

**U.S. Department of the Interior  
Bureau of Land Management  
Little Snake Field Office  
455 Emerson St.  
Craig, CO 81625**

## **DETERMINATION OF NEPA ADEQUACY (DNA)**

### **DOI-BLM-CO-N010-2018-0025-DNA**

#### **Identifying Information**

**Project Title:** Sand Wash Basin Wild Horse Gather

**Legal Description:** The analysis area is located on Townships 8-11 North, Ranges 97-100 West, various sections, Sixth Principle Meridian, Moffat County, Colorado.

**Applicant:** Department of the Interior, Bureau of Land Management (BLM), Little Snake Field Office (LSFO)

#### **Introduction**

The Bureau of Land Management's (BLM) Little Snake Field Office (LSFO) is proposing to gather and remove excess wild horses from within or adjacent to the Sand Wash Basin Herd Management Area (SWB HMA). The current population of the SWB HMA is approximately 599 adult horses, and estimated to be approximately 677 including the foals of 2018 (approximately 78 foals). In addition, approximately 60 excess adult horses and approximately 10 foals are outside of the HMA. If the BLM is fully successful implementing the proposed action, approximately 163 adult wild horses would remain within the SWB HMA which would be within the Appropriate Management Level (AML) of 163-362 designated in the LSFO Resource Management Plan (RMP), and all horses outside the HMA would be removed. The estimated removal of adult horses from the HMA would be approximately 514 plus any foals that are captured and the mare will be removed. All horses caught outside the HMA would be removed. Bait/Water trapping operations in the future may be conducted when approval is given from the WO. The number of animals removed in future gather operations would depend on horse population estimates, range and animal condition at the time of gather. Fertility control is currently being utilized within the HMA, any mare that was to be released and had not received treatment would be treated before release.

The gather area is located entirely within Moffat County, approximately 45 miles west of Craig, Colorado. The predominant land uses within the gather area are livestock grazing and recreation. The gather area comprises approximately 157,730 acres, consisting of 153,118 acres of public, 1,847 acres of private, and 3,238 acres of state land. The map for SWB HMA is located in Appendix A, Figure 1.

## Issues and Concerns

At the close of the 2016 gather and removal, the number of wild horses that remained on the HMA was exceeding the high end of the AML within the SWB HMA. Therefore, if the BLM were to gather 584 excess wild horses from within and adjacent to the SWB HMA this would potentially reduce the wild horse numbers to approximately the low end of the AML. The proposed gather would allow the SWB HMA to achieve AML and maintain a thriving natural ecological balance consistent with the multiple uses that exist.

The opportunity to remove approximately 584 excess wild horses (and any foals that the mare is removed) would aid in reducing associated impacts from excess wild horses in areas not maintaining a thriving, natural ecological balance. While the gather may take place anywhere within or adjacent to the SWB HMA, one of the priorities would be to remove excess wild horses in order to reduce impacts to vegetation communities that are associated with Priority Habitat Management Areas (PHMA) for greater sage-grouse. Greater sage-grouse are a BLM sensitive species and the majority of the HMA is PHMA or General Habitat Management Area (GHMA) for sage-grouse. Areas to the North and East of SWB are areas where wild horses have been located, and are in PHMA outside of the SWB HMA.

## Conformance with the Land Use Plan

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

**Land Use Plan:** Little Snake Record of Decision and Approved Resource Management Plan (ROD/RMP), as amended

**Date Approved:** October 2011

**Decision Language (page 2-26):** Decision Language: The Proposed Action conforms to the RMP, as amended because it is specifically provided for in the following RMP goals, objectives, and management decisions: Section/Page: LSFO RMP: Wild Horses - page RMP-26.

- Manage the Sand Wash Basin wild horse herd and its habitat to encourage herd health while maintaining a thriving, natural, ecological balance of rangeland resources. Objectives for achieving this goal include:
  - Manage the Sand Wash Basin wild horse herd as an integral part of the public lands ecosystem at an appropriate management level (AML). Periodically reevaluate the existing AML to ensure herd size remains compatible with other resources.
  - Recognize and proactively respond to potential conflicts, as they occur, between the wild horse herd and other resources.
  - Maintain herd management area (HMA) boundary fences to encourage wild horses to remain within the HMA. If horses relocate outside the HMA, attempt to herd horses back inside the HMA as expeditiously as possible.

**Land Use Plan:** Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment

**Date Approved:** September, 2015

**Decision Language:** Section/Page: Northwest Colorado Greater Sage-Grouse Amendment, Wild Horses

Objective WHB-1: Manage wild horses in a manner designed to 1) avoid reductions in grass, forb, and shrub cover, and 2) avoid increasing unpalatable forbs and invasive plants such as *Bromus tectorum*.

Objective SSS-1: Maintain and enhance populations and distribution of GRSG by protecting and improving sagebrush habitats and ecosystems that sustain GRSG populations.

Management Decisions (MD) MD WHB-1: (ADH) Manage wild horse population levels within established appropriate management levels.

MD WHB-2: (ADH) Prioritize gathers in GRSG PHMA, unless removals are necessary in other areas to prevent catastrophic environmental issues, including herd health impacts. Consider GRSG habitat requirements in conjunction with all resource values managed by the BLM, and give preference to GRSG habitat unless site-specific circumstances warrant an exemption.

MD WHB-4: (PHMA) For all BLM HMAs within PHMA, prioritize the evaluation of all appropriate management levels based on indicators that address vegetation structure/condition/composition and measurements specific to achieving GRSG habitat objectives. Consider GRSG habitat requirements in conjunction with all resource values managed by the BLM, and give preference to GRSG habitat unless site-specific circumstances warrant an exemption.

MD WHB-6: (PHMA) When conducting NEPA analysis for wild horse management activities, water developments, or other rangeland improvements for wild horses in PHMA, address the direct and indirect effects to GRSG populations and habitat. Implement any water developments or rangeland improvements using the criteria identified for domestic livestock identified above in PHMA.

## **Proposed Action**

As detailed above, the BLM has reviewed the information currently available and has determined an overpopulation of excess wild horses exists and the removal and continued fertility control of these excess wild horses is necessary to maintain and restore a thriving natural ecological balance and multiple use relationship in the area, consistent with land use planning and land use planning decisions. The BLM, LSFO proposes to remove approximately 584 excess wild horses from within or in proximity to the SWB HMA through bait/water trap methods. The bait/water trap gather could be conducted any time of the year but would likely occur in the summer or fall timeframes.

The BLM intends to conduct gather operations over multiple years (i.e., the next ten years) as the BLM's National Wild Horse and Burro Program determines there is space available in short-

term and/or long-term holding facilities. Gather operations would continue as needed on an annual bases, as funding allows, or until excess wild horses are gathered and removed from areas outside of the PEDHMA. Actual activities each year would be subject to funding approval and availability of short-term and/or long-term holding facilities.

Bait and water trapping involves techniques to lure horses into trapping locations using available water locations, hauling water to certain locations, or using some kind of bait (hay, salt, or mineral) that would be placed in trailing locations, resting locations, or near water sources. Gather structures would be pre-constructed using portable, round pipe steel panels with at least one access point for horses. As horses voluntarily move in to the trap structure a gate is closed behind them. The use of finger gates may also be used to trap horses if necessary or beneficial for achieving the gather objective. Most traps would be less than ½ acre in size but may vary depending on site characteristics. Trap locations would be located in areas where previously used trap sites were located or other disturbed areas whenever possible. It is possible that new trap sites would be selected based on where wild horses are to be removed and accessible.

Roping may occur on a limited basis. Situations that roping may be utilized would be to capture an unweanable foal that becomes separated during trapping operations. If this situation occurs, and roping would be in the best interest for the health of the foal, then roping may be authorized. Roping would be performed in accordance with BLM policy. Once roped, the foal would be hazed or lead to a trailer or trap facility where the mare may be located and paired with the foal.

The number of trapping locations needed for this operation is unknown. Traps located on newly selected or undisturbed sites would have archeological and sensitive/endangered species surveys and clearances performed prior to trap set up. If impacts to archeological or sensitive/endangered species is likely to occur, and could not be mitigated, then a new site would be selected. The exact locations of those trap locations would be determined just prior to the date they would be necessary for this gather.

For a detailed description of the gather methods incorporated into this proposed action refer to Standard Operating Procedures Washington Office (WO) Instruction Memorandum (IM) 2015-151. (Note: All Washington Office Instruction Memorandums (WO IMs) can be found online at: [https://www.blm.gov/policy/instruction-memorandum?field\\_fiscal\\_year\\_value%5Bvalue%5D%5Byear%5D=&body\\_value=wild+horse](https://www.blm.gov/policy/instruction-memorandum?field_fiscal_year_value%5Bvalue%5D%5Byear%5D=&body_value=wild+horse).

)

### ***Design Features***

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

1. The BLM would provide concise, accurate and timely information about gather operations with communication and reporting during the course of an ongoing wild horse gather in accordance with WO-IM 2013-061.

2. The LSFO would establish the Incident Command System (ICS) to enable safe, efficient, and successful wild horse gather operations in accordance with WO-IM-2013-060.
3. BLM would make every effort to place temporary gather sites in previously disturbed areas, identified and cleared for special status plant species in DOI-BLM-CO-N010-2016-0023-EA. The BLM would not construct trap locations or temporary holding facilities within 200 meters of known occupied habitat for sensitive plant species.
4. A veterinarian from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) or licensed contract veterinarian would be consulted, as needed, to examine animals and make recommendations to the BLM for care and treatment of the gathered wild horses. Decisions to humanely euthanize animals in field situations would be made in conformance with BLM policy (WO-IM-2015-151).
5. Contractors and/or BLM would utilize trailers to transport gathered wild horses to a temporary holding facility where they would receive appropriate food and water. Holding facilities and gather sites have historically been located on both public and private lands due to road access and availability of water and may be located on such lands again during proposed gather operations.
6. Removed wild horses would mostly likely be transported to the Canon City, Colorado BLM holding facility where they would be prepared (freeze-marked, vaccinated, and dewormed) for adoption, sale (with limitations), or long-term holding unless unforeseen circumstances warranted that the wild horses be transported to a different approved BLM holding facility (e.g., at Rock Springs, Wyoming).
7. There is no proposal to hold a wild horse adoption at the temporary holding facility upon completion of a gather because of current market conditions. However, if determined that an adoption is warranted the BLM may hold an adoption with a date to be decided upon and advertised.
8. Any discovery of hazardous or potentially hazardous materials would be reported to BLM hazardous materials coordinator and Law Enforcement for investigation.
9. Any hay fed at holding facilities, on public lands, would be certified as weed free. Any noxious weeds that establish as a result of the proposed action would be controlled by the BLM. All of the trap locations would be monitored for up to three years for weed species infestation following gather operations.
10. Trap locations and holding areas would be selected to avoid cultural resources. In areas with acceptable levels of inventory no additional field work should be necessary except to ensure that sites in the near vicinity can be adequately avoided by the traps. In areas where inadequate inventory data exists an inventory would be conducted to ensure that any resources present are avoided.
11. Known and reported fossil localities would be avoided when locating trap sites and holding facilities. Sites without adequate inventory data would need to be examined for

the presence of fossils during trap site selection activities. Trap facilities would be modified to avoid impacting identified fossil resources.

12. All of the trap locations would be monitored for up to three years for vegetation recovery. If problems with vegetation establishment are discovered, BLM would treat these locations based on the aid in vegetation recovery that may be necessary, i.e. broadcast seeding, at the trap locations.
13. The BLM is responsible for informing all persons who are associated with the project that they would be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
14. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery would cease, and the LSFO Archaeologist would be notified immediately. Work may not resume at that location until approved by the Authorized Officer (AO). The BLM would make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM would evaluate the cultural resources and, in consultation with the State Historic Preservation Officer (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The BLM would implement the mitigation in a timely manner. The process would be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
15. Pursuant to 43 CFR 10.4(g), the BLM would immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
16. The BLM would be responsible for informing all persons who are associated with gather operations that they would be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
17. For Minerals and ROWs: Prior to commencement of gathering operations, the BLM would notify existing right-of-way holders, range permittees, operators, and lessees of any location, date, and time associated with the gather that may affect their permitted activities.
18. Traps would not be located near active greater sage-grouse leks, in consultation with LSFO Wildlife Biologist.

## **Review of Existing NEPA Documents**

Name of Plan: Sand Wash Basin Wild Horse Herd Management Area Bait/Water Trapping Gather/Population Control Environmental Assessment

NEPA Document Number: [DOI-BLM-CO-N010-2016-0023-EA](#)

Date Approved: September 21, 2016

## **NEPA Adequacy Criteria**

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

*Yes, the Proposed Action is similar in location and nature to what has been previously analyzed. The existing NEPA document (DOI-BLM-CO-N010-2016-0023-EA) considered using the same gather techniques in the same area as the Proposed Action. The impacts associated with gather and removal of excess wild horses within these areas is similar to those already disclosed for areas within the SWB HMA.*

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

*Yes, the range of alternatives analyzed in the existing NEPA document is appropriate for the new Proposed Action. The existing NEPA document (DOI-BLM-CO-N010-2016-0023-EA) analyzed three alternatives: A) Conduct fertility control management assisted by bait/water trapping and remove excess wild horses; B) Fertility control management with bait trapping assistance and no removal; and C) No Action (take no action to control the population of wild horses in the Sand Wash Basin HMA).*

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

*Yes, the existing analysis remains valid. The BLM LSFO staff conducted an extensive utilization monitoring effort in October of 2014; the data collected determined that over 23% of the HMA had been utilized by wild horses above the acceptable levels that are applied to livestock grazing (41 – 60% and 61 – 80%), and that the lowest range of utilization (6 – 20%) constitutes the smallest amount of acreage monitored. Given that 2014 was an above average precipitation year with precipitation coming at times for optimal plant growth and fall green up, it can be extrapolated that on an average or below average precipitation year the levels and acreage of unacceptable utilization would increase exponentially.*

*This monitoring data shows that current wild horse population levels and population growth above these current levels are not acceptable to accommodate multiple uses of other resources and the long-term sustainability of the range. In addition, in 2015, the greater sage grouse EIS affirmed the need to manage populations within the AML. Removing approximately 480 excess wild horses would not impact genetic viability of the herd, as there are enough (greater than 150 individuals) wild horses to ensure viability is maintained.*

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

*Yes, the effects of implementing the Proposed Action are similar to those analyzed in the existing NEPA document. Review by BLM LSFO specialists in this document (DOI-BLM-CO-N010-2016-0023-EA) did not indicate there would be any direct, indirect, and cumulative effects from the Proposed Action that were not adequately addressed in DOI-BLM-CO-N010-2016-0023-EA.*

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

*Yes, public involvement is adequate for the current Proposed Action. Internal scoping was initiated when the project was presented to the LSFO interdisciplinary team on April 11, 2016. External scoping was conducted from March 23, 2016. This project was posted on the BLM's on-line National Environmental Policy Act (NEPA) register (ePlanning) and the public was informed via a news release on July 25, 2016. As of August 25, 2016 LSFO had received 4,089 comments from individuals, organizations, and agencies. Approximately 4,025 of the 4,089 comments were form letters. All comments resulted in 45 unique substantive comments. Refer to Appendix B of DOI-BLM-CO-N010-2016-0023-EA for a summary of the scoping comments.*

*In addition, a thirty (30) day public review period was given to comment on this DNA. The comment period was conducted June 3-July 6, 2018. The EA (DOI-BLM-CO\_N010-2016-0023-EA), the decision record and FONSI are available at: [SWB EA Documents](#)*

## **Interdisciplinary Review**

The Proposed Action was presented to the Little Snake Field Office interdisciplinary team on April 2, 2018. A complete list of resource specialists who participated in this review is available upon request from the Little Snake Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

| <b>Name</b> | <b>Title</b>       | <b>Resource</b>                              | <b>Date</b> |
|-------------|--------------------|--|-------------|
| Brian Naze  | Archaeologist      | Cultural Resources, Native American Concerns | 4/20/18     |
| Desa Ausmus | Wildlife Biologist | Special Status Wildlife Species              | 4/4/18      |

|              |  |  |            |
|--------------|--|--|------------|
| Eric Scherff | Hydrologist                            | Soil Resources, Surface and Groundwater Quality, and Hydrology | 4/16/18    |
| Aimee Huff   | Rangeland Mgt. Specialist              | Special Status Plant Species                                   | 04/19/2018 |
| Ben Smith    | Wild Horse Management                  | Project Lead   | 04/23/18   |
|              | Planning and Environmental Coordinator | NEPA Compliance  |            |

**Cultural Resources:** Impacts to cultural resources associated with wild horse gather operations were adequately addressed in the original EA (DOI-BLM-CO-N010-2016-0023-EA). Traps and temporary holding facilities will be located in previously used trap sites or on an area of existing disturbance, such as road or a wash, when possible. Finding intact cultural resources in these areas is possible. If an existing disturbed area cannot be located for traps and temporary holding facilities, a cultural resource inventory will take place prior to the gather. If cultural resources are located during this inventory, the trap site or temporary holding facility will be reconfigured to minimize impacts, or moved to another location which does not contain cultural resources. Sites discovered during survey will be recorded, evaluated for importance, and discussed in a report to SHPO. In accordance with the Protocol Agreement between BLM, Colorado and SHPO a survey report for a project that does not pose an adverse effect to a site determined eligible to the National Register of Historic Places may be completed within six months of project authorization.

**Soil Resources:** Impacts to soil resources associated with the Proposed Action were adequately addressed in Section 3.2.1 Soils in DOI-BLM-CO-N010-2016-0023-EA. Direct/indirect impacts to soil resources should be minimized by locating traps and temporary holding facilities in previously used trap locations and/or areas of preexisting disturbances, when feasible. If it becomes necessary to locate a trap and/or temporary holding facilities in a previously undisturbed location, a soil resource inventory would be conducted by the LSFO Hydrologist (Soil/Water/Air Lead) prior to the gather and proper Best Management Practices (BMPs) will be implemented to minimize impacts to BLM administered soil resources.

**Surface Water Quality, Ground Water Quality, and Hydrology:** Impacts to soil resources associated with the Proposed Action were adequately addressed in Section 3.2.1 Soils in DOI-BLM-CO-N010-2016-0023-EA. If it becomes necessary to locate a trap and/or temporary holding facilities in a previously undisturbed location or near a groundwater expression, such as a spring, a resource inventory would be conducted by the LSFO Hydrologist (Soil/Water/Air Lead) prior to the gather and proper BMPs will be implemented to minimize impacts to BLM administered surface and groundwater resources.

**Native American Concerns:** The National Historic Preservation Act directs agencies of the U.S. government to consider the effects of federal undertakings on areas or sites of concern to Native Americans. The LSFO was inhabited by the Utes and the Shoshone. Areas in the Little Snake Field Area of concern to the Utes have been identified. These areas of concern are not within or adjacent to the SWB. In the LSFO, tribes are consulted if a federal undertaking poses an effect to burials, rock art, wickiup sites, stone circle sites, possible vision quest sites, possible eagle traps, and other sites that would be of cultural or religious concern. Sites of concern are known in and adjacent to the SWB, particularly wickiup sites and stone circle sites. Once the location of traps are finalized, the LSFO archaeological staff will review existing records

(complete a Class I inventory) to determine if sites of the type that are known to be of concern to the tribes are located at or in the vicinity of the proposed trapping location. In the unlikely event that such sites are present, the traps will be relocated to avoid any conflict with Native American concerns.

**Special Status Wildlife Species:** Impacts to special status wildlife species were adequately addressed in the original EA (DOI-BLM-CO-N010-2016-0023-EA). SWB provides important habitat for greater sage-grouse, with approximately 93,000 acres of PHMA located in the Horse Management Area. Although sage-grouse and other wildlife may be temporarily displaced during trapping activities, the gather would be completed outside of critical periods (nesting, reproduction and winter) for most species. The Proposed Action would not be expected to have any long term adverse influence on wildlife species. In addition, managing horses within the AML would be beneficial for wildlife habitat. See DOI-BLM-CO-N010-2016-0023EA for more in depth analysis.

**BLM Sensitive, Threatened and Endangered Plant Species:** There are no federally listed threatened, endangered, or BLM sensitive plant species populations present in the SWB HMA. Two known occurrences are documented in close proximity to the project area and will be avoided.

## **Tribes, Individuals, Organizations, or Agencies Consulted**

## **Conclusion**

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

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Bruce L. Sillitoe, Field Manager

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Date

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

Appendix A. Figure 1

