WRFO Wild Horse Gather Standard Operating Procedures, which is augmented by Appendix B – BLM Wild Horse Updated Standard Operating Procedures for Wild Horse Gathers.

The following design features have been incorporated into the Proposed Action and will be adhered to by BLM personnel.

1. Wild horses will be monitored by authorized BLM personnel. A veterinarian will be on site or on call during any operations when environmental or wild horse body conditions indicate an elevated risk to wild horse health. A veterinarian will check all wild horse, in a timely manner, once they arrive at Yellow Creek corrals.
2. Any discovery of hazardous or potentially hazardous materials will be reported to the BLM hazardous materials coordinator and law enforcement for investigation.
3. Any hay fed at trap sites or holding facilities, on BLM lands, will be certified as weed free. Any noxious weeds that establish as a result of the Proposed Action will be controlled by the BLM. The BLM will monitor the trap location for up to three years for weed species infestation. If discovered, the BLM will treat these locations based on the weed species present. It is estimated that less than 10 acres total will be affected. Generally, the impacts are concentrated at the trap location and this concentration varies depending on the number of wild horses that are gathered at the trap location.
4. The trap location has been sited to avoid known archaeological and 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. In the area where additional troughs are to be located and inadequate inventory data exists an inventory will be conducted to ensure that any resources present are avoided.

5. Known and reported fossil localities have been avoided when locating the trap sites. Trap facilities will be modified to avoid impacting identified fossil resources.
6. All of the trap locations will be monitored for up to three years for vegetation recovery and potential erosion. If problems with vegetation establishment or excessive erosion are discovered, the BLM will treat these locations as necessary (i.e., broadcast seeding, installing wattles and/or erosion fabric). It is estimated that less than 10 acres total will be affected by trapping activities. Generally, the impacts are concentrated at the trap location and this concentration varies depending on the number of wild horses that are gathered at each trap location.
7. Existing right-of-way holders and affected oil and gas operators will be notified of the closure area. All affected Special Recreation Permit (SRP) holders shall be notified of the closure at least two weeks prior to the beginning of big game and lion seasons.

Alternative B: Provide Supplemental Water and/or Feed to Wild Horses in the Texas Mountain Area

The BLM would proactively haul in supplemental water and/or hay as needed to sustain wild horses within Texas Mountain area of the West Douglas HA. The BLM is currently hauling water to a stock tank located on the existing Texas Mountain Federal #6 well pad (T3S, R102W, Section 21 NW $\frac{1}{4}$ NE $\frac{1}{4}$). Under Alternative B, the BLM would continue to haul water to a stock tank on the well pad site as well as additional water troughs in the surrounding area. The BLM anticipates that due to a lack of rainfall, it is likely that hauling water would be required into the winter months at a minimum. Since the wild horses are not likely to leave the only reliable water source, it is expected that the forage resource will quickly diminish and the BLM will then also need to provide hay at the site. The BLM will begin providing hay at the site if range monitoring shows that there is utilization greater than 50 percent or wild horse body conditions decline to a body condition score (BCS) of less than Henneke 3. The BLM will cease supplemental feed operations when it ceases providing supplemental water, which is anticipated to be when there is snow cover around December 1, 2012.

The BLM issued a temporary closure on June 20, 2012 in order to minimize stress to wild horses after establishing emergency supplemental water sources within the Texas Mountain area. A temporary closure would be maintained throughout the timeframe that the BLM is providing supplemental water and/or feed to wild horses in order to minimize disturbance and human presence and to allow for the greatest potential of use by wild horses; however, personnel could be allowed within the area through written consent of the Authorized Officer. The closure is located at:

T. 3 S., R. 102 W.,
Section 16, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Section 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 21;
Section 28, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The following design features are incorporated into Alternative B and will be adhered to by BLM personnel.

1. Wild horses will be monitored by authorized BLM personnel. A veterinarian may be called in to provide their professional judgment when wild horse conditions indicate an elevated risk to wild horse health.
2. Any hay fed will be certified as weed free. Any noxious weeds that establish as a result of the supplemental feeding will be controlled by the BLM. The feed locations will be monitored for up to three years for weed species infestation. If discovered, the BLM will treat these locations based on the weed species present. It is estimated that less than 10 acres total will be affected. Generally, the impacts are concentrated at the feed location and this concentration varies depending on the number of wild horses that are congregated at each feed location.
3. Supplemental water and feed areas will be sited to avoid archaeological and 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. In areas where inadequate inventory data exists an inventory will be conducted to ensure that any resources present are avoided.
4. Known and reported fossil localities will be avoided when locating supplemental water and feed sites. Sites without adequate inventory data will need to be examined for the presence of fossils during site selection activities. Water and feed locations will be modified to avoid impacting identified fossil resources.
5. All of the feeding and watering locations will be monitored for up to three years for vegetation recovery and potential erosion. If problems with vegetation establishment or excessive erosion are discovered, the BLM will treat these locations as necessary (i.e., broadcast seeding, installing wattles and/or erosion fabric). It is estimated that less than 10 acres total will be affected by watering or feeding activities.
8. Existing right-of-way holders and affected oil and gas operators will be notified of the closure area. All affected Special Recreation Permit (SRP) holders shall be notified of the closure at least two weeks prior to the beginning of big game and lion seasons.

Alternative C: No Action Alternative

Under Alternative C, wild horses would not be gathered and removed from the Texas Mountain area within the West Douglas HA. The BLM would not provide any supplemental water or forage to wild horses within the West Douglas HA. The BLM would continue to monitor wild horses but would not call a veterinarian when horse conditions indicate an elevated risk to wild

horse health. The BLM would not intervene if wild horses suffered increased mortality and morbidity associated with a natural drought cycle.

The BLM issued a temporary closure on June 20, 2012 in order to minimize stress to wild horses after establishing emergency supplemental water sources within the Texas Mountain area. A temporary closure would be maintained until December 1, 2012 in order to limit disturbance and human presence and minimize stress to wild horses; however, personnel could be allowed within the area through written consent of the Authorized Officer. The closure is located at:

T. 3 S., R. 102 W.,
Section 16, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Section 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Section 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Section 21;
Section 28, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Existing right-of-way holders and affected oil and gas operators will be notified of the closure area. All affected Special Recreation Permit (SRP) holders shall be notified of the closure at least two weeks prior to the beginning of big game and lion seasons.

ALTERNATIVES CONSIDERED BUT NOT CARRIED FORWARD

Alternative capture techniques: The public has previously suggested that the BLM consider alternative capture methods other than helicopters or those described in the Proposed Action to gather excess wild horses. As no specific alternative methods were suggested, the BLM identified chemical immobilization and net gunning as possible alternatives. Net gunning techniques normally used to capture big game relies on helicopters. Chemical immobilization is a very specialized technique and strictly regulated. Currently, the BLM does not have sufficient expertise to implement this method and it would be impractical to use given the size of the West Douglas HA, access limitations, and the approachability of the wild horses. For these reasons, this alternative was eliminated from further consideration.

Helicopter assisted techniques: Helicopter-assisted capture methods are more typical in BLM gather operations. The alternative was eliminated from further consideration due to the lack of available approved contractor resources and the topography of the immediate area in addition to concerns about the condition of wild horses due to the severity of drought conditions. This alternative was found to not meet the purpose and need of the proposed action and was therefore not carried forward for detailed analysis.

Wrangler/horseback drive trapping: During wrangler/horseback drive trapping, ropers on horseback will attempt to rope wild horses. Once roped, another rider rides alongside the roped wild horse and roper, helping to haze, or herd, the roped wild horse either towards the trap or towards a stock trailer. Once at the trap the rope is flipped away from the roped wild horse's neck and it joins the rest of the trapped wild horses. Use of wrangler or horseback drive-trapping to remove excess wild horses can be effective on a small scale. However, horseback drive-trapping is very labor intensive and can be harmful to the domestic horses and wranglers during

the gather operations. The BLM was concerned that the rugged terrain in the Texas Mountain area posed an increased risk to domestic horses and wranglers. Also, the BLM was concerned about health risks associated with driving and roping wild horses suffering from dehydration. The BLM found this alternative did not meet the purpose and need of the Proposed Action and was therefore not carried forward for detailed analysis.

Development of the Spring: Development of springs is utilized to limit the impacts of livestock, wild horses, and wildlife to springs. This alternative was not carried forward for further analysis because of the time necessary for the BLM to contract, plan, and adequately analyze the development of the water resource. In addition, this alternative would not address the issue of excess wild horses and once the spring was developed, it may not produce sufficient flows to meet the use of the population of wild horses. This alternative was found to not meet the purpose and need of the proposed action and was therefore not carried forward for detailed analysis.

AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

Standards for Public Land Health: In January 1997, the Colorado BLM approved the Standards for Public Land Health. These standards cover upland soils, riparian systems, plant and animal communities, special status species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. 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.

WILD HORSES

Affected Environment: In February 2012, the BLM completed inventory flights of the West Douglas HA, in accordance with the best management practices identified in the Washington Office (WO) Instruction Memorandum (IM) # 2010-057. In using a direct count of those animals, the BLM determined a population of 154 wild horses within and 36 wild horses outside the West Douglas HA. See Map 3 for the locations of wild horses observed during the inventory flights.

Using the population inventory of 154 wild horses inside and 36 wild horses outside of the herd area and an expected foal crop of 20 percent, the estimated number of wild horses at this time is approximately 185 wild horses inside and 43 wild horses outside of the West Douglas HA.

The West Douglas HA has been inventoried a number of times since the passage of The Wild Free-Roaming Horses and Burros Act of 1971. Table 1 provides an overview of several of the main inventories which shows the historical population of the herd area since the passage of the Act.

Table 1. Historical West Douglas Inventory Data

Year	Number of Horses Pre-Foal	Horses Removed During Gather	Notes
1971	No Data	N/A	Passage of The Wild Free-Roaming Horses and Burros Act
1974	9	N/A	First wild horse inventory of West Douglas HA
1975	30	N/A	White River URA completed
1981	133*	74	
1983	82	N/A	Completion of the Highway 139 fence separating the West Douglas HA from the Piceance-East Douglas HMA
1984	98	45	
1985	59	45	The BLM was unsuccessful in an attempt to gather and remove all wild horses west of Highway 139. All the wild horses in the West Douglas HA are believed to be descendants of the 32 remaining wild horses following this gather.
1989	63	23	
1994	105*		
1995	126		
1996	151	60	
1997	95*		
2000	94		
2001	113	53	
2005	91	37	6 wild horses were noted outside of the West Douglas HA
2010	73**		13 wild horses were noted outside of the West Douglas HA
2012	154*		36 wild horses were noted outside of the West Douglas HA

*Data derived from inventory conducted with a helicopter. All other years computed based on knowledge of capture data and an assumed 20% population growth.

**Data derived using fixed wing aircraft; decreasing inventory accuracy.

Genetic Diversity and Viability

Blood samples were collected from wild horses removed from the West Douglas HA during the 2001 and 2006 gathers for genetic baseline data (e.g., genetic diversity, historical origins of the herd, unique markers) with written reports received in 2002 and 2010. The samples were analyzed by Dr. E. Gus Cothran, previously with Department of Veterinary Science, University of Kentucky, Lexington, KY now with the Equine Genetics Laboratory, Texas A&M University. Both reports are available for review on the WRFO website at: http://www.blm.gov/co/st/en/fo/wrfo/wrfo_wild_horse_and.html.

Smaller herds (less than 200 horses in size) which experience some degree of isolation tend to lose genetic information through genetic drift. The loss of genetic material has a negative impact on the genetic composition of a herd. According to Cothran's data, at this time, there is evidence to indicate that the West Douglas HA suffers from low genetic fitness. The pattern of variation suggests low effective population size and some inbreeding. Since the herd is unable to mix with other herd areas or herd management areas there is no exchange of genetic materials.

Genetic similarity values and the RML gene cluster analysis indicate that this herd is primarily derived from North American riding horse breeds. These breeds are abundant throughout North America and the alleles are well represented in these breeds.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: All wild horses will experience varying levels of stress during herding, gathering, handling, and holding once gathered. Those wild horses gathered during bait trapping are not herded cross country. Stress levels, and the potential for injury, will be highest immediately following gathering when wild horses are moved through the chutes during sorting and when they are being loaded into trailers. Confinement of wild horses at the temporary holding facility may increase the likelihood of injury and stress/confinement related illness.

Well-constructed traps, safety-conscious corral construction at the holding facility, well-maintained equipment, and additional pens to keep some wild horses separate from the other wild horses will decrease stress, and the potential for injury and illness. The Standard Operating Procedures (Appendix A) and design features associated with the Proposed Action would be implemented and would also reduce the potential for stress, injury, or illness. Experienced BLM personnel will be on-site during all phases of the operation. The BLM plans to have a veterinarian on call throughout the gather. Implementing the emergency closure of the area will limit the level of human presence, and minimize the level of activity, address health and safety concerns, and reduce stress to wild horses. However, interested publics will be allowed to observe wild horses at the Yellow Creek Corrals.

In any given gather, gather-related mortality averages only about one half of one percent (0.5 percent), which is very low when handling wild animals. Approximately, another six-tenths of one percent (0.6 percent) of the captured animals could be humanely euthanized in accordance with BLM policy (GAO-09-77) due to pre-existing conditions.

Due to the current conditions of the wild horses being in a weakened state from dehydration and lack of forage, the risk of all types of injury is increased. On June 17, 2012 Dr. Paul Nielson accompanied the BLM to observe horses and provide an overall determination of their health. During this visit Dr. Nielson was able to observe two groups of horses. His report indicates “the [wild] horses are now in adequate condition to be gathered and transported without it being a health risk.” However, because a pinch test could not be conducted the hydration issue is still a concern. The BLM anticipates that because of the emergency nature of this gather euthanasia and mortality levels may increase above these averages, due to the increased stress and body conditions of individual wild horses.

As noted above, BLM has reviewed declarations submitted by Dr. Moore and Ms. Wachs in the ongoing lawsuit challenging the decision to remove all horses from the HA. Both individuals state that the horses are not dehydrated based on their personal observations of the horses and their feces. BLM does not find these observations to be reliable. Dr. Bob Judd, DVM and Texas Farm Bureau have an article on line regarding dehydration in horses which states: “To determine if a horse is dehydrated, there are several things that can be checked. You can pick up the skin on the shoulder and when you let go, the skin should pop back into place quickly. If the skin stays tented, then dehydration is likely.” The article goes on to explain the second method as “feel the membranes inside your horse’s upper lip. If they are tacky and your finger seems to stick

to the gum, dehydration is likely.” These tests require being in close proximity to wild horses and with the examiner having hands on the animal. In addition to these tests, the BLM’s veterinarian (Dr. Marvin Hamann DVM) in Cañon City Wild Horse Facility, mentioned a couple more signs of dehydration may include:

1. Small, hard fecal balls often with mucous on them,
2. Impaction colic, and
3. Horses become drawn up in the flanks as the tissues suck water from the gut, similar to signs of a horse with heaves.

He also indicated that if a horse starts exhibiting signs of dehydration like these that we would need to immediate action as these signs are evident, the horse being in imminent danger of dying from dehydration.

In Dr. Moore’s brief he states that “he rated the horses’ body condition at about 5, an “optimal” score.” and goes on to state “I observed fresh feces from the wild horses and determined that the horses were not dehydrated, based on the size and consistency of the samples observed. Visually the horses exhibited no signs of dehydration, which could include thin body condition or emaciation.” However, in BLM’s experience, a wild horse may appear to be in good body condition based on visual observations while suffering from severe dehydration which can result in death within a few days. The use of feces as a sign of dehydration can also be used as an indicator of dehydration and manure will most likely be small, reminiscent of plugs or pebbles, and covered with a mucus-like substance (<http://www.healthy-water-best-filters.com/equine-dehydration.html>). However, the BLM’s goal is to ensure that wild horses in the east Texas Mountain area do not get to this stage of dehydration which most likely would requiring immediate veterinarian care.

If the BLM is successful in implementing the Proposed Action, all excess wild horses currently impacted by the extreme drought conditions in the Texas Mountain area of the West Douglas HA would be gathered and removed.

During gather operations wild horses may become separated from other members of their bands, and some may ultimately escape being gathered, requiring subsequent gather efforts. Wild horses potentially become more and more difficult to gather as the herd and the band sizes decrease and habituate to gather methods. If wild horses remain, and are able to locate and use alternate water and forage, they will form smaller bands and in some cases become solitary wild horses. Wild horses that evade being gathered, during the initial gather, would experience herding stress as described above each time they are herded until they are gathered.

Over the past 35 years, various impacts to wild horses as a result of gather activities have been observed. Under the Proposed Action, impacts to wild horses would be both direct and indirect, occurring to both individual horses and the population as a whole. The BLM has been conducting wild horse gathers since the mid-1970s. During this time, methods and procedures have been identified and refined to minimize stress and impacts to wild horses during gather operations. The Standard Operating Procedures (SOPs) in Appendices A and B would be

implemented to ensure a safe and humane gather occurs and would minimize potential stress and injury to wild horses.

Direct impacts to individual wild horses include handling stress associated with the capture, sorting, handling, and transportation of the animals. The intensity of these impacts varies by individual, and is indicated by behaviors ranging from nervous agitation to physical distress. These injuries are rarely fatal and are treated on-site until a veterinarian can examine the animal and determine if additional treatment is necessary.

Other injuries may occur after a wild horse has been captured and is either within the trap site corral, the temporary holding corral, during transport between facilities, or during sorting and handling. Occasionally, wild horses may sustain a spinal injury or a fractured limb; based on prior gather statistics, serious injuries requiring humane euthanasia occur in less than 1 horse per every 100 captured. These injuries result from kicks and bites, or from collisions with corral panels or gates.

To minimize the potential for injuries from fighting, the animals are transported from the trap site to the temporary (or short-term) holding facility where they are sorted as quickly and safely as possible, then moved into large holding pens where they are provided with hay and water. On many gathers, no wild horses are injured or die. On some gathers, due to the temperament of the horses, they are not as calm and injuries are more frequent. Overall, direct gather-related mortality averages less than 1 percent of the animals gathered.

Indirect impacts are those which occur to individual wild horses after the initial gathering operation. These may include miscarriages in mares, increased social displacement, and conflict in studs. These impacts, like direct impacts to individuals, are known to occur intermittently during wild horse gather operations. An example of an indirect impact to individual horses would be a brief one to two minute skirmish between older studs which ends when one stud retreats. Injuries typically involve a bite or kick with bruises which do not break the skin. Like direct impacts to individuals, the frequency of these impacts varies with the population and the individual. Observations following capture indicate the rate of miscarriage varies, but can occur in about 1 to 5 percent of the captured mares, particularly if the mares are in very thin body condition or in poor health.

A few foals may be orphaned during a gather. This can occur if the mare rejects the foal; the foal becomes separated from its mother and cannot be matched up following sorting; the mare dies or must be humanely euthanized during the gather; the foal is ill or weak and needs immediate care that requires removal from the mother; or the mother does not produce enough milk to support the foal. On occasion, foals are gathered that were previously orphaned on the range (prior to the gather) because the mother rejected it or died. These foals are usually in poor, unthrifty condition. Every effort is made to provide appropriate care to orphan foals. Veterinarians may administer electrolyte solutions or orphan foals may be fed milk replacer as needed to support their nutritional needs. Orphan foals may be placed in a foster home in order to receive additional care. Despite these efforts, some orphan foals may die or be humanely euthanized as an act of mercy if the prognosis for survival is very poor.

Through the capture and sorting process, wild horses are examined for health, injury, and other defects. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy. The BLM Euthanasia Policy is outlined in WO-IM-2009-041 and is used as a guide to determine if animals meet the criteria and should be euthanized (refer to Appendixes A and B). Animals that are euthanized for non-gather related reasons include those with old injuries (broken or deformed limbs) that cause lameness or prevent the animal from being able to maintain an acceptable body condition (greater than or equal to a BCS 3); old animals that have serious dental abnormalities or severely worn teeth and are not expected to maintain an acceptable body condition; and wild horses that have serious physical defects such as club feet, severe limb deformities, or sway back.

As the wild horses are removed from the range they would be placed with adopters locally or transported to the Canon City holding facility.

Transport, Short Term Holding, Long-term Pastures, and Adoption (or Sale) Preparation - All excess wild horses would be removed and transported from the capture/temporary holding corrals to the designated BLM short-term holding corral facilities. From there, they are made available for adoption or sale to qualified individuals or to long-term pastures (LTPs).

Wild horses selected for removal from the range are transported to the receiving short-term holding facility in a straight deck semi-trailers or goose-neck stock trailers. Vehicles are inspected by the BLM prior to use to ensure wild horses can be safely transported and that the interior of the vehicle is in a sanitary condition. Wild horses are segregated by age and sex and loaded into separate compartments. A small number of mares may be shipped with foals. Transportation of recently captured wild horses is limited to a maximum of eight hours. During transport, potential impacts to individual wild horses can include stress, as well as slipping, falling, kicking, biting, or being stepped on by another animal. Unless wild horses are in extremely poor condition, it is rare for an animal to be seriously injured or die during transport.

Upon arrival at the short term holding facility, recently captured wild horses are off-loaded by compartment and placed in holding pens where they are fed good quality hay and water. Most wild horses begin to eat and drink immediately and adjust rapidly to their new situation. Any animals affected by a chronic or incurable disease, injury, lameness, or serious physical defect (such as severe tooth loss or wear, club feet, and other severe congenital abnormalities) would be humanely euthanized using methods acceptable to the American Veterinary Medical Association (AVMA). Wild horses in very thin condition or animals with injuries are sorted and placed in hospital pens, fed separately and/or treated for their injuries as indicated. Recently captured wild horses, generally mares, in very thin condition may have difficulty transitioning to hay. Some of these animals are in such poor condition that it is unlikely they would have survived if left on the range. Similarly, some mares may abort. Every effort is taken to help the mare make a quiet, low stress transition to captivity and domestic feed to minimize the risk of miscarriage or death.

After recently captured wild horses have transitioned to their new environment, they are prepared for adoption or sale. Preparation involves freeze-marking the animals with a unique identification number, drawing a blood sample to test for equine infectious anemia, vaccination against common diseases, castration, and de-worming. During the preparation process, potential

impacts to wild horses are similar to those that can occur during handling and transportation. Serious injuries and deaths from injuries during the preparation process are rare, but can occur.

At short-term corral facilities, a minimum of 400 square feet is provided per animal. Mortality at short-term holding facilities averages approximately 5 percent per year (GAO 2008), and includes animals euthanized due to a pre-existing condition; animals in extremely poor condition; animals that are injured and would not recover; animals which are unable to transition to feed; and animals which are seriously injured or accidentally die during sorting, handling, or preparation.

Adoption or Sale with Limitations, and Long Term Pastures - Adoption applicants are required to have at least a 400 square foot corral with panels that are at least 6 feet tall for wild horses over 18 months of age. Applicants are required to provide adequate shelter, feed, and water. The BLM retains title to the wild horse for one year and most of the wild horses and the facilities are inspected to assure the adopter is complying with the BLM's requirements. After one year, the adopter may apply for title to the wild horse after an inspection from a humane official, veterinarian, or other individual approved by the Authorized Officer, at which point the wild horse becomes the property of the adopter. Adoptions are conducted in accordance with 43 CFR 5750.

Potential buyers must fill out an application and be pre-approved before they may buy a wild horse. A sale-eligible wild horse is any animal that is more than 10 years old or has been offered unsuccessfully for adoption three times. The application also specifies that all buyers are not to re-sell the animal to slaughter buyers or anyone who would sell the animal to a commercial processing plant. Sales of wild horses are conducted in accordance with BLM policy.

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

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

The LTPs are designed to provide excess wild horses with humane, life-long care in a natural setting off the public rangelands. There wild horses are maintained in grassland pastures large enough to allow free-roaming behavior and with the forage, water, and shelter necessary to

sustain them in good condition. About 22,700 wild horses, that are in excess of the existing adoption or sale demand (because of age or other factors), are currently located on private land pastures in Iowa, Kansas, Oklahoma, and South Dakota. Located in mid or tall grass prairie regions of the United States, these LTPs are highly productive grasslands as compared to more arid western rangelands. These pastures comprise about 256,000 acres (an average of about 8 to 10 acres per animal).

Mares and castrated stallions (geldings) are segregated into separate pastures except one facility where geldings and mares coexist. No reproduction occurs in the long-term grassland pastures, but foals born to mares that are pregnant when they were removed from the range are gathered and weaned when they reach about 8 to 10 months of age and are then shipped to short-term facilities where they are made available for adoption. Handling by humans is minimized to the extent possible although regular on-the-ground observation and weekly counts of the wild horses to ascertain their numbers, well-being, and safety are conducted. A very small percentage of the animals may be humanely euthanized if they are in very thin condition and are not expected to improve to a BCS of 3 or greater (based on the Henneke Scoring System) due to age or other factors (see WO-IM-2009-041). Natural mortality of wild horses in LTPs averages approximately 8 percent per year, but can be higher or lower depending on the average age of the wild horses pastured there (GAO-09-77, page 52). The savings to the American taxpayer which results from contracting for LTPs averages about \$4.45 per wild horse per day as compared with maintaining the animals in short-term holding facilities.

Euthanasia and Sale without Limitation - While humane euthanasia and sale without limitation of healthy wild horses for which there is no adoption demand is authorized under the Wild Free-Roaming Horses and Burros Act, Congress prohibited the use of appropriated funds between 1987 and 2004 and again in 2010 for this purpose. It is unknown if a similar limitation will be placed on the use of fiscal year 2013 appropriated funds.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Under this alternative, wild horses would not experience the stress associated with gathering, removal, or adoption. The increased availability of water and food may help to reduce some of the herd infighting and allow more horses to receive water that may either have been delayed as they were waiting to get a drink or because more water is available so that all of the wild horses can get sufficient water. Current conditions at seeps with slow recharge require horses to wait until small depressions refill. With 50 horses drinking up to 20 gallons per day in extreme drought conditions, the time required for the animal to get that amount would be reduced by placing supplemental watering sources. This would allow the animals to spend more time foraging and less time standing at the water location waiting for it to refill. In addition, providing supplemental forage may allow the BLM to better distribute the impacts of wild horses in the area by reducing use on other forage areas.

Transporting water and hay would be required on a daily basis once the effort begins and would not cease until December 1st. Depending upon rangeland conditions, it is possible that once adequate snow cover exists to eliminate the need to continue hauling water, the need for additional supplemental feeding may still exist since the forage that wild horses depend on for winter survival will likely also be impacted by the current drought conditions. The WRFO has

five vehicles and three trailers capable of hauling supplemental food and water to wild horses in this manner. If the conditions extend beyond this small group of wild horses, capacity of the WRFO to continue this operation would be severely strained and insufficient to meet the needs of hauling water and hay. If additional springs and seeps in the region dry up more supplemental feeding and watering sites would be necessary and could quickly exceed the number of vehicles and personnel that could accommodate this activity.

Environmental Consequences of Alternative C – No Action Alternative: Under this alternative, wild horses would not experience the stress associated with gathering, removal, or adoption. However, they would also not receive the potential benefit of access to supplemental water and/or feed.

The population of wild horses would continue to compete for the limited available water and forage resources. Some wild horses may seek out alternative sources but due to territoriality and body conditions it is likely that they would not leave the analysis area. The locations closest to water would experience severe utilization and degradation of the rangeland resources. Over the course of time, likely measured in days, the wild horses' condition would deteriorate because of declining forage availability. The most likely outcome to the bands within the project area would be that they will deplete the forage and water resources. Once this has occurred, it is anticipated that all 50 wild horses would either succumb to starvation or dehydration or would reach a level of body condition that would require them to be humanly euthanized in the field in accordance with the BLM's Euthanasia Policy, which is outlined in WO-IM-2009-041. Under these types of conditions, the mares and foals are the first to be affected.

Cumulative Analysis Area and Impacts: The cumulative analysis area (CAA) for wild horses includes the West Douglas HA and areas immediately surrounding the area including the Little Bookcliffs HMA, the Piceance-East Douglas HMA, and the North Piceance HA. The most important past, present, and reasonably foreseeable future actions that affect the wild horse herd population and health include drought, competition with wildlife and livestock for forage and water, oil and gas exploration and development, and wildfire.

Numerous gathers have been completed in the past and future gathers are reasonably foreseeable since gathering wild horse populations is the only means of population control which meets the intent of the Wild Free-roaming Horses and Burros Act of 1971. Over time, as the excess wild horse population is removed, a thriving natural ecological balance would be achieved and maintained. Effects that may result would include continued improvement of the range condition and riparian-wetland condition. The opportunity for beneficial effects would be realized under the Proposed Action as wild horses are removed, from an area that the BLM has determined previously cannot sustain them, and are spared premature death due to dehydration.

Under Alternative B, wild horses would also be spared premature death due to dehydration and starvation. Alternative B leaves wild horses in an area that the BLM has determined cannot sustain them at current population levels and would likely result in continued over-utilization of forage resources. Since the overpopulation of the wild horses exists without the drought conditions, continued feeding and watering would have to continue indefinitely in order to avoid the natural sources of mortality associated with stochastic events such as extreme drought. Under

Alternative B the thriving natural ecological balance would be removed and would require permanent supplementation and human intervention to prevent a catastrophic loss. The amount of supplementation and human intervention would continually increase as populations continue to increase and expand their ranges outside of the West Douglas HA boundaries.

Under the No Action Alternative, the BLM anticipates that the wild horse population would be reduced in size to a level below the maximum carrying capacity of the rangelands within the Texas Mountain area of the West Douglas HA. This reduced population model would be anticipated to occur as a natural phenomenon resulting from the extreme drought conditions and competition among wild horses for limited water and forage resources. The likelihood of a wildfire increases when fuels are dry and these issues would only be exacerbated by wildfire within the area. In the short-term (i.e., until the population rebounds) a reduction in herd size may alleviate problems in the future associated with limited water supplies and forage resources.

The West Douglas HA is isolated from all four of Colorado’s wild horse HMAs. The West Douglas HA was previously part of the larger Douglas Creek HA which included both the West and East Douglas wild horses. In 1983 the construction of the fence along State Highway 139 created the isolation and a disproportionate split of the forage and water resources of this larger Douglas Creek HA. The East Douglas wild horse populations are currently being managed within the Piceance-East Douglas HMA, which is also separated from the surrounding wild horse HMAs. These other areas are managed for separate objectives and their Appropriate Management Levels would not be affected by these alternatives.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

VEGETATION

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. Table 2 shows the vegetation communities by ecological site and acres associated with each site.

Table 2. Vegetation Communities by Ecological Site and Acreage

Ecological Site/ Woodland Type	Plant Community Appearance	Predominant Plant Species in Plant Community	Acres within West Douglas HA
Pinyon/Juniper (PJ)	PJ Woodland	Pinyon, juniper	43,932 (35.6%)
Clayey Slopes	Hillside Bunchgrass/Salt Desert Shrub	Salina wildrye, Indian ricegrass, Sandberg bluegrass shadscale, sagebrush	40,371 (32.7%)
Rock Outcrop	Barren	Very Scattered shrubs and grasses	16,247 (13%)

Ecological Site/ Woodland Type	Plant Community Appearance	Predominant Plant Species in Plant Community	Acres within West Douglas HA
Stony Foothills	Pinyon/Juniper	Pinyon, juniper, Indian ricegrass, beardless wheatgrass, prairie junegrass, low rabbitbrush	7,822 (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	4,604 (3.7%)
Foothills Swale	Grass Shrubland	Basin wildrye, western wheatgrass, Indian ricegrass, big sagebrush, rubber rabbitbrush	3,117 (2.5%)
Alkaline Slopes	Sagebrush/Grass	Greasewood, bi Sagebrush, western wheatgrass, sand dropseed	2,221 (1.8%)
Mountain Loam/D-fir	Douglas-Fir Forest Stands	North and West facing steep slopes of predominately Douglas-Fir	1,196 (.9%)
Torrifluvents	Nearly Barren	Sparse desert shrubs and annual grasses	1,164 (.9%)
Brushy Loam	Mountain Shrub Type	Utah serviceberry, snowberry, mountain brome, elk sedge	742 (.6%)
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, eardless 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 thread grass, thickspike wheatgrass, Douglas rabbitbrush, shadscale	53 (.04%)
Clayey Foothills	Grass Shrubland	Western wheatgrass, green needlegrass, big sagebrush, dwarf rabbitbrush	20 (.02%)
Total			123,320

Within the West Douglas HA 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). Non-range sites are composed of forests, woodlands, and non-grazeable sites including badlands and rock outcrops. Non-range sites are generally not considered as range forage producing sites.

Range sites were classified by the present communities’ similarities to the climax communities (see Table 3).

Table 3. Percent of Present Communities' Similarities to the Climax Communities

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

Tables 4 through 7 are the ecological sites within the West Douglas HA and the range condition classification.

Table 4. Potential Natural Community Condition Class

Ecological Site	Acres
Alkaline Slopes	97
Dry Exposure	149
Total	246

Table 5. Late Seral Condition Class

Ecological Site	Acres
Alkaline Slopes	87
Brushy Loam	440
Clayey Foothills	20
Clayey Slopes	38,050
Deep Loam	729
Loamy Slopes	246
Rolling Loam	173
Total	39,745

Table 6. 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	7,499

Table 7. Early Seral Condition Class

Ecological Site	Acres
Alkaline Slopes	1,787
Foothills Swale	2,145
Rolling Loam	1,064
Total	4,996

Listed in Table 8 are the non-range sites for the West Douglas HA. Non-range sites are composed of forests, woodlands, and non-grazeable sites including badlands and rock outcrops. The BLM does not consider non-range sites as range forage producing sites due to these characteristics.

Table 8. 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	16,180
Stony Foothills (Pinyon/Juniper)	Late Seral	7,822
Total		70,834

Tables 9 and 10 were created using data gathered for the development of the 2005 West Douglas Herd Area Amendment. Trend data collected in the summer of 2008, using the Daubenmire canopy coverage and frequency transect method, was compared to trend data collected in 2003 which was used during the development of the 2005 West Douglas Herd Amendment as shown in Table 9 and Table 10 below. Daubenmire transect data was collected at permanent transect locations which were trend data collected in the summer of 2008 using the Daubenmire canopy coverage and frequency transect method established in the mid-1970s.

Table 9. Comparison of 2003 and 2008 Percent Canopy Cover Data

Species	Percent Canopy Cover		
	Rolling Loam	Clayey Slopes PJ Woodlands/Clayey Slopes	Combined Ecological Sites
Shrubs			
2003	37.85%	14.95%	26.40%
2008	20.25%	15.15%	17.70%
Change	17.6% Decrease	0.20% Increase	8.70% Decrease
Forbs			
2003	0.75%	4.90%	2.83%
2008	9.20%	11.45%	10.33%
Change	8.45% Increase	6.55% Increase	7.50% Increase
Grasses			
2003	28.85%	24.20%	26.53%
2008	16.15%	21.75%	18.95%

Percent Canopy Cover			
Change	12.70% Decrease	2.45% Decrease	7.58% Decrease
Total Vegetation			
2003	67.40%	44.00%	55.70%
2008	45.60%	48.30%	46.95%
Change	21.80% Decrease	4.30% Increase	8.75% Decrease

Table 10. Comparison of 2003 and 2008 Species Composition Data

Species Composition Percentage									
Ecological Site	Shrubs			Forbs			Grasses		
	2003	2008	Change	2003	2008	Change	2003	2008	Change
Rolling Loam	57.50%	46.20%	11.30% Decrease	1.10%	19.70%	18.60% Increase	41.35%	34.05%	7.30% Decrease
Clayey Slopes PJ Woodlands/ Clayey Slopes	29.15%	32.35%	3.20% Increase	9.65%	23.55%	13.90% Increase	61.20%	44.10%	17.1% Decrease
Combined Ecological Sites	43.33%	39.28%	4.05% Decrease	5.38%	21.63%	16.25% Increase	51.28%	39.08%	12.20% Decrease

As shown in Table 9, data from 2008 for shrub, forb, and grass species within both the Rolling Loam and Clayey Slopes ecological sites shows there has been an 8.75 percent decrease in percent canopy cover. Table 10 shows the percent of each vegetation type contributing to the total vegetation composition of a site (100 percent). As shown in Table 10 when data for both ecological sites are compared, the composition of shrub species has decreased 4.05 percent, forb species has increased 16.25 percent, and grass species has decreased 12.20 percent. The decrease in canopy coverage, the decrease in species composition of grasses, as well as an increase of forb species is likely a result of several factors including drought conditions that have existed over the past 5 years. As shown in Table 16 and Table 10 in the Range Management Section, livestock use since 2005 has consistently been below what is authorized. The reduced use of livestock has allowed for the availability of forage for use by wild horses. If livestock were to have used the total amount of forage which is allocated for them, coupled with drought conditions and the removal of forage by excess wild horses, the decrease of overall canopy coverage and decrease in composition of grass species would likely have been larger.

Data was not collected from every permanent transect and photo point within the West Douglas HA; the information that was collected in 2008 represents 43 percent of the ecological sites within the West Douglas HA in which a permanent transect has been established.

Summary: Within the West Douglas HA, the BLM identifies that when the studies were completed approximately 52,486 acres (43 percent) were classified as rangeland sites and 70,834 acres (57 percent) as non-rangeland sites. Of the rangeland sites 246 acres (0.5 percent) are considered Potential Natural Community; 39,745 acres (76 percent) are considered late-seral; 7,499 acres (14 percent) are considered as mid-seral; and 4,996 acres (9.5 percent) are considered early-seral. Studies were completed at a time when wild horse populations were at levels well below those currently being experienced in the West Douglas HA today. Because of the high population levels and based upon staff members' knowledge of the area and its current

condition, the current percentages of lands within the late and mid-seral states has transitioned to more of the analysis area being in an early seral state.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: During gather operations, vegetation would be disturbed at the location of trap sites and holding facilities due to congregation and trampling by wild horses. The proposed trap location would be located on a previously disturbed oil and gas well pad that has been interim reclaimed with varying degrees of reclamation success (mainly in an early seral condition). Gathering of wild horses is anticipated to result in some amount of vegetative disturbance and removal from hoof shear and trampling by wild horses. These impacts are anticipated to be localized within the trap site. The BLM does not anticipate the direct impacts from trap sites/holding facilities to exceed 10 acres and expects that vegetation disturbance will be short-term, with plant communities recovering from disturbance within three years.

The BLM anticipates that the removal of wild horses over time would decrease overall utilization of the vegetative resource within the project area and expects to see an improving trend in vegetation and riparian communities moving toward meeting Public Land Health Standards.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: There would be no impacts associated with gather operations. Due to the intensive nature of providing supplemental watering sites and additional hay it is anticipated that the area in and around these sites would suffer substantial hoof shear and trampling of vegetation. In addition, due to the expected duration of wild horse use of this location, it is anticipated that a large area surrounding these sites would be removed of all vegetation to a point that natural recolonization and reseeding would be insufficient to return the area to a naturally occurring rangeland community. While the BLM anticipates that these areas would be large congregation areas, wild horses would most likely return to the surrounding forest for cover. This is anticipated to result in large scale trailing from the supplemental feeding sites which is the result of repeated use over a long period. Depending upon rangeland conditions, even after adequate snow cover exists to make it unnecessary to continue hauling water, the need for additional supplemental feeding may still exist because the forage that wild horses depend on for winter survival will likely also be impacted by the current drought conditions.

Environmental Consequences of Alternative C – No Action Alternative: Under Alternative C wild horses would not be gathered and removed from the West Douglas HA. There would be no impacts associated with gather operations. Utilization of vegetation would increase as the wild horse population increases. This increase, combined with wildlife use, will exceed the amount of available forage, resulting in continual overuse. The constant overuse of rangeland vegetation decreases the plants' ability to complete their growth cycle and recover from grazing, while decreasing regeneration. As a result, desirable native plants will eventually be replaced by less desirable, less palatable, and less beneficial plants for wild horse population maintenance and survival. These replacement plants are often non-native plants, the most common being the invasive annual cheatgrass. Once the desired native rangeland vegetation community has been lost it generally cannot recover without human intervention, which is often time consuming and expensive. Due to the current condition of the wild horses in this area it is anticipated that they would not range far from the water resources. The vegetative resources within the extent of this

range have been over-utilized and will not support the 50 wild horses, resulting in mortality of this group of wild horses.

Cumulative Analysis Area and Impacts: The CAA for vegetation is the West Douglas HA, and adjacent lands within the Douglas Creek and Evacuation Creek watersheds. Reasonably foreseeable activities impacting vegetation include oil and gas exploration, livestock grazing, and recreation. It is not expected that there will be a large increase of oil and gas activity within this area; however there is abundant existing infrastructure associated with oil and gas exploration including well pads, pipelines, roads, and compressor stations. As these disturbed lands are reclaimed, it is expected to improve the health of vegetation communities. Livestock grazing results in removal of forage, however the number of animals, season of use, duration, and species of grazing animal can be controlled to avoid long term degradation of vegetation. In the event of drought or wildfire, livestock can be removed from the range to prevent damage. Impacts from Alternatives A and B are considered short term and vegetation would be able to recover quickly. Impacts from Alternative C will increase exponentially as wild horses are left on the range, and desirable vegetation will be lost, allowing non desirable species to colonize, at which point human intervention will be necessary to reclaim areas to a productive state.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

Finding on the Public Land Health Standard #3 for Plant and Animal Communities: Standard 3 for Public Land Health in Colorado is: Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat's potential. Plants and animals at both the community and population level are productive, resilient, diverse, vigorous, and able to reproduce and sustain natural fluctuations, and ecological processes. Vegetation associations in early-seral condition or declining trend were determined to not be meeting the vegetation health standard based on the indicators of Standard 3 for rangeland health listed below.

- Indicator: Noxious weeds and undesirable species are minimal in the overall plant community.
 - Condition: Within some West Douglas HA plant communities cheatgrass dominates.
- Indicator: Native plant and animal communities are spatially distributed across the landscape with a density, composition, and frequency of species suitable to ensure reproductive capability and sustainability.
 - Condition: Key species are a minor component in these communities and do not ensure reproductive capability and sustainability.
 - Trend: Key species are in decline and do not ensure reproductive capability and sustainability.
- Indicator: Plants and animals are present in mixed age classes sufficient to sustain recruitment and mortality fluctuations.
 - Condition: These communities do not present a mixed age class and do not sustain recruitment and mortality fluctuations of key species.
 - Trend: These communities are not sustaining recruitment and mortality fluctuations of key species.

- Indicator: Photosynthetic activity is evident throughout the growing season.
 - Condition: The dominance of cheatgrass removes soil moisture abbreviating desired plant species growth during the growing season.
 - Trend: Increasing cheatgrass and decreasing litter volumes are decreasing available soil moisture abbreviating desired plant species growth during the growing season.
- Indicator: Appropriate plant litter accumulates and is evenly distributed across the landscape.
 - Condition: Adequate litter is lacking.
 - Trend: Cover of litter is declining.

Within the project area, 90 percent (47,490 acres) of the range sites represent plant communities within acceptable thresholds for healthy communities and within acceptable levels of desired plant communities (mid-seral to PNC) as defined in the 1997 White River ROD/RMP. Vegetation production and species composition on these sites provides adequate cover for soil protection and forage production to meet foraging demands. The remaining range sites (10 percent (4,996 acres) as early seral) are generally not meeting standards due to the presence and proliferation of cheatgrass monocultures.

Vegetation disturbed by the Proposed Action would not be meeting public land health standards however, this disturbance is localized and will be short term; vegetation would be expected to recover and again be meeting standards within three years. Alternatives A and C would be expected to confine severe seasonal use of, and aggravated declines in the condition of, herbaceous ground cover on an estimated 90 to 170 acres of shrubland habitats in the immediate vicinity of wild horses congregations mainly around the spring sites and, by design, the alternate well pad water and trap site. This acreage presently fails to meet the land health standard and, though not irreversible, these conditions may persist for extended periods of time depending on future wild horse management actions. Alternative B would further expand the extent of habitat severely depleted of ground cover in the vicinity of provided water sources and elevate the number of horses returning and contributing to growing season-long use of this area in the spring and summer of 2013. Because degraded lands produce no more than half the forage of lands in mid- to late-seral states, the entire complement of wild and domestic ungulates in the Texas/Oil Spring Mountain complex would likely be compelled to seek new forage/water sources or forage increasingly further from water. To compensate for declining forage production in degraded sites, grazing use demands attributable to current ungulate populations would require increasing large expanses of shrubland to assume damaging levels of persistent use during the growing season. Support of these wild horses through this drought event would deny any opportunity for the recovery of damaged rangeland plants and lead to more rapid and expansive accumulation of invasive and non-native species.

INVASIVE, NON-NATIVE SPECIES

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 WRFO lands. The BLM currently has an active noxious weed management program which emphasizes cooperation with Rio Blanco County, private landowners, and BLM permitted land

users. The WRFO weed management program is based in part on the 1990 White River Resource Area Noxious Weed Management Plan; the priorities established by the Record of Decision, Vegetation Treatment on BLM Lands, 13 Western States (BLM 1991); the Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (BLM, 2007a); and the White River Field Office Integrated Weed Management Plan, DOI-BLM-CO-110-2010-0005-EA.

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 of primarily digging up 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 West Douglas HA there have 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 West Douglas HA, with the primary control method being management to maintain competitive desirable species. For those noxious weed species which are controlled by direct control methods, there has been good success at containing the initial outbreaks.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: Wild horse 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. While mitigation measures are in place to help reduce the establishment of invasive species, non-native species may be present. However, the continued monitoring of the impacted sites would limit the establishment of invasive, non-native species.

The BLM anticipates that the removal of wild horses would decrease overall impacts of wild horse use and the proliferation of invasive, non-native species.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Impacts from soil disturbance associated with increased wild horse populations would continue at current and increasing levels as the overall population continues to grow over time at a 20 percent growth rate. Once drought conditions no longer existed, under this alternative current horse populations would continue to damage soil resources and increase the overall occurrences of invasive, non-native species throughout the analysis area.

Environmental Consequences of Alternative C – No Action Alternative: Under Alternative C wild horses would not be gathered and removed from the analysis area. There would be no impacts associated with gather operations. The BLM anticipates that due to over utilization and weakened plant communities the entire analysis area is susceptible to weed invasions. It is anticipated that once wild horses eventually succumb to mortality or reach a state where they would be humanely euthanized, the analysis area would require human intervention to bring the range lands into a productive state.

Cumulative Analysis Area and Impacts: The CAA for invasive, non-native species is the West Douglas HA and adjacent lands in the Douglas Creek and Evacuation Creek watersheds. Past, present, and reasonable foreseeable activities which also impact the proliferation of invasive, non-native species include: wild horse, livestock, and wildlife grazing use; recreation; and oil and gas activity.

Over utilization by grazing animals can degrade native vegetation communities which can become susceptible to invasion by invasive species, these animals can act as vectors to spread invasive species by transporting seeds.

Recreation activities which disturb soils, such as unauthorized off-road travel can create disturbed areas which non-native species readily invade. Vehicles used by recreationists can also transport and introduce weed seed into areas that are previously free of invasive, non-native species.

Activities associated with oil and gas exploration and development may provide a vector for spread of invasive species.

Foreseeable impacts from Alternative A are short term, since the BLM will be monitoring and treating disturbed areas for invasive species. When these populations are discovered and treated in the early stages of establishment, they can generally be eradicated with much success. Water/feed activities associated with Alternative B would also be short term. Potential impacts from Alternative C would result in a complete change of the vegetative composition and could result in a broad invasion of invasive, non-native species. The only native vegetation component anticipated to remain would be the shrub and forest composition.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

TERRESTRIAL WILDLIFE

Affected Environment: Wildlife that inhabit the project area, and upon which management emphasis is placed, include big game (mule deer and elk), dusky grouse, and special status nongame species (e.g., raptors). While the impacts analysis focuses on the Texas Mountain area, the affected environment describes conditions within the West Douglas HA.

Big game: The project area encompasses the seasonal ranges of both mule deer and elk. The Colorado Division of Parks and Wildlife (CPW) recently revised its big game range categorization for Game Management Unit (GMU) 21. The project area encompasses about 30 percent of all winter ranges and 6 percent of the summer range (critical habitat) available to deer in GMU 21. These winter ranges are further delineated into winter concentration areas, severe winter range, and critical winter range (coincident severe winter range and winter concentration area). The project area encompasses about 25 percent of the critical winter range, 21 percent of the severe winter range, and 38 percent of the winter concentration areas described for deer in GMU 21. The project area also includes about 8 percent of the summer range (critical habitat),

12 percent of the winter concentration area, and about 30 percent of the remaining winter range extent available to elk in 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 long term population objectives established by the CPW.

Game Management Unit 21 (within which the project area lies) is managed by CPW as a trophy unit for mule deer. Approximately 60 percent of the DAU's 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 project 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 1997 White River ROD/RMP for the Douglas planning unit (i.e., about 9,385 on BLM surface). Relative to recently adjusted long term population objectives, CPW considers wintering deer populations presently at objective levels in GMU 21. Currently, it is estimated that about 100 deer summer in the Oil Spring/Texas Mountain area and an average 1,600 deer winter on ranges within the project area.

Elk populations in GMU 21 are also within the desired range of the CPW's long-term population objective for elk. CPW intends on continuing to manage for stable numbers of elk at newly established population levels.

Population density varies by season with fewer elk occupying the project area during the core winter months (about 100 from late November through February) and larger numbers supported spring and fall (about 160 to 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 project area.

Dusky (blue) grouse: The project area encompasses a peninsula of higher elevation habitats extending north from the Douglas-Baxter Pass divide that support year-long dusky grouse occupation (i.e., West Creek pasture and higher elevations of the East and West Texas Creek pastures). The West Douglas HA encompasses about 14 percent of the potential dusky grouse habitat available in GMU 21. Grouse winter habitat and year-round distribution centers on the 1,200 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 2,380 acres of surrounding mixed shrub and higher elevation (above 7,200 ft) sagebrush habitats (about 7 percent of those available in GMU 21). After the first snows (~by mid-October), dusky grouse distribution is strongly associated with mature arboreal cover in spruce, fir, and pine, and diets consist primarily of conifer needles.

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. Nesting records for potentially affected hawks, eagles, and owls indicate that nest attempts (initiated as early as March) are largely (85 percent) complete and young fledged by mid-August.

The non-game bird community throughout the project area's uplands is considered representative and complete with no obvious deficiencies in composition. Over 200 species of non-game birds have been recorded in those habitats widely represented within the project 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 project 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 this area are widely distributed throughout the Great Basin or Rocky Mountain regions. Even though several species have relatively specialized habitat affiliation (i.e., shrubland with well-developed understories), all species display broad ecological tolerance. No narrowly distributed or highly specialized species or subspecific populations are known to occur in the project area.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: Bait trapping operations would involve ground-based capture of individual or small groups of animals. Although these capture techniques may be used during big game occupation, these operations represent very localized and short-term points of potential disturbance that would have no substantive adverse influence on animal distribution or energetics. The planned closure of lands in the vicinity of the gather operations would help stabilize the overall influence of human and vehicle activity on local big game.

Plans to provide an alternate source of supplemental water as a means of trapping and removing wild horses in the vicinity of these springs would slightly expand the area of influence discussed in Alternative C (an additional 80 acres of mixed shrub habitat). It is expected that wild horses would concentrate more heavily in the vicinity of the well pad water site and, depending on the rate of capture, make increasingly severe use of surrounding ground cover. The relative extent and proportion of terrestrial habitat affected by concentrated growing season use at the original spring sites and well pad site would remain small in scale (about 170 acres) and proportion, involving about 0.1 percent of big game summer range and dusky grouse reproductive habitats in GMU 21 or about 2.3 percent of those seasonal habitats in the Texas/Oil Spring Mountain complex. Loss of this herbaceous forage base for big game and associated reproductive cover for dusky grouse nesting and brood-rearing functions for the 2012 season would be small to discountable at these two landscape scales. Functional recovery of these habitat components to their former character could be rapid given light or trace growing season use in the following one or two growing seasons. However, it is expected that a new band of wild horses would recolonize these spring locations and reestablish concentrated season-long use of these weakened herbaceous components. It is likely that this damaged acreage would continue to experience declines in plant vigor and density and shift more rapidly in composition to grazing-tolerant or

unpalatable species. The utility of this affected acreage as a big game summer forage base, dusky grouse nesting and brood-rearing habitat, or forage and cover for resident small mammal populations would likely remain compromised until planned horse gathers were conducted. Woodland habitat within the project vicinity is limited to open stands and narrow stringers of pinyon-juniper and it is unlikely that these woodlands support raptor nest activity. Although unlikely to be directly affected, raptors would remain vulnerable to the localized indirect effects of declining range health, namely the reduced abundance and diversity of avian and mammalian prey stemming from increasingly degraded herbaceous ground cover attributable to present damage and the likelihood of subsequent season-long grazing regimens.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Artificially sustaining the group of wild horses now congregated on dwindling water sources for as long as 5 months would be expected to expand those wildlife habitats subject to heavy or excessive grazing use through the remainder of the 2012 growing season and into the early period of dormancy. Wild horses are expected to remain reliant on trucked water as their sole source. Although the water sites would likely remain the concentrated hub of this band's activity pattern, as local forage supplies are exhausted and horse condition improves with supplemental feeding, they would be expected to make persistent and progressively heavy use of favored native forage radiating up to 2 miles from this location. Those lands severely damaged by concentrated horse use (addressed in Alternative C) would remain in their present state and these conditions would likely expand to areas immediately surrounding the provided sources of water (to that acreage addressed in Alternative A). Denuded rangeland conditions and attendant declines in habitat utility would extend to a minimum 0.1 percent of big game summer range and dusky grouse reproductive habitats in GMU 21 or about 2.3 percent of those seasonal habitats in the Texas/Oil Spring Mountain complex. As wild horses begin to seek alternate sources of forage, progressively heavy use would be expected on upland shrub and narrow valley sites at increasing distance from water. This elevated level of use may extend to as many as 7,650 additional shrubland acres and involve up to 40 percent of the big game summer range and 70 percent of the blue grouse reproductive habitats in the Texas/Oil Spring Mountain complex (2 percent of big game summer range and 4 percent of blue grouse reproductive habitats in GMU 21). The recovery process for those lands most heavily affected is addressed in Alternative A. Heavy use levels that occur after the end of July (dormant season use) would not necessarily influence the vigor of plants into subsequent growing seasons, but nearly complete removal of residual plant growth as ground cover would remain deleterious to overwintering populations of small mammal (both hibernating and non-hibernating) and dusky grouse nest conditions in 2013.

Environmental Consequences of Alternative C – No Action Alternative: Under Alternative C it is presumed that the majority of wild horses loitering around the spring sites would soon perish. Lands that have been denuded in close proximity to the springs and herbaceous ground cover that have been subjected to extreme use in surrounding uplands would not expand appreciably. These lands are predominantly composed of gentle-gradient mixed deciduous shrub-big sagebrush shrublands above 7,600ft elevation. The relative extent and proportion of terrestrial habitat affected by concentrated growing season use would remain small in scale (90 to 100 acres) and proportion, involving less than 0.1 percent (0.06 to 0.07 percent) of big game summer range and dusky grouse reproductive habitats in GMU 21 or about 1 percent of those seasonal habitats in the Texas/Oil Spring Mountain complex. Loss of this herbaceous big game forage base and associated reproductive cover for dusky grouse nesting and brood-rearing

functions for the 2012 season would be small to discountable at these two landscape scales. Functional recovery of these habitat components to their former character could be rapid given light or trace growing season use in the following one or two growing seasons. However, it is expected that a new band of wild horses would recolonize these spring locations and reestablish concentrated season-long use of these weakened herbaceous components. It is likely that this damaged acreage would continue to experience declines in plant vigor and density and shift more rapidly in composition to grazing-tolerant or unpalatable species. The utility of this affected acreage as a big game summer forage base, dusky grouse nesting and brood-rearing habitat, or forage and cover for resident small mammal populations would likely remain compromised until planned horse gathers were conducted.

Woodland habitat within the project vicinity is limited to open stands and narrow stringers of pinyon-juniper and it is unlikely that these woodlands support raptor nest activity. Although unlikely to be directly affected, raptors would remain vulnerable to the localized indirect effects of declining range health, namely the reduced abundance and diversity of avian and mammalian prey stemming from increasingly degraded herbaceous ground cover attributable to present damage and the likelihood of subsequent season-long grazing regimens.

Cumulative Analysis Area and Impacts: The CAA for terrestrial wildlife is the West Douglas HA, GMU 21, and adjacent lands in the Douglas Creek and Evacuation Creek watersheds. Progressive deterioration of native ground cover communities, particularly in sage-steppe habitats, would contribute to the cumulative range-wide deterioration and modification/loss of sagebrush habitats from oil and gas developments and the proliferation of invasive annual grasses. Also see the Finding on Standard 3 below.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

Finding on the Public Land Health Standard #3 for Plant and Animal Communities: On a landscape scale, the project area and its encompassing watersheds generally meet the land health standard in providing for viable native animal communities commensurate with wildlife habitat potential. Gather/holding operations or bait trapping would remain localized and transient and would have no effective influence on continued long-term meeting of the land health standard.

Alternatives A and C would be expected to confine severe seasonal use of and aggravated declines in the condition of herbaceous ground cover on an estimated 90 to 170 acres of shrubland habitats in the immediate vicinity of wild horse congregation areas around the spring sites and, by design, the alternate well pad water and trap site. This acreage presently fails to meet the land health standard. While this situation is presently not irreversible, it may persist for an extended period of time depending upon future horse management actions. Alternative B would further expand the extent of wildlife habitat severely depleted of ground cover in the vicinity of provided water sources and elevate the number of wild horses returning and contributing to growing season-long use of this area in the spring and summer of 2013. Because degraded lands produce less than half of the forage produced by lands in mid to late seral states, the entire complement of wild and domestic ungulates in the Texas/Oil Spring Mountain

complex would likely be compelled to seek new forage/water sources or forage increasingly further from water. To compensate for declining forage production in degraded sites, grazing use demands attributable to current ungulate populations would require increasing large expanses of shrubland to assume deleterious levels of persistent use during the growing season. Support of these wild horses through this drought event would deny any opportunity for the recovery of damaged rangeland plants as wildlife forage and cover and lead to more rapid and expansive accumulation of habitat with impaired utility for resident wildlife.

RANGELAND MANAGEMENT

Affected Environment: The BLM organizes the descriptions for grazing management into two allotments within this analysis area: Twin Buttes and Bull Draw. Twin Buttes allotment contains a total of 158,520 acres of which 113,790 acres are within the West Douglas HA. Bull Draw allotment contains 9,530 acres and is entirely within the West Douglas HA.

Bull Draw Allotment: The Bull Draw allotment is used in conjunction with the East Douglas Creek Allotment. This allotment contains 9,530 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 268 AUMs. The grazing schedule for the Bull Draw allotment is 60 cattle during the period November 16 to March 31. This allotment is not broken into separate pastures.

Twin Buttes Allotment: The Twin Buttes Allotment contains 158,520 acres of public land and 17,540 acres of private land. Two grazing permittees operate in-common on this allotment: James Steele and the Twin Buttes Ranch Company. James Steele runs 59 cattle during the period of November 1 to May 30. The Twin Buttes Ranch Co. runs 1,157 cattle and is reliant on the public lands throughout the year. The Twin Buttes Ranch Co. manages livestock under an Allotment Management Plan (AMP) completed in 1984, with a major revision completed in 1999 (BLM 1999). Twin Buttes Ranch Co. is a cow/calf operation that also maintains a registered Hereford herd. Table 11 provides a breakdown of the AUMs by pasture within this allotment.

The northern part of the allotment is within the West Douglas HA, this area is lower in elevation with a milder climate and precipitation averaging about 10 to 12 inches/year and used during the winter and spring. The middle elevations, centered around Texas Mountain, have a wide variance in elevation and vegetation associations and are used during the fall, winter, and spring. The southern parts of the allotment has the highest elevations (8,000 ft), with precipitation ranging from 15 to 20 inches/year, and are used during the summer and fall.

Table 11. Twin Buttes Allotment Permitted Use by Pasture (Both Operators)

Pasture	Active AUMs	Suspended AUMs	Total AUMs
Cottonwood	1,340	1,130	2,470
Lower Horse Draw	680	0	680
Water Canyon	3,360	0	3,360
Park Canyon	96	0	96

Pasture	Active AUMs	Suspended AUMs	Total AUMs
Subtotal	5,476	1,130	6,606
Texas Creek*	3,550	57	3,607
West Creek*	1,289	0	1,289
Red Rock**	140	0	140
West Douglas**	1,095	0	1,095
Total	11,550	1,187	12,737

* Part of pasture not within West Douglas HA

** Pasture not within West Douglas HA.

The grazing program for the Twin Buttes allotment is described in the AMP completed in 1999 (BLM 1999). This AMP was developed through a collaborative Section 8 of the Public Range Improvement Act of 1978² process, based on the 1997 White River ROD/RMP which calls for the removal of wild horses by 2007.

The following description is directly from the Twin Buttes AMP:

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.

² Section 8 of the Public Rangelands Improvement Act of 1978 (P.L. 95-514; Stat. 1803) “provide for, among other things, careful and considered consultation, cooperation, and coordination between the Forest Service, Bureau of Land Management, federal grazing permittees and lessees, and any state having lands within areas to be included in allotment management plans;...”

Shown in Table 12 is the grazing schedule for this grazing program.

Table 12. Twin Buttes Grazing Schedules

Pasture	Grazing Use Period	
Cottonwood	March 1 to April 1	November 1 to February 28
	March 1 to May 1	
	March 1 to May 20	
	March 1 to May 20	
Lower Horse Draw	March 1 to May 20	November 1 to February 28
	March 1 to April 1	
	March 1 to May 1	
	March 1 to May 20	
Water Canyon	March 1 to May 20	November 1 to February 28,
	March 1 to May 20	
	March 1 to April 1	
	March 1 to May 1	
W1/2 Texas Creek	March 1 to May 1	November 1 to February 28
	March 1 to May 20	
	March 1 to May 20	
	March 1 to April 1	
E1/2 Texas Creek	March 1 to June 12	November 1 to February 28
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	November 1 to February 28

Table 13 shows estimated carrying capacity (AUMs) on federal lands for pastures or portions of pastures within the West Douglas HA. An AUM is the amount of forage necessary for the sustenance of 1 cow or 1 cow with calf under 6 months old for a period of 1 month. Table 13 is broken down by acres within each pasture and acres per AUM, which determines the estimated AUMs available for those acres.

Table 13. Federal Lands Carrying Capacity for Pastures within West Douglas HA

Allotment	Pasture	BLM Acres	Good Acres/AUM	Fair Acres/AUM	Poor Acres/AUM	Good Total AUMs	Fair Total AUMs	Poor Total AUMs
E Douglas Cr	Bull Draw	9531	10.68	15.37	22.32	892	620	427
Twin Buttes	Winter/Spring ¹	105700	9.20	13.36	21.20	11484	7910	4985
Twin Buttes	Park Canyon	899	9.77	14.27	21.93	92	63	41
Twin Buttes	West Creek	7191	7.06	10.39	17.08	1018	692	421
		123,320	9.14	13.28	20.99	13486	9285	5874

*Good, Fair, and Poor refer to the condition of the rangeland

¹Winter/Spring ranges include Cottonwood, Lower Horse Draw, Water Canyon, and both Texas Creek Pastures

As shown in the Vegetation Section above, there are 70,834 acres (57 percent of West Douglas HA) which are considered non-range sites, and are not available for grazing. Table 14 is a breakdown by pasture of authorized livestock AUMs within the West Douglas HA.

Table 14. Authorized Livestock AUMs within the West Douglas HA

Allotment	Pasture	BLM Acres Within HA	Acres/ AUM	AUMs
Twin Buttes	Winter/Spring ¹	105,700	13.14	8,044
Twin Buttes	Park	899.3	9.21	98
Twin Buttes	West Creek	7,191.0	14.61	492
E Douglas Cr	Bull Draw	9,529.9	40.61	235
Total		123,320	13.91	8,869

¹Winter/Spring ranges include Cottonwood, Lower Horse Draw, Water Canyon, and both Texas Creek Pastures

Studies and Evaluation: Permittees maintain actual use records throughout the course of each grazing season. These records are submitted to the BLM and provide the basis for actual use billings at the end of each grazing/billing period. Table 15 identifies ongoing allotment studies, which includes elements necessary to make an evaluation of the effectiveness of the AMP.

Table 15. 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

Refer to the Vegetation Section for data regarding condition and trend.

Table 16 below is a breakdown in AUMs by pasture and year of actual use livestock use and permitted livestock for the 2005 through 2009 grazing years (a grazing year is March 31 to February 28 of the following year). This table shows livestock use throughout the Twin Buttes allotment and Bull Draw pasture; it is not specific to use within the West Douglas HA. Actual use data within the Bull Draw pasture for the 2005 and 2006 grazing years is not available. Table 16 and Table 17 below represent a comparison of authorized livestock AUMs to actual use by livestock for the 2005 through 2009 grazing years. These graphs clearly show that livestock use over the past 5 years has been below what is authorized. This is due to drought conditions, economic factors, and the need to provide forage for wild horses in the short term and avoid unnecessary rangeland degradation as a result of overutilization by grazing animals.

Table 16. Livestock Actual Use

Pasture	Authorized Use (AUMs)	Actual Use by Year (AUMs)				
		2005	2006	2007	2008	2009
Winter/Spring*	8,525	2,549	1,958	1,574	3,999	6,092
West Creek*	1,289	838	907	1,121	1083	1,068
Douglas Creek**	1,236	715	773	1,039	970	873
Park Canyon	98	53	0	45	82	42
Bull Draw	268			205	221	272

* Part of Pasture not within the Herd Area

** All of Pasture not within the Herd Area

Table 17 illustrates the difference between authorized livestock AUMs and the amount of AUMs actually used for the 2005 through 2009 grazing years. These AUMs were available for use by wild horses and wildlife. As shown in this table there has been an average of 5,992 AUMs that were unused by livestock. Reduced livestock use within and outside of the West Douglas HA over the past 5 years has allowed for the availability of forage for use by excess wild horses. The availability of this forage for excess wild horses has made it possible to avoid rangeland degradation within and outside of the West Douglas HA.

Table 17. Total Unused AUMs 2005-2009

Difference of Authorized AUMs and Actual Use						
Pasture	2005	2006	2007	2008	2009	Average
Winter Spring	5,976	6,567	6,951	4,526	2,433	5,291
West Creek	451	382	168	206	221	286
Douglas Creek	521	463	197	266	363	362
Park Canyon	45	98	53	16	56	54
Total	6,993	7,510	7,369	5,014	3,073	5,992

Land health assessments conducted in July of 2008 by an interdisciplinary team from WRFO show that rangelands within the West Douglas HA were generally meeting standards for rangeland health on a landscape scale. The maintenance of acceptable rangeland conditions is likely due to the reduced level of use by livestock as forage utilized by excess wild horses within and outside of the West Douglas HA has been offset by reduced utilization of forage by livestock.

Existing Water Developments: Within the West Douglas HA there are 69 stock ponds, 3 wells, and 4 developed springs. The stock ponds range in age and usability and the majority are functional. None of the wells are functional and all of the spring developments are in disrepair and are non-functional.

Table 18. Wild Horse and Livestock AUMs Compared to Estimated Carrying Capacity

Year	Number Recruited	Total Number of Wild Horses	Wild Horse Animal Unit Months(AUMs)	Total AUMs Livestock and Wild horses	Estimated Carrying Capacity	AUMs Exceeding Estimated Carrying Capacity
2012		154	1,848	10,717	9,285	1,432
2013	31	185	2,220	11,089	9,285	1,804
2014	37	222	2,664	11,533	9,285	2,248
2015	44	266	3,192	12,061	9,285	2,776

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: Under the Proposed Action, wild horse gather operations will likely have few direct impacts to livestock grazing.

Removal of wild horses would result in an increase in forage and water availability and quality for both livestock and wildlife, reducing competition between livestock and wild horses. Livestock operators would be able to more fully utilize their authorized active grazing preference and move closer to operating at full numbers. The BLM expects that during wild horse gathering operations, forage loss due to vegetation disturbance will occur. This disturbance will be confined to the trap site and is dependent on the number of wild horses that are gathered. Because the gathered wild horses would be held at the Yellow Creek Corrals no impacts are anticipated to result from temporary holding of wild horses. The vegetation loss would be short term and the area is expected to recover within three years. The entire gather area is located within the Twin Buttes Allotment and will provide limited impact to the overall operation of Twin Buttes grazing permit. This area is typically steep and has limited available water. The permittee has not been utilizing this portion of the allotment since 2005 (Scott Robinson Personal Communication 2012). In addition, since March of 2012 Twin Buttes has hauled approximately 870,000 gallons of water to their livestock (Scott Robinson Personal Communication 2012).

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Under Alternative B, it is anticipated that increasing wild horse populations would not be limited to the analysis area. With current wild horse populations the Twin Buttes AMP cannot be fully implemented due to the exceedance of the carrying capacity of the entire West Douglas HA. This alternative does little to reduce or address this overpopulation of wild horses which results in continued conflict between livestock and wild horses throughout the West Douglas HA. If no wild horses are gathered and removed the amount of AUMs exceeding the estimated carrying capacity would increase exponentially each year as the wild horse population increased. This increase reduces the ability of the livestock permittee to utilize their allocated forage and creates a financial hardship. The extreme drought conditions could accentuate these effects. Due to the increased competition for forage by livestock, wild horses, and wildlife it is expected that long term negative effects to rangeland resources will occur. Due to wild horse grazing behavior, such as tendencies to stay within preferred ranges for extended periods of time, the BLM would need to move feeding stations for better overall distribution over the area and allow for more deferment periods that allow plants to complete physiological processes necessary to recover and persist after grazing.

Environmental Consequences of Alternative C – No Action Alternative:

Under Alternative C, there would be no short term impacts to rangeland resources associated with gather operations.

However, because of the overutilization of the area by wild horses, the livestock operator may not be able to graze those areas which require rest and additional work to bring them back to a productive rangeland condition. Under this alternative the BLM anticipates that the impacts to rangeland resources resulting from the overutilization of wild horses may persist for years.

Table 18 shows the estimated wild horse herd population over the next 4 years absent gathers, assuming a 20 percent annual recruitment rate, the amount of AUMs used by wild horses, and the total AUMs of livestock and wild horses (assuming the livestock owners graze at full preference, 8,869 AUMs). The BLM bases its estimated carrying capacity on the rangelands being in Fair condition from Table 13 above.

As shown in Table 18 the West Douglas HA is currently exceeding the overall carrying capacity of the rangelands. If the 50 wild horses were not gathered, the West Douglas HA would still be approximately 1,072 AUMs over the estimated carrying capacity for the region (see

Table 18). Under this scenario the ongoing competition for forage by livestock, wild horses, and wildlife would continue, with long term negative effects to rangeland resources. Due to the rate of wild horse recruitment, it is anticipated that populations would increase before vegetative resources were able to recover, and those that did recover would not be high quality and might fail to support livestock or wild horses at their previous levels.

Due to wild horse grazing behavior, such as tendencies to stay within preferred ranges for extended periods of time, rangeland vegetation will not have adequate deferment periods to complete physiological processes necessary to recover and persist after grazing. Areas which receive continuous heavy use by wild horses would eventually be invaded by cheatgrass. Because cheatgrass has little forage value for grazing animals, the BLM expects wild horses and livestock grazing would be impacted, resulting in decreased available AUMs. Under this alternative the BLM would be in non-compliance with the Twin Buttes AMP. Further, BLM would have to complete additional analysis to reflect the exponential growth and forage use by the wild horses.

Cumulative Analysis Area and Impacts: The CAA for rangeland management includes the Twin Buttes Grazing Allotment and the Bull Draw Pasture of the East Douglas Creek Allotment. Reasonably foreseeable activities in this area include livestock grazing, oil and gas development, wildlife, and recreation.

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

The BLM currently does not anticipate an increase in oil and gas activity within this area, however, existing infrastructure associated with these activities (i.e., well pads, pipelines and compressor stations) has resulted in long term removal of vegetation. As these wells begin to lose production value they may be successfully reclaimed, providing positive benefits to rangeland management by increasing the amount of valuable forage.

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

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

Generally impacts associated with the Proposed Action are considered short term, and will have no long term effects to Rangeland Management. The removal of the 50 wild horses would not bring the population and the current permitted uses to a level below the calculated carrying capacity resulting in long term effects to Rangeland Management unless additional management actions are taken.

Alternative A results in the removal of wild horses from both grazing allotments. But removals and mortality under the assumptions of this EA would not be sufficient to fully implement the 1997 White River ROD/RMP and the Twin Buttes AMP (EA CO-017-99-93-EA, signed May 18, 1999 (BLM 1999)), if rangeland conditions allowed.

Impacts associated with Alternative B and C will likely prevent a multiple-use relationship in the Project Area because they would result in irreversible loss of native perennial vegetation and a conversion to unhealthy, low producing rangelands unable to support livestock, wildlife, or wild horse grazing. Once rangelands have crossed this threshold, they are then no longer comprised of healthy perennial vegetation communities capable of supporting grazing. This would require revision to the current AMP or implementation of human manipulations to restore degraded rangelands, which are often time consuming and expensive to complete and would not be consistent with maintaining a thriving natural ecological balance.

A drought, fire, or other natural phenomenon could further reduce the amount of forage available under all of the alternatives. The area has previously had a vegetation treatment in which fire was used to improve rangeland conditions. Under all of the alternatives additional vegetative manipulations are likely to be necessary to improve rangeland health.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

SPECIAL STATUS ANIMAL SPECIES

Affected Environment: No animals listed, proposed, or candidate under the Endangered Species Act are known to make appreciable use of the project area. While the impacts analysis

focuses on the Texas Mountain area, the affected environment describes conditions within the West Douglas HA.

Colorado pike-minnow (federally endangered): 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 project 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 these watershed by ephemeral or intermittent drainage systems, as follows:

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

Mexican spotted owl (federally threatened): The BLM is aware of only two records of Mexican spotted owl in the vicinity of this field office resource area: one unpaired male in Dinosaur National Monument, CO in the summers of 1996 and 1997, and a single bird in northeast Utah (upper Book Cliffs) in the fall of 1958. Suitable habitats consist of arid canyon lands or mature to old-growth mixed conifer stands, particularly in proximity to deep rocky canyons.

Information suggests that potential suitable habitat is narrowly confined to steep, north-facing canyons supporting mixed conifer forests along the White-Colorado River divide. About a dozen conifer stands high in the headwaters of East Douglas Creek appear to satisfy accepted parameters of suitable habitat. These habitat parcels are located a minimum of two miles south of the project area boundary.

Greater Sage-grouse (federal candidate, BLM sensitive): On March 5, 2010, the U.S. Fish and Wildlife Service (FWS) concluded that the greater sage-grouse warranted listing as an endangered species under the Endangered Species Act, but that listing was precluded by the need to complete listing actions of higher priority. Range-wide, this species is considered a candidate for listing--a designation that affords management attention equivalent to that of species considered "sensitive" by the BLM. Small numbers of sage-grouse have been sporadically encountered by local CPW staff in larger Wyoming big sagebrush parks on the north and northwest portions of the project 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 functions.

BLM Sensitive Species and other special status animals: A number of animals that may inhabit the project area are classified as sensitive by the BLM. These species are thought to be especially susceptible to population-level influences. 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 candidates for listing under the Endangered Species Act. Sensitive species that have a reasonable probability of occupying the project area include: northern goshawk, Brewer's sparrow, Townsend's big-eared bat, big free-tailed bat, fringed myotis, white-tailed prairie dog, northern leopard frog, and Great Basin spadefoot. The bald eagle has been delisted, but similar levels of protection are afforded this species through the Bald and Golden Eagle Protection Act. The Colorado Natural

Heritage Program has identified a number of nongame species that, by merit of population vulnerability, may warrant special management attention or concern. Those that inhabit the project area include the gray vireo and sagebrush vole (probable).

Bald eagle: The White River corridor is the hub for seasonal bald eagle use of the lower White River Valley. Particularly during the late 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, primarily, 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 summer use attributable to a nest site near the Utah border are associated with the river corridor's cottonwood stands, a minimum of five miles north of the project area boundary.

Northern goshawk: The BLM has no record of goshawk nesting in the project area, but birds have been seen here during the breeding season (e.g., Texas Mountain). Based on BLM's experience in the adjacent Piceance Basin, goshawks likely nest sparingly (e.g., 6 pair) in mature pinyon-juniper woodlands (above 6,500 ft) and Douglas-fir stands in the southern half of the project area. Goshawks establish breeding territories as early as March and begin nesting by the end of April. Nestlings are fledged and independent of the nest stand by mid-August. Although never common, an influx of migrant goshawk appears to elevate densities in this Resource Area during the winter months.

Townsend's big-eared bat, big free-tailed bat, and fringed myotis: Although the distribution of these bats is poorly understood, recent acoustical surveys in the nearby Piceance Basin and along the lower White River have documented the localized presence of Townsend's big-eared and big free-tailed bat along larger perennial waterways. These bats typically use caves, mines, bridges, and unoccupied buildings for night, nursery, and hibernation roosts, but in western Colorado, single or small groups of bats use rock crevices and tree cavities. Although rock outcrops and mature conifers suitable as temporary daytime roosts for small numbers of bats are widely available in the project 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 in or within several miles of the project area.

White-tailed prairie dog: White-tailed prairie dogs are sparingly distributed in small, isolated groups south of the White River. Lands showing evidence of past prairie dog occupation are confined to the project area's extreme northern margin in the Cottonwood Creek valley (92 acres in 4 towns) and the headwaters of Big Horse Draw (123 acres in 5 towns). Most recent surveys (2007-2008) indicate that current distribution is limited to 1.5 acres in Cottonwood and 25 acres in Big Horse Draw, immediately north of the project area boundary. These small, severely insular prairie dog towns offer no effective habitat base for associated species, such as black-footed ferret or burrowing owl. Prairie dogs begin dormancy in the late summer to early fall months and emerge from hibernation in March.

Northern leopard frog and Great Basin spadefoot: Leopard frogs are uncommon and sporadically distributed along Douglas and West Douglas Creek, and there is a relatively low probability that portions of these creeks encompassed by the project area support these amphibians. Spadefoot toads are known from western Rio Blanco County and neighboring

Uintah County, Utah and appear to be associated with ephemeral stock ponds in valley and basin terrain. The BLM has recently (2009) documented larval spadefoots at a stockpond in the lower Cottonwood Creek valley, about 4 miles north of the project area boundary. Although all ponds in this valley were surveyed (several in the project area), no additional evidence of toads were found. It remains possible that toads occupy shrublands and woodlands in close association with stockponds distributed throughout the project area.

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

Gray vireo: The gray vireo is associated with this field office resource area's Utah juniper-black sagebrush ranges principally below 6,000 ft in elevation. In higher elevation woodlands with more extensive canopies, and with the appearance of pinyon pine and the plumbeous vireo, gray vireo distribution appears to abruptly cease. Point-count surveys conducted by BLM from 1996 to 2009 in the core of occupied habitat indicate average breeding populations of about 16 pairs per section. The northern boundary of the project area lies on the southern periphery of occupied gray vireo habitat such that the project area encompasses less than 10 percent of potential habitat within the Resource Area. Although there is a history of wild horses occupying these lower elevation ranges, there has been no substantive use of these gray vireo habitats by wild horses since a BLM gather 20 to 25 years ago. There appears to be no tendency for wild horses to use these ranges at sustained West Douglas HA populations under 150 wild horses.

Sagebrush vole: The sagebrush vole occurs locally in sagebrush regions of the Great Basin and northern Great Plains. In Rio Blanco County, the sagebrush vole is associated with sagebrush and mixed shrub – perennial bunchgrass habitats from 6,000 to 9,000ft, which involves some 385,000 acres of BLM surface in the WRFO. Oil shale baseline inventories in the mid-1970s suggest that the vole is a widely distributed, but relatively uncommon component (1 to 2 percent) of this Resource Area's upland shrub small mammal community, occupying these habitats at minimum densities of about 1 per hectare. It is presumed that sagebrush voles are distributed throughout the project area's 10,000 acres of upland sagebrush and mountain shrub communities and perhaps at lower densities in its 43,000 acres of saltbush and greasewood types. Voles are active throughout the winter months beneath the snowpack; sagebrush leaves and cambium being the primary constituents of their winter diet. The voles reproduce during the spring and early summer months; their diverse summer diet consisting of flowers and leaves of virtually all green plants including grasses, forbs, and shrubs.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: As conditioned, the Proposed Action would have little, if any, discernible influence on special status species.

Habitats occupied by Colorado pike-minnow and (potentially) by Mexican spotted owl are geographically separated from the project area. Because there is no reasonable likelihood that project-related influences would extend beyond the project area, this gather operation would have no reasonable chance of affecting these listed species. Similarly, the project area does not

provide suitable habitat in any capacity for greater sage-grouse, bald eagle, white-tailed prairie dog or gray vireo. There is no suitable habitat (large perennial streams or ephemeral ponds) for northern leopard frog or Great Basin spadefoot within several miles of the project area. Gather-related operations would have no conceivable influence on either of these species.

Although no northern goshawk nest sites have been identified in the project area, there is potential, albeit extremely low that a nest may occur within the project area. Gather-related activities are not expected to have any influence on nesting activities as there is virtually no suitable habitat (i.e., heavy canopied, mature woodlands) within a quarter mile of the proposed gather location.

There is a nominal amount (~ 20 acres) of sagebrush habitat within a quarter mile of the proposed trap site that likely supports nesting Brewer's sparrow (perhaps up to 6 pair), however, the gather location itself (abandoned well pad) does not offer any suitable nesting habitat for this species. It is expected that wild horses would congregate in the vicinity of the trap site resulting in reductions in surrounding ground cover. Gather-related activities (human presence) may temporarily displace birds immediately adjacent to the location, however the proportion of habitat and number of animals influenced by those facets of the gather that involve longer duration impacts (e.g., holding and trap sites) would be discountable at the landscape and population levels (see for example, Migratory Bird Section). Gather-related impacts to sagebrush vole would be similar to those discussed above. It is unlikely the immediate area supports a strong population of this species.

It is unlikely that the project area offers habitat suitable for hibernation or rearing of young for the three species of bat (big free-tailed bat not known to reproduce in Colorado). Similarly, it is unlikely that roosting bats would be subject to short-term gather-related activities at the trapping and holding site as there is virtually no suitable habitat within 0.25 miles this location. Gather operations would have no potential to interfere with any important roost functions (e.g., hibernacula, nurseries).

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Impacts to listed species would be identical to those discussed in the Proposed Action. Discussions in the Migratory Bird and Terrestrial Wildlife Sections would be directly applicable to Brewer's sparrow, sagebrush vole, and northern goshawk.

Environmental Consequences of Alternative C – No Action Alternative: Impacts to special status species would be similar to those discussed in the Proposed Action as relatively few special status species make important use of the project area. Failure to gather wild horses would result in the mortality of an indeterminate number of wild horses in a relatively short timeframe. Impacts to vegetation (loss of herbaceous ground cover) would be localized around the immediate vicinity of the spring sites and would not be expected to expand appreciably. Functional recovery of these habitat components to their former character would likely be rapid given light or trace growing season use in one or two subsequent growing seasons. However, it is expected that a new band of wild horses would recolonize these spring locations and reestablish concentrated season-long use of these weakened herbaceous components. It is likely that this damaged acreage would continue to experience declines in plant vigor and density and shift more rapidly in composition to grazing-tolerant or unpalatable species. Reductions or alterations in

herbaceous ground cover as a forage and cover resource would have the greatest potential to influence Brewer's sparrow and sagebrush vole, however due to the limited amount of suitable habitat (roughly seven acres of sagebrush within 0.25 miles of spring sites) any impacts to these species would likely be discountable. Impacts to northern goshawk would be similar to those discussed for woodland raptors in the Terrestrial Wildlife Section.

Cumulative Analysis Area and Impacts: Progressive deterioration of native ground cover communities, particularly in sage-steppe habitats, would contribute to the cumulative range-wide deterioration and modification/loss of sagebrush habitats and animals obligate to the type (e.g., Brewer's sparrow, sagebrush vole) from oil and gas developments and the proliferation of invasive annual grasses.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

Finding on the Public Land Health Standard #4 for Special Status Species: The project area broadly meets the public land health standard for listed and candidate species, as well as for those animals that are regarded with higher conservation interest by BLM, the State, and other entities. Alternatives A and C would be expected to confine severe seasonal use of and aggravated declines in the condition of herbaceous ground cover on an estimated 90 to 170 acres of shrubland habitats in the immediate vicinity of wild horses congregated around the spring sites and, by design, the alternate well pad water and trap site. This acreage presently fails to meet the land health standard and, though not irreversible, may persist in these failings for extended periods of time depending on future horse management actions. Alternative B would further expand the extent of habitat severely depleted of ground cover in the vicinity of provided water sources and elevate the number of wild horses returning and contributing to growing season-long use of this area in the spring and summer of 2013. This would have the most noticeable influence on non-game species, specifically Brewer's sparrow and sagebrush vole.

MIGRATORY BIRDS

Affected Environment: A large array of migratory birds fulfills nesting functions throughout the project area's woodland and shrubland habitats during the months of May, June, and July, with peak nesting activity from late May through mid-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 (e.g., Rocky Mountain Bird Observatory, Partners in Flight program) are listed in

Table 19. 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 project area. There is no reasonable expectation for these birds to be well represented in the project area's small and disjunctive fir stands.

Table 19. Birds of Higher Conservation Interest by Habitat Association in Project Area

Birds	Habitat Association			
	Sagebrush	Pinyon-Juniper	Mountain Shrub	Aspen/Fir
Brewer's sparrow* ¹ , green-tailed towhee		gray flycatcher, gray vireo*, pinyon jay*, juniper titmouse*, black-throated gray warbler, violet-green swallow, northern goshawk ¹	blue grouse, common poorwill, Virginia's warbler	broad-tailed hummingbird, red-naped sapsucker, purple martin, Cordilleran flycatcher, MacGillivray's warbler

*Birds of Conservation Concern (USFWS 2008)

¹Colorado BLM sensitive species

Those portions of Douglas and West Douglas Creeks within the project 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 Alternative A – Proposed Action to Gather Wild Horses:

The proposed gather is scheduled to take place during the migratory bird nesting season and may behaviorally influence birds in the immediate vicinity. The proposed gather site is located on an abandoned well pad that provides limited nesting habitat for migratory birds however, wild horses will most likely congregate in the vicinity of the trap site, potentially resulting in strong reductions in ground cover depending on the duration of the gather. Indirectly, gather-related activities (human presence, vehicles associated with the gather, etc.) have the potential to influence nesting birds in adjacent habitats. Although displacement of birds would be expected as proposed gather and trapping operations may take upwards of several weeks, it would likely involve only a handful of nesting pairs.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Artificially sustaining the group of wild horses now congregated on dwindling water sources for as long as 5 months would be expected to drastically expand those wildlife habitats subject to heavy or excessive grazing use through the remainder of the 2012 growing season and into the early period of dormancy. Wild horses are expected to remain reliant on trucked water as their sole source. Although the water sites would likely remain the concentrated hub of this band's activity pattern, as local forage supplies are exhausted and horse condition improves with supplemental feeding, they would be expected to make persistent and progressively heavy use of favored native forage radiating up to two miles from this location.

Habitats within this two-mile radius for the most part comprised of pinyon-juniper woodlands (~4,300 acres) and mountain shrub communities (~2,500 acres). Impacts to those bird species closely associated particularly with mountain shrub communities would be expected. Reductions in or progressive deterioration in herbaceous ground cover (namely density and height) would likely be sufficient to suppress nest success or breeding densities of ground-nesting or low-shrub nesting species including spotted towhee, gray-headed junco, and Virginia's warbler. In the short-term, little change is anticipated in the woodland communities as forage availability is typically less than shrub dominated communities.

Environmental Consequences of Alternative C – No Action Alternative: Under this alternative it is anticipated that an indeterminate number of wild horses would soon perish. Based on observations, these animals tend to congregate around a water source with little movement from the site. Herbaceous ground cover in close proximity to these water sources would be denuded and it is anticipated that reductions in herbaceous ground cover would not expand appreciably from current conditions. Impacted communities (those immediately surrounding the spring sites) are predominately mountain/deciduous shrub types (~80 acres). As such, those bird species that are closely associated to these mountain shrub communities (spotted towhee, Virginia's warbler) would have the greatest potential to be impacted. Loss of herbaceous ground cover as a forage and cover resource would be nominal and likely only involve a small number of nesting pairs. Functional recovery of these habitat components to their former character would likely be rapid given light or trace growing season use in the following one or two growing seasons. However, it is expected that a new band of wild horses would recolonize these spring locations and reestablish concentrated season-long use of these weakened herbaceous components. It is likely that this damaged acreage would continue to experience declines in plant vigor and density and shift more rapidly in composition to grazing-tolerant or unpalatable species. The utility of this affected acreage as migratory bird nesting habitat would likely remain compromised until planned horse gathers were conducted.

Cumulative Analysis Area and Impacts: The CAA for this analysis is the same as that identified for the Terrestrial Wildlife Section. Progressive deterioration of native ground cover communities, particularly in mountain shrub habitats, would contribute to the cumulative range-wide deterioration and modification/loss of mountain shrub habitats and animals obligate to the type (e.g., spotted towhee, Dusky grouse) from oil and gas developments and the proliferation of invasive annual grasses.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

AQUATIC WILDLIFE

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 project area. (While the impacts analysis focuses on the Texas Mountain area, the affected environment describes conditions within the West Douglas HA.) 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 support small, but well distributed breeding populations of mallard, green-winged teal, and spotted sandpiper.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: There are no perennial streams that are known to support higher-order aquatic vertebrate species within several miles of the project area. The proposed gather and gather-related activities would have no reasonable chance of influencing integral aquatic wildlife communities.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Impacts to aquatic wildlife would be identical to those discussed in the Proposed Action

Environmental Consequences of Alternative C – No Action Alternative: Impacts to aquatic wildlife would be identical to those discussed in the Proposed Action.

Cumulative Analysis Area and Impacts: The CAA for this analysis is the same as that identified for the Terrestrial Wildlife Section. Neither Alternatives A, B, or C are anticipated to have any substantial influence on aquatic wildlife or associated habitats.

Mitigation: None.

Finding on the Public Land Health Standard #3 for Plant and Animal Communities: The project area broadly meets the public land health standard for aquatic communities. As conditioned, Alternatives A, B, and C are not expected to have any appreciable influence on aquatic habitat condition or trends and would not detract from continued meeting of the standard.

SOIL RESOURCES

Affected Environment: Soils in the West Douglas HA are sedimentary and include sandstone outcrops, Mancos shale outcrops, rocky hillslopes with thin soils, and very diverse soil types. Gather activities would likely occur in drainage bottoms or old well pads due to the flatter terrain and the ability to build traps around water sources and topographic features.

At least 50,000 acres within the West Douglas HA are considered to be fragile either as soils derived from Mancos shale or on slopes exceeding 35 percent. In addition, a substantial acreage of soils are considered to be slightly to strongly saline at the surface or in the near surface subhorizon. These soils generally support a sparse vegetation cover of salt tolerant desert shrubs, grasses, and cryptogamic lichens. These soils 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 generally contain undissolved salts that go rapidly into solution when they reach a major waterway.

In addition, within the West Douglas HA, approximately 108,767 acres or 85 percent 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. Gathering activities in these areas are most likely to include herding with helicopters toward gather sites.

Some of the soil types in the West Douglas HA that may not be meeting land health standards are listed in Table 20 with corresponding acreage of each soil type. These soils are primarily located in drainage bottoms where the wild horses tend to congregate and therefore it is likely most of the gathering sites would occur in these soils types.

Table 20. Soils that May Not be Meeting Land Health Standards

Soil Number	Soil Name	Range Site	Slope	Acres in West Douglas 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%	2,307
61	Patent loam	Rolling Loam	3-8%	1,839
89	Tisworth fine sandy loam	Alkaline Slopes	0-5%	1,212
90	Torrifluvents gullied	Alkaline Slopes	0-5%	1,210
93	Turley fine sandy loam	Alkaline Slopes	0-3%	463
94	Turley fine sandy loam	Alkaline Slopes	3-8%	483
Total Acres				8,778

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: Direct and indirect impacts from gather activities would include but are not limited to, disturbance of vegetation and soil compaction at the trap sites. There are approximately 1,785 acres of saline soils (>16mmhos conductivity) and the alkaline slopes described in the affected environment, but there are no saline soils near the proposed gather site near Texas Mountain. Soils in gather areas will likely become compacted due to wild horses and vehicles use for the gather. All impacts from wild horse gathering activities are expected to be short-term (less than 2 years) and to fully recover to pre-wild horse gather conditions within three years.

Impacts from wild horse grazing would reduce in proportion to the success of the gathers; these impacts include hoof action along well used trails and near water sources or other areas that are preferentially used by wild horses and direct impacts to vegetation. Vegetation is disturbed and eaten during grazing activities and may be less successful in stabilizing soils in some areas. As grazing is reduced impacts to vegetation and indirect impacts to soils will also be reduced.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Direct and indirect impacts from watering and feeding activities would include but are not limited to, disturbance of vegetation and soil compaction near the water and food sources. There are approximately 1,785 acres of saline soils (>16mmhos conductivity) and the alkaline slopes described in the affected environment, but there are no saline soils near the proposed supplementation site near Texas Mountain. Soils in watering and feeding areas will likely become compacted due to wild horses and vehicle use. All impacts from wild horse watering and feeding activities are expected to be short-term (less than 2 years) and the soils are expected to fully recover within three years.

Impacts from wild horse grazing would increase with a rise in the local horse population that could occur if wild horses survive and reproduce due to watering and feeding activities; these impacts include hoof action and direct impacts to vegetation. As horse use and population increases impacts to vegetation and indirect impacts to soils would increase in this area.

Environmental Consequences of Alternative C – No Action Alternative: Under the No Action Alternative, direct disturbance to soil as a result of the gathers would not occur. Greater grazing pressure may result in increasing or decreasing impacts to soils from grazing in proportion to wild horse population increases or decreases due to mortality.

Cumulative Analysis Area and Impacts: The CAA for soils is the West Douglas HA and the Douglas and Evacuation Creek watersheds. There is active oil and gas exploration and existing infrastructure, such as well pads, pipelines and compressor sites, which will need to be serviced and maintained in the CAA. Implementation of the Proposed Action along with all existing land uses in the project area would not likely lead to any soil condition which would lead to further degradation or which would not improve naturally. Cumulative impacts would occur to soils where there are multiple land uses affecting the same location as proposed gather sites. While there are some negative impacts associated with gather sites, they would not likely lead to further soil degradation.

Under Alternative C there would be no cumulative impacts to this resource.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

Finding on the Public Land Health Standard #1 for Upland Soils: In the West Douglas HA approximately 8,778 acres of alkaline and foothills swale soils were not meeting land health standards. Soils not meeting standards are a result of soil chemistry and will not be adversely impacted by gathering, watering, or feeding activities enough to impact long-term (more than three years) soil productivity. Therefore, it is unlikely that the Proposed Action will lead to new areas not meeting standards for public land health based on soils.

SURFACE & GROUND WATER QUALITY

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 1997 White River ROD/RMP as being fragile watersheds because the soils present in these watersheds have poor soils (i.e., very high erosion potential, high salt content, slopes greater than 35 percent, and lack of vegetation cover that protects the watershed from overland flows). The West Douglas HA is situated entirely within the White River Drainage Basin. Table 21 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 21. Water Quality Stream Segments

Stream Segment	River Basin	Acres Affected	Designated Beneficial Uses	Use Protected (Y/N)	303(d) Listed?	Impairment	Priority
22	White	40,328	Aquatic Life Warm 2, Recreation Potential Primary Contact, Agriculture	Y	West Evacuation Wash, Douglas Creek	Sediment	Low
23	White	21,888	Aquatic Life Cold 1, Recreation Existing Primary Contact Use, Water Supply, Agriculture	N	N/A	N/A	N/A

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 is use protected due the ephemeral to intermittent nature of most of this segment. These streams don't generally support fish and aquatic habitat. The quality of use protected waters may be altered by permitted discharges or other activities, so long as applicable use-based water quality classifications and standards are met. West Evacuation Wash and Douglas Creek are listed on the 303(d) list for sediment. Both of these stream segments are outside of the West Douglas HA.

Stream Segment 23 is defined as the mainstem of East and West Douglas Creek, including all tributaries, from their sources to their confluence. East Douglas is on the monitoring and evaluation list for total recoverable iron.

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 U.S. Geological Survey (USGS) streamflow 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 intermittent to 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 included 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 salt. The 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 is listed in the 1997 White River ROD/RMP as a fragile watershed because it has soils that are both highly erosive and moderately saline.

Within the West Douglas HA 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 1997 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.

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 5 to 10 year period in just one event. Cottonwood Creek watershed is listed in the 1997 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. The hydrologic setting of Hells Hole is similar to Cottonwood Creek.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: Direct and indirect impacts from gather activities would include, but are not limited to, disturbance of vegetation and soil compaction at the trap sites and installation of the portable panels. All impacts from wild horse gathering activities are expected to be short-term (less than 2 years) and to fully recover to pre-wild horse gather conditions within three years. No water quality impacts are expected with successful vegetation that will be monitored with project mitigation.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Direct and indirect impacts from watering and feeding activities would include but are not limited to, disturbance of vegetation and soil compaction. All impacts from wild horse watering and feeding activities are expected to be short-term (less than 2 years) and to fully recover within three years. No water quality impacts are expected with successful vegetation that will be monitored with project mitigation.

Impacts from wild horse grazing would increase with a rise in the local horse population that could occur if wild horses survive and reproduce due to watering and feeding activities; these impacts include hoof action and direct impacts to vegetation. As horse use and population increases impacts to vegetation and indirect impacts to soils would increase in this area.

Environmental Consequences of Alternative C – No Action Alternative: Under the No Action Alternative, direct disturbance to water quality as a result of the gathers would not occur. Greater grazing pressure may result in increasing or decreasing impacts to soils from grazing in

proportion to wild horse population increases or decreases due to mortality that may or may not impact water qua.

Cumulative Analysis Area and Impacts: The CAA for water quality is the West Douglas HA and immediately adjacent areas affected by wild horses. Oil and gas development activities, livestock grazing, and recreation are the reasonably foreseeable activities that would contribute to impacts to water resources in this area. There is active oil and gas exploration and exiting infrastructure, such as well pads, pipelines and compressor sites, which will need to be serviced and maintained in the CAA. Vehicle trips along dirt roads to access these sites are the primary cause of continued disturbance from oil and gas activities. Recreation impacts are most likely from vehicle travel on existing roads and trails.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

Finding on the Public Land Health Standard #5 for Water Quality: It is unlikely that wild horse gathering, watering, or feeding activities would have an effect that exceeds water quality standards due to the short-term (less than three years) and localized impacts of the wild horse gathering activities. Increased wild horse population numbers in Alternative B could lead to degradation of water quality in some areas due to increased erosion and surface runoff. As shown in the water quality and quantity data for Douglas Creek most changes to water quality are due to flood events associated with particular rain storms and spring runoff.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: The western portion of the Oil Spring Mountain Area of Critical Environmental Concern (ACEC) and Wilderness Study Area (WSA), which is not within the West Douglas HA boundary, contains Green River geological formations that provide habitats for several BLM sensitive plant species. However, the eastern portion of the ACEC/WSA is several miles east of the nearest known BLM sensitive plant species occurrences. The ACEC is largely unsurveyed for special status plant species, but there are several suspected BLM sensitive plant species endemic to the Green River geologic formations that would be anticipated to occur on shale barren habitats in the West Douglas HA. Current foraging by wild horses in the ACEC/WSA, on shale barren habitats where most of the BLM sensitive plant species occur, is low because these areas contain low quantities of plant species, such as bunchgrasses, typically foraged by wild horses. The project is anticipated to use existing roads and previously disturbed sites where truck and trailer access is possible.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: There are no issues or concerns associated with the Proposed Action within the Oil Spring Mountain ACEC.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: There are no issues or concerns associated with Alternative B within the Oil Spring Mountain ACEC.

Environmental Consequences of Alternative C – No Action Alternative: There are no issues or concerns associated with Alternative C within the Oil Spring Mountain ACEC.

Cumulative Analysis Area and Impacts: The ACEC/WSA could be negatively affected via over-use of rangeland resources by all ungulates, both wild and domestic, via trampling, trailing, and herbivory. Increased competition for rangeland resources by all large herbivores directly increases the likelihood of damage to these resources at various thresholds. The potential increase of disturbance to the vegetation communities could increase the spread of non-native and invasive species in native communities.

Under Alternative A, there are no cumulative impacts that result from gathering on these species.

Under Alternative B, wild horse populations would exponentially increase the use of areas of rangeland resources adjacent to the ACEC/WSA. Increased wild horse populations would result in expanded ranges which could lead to cumulative effects on Special status plant species on other areas of the WRFO or eventually on habitats within the Vernal and Grand Junction Field Office boundaries.

Under Alternative C, wild horse populations would suffer extreme mortality. Prior to mortality, wild horses could cause damage to the resources due to an exponential increase in the use of areas of rangeland resources adjacent to the ACEC/WSA.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

SPECIAL STATUS PLANT SPECIES

Affected Environment: There are no threatened, endangered or candidate plant species known to exist in the West Douglas HA. One BLM sensitive plant species, the Duchesne milkvetch (*Astragalus duchesnensis*), is known from a historic State of Colorado field record in Section 14, Township 2 South, Range 103 West, which is within the West Douglas HA. This parcel is privately owned, but the portion of the parcel containing the milkvetch is unfenced from surrounding BLM parcels in the West Douglas HA. The plant was found on Rio Blanco County Soil Series #64 and is found approximately ½ mile southeast of the Big Park Road (Rio Blanco County Road #23). Though this area is largely unsurveyed, there are several suspected BLM sensitive plant species endemic to the Green River geologic formations that would be anticipated to occur on shale barren habitats in the West Douglas HA. Potentially affected species can be found in Table 22 (Spackmann, S.B. et al. 1997).

Table 22. List of Potentially Affected Special Status Plant Species.

Name	Species	BLM Status	Habitat
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Debris milkvetch	<i>Astragalus detritalis</i>	Sensitive	Pinyon/juniper and mixed desert shrub, often on rocky soils ranging from sandy clays to sandy loams. Also alluvial terraces with cobbles (5,400-7,200 ft)
Duchesne milkvetch	<i>Astragalus duchesnensis</i>	Sensitive	Pinyon/juniper woodland and desert shrub, around sandstone or shale outcrops (4,600-6,400 ft)
Tufted cryptantha	<i>Cryptantha caespitosa</i> (<i>Oreocarya caespitosa</i>)	Sensitive	Sparsely vegetation shale knolls, with pinyon/juniper or sagebrush; usually with other cushion plants (5,500-8,100 ft)
Rollins cryptantha	<i>Cryptantha rollinsii</i> (<i>Oreocarya rollinsii</i>)	Sensitive	White shale slopes of the Green River Formation, in pinyon/juniper or cold desert shrub communities (5,300-5,800 ft)
Ephedra buckwheat	<i>Eriogonum ephedroides</i>	Sensitive	Shale and clay flats of slopes in saltbush, sage and pinyon/juniper habitats (4,900-6,900 ft)
Narrow-stem gilia	<i>Alciella stenothyrsa</i> (<i>Gilia stenothyrsa</i>)	Sensitive	Grassland, sagebrush, mountain mahogany or pinyon/juniper; silty to gravelly loam soils of the Green River formation (6,200 -8,600 ft)
Piceance bladderpod	<i>Lesquerella parviflora</i>	Sensitive	Shale outcrops of the Green River Formation, on ledges and slopes of canyons in open areas (6,200-8,600 ft)
Graham's beardtongue	<i>Penstemon grahamii</i>	Proposed	Talus slopes and knolls of the Green River Formation in sparsely vegetated desert scrub and pinyon/juniper (5,800-6,000 ft)
White River beardtongue	<i>Penstemon scariosus</i> var. <i>albifluvis</i>	Candidate	Sparsely vegetated shale slopes of the Green River Formation Desert in shrub and pinyon/juniper communities (5,000-7,200 ft)

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: Expected ground disturbance from gathering sites will generally occur on roads or previously disturbed areas which are truck and trailer accessible. There may be concentrated trampling for a limited period of time due to the congregation of animals in a small area prior to removal. However, there are no special status plant species issues or concerns associated with the Proposed Action.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Under Alternative B, supplemental water and or hay would be hauled in as needed to sustain wild horses within the Texas Mountain area of the West Douglas HA. If the wild horses were supplementally fed and watered throughout the dry season, there would be an increase in trampling and overuse of the Texas Mountain area due to the sustained increase in numbers of wild horses at this site. This increase in animal numbers could lead to overuse of the resources and could impact potential populations of sensitive species that are unmapped but may be present at the site.

Environmental Consequences of Alternative C – No Action Alternative: Under Alternative C, wild horses would not be gathered and removed from the Texas Mountain area. There would be no impacts associated with gather operations. Although the current foraging of shale barren plant habitats by wild horses is generally low throughout the West Douglas HA, utilization prior to mortality could produce trampling or foraging of potential populations of sensitive species that are unmapped but may be present at the site and other areas of unique vegetation sites, especially during drought when overall forage is limited. Also, an increase in the use of local springs by wild horses may limit the amount of water available for plant utilization. Under this alternative, impacts to potential populations of special status plant species, special status plant habitats, and unique and remnant vegetation would be expected to increase as the grazing pressure for available forage increases, especially under drought conditions.

Cumulative Analysis Area and Impacts: The CAA for threatened, endangered, and special status plant species includes Soil Series #64, Section 14, Township 2 South, Range 103 West and unmapped, but potentially present populations in the West Douglas HA. There are no known special status plant species within the Proposed Action area. Special status plants and unique and remnant vegetation could be negatively affected via over-use of rangeland resources by all ungulates, both wild and domestic, via trampling, trailing, and herbivory. Increased competition for rangeland resources by all large herbivores directly increases the likelihood of damage to these resources at various thresholds. Damage to these resources also increases the likelihood of invasion by nonnative and exotic species which could threaten any potential special status plant species habitat present in the West Douglas HA.

Under Alternative A, there are no cumulative impacts that result from gathering on these species.

Under Alternative B, wild horse populations would exponentially increase use of areas of rangeland resources in and adjacent to the special status plant populations. Increased wild horse populations would result in expanded ranges which could lead to cumulative effects on potential populations of special status plant species on other areas of the WRFO or eventually on habitats within the Vernal and Grand Junction Field Office boundaries.

Under Alternative C, wild horse populations would suffer extreme mortality. Prior to mortality, wild horses could cause damage to resources in and adjacent to potential areas of special status plant populations.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

Finding on the Public Land Health Standard #4 for Special Status Species: Alternatives A, B, and C are not expected to influence populations or habitats of plants associated with the Endangered Species Act or BLM sensitive species and, as such, the project should have no influence on the status of applicable Land Health Standards.

AIR QUALITY

Affected Environment: The West Douglas HA is an attainment area for national and state air quality standards, based on a review of designated non-attainment areas for criteria pollutants, published by the Environmental Protection Agency (EPA 2012). The West Douglas HA is 10-miles from any special designation airsheds or non-attainment areas. Non-attainment areas are areas designated by U.S. Environmental Protection Agency (EPA) as having air pollution levels that persistently exceed the national ambient air quality (NAAQ) standards. The closest special designation areas are Dinosaur National Monument which is located northwest of the project area (designated Class II airshed with Prevention of Significant Deterioration (PSD) with thresholds for sulfur oxides and visibility).

The West Douglas HA is in Rio Blanco County within the Western Counties Monitoring Region of Colorado. The 2010 CDPHE monitoring assessment showed four gaseous pollutant monitoring sites and 11 particulate monitoring sites in the Western Counties area (APCD 2012). Local air quality parameters including particulates are being measured at monitoring sites located at Meeker, Rangely, Dinosaur, and Ripple Creek Pass near the Flat Tops Wilderness Area. The closest location for an Interagency Monitoring of Protected Visual Environments (IMPROVE) site is near the Flat Tops Wilderness, northeast of the West Douglas HA. IMPROVE sites measure visibility impairment from air borne particles.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: 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. 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. Gathering activities will produce temporary increases in dust from wild horse trailing, staging areas, vehicles used for the gather. These impacts would be temporary and localized, would vary based on the soil moisture and wind conditions and are not likely to exceed the western Colorado or national standards.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: The air quality criteria pollutant likely to be most affected by providing water and feed to wild horses is the level of inhalable particulate matter, specifically particles ten microns or less in diameter (PM₁₀) associated with fugitive dust. Vehicle trips along dirt roads to access feeding and watering sites would be the primary cause of dust production. 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. Congregation at supplementation locations will produce temporary increases in dust during delivery of water and/or food. These impacts would be temporary and localized, would vary based on the soil moisture and wind conditions and are not likely to exceed the western Colorado or national standards.

Environmental Consequences of Alternative C – No Action Alternative: Under Alternative C, wild horses would not be gathered and removed from the West Douglas HA. There would be no impacts associated with gather operations.

Cumulative Analysis Area and Impacts: The CAA for air quality is the West Douglas HA and the Douglas Creek and Evacuation Creek watersheds. Oil and gas development activities, livestock grazing and recreation are the reasonably foreseeable activities that would contribute to dust production in this area. There is active oil and gas exploration and existing infrastructure, such as well pads, pipelines and compressor sites, which will need to be serviced and maintained in the CAA. Vehicle trips along dirt roads to access these sites are the primary cause of dust production from oil and gas activities. Livestock grazing results in similar impacts as those described for wild horses with dust production due to hoof action and is greater during times of the day when cattle or sheep are moving from water, food, and shelter sources. Recreation impacts are most likely from vehicle travel on existing roads and trails. During exceptionally dry times the cumulative impacts from these activities would result in visible dust and reduce visibility and may contribute to regional air quality events mostly due to fugitive dust. These impacts are expected to be temporary and would not likely exceed the NAAQS for PM₁₀ (24-hour average) of 150 µg/m³.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B to reduce dust production from disturbed lands.

WETLANDS AND RIPARIAN ZONES

Affected Environment: Within the Douglas Creek watershed portion of the herd area, riparian systems occur principally on Main Douglas, West Douglas, and West Creeks. These riparian systems are confined to deeply incised channels 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. Plant composition within the riparian zone is typically coyote willow, tamarisk, cattails, carex and juncus. The streams are characterized by low gradient, meandering channels composed of silt-clay bed materials. Although these systems are susceptible to incise bank caving, lateral channel migration, and heavy sediment loading during storm events, the streams are in proper functioning condition with a static to upward trend.

Distributed infrequently throughout the herd area are isolated seeps and springs that receive concentrated use by all large grazing animals on a seasonal or year-round basis. Heavy and persistent use has suppressed riparian development at most of these sites, which has degraded the potential for downstream riparian expression and vegetation-derived stability of the spring sites as well as down-gradient channels and banks. The proposed and alternative actions center around two such spring/seep sites off the northeast corner of Texas Mountain, in the ephemeral Right Fork of Waggoner Draw. The upper site is a seep located in a shallow draw on the edge of a small pinyon-juniper stand with a southerly aspect. Vegetation, limited to facultative grasses (e.g., Kentucky bluegrass, redtop), was limited to the immediate seep site, as flows influenced by ungulate use were insufficient to support any downstream riparian expression. The lower site is a small spring originating from the base of a small mass-wasting feature. Very limited flows extended about 200 feet down a relatively broad (~40 feet wide), largely barren shale-substrate channel that supported a thread of facultative species similar to that described above.

The lower spring is located about 2.3 channel miles above the confluence with the ephemeral mainstem of Waggoner Draw and an additional 2.0 channel miles above Waggoner Draw's intersection with West Douglas Creek. Waggoner Draw enters the largely intermittent West Douglas Creek about 12.2 channel miles upstream of its juncture with East Douglas and the origin of mainstem Douglas Creek. The intermittent Douglas Creek enters the White River about 17 valley miles downstream of the West Douglas Creek mouth.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: The proposed trap location would be confined to a previously disturbed area a minimum 800 feet lateral to and 150 vertical feet above the nearest spring/seep sites. Actual gather operations, regardless of their relationship with the affected spring/seep sites, would have no further influence on riparian or wetland condition or function. Concentrated trampling by wild horses at these sites has eliminated any indication of vegetation and a series of broad trails radiates from adjacent uplands toward each these sites. Although the timely removal of wild horses would reduce ongoing use, site degradation is extreme and any recovery prior to the spring of 2013 is improbable. The series of deep, pulverized trails descending into each of the sites is particularly problematic in that they are prone to intercept heavier overland storm or runoff flows and deliver this runoff to the receiving channel via high-gradient, erosion-prone ruts. Sediment derived from the trails themselves, as well as any subsequent nick-point formation or soil slumping would accumulate in the ephemeral Waggoner Draw system and eventually enter West Douglas and mainstem Douglas Creek. It is likely that the pattern of sediment delivery from Waggoner Draw would be protracted and because the Douglas Creek system carries extremely high sediment loads during runoff events, the incremental and periodic contribution of sediments from these sites to Douglas Creek's overall sediment load would be undetectable.

Functional recovery of the channels and contributing uplands is likely to be confounded by continued season-long use of redeveloping herbaceous ground cover by pioneering bands of wild horses and the likelihood of sustained, long term delivery of erosion-derived sediment. Although facultative vegetation is expected to redevelop or recolonize the channel bearing the lower spring site beginning in 2013, this vegetation is incapable of forming erosion-resistant root masses and the moisture regime would not support sufficient plant density or expanse to retain and incorporate the quantity of sediment likely to be derived from the grossly exaggerated trail features.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Impacts to localized riparian resources would be similar to that described for Alternative A, but because those wild horses now associated with the springs sites would be artificially sustained in the same locale, the risk of aggravating the extent, severity, and persistence of impacts to the spring/seep sites, the receiving channels, and adjacent uplands (e.g., sustained heavy use of trails after rainfall) would be elevated.

Environmental Consequences of Alternative C – No Action Alternative: Under Alternative C it is presumed that the majority of wild horses loitering around the spring sites would soon perish. The ultimate influence on localized riparian resources would likely be identical to that discussed in Alternative A.

Cumulative Analysis Area and Impacts: The CAA for wetland and riparian zones is the Douglas Creek portion of the herd area. For all of the alternatives, oil and gas development activities, livestock and wildlife grazing and recreation are the reasonably foreseeable activities that would contribute to impacts to wetland and riparian resources in this area. BLM anticipates oil and gas development influences (i.e., production and maintenance activity) within this area would remain static, since the surrounding fields are relatively mature and new development activity is infrequent. Vehicle trips along dirt roads to access these sites are the primary cause of continued disturbance from oil and gas activities. Unmanaged livestock grazing would result in similar impacts as those described for wild horses. Recreation impacts are most likely from vehicle travel on existing roads and trails.

Alternatives A and C involve the temporary reduction in the number of wild horses associated with these springs sites, which would halt progressive declines in the condition and function of these water features. Alternative B involves a considerably elevated risk of aggravating the severity, extent, and longevity of erosion-related impacts to receiving channels and their modest riparian community.

Mitigation: None.

Finding on the Public Land Health Standard #2 for Riparian Systems: At the broader landscape scale, riparian resources meet the land health standard across the project area. Common to all alternatives, impacts that have developed from concentrated horse use of the two spring/seep sites represent localized points where the land health standard is violated. Alternatives A and C would likely halt escalation of these effects, whereas Alternative B would likely exacerbate the situation.

HAZARDOUS OR SOLID WASTES

Affected Environment: BLM reviewed various hazardous materials release databases, and other records and determined that there are no known areas waste, hazardous or solid are located in association with existing energy development within the West Douglas HA. Oil and gas development routinely uses, stores, disposes and transports hazardous materials therefore; the BLM anticipates that any hazardous materials located in the area are related to energy exploration and development. Two well pads currently exist within the analysis area but based on a field investigation of the sites none was present at either well site. In addition, solid waste could result from illegal dumping on public lands. BLM currently does not know of any illegal solid waste dumps within the analysis area.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: The use of vehicles brings with it some refined oils, lubricants, and other materials that the BLM treats as potentially hazardous materials. These materials are generally in de minimis quantities and have been sufficiently mitigated by the Proposed Action.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: The potential impacts under this alternative are similar to the Proposed Action.

Environmental Consequences of Alternative C – No Action Alternative: Gathering activities would not occur and therefore there would not be the generation of hazardous waste or the potential impact of spills during gathers and transportation activities.

Cumulative Analysis Area and Impacts: The CAA for hazardous waste is the West Douglas HA and immediately adjacent areas affected by gathering activities. Oil and gas development activities, livestock grazing and recreation are the reasonably foreseeable activities that would contribute to impacts to water resources in this area. Additional oil and gas development within this area is anticipated to be minimal since it is relatively developed for recovery of the resources. Therefore, BLM estimates that there is little foreseeable new oil and gas development in the area but there are producing fields and existing pipeline infrastructure that will need to be serviced and maintained. Continued use by energy exploration and development will continue to be a potential source of hazardous materials and spills. Wild horses are not likely to change this impact but in some cases could be impacted themselves by these activities due to potential water contamination from spills.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

CULTURAL RESOURCES

Affected Environment: The Douglas Creek area, in general, and the core West Douglas HA 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 wild horse trap sites. Such sites seem to be particularly concentrated on the ridges overlooking the various tributaries to Douglas Creek, particularly where the pinyon-juniper and sagebrush vegetation communities come together. Recent inventory data suggests that site densities tend to be very high throughout the area. Wild horse traps, both prehistoric and historic, seem to be concentrated on ridges in the pinyon-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 Alternative A – Proposed Action to Gather Wild Horses: The proposed bait trapping location is located on an oil and gas well pad that has been previously inventoried at the Class III level (Barnard 1997a compliance dated 8/6/1997, 1997b compliance dated 9/16/1997, Eninger, 1982 compliance dated 8/12/1982, Grand River Institute 1981 compliance dated 7/14/1981). No cultural resources were identified by any of the previous inventories before the well pad was authorized.

Secondary trough locations that are used to attract wild horses to the trap site could undergo increased trampling as wild horses become habituated to the new water source. Areas of concentration around the trough locations, up to 1,640 feet (500 meters) away, could potentially see increased impacts should any sites be located in the area. The proposed secondary trough

location adjacent to the spring, which is south of the above mentioned oil and gas well pad, was inventoried by a BLM archaeologist on June 20, 2012 as part of the analysis for Alternatives A and B (Wolfe 2012). This Class III inventory included a 100 foot wide corridor connecting the spring with the proposed bait trap location. No cultural resources were identified.

Water or bait trapping could result in impacts to cultural sites if the traps are located within less than about 1,640 feet (500 meters) of the trap site. This occurs as wild horses become habituated to the trap locations and begin to concentrate in the area more.

Standing architecture features would still be vulnerable if wild horses traverse those sites while being attracted to the trap location.

A reduction of wild horse numbers will result in reduced impacts to cultural resources over the short term until conditions improve and wild horses recolonize the area.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Under Alternative B the well pad location proposed for supplemental water and/or feeding has already been determined to not present any potential impacts to archaeological or cultural resources. However, as water and feed is supplied the horse population could potentially continue to increase in numbers and shift areas of concentration around the well pad. Concentration would also increase, up to approximately 1,640 feet (500 meters) away, around any additional troughs used to supplement the main water tank. Vegetation in the area around the watering and feeding locations could be stripped and area could be subject to increased erosion which could negatively impact any cultural resources that might be in the area. Shifting concentration areas could result in trampling of any previously unrecorded archaeological or cultural resources that might be located in those concentration areas.

Under Alternative B wild horses would not be gathered and wild horse numbers would not be reduced. Not reducing wild horse numbers would not result in decreased impacts to cultural resources as wild horses shade up in tree stands where wickiup villages may occur. This would result in continued trampling of the ground surface disturbing features and displacing or breaking of artifacts. Rubbing and scratching on standing wickiup features could result in the knocking down of the wickiup poles, collapsing the wickiup structure.

Artifacts would continue to be broken and displaced as the soil is churned up, especially when the soil is moist and softer than when it is dry. Short term open camp sites would be especially susceptible to damage due to the shallowness of the deposits. Surface disturbance could potentially destroy the site and its contextual values completely.

Environmental Consequences of Alternative C – No Action Alternative: Under Alternative C wild horses would not be gathered and or provided supplemental food or water. Cultural resources can be affected by wild horses as they wild horses shade up in tree stands where wickiup villages may occur. This would result in continued trampling of the ground surface disturbing features and displacing or breaking of artifacts. Rubbing and scratching on standing wickiup features could result in the knocking down of the wickiup poles, collapsing the wickiup structure. Artifacts would continue to be broken and displaced as the soil is churned up, especially when the soil is moist and softer than when it is dry. Short term open camp sites

would be especially susceptible to damage due to the shallowness of the deposits. Surface disturbance could potentially destroy the site and its contextual values completely.

Currently there are no known (i.e., recorded) rock art sites within the Texas Mountain area. However, if there are unknown sites then there could be an accelerated loss of rock art elements, particularly pictographs, where wild horses concentrate in the rock overhang areas. Increased concentration in the rock overhang and cliff face areas could result in increased rubbing and scratching on the rock face which rubs the pictograph pigments off the rock surface.

If vegetation cover is reduced due to increased grazing pressure from wild horses, livestock, and wildlife there is a potential for increased sheet erosion of soil which would cause loss of surface archaeological features such as hearths as well as loss of smaller, lighter artifacts.

However, as wild horses exceed the capacity of the area to support them and mortality occurs, numbers of wild horses could be reduced naturally and reduce impacts to cultural resources to some extent, though not as much as would occur under Alternative A.

Cumulative Analysis Area and Impacts: The CAA for this resource would include the West Douglas HA as well as the Douglas Creek and Evacuation Creek watersheds. Impacts to cultural resources as a result of wild horse presence include trailing and rubbing on standing architecture and rock art.

Under Alternative A gathering wild horses from the area along the eastern side of Texas Mountain, in the West Douglas HA, could reduce the potential for impacts to any cultural resources that might be present within approximately one mile around the Texas Mountain Federal #6 well pad and the spring in the canyon to the south of the well pad where the wild horses are currently concentrating.

Under Alternative B there would be no removal of wild horses and there could be a shift in concentration areas as wild horses concentrate about any supplemental watering and feeding areas. Any unknown and unrecorded archaeological and cultural sites that are located up to 1,640 feet (500 meters) from the watering and feeding locations could be adversely impacted by trampling and erosion. This would be a serious long term permanent loss of scientific data.

Under Alternative C, failure to gather wild horses from the Texas Mountain area of the West Douglas HA will result in the continued and accelerated, irreversible and irretrievable loss of archaeological and historical data concerning human use and occupation of the area from the earliest known human use of the area. This would be a serious long term permanent loss of scientific data.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

PALEONTOLOGICAL RESOURCES

Affected Environment: The West Douglas HA is located in an area that is primarily mapped as the Mesa Verde Group which the BLM has classified as a Condition I or a potential fossil yield classification (PFYC) 5 (BLM 2007b) area, meaning it is known to produce scientifically important fossil resources. Other formations in the area are the Wasatch, a Condition I, PFYC 5 formation and the Douglas Creek member of the Green River which is classified by the BLM as a Condition II, PFYC 5 formation.

The trap site location on the Texas Mountain Federal #6 well pad is located in an area where the Douglas Creek Member of the Green River Formation and the Wasatch formation interface. The upper portion of Texas Mountain proper is mapped as the Douglas Creek member of the Green River Formation. The area surrounding the upper reaches of Texas Mountain is mapped as the Wasatch (Tweto 1979). The BLM, WRFO has classified the Douglas Creek member as a PFYC 4 formation indicating that it is known to produce scientifically noteworthy fossil resources, particularly vertebrate fossils (c f. Armstrong and Wolny 1989). The BLM, WRFO has classified the Wasatch Formation as a PFYC 5 formation meaning is it well known for producing scientifically noteworthy fossil resources such as mammals, fish and amphibians (c. f. Armstrong and Wolny 1989).

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: The trap site has been located to avoid all known and reported fossil localities. The trap and holding area will not impact any known fossil resources. Removal of wild horses from the east side of Texas Mountain would temporarily eliminate all impacts to fossil resources that can be caused by wild horses rubbing on exposed outcrops or trailing and concentrating on exposed fossil bearing rock surfaces until conditions improve and wild horses recolonize the area.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Providing supplemental food and/or water would not result in the removal of any wild horses from the eastern side of Texas Mountain and would allow a continuation of impacts to the sensitive fossil bearing formations. Potential horse concentration areas could shift as wild horses become habituated to the new watering and/or supplemental feeding areas. Previously unknown fossil localities that had not been previously impacted by trampling could be impacted as wild horses shift their concentrations areas. Not removing wild horses would not result in any potential reduction in impacts to fossil resources and could, potentially, result in an increase in impacts to fossil resources.

Environmental Consequences of Alternative C – No Action Alternative: Wild horses would not be gathered under Alternative C and so their presence would have similar impacts to fossil resources as described above (e.g., increased rubbing on vertical surfaces or trampling of horizontal surfaces causes the displacement or crushing of fossils). These types of impacts and loss of scientific data is irreversible and irretrievable. However, as wild horses succumb to the effects of thirst or hunger the level of impacts would decline as wild horses die. The reduction in impacts from horse die off would only be short term until conditions improve and wild horses recolonize the area and increase in numbers.

Cumulative Analysis Area and Impacts: Under Alternative A there would be a temporary, short term reduction in impacts to fossil resources as wild horses are removed from the east side

of Texas Mountain in the West Douglas HA. The impacts would increase again as the drought eases and wild horses recolonize the area. Loss of fossil resources is long term, irreversible and irretrievable. Alternative A only reduces the loss rate for a short period of time.

Under Alternative B the location of potential impacts could be shifted as wild horses become habituated to the supplemental feeding and watering locations and the surrounding those areas. If horse numbers are not reduced the potential impacts to fossil resource would not be reduced.

Under Alternative C impacts would continue in these areas where wild horses are now concentrating and competing for forage and water. As wild horses succumb to the effects of thirst or hunger the level of impacts would increase temporarily, declining as wild horses die. The reduction in impacts from horse die off would only be short term until conditions improve and wild horses recolonize the area and increase in numbers.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

RECREATION

Affected Environment: The West Douglas HA occurs within the White River Extensive Recreation Management Area (ERMA). The 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 HA is located within CPW's GMU 21. Game management unit 21 is a draw unit for trophy deer hunting and hunters wait several years to be able to hunt in this unit. Hunters come from all over the United States to hunt during the fall (August through December) mule deer and elk big game hunting seasons. Additionally, CPW issues mountain lion hunting permits from November through March.

The BLM issues Special Recreation Permits (SRPs) to commercial big game and mountain lion outfitters within the West Douglas HA. Currently the following outfitters are permitted to operate within the West Douglas HA: Rimrock Outfitters, Bookcliff Outfitters, Mark Davies Outfitting, Mountain View Adventures, Lone Tom Outfitting, Twin Buttes Outfitting, Hellander Outfitting, Cathedral Bluffs, Chris Journey, Tooth and Tine Outfitters, Travis Kruckenberg, and 2 Dog Huntin'.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: An emergency closure for the analysis area has been put into effect, thereby prohibiting the public from entering the area. The closure totals approximately 1,565 acres of BLM administered land that would be unavailable for public recreation throughout the duration of the gather operations. Although the public would not be allowed into the closure area to view the wild horses, they would be allowed to view wild horses being temporarily held at the Yellow Creek Corrals or at the BLM Cañon City Wild Horse Facility (by appointment). Those SRP holders mentioned above will not be permitted to guide within the closure area throughout its duration.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Impacts to recreation under Alternative B would be the same as those under Alternative A.

Environmental Consequences of Alternative C – No Action Alternative: Impacts to recreation under Alternative C would be the same as those under Alternative A.

Cumulative Analysis Area and Impacts: No cumulative impacts to recreation have been identified.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A, B, and C.

ACCESS AND TRANSPORTATION

Affected Environment: The project area is accessed primarily by existing gravel and dirt roads. Interstate 70 and Colorado State Highway (SH) 64 are the major east-west arterials and SH 139 is the major north-south arterial near the project area. Access to the project area from Rangely (north) would be via SH 139 to Rio Blanco County Road CR 116 to BLM Road 1063. Access from Interstate 70 (south) would be via SH 139 to BLM Road 1056 to BLM Road 1208 to BLM Road 1214.

Several other un-surfaced and un-numbered BLM roads provide additional access from the main access roads. The majority of roads in the project area are used by recreationists, local ranchers, and oil and gas operators. State highway 139 receives a moderate to high amount of tourist traffic during the summer months. Unless otherwise designated, off-highway vehicle (OHV) use is limited to existing travel routes in the BLM WRFO between October 1st and April 30th each year (BLM 1997).

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: The closure associated with the project area, as described in the Proposed Action, would prohibit all travel within its boundaries. Travel on BLM Road 1063, as well as all unnamed and unnumbered routes within the project area would be prohibited throughout the duration of the closure. This would primarily affect recreationists, local ranchers, and oil and gas workers. Exceptions to this may be granted in writing by the Authorized Officer.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Impacts to access under Alternative B would be the same as those under Alternative A.

Environmental Consequences of Alternative C – No Action Alternative: Impacts to access under Alternative C would be the same as those under Alternative A.

Cumulative Analysis Area and Impacts: No cumulative impacts to access and transportation have been identified.

Mitigation: None.

NON-WSA LANDS WITH WILDERNESS CHARACTERISTICS

Affected Environment: Under the FLPMA, the BLM has numerous authorities requiring the agency to maintain inventories of all public lands and their resources, including wilderness characteristics, and to consider such information during the land use planning process. Consistent with Section 201 of the FLPMA, which requires the Secretary of the Interior to “prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values,” and the BLM Land Use Planning Handbook, the WRFO has identified and begun an assessment of BLM-managed lands with wilderness characteristics (LWC) outside of existing WSAs. BLM Manual 6310 - Conducting Wilderness Characteristics Inventory on BLM Lands, provides the guidance from which WRFO performed the wilderness characteristic inventory process.

The BLM completed an initial review of its lands within the field office to determine which, if any, areas possess wilderness characteristics. This review included only BLM lands and did not include existing WSAs. Lands exclusively within existing WSAs were not analyzed; however, lands with potential wilderness characteristics outside or adjacent to WSAs were assessed. Existing designated WSAs would continue to be managed to protect those wilderness characteristics under the BLM’s interim management policy until Congress designates them as wilderness or releases them for other uses. In order for a parcel to contain wilderness character it must meet the following conditions: road less areas greater than 5,000 acres or road less areas less than 5,000 acres adjacent to a WSA; lands and resources that exhibit a high degree of naturalness when affected primarily by the forces of nature and where the imprint of human activity is substantially unnoticeable; and areas where visitors may have outstanding opportunities for solitude, or primitive and unconfined types of recreation. Areas that also contain supplemental values, including ecological, geological, or other features of scientific, educational, scenic, or historical value, may also be considered.

Within the West Douglas HA, one parcel potentially containing wilderness characteristics was identified. This parcel, identified as LWC Parcel #4, is 6,800 acres in size. Since this parcel has yet to be inventoried, it will be managed as though it contain wilderness character until such a time that an inventory can be performed and a determination made on its viability as a land with wilderness character. Approximately 480 acres of this parcel fall within West Douglas HA.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: The western boundary of LWC Parcel #4 is in close proximity to the proposed gather area. Activities associated with gather operations are not necessarily consistent with wilderness character, especially if new travel routes are created and if the continued concentrated presence of wild horses around the springs degrades the appearance of naturalness over time. Additionally, the closure associated with the gather limits the public’s opportunity for primitive and unconfined types of recreation. However, the Proposed Action is temporary in nature and once the wild horses are no longer concentrating around the springs, it is likely that the appearance of naturalness will recover over time. After the closure is lifted, the public will once again have the ability to experience primitive types of recreation. As such, the Proposed Action is not expected to significantly affect non-WSA lands with wilderness characteristics.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: The western boundary of LWC Parcel #4 is in close proximity to the proposed supplementation area. The continued concentrated presence of wild horses around the springs may degrade the appearance of naturalness over time. Additionally, the closure associated with the supplementation limits the public’s

opportunity for primitive and unconfined types of recreation. However, the Proposed Action is temporary in nature and once the wild horses are no longer concentrating around the springs, it is likely that the appearance of naturalness will recover over time. After the closure is lifted, the public will once again have the ability to experience primitive types of recreation. As such, the Proposed Action is not expected to significantly affect non-WSA lands with wilderness characteristics.

Environmental Consequences of Alternative C – No Action Alternative: Same as Alternative B.

Cumulative Analysis Area and Impacts: No cumulative impacts to non-WSA lands with wilderness characteristics have been identified.

Mitigation: None.

WILDERNESS

Affected Environment: Oil Spring Mountain Wilderness Study Area, which straddles the southern boundary of the West Douglas HA, is an undeveloped island surrounded by scattered oil and gas wells, roads, and well pads. The WSA provides outstanding opportunities for visitors to experience solitude and unconfined recreation. The WSA provides great opportunity for hunting and hiking. The public majority of use in the WSA is during hunting season, which starts late August and ends in late December. During the rest of the year the WSA has low public use, which consists of camping and hiking.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: As Oil Spring Mountain WSA is outside of the Texas Mountain closure area, no impacts to WSAs would occur.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Same as Alternative A.

Environmental Consequences of Alternative C – No Action Alternative: Same as Alternative A.

Cumulative Analysis Area and Impacts: No cumulative impacts to WSAs have been identified.

Mitigation: None.

FLOODPLAINS, HYDROLOGY, AND WATER RIGHTS

Affected Environment: Spring inventories were completed in 1985, 1986, and 1987 for the WRFO to identify springs that could have water rights filed on them. Table 23 shows the findings of this inventory. Identified are sixteen springs that are located within the West Douglas HA. 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 conductance (SC) of twelve of these sources have values greater than 5,000 microhms indicating high levels of salinity. Levels this high make them less desirable as water sources.

Table 23. BLM Water Rights for Springs with Locations*

Spring Name	Quarter-Quarter	Sec#	Location	Water Right	SC (μS)	pH	Q (gpm)	Comment	Watershed
155-01	NWSW	10	T1S R102W	85CW439	9,790	8	0.79	Perennial	West Douglas
176-03	SENE	20	T3S 102W	--	6,321	7.6	0.2	Seasonal	Evacuation Ck
Wild Rose	NWSE	20	T3S 102W	W1547	8,280	7.9	2	Perennial	Evacuation Ck
Big Cedar	SENE	29	T3S R102W	W1546	10,315	7.7	30	Perennial	Evacuation Ck
176-06	NESE	29	T3S R102W	85CW391	12,574	8.0	7.5	Perennial	Evacuation Ck
176-20	NWSE	29	T3S R102W	85CW391	2,838	8.6	6.7	Perennial	Evacuation Ck
Wild Horse	NWSE	11	T3S R103W	W0467	1,317	8.2	0.8	Seasonal	Evacuation Ck
Shale	SWNW	12	T4S R103W	W0467	4,629	6.5	0.3	Seasonal	Evacuation Ck
180-03	SWNE	16	T4S R102W	--	12,602	8.0	0.5	Seasonal	Evacuation Ck
180-20	NESE	18	T4S R102W	--	8,172	8.1	1.6	Seasonal	Evacuation Ck
180-24	SENE	18	T4S R102W	--	1,414	10.9	1.1	Seasonal	Evacuation Ck
181-01	SWNE	32	T3S R102W	--	13,930	8.2	0.1	Seasonal	Evacuation Ck
181-21	NENE	8	T4S R102W	--	8,588	8.2	0.5	Seasonal	West Douglas
181-31	NWNE	17	T4S R102W	85CW355	5,278	8.3	0.1	Perennial	West Douglas
Oak Spg No 1	NWSE	17	T4S R102W	W1553	5,170	8.8	2.9	Seasonal	West Douglas
181-34	SWNW	32	T3S R102W	--	13,298	7.5	0.4	Seasonal	Evacuation Ck

* SC is specific conductivity, a temperature compensated measure of electrical conductivity measured in micro Siemens (μS), pH is in standard units and Q is flow or discharge, a volume of water in a given time measured in gallons per minute (gpm).

It is difficult to estimate the persistence of springs in the area due to the diversity in geology and transport times from areas of recharge. Some springs are the result of the previous winter's snowfall and some may be the result of snowfall 10 years or more ago, depending on recharge areas and the transportation time of water to where springs come to the surface. The spring that is drying up where the wild horses are congregating on the east side of Texas Mountain has not been inventoried in the past, but was inventoried on June 20, 2012. A more comprehensive inventory of springs in the area will be done this summer and is part of a White River Field Office wide effort. But, even with this added information the persistence of this particular spring will likely still be uncertain. It is however, almost certain that conditions at this spring will not improve until this winter or next spring.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: Springs or other water sources may be used as potential gathering sites as described in Appendix A. Short-term use of these areas to set up a trap and gather wild horses may result in direct impacts to springs due to hoof action from the wild horses and installation of the portable panels. As described in the soils and water quality sections impacts are not expected to persist for more

than three years and it is likely direct impacts to vegetation would not be identifiable if soil moisture conditions are favorable.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Short-term use of watering and feeding areas may result in direct impacts to soils due to hoof action from the wild horses and installation of the portable fence panels to trap the wild horses. As described in the soils and water quality sections impacts are not expected to persist for more than three years and it is likely direct impacts to vegetation would not be identifiable if soil moisture conditions are favorable.

Environmental Consequences of Alternative C – No Action Alternative: There would be no impacts from gathering activities, but grazing impacts would increase or decrease in proportion to wild horse numbers.

Cumulative Analysis Area and Impacts: The CAA for hydrology and water rights is the area within the West Douglas HA. Implementation of the Proposed Action along with all existing land uses in the project area would not likely lead to changes in the use of springs with water rights. In some cases, the development of water sources for livestock may benefit wild horses and may result in impacts from wild horses around these water sources.

Under Alternative C, wild horses would not be gathered and removed from the West Douglas HA. There would be no cumulative impacts associated with gather operations.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A and B.

LAW ENFORCEMENT

Affected Environment: This area is managed by CPW as a trophy hunting area for mule deer and has numerous licensed guide and outfitters for upland big game hunting (August through December). Upland big game hunting is a popular recreation activity in NW Colorado with public guided and non-guided hunters. Because of the added public presence during the hunting seasons, law enforcement patrol activities increase along with public contacts and enforcement/compliance of federal and state laws. This area has multiple uses for the general public including wood cutting, camping and wildlife viewing. Wild horse gathers/removals from this area have generated numerous responses with a wide range of emotions from local public and the public abroad.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: The area that would be impacted is very small and allows for access around it to other areas for the public and industry use. If the gather runs into August or later it could affect big game hunting seasons and the gather activity could potentially cause conflicts with hunters wanting to camp/hunt in specific locations. Also of concern is the potential for protesting or interference from individuals or groups that do not want the wild horses to be removed. In the past there has been great interest in wild horse gathers within the WRFO, as well as Nationally, that have escalated to a point in one particular instance were an individual or individuals attempted to

release captured wild horses from the WRFO temporary holding facility at Yellow Creek. Additional law enforcement presence could be required to monitor the Yellow Creek Corrals during the temporary holding and/or to enforce the temporary closure on Texas Mountain. Unintentional interference from the public wishing to utilize public lands or to observe the Proposed Action may occur. Increased public contact will increase the probability of conflict that may require law enforcement action. This increase in public contacts will require an increase in patrol activities within this area which will result in decreased patrol activities or the ability to respond to other incidents throughout the rest of the WRFO area.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: Impacts to law enforcement under Alternative B would be the same as Alternative A, except for the concerns at the Yellow Creek Corrals.

Environmental Consequences of Alternative C – No Action Alternative: Impacts to law enforcement would be enforcing the temporary closure and ensuring that the public does not interfere and or harass the wild horses, through attempted feeding and watering efforts, big game hunting, general outdoor recreation activities, etc.

Cumulative Analysis Area and Impacts: Under Alternatives A, B, and C the cumulative effects would be that law enforcement presence may be necessary up to a 24 hour schedule. Under Alternatives A and B, law enforcement may be needed at the trap locations and/or holding facility during the entire gather operation. This adds additional requirements on BLM law enforcement to focus on the gather area during drought conditions with existing fire restrictions to enforce and upcoming big game hunting season related law enforcement activities, thus increasing the overall requirement to patrol and provide a law enforcement presence in multiple places at once. Alternative C would have the same impacts on law enforcement as Alternatives A and B as far as enforcing the temporary closure and ensuring that the public does not harass and/or interfere with the wild horses. Law enforcement presence may be required to fluctuate as needs or lack of needs require. Additional BLM law enforcement officers may need to be ordered to assist in patrol duties throughout the WRFO and/or the temporary closure area to assist the local BLM WRFO law enforcement ranger.

Mitigation: None.

REALTY AUTHORIZATIONS

Affected Environment: Authorized rights-of-way (ROW) within the West Douglas HA include natural gas pipelines and associated facilities, roads, telephone lines, power lines, and communication sites. There are several authorized ROWs for natural gas pipelines, access roads, and a communication site located within the proposed closure area. The current ROW holders of existing ROWs within the proposed closure area are ETC Canyon Pipeline, Encana Oil & Gas (USA), Inc., Lone Mountain Production Company, and Public Service Company of Colorado.

Environmental Consequences of Alternative A – Proposed Action to Gather Wild Horses: There would be no anticipated impacts to existing ROWs if the BLM gathers wild horses. However, if access is necessary for routine operation and maintenance of the existing ROWs

within the proposed closure area, current ROW holders would need to obtain written consent of the Authorized Officer to be allowed within the closure area.

Environmental Consequences of Alternative B – Provide Water and/or Feed to Wild Horses: There would be no anticipated impacts to existing ROWs if the BLM continues to provide water and feed to wild horses. However, if access is necessary for routine operation and maintenance of the existing ROWs within the proposed closure area, current ROW holders would need to obtain written consent of the Authorized Officer to be allowed within the closure area.

Environmental Consequences of Alternative C – No Action Alternative: There would be no anticipated impacts to existing ROWs if the BLM did not provide any supplemental water or forage to wild horses within the West Douglas HA. However, if access is necessary for routine operation and maintenance of the existing ROWs within the proposed closure area, current ROW holders would need to obtain written consent of the Authorized Officer to be allowed within the closure area.

Cumulative Analysis Area and Impacts: There were no cumulative impacts identified for this resource from any of the alternatives.

Mitigation: Mitigation measures have been incorporated as design features into both Alternatives A, B, and C.

RESOURCES NOT PRESENT OR NOT AFFECTED

The CEQ Regulations state that NEPA documents “must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail” (40 CFR 1500.1(b)). While many issues may arise during scoping, not all of the issues raised warrant analysis in an environmental assessment (EA). Issues will be analyzed if: 1) an analysis of the issue is necessary to make a reasoned choice between alternatives, or 2) if the issue is associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of the impacts. Table 24 lists the other resources considered and the determination as to why they did not require additional analysis.

Table 24. Resources and Determination of Need for Further Analysis

Determination ¹	Resource	Rationale for Determination
NP	Prime and Unique Farmlands	There are no Prime and Unique Farmlands within the project area.
NP	Native American Religious Concerns	No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute 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.

Determination ¹	Resource	Rationale for Determination
NP	Environmental Justice Concerns	According to recent Census Bureau statistics (2000), there are no minority or low income populations within the WRFO.
NI	Visual Resources	The project alternatives fall within a VRM Class IV area and are consistent with the prescribed management direction of this VRM class. No impacts to visual resources are anticipated.
NI	Fire Management	There would be no impact to fire management actions taken in the area of the closure and thorough communications with the WRFO would occur to minimize disturbing the sites.
NI	Forest Management	Any forest impacts would be limited to the understory, which is described in detail in the Vegetation Section.
NI	Geology and Minerals	The closure area encompasses four producing Lone Mountain Production and one Encana oil and gas wells. The water trap is located on Lone Mountain Production's producing well Federal 6. The operator would be notified of the closure. Access for necessary well maintenance and operations would be granted through written consent from the Authorized Officer. Since necessary access would be granted for well maintenance and operations, no impacts are expected to affect oil and gas resources. No other mineral or geologic resources would be affected by the Proposed Action.
NP	Wild and Scenic Rivers	There are no Wild and Scenic Rivers in the WRFO.
NI	Social and Economic Conditions	There would not be any substantial changes to local social or economic conditions.
NI	Scenic Byways	The Dinosaur Diamond Prehistoric Byway represents the eastern boundary of the West Douglas HA. As such, the project alternatives are not expected to have any impacts on this resource.
NI	Noise	The areas around the trap and supplement water/feed locations would experience noise associated with truck traffic. Impacts to wildlife, wild horses, and the public (using areas outside of the closure area) are expected to be negligible.

¹ NP = Not present in the area impacted by the Proposed Action or Alternatives. NI = Present, but not affected to a degree that detailed analysis is required.

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Wachs, Lauryn

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TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED: None.

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility	Date Signed
Bob Lange	Hydrologist	Air Quality; Surface and Ground Water Quality; Floodplains, Hydrology, and Water Rights; Soils	6/20/2012
Amber Shanklin	Biological Technician - Plants	Areas of Critical Environmental Concern; Special Status Plant Species; Forest Management	6/20/2012
Mike Selle	Archaeologist	Cultural Resources; Native American Religious Concerns; Paleontological Resources	6/20/2012
James Roberts	Associate Field Manager	Invasive, Non-Native Species; Vegetation; Rangeland Management	6/20/2012
Ed Hollowed and Lisa Belmonte	Wildlife Biologist	Migratory Birds; Special Status Animal Species; Terrestrial and Aquatic Wildlife; Wetlands and Riparian Zones	6/20/2012

Name	Title	Area of Responsibility	Date Signed
James Roberts	Associate Field Manager	Hazardous or Solid Wastes	6/20/2012
Chad Schneckenburger	Outdoor Recreation Planner	Wilderness; Visual Resources; Access and Transportation; Recreation,	6/20/2012
Jim Michels	Supervisory Fire Management Specialist Prescribed Fire and Fuels	Fire Management	6/21/2012
Paul Daggett	Mining Engineer	Geology and Minerals	6/21/2012
Stacey Burke	Realty Specialist	Realty	6/20/2012
James Roberts	Associate Field Manager	Wild Horse Management	6/20/2012
James Roberts	Associate Field Manager	Project Lead – Document Preparer	6/20/2012
Don Miller	Law Enforcement Officer	Law Enforcement	6/21/2012
Heather Sauls	Planning & Environmental Coordinator	NEPA Compliance	6/20/2012

ATTACHMENTS:

Appendix A: WRFO Wild Horse Gather Standard Operating Procedures

Appendix B: Updated Standard Operating Procedures 2010

Appendix C: Pictures of Spring East Side of Texas Mountain

Map 1: Texas Mountain Closure Area

Map 2: Yellow Creek Corrals

Map 3: West Douglas HA Inventory Map

Appendix A - WRFO Wild Horse Gather Standard Operating Procedures

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

Most of the gathers 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. As the population decreases, a BLM gather crew may be utilized to gather small numbers of wild horses.

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 wild horses. 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 national gather contractor. The captures 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 wild 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 wild 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 wild 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 wild horses toward the trap and into the wings. The number of wild 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 wild 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 wild horses into the wings of the trap and then hovers while a ground crew on foot and/or horseback comes in behind the wild horses, hazes them into the trap corral and closes a gate behind the trapped wild horses. The helicopter remains in the trap wings close enough to keep the wild horses from running back out of the trap and far enough away to assure safety of the ground crew and the wild 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 to run smoothly into the trap corrals. The Judas horses are stable mates 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 runs towards the trap corral to be with his stable mate. 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. Once trapped in the corral, the Judas horses 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 wild horse must be captured from an area, and when specific animals are targeted for capture. Helicopter roping will only be used when determined by the COR or PI as the most efficient manner to capture specific wild horses and when the roping can be done in a safe and humane manner.

In helicopter assisted rope capture individual wild horses are herded by helicopter towards ropers who rope the wild horse(s). Once roped, another rider rides alongside the roped wild horse and roper, helping to haze, or herd, the roped wild horse either towards the trap or towards a stock trailer. Once at the trap the rope is flipped away from the roped wild horse's neck and it joins the rest of the trapped wild horses. When hazed to a stock trailer the wild horse is hobbled, laid on its side and then either pulled or slid into the trailer. If the wild horse is slid into the trailer a fabric or wood surface is placed under the wild horse to protect the wild horse's hide as it is pulled into the trailer. Once in the trailer the wild 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 wild horses are not able to be helicopter drive trapped or roped, when every wild horse must be captured from an area, and when specific wild horses are targeted for capture. In the upcoming gather water trapping may be used for both wild horses within the HA and to capture wild 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 wild horses and when the helicopter drive trapping and assisted helicopter roping proves to be inadequate means of gathering or cannot be done in a safe and humane manner.

In water trapping individual wild 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 wild 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 wild horses inside. Once trapped the captured wild horses will be loaded into an appropriate stock trailer and delivered to the holding facility. The wild horses are not herded towards the water they simply make use of the water that they frequent naturally or human enhanced water sources.

4. Bait Trapping

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

In bait trapping, individual wild horses are provided with bait during and after trap construction. The trap is constructed of portable, round-pipe steel panels. Funnel-shaped traps are built which allows wild horses to get deep into the trap so that the gate release mechanism allows time for the gate to close. Once trapped the captured wild horses will be loaded into an appropriate stock trailer and delivered to the holding facility. The wild horses are not herded towards the bait but simply make use of the bait as a necessary supplemental feed source. All hay used as bait 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 wild horses will be herded to each trap. The Authorized Officer will insure that the pilot is fully aware of all natural and manmade barriers that might restrict free movement of wild horses. Topography, distance, and current condition of the wild horses are factors that will be considered to set limits to minimize stress on wild horses.

For winter gathers, distance to trap sites will be reduced to a maximum of five (5) miles when snow depth is greater than one (1) foot. Animals will be moved slower when snow depth hinders their natural movement. Wild horses will be monitored by the contracting officer representative (COR) after the first few runs to ensure that they are not sweating excessively. If wild horses are sweating excessively, the speed and/or distance to the trap will be reduced. Wild horses will not be gathered by helicopter when temperatures are less than ten (10) degrees below zero and will not be pushed across icy terrain where sharp turns could cause injuries.

Gather operations will be monitored to assure the body condition of the wild horses is compatible with the distances and the terrain over which they must travel. Pregnant mares, mares

with small colts, and other wild 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 mostly be located on or near existing roads. However, 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.) or to access wild horses in remote areas.

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 wild horses held in traps longer than 10 hours will be fed and watered.

2. The Colorado Division of Parks and 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 wild 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 wild 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 wild horses.

f. Alternate pens will be constructed at the temporary holding facility to separate mares with newborn foals, sick or injured animals, and domestic strays. Wild horses may also be separated according to age, number, size, temperament, and sex. The pens will be constructed to minimize injury resulting from fighting and trampling.

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 hazer(s) 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 all 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 wild 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 wild 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 wild 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 all the conditions and will be given instructions regarding the capture and handling of animals to ensure their health and welfare is protected.
3. The Authorized 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, the opening shall 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.
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. If necessary, 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 wild 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.
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 a minimum of two (2) partition gates providing a minimum 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 between March 1 and June 30 to reduce the risk of injury or stress to pregnant mares and mares with young foals, except in case of an emergency necessitated by wildlife, drought, etc.

4. The helicopter would avoid eagles and other raptors, and would not be intentionally flown 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. Emergency road closures may be planned and implemented to control public access once trap locations are determined.
4. BLM Law Enforcement Officer presence may be required to ensure the safety of the public, BLM personnel, contractors, volunteers, and animals.

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 – Updated Standard Operating Procedures 2010

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, 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.

G. 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). 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.

Gather sites and temporary holding facilities would not be constructed on wetlands or riparian zones.

H. Animal Characteristics and Behavior

Releases of wild horses would be near available water. If the area is new to them, a short-term adjustment period may be required while the wild horses become familiar with the new area.

I. 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.

J. Responsibility and Lines of Communication

Contracting Officer's Representative/Project Inspector

Melissa Kindall

Contracting Officer's Representative/Project Inspector

Tyrell Turner

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 Assistant Field Manager, James Roberts, for Renewable Resources and Field Manager, Kent Walter, 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.

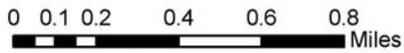
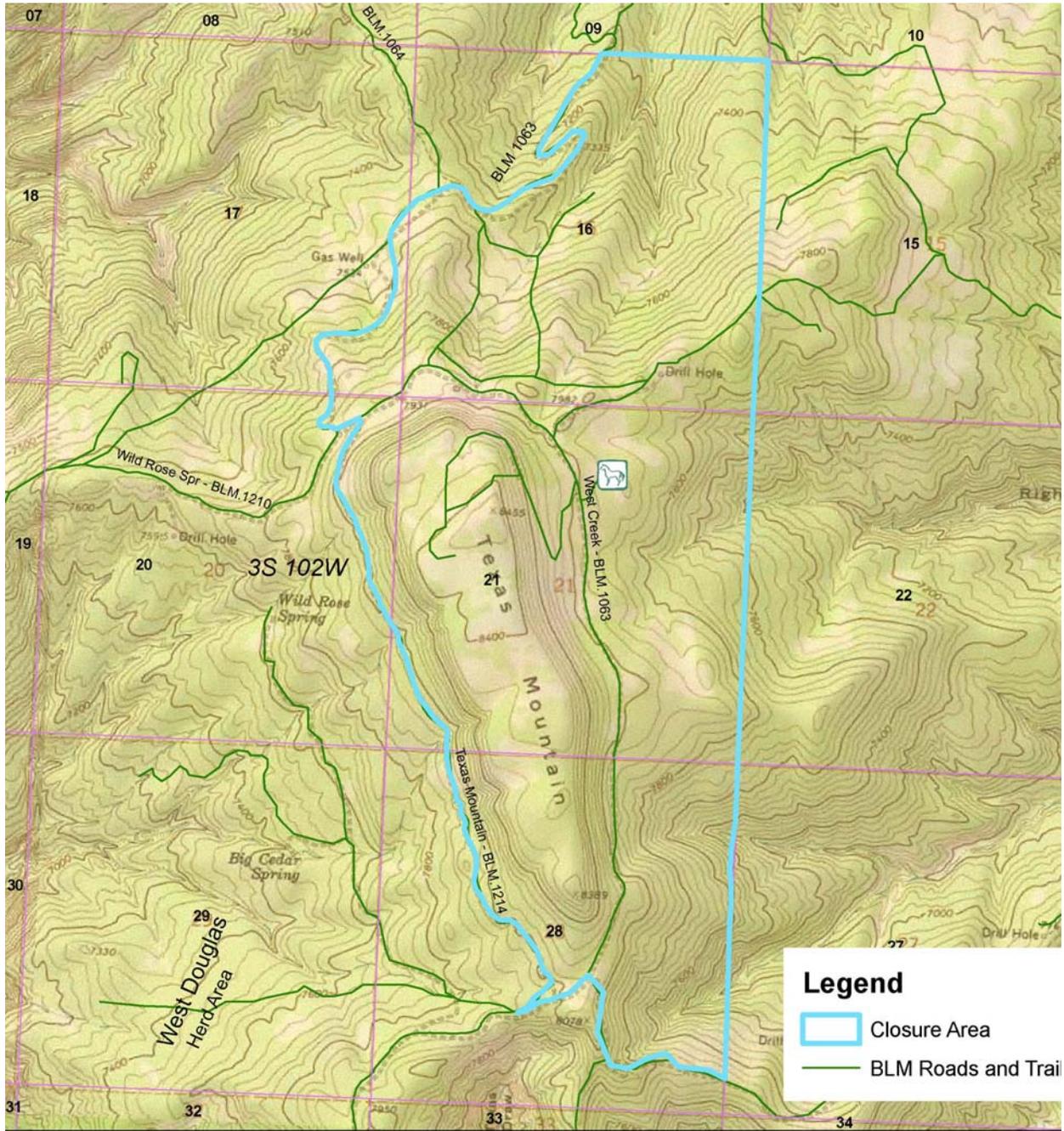
All publicity, formal public contact and inquiries will be handled through the Assistant Field Manager for Renewable Resources and Northwest Colorado District Office Public Affairs. These individuals will be the primary contact and will coordinate with the COR/PI on any inquiries.

The COR will coordinate with the contractor and the BLM 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.

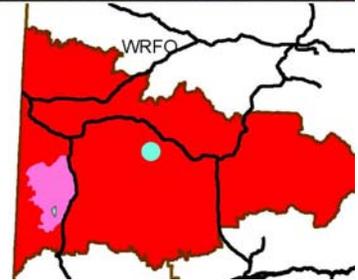
Map 1. Texas Mountain Closure Area and Trap/Supplemental Water Location



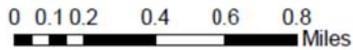
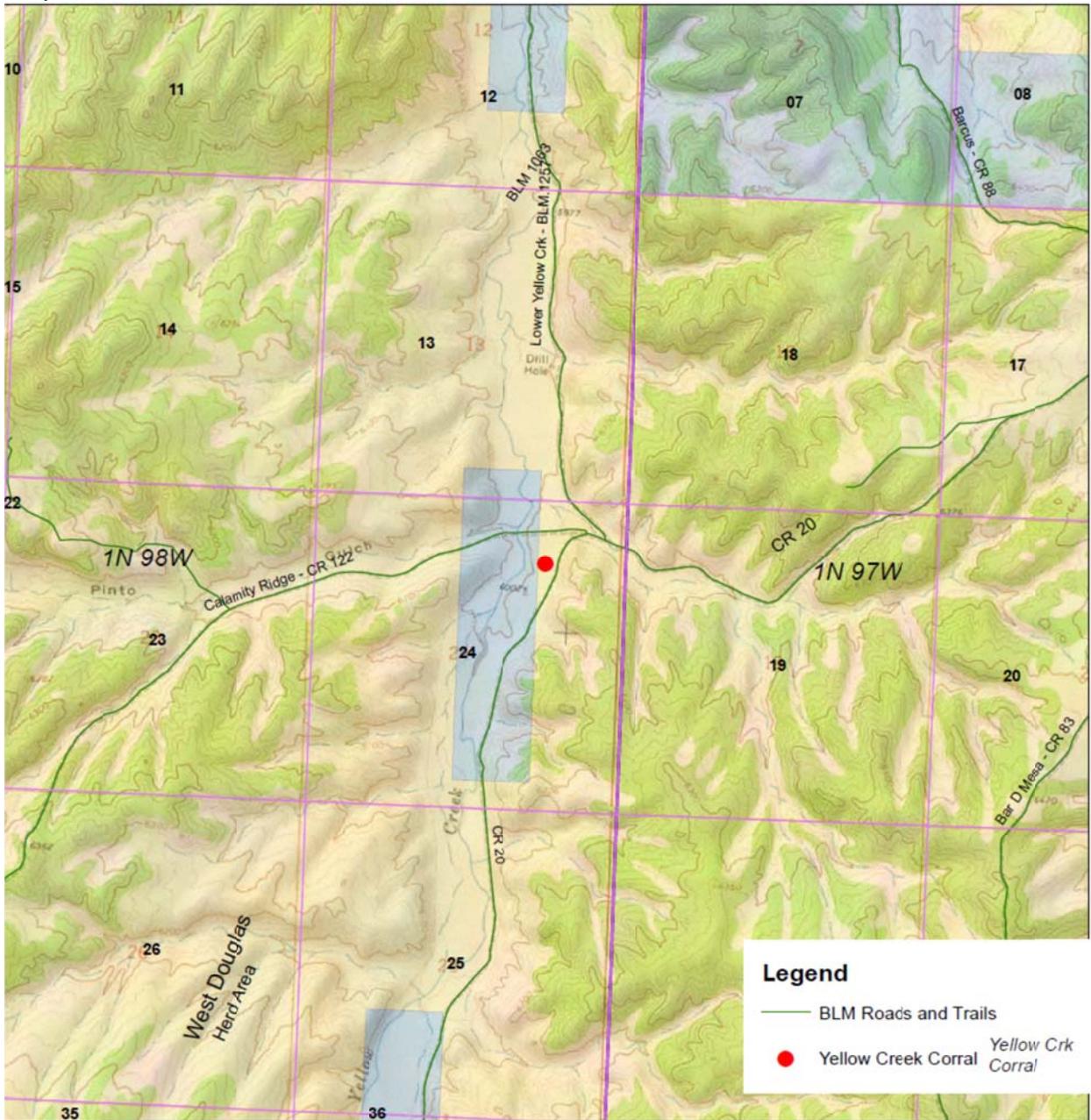
Sources:
BLM, USGS, CPW, etc.



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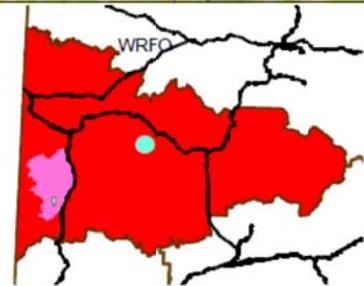
Map 2. Yellow Creek Corrals



Sources:
BLM, USGS, CPW, etc.



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Map 3. 2012 Wild Horse Inventory West Douglas Herd Area



February 2012 Inventory

- Area
- NRHA
 - Outside PEDHMA
 - Outside WDHA
 - PEDHMA
 - WDHA
 - FieldOffice_Boundary_WRFO
 - North Piceance HA
 - Piceance East Douglas HMA
 - West Douglas HA

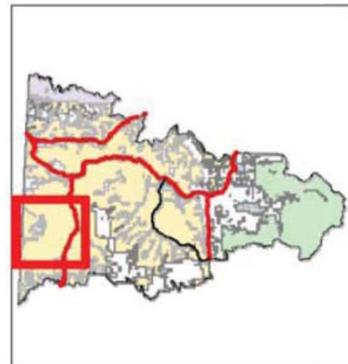


0 0.5 1 2 Miles



Sources:
BLM, USGS, CDOW, etc.

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Appendix C – Pictures of the Spring on the East Side of Texas Mountain



Figure 1: Wild Horses congregated around lower spring waiting for a turn to drink. (6/14/2012)



Figure 2: Lower spring east side Texas Mountain pin flags show previous water level. (6/14/2012)



Figure 3: Lower Spring – Pin flags show monitoring of where open water was previously. (6/14/2012)



Figure 4: Vegetation impacted from horses foraging while waiting near water source.
(6/14/2012)



Figure 5: Upper Spring- Vegetation impacted from wild horses foraging while waiting near water source. (6/21/2012)



Figure 6: Upper Spring -Water trough with wild horse drinking supplemental water (6/21/2012).



Figure 7: Upper Spring- With supplemental water being supplied. (6/21/2012)



Figure 8: Water trough at upper spring viewed from the spring. (6/21/2012).

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

**Finding of No Significant Impact (FONSI)
DOI-BLM-CO-110-2012-0104-EA**

LOCATION OF THE PROPOSED ACTION

The Bureau of Land Management's (BLM) White River Field Office (WRFO) administers the analysis area which is located within northwestern Colorado, southwest of Rangely and approximately 50 miles north of Grand Junction. The herd area encompasses 123,387 acres of federal land managed by the WRFO and 4,754 acres of private land. All of the West Douglas Herd Area (HA) is within Rio Blanco County, Colorado. The specific location of the Proposed Action (Map 1) is as follows:

- T. 3 S., R. 102 W.,
 - Section 16, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 - Section 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 - Section 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Section 21;
 - Section 28, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

BACKGROUND

The West Douglas HA has contained wild horses since the passage of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA). Early in January 2012, the WRFO began monitoring drought conditions associated with a lack of winter snowfall. As of February 2012, the WRFO issued drought letters to all livestock grazing permittees warning them that these conditions may require them to adjust grazing operations to account for drought conditions and lack of available water and forage resources. Monitoring has since shown decreased spring flows throughout the West Douglas HA, increasing in severity since the beginning of June 2012. The current (6/12/2012) U.S. Drought Monitor map identifies all of Rio Blanco County as being in a D3 or "extreme" drought intensity category. The WRFO began hauling water on June 15, 2012 to ensure wild horses on the east side of Texas Mountain in the southern area of the West Douglas HA have access to adequate water (DOI-BLM-CO110-2012-0105-CX). However, the situation has evolved into an emergency due to the difficulty in hauling water in to the area, continued reduction of spring flows, and reduction in forage within the area that wild horses are currently using. The WRFO is concerned that current body condition of the wild horses may be misleading since dehydration may not cause a change in body condition prior to causing death. Based on the current situation, prompt removal of excess wild horses from the most severely impacted areas is necessary to ensure their health and welfare.

The Bureau of Land Management (BLM) is proposing to gather and remove excess wild horses that are at immediate risk of mortality due to insufficient water resources in the Texas Mountain

area of the West Douglas HA (Map 1). The project will be completed by BLM personnel using bait trapping. Bait trapping uses a trap constructed of portable, round-pipe steel panels surrounding “bait.” Bait may include both water and food to entice the animal into entering the trap.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Final 2012 Emergency West Douglas Herd Area Wild Horse Gather Plan Environmental Assessment (EA), DOI-BLM-CO-110-2012-0104-EA, dated June 21, 2012. Based on the interdisciplinary analysis of potential environmental impacts contained in the attached environmental assessment, and considering the Council on Environmental Quality’s (CEQ) significance criteria in 40 CFR 1508.27, I have determined that the impacts associated with the implementation of the Proposed Action will not have a significant effect on the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) is not required as per Section 102 (2) (C) of the National Environmental Policy Act (NEPA).

Context

The proposed gather area is a site-specific action directly involving the BLM administered public lands that does not in and of itself have international, national, regional, or state-wide importance. The gather area is located in an area around Texas Mountain, within the West Douglas HA. The project area encompasses approximately 1,568 acres within the 123,387 acre West Douglas HA. The Proposed Action is the installation of a single trap location with the placement of “bait” (water and/or hay) in specific areas within this analysis area to remove approximately 50 wild horses which are in imminent danger of mortality due to insufficient water resources. BLM proposes to initiate the emergency gather immediately, before wild horse health is severely compromised due to extreme drought conditions.

Intensity

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

1. Impacts that may be both beneficial and adverse.

The Proposed Action is expected to meet the BLM’s objectives for wild horse management of maintaining a thriving natural ecological balance and multiple use relationship consistent with other resource needs. This EA considers both beneficial and adverse impacts of the proposed gather, as well as two other alternatives, and the impacts that may result under each alternative. The Proposed Action would remove excess wild horses from the gather area and is expected to address the imminent threat of mortality, as well as reduce the level of utilization of rangeland and riparian resources and address other environmental impacts on several springs resulting from a residing herd of excess wild horses. The Proposed Action utilizes one of the least stressful capture methods (bait trapping), which will reduce the overall impacts of the gather on wild horses which are already poorly hydrated. The Standard Operating Procedures for gather operations would further minimize the stress on wild horses and impacts to other resources. Excess wild horses removed from the project area would be transported to the Yellow Creek Corrals where their condition can be monitored and they can be cared for until BLM can relocate them to other wild horse and burro holding facilities and prepare them for adoption, sale, or long-term holding pastures.

2. The degree to which the Proposed Action affects public health or safety.

The Proposed Action has no effect on public health or safety. By complying with the Standard Operating Procedures and Updated Standard Operating Procedures 2010 (Appendix A and B) any potential effect on public health and safety would be avoided and compliance would also protect the health and safety of the wild horses.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The Proposed Action has no potential to affect unique characteristics such as historic or cultural resources. There are no wild and scenic rivers, or ecologically critical areas present within the project area. There are no park lands, prime farmlands, wild and scenic rivers, or Wilderness Study Areas within the project area. Archaeological site clearances would be conducted prior to the construction of the trap site and placement of any water stock tanks. If cultural resources are discovered in an area, a new location would be identified for the placement of the trap site. The placement of water tanks and the gather activities are being performed to address the imminent threat of mortality to excess wild horses, reducing overgrazing pressure around the existing springs and associated spring areas, helping to achieve a level at which a thriving natural ecological balance can be maintained.

4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.

The effects of the Proposed Action on the quality of the human environment are not considered to be highly controversial, and effects of the gather are well known and understood. This is demonstrated through the effects analysis in the EA. Some members of the public have the view that no wild horses should be removed from any public lands and advocate removal of livestock or letting “nature take its course.” However, the effects of wild horse gathers on the quality of the human environment are well documented though the many years of management of wild horses and burros through gathers and other population control, and are not highly controversial. Furthermore, based on extreme drought conditions and the competition for space, forage and water among these excess wild horses and livestock, the permittee has taken reduction in livestock use over the past five years and has been hauling water to his livestock for more than a month outside this area. Livestock are not currently in this specific area or using this water source.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.

The Proposed Action has no known effects on the human environment which are considered highly uncertain or involve unique or unknown risks, as demonstrated through the effects analysis in the EA.

6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Proposed Action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. The action is compatible with future considerations of actions required to improve wild horse management

in conjunction with meeting the objectives for wildlife habitat, within the West Douglas HA. Removal of a group of imperiled excess wild horses would have no bearing on future decisions and management of the West Douglas HA.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The Proposed Action is not related to other actions with individually significant, but cumulatively significant impacts. Future projects occurring within the gather area would be evaluated through the appropriate NEPA process and analyzed under a site-specific NEPA document.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Proposed Action has no potential to adversely affect properties listed or eligible for listing in the National Register of Historic Places, and would not cause loss or destruction of significant scientific, cultural, or historical resources. A cultural resource inventory would be completed prior to constructing the gather site and placing any watering tanks or baiting locations. Gather sites would be cleared to determine the presence of sites that are unclassified, eligible, or potentially eligible sites for listing. Archaeological site clearances and avoidance measures would ensure that loss or destruction of significant scientific, cultural, or historical resources does not occur.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.

The Proposed Action would have no effect on any threatened or endangered species or habitat determined to be critical under the Endangered Species Act. No listed, proposed, or candidate animal species are known to make appreciable use of the project area, and there are no known listed, proposed, or candidate plant species within the West Douglas HA.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Proposed Action would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The Proposed Action is in conformance with all applicable regulations in Title 43 of the Code of Federal Regulations. The Proposed Action would not violate the Migratory Bird Treaty Act or the Endangered Species Act.

All practicable means to avoid or minimize environmental harm and unnecessary and undue degradation of the public lands and their resources are incorporated into the Proposed Action.

SIGNATURE OF AUTHORIZED OFFICIAL:

_____ Field Manager

DATE SIGNED:

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

**NOTICE OF FULL FORCE AND EFFECT DECISION
2012 EMERGENCY WEST DOUGLAS HERD AREA
WILD HORSE GATHER
DOI-BLM-CO-2012-0104-EA**

PROJECT NAME: 2012 Emergency West Douglas Herd Area Wild Horse Gather

ENVIRONMENTAL ASSESSMENT NUMBER: DOI-BLM-CO-2012-0104-EA

DECISION

Based upon personal field observations of this emergency situation and my review and consideration of the 2012 Emergency West Douglas Herd Area Wild Horse Gather Environmental Assessment (EA), and the attached Finding of No Significant Impact (FONSI), it is my decision to implement the Proposed Action (Alternative A), as mitigated in DOI-BLM-CO-2012-0104-EA, authorizing emergency gather and removal of approximately 50 excess wild horses from the Texas Mountain area of the West Douglas HA. Due to extreme drought conditions, leading to the need to haul water to prevent wild horse suffering and death, an immediate emergency removal of excess wild horses in the project area is necessary and will begin immediately upon my approval to prevent imminent mortality. I anticipate this humanitarian effort will require great commitment and patience and is dependent on coaxing the wild horses to habituate to a man-made water source to meet their hydration needs. This alternative will best implement the planning decisions of the White River Record of Decision and Approved Resource Management Plan (WRRMP) dated July 1, 1997 and the West Douglas Herd Area Amendment (WDHAA) to the White River Resource Management Plan, Environmental Assessment C0-WRFO-05-083-EA dated October 10, 2007.

Pursuant to Title 43 of the Code of Federal Regulations at 4770.3(3), this decision is effective immediately.

Mitigation Measures

All of the conservation measures for this emergency gather included as part of the Proposed Action (Alternative A) will be implemented as a part of this decision for the humane treatment and protection of the wild horses and to ensure safe and humane handling of all gathered wild horses.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Public Law 92-125, the Wild Free Roaming Horses and Burros Act of 1971, as amended by the Federal Land Policy and Management Act (FLPMA); and Public Law 95-514, the Public Rangelands Improvement Act of 1978 (PRIA). P.L. 92-125,

as amended, which requires the BLM to protect, manage, and control wild horse (or burro) populations on public lands, the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan and the West Douglas Herd Area Amendment to the White River Resource Management Plan, Environmental Assessment C0-WRFO-05-083-EA dated October 10, 2007.

ENVIRONMENTAL ANALYSIS AND FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in DOI-BLM-CO-2012-0104-EA and it was found to have no significant impacts, thus an EIS is not required.

PUBLIC INVOLVEMENT

Consistent with 43 CFR § 46.350, and IM 2010-130, Change 1, due to an emergency situation public comment on the EA was not solicited. We did fully consider plaintiffs court documents in the EA. Public viewing will be provided at Yellow Creek Corrals. There will be limited opportunities for the public and media to be escorted by BLM to the gather site location for observation and viewing.

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 June 25, 2012.
2. This decision is also in accordance with policy and 43 Code of Federal Regulations 4700 and the Wild Free-Roaming Horses and Burros Act of 1971 as amended.
3. This decision conforms to the White River Record of Decision and Approved Resource Management Plan dated July 1, 1997 and the West Douglas Herd Area Amendment to the White River Resource Management Plan, Environmental Assessment CO-WRFO-05-083-EA dated October 10, 2007.
4. The Proposed Action (Alternative A) best meets the Purpose and Need to respond to the immediate risk of mortality to wild horses due to insufficient water resources as a result of emergency conditions of decreased spring flows and extreme drought in the Texas Mountain area within the West Douglas HA (see appendix C). The need for the Proposed Action is based on BLM's obligations established by provisions of Section 1333 (a) of the Wild Free-Roaming Horses and Burros Act of 1971 which mandates management of wild horses in a "manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands" and "it is the policy of Congress that wild free roaming horses and burros shall be protected from ...death...."
5. Health and Wellness of the Wild Horses: The Proposed Action (Alternative A) best meets the immediate, as well as the long term, needs of the wild horses, which are in immediate risk of mortality due to extreme drought conditions. While the BLM's efforts have been focused on dehydration of the wild horses, there is also an immediate concern

as to the amount of forage that is available. Since taking emergency action on June 15, 2012 to provide supplemental water, BLM staff have observed some wild horses with lower body condition. Therefore, as soon as practicable, upon signature of this document the BLM will begin providing supplemental feed to address the lack of adequate forage in the immediate area.

6. The necessity of immediate emergency removal of excess wild horses is due to the extreme drought conditions and the escalation of water and forage scarcity within portions of the West Douglas HA. Immediate removal of wild horses from the southern portion of the West Douglas HA as identified in the Proposed Action will afford the greatest opportunity to provide needed water to wild horses that are in imminent threat of mortality. On June 17, 2012, a veterinarian observed the wild horses and rated their body condition as good. However, the veterinarian cautioned that it is very difficult to determine the hydration status without performing a pinch test. The BLM is also concerned that the horses appear to be just waiting at the spring location to get a drink, and may not be foraging. If that is the case, it is expected that their body condition will begin to deteriorate rapidly in the next seven to ten days. It will take multiple attempts to gather and remove all of the approximately 50 wild horses at risk. It is extremely difficult to determine how long this process will take, as the success and/or failure of these actions relies on the behavior of the wild horses.

AUTHORITY

The proposed gather and removal of excess wild horses within the West Douglas HA project area is in compliance with Public Law 92-125, the Wild Free Roaming Horses and Burros Act of 1971, as amended by the Federal Land Policy and Management Act (FLPMA); and Public Law 95-514, the Public Rangelands Improvement Act of 1978 (PRIA). P.L. 92-125, as amended, which require the BLM to protect, manage and control wild horse (or burro) populations on public lands.

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 and 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."

ADMINISTRATIVE REMEDIES

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 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 petition for a stay must accompany the notice of appeal and be in accordance with 43 Code of

Federal Regulations, submitted to (1) the Regional Solicitor's Office, Rocky Mountain Region, P.O. Box 25007, Denver, Colorado, 80225 and (2) the White River Field Office, 220 E. Market Street, Meeker, Colorado, 81641. The original documents should be filed with the White River Field Office.

Any party requesting a stay bears the burden of proof to demonstrate why a stay should be granted. A petition for a stay of a decision pending appeals shall show sufficient justification based on the following standards:

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

Additional information: Contact James R. Roberts, Assistant Field Manager, at 970-878-3873 with questions relating to this management decision. Questions may also be directed to Kent E. Walter, Field Manager, at 970-878-3800.

SIGNATURE OF AUTHORIZED OFFICIAL: _____

Field Manager

DATE SIGNED:

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

**Finding of No Significant Impact (FONSI)
DOI-BLM-CO-110-2012-0104-EA**

LOCATION OF THE PROPOSED ACTION

The Bureau of Land Management's (BLM) White River Field Office (WRFO) administers the analysis area which is located within northwestern Colorado, southwest of Rangely and approximately 50 miles north of Grand Junction. The herd area encompasses 123,387 acres of federal land managed by the WRFO and 4,754 acres of private land. All of the West Douglas Herd Area (HA) is within Rio Blanco County, Colorado. The specific location of the Proposed Action (Map 1) is as follows:

- T. 3 S., R. 102 W.,
 - Section 16, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
 - Section 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 - Section 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Section 21;
 - Section 28, E $\frac{1}{2}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

BACKGROUND

The West Douglas HA has contained wild horses since the passage of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA). Early in January 2012, the WRFO began monitoring drought conditions associated with a lack of winter snowfall. As of February 2012, the WRFO issued drought letters to all livestock grazing permittees warning them that these conditions may require them to adjust grazing operations to account for drought conditions and lack of available water and forage resources. Monitoring has since shown decreased spring flows throughout the West Douglas HA, increasing in severity since the beginning of June 2012. The current (6/12/2012) U.S. Drought Monitor map identifies all of Rio Blanco County as being in a D3 or "extreme" drought intensity category. The WRFO began hauling water on June 15, 2012 to ensure wild horses on the east side of Texas Mountain in the southern area of the West Douglas HA have access to adequate water (DOI-BLM-CO110-2012-0105-CX). However, the situation has evolved into an emergency due to the difficulty in hauling water in to the area, continued reduction of spring flows, and reduction in forage within the area that wild horses are currently using. The WRFO is concerned that current body condition of the wild horses may be misleading since dehydration may not cause a change in body condition prior to causing death. Based on the current situation, prompt removal of excess wild horses from the most severely impacted areas is necessary to ensure their health and welfare.

The Bureau of Land Management (BLM) is proposing to gather and remove excess wild horses that are at immediate risk of mortality due to insufficient water resources in the Texas Mountain

area of the West Douglas HA (Map 1). The project will be completed by BLM personnel using bait trapping. Bait trapping uses a trap constructed of portable, round-pipe steel panels surrounding "bait." Bait may include both water and food to entice the animal into entering the trap.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Final 2012 Emergency West Douglas Herd Area Wild Horse Gather Plan Environmental Assessment (EA), DOI-BLM-CO-110-2012-0104-EA, dated June 21, 2012. Based on the interdisciplinary analysis of potential environmental impacts contained in the attached environmental assessment, and considering the Council on Environmental Quality's (CEQ) significance criteria in 40 CFR 1508.27, I have determined that the impacts associated with the implementation of the Proposed Action will not have a significant effect on the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) is not required as per Section 102 (2) (C) of the National Environmental Policy Act (NEPA).

Context

The proposed gather area is a site-specific action directly involving the BLM administered public lands that does not in and of itself have international, national, regional, or state-wide importance. The gather area is located in an area around Texas Mountain, within the West Douglas HA. The project area encompasses approximately 1,568 acres within the 123,387 acre West Douglas HA. The Proposed Action is the installation of a single trap location with the placement of "bait" (water and/or hay) in specific areas within this analysis area to remove approximately 50 wild horses which are in imminent danger of mortality due to insufficient water resources. BLM proposes to initiate the emergency gather immediately, before wild horse health is severely compromised due to extreme drought conditions.

Intensity

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

1. Impacts that may be both beneficial and adverse.

The Proposed Action is expected to meet the BLM's objectives for wild horse management of maintaining a thriving natural ecological balance and multiple use relationship consistent with other resource needs. This EA considers both beneficial and adverse impacts of the proposed gather, as well as two other alternatives, and the impacts that may result under each alternative. The Proposed Action would remove excess wild horses from the gather area and is expected to address the imminent threat of mortality, as well as reduce the level of utilization of rangeland and riparian resources and address other environmental impacts on several springs resulting from a residing herd of excess wild horses. The Proposed Action utilizes one of the least stressful capture methods (bait trapping), which will reduce the overall impacts of the gather on wild horses which are already poorly hydrated. The Standard Operating Procedures for gather operations would further minimize the stress on wild horses and impacts to other resources. Excess wild horses removed from the project area would be transported to the Yellow Creek Corrals where their condition can be monitored and they can be cared for until BLM can relocate them to other wild horse and burro holding facilities and prepare them for adoption, sale, or long-term holding pastures.

2. The degree to which the Proposed Action affects public health or safety.

The Proposed Action has no effect on public health or safety. By complying with the Standard Operating Procedures and Updated Standard Operating Procedures 2010 (Appendix A and B) any potential effect on public health and safety would be avoided and compliance would also protect the health and safety of the wild horses.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The Proposed Action has no potential to affect unique characteristics such as historic or cultural resources. There are no wild and scenic rivers, or ecologically critical areas present within the project area. There are no park lands, prime farmlands, wild and scenic rivers, or Wilderness Study Areas within the project area. Archaeological site clearances would be conducted prior to the construction of the trap site and placement of any water stock tanks. If cultural resources are discovered in an area, a new location would be identified for the placement of the trap site. The placement of water tanks and the gather activities are being performed to address the imminent threat of mortality to excess wild horses, reducing overgrazing pressure around the existing springs and associated spring areas, helping to achieve a level at which a thriving natural ecological balance can be maintained.

4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.

The effects of the Proposed Action on the quality of the human environment are not considered to be highly controversial, and effects of the gather are well known and understood. This is demonstrated through the effects analysis in the EA. Some members of the public have the view that no wild horses should be removed from any public lands and advocate removal of livestock or letting “nature take its course.” However, the effects of wild horse gathers on the quality of the human environment are well documented though the many years of management of wild horses and burros through gathers and other population control, and are not highly controversial. Furthermore, based on extreme drought conditions and the competition for space, forage and water among these excess wild horses and livestock, the permittee has taken reduction in livestock use over the past five years and has been hauling water to his livestock for more than a month outside this area. Livestock are not currently in this specific area or using this water source.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.

The Proposed Action has no known effects on the human environment which are considered highly uncertain or involve unique or unknown risks, as demonstrated through the effects analysis in the EA.

6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The Proposed Action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. The action is compatible with future considerations of actions required to improve wild horse management

in conjunction with meeting the objectives for wildlife habitat, within the West Douglas HA. Removal of a group of imperiled excess wild horses would have no bearing on future decisions and management of the West Douglas HA.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The Proposed Action is not related to other actions with individually significant, but cumulatively significant impacts. Future projects occurring within the gather area would be evaluated through the appropriate NEPA process and analyzed under a site-specific NEPA document.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Proposed Action has no potential to adversely affect properties listed or eligible for listing in the National Register of Historic Places, and would not cause loss or destruction of significant scientific, cultural, or historical resources. A cultural resource inventory would be completed prior to constructing the gather site and placing any watering tanks or baiting locations. Gather sites would be cleared to determine the presence of sites that are unclassified, eligible, or potentially eligible sites for listing. Archaeological site clearances and avoidance measures would ensure that loss or destruction of significant scientific, cultural, or historical resources does not occur.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA) of 1973.

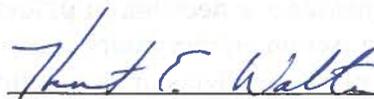
The Proposed Action would have no effect on any threatened or endangered species or habitat determined to be critical under the Endangered Species Act. No listed, proposed, or candidate animal species are known to make appreciable use of the project area, and there are no known listed, proposed, or candidate plant species within the West Douglas HA.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Proposed Action would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The Proposed Action is in conformance with all applicable regulations in Title 43 of the Code of Federal Regulations. The Proposed Action would not violate the Migratory Bird Treaty Act or the Endangered Species Act.

All practicable means to avoid or minimize environmental harm and unnecessary and undue degradation of the public lands and their resources are incorporated into the Proposed Action.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

06/25/2012

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

**NOTICE OF FULL FORCE AND EFFECT DECISION
2012 EMERGENCY WEST DOUGLAS HERD AREA
WILD HORSE GATHER
DOI-BLM-CO-2012-0104-EA**

PROJECT NAME: 2012 Emergency West Douglas Herd Area Wild Horse Gather

ENVIRONMENTAL ASSESSMENT NUMBER: DOI-BLM-CO-2012-0104-EA

DECISION

Based upon personal field observations of this emergency situation and my review and consideration of the 2012 Emergency West Douglas Herd Area Wild Horse Gather Environmental Assessment (EA), and the attached Finding of No Significant Impact (FONSI), it is my decision to implement the Proposed Action (Alternative A), as mitigated in DOI-BLM-CO-2012-0104-EA, authorizing emergency gather and removal of approximately 50 excess wild horses from the Texas Mountain area of the West Douglas HA. Due to extreme drought conditions, leading to the need to haul water to prevent wild horse suffering and death, an immediate emergency removal of excess wild horses in the project area is necessary and will begin immediately upon my approval to prevent imminent mortality. I anticipate this humanitarian effort will require great commitment and patience and is dependent on coaxing the wild horses to habituate to a man-made water source to meet their hydration needs. This alternative will best implement the planning decisions of the White River Record of Decision and Approved Resource Management Plan (WRRMP) dated July 1, 1997 and the West Douglas Herd Area Amendment (WDHAA) to the White River Resource Management Plan, Environmental Assessment C0-WRFO-05-083-EA dated October 10, 2007.

Pursuant to Title 43 of the Code of Federal Regulations at 4770.3(3), this decision is effective immediately.

Mitigation Measures

All of the conservation measures for this emergency gather included as part of the Proposed Action (Alternative A) will be implemented as a part of this decision for the humane treatment and protection of the wild horses and to ensure safe and humane handling of all gathered wild horses.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Public Law 92-125, the Wild Free Roaming Horses and Burros Act of 1971, as amended by the Federal Land Policy and Management Act (FLPMA); and Public Law 95-514, the Public Rangelands Improvement Act of 1978 (PRIA). P.L. 92-125,

as amended, which requires the BLM to protect, manage, and control wild horse (or burro) populations on public lands, the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan and the West Douglas Herd Area Amendment to the White River Resource Management Plan, Environmental Assessment C0-WRFO-05-083-EA dated October 10, 2007.

ENVIRONMENTAL ANALYSIS AND FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in DOI-BLM-CO-2012-0104-EA and it was found to have no significant impacts, thus an EIS is not required.

PUBLIC INVOLVEMENT

Consistent with 43 CFR § 46.350, and IM 2010-130, Change 1, due to an emergency situation public comment on the EA was not solicited. We did fully consider plaintiffs court documents in the EA. Public viewing will be provided at Yellow Creek Corrals. There will be limited opportunities for the public and media to be escorted by BLM to the gather site location for observation and viewing.

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 June 25, 2012.
2. This decision is also in accordance with policy and 43 Code of Federal Regulations 4700 and the Wild Free-Roaming Horses and Burros Act of 1971 as amended.
3. This decision conforms to the White River Record of Decision and Approved Resource Management Plan dated July 1, 1997 and the West Douglas Herd Area Amendment to the White River Resource Management Plan, Environmental Assessment CO-WRFO-05-083-EA dated October 10, 2007.
4. The Proposed Action (Alternative A) best meets the Purpose and Need to respond to the immediate risk of mortality to wild horses due to insufficient water resources as a result of emergency conditions of decreased spring flows and extreme drought in the Texas Mountain area within the West Douglas HA (see appendix C). The need for the Proposed Action is based on BLM's obligations established by provisions of Section 1333 (a) of the Wild Free-Roaming Horses and Burros Act of 1971 which mandates management of wild horses in a "manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands" and "it is the policy of Congress that wild free roaming horses and burros shall be protected from ...death...."
5. Health and Wellness of the Wild Horses: The Proposed Action (Alternative A) best meets the immediate, as well as the long term, needs of the wild horses, which are in immediate risk of mortality due to extreme drought conditions. While the BLM's efforts have been focused on dehydration of the wild horses, there is also an immediate concern

as to the amount of forage that is available. Since taking emergency action on June 15, 2012 to provide supplemental water, BLM staff have observed some wild horses with lower body condition. Therefore, as soon as practicable, upon signature of this document the BLM will begin providing supplemental feed to address the lack of adequate forage in the immediate area.

6. The necessity of immediate emergency removal of excess wild horses is due to the extreme drought conditions and the escalation of water and forage scarcity within portions of the West Douglas HA. Immediate removal of wild horses from the southern portion of the West Douglas HA as identified in the Proposed Action will afford the greatest opportunity to provide needed water to wild horses that are in imminent threat of mortality. On June 17, 2012, a veterinarian observed the wild horses and rated their body condition as good. However, the veterinarian cautioned that it is very difficult to determine the hydration status without performing a pinch test. The BLM is also concerned that the horses appear to be just waiting at the spring location to get a drink, and may not be foraging. If that is the case, it is expected that their body condition will begin to deteriorate rapidly in the next seven to ten days. It will take multiple attempts to gather and remove all of the approximately 50 wild horses at risk. It is extremely difficult to determine how long this process will take, as the success and/or failure of these actions relies on the behavior of the wild horses.

AUTHORITY

The proposed gather and removal of excess wild horses within the West Douglas HA project area is in compliance with Public Law 92-125, the Wild Free Roaming Horses and Burros Act of 1971, as amended by the Federal Land Policy and Management Act (FLPMA); and Public Law 95-514, the Public Rangelands Improvement Act of 1978 (PRIA). P.L. 92-125, as amended, which require the BLM to protect, manage and control wild horse (or burro) populations on public lands.

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 and 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."

ADMINISTRATIVE REMEDIES

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 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 petition for a stay must accompany the notice of appeal and be in accordance with 43 Code of

Federal Regulations, submitted to (1) the Regional Solicitor's Office, Rocky Mountain Region, P.O. Box 25007, Denver, Colorado, 80225 and (2) the White River Field Office, 220 E. Market Street, Meeker, Colorado, 81641. The original documents should be filed with the White River Field Office.

Any party requesting a stay bears the burden of proof to demonstrate why a stay should be granted. A petition for a stay of a decision pending appeals shall show sufficient justification based on the following standards:

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

Additional information: Contact James R. Roberts, Assistant Field Manager, at 970-878-3873 with questions relating to this management decision. Questions may also be directed to Kent E. Walter, Field Manager, at 970-878-3800.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

06/25/2012