BLM

High Desert District – Rawlins and Rock Springs Field Offices, Wyoming

Environmental Assessment

2014 Removal of Wild Horses from Checkerboard within the Great Divide Basin, Salt Wells Creek and Adobe Town Herd Management Areas

WY-040-EA15-104

November 2015

The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

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for

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1.0 Introduction

On March 3, 2015, United States District Court for the District of Wyoming Case No. 14-CV-0152-NDF, remanded the Bureau of Land Managements (BLM's) National Environmental Policy Act (NEPA) analysis for its 2014 Decision Record authorizing the removal of wild horses from certain checkerboard lands, stating, "As to NEPA, the Court concludes BLM's decision to rely on a categorical exclusion (CX) with no extraordinary circumstances was erroneous. The record shows BLM decided it had 'no choice but to remove all horses from the checkerboard regardless of what the impacts analysis would show' (AR3342). Thus, the agency moved ahead with a CX that failed to fully consider all relevant factors concerning the unusual removal proposed including areas of discretion available to the agency which might mitigate impacts. This course of action fails to satisfy the agency's NEPA obligations. Thus, the NEPA compliance matter associated with the 2014 roundup is remanded to BLM to correct the procedural deficiencies. The court went on to say "[t]he mere fact that the end result (a removal of horses off the checkerboard) would not change is unpersuasive, as it it does not encompass the full range of discretion available to the agency in conducting this particular roundup." As to the Wild Horses Act claim, the district court held that "BLM reasonably exercised its discretion in interpreting Section 4 to authorize the 2014 roundup from the checkerboard without a Section 3 excess determination which would mandate a return of horses, even though the result of the roundup is that the AML's are below the low range....BLM's interpretation of Section 4 is reasonable to avoid intensive management of horses and afford a meaningful removal remedy to protect private property." The district court did not vacate the agency's July 2014 Decision Record.

1.1 Background Information

The RSGA owns or controls approximately 731,703 acres of private lands within the checkerboard lands of the Herd Management Areas (HMAs), including about 39 percent within the Great Divide Basin HMA, about 31 percent within Salt Wells Creek HMA, and about 8 percent within the Adobe Town HMA.

Table 1. Project Area

HMA	Federal Acres (BLM)	Private	Total Acres
Salt Wells Creek	691,283	480,954	1,172,237
Adobe Town	443,136	34,683	469,473
Divide Basin	561,098	216,066	777,164
Total	1,695,517	731,703	2,427,220

In 1979, the Mountain States Legal Foundation and RSGA filed a lawsuit in the U.S. District Court for Wyoming (*Mountain States Legal Foundation v. Andrus*, No. C79-275K) seeking to require the BLM and the U.S. Marshal to remove wild horses that had strayed onto within its private lands within the Wyoming checkerboard. In a 1981 Order, the court partially granted plaintiffs' motion for summary judgment, and ordered the BLM to remove all wild horses from

the checkerboard lands except that number that RSGA voluntarily agreed to leave and to remove all excess wild horses from the Rock Springs District within two years. *Mountain States Legal Foundation v. Andrus*, No. C79-275K, Order Granting Motion for Partial Summary Judgment (D. Wyo. March 1, 1981). In 1982, the court amended its 1981 order to provide that "the BLM has determined that the appropriate management level for the horse herds on the Salt Wells/Pilot Butte checkerboard lands is that level agreed to by the landowners in that area. All horses on the checkerboard above such levels are 'excess' within the meaning of 16 U.S.C. 1332(f)." *Mountain States Legal Foundation v. Watt*, No. C79-275K, Order Amending Judgment Pro Tunc (D. Wyo. Feb. 19, 1982).

On October 4, 2010, the Rock Springs Grazing Association (RSGA) requested that the BLM remove all wild horses that had strayed onto its private lands, as provided in Section 4 of the Wild and Free Roaming Wild Horse and Burros Act of 1971 (WHA), 16 U.S.C. §1334 and by regulation, 43 CFR 4720.2. On July 27, 2011, after the BLM had not made arrangements to remove any wild horses on its private lands, the RSGA filed a complaint in the U.S. District Court, Wyoming, seeking to compel the removal of all wild horses from its private lands.

The BLM and the RSGA initiated settlement discussions in 2012, and on February 12, 2013, both parties filed a joint motion for the court to enter the consent decree and dismiss the case.

On April 3, 2013, the Court approved a Consent Decree and Joint Stipulation for Dismissal (Consent Decree) and dismissed the case, finding the decree to be a "fair, reasonable, equitable and adequate settlement of RSGA's claims against the BLM, and which does not on its face violate the law or public policy."

The April 3, 2013 Consent Decree provides in part:

> Paragraph 1: "Pursuant to 16 U.S.C. §1334, BLM agrees to remove all wild horses located on RSGA's private lands, including Wyoming Checkerboard lands, with the exception of those wild horses found within the White Mountain Herd Management Area (HMA), in accordance with the schedule set forth in paragraph 5."
>
> Paragraph 5: BLM will commit to gather and remove wild horses from checkerboard lands within Salt Wells and Adobe Town HMAs in 2013, Divide Basin HMA in 2014, and White Mountain HMA in 2015.

In November 2013, a wild horse gather was conducted in the Adobe Town and Salt Wells Creek HMAs to remove wild horses on private lands within the HMA complex. The BLM gathered 668 wild horses and removed 586 wild horses from the complex. The BLM treated 40 mares with Porcine Zona Pellucida (PZP)-22 fertility control and then released the treated mares along with 39 stallions back into the Adobe Town HMA. Three wild horses had to be euthanized during the gather, two for pre-existing body condition and one for an acute injury. Not all wild horses were removed from the private lands within the HMA complex.

On December 10, 2013, the BLM released a public scoping notice for a 2014 gather within the Great Divide Basin HMA and the comment period ended on January 10, 2014. In excess of 13,000 comment letters were received from individuals, organizations, and agencies. Many

comments, including comments from the RSGA, identified concerns with BLM's proposed action to remove wild horses to the low appropriate management level (AML) for the HMA, as this was believed to be inconsistent with the 2013 Consent Decree provision for removing all wild horses from private lands in the checkerboard. Additionally, many comments expressed concern for the general management of wild horses.

On February 4, 2014, RSGA notified the BLM of what it asserted where individual instances of non-compliance with the 2013 Consent Decree that require correction. One of the non-compliance issues was as follows: "Failure to remove all wild horses from the Wyoming Checkerboard in Salt Wells Creek and Adobe Town Complex".

In April 2014, the BLM, the RSGA and the United States Geological Survey (USGS) completed a simultaneous double count method census survey for the Great Divide Basin, Salt Wells Creek, and Adobe Town HMAs. The wild horse numbers and locations were recorded with the use of a Global Positioning System and compiled on maps. These maps display the HMAs along with the checkerboard land, including the direct count of wild horses observed during these flights. The direct count numbers have been adjusted by the USGS using the simultaneous double count method as indicated in Table 2.

Table 2. Wild Horse Census Numbers[1]

2014 Statistically Corrected Census Counts		
HMA	**Total within HMA**	**Total within Checkerboard**
Great Divide Basin	618	394
Salt Wells Creek	728	402
Adobe Town	566	10
Total	1,912	806

On May 12, 2014, BLM responded to RSGA's letter of non-compliance. The BLM agreed to remove all wild horses on RSGA's private lands, including checkerboard lands, in accordance with the schedule set forth in the Consent Decree. The BLM has re-evaluated the 2013 Adobe Town Salt Wells (ATSW) gather, and acknowledges that it should have removed all horses from RSGA's lands in the HMA. The BLM intends to remove all wild horses from the checkerboard portion of the HMA, consistent with 16 U.S.C. §1334.

In consideration of the public comment, including that of RSGA, the BLM decided not proceed with the action described in the December 2013 public scoping notice. The BLM did not gather the Great Divide Basin HMA to low appropriate management level under Section 3 of the WHA, 16 U.S.C. §1333. Rather, the BLM gathered all **wild** horses from the checkerboard within the HMA as required by Section 4 of the WHA and the Consent Decree. Due to RSGA's

[1] New census data was collected in 2015; however, only the 2014 census data was utilized for this gather analysis .

notification of non-compliance, the BLM removed all wild horses from the checkerboard in the Salt Wells Creek and Adobe Town HMAs, as required by the Consent Decree.

On July 18, 2014, BLM's Rock Springs and Rawlins field offices (RSFO and RFO , respectively) issued a decision record approving the proposed action described in Categorical Exclusion, WY-040-CX14-134 to remove all wild horses from checkerboard lands within the Great Divide Basin, Salt Wells Creek and Adobe Town herd management areas. This action was in response to requests from private landowners and will complies with Section 4 of the WHA and with the April 2013 Consent Decree, *Rock Springs Grazing Association v. Salazar* (Civil Action No. 11-CV-263-NDF). All wild horses that are removed will be entered into the Wild Horse and Burro Program to be made available for adoption.

Pursuant to the July 2014 Decision Record, between September 15 through October 9, 2014, BLM conducted the checkerboard removal and removed 516 wild horses from the Great Divide Basin HMA, 684 wild horses from the Salt Wells Creek HMA and 47 wild horses from the Adobe Town HMA.

March 3, 2015, United States District Court for the District of Wyoming Case No. 14-CV-0152-NDF issued a ruling affirming BLM's actions under the WHA and the Federal Land Policy Management Act; and remanding BLM's actions under the National Environmental Policy Act (NEPA). The court stated that the BLM's decision to apply the categorical exclusion (CX) to the 2014 Checkerboard gather was a 'reasonable interpretation of the CX'. However, the court also found that BLM's conclusion that the gather would not individually or cumulatively have a significant effect on the human environment was not supported by an analysis of all relevant factors. In addition, BLM did not take into account the full range of discretion available to the agency when conducting this particular gather (e.g., whether to return any horses to the HMAs, gather scheduling, and capture methods). Therefore, the court remanded the NEPA violations to BLM with instructions to remedy the deficiencies identified. The original Decision Record, issued on July 18, 2014, was not vacated or remanded.

Consistent with the court's order remanding the NEPA violation, this EA contains a site-specific analysis of potential impacts that could result with the implementation of the proposed action (authorized under the Decision Record issued July 18, 2014 through CX WY-040-CX14-134) and reasonable alternatives to the proposed action that were available to the BLM at the time of the decision. Information that was not available at the time of the decision making in 2014, such as new population census data gathered in 2015, has been disclosed in this EA. This new data, however, is not useful in looking backward to analyze the impacts of the 2014 gather and any reasonable alternatives representing the range of the BLM's discretion. Therefore, it was not used in the analysis of the impacts of the 2014 gather and its alternatives.

Figure 1. Map of the Affected Area (Adobe Town and Salt Wells Creek Wild Horse HMAs)

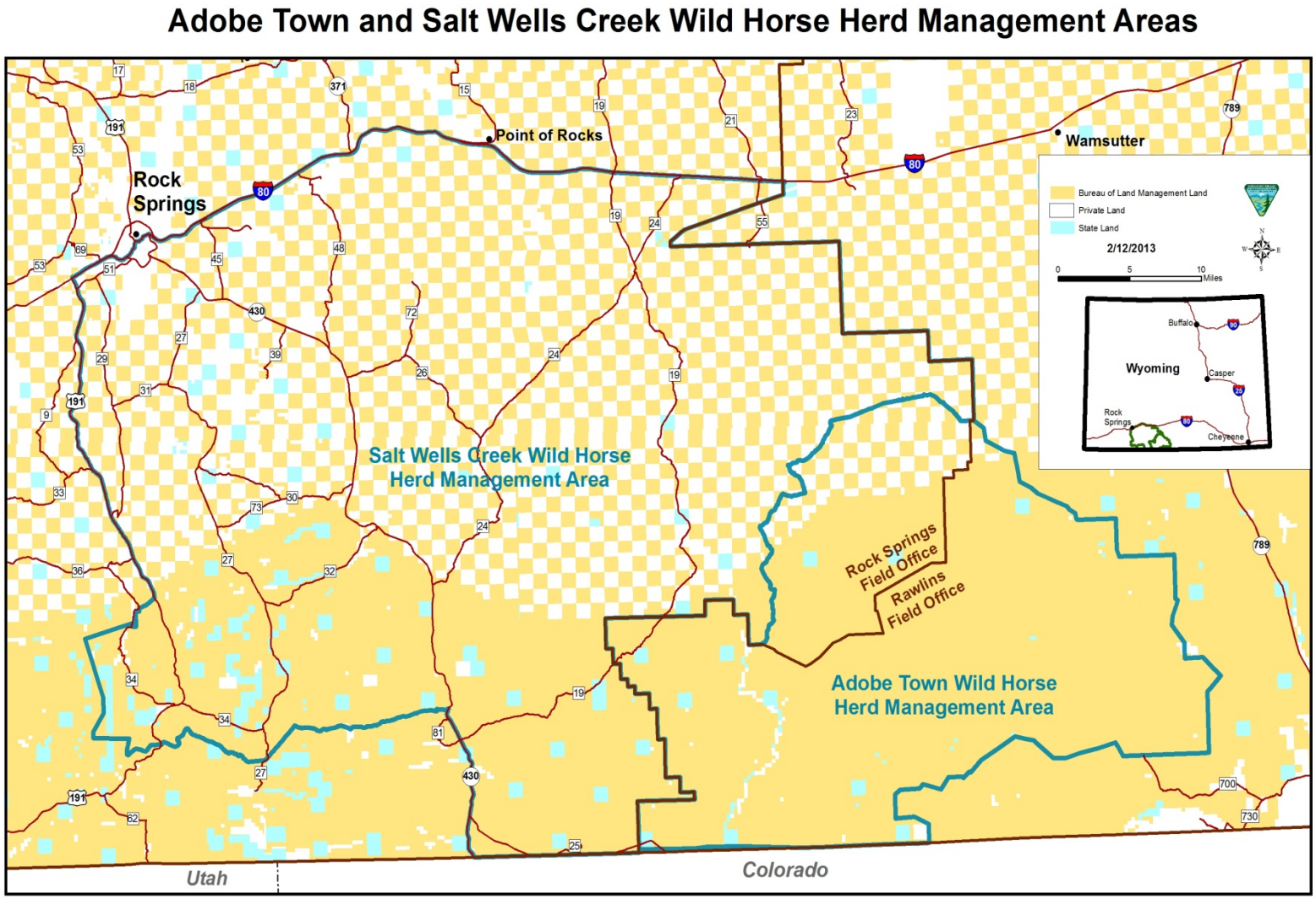
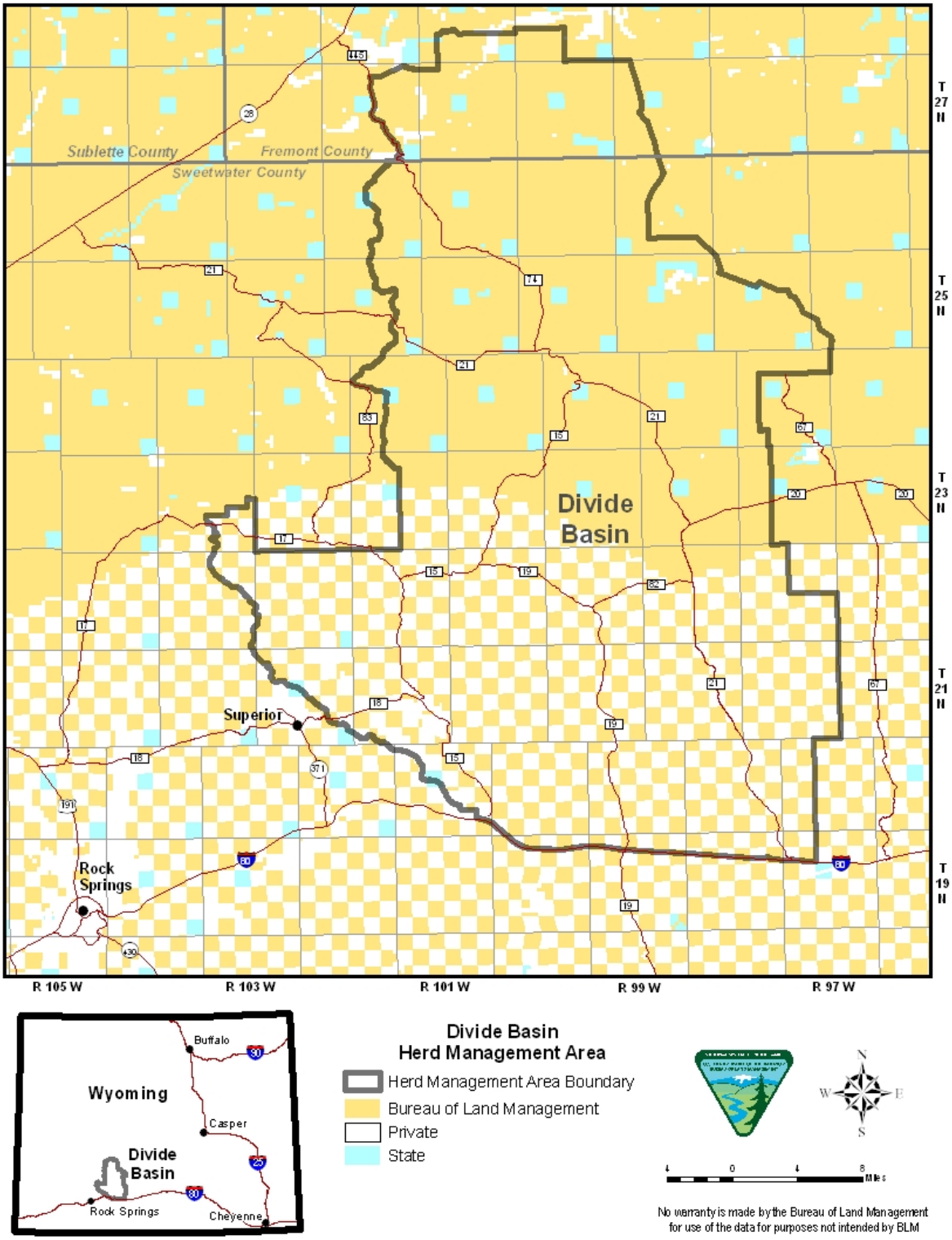


Figure 2. Map of the Affected Area (Great Divide Basin HMA)



1.2 Purpose and Need

The purpose of the proposed action is to remove wild horses from private lands (checkerboard) in accordance with Section 4 of the WHA and the 2013 Consent Decree. The need for this action is established under 16 U.S.C. § 1334 and the 2013 Consent Decree. Additionally, the BLM received a written request to remove wild horses from private lands, including those within the checkerboard portions of the Great Divide Basin, Salt Wells Creek, and Adobe Town HMAs. Removal of wild horses from private lands is in accordance with 43 CFR 4720.2-1.

Decision to Be Made: The BLM will select the action to be implemented to be in compliance with Section 4 of the WHA, the 2013 Consent Decree, the request for removal of wild horses from private lands within these HMAs, the Federal Land Policy and Management Act (FLPMA), and other applicable law.

1.3 Relationship to Statutes, Regulations, Plans, or Other Environmental Analyses

Conformance with Existing Land Use Plans[2]

Land Use Plan Conformance

Land Use Plan Name: Green River Resource Management Plan (RMP)
Date Approved/Amended: August 8, 1997

The Green River RMP Management Objectives for wild horses are:

1) protect, maintain, and control viable, healthy herds of wild horses while retaining their free-roaming nature; 2) provide adequate habitat for free-roaming wild horses through management consistent with principles of multiple use and environmental protection; and 3) provide opportunity for the public to view wild horses.

Management Actions for wild horses include:

Wild horses will be maintained within 5 Wild Horse Herd Management Areas (Map 27).

An appropriate management level of 1,105 to 1,600 wild horses will be maintained among the five herd management areas (Table 15).

[2] The Green River RMP and the Rawlins RMP were amended on September 22, 2015, by the "Approved Resource Management Plan Amendments for the Rocky Mountain Region, Including the Greater Sage-Grouse Sub-Regions of Lewistown, North Dakota, Northwest Colorado, and Wyoming/Record of Decision." This amendment is specific to management actions for the Greater Sage Grouse in both the Rock Springs and Rawlins Field Offices. Although this amendment was not final at the time of the 2014 decision making, the changes to the management of Greater Sage Grouse do not affect the BLM's decision to implement the 2014 removal of wild horses in the checkerboard as this removal action is consistent with the management actions of the amendment.

Land Use Plan Name: Rawlins Resource Management Plan (RMP)
Date Approved/Amended: December 24, 2008

The Rawlins RMP objectives for managing wild horses are to:

1. *Maintain wild horse populations within the AML of the HMA.*
2. *Manage wild horses to meet the Wyoming Standards for Healthy Rangelands.*
3. *Identify existing genotypes and phenotypes through recognized means of genetic evaluation and maintain genetic integrity.*
4. *Maintain the health of wild horse herds at a level that prevents adverse effects to domestic horse populations.*
5. *Maintain habitat for existing AMLs.*
6. *Conduct all activities in compliance with relevant court orders and agreements, including the Consent Decree (August 2003).*

Management Actions for wild horses includes:

1. *Conduct regular, periodic gathers when necessary to maintain AMLs.*
2. *Utilize monitoring and evaluation data to maintain habitat within HMAs.*
3. *Conduct animal health monitoring.*
4. *Employ selective removal criteria during periodic gathers to increase the recognized occurrence of the New World Iberian genotype and associated phenotype above current levels.*
5. *The AML for the Adobe Town HMA will remain at 700 adults; the AML for the Stewart Creek HMA will remain at 150 adults. These AMLs could change based on future monitoring (Appendix 12).*
6. *Manage wild horses to meet the Wyoming Standards for Healthy Rangelands.*
7. *Utilizing accepted means of genetic testing and analysis, in cooperation with the Lander and Rock Springs Field Offices, the total extent of the New World Iberian genotype within the metapopulation that includes the Lost Creek HMA (current AML of 70 adults) will be documented. Management practices will be implemented to accomplish the goal of preserving the New World Iberian genotype.*
8. *Identify and designate the total extent of the metapopulation that includes the Lost Creek HMA.*

Relationship to Statutes, Regulations, or Other Plans

FLPMA and its land use planning requirements, apply only to the BLM's management of the public lands, not private lands (43 U.S.C. §1712). As to public lands, the policies of FLPMA are to be construed as supplemental to and not in derogation of the purposes for which the lands are administered under other provisions of law (43 U.S.C. §1701). The management direction set forth in the RMPs, including that related to AMLs, do not apply to private lands.

The proposed action is to gather and remove wild horses from the checkerboard, as required by Section 4 of the WHA, 16 U.S.C. §1334, its implementing regulations at 43 CFR 4720.2, and the 2013 Consent Decree. Through this gather, the BLM is not removing excess wild horses from the public lands under Section 3 of the WHA, 16 U.S.C. §1333. While in its 2013 scoping

notice, the BLM contemplated a gather and removal under both Section 3 and Section 4 of the WHA, in response to the scoping comments it received, the BLM clarified that it will remove wild horses from the checkerboard as required by Section 4 of the WHA and the Consent Decree.

The BLM acknowledges that in discharging its duties under Section 4 of the WHA wild horses will also be removed from the public land portions of the checkerboard. However, due to the unique pattern of land ownership, and as recognized in the Consent Decree, it is practicably infeasible for the BLM to meet its obligations under Section 4 of the WHA while removing wild horses solely from the private lands sections of the checkerboard.

The BLM intends to address its future management of wild horses on areas of the public lands within these HMAs through a separate land use planning process. The BLM published a Notice of Intent in the Federal Register on August 16, 2013 to extend the public scoping period for the Rock Springs RMP revision and to amend the 2008 Rawlins RMP to address wild horse management in the Rock Springs and Rawlins field offices. The plan revision and plan amendment will consider adjusting AML for the HMAs, among other alternatives. Public meetings were held on September 11 and 12, 2013. The comment period closed on September 27, 2013 with more than 20,000 comments received. The BLM is currently developing alternatives and beginning analysis for the RMP revision.

No federal, state, or local law or requirement imposed for the protection of the environment will be violated under the proposed action or any action alternatives described in detail in this EA.

1.4 Scoping, Public Involvement, and Issues

On March 3, 2015, United States District Court for the District of Wyoming Case No. 14-CV-0152-NDF, remanded BLMs actions under NEPA back to the BLM to remedy.

No additional public scoping was conducted for the start of this EA, as the alternatives for private lands removals are limited. During scoping for previous EAs related to checkerboard gathers, the public identified a variety of alternatives that relate only to Section 3 actions such as altering AML, changing HMA boundaries, keeping horses on the range, re-allocating AUMs, etc. These issues and concerns have been considered, but none of these issues specifically relate to a Section 4 removal and are not relevant to this type of analysis. The BLM is making the EA available for public review.

Scoping for the originally proposed Great Divide Basin Gather was sent out with a comment period from December, 6, 2013 to January 10, 2014. Over 13,000 Comment Letters were received. Many comments, including comments from the RSGA, identified concerns with BLM's proposed action to remove wild horses to the low AML for the HMA, as this was believed to be inconsistent with the 2013 Consent Decree provision for removing *all* wild horses from private lands in the checkerboard. Additionally, many comments expressed concern for the general management of wild horses.

2.0 Proposed Action and Alternatives

Alt 1: No Action - No removal. All wild horses on private lands within the checkerboard lands within the Salt Wells Creek, Adobe Town and Great Divide Basin HMAs would not be removed as required by the 2013 Consent Decree. Under this alternative BLM would not be discharging its duties under Section 4 of the WHA by removing wild horses from the private lands of the checkerboard.

Alt 2: Proposed Action - removal of all wild horses from checkerboard lands within Great Divide Basin, Salt Wells Creek and Adobe Town HMAs.
All captured wild horses would be removed from the checkerboard lands and entered into the Wild Horse and Burro Program to be made available for adoption.

Alt 3: Remove all wild horses from checkerboard and return to public lands of HMAs.
Captured wild horses would be removed from the checkerboard lands and returned to solid block public lands within each of the HMAs.

Actions Common to Alternatives 2 and 3

The following actions are common to Alternatives 2 and 3:

- All capture and handling activities would be conducted in accordance with the Standard Operating Procedures (SOPs) described in Appendix II (SOPs). Multiple capture sites (traps) would be used to capture wild horses within the Salt Wells Creek, Adobe Town and Great Divide Basin HMAs. Whenever possible, capture sites would be located in previously disturbed areas. Capture techniques would include the helicopter-drive trapping method and/or helicopter-roping from horseback. Bait trapping may also be utilized on a limited basis, as needed.
- An Animal and Plant Inspection Service (APHIS) veterinarian would be on-site, as needed, to examine animals and make recommendations to the BLM for care and treatment of wild horses in accordance with Instruction Memorandum No. 2009-041, *Euthanasia of Wild Horses and Burros for Reasons Related to Health, Handling and Acts of Mercy* (BLM 2009a). On-site inspection by an APHIS veterinarian is required for any animals to be transported across State borders without testing for Equine Infectious Anemia (EIA) prior to transport. (A copy of this IM can be reviewed upon request at the RSFO.)
- *Policy and procedures for safe and transparent visitation by the public and media at wild horse gather operations* would be in accordance with Instruction Memorandum No. 2013-058 *Wild Horse and Burro Gathers: Public and Media Management* (BLM 2013a).
- The BLM is committed to the humane treatment and care of wild horses and burros through all phases of its program. The gathering of wild horses will be in accordance with Instruction Memorandum No. 2013-059, *Wild Horse and Burro Gathers: Comprehensive Animal Welfare Policy* (BLM 2013b).
- Advance planning for observation of gather operations can minimize the potential for unanticipated situations to occur and ensure the safety of the animals, staff, and Contractor personnel, as well as the public/media. In response to this, an Incident

Command System will be followed during the gather operations as guided by Instruction Memorandum No. 2013-060, *Wild Horse and Burro Gathers: Management of Incident Command System* (BLM 2013c).

- All wild horses on private lands and on the checkerboard lands within the Salt Wells Creek, Adobe Town and Great Divide Basin HMAs would be removed in accordance with the 2013 Consent Decree.

Descriptions of Alternatives Considered In Detail

2.1 Alt 1: No Action - No Removal – All wild horses on private lands within the checkerboard lands within the Salt Wells Creek, Adobe Town and Great Divide Basin HMAs would not be removed in accordance with the 2013 Consent Decree

Under the No Action Alternative, a gather to remove wild horses within the project area would not occur. There would be no active management to control the size of the wild horse populations at this time. The growing wild horse population would consume additional forage which would not be available for other species to consume. However, existing management including monitoring would continue.

The No Action Alternative would not comply with section 4 of the WHA, FLPMA, nor would it comply with or be in conformance with the 2013 Consent Decree . The No Action Alternative is included as a baseline for comparison with the action alternatives, as required under NEPA.

2.2 Alt 2: Proposed Action – Removal of all wild horses from checkerboard lands within Great Divide Basin, Salt Wells Creek and Adobe Town HMAs

Alternative 2 is to remove all wild horses on the checkerboard lands within the Salt Wells Creek, Adobe Town and Great Divide Basin HMAs. The estimated wild horse populations are based on the April 2014 census flights and adjusted statistically. All of the animals gathered would be removed from the HMAs. Wild horses removed would be shipped to BLM holding facilities in Rock Springs, Wyoming, Cañon City, Colorado, and/or any other BLM holding facility where they would be prepared for adoption and/or sale to qualified individuals and/or long-term holding. Gather operations are anticipated to take between three to five weeks for completion.

2.3 Alt 3: Remove all wild horses from checkerboard and return to public lands of HMAs

Alternative 3 is to gather all wild horses on the checkerboard lands within the Salt Wells Creek Adobe Town and Great Divide Basin HMAs. The estimated wild horse populations are based on the April 2014 flights. Of the animals gathered, all of the wild horses would be transported and released upon solid block BLM lands within the respective HMA. Gather and removal operations are anticipated to take between three to five weeks for completion. Relocating all of the wild horses from checkerboard lands to solid block Federal lands would force the entire wild horse population to reside on approximately 29% of the Salt Wells Creek HMA, 92% of the Adobe Town HMA and 52% of the Divide Basin HMA. The percentage of checkerboard and Federal solid block lands are depicted in Table 3 (total acreage of private and Federal land within each HMA is depicted in Table 1).

Table 3. Percentage of Checkerboard and Federal solid block lands

HMA	% Checkerboard Lands in HMAs	% Solid Block BLM Lands in HMA
Salt Wells Creek	71%	29%
Adobe Town	8%	92%
Divide Basin	48%	52%

2.4 Alternatives Considered but Eliminated from Detailed Analysis

Change the Current Established AMLs

This alternative would involve changing the established AMLs to allow for a greater number of wild horses within the HMAs. This alternative was not brought forward for detailed analysis because it does not meet the purpose and need for this NEPA analysis, and is outside the scope for section 4 of the WHA which directs the Secretary of the Interior, through the BLM, to remove wild horses from private lands upon landowner request. This removal document is not the appropriate mechanism for adjusting the AML of an HMA because changing the AML is a land use planning action and cannot be completed through a site specific removal analysis.

In addition, the RSGA currently owns or controls a majority of the private lands in the checkerboard within portions of the Salt Wells Creek, Adobe Town and Great Divide Basin HMAs. In 1979, RSGA and two wild horse advocacy groups (Wild Horses Yes! and the International Society for the Protection of Mustangs and Burros), entered into agreements which provided for the management of specific numbers of wild horses on the privately controlled lands and the contiguous public lands within the Rock Springs District (now the Rock Springs Field Office). Based on this agreement, the 1997 Green River RMP established an AML of 251-365 wild horses within the Salt Wells Creek HMA, an AML of 415-600 within the Great Divide Basin HMA and the Adobe Town HMA, an AML of 610-800 wild horses. The Adobe Town HMA is co-managed between the Rock Springs and the Rawlins Field Offices. Deviating from existing policy and planning decisions, are not considered options nor are they within the scope of Section 4 of the WHA. In addition, the 2013 Consent Decree provides that consideration of modifications to existing AML would occur through the land use planning process. The BLM is currently revising the Green River RMP and is considering changes to management of all three of these HMAs. Therefore, this alternative was considered but eliminated from detailed analysis.

Removal of Wild Horses to Low AML in each HMA

This alternative would remove excess wild horses to the low AML for each of the three HMAs (Great Divide Basin, Salt Wells Creek, and Adobe Town). This alternative would be similar to the 2013 wild horse removal that BLM completed for two of these HMAs (Salt Wells Creek and Adobe Town) using authority under Section 3 of the WHA to remove to low AML. After completion of the 2013 removal, the BLM was notified by RSGA that the action was not in compliance with the 2013 Consent Decree. BLM issued a response in May 2014 stating “The

BLM has re-evaluated the 2013 gather, and acknowledges that it should have removed all horses from RSGA's lands in the HMA." BLM committed to removing all wild horses from the checkerboard portion of the HMAs and, consistent with 16 U.S.C. §1334 and the 2013 Consent Decree. Therefore, this alternative to remove to low AML was considered but eliminated from detailed analysis because it is not in compliance with the 2013 Consent Decree nor with 16 U.S.C. §1334.

No Horse Removal, Fertility Control Only

An alternative considered but not carried forward for detailed analysis was the use of fertility control methods only and no wild horse removal. This alternative does not meet the purpose and need to remove wild horses from private lands as requested. Nor would it be in conformance with the applicable consent decree.

3.0 Description of the Affected Environment and Environmental Consequences

3.1 Introduction

This section of the environmental assessment briefly discusses the relevant components of the human and natural environment which would be either affected or potentially affected by the proposed action and alternatives. Direct impacts are those that result from management actions while indirect impacts are those that exist once the management action has occurred. By contrast, cumulative impacts result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such action. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Analysis related to removing all wild horses from the checkerboard lands within the Salt Wells Creek, Adobe Town and Great Divide Basin HMAs from private lands (checkerboard) is in accordance with Section 4 of the WHA and the 2013 Consent Decree. The need for this action is established under 16 U.S.C. §1334 and the 2013 Consent Decree.

The checkerboard removal consists of three herd management areas: Salt Wells Creek, Adobe Town and Great Divide Basin HMAs. The Salt Wells Creek HMA, managed by the Rock Springs Field Office, is approximately 1,172,237 acres of which 691,283 acres are public and 480,954 acres are private. The Great Divide Basin HMA, managed by the Rock Springs Field Office, is approximately 777,164 acres of which 561,098 acres are public and 216,066 acres are private. The Adobe Town HMA, managed by the Rawlins Field Office and the Rock Springs Field Office, is approximately 469,473 acres of which 443,136 acres are public and 34,683 acres are private. The majority of the private land holdings in the HMAs are in a checkerboard land pattern with every other section alternating between public and private owned or controlled land. This land status pattern stems back to the land grants given to the railroad companies (in this case, the Union Pacific Railroad Company) to develop transportation corridors in the West. The RSGA currently owns or controls approximately 1.4 million acres of private lands within the checkerboard, including a majority of the private lands in the checkerboard within the Salt Wells Creek HMA, Great Divide Basin and a portion of the Adobe Town HMAs.

The proposed project area Salt Wells Creek, Adobe Town and Divide Basin HMAs) encompasses 2,427,220 acres of public, State, and private lands in Sweetwater and Fremont counties in southwest Wyoming (Table 1 and Figures 1 and 2).

The area covered by this analysis is within the jurisdiction of the BLM Rawlins and the Rock Springs Field Offices, Wyoming. The analysis area is the Salt Wells Creek, Adobe Town and the Great Divide Basin HMA. The Salt Wells Creek HMA is approximately 1,172,237 acres and the Adobe Town HMA is approximately 469,473 acres. The Salt Wells Creek and Adobe Town HMAs are bordered on the south by the Colorado state line, on the east by Wyoming Highway 789, on the north by Interstate Highway 80, and on the west by the Green River Flaming Gorge Reservoir. As shown in Table 1 and map 1, over one and one half million acres of public, State, and private lands are included in the analysis area. The majority of the private land holdings in the Salt Wells Creek HMA are in a checkerboard land pattern with every other section alternating between public and private.

Elevation ranges from 6,470 feet along Sand Creek Wash to over 8,000 feet on Kinney Rim. Summers are hot, and winters can range from mild to bitterly cold. Annual precipitation ranges from less than 7 to more than 12 inches per year. About half of the precipitation falls during the growing season from April through June, with the remainder coming in high intensity summer thunderstorms and winter snowfall. Much of the precipitation from summer thunderstorms runs off in numerous drainages. Some of this water is captured in reservoirs or pits. Flowing wells, springs, and creeks are the primary sources of water for wild horses, livestock, and wildlife.

The Divide Basin HMA is located approximately 40 miles northeast of Rock Springs, within Sweetwater and Fremont Counties, Wyoming. The Divide Basin HMA is approximately 777,164 acres. Elevation ranges from 6,675 feet along Alkali Basin, to 9,431 feet on Continental Peak. Summers are hot, and winters can range from mild to bitterly cold.

The area covered by this analysis is within the jurisdiction of the BLM Rock Springs Field Office, Wyoming. It is bordered on the south by Interstate Highway 80, on the east by the Rock Springs and Rawlins field offices' boundary, on the north by the Continental Peak Allotment boundary, and on the west by the Steamboat Mountain and Fourth of July allotment boundaries south to the town of Superior to I-80. The majority of the private land holdings in the Divide Basin HMA are in a checkerboard land pattern with sections alternating from private to public lands managed by the Rock Springs Field Office.

Annual precipitation ranges from 7 to 12 inches per year. About half of the precipitation falls during the growing season from April through June, with the remainder coming in the winter and with high intensity summer thunderstorms. Much of the precipitation from summer thunderstorms runs off in numerous drainages. Some of this water is captured in reservoirs or pits, and is the primary source of water for wild horses, livestock, and wildlife.

Wild Horse Population Estimates/Projections

In accordance with BLM Instruction Memorandum No. 2010-057, which outlines the methodology for the 'Simultaneous Double-Count with Sightability Bias Correction' using technical support from the US Geologic Survey (USGS) and the 2013 Consent Decree. The BLM, the RSGA and the USGS completed a simultaneous double count method census survey for the Great Divide Basin, Salt Wells Creek, and Adobe Town HMAs in April 2014. The wild horse numbers and locations were recorded with the use of a Global Positioning System and compiled on census maps. The direct count numbers have been adjusted by the USGS using the simultaneous double count method as indicated in Table 4.

Table 4. Projected Population Before 2014 Foaling Season[3]

2014 Statistically Corrected Census Counts		
HMA	**Total within HMA**	**Total within Checkerboard**
Great Divide Basin	618	394
Salt Wells Creek	728	402
Adobe Town	566	10
Total	1,912	806

Analysis of the above information indicates that wild horses are present on private lands and require immediate removal in accordance witht the 2013 Consent Decree.

[3] New census data was collected in 2015; however, only the 2014 census data was utilized for this gather analysis of impacts of the proposed 2014 gather, consistent with the district court's remand order. The 2015 census data is available at: http://www.blm.gov/wy/st/en/field_offices/Rock_Springs/wildhorses.html. It is noted that the current population (after the 2014 Checkerboard Removal was implemented) indicates that the Great Divide Basin HMA has 579 wild horses, Salt Wells Creek HMA has 616 wild horses and the Adobe Town HMA has 858 wild horses. Additionally, the 2013 Consent Decree thresholds for population in each of the checkerboard areas has already been exceeded, even after the 2014 removal.

Resource Issues Present or Potentially Affected

Table 5. Resources Considered

Determination[1]	Resource	Rationale for Determination
PI	Cultural Resources	See Section 3.8
PI	Special Status Species	See Section 3.3
PI	Threatened, Endangered or Candidate Plant Species	See Section 3.3
PI	Threatened, Endangered or Candidate Animal Species	See Section 3.3
PI	Wild Horses and Burros	See Section 3.2

[1]Determination:

PI: Potential Impact due to one or more action alternatives; therefore, analyzed in the NEPA document.

NP: Not Present in the area impacted by the action alternatives.

NI: No Impact expected from action alternatives.

3.2 Wild Horses

Affected Environment

Historically, the wild horses residing within the Salt Wells Creek, Adobe Town and the Great Divide Basin HMAs have had free and fairly unrestricted movement within their HMA boundaries. The RSGA owns or controls approximately 731,703 acres of private lands within the checkerboard lands of the HMAs. The Federal solid block lands consist of approximately 1,695,517 acres within the HMAs (Table 1).

The Salt Wells Creek, Adobe Town and the Great Divide Basin HMAs consist of two distinct land patterns. The Federal solid block lands are mostly Federally owned lands with small tracts of fenced private lands within. The checkerboard lands consist of one mile square sections of unfenced land alternating ownership between private and federal (BLM). The wild horse removal area will be conducted solely upon the checkerboard Lands.

As depicted in Table 2, the 2014 projected population for the checkerboard Lands is 806. This number is based upon direct count of horses during the BLM April 2014 flights.

Wild horses were last removed from the Salt Wells Creek and Adobe Town HMAs November 2013 when 668 wild horses were captured and 586 wild horses were removed.

Environmental Consequences

Impacts of Alternative 1 Under alternative 1, no wild horses would be removed at this time. As a result, wild horses would not be subject to any individual direct or indirect impacts

described in the Proposed Action as a result of a gather operation. Following foaling in 2014, wild horse populations would be expected to grow to about 2,293 wild horses on the checkerboard lands. Projected population increases would result in minimal potential for inbreeding over the long term, but would be expected to result in further deterioration of the range, and eventually lead to long-term impacts to both the health of the rangeland and the wild horse herds. Competition for the available forage and water resources would continue to increase as the numbers of wild horses increase. Lactating mares, foals, and older animals would be affected most severely. Social stress would also be expected to increase among animals as they fight to protect their position at scarce forage and water sources. Potential for injuries to all age classes of animals would be expected to increase.

Areas closest to the water would experience severe utilization and degradation. Over time, the animals would also deteriorate in body condition as a result of declining quality and quantity of forage and increasing distances traveled to and from water to find forage. Many wild horses, especially mares with foals, would be put at risk through the following summer due to a lack of forage and water, or would be expected to move outside the HMA boundaries in search of forage and water, potentially risking injury/death of animals and resulting in increasing damage to public, private, and State lands.

Impacts of Alternative 2 Under alternative 2 the proposed action, approximately 806 wild horses would be captured and removed from the checkerboard lands. The post-gather population of wild horses for the Salt Wells Creek HMA would be approximately 391, Adobe Town HMA would be approximately 667 and the Great Divide Basin HMA would be approximately 269. All of the remaining wild horses would be located with in the soild block portions of the respective HMAs. No wild horses would remain in the checkerboard portions of the HMAs.

Under this alternative, all wild horses would be removed from the checkerboard lands and no wild horses would be returned to the HMAs.

Impacts of Alternative 3 Under alternative 3 approximately 806 wild horses would be gathered from the checkerboard lands and relocated to the solid block public lands within the HMA that they were captured in. The relocation effort would be short term. Over time the additional wild horses moved to the solid blocked Federal lands would disperse back into the checker board lands since there are no boundary fences between the checker board and the Federal solid block lands. Seasonal movements of wild horses would also facilitate movements to summer and winter ranges that include checkerboard lands.

As a result, wild horse populations would be expected to grow over time to about 2,293 wild horses with in the solid block public lands portions of the respective HMAs. Projected population increases would result in minimal potential for inbreeding over the long term, but would be expected to result in further deterioration of the range, and eventually lead to long-term impacts to both the health of the rangeland and the wild horse herds. Competition for the available forage and water resources would continue to increase as the numbers of wild horses increase. Lactating mares, foals, and older animals would be affected most severely. Social stress would also be expected to increase among animals as they fight to protect their position at scarce forage and water sources. Potential for injuries to all age classes of animals would be expected to increase.

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Over time the additional wild horses moved to the solid blocked public lands could disperse back into the checker board lands since there are no boundary fences between the checker board and the solid block public lands. Seasonal movements of wild horses would also facilitate movements to summer and winter ranges that include checkerboard lands.

Effects Common to Alternative 2 & 3 Over the past 35 years, various effects to wild horses as a result of gather activities have been observed. Under the Proposed Action, effects 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 effects to wild horses during gather implementation. The SOPs in Appendix I would be implemented to ensure a safe and humane gather occurs and would minimize potential stress and injury to wild horses.

In any given gather, gather-related mortality averages only about one half of one percent (0.5%), which is very low when handling wild animals. Approximately six-tenths of one percent (0.6%) of the captured animals could be humanely euthanized due to pre-existing conditions and in accordance with BLM policy (GAO-09-77). These data confirm that the use of helicopters and motorized vehicles has proven to be a safe, humane, effective, and practical means for the gather and removal of excess wild horses (and burros) from the public lands. As a further measure, it is BLM policy to limit the use of helicopters to assist in the removal of wild horses from July 1 through February 28. The use of helicopters to assist in the capture of wild horses is prohibited during the six weeks before and the six weeks that follow the peak of foaling. The peak of foaling falls within about a two-week period during mid-April to mid-May for most wild horse herds. Therefore, the use of helicopters to capture wild horses is prohibited during March 1-June 30, unless an emergency situation exists.

Individual, direct effects to wild horses include the handling stress associated with the roundup, capture, sorting, handling, and transportation of the animals. The intensity of these effects varies by individual, and is indicated by behaviors ranging from nervous agitation to physical distress. When being herded to trap site corrals by the helicopter, injuries sustained by wild horses may include bruises, scrapes, or cuts to feet, legs, face, or body from rocks, brush or tree limbs. Rarely, wild horses will encounter barbed wire fences and will receive wire cuts. These injuries are very 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 but based on prior gather statistics, serious injuries requiring humane euthanasia occur in less than 1 horse per every 100 captured. Similar injuries could be sustained if wild horses were captured through bait and/or water trapping, as the animals still need to be sorted, aged, transported, and otherwise handled following their capture. 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 2% (extrapolated from 2007 gather data).

Indirect individual effects are those which occur to individual wild horses after the initial event. These may include miscarriages in mares, increased social displacement, and conflict in studs. These effects, like direct individual effects, are known to occur intermittently during wild horse gather operations. An example of an indirect individual impact would be the brief 1-2 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 individual effects, the frequency of these effects varies with the population and the individual. Observations following capture indicate the rate of miscarriage varies, but can occur in about 1 to 5% 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 be called to 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 using the humane care and treatment methods as described in BLM Instruction Memorandum 2013-059 (BLM 2013b). Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy. The policy described in Instruction Memorandum 2009-041 (BLM 2009a) is used as a guide to determine if animals meet the criteria and should be euthanized (Appendix II, SOPs). 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 Body Condition Score (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. Some of these conditions have a causal genetic component and the animals should not be returned to the range to avoid amplifying the incidence of the problem in the population.

Transport, Short-Term Holding, and Adoption (or Sale) Preparation

Animals would be transported from the capture/temporary holding corrals to the designated BLM short-term holding corral facility(s) in accordance with BLM Instruction Memorandum 2013-059 (BLM 2013b). From there, they would be made available for adoption or sale to qualified individuals or to long-term (grassland) pastures.

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 Contracting Officer's representative (COR) or Project Inspector (PI) 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 8 hours. During transport, potential effects to individual 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. At the short-term holding facility, a veterinarian examines each load of horses and provides recommendations to the BLM regarding care, treatment, and if necessary, euthanasia of the recently captured wild horses. 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 feed. 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 lose their pregnancies. 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 infections anemia, vaccination against common diseases, castration, and de-worming. During the preparation process, potential effects 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 700 square feet is provided per animal. Mortality at short-term holding facilities averages approximately 5% per year (GAO-09-77, page 51), 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 six feet tall for horses over 18 months of age. Applicants are required to provide adequate shelter, feed, and water. The BLM retains title to the horse for one year and the horse and the facilities are inspected to assure the adopter is complying with BLM requirements. After one year, the adopter may take title to the horse, at which point the horse becomes the property of the adopter. Adoptions are conducted in accordance with 43 CFR § 4750.

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 Instruction Memorandum No. 2013-032, *Direction for th*e *Sale of Wild Horse and Burros - Interim Guidance* (BLM 2013).

Between 2007 and 2009, nearly 62% of excess wild horses or burros were adopted and about 8% were sold with limitation (to good homes) to qualified individuals. Animals 5 years of age and older are generally transported to long-term pastures (LTPs).

Potential effects to wild horses from transport to adoption, sale or LTPs 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 18-24 hours of transportation, animals are offloaded 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 approximately 25 pounds of good quality hay per horse with adequate bunk space to allow all animals to eat at one time. Most animals are not shipped more than 18 hours before they are rested. The rest period may be waived in situations where the travel time exceeds the 24-hour limit by just a few hours and the stress of offloading and reloading is likely to be greater than the stress involved in the additional period of uninterrupted travel.

Long-term pastures 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. Approximately 49,258 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 8-10 acres per animal). The majority of these animals are older in age.

Mares and castrated stallions (geldings) are segregated into separate pastures except one facility where geldings and mares coexist. Although the animals are placed in LTPs, they remain available for adoption or sale to qualified individuals who are interested in adopting or purchasing a larger number of animals. No reproduction occurs in the LTPs, but foals born to pregnant mares are gathered and weaned when they reach about 8-10 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 due to age or other factors. Natural mortality of wild horses in LTPs averages approximately 8% per year, but can be higher or lower depending on the average age of the 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 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 horses for which there is no adoption demand is authorized under the Wild Free-Roaming Horses and Burros Act ("Wild Horse Act"), 16 U.S.C. §§ 1331-1340 (WFRHBA), Congress prohibited the use of appropriated funds between 1987 and 2004 and again starting in 2009 through the appropriations language each fiscal year through 2013 for this purpose. Sales of wild horses are conducted in accordance with Instruction Memorandum No. 2013-032, *Direction for th*e *Sale of Wild Horse and Burros - Interim Guidance* (BLM 2013d).

3.3 Wildlife, Vegetation, Threatened and Endangered Species, Special Status Species, and Migratory Birds

Affected Environment

There are a variety of vegetation types in the RSFO areas where wild horses can be found, both within and outside of wild horse HMAs. Vegetation types include: sagebrush, sagebrush/grass, saltbush, greasewood, desert shrub, juniper, grass, meadow, broadleaf trees, conifer, mountain shrub, half shrub and perennial forbs, and badlands. The predominant vegetation type is sagebrush/grass.

Plant communities are very diverse in the RSFO, reflecting the diversity in soils, topography, and geology found there. The high-elevation, cold-desert vegetation of the project area is composed predominately of Wyoming big sagebrush/grass and Gardner saltbush vegetation communities. Other plant communities present are: desert shrub, grassland, mountain shrub, juniper woodlands, and a very few aspen woodlands. Needle-and-thread, Indian ricegrass, bluebunch wheatgrass, western wheatgrass, junegrass, basin wild rye, sandhill muhly, Canby and little bluegrass, and threadleaf sedge are the predominant grasses and grass-like species. Wyoming big sagebrush, black sagebrush, bud sage, birdsfoot sage, Gardner's saltbush, spiny hopsage, four-wing salt bush, greasewood, bitterbrush, winterfat, horsebrush, Douglas and

rubber rabbitbrush, and true mountain mahogany are important shrub species for wildlife. Forbs are common and variable depending on the range site and precipitation zone.

Wild horses generally prefer perennial grass species as forage when available. Shrubs are more important during the fall and winter, and in drought years. The species of grasses preferred depends on the season of the year. Needle-and-thread and Indian ricegrass are most important during the winter and spring and wheatgrasses during the summer and fall.

The mosaic of plant communities and topographic features that are found throughout the HMAs supports a wide variety of wildlife species that use the various habitats for resting, courtship, foraging, travel, supplies of food and water, thermal protection, escape cover and reproduction.

The soils in the HMAs are highly variable in depth and texture as would be expected with the great variability in geology and topography that characterizes the area. Generally, the eastern third is a mix of sandy soils with high wind erosion potential and clayey soils with high water erosion potential, low bearing strength and varying amounts of salts. The western third has more loamy inclusions in the form of undulating uplands and alluvial complexes, with moderate erosion potential, while the middle third is a mixture of both. Virtually any soil condition that may be encountered in the region can be found somewhere within the HMAs. More specific soils information can be found in the draft soil surveys located in the BLM files in the RSFO.

A variety of wildlife species occur or have the potential to occur in the project area including mule deer, pronghorn antelope, elk, moose, coyote, red fox, bobcat, desert cottontail, Wyoming ground-squirrel, horned lark, raven, magpie, and common nighthawk. Mule deer, elk and antelope utilize the project area year-round and approximately 2-20% of the project area is identified as crucial winter range for these species. For a complete description of species and habitats found within BLM jurisdiction in the HMAs, see Chapter 3 of the Final EIS for the Rawlins RMP (2008, pp. 143–150) and Chapter 3 of the Final EIS for the Green River RMP (1996, pp. 347-351). A summary of the wildlife resources identified as being potentially impacted by the Proposed Action is provided below.

Threatened, Endangered, Proposed and Candidate Species
One federally designated threatened, endangered, proposed, or candidate animal species has the potential to be present within the project area.

Black-footed Ferret (Endangered) Potential ferret habitat (white-tailed prairie dog towns) exists in the project area. Past surveys conducted in relation to other development activities in the Salt Wells Creek, Adobe Town and Great Divide Basin HMAs have not recorded black-footed ferret. Horse trap sites and staging areas associated with gathers are never placed in prairie dog towns due to the possibility of horses breaking their legs in the burrows. Therefore, this action would have no impacts to black-footed ferrets.

Greater Sage-Grouse (Candidate) [4] A status review by the US Fish and Wildlife Service was completed in 2010 for the Greater Sage-Grouse *(Centrocercus urophasianus)* to determine if it

[4] This analysis generally considers only the information available prior to the original July 18, 2014 Decision Record. At the time, the Greater Sage Grouse was considered a candidate species. Thus, this analysis considers

warrants listing under the Endangered Species Act (ESA). The 2010 status review determined that the Greater Sage-Grouse (sage-grouse) warrants protection under the ESA but was precluded from listing in favor of species that are more imperiled. It is currently listed as a candidate species as well as a BLM Sensitive Species.

BLM records indicate that there are approximately 4 Greater Sage-Grouse leks and/or associated nesting habitat within or adjacent to the Adobe Town HMA, approximately 30 Greater Sage-Grouse leks and/or associated nesting habitat within or adjacent to the Salt Wells Creek HMA.

BLM records indicate that there are approximately 33 Greater sage-grouse leks within the Great Divide Basin HMA. Approximately 256,000 acres of breeding and nesting habitat are associated with mapped core sage-grouse area. An additional 112,000 acres of nesting habitat are associated with leks outside of core sage-grouse areas. Areas of winter use area also documented within the area.

In accordance with BLM policies and guidance, the following timing stipulations and surface disturbance restrictions will be used to determine the location of the trap sites during the gather:

- No surface disturbing activities or surface occupancy within a 0.6-mile radius of the perimeter of occupied or undetermined sage-grouse leks inside Core areas.
- No surface disturbing activities within 0.25-mile radius of the perimeter of occupied or undetermined sage-grouse leks outside Core areas.
- No surface disturbing and/or disruptive activities or surface occupancy will occur within sage-grouse nesting habitat from March 15 through July 15.
- No surface disturbing and/or disruptive activities in mapped or modeled sage-grouse winter habitats/concentration areas that support Core area populations November 15-March 14.

Sensitive Species Wildlife

A number of animal species potentially present in the project area have been accorded “sensitive species” status (BLM 2010c). Sensitive mammal species that have the potential to occur, or that may have habitat located within the project area include the Wyoming pocket gopher, pygmy rabbit, swift fox, spotted bat, long-eared myotis, fringed myotis, Townsend’s big-eared bat, and white-tailed prairie dog.

Sensitive bird species that have the potential to occur in the area, or may have habitat located within the area include the Ferruginous hawk, mountain plover, peregrine falcon, Greater Sage-Grouse, long-billed curlew, burrowing owl, sage thrasher, loggerhead shrike, Brewer’s sparrow, sage sparrow, Baird’s sparrow, and bald eagle.

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impacts based on that status, it is noted that the Greater Sage Grouse has subsequently been found to be ‘Not Warranted’ for listing as a Threatened or Endangered Species in September 2015. The Green River RMP and the Rawlins RMP were amended on September 22, 2015, by the “Approved Resource Management Plan Amendments for the Rocky Mountain Region, Including the Greater Sage-Grouse Sub-Regions of Lewistown, North Dakota, Northwest Colorado, and Wyoming/Record of Decision”. The removal of wild horses from private lands continues to be consistent with the new land use plan amendment and Section 4 of the WHA.

Mountain plover have been recorded in the project area, and potential mountain plover breeding/nesting habitat exists throughout the Adobe Town, Salt Wells Creek and Great Divide Basin HMAs.

Other sensitive species that have the potential to occur in the area, or may have habitat located within the area include the: Great Basin spadefoot toad, Northern leopard frog, the roundtail chub, bluehead sucker, flannelmouth sucker, and Colorado River cutthroat trout.

Special Status Plant Species

Special Status Plants are those species that are federally listed as threatened or endangered, proposed for listing, or candidates for listing under the ESA. They also include species designated by each BLM State Director as sensitive and those listed or proposed for listing by a state in a category implying potential endangerment or extinction. The BLM is mandated to protect and manage threatened, endangered, candidate, proposed, and sensitive species and their habitats. The federally listed Ute ladies'-tresses has habitat in the area but surveys throughout the area have not found any populations. It occurs in riparian areas below 7,000 feet. The Colorado butterfly plant, Fremont rockcress, and blowout penstemon plant are not located within, or habitat is not found, in the project area. All existing sites for horse gather holding facilities have been surveyed for special status plant species and have been cleared. Any new gather holding facility sites would be surveyed and cleared before operations begin.

The Wyoming BLM Sensitive Plant Species that grow, or have potential habitat in the project area are listed in Table 6.

Table 6. Wyoming Special Status Plant Species

Common Name	Scientific Name	Habitat
Beaver Rim phlox	*Phlox pungens*	Sparsely vegetated slopes on sandstone, siltstone, or limestone substrates 6,000-7,400 ft
Cedar Rim thistle	*Cirsium aridum*	Barren, chalky hills, gravelly slopes, & fine textured, sandy-shaley draws at 6,700 - 7,200 ft
Large-fruited bladderpod	*Lesquerella macrocarpa*	Gypsum-clay hills & benches, clay flats, & barren hills 7,200-7,700 ft
Meadow pussytoes	*Antennaria arcuata*	Moist, hummocky meadows, seeps or springs surrounded by sage/grasslands 4,950-7,900 ft
Ownbey's thistle	*Cirsium ownbeyi*	Sparsely vegetated shaley slopes in sage and juniper communities, 6,440 -8,400 ft.
Gibbens' milkvetch	*Astragalus gibbensii*	Sparsely vegetated shale or sandy-clay slopes at 5,500-7,700 ft

Environmental Consequences

Impacts of Alternative 1 No Action – No removal

Wildlife would not be temporarily displaced or disturbed under the No Action Alternative. However, there would be continued and increased competition with wild horses for limited water and forage resources. This competition would increase as wild horse numbers continued to increase annually. Although diet overlap is highest between wild horses and elk, fecal analysis data shows higher wild horse use of shrubs during the winter, which would also overlap more with the diets of antelope and mule deer. Wild horses are aggressive around water sources and some wildlife species may not be able to compete successfully. The continued competition for limited resources would lead to increased stress or dislocation of native wildlife species. Although wildlife may move to locations outside the HMAs, these areas are likely already occupied, which may result in long-term reductions in wildlife populations. Additionally, increased competition between wild horses and wildlife species for the new growth important for plants to make and store carbohydrates and for promoting long-term vegetation recovery, could result impact vegetation recovery and encourage non-native or invasive plants to become established, displacing more desirable species used by wildlife. Residual nesting cover needed by Greater Sage-Grouse and other nesting songbirds would not be adequate to hide and protect nests from predation. The long-term decline in vigor and cover or even the loss of native vegetation would reduce wildlife populations and diversity, and lower the likelihood of providing suitable habitat in order to support the Wyoming Game and Fish Department population objectives for big game species in this area. No direct impact to sensitive fish species would occur from gathering horses. The effect of increasing impacts to water and riparian resources due to expanding horse herds negatively affects all aquatic species by increasing sedimentation and reducing or eliminating aquatic or riparian habitats.

Vegetation and Special Status Plants

Under the No Action Alternative no gather operations impacts would occur. This alternative would allow wild horse populations to continue to increase within the HMA and nearby areas. Perennial vegetation would continue to experience seasonal-long grazing pressure by wild horses, and in locations where seasonal grazing from livestock still occurred, which is not conducive to optimum plant health and vigor. Soil erosion and plant health would continue to be most greatly affected around water locations, and to a lesser extent away from water sources. As native plant health deteriorates and plant cover, vigor, and litter are reduced, soil erosion increases and a long-term loss of productivity occurs. More desirable species, such as Indian ricegrass, needle-and-thread, basin wildrye, and bottlebrush squirreltail, would be reduced or lost from the native plant communities. Plant species that are less desirable or more grazing resistant, such as sand muhly, western wheatgrass, threadleaf sedge and weeds, would be increased in terms of their composition within the affected plant communities. However, in some cases there would just be a greater amount of bare ground. Similar results would occur in the isolated riparian habitat, with sedges and grasses being replaced with Baltic rush, mat muhly, and weedy species. These impacts would also occur to a lesser extent outside the checkerboard as horses move out in search of better forage or reliable water sources. Impacts would be cumulative over time and would affect areas beyond. Eventually, long-term rangeland health would be jeopardized. In the absence of healthy rangelands, animal health would eventually be impacted, leading to increasing numbers of wild horses in poor body condition and at risk of starvation or death without human intervention.

As vegetation cover and litter decrease and bare ground increases, soil erosion would increase in proportion to herd size and vegetation disturbance. The shallow desert top soils cannot tolerate much loss without an associated loss in productivity and thus the ability to support a native plant community. Invasive non-native species could increase following increased soil disturbance and reduced native plant vigor and abundance. The greater impacts would be around water locations. Watershed health throughout the area would continue to decrease, resulting in increased sediment and salinity delivery into local and regional drainages. These impacts would be cumulative over time.

The No Action alternative would allow wild horse populations to increase within and in nearby areas as no population management would take place. Populations of wild horses might eventually stabilize at very high numbers near what is known as their food-limited ecological carrying capacity. At these levels, range conditions would deteriorate which would affect the native vegetation species as well as the habitat for special status species.

If wild horses are left unmanaged, damage to riparian areas may occur due to potential destruction of vegetation along streambanks. Erosion would increase and contribute to downstream sediment and salinity issues.

Invasive non-native plant species could continue to increase and invade new areas following increased soil disturbance and reduced native plant vigor and abundance. This would lead to both a shift in plant composition towards weedy species and a loss of productivity from loss of native species and the erosion of soils. There would also be increased impacts as horses move out in search of better forage. Impacts would be cumulative over time and would affect areas beyond the HMAs.

Reclamation efforts would be less likely to succeed as wild horse populations increase. All pads would require fencing for initial recovery of vegetation, however, once fences are removed, grazing by wild horses would result in loss of vegetation and destabilization of soils similar to adjacent rangelands. Linear features would not likely be fenced due to both the cost and restrictions they would place on movement of wildlife, wild horses, and livestock, as well as the cost involved. These sites would likely receive grazing use that would reduce or eliminate desirable species and promote weeds, less palatable plant species and bare ground which would, in turn, lead to increased soil erosion and water runoff into drainages or adjacent rangelands.

There should not be any impacts to BLM Wyoming sensitive plant species within the checkerboard as a result of implementing the Proposed Action beyond what occurs normally by wild horse movements through the area as the sensitive plant species are not in areas accessible to wild horses. If the wild horses move outside the checkerboard there could be an increased threat to the populations that occur in these adjacent areas.

Impacts of Alternative 2 Proposed Action – Removal of all wild horses from the checkerboard

Trap sites would be constructed and operated under the recommendations of a wildlife biologist to avoid adverse impacts to wildlife, including the avoidance of known sage-grouse leks, winter concentration areas and big game crucial winter ranges. The Field Offices are following management procedures within crucial winter habitats by requesting winter use exceptions and consulting with the Wyoming Game and Fish Department to avoid impacts.

Wildlife adjacent to trap sites would be temporarily displaced during capture operations by increased activity of trap setup, helicopters and vehicle traffic but in most cases this displacement should only last 2-3 days in each trap area. Reduction of wild horse numbers would result in reduced competition for forage and water resources between wild horses and wildlife. The short-term stress and displacement during the gather operations should result in long-term benefits in improving habitat condition. Disturbance associated with wild horses along stream bank riparian habitat and adjacent upland habitat would be reduced. No direct impact to sensitive fish species would occur during the gather. The effect of lessening impacts to water and riparian resources benefits all aquatic species by reducing sedimentation and maintaining quality habitats.

Threatened, Endangered, Proposed and Candidate Species

Black-footed Ferret (Endangered)
In March of 2013, the U.S. Fish and Wildlife Service determined that the presence of black-footed ferrets outside the re-introduction areas within the state of Wyoming is unlikely; therefore, they block-cleared the entire state. Because no re-introduction areas exist in the checkerboard lands in the RSFO, there will be no impact to black-footed ferrets.

Greater Sage-Grouse (Candidate)
Sage-grouse may be temporarily displaced during capture operations, due to the increased activities associated with the capture. Impacts from capture operations would be minimized by placement of the trap in locations that would or minimize disturbance to sage-grouse habitat, as well as avoiding activities during crucial seasons for sage-grouse. These crucial seasons include sage-grouse breeding March 1 – May 15 annually and sage-grouse nesting March 15 – July 15.

Sensitive Species Wildlife
Sensitive wildlife species may be temporarily displaced during capture operations, due to the increased activities associated with the capture. However, it is expected that any impacts would be short-term and insignificant due to the placement of the traps in areas that minimize or avoid disturbance to habitat, and timing of the capture.

No water depletions are associated with the proposed action; therefore, there should be no effect to any federal listed aquatic species present in the project area or downstream of the project area.

Vegetation and Special Status Plants
Impacts from the gather operations would be temporary and include trampling of some vegetation and soil compaction, particularly at the trap sites and holding locations.

The removal of excess wild horses from inside the project area and associated non-HMA areas would prevent over-utilization of forage and further reduction of vegetative ground cover. The quantity of forage throughout the HMA could be increased. Adverse impacts from wild horses could diminish and there could be beneficial impacts. Vegetation composition, cover, and vigor could improve or be maintained near water sources where wild horses tend to congregate. An improvement in forage condition could lead to improved livestock distribution, which would prevent over-utilization and reduction in vegetation cover. Vegetative diversity and health should improve in areas where excess wild horses are removed. Adverse, short-term effects to vegetation and soils would occur at trap sites when gathers are being conducted. Vegetation would be disturbed by trap construction, and short-term trails and soil compaction may develop near and in the trap. Any vegetation removed would be minimal and localized. Vegetation utilization would be less than Alternative 1 throughout the checkerboard lands which would benefit the native plant communities.

Sheet and rill erosion would not exceed natural levels for the sites because maintenance of the AML would help ensure that a natural ecological balance would be maintained in and adjacent to the HMA. Perennial vegetation would continue to experience season-long grazing pressure which is not conducive to optimum plant health and vigor. Soil erosion and plant health would continue to be compromised around water locations with season-long grazing, but elsewhere impacts should be minimal. Watershed health should improve throughout much of the area.

The over-utilization of range resources and subsequent reduction in vegetative ground cover promotes the establishment and spread of invasive species. The removal of excess wild horses could aid in the curtailment of the introduction and spread of noxious weeds and other invasive species.

There should not be any impacts to BLM Wyoming sensitive plant species as a result of implementing the Proposed Action as there are no known populations of these species in the checkerboard lands that are accessible to wild horses.

No water depletions in the Platte River drainage or Colorado River drainage are associated with the proposed action; therefore, there will be no effect to any federally listed species present in or downstream of the project area.

Impacts of Alternative 3 – Remove all wild horses from checkerboard and return to public lands of HMAs

Under Alternative 3, impacts associated with capture and removal operations are expected to be similar to the proposed action in the checkerboard portions of the HMAs. The effects of removing and returning wild horses to the solid block public lands portions of the HMAs would limit the number of trap site locations needed to complete the removal.

Threatened, Endangered, Proposed and Candidate Species

Black-footed Ferret (Endangered)
In March of 2013, the U.S. Fish and Wildlife Service determined that the presence of black-footed ferrets outside the re-introduction areas within the state of Wyoming is unlikely, and therefore they block-cleared the entire state. Because no re-introduction areas exist in the checkerboard lands in the RSFO, there will be no impact to black-footed ferrets.

Greater Sage-Grouse (Candidate)
Sage-grouse may be temporarily displaced during capture operations, due to the increased activities associated with the capture. Impacts from capture operations would be minimized by placement of the trap in locations that would or minimize disturbance to sage-grouse habitat, as well as avoiding activities during crucial seasons for sage-grouse. These crucial seasons include sage-grouse breeding March 1 – May 15 annually and sage-grouse nesting March 15 – July 15.

Sensitive Species Wildlife
Sensitive wildlife species may be temporarily displaced during capture operations, due to the increased activities associated with the capture. However, it is expected that any impacts would be short-term and insignificant due to the placement of the traps in areas that minimize or avoid disturbance to habitat, and timing of the capture.

Vegetation and Special Status Plants
The impacts to vegetation with this alternative within the checkerboard would be similar to the Proposed Action.

Outside the checkerboard in the HMAs where the wild horses are returned there would be an increase in the impacts to vegetation above the No Action Alternative proportional to the number of horses placed in each area. Perennial vegetation would experience an increae in seasonal-long grazing pressure by wild horses, and in locations where seasonal grazing from livestock still occurred, which is not conducive to optimum plant health and vigor. Soil erosion and plant health would continue to be most greatly affected around water locations, and to a lesser extent away from water sources which would only increase over time. As native plant health deteriorates and plant cover, vigor, and litter are reduced, soil erosion increases and a long-term loss of productivity occurs.

Plant species that are less desirable or more grazing resistant would be increased in terms of their composition within the affected plant communities. There would also be greater amounts of bare ground in areas heavily utilized. Similar results would occur in the isolated riparian habitat. Impacts would be cumulative over time and would affect areas beyond. Eventually, long-term rangeland health would be jeopardized. In the absence of healthy rangelands, animal health would eventually be impacted, leading to increasing numbers of wild horses in poor body condition and at risk of starvation or death without human intervention.

If the wild horses are returned to areas outside the checkerboard there would be an increased threat to the populations of Special Status Plants that occur in these adjacent areas. The potential habitat for the listed Ute ladies's tresses could be affected to the point where there in no available habitat present in the area. BLM Wyoming Sensitive Plants could be affected by increased

disturbance to their habitats which are readily accessible in numerous areas outside the checkerboard. They could experience direct impact from trampling of their populations or be indirecly impacted by the increase of weeds to the area diminishing the quality of the available habitat for these species.

3.4 Cultural Resources and Native American Concerns

Affected Environment

Prehistoric sites known to exist within the HMAs include open camps and lithic scatters. Historic sites known to exist include trash dumps, trails, roads, and structures associated with early settlement and commerce, or with the local ranching industry. Cultural Resource program support for the wild horse capture would consist of file search (Class I) and/or intensive field (Class III) inventories, and, if necessary, mitigation of impacts at the locations of the temporary horse holding sites. Support includes consultation with the Wyoming State Historic Preservation Office according to the Wyoming State Protocol agreement of the BLM National Cultural Resources Programmatic Agreement, which states inventory may not be required for "Animal traps and corrals in use for three days or less" (Appendix B21).

Environmental Consequences

Impacts of Alternative 1 At the present time and for the short-term future, taking no action to remove excess wild horses is not expected to adversely affect historic properties. However, a substantial increase in the number of wild horses over time may adversely affect historic properties by trampling.

Impacts of Alternatives 2 and 3 Direct or indirect impacts to cultural resources are not anticipated to occur from implementation of Alternative 2 or 3. Surface disturbing activities at the trap locations would be minimal and no historic properties would be adversely affected. The RFO and RSFO archeologists would review all proposed temporary holding facility locations to determine if these have had a Class III cultural resources inventory, and/or if a new inventory is required. If cultural resources are encountered at proposed gather sites or temporary holding facilities, those locations would not be utilized unless they could be modified to avoid or mitigate adverse impacts to significant cultural resource site(s).

Within the HMAs, impacts to historic properties are limited to trampling. Naturally, fewer horses would result in lesser potential impacts to historic properties. Any increased trampling during gather operations would be minimal.

3.5 Cumulative Impacts

NEPA regulations define cumulative impacts as impacts on the environment that result from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such actions (40 CFR 1508.7). Reasonably foreseeable future actions are those for which there are existing decisions, funding, formal proposals, or which are highly probable, based on known opportunities or trends. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Cultural Resources and Native American Concerns

No cumulative impacts are anticipated for heritage resources. Trap site locations would avoid any identified archeological sites that may be eligible for nomination to the National Register of Historic Places or whose eligibility has not yet been determined.

4.0 Tribes, Individuals, Organizations, or Agencies Consulted

Tribes, individuals, organizations, and agencies were included in the scoping process. The letter soliciting scoping comments for the proposed gather in the Great Divide Basin HMA and the comment period ended on January 10, 2014. In excess of 13,000 comment letters were received from individuals, organizations, and agencies. Many comments, including comments from the RSGA, identified concerns with BLM's proposed action to remove wild horses to the low appropriate management level for the HMA, as this was believed to be inconsistent with the 2013 Consent Decree provision for removing all wild horses from checkerboard lands. Additionally, many comments expressed concern for the general management of wild horses.

INDIVIDUALS

Aimone, Bruce & Martin
Anderson, Ida J.
Baker, Kathryn
Barber, Marcia & Alex
Bolbol, Deniz
Burrows, Rebecca
Carrol, Crista
Child, Jon
Corcoran, M.
De Alber, Renee
Dehne, Ruth
Eaton, Dustin & James
Eisenhauer, Lloyd A.
Ferguson, Myni
French, Julianne
Fuhrmann, Craig
Gaillard, Penny
Gregg, Kathleen R.
Hamel, Doug & Carolyne
Hofeldt, John
Jones, Justin
Kobylarz, Wendy
Krakowiak, Lucy
Levine, Leah
Lewand, James
Macadam, Ann
Macdonald, Cindy
McDonald, N.
McNitt, Mandy
Moring, Millie
Netherly, Patrick
O'Toole, Sharon S.
Pancaro, Betty
Potter, Eleanore
Praus, Shannah L.
Reed, Charles E.
Shaver, Lorri Roush
Stanley, Esq., Valerie J.
Taliaferro, William R.
Tyler, Steve
Vercimak, Don & Peggy
Walker, Carol
Warner, Barbara
Weber, Clark
Whitaker, Robynne
Wilde, Jon
Worley, Glend

ORGANIZATIONS, ET AL.

Allhorses Post
American Wild Horse Preservation Campaign
Anadarko Petroleum Corporation
Animal Protection Institute, Elizabeth J. Colleran, DVM
Animal Welfare Institute
Applequist Family Trust

Bar X Sheep Company
Big Sandy & Green River Livestock Co.
Burnt Ranch Grazing Co., LLC
Carricaburu-Jauregui
CE Brooks & Associates PC
Cedar Creek Ranch
Chilton Land and Livestock
Crosson Ranches Inc.
Doris Day Animal League
Earthjustice
Eastern Shoshone Tribal Council
Eastern Shoshone Tribe
Fremont County Commissioners
Friends of Animals
G&E Livestock Company
GZ Livestock Company
Hellyer Limited Partnership
High, Wild, and Lonesome LLC
Humane Society of the United States
John L. Eversole Living Trust
Ladder Livestock Company, LLC
Little Prospect Grazing Co., LLC
Marty and Ragsdale
Mayor of Superior
Midland-Dunton Sheep Co.
Moon Living Trust
Mud Springs Livestock Company
N Bar K Ranch LLC
Northern Arapaho Business Council
Northern Arapaho Tribal Hist. Preservation
Pinedale Roundup
Pryor Mountain Wild Mustang Center
Quarter Circle Three Bar Ranch LLC
Return to Freedom, American Wild Horse Sanctuary
Roberts Ranch Partnership
Rock Springs Grazing Association
Rock Springs Library
Rocket Miner
Rocky Mountain Elk Foundation
Scott Slagowski & Mike Asay
Shoshone-Bannock Cult. Res. Coordinator
Shoshone-Bannock Tribal Council
SPCA, Edward J., Blotzer Jr.
State of Wyoming, SHPO
State of Wyoming, Office of State Lands & Investments
State of Wyoming, Dept of Ag.
State of Wyoming, WGFD
State of Wyoming, State Lands & Investments
State of Wyoming, Governor's Policy Office
State of Wyoming, Travel & Tourism
State Representative (16), Ruth Ann Petroff
State Representative (17), Joann Dayton
State Representative (18), Fred Baldwin
State Representative (19), Allen Jaggi
State Representative (20), Albert Sommers
State Representative (39), Stan Blake
State Representative (48), Mark Baker
State Representative (60), John L. Freeman
State Senator (12), Bernadine Craft
State Senator (13), John Hastert
State Senator (14), Stan Cooper
Sublette County Commissioners
Sublette Examiner
Sweetwater County Commissioners
Sweetwater County Conservation District, Mary, Thoman
The Cloud Foundation, Ginger Kathrens
Triple A Cattle Company
U.S. Fish and Wildlife Service, Seedskadee Refuge Manager
U.S. Fish and Wildlife Service, Ecological Services
U.S. Representative Cynthia Lummis, Pat Aullman, Repr.
U.S. Senator John Barrasso, Irene Parsons, Repr.
U.S. Senator Michael B. Enzi, Nikki Brunner, Repr.
University of Wyoming, Collection Development, T. Hert
University of Wyoming, Department of Renewable Resources
University of Wyoming, Michael A. Smith, Professor
USDI/Bureau of Land Management, White River Field Office
Ute Tribal Council
Ute Tribe Cultural Resources
W&M Thoman Ranches LLC
Western Watersheds Project
Western WY Mule Deer Foundation

Western Wyoming Community College, College Library
William Bonomo, Jolene Jensen, Thomas Kourbelas
William H. Tripp Family Trust/Dora L. Tripp Living Trust
Wyoming Advocates For Animals
Wyoming Business Council
Wyoming Livestock Board
Wyoming State Grazing Board
Wyoming State Library

5.0 List of Preparers

This section contains the list of preparers and reviewers for this Environmental Assessment.

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Mark Snyder, Wildlife Biologist Supervisor
Robert Price, Rangeland Management Supervisor
Lacey Anderson, Rangeland Management Specialist
K. Scott Stadler, Archeologist
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Dennis Doncaster, Hydrologist
Jim Glennon, Botanist – T&E Plants
Caleb Hiner, Resource Advisor
Angelina Pryich, Writer-Editor
Phillip Blundell, NEPA Coordinator

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Mike Calton, Rangeland Management Specialist
Marcel Astle, Rangeland Management Specialist
Andy Warren, Supervisory Rangeland Management Specialist
Mary Read, Wildlife Biologist
Patrick Walker, Archeologist
David Hullum, Recreation Planner
Susan Foley, Soil Scientist
Jennifer Fleuret, Hydrologist

Appendix I
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 standard operating procedures (SOPs) 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 would be conducted in conformance with the *Wild Horse Aviation Management Handbook* (January 2009).

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

Gather sites and temporary holding sites would 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 gather methods used in the performance of gather operations include:

1. Helicopter Drive Gathering. This gather method involves utilizing a helicopter to herd wild horses into a temporary gather site.

2. Helicopter Assisted Roping. This gather method involves utilizing a helicopter to herd wild horses to ropers.

3. Bait Trapping. This gather method involves utilizing bait (e.g., water or feed) to lure wild horses into a temporary gather site.

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

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

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

1. All gather sites 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 gather locations as determined by the COR/PI. All gather

sites 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 who would consider terrain, physical barriers, access limitations, weather, extreme temperature (high and low), condition of the animals, urgency of the operation (animals facing drought, starvation, fire rehabilitation, etc.) and other factors. In consultation with the contractor the distance the animals travel would account for the different factors listed above and concerns with each HMA.

3. All gather sites, 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. Gather sites 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 high for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All gather sites 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 with plywood or metal without holes.

    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 gates.

4. No modification of existing fences would 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 gather site 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 would 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 would 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 gather area(s). In areas requiring one or more satellite gather site, 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 would be at the discretion of the COR.

7. The Contractor shall provide animals held in the gather sites 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 gather site 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 would supply certified weed free hay if required by State, County, and Federal regulation.

8. 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.

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

10. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI would 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.

11. Animals shall be transported to their final destination from temporary holding facilities as quickly as possible after gather 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 gather sites 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 gather area may need to be transported back to the original gather site. This determination would be at the discretion of the COR or Field Office Wild Horse & Burro Specialist.

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

1. Gather attempts may be accomplished by utilizing bait (feed, water, mineral licks) to lure animals into a temporary gather site. If this gather 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 gather of animals.

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

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

a. A minimum of two saddle-horses shall be immediately available at the gather 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. Gather 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 would 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 gathered 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 gathered 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 gather 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 (0.75 linear feet in an 8-foot-wide trailer);
- ☐ 4 square feet per burro foal (0.5 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 gathered animals. The COR/PI shall provide for any brand and/or inspection services required for the gathered animals.

8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor would 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 gather of wild horses utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective the government would take steps necessary to protect the welfare of the animals.

2. 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 would 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.

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

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

5. Should the contractor choose to utilize a helicopter the following would apply:

    a. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State in which the gather is located.

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

E. Site Clearances

1. 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.

2. Prior to setting up a gather site or temporary holding facility, the BLM would 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 gather site or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.

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

F. Animal Characteristics and Behavior

Releases of wild horses would be near available water when possible. 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.

G. Public Participation

Opportunities for public viewing (i.e. media, interested public) of gather operations would be made available to the extent possible; however, the primary considerations would 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 would not be allowed to come into direct contact with wild horses being held in BLM facilities. Only authorized BLM personnel or contractors may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at any time or for any reason during BLM operations.

H. Responsibility and Lines of Communication

- Rock Springs Field Office – Contracting Officer's Representative/Project Inspector: Jay D'Ewart

- Alternate – Contracting Officer's Representative/Project Inspector:
  Benjamin Smith
  Scott Fluer

  Wyoming State Office – Contracting Officer's Representative/Project Inspector: N/A

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 Rawlins and Rock Springs Assistant Field Managers for Renewable Resources and the Rawlins and Rock Springs Field Managers will take an active role to ensure the appropriate lines of communication are established between the field, Field Office, District Office, State Office, National Program Office, and BLM Holding Facility offices. All employees involved in the gathering operations would keep the best interests of the animals at the forefront at all times.

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

The COR would coordinate with the contractor and the BLM Corrals to ensure animals are being transported from the gather 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 gather of the animals. The specifications would be vigorously enforced.

Should the Contractor show negligence and/or not perform according to contract stipulations, he would be issued written instructions, stop work orders, or defaulted.

Appendix I
Summary of Scoping and Public Comments

No.	Scoping Comment	BLM Response
1	Why didn't the BLM consider the alternative – removing all wild horses from the Checkerboard pursuant to both Sections 3 and 4 of the Wild Horse Act.	See Section 2.4.
2	The EA failed to adequately describe the "Affected Environment," omitting any discussion of the privately/corporately owned domestic livestock whose numbers dwarf the numbers of wild horses in these areas.	The environmental assessment briefly discusses the relevant components of the human and natural environment which would be either affected or potentially affected by the proposed action and alternatives. See Section 3.1.
3	The EA failed to adequately analyze the impacts of removal on the wild horses; in particular it failed to account for the significant mortality rate of horses held in short-term holding from traumatic injury, complications from gelding surgery, and other factors.	See section 3.2 and Appendix I. Decisions regarding the short-term stability of the BLM Wild Horse and Burro Program do not meet the purpose and need of the proposed action to remove wild horses from private lands (checkerboard) in accordance with Section 4 of the WHA and the 2013 Consent Decree, and are therefore outside of the scope of this analysis for this removal.
4	Comments expressed a misunderstanding thinking that this would be a new checkerboard removal not the EA for the past action in 2014.	See Section 1.0.
5	Request to consolidate public lands with land exchanges.	Please refer to Sections 1.1 and 1.2 of the EA, which address a request from private landowners to remove excess wild horses. Additionally, please refer to Section 2 of the EA for a description of all alternatives, including those considered but not analyzed in detail. Exchanging public lands does not meet the purpose and need of the proposed action to remove wild horses from private lands (checkerboard) in accordance with Section 4 of the WHA and the 2013 Consent Decree, and is therefore outside of the scope of this EA.
6	Private owners need to fence.	Fencing is not part of the proposed action and does not meet the purpose and need of the proposed action to remove wild horses from

No.	Scoping Comment	BLM Response
		private lands (checkerboard) in accordance with Section 4 of the WHA and the 2013 Consent Decree, and is therefore is outside of the scope of this EA. In addition, fencing of private land in the checkerboard may, depending upon its extent, unlawfully enclose public land in violation of the Unlawful Inclosures of Public Lands Act, 43 U.S.C. §§1061-1066. Each proposed fencing project must be analyzed individually.
7	BLM violated the National Environmental Protection Act (NEPA) and the Wild Free Roaming Horses and Burros Act (WFRHBA), by authorizing the removal of wild horses from these public lands. The BLM authorized the significant reduction in the number of wild horses – and it is likely they removed all - without conducting proper environmental analyses and without making substantiated findings required by the WFRHBA. The WFRHBA says that before removing wild horses and burros, a determination must be made that there is an overpopulation and removal is indicated "so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation". 16 U.S.C. §1333(b)(2).	Thank you, for your comment. The BLM is in compliance with all applicable laws, regulations, and court orders. On March 3, 2015, the US District Court (Case No. 14-cv-152-NDF) ruled that the BLM's 2014 checkerboard gather, which this EA analyzes, complied with the WHA and the FLPMA. Although remanding BLM's actions under NEPA, the court stated that the BLM's decision to apply the categorical exclusion (CX) to this gather was a 'reasonable interpretation of the CX'. However, the court indicated that BLM had discretion to explore alternatives and; therefore, the NEPA was remanded to BLM with instructions to remedy the deficiencies identified. Although the court did not require the preparation of an EA, the BLM has prepared this EA to address the remand and comply with NEPA.
8	There is no mention of the fact that 4 Wyoming Herd Managements Areas are located within the Oil Shale and Tar Sands Study Area.	The environmental assessment briefly discusses the relevant components of the human and natural environment which would be either affected or potentially affected by the proposed action and alternatives. See Section 3.1.

No.	Scoping Comment	BLM Response
9	An Environmental Impact Statement (EIS) is needed because the wild horse removal plan was unprecedented and had severe and negative impacts on nearly half of Wyoming's remaining wild horse population, as well as on recreational uses of this public lands area, and on endangered, sensitive and threatened wildlife and plant species. As previously requested, the following alternatives be included and analyzed in a complete EIS: The BLM failed to analyze a reasonable range of alternatives, including the following: The Wild Horses are protected by Federal Law, as are their Herd Management Areas. They are not to be removed from Checkerboard areas like captured checkers. ALL Wildlife migrates back and forth across these invisible boundaries, as do permitted grazing livestock. The BLM must either return the Wild Horses to their Herd Management Areas OR reconfigure the Checkerboard. The latter would be the most sensible, logical and economical solution.	Please refer to Section 2 of the EA and the determination of BLM's Finding of No Significant Impact.
10	The BLM eliminated three other proposed alternatives without performing or providing any detailed analysis: These include removing wild horses only to the low AML in each HMA; and using fertility control but removing no wild horses from these HMAs. Inexplicably, the BLM avoided any consideration of the most obvious alternative – removing all wild horses from the Checkerboard pursuant to both Sections 3 and 4 of the Wild Horse Act, which would fully address RSGA's landowner request with respect to its private lands, and then returning them to the solid, contiguous	Please see response for comment #1.

No.	Scoping Comment	BLM Response
	blocks of public lands within these HMAs (i.e., the non-Checkerboard portions of these HMAs) only those horses necessary to satisfy the low AML in these HMAs as required by the currently operative RMPs.	
11	Asks BLM to conduct NEPA analysis that considers a full range of alternatives, including at least one alternative that protects wild horses. Reasonable alternatives would include: (1) revisiting assumptions made in the 2013 Consent Decree regarding AMLs; (2) reconsidering AMLs allocated under existing grazing permits; (3) re-evaluating AMLS to meet the needs of wild horses, not just RSGA's sheep and cattle; and, (4) consistent with BLM's responsibilities under the WHBA, ensuring that wild horses are considered as "an integral part of the natural system of public lands" and prioritizing wild horses, not sheep and cattle, on herd management areas.	Management decisions regarding livestock grazing and wild horses are determined through the Resource Management Planning process. Current direction for the RSFO is discussed in the Green River RMP (1997); for the RFO, the Rawlins RMP (2008). The RSFO is currently revising the Green River RMP, and is considering options for wild horse management and livestock within the RSFO, and options for managing the Rawlins portion of the Adobe Town HMA. Please refer to Section 2 of the EA for a description of all alternatives, including those considered but not analyzed in detail.
12	Why didn't BLM include an alternative recalculating the AML without the private lands. Urges the BLM to recalculate the appropriate management levels (AMLs) to reflect the decreased size of the HMAs from the Checkerboard lands no longer being available to wild horses; and urges the BLM to provide accurate counts of the wild horses, which would reflect the foals born in 2014.	Management decisions regarding livestock grazing and wild horses are determined through the Resource Management Planning process. Current direction for the RSFO is discussed in the Green River RMP (1997); for the RFO, the Rawlins RMP (2008). Please refer to Section 2 of the EA for a description of all alternatives, including those considered but not analyzed in detail.

No.	Scoping Comment	BLM Response
13	The district court ordered BLM to consider and analyze various actions within the agency's discretion, and to specifically analyze as an alternative the return of some wild horses to the solid public land blocks of these HMAs so that the Allowable Management Levels;	See Section 1.0.
14	The BLM eliminated three other proposed alternatives without performing or providing any detailed analysis: These include removing wild horses only to the low AML in each HMA; and using fertility control but removing no wild horses from these HMAs;	See Section 2.4.
15	The EA fails to adequately describe the "Affected Environment," omitting any discussion of the privately owned livestock whose numbers dwarf the numbers of wild horses in these areas	Please see response for comment #2.
16	Manage the adjacent or nearby HMAs as a single complex. e.g. Salt Wells and Adobe Town HMAs, White Mountain and Little Colorado HMAs, and the Red Desert Complex which includes the Lost Creek, Stewart Creek, Antelope Hills, Crooks Mountain and Green Mountain HMAs."	This is outside of the purpose and need to only remove wild horses from private lands (checkerboard) in accordance with Section 4 of the WHA and the 2013 Consent Decree. (See Section 1.2)
17	BLM must address Land Tenure issues and issues associated with a Split-Estate Lands and Isolated Tracts of Public Land, addressing these issues during Planning will provide an open process and allow Public Involvement.	Please see response for comment #5.
18	The data that is missing from every environmental assessment is the link between wild fire spread and wild horse removal data historically. Such data can easily be compiled using data available from the USGS and the fire	Please see response for comment #2. The comment implies that there is a recognized known beneficial relationship between the presence of wild horses and a) improvements in fire intensity or frequency, and b) land or

No.	Scoping Comment	BLM Response
	coalition groups studying fire ecology of the western states.	vegetation recovery. However, as reviewed by Strand et al. (2014), the relationship between livestock grazing and fire in sagebrush ecosystems is complex, and is not necessarily beneficial. Judicious application of grazing a certain times of year can lead to a reduction in the density of annual grasses that can easily carry fire, but this is not an outcome that would necessarily be expected for wild horses, which graze year round. "Intense…severe..and repeated…grazing can suppress competition from native plants and cause soil disturbance that can favor annual invasive grasses including cheatgrass..." which can increase fire frequency and spread. Also, it is true that severe and sustained grazing has the potential to reduce overall fuel loads, but BLM is also required to manage the range in a way that achieves a thriving natural ecological balance on public lands, and having severely overgrazed landscapes is not beneficial for a number of other resources that BLM must consider in management, including habitat for native wildlife including threatened and endangered species (such as the greater sage-grouse), plant species diversity, soil quality, and water quality. Moreover, we are not aware of published, peer-reviewed reports that differentiate wild horse grazing effects with respect to fire, as compared to the grazing effects with respect to fire of other livestock species such as cattle, sheep, and goats. Strand, E. K., K. L. Launchbaugh, R. Limb, and L. A. Torrell. 2014. Livestock grazing effects on fuel loads for wildland fire in sagebrush dominated ecosystems. Journal of Rangeland Applications 1:35-57.
19	Returning wild horses to the public lands will adversely impact wildlife, livestock, and the rangeland resources, including core area or priority sage-grouse habitat;	See Section 3.3
20	The BLM must comply with the 2013 Consent Decree and amend the AMLs to reflect the decreased size of the HMAs from the Checkerboard no	Management decisions regarding AML's and HMA boundaries are determined through the Resource Management Planning process. Current direction for the RSFO is discussed in

No.	Scoping Comment	BLM Response
	longer being available to wild horses; and because of the land ownership pattern, all decisions BLM makes with regards to public lands directly impact the rangeland resources on RSGA's private lands, and visa versa.	the Green River RMP (1997); for the RFO, the Rawlins RMP (2008). The RSFO is currently revising the Green River RMP, and, in accordance with the 2013 Consent Decree, is considering options for wild horse management and livestock within the RSFO, and options for managing the Rawlins portion of the Adobe Town HMA. Please refer to Section 2 of the EA for a description of all alternatives, including those considered but not analyzed in detail.
21	Fencing of private land in the Checkerboard land ownership pattern would unlawfully exclude others from the public land. Unlawful Inclosures of Public Lands Act, 43 U.S.C. §§1061-1066; 43 C.F.R. §9239.2-2 (prohibiting fences that enclose public lands).	Thank you for your comment.
22	BLMs consideration of an alternative in the EA that would return all of the wild horses gathered from the Checkerboard to the public lands is outside the scope of the court's remand order.	Please see Section 2 of the EA.
23	The BLM must reduce the AMLs for the GDB, SW, and AT HMAs and further revise the HMA boundaries.	Please see response for comment #21.
24	The Draft EA fails to adequately analyze the impacts of BLM's proposed action on the wild horses themselves. In particular, BLM has failed to account for the significant mortality rate of horses held in short-term and long-term holding that results from traumatic injury, complications from gelding surgery, and other roundup-related factors.	Please see response for comment #3.