



U.S. Department of the Interior
Bureau of Land Management
Wyoming State Office

Rock Springs Field Office

January 2001

Late Winter Gathering of Wild Horses in the Rock Springs Field Office Area

(WY-040-EA01-019)



MISSION STATEMENT

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901-3447

1792, 4710 (040)

January 10, 2001

Dear Reader:

Enclosed you will find the Environmental Assessment (EA) which describes the potential impacts of gathering excess wild horses in the Rock Springs Field Office area during the period from February 15 through March 31. This EA incorporates and tiers to the *Environmental Assessment for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas* issued in May 1999 and the associated *Decision Record for Wild Horse Gathering Inside and Outside of Wild Horse Herd Management Areas* approved July 14, 1999. These documents can be downloaded from the internet (see page 1 of the enclosed EA for specific internet addresses).

This EA is being distributed to those individuals and organizations that either submitted a response card or commented during the public scoping process conducted in the Fall of 2000. There will be a 30-day comment period for review and comment. The end date for public comments is February 9, 2001.

Please submit any comments to:

Teri Deakins, Project Manager
BLM - Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901

Comments may be submitted electronically to: teri_deakins@blm.gov

All comments will be considered before the Bureau of Land Management issues a decision.

Comments, including the names and street addresses of respondents, will be made available for public review at the above address during regular business hours (7:45 a.m. to 4:30p.m., Monday through Friday, except federal holidays) and may be published as part of the Decision Record. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from public disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as a representative or official of organizations or businesses, will be made available for public inspection in their entirety.

The enclosed document is provided in compliance with the National Environmental Policy Act of 1969, and the proposed action alternative is in conformance with the approved land use plan, the wild horse herd management plans, and the 1981 District Court Order.

Copies of this document are available from the Rock Springs Field Office and on the internet by linking from the following address:

<http://www.wy.blm.gov/currentnews/wildhorses/WILDHORSEADOPTION.HTML>

If you have any questions, please call either Teri Deakins at 307-352-0211 or Thor Stephenson at 307-352-0369.

Sincerely,

A handwritten signature in black ink that reads "Stan McKee". The signature is written in a cursive, slightly slanted style.

Field Manger

Attachment

Environmental Assessment

Late Winter Gathering of Wild Horses in the Rock Springs Field Office Area

EA Number WY-040-EA01-019

Bureau of Land Management
Rock Springs Field Office

January 2001

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ABBREVIATIONS

AML	-	Appropriate Management Level
BLM	-	Bureau of Land Management
CFR	-	Code of Federal Regulations
DR	-	Decision Record
EA	-	Environmental Assessment
EIS	-	Environmental Impact Statement
FWS	-	(U.S.) Fish and Wildlife Service
HMA	-	Wild Horse Herd Management Areas
RMP	-	Resource Management Plan
RSFO	-	Rock Springs Field Office
RSGA	-	Rock Springs Grazing Association
WGFD	-	Wyoming Game and Fish Department

CHAPTER I - INTRODUCTION

INTRODUCTION

The Bureau of Land Management (BLM) prepared a comprehensive environmental assessment (EA) in 1999 to analyze the potential impacts of gathering and removing excess wild horses in the Rock Springs Field Office area (RSFO). The Decision Record (DR) was approved in July 1999 and specifically stated that BLM-RSFO would analyze spring gathering in a separate EA. BLM has since changed the term “spring” to “late winter” to more accurately reflect the time of year of proposed gathering (see below). In addition, the 1999 DR approved the capture plan and other mitigation to reduce the potential impacts to wild horses and other resources. This EA is tiered to and incorporates by reference the *Environmental Assessment for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas* and the associated *Decision Record for Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas* approved July 14, 1999. These documents can be downloaded from the following internet addresses:

EA: http://www.wy.blm.gov/currentnews/wildhorses/env_docs/RSWHEAfinal99.pdf

DR: http://www.wy.blm.gov/currentnews/wildhorses/env_docs/Rock%20Sprgs%20DR%20&%20FONSI.pdf

Wild horse herd management areas (HMAs) are identified on Map 1, Appendix 1.

PURPOSE AND NEED

The purpose of this EA is to address the potential impacts of gathering and removal of excess wild horses during the period from February 15 through March 31, now called late winter gathering. The need for this action is to allow the BLM-RSFO the option to remove excess wild horses during this time period should favorable climatic conditions allow for the safe gathering and removal of wild horses. Removal of excess wild horses during this period allows for more efficient use of government facilities and personnel, while reducing existing wild horse populations to appropriate management level (AML). The BLM recognizes that gathering of wild horses during the period proposed will not, by itself, allow the short-term achievement, nor long-term maintenance of AML.

First priority for gathering and removal of wild horses would be in the area known as the checkerboard (Map 1, Appendix 1), an area where every other square mile is owned by private or state entities. Other areas in the RSFO may be subject to removal operations if weather conditions allow for gathering operations.

A 1981 order from the District Court of Wyoming (*Mountain States Legal Foundation and Rock Springs Grazing Association v. Cecil Andrus*, C79-275K) requires BLM-RSFO to “remove all wild horses from the checkerboard grazing lands in the Rock Springs District except for the number which the Rock Springs Grazing Association (RSGA) *voluntarily agrees* [emphasis added] to leave in said area.” Most of the private lands within the Wild Horse Herd Management Areas (HMAs) are owned or controlled by the RSGA. These private lands make up a considerable portion of three HMAs including:

Great Divide Basin HMA

Salt Wells HMA

White Mountain HMA

25%

36%

38%

BLM incorporated the AML proposed by RSGA and wild horse advocacy groups into the land use planning process. Wild horses that exceed properly established AMLs, as approved in the 1997 Green River Resource Management Plan (RMP), are considered excess as defined by the Wild and Free-Roaming Horse and Burro Act and the Federal Land Management and Policy Act. The established AMLs, when achieved and maintained will allow for compliance with the Wyoming Standards For Rangeland Health (1997). The Standards were presented in the 1999 EA in Appendix B. Managing wild horse populations within established AMLs will ensure that any failure to comply with the standards will not be the result of the presence of excess wild horses.

The number of wild horses subject to removal is based on the latest census conducted between February 2000 and June 2000 (see Table 1).

Table 1
Appropriate Management Level and Latest Wild Horse Populations

Area	AML¹	2000 Population Count	2000 Wild Horses Removed	2001 Projected Population
Great Divide Basin HMA	500 (415-600)	1,210	354	923
White Mountain HMA	250 (205-300)	527	189	363
Little Colorado HMA	100 (69-100)	200	0	240
Salt Wells HMA	365 (251-365)	1,020	24	1071
North Baxter/Jack Morrow Hills Area (outside HMAs)	0	293	1	350
Totals	1,215 (940-1,365)	3250	474	2952

Actions proposed in the Adobe Town HMA are administered by the Rawlins Field Office. In addition, the area is inaccessible during the late winter, hence the RSFO does not propose any late-winter gathering operations in this HMA.

¹Target Number (range).

CONFORMANCE WITH LAND USE PLAN

Gathering and removal of excess wild horses in the RSFO is in conformance with the RMP approved August 8, 1997. AMLs were negotiated with private land owners and wild horse advocacy groups and confirmed (established for Little Colorado HMA) in the RMP (Map 1, Appendix 1) in compliance with the 1981 District Court Order. Ignoring existing policy, land use plan decisions, and agreements reached pursuant to the District Court Order are not considered options, nor are they within the scope of this EA. Therefore, they will not be given consideration in this EA.

The North Baxter/Jack Morrow Hills area is outside the established HMAs and is generally located between the White Mountain HMA and the Great Divide Basin HMA, south of Wyoming Highway 28. All wild horses residing in this area are considered excess and subject to removal in conformance with the RMP.

RELATIONSHIP TO STATUTES, REGULATIONS, AND OTHER PLANS

Gathering of excess wild horses is in conformance with Public Law 92-195 (Wild and Free-Roaming Horse and Burro Act of 1971), as amended by Public Law 94-579 (Federal Land Policy and Management Act) and Public Law 95-514 (Public Rangelands Improvement Act). Public Law 92-195, as amended, requires the protection, management, and control of wild free-roaming horses and burros on public lands.

As provided in 43 CFR 4700.0-6(a-c), BLM policy for management of wild horses is to: a) “. . . manage as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat; b) . . . considered comparably with other resource values; and c) . . . maintaining free-roaming behavior.” Priority shall be given to removing wild horses from private lands when the landowner submits a written request to BLM for their removal.

As provided for in the 1981 Court Order, the private land owners (the RSGA) agreed to allow a certain number of wild horses to occupy and use their deeded lands. This agreement established a partnership relationship between the BLM and the RSGA in the management of wild horses in the RSFO. This partnership is unique within the BLM wild horse program not only for the relationship between the BLM and the land owners, but also for the scope of the area covered. The land use plan and activity plans (Wild Horse Herd Area Management Plans) have recognized and authorized AMLs in accordance with this partnership. These partners expect the BLM to comply with these plans and to control wild horse populations to AML.

Annual written request from the RSGA for removal of excess wild horses from these private lands is not necessary. In March of 1999, the BLM received correspondence from the RSGA reminding the BLM of the responsibility to manage wild horses to AML. A copy of this letter is included in Appendix 2. The BLM requires livestock operators who hold grazing permits on public lands in the RSFO to limit their livestock use to that specified in the grazing permit. If the operator does not, there are procedures in the grazing regulations to recover the value of excess forage used in addition to assessment of punitive damages. Some of these same grazing permit holders own or control approximately 836,025 private acres within HMAs in the RSFO. They allow federally-managed wild horses use of these privately owned lands free-of-charge. The BLM should be expected to limit wild horses to established AMLs.

The Proposed Action is also in compliance with the following sections of the Code of Federal Regulations:

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

43 CFR 4720.2 - Removal of strayed or excess animals from private lands.

43 CFR 4710.4 - "... management of wild horses and burros shall be undertaken with the objective of limiting the animals distribution to herd areas."

43 CFR 4710.3-1 - HMAs shall be established (through the land use planning process) for maintenance of wild horse and burro herds.

43 CFR 4180 - "Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration."

PUBLIC SCOPING

The BLM released a scoping notice for the proposed late winter gathering operations on September 29, 2000, and identified those issues recognized internally by BLM. Nine comment letters were received. The following issues were identified and considered during development of this EA:

Wyoming Game and Fish Department

- Supports removal of excess wild horses
- Avoidance of disturbance to winter concentrations of antelope
- Avoidance of sage grouse leks and nesting habitat
- Avoidance of raptor nesting habitat

Colorado Wild Horse and Burro Coalition

- Potential impacts to late-term pregnant mares
- Use of current monitoring/inventory data
- Seasonal migration of wild horses outside of HMAs
- Wild horse adoption market at this time of year²

Animal Legal Defense Fund

- Use of current monitoring/inventory data to show overpopulation of wild horses contributing to rangeland degradation
- Seasonal migration of wild horses outside of HMAs
- Removal of wild horses from private lands (written requests)

²BLM is proposing to gather wild horses in late winter as a strategy to help reach AML.

- Potential impact of spring gathering to wild horses at that time of year: additional expenditure of energy, lower immunological resistance to disease due to stress cause by gathering, handling, and transportation
- Risk of late-term mares aborting their fetuses due to stress caused by roundups

Fund for Animals, Animal Protection Institute, Doris Day Animal League

- Analyze reasonable range of alternatives including scheduling later roundups, expansion of existing holding facilities, using contract crews and holding facilities in adjacent states (later roundups), use of alternative facilities
- Contingency plan should weather prevent roundups
- Potential impacts to the terrain
- Potential impacts to vegetation
- Potential impacts to wildlife including threatened, endangered, proposed, and candidate species
- Potential impacts to late-term pregnant mares and foals
- Status of current adoption pipeline
- Discuss coordination with National Wild Horse and Burro program to eliminate need for spring gathering³
- Use of low-flying helicopters on winter-stressed wildlife and wild horses
- Gathering of young foals less than 2 months old (compression injuries)

Wyoming Advocates for Animals

- Use current census
- Status of adoption pipeline at this time of year⁴

U.S. Fish and Wildlife Service (FWS)

- Threatened, Endangered, and Proposed Species potentially affected by spring gathering operations:
 - Bald eagle
 - Black-footed ferret
 - Mountain plover
 - Whooping crane
 - Ute ladies'-tresses
 - Colorado River listed fish species (only if water depletion is proposed)

³Gathering in the RSFO area is not a national issue. Late winter gathering operations are proposed to take advantage of the availability of the wild horse facility located in Rock Springs, Wyoming.

⁴All “unadoptable” wild horses will be placed in sanctuaries based on current removal policy.

CHAPTER II - PROPOSED ACTION AND ALTERNATIVES

PROPOSED ACTION

The late winter population of wild horses in the RSFO is estimated to be 2,952 animals (see Table 1). This number of wild horses is over two and one-half times (2.5) the established AML of 1,215. The BLM proposes to gather and remove excess wild horses during the period from February 15 through March 31 in the RSFO (see Map 1, Appendix 1, for HMA location and name). Removal of excess wild horses would be in accordance with current wild horse removal policy. All captured wild horses would be removed from the range. Those horses deemed “unadoptable” would be placed in sanctuaries. This is an interim policy that suspends previous selective removal criteria (see Appendix B of the 1999 DR). The current policy is in effect to achieve AML, in a shorter period of time, by not returning older horses to the range. Funding for this effort, in fiscal year 2001, has been approved by the U.S. Congress.

Annual winter wild horse census activities will occur in January and February of 2001. These data were not available for this analysis. Actual numbers of wild horses removed and from where, will be determined after the census has been completed. No HMAs will have horses removed below the established lower limit of the AML.

First area of priority for gathering and removal operations would be on checkerboard lands (Map 1, Appendix 1). Other areas, where wild horses congregate, may be considered if weather conditions allow for gathering operations.

Gathering and removal operations would be in accordance with the *Wild Horse Capture Plan* found in Appendix A of the 1999 DR. In addition to those protective measures identified in the capture plan, gathering operations would proceed only if the following weather conditions are occurring on the day of scheduled operations at the trap site:

- dry or frozen roads
- temperature above 10 degrees (Aviation Safety Manual 9430)
- clear to partly cloudy skies
- winds less than 25 miles per hour
- generally little or no snow cover (certain areas may have drifted snow cover)

Should these conditions not be met on the day of scheduled gathering, operations would be suspended for that day.

A third-party Veterinarian will assess the physical condition of the wild horses in the field prior to the beginning of late winter gathering. The Veterinarian will determine the condition of the animals and recommend to the BLM whether the horses are fit for gathering.

Traps would be constructed in accordance with the Capture Plan (Appendix A of the 1999 DR) and would be located adjacent to county, BLM, or other existing roads. No new roads would be constructed to accommodate trap sites. All horses identified for gathering operations would be within 10 miles of the constructed trap sites. Horses would be moved at their own pace via the helicopter until close to the trap, at which time, horses would be driven into the trap in accordance with the capture methods and herding and stress reduction procedures outlined in the Capture Plan (Appendix A, 1999 DR). Should any mares be

encountered with foals less than 2 months old, they would be separated from the gathering operation. If the mares with young foals cannot be separated, then the herd would be dropped from the gathering operation.

BLM late winter gathering operations and trap sites would avoid the following areas:

- Known active raptor nesting sites as reviewed by a BLM Wildlife Biologist
- Trap locations would avoid known raptor nesting sites (Map 2, Appendix 1)
- Use of cliff areas as part of the trap where active raptor nesting is occurring
- Prairie dog town/complexes
- Greater sage-grouse leks and nesting areas (2-mile radius)
- Concentrated herds of antelope
- Crucial winter range for mule deer
- Crucial winter range for elk
- Fenced areas associated with highway corridors and deeded property
- Riparian, wetland, or open or frozen water areas

Monitoring

Monitoring of the proposed action is identical to that identified on page nine of the 1999 EA.

NO ACTION ALTERNATIVE

Late winter gathering of excess wild horses would not be conducted.

ALTERNATIVES CONSIDERED BUT DROPPED FROM FURTHER CONSIDERATION

Increasing Local Corral Capacity

Increase corral capacity at the RSFO facility to preclude the need for late winter gathering. The BLM is in the process of redesigning the RSFO horse facility. The corral will be redesigned to process wild horses more efficiently and the holding capacity will be increased slightly. However, design of the corral will not preclude the need for late winter gathering operations for the following reasons: scheduling conflicts with the helicopter and gathering crews, use of the facility by other BLM offices, limited availability of local staff to process wild horses, feed budgets, and the facility is not yet available for use during the late winter of 2001.

In addition, BLM is in the process of developing long-term care facilities for placement of unadopted excess wild horses in accordance with current BLM policy.

Use of Contracted Crews/ In-State or Out-of-State Facilities

Use of contracted crews or out-of-state facilities to preclude the need for spring gathering. BLM is currently working with groups, and county and state agencies to negotiate additional corral space. Use of contracted crews and out-of-state facilities are an option but contracted crews may not be readily available due to scheduling conflicts, and out-of-state or other private facilities may be filled to capacity due to conditions beyond BLM's control (i.e., severe drought in another state). BLM-RSFO, maintains a staff of qualified wranglers who are immediately available for gathering operations.

The 1999 EA discussed several other alternatives (see pages 9-10) but dropped them from consideration. The rationale for dropping those alternatives still applies. Hence, those alternatives will not be given consideration in this document.

CHAPTER III - AFFECTED ENVIRONMENT

The resources potentially affected by the Proposed Action and No Action alternatives include wild horses (including early foals, mid-to-late term pregnant mares, condition of wild horses during the late winter, use of a helicopter during late winter roundups), wintering pronghorn antelope herds utilizing crucial winter range, other wildlife including mule deer, elk, greater sage-grouse and raptors, vegetation, soils, and rangeland health.

The following critical elements of the human environment and other potential concerns were considered but determined not to be affected or impacted by the Proposed Action. Hence, these elements are not discussed further:

- Air Quality
- Areas of Critical Environmental Concern
- Cultural, Historic, and Paleontologic Resources
- Environmental Justice
- Hazardous Wastes
- Native American Concerns
- Prime or Unique Farmlands
- Threatened, Endangered, Candidate, Proposed, or Sensitive Plant or Animal Species⁵
- Water Quality or Sole Source Aquifers
- Wild and Scenic Rivers
- Wilderness Areas or Wilderness Study Areas

GENERAL ENVIRONMENT

A discussion of the environment can be found on pages 11 through 17 in the 1999 EA. The following discussion tiers to that found in the 1999 EA and concentrates on conditions found in the RSFO during the period from February 15 through March 31.

Late Winter Climatic Conditions

The RSFO area is considered to have a dry continental temperate climate. Precipitation, wind speed, and temperature are the most important climatic factors controlling late winter wild horse gathering operations. Maximum average temperature ranges from approximately 33 degrees on February 15 to 49 degrees on March 31 in Rock Springs, Wyoming. Precipitation ranges from 7 to 9 inches a year with approximately 20% in the form of snow. Average snow depth on February 15, in the last six years, has been approximately 1 inch at Rock Springs, Wyoming. Table 2 provides the mean, minimum, and maximum temperatures; snow depth; and maximum sustained wind on February 15 for the years between 1995 and 2000. Table 3 provides the same information for March 31.

Table 2⁶

⁵See Appendix 3 for rationale and FWS memorandum in response to public scoping.

⁶Source: http://www.wunderground.com/US/WY/Rock_Springs.html.

Temperature, Snow Depth, Wind Speed on February 15th

February 15, Year	Mean Temperature (F)	Maximum Temperature (F)	Minimum Temperature (F)	Snow Depth (inches)	Maximum Sustained Wind (mph)
2000	24.4	26.6	21.2	0	5.7
1999	23.9	30.2	17.6	2.0	10.36
1998	28.8	35.6	21.2	3.9	No Data
1997	31.5	37.4	28.4	0	No Data
1996	34.3	50.0	27.0	0	No Data
1995	11.8	19.9	5.0	0	No Data
Average	25.8	33.3	20.0	1	No Data

**Table 3⁷
Temperature, Snow Depth, Wind Speed on March 31st**

March 31, Year	Mean Temperature (F)	Maximum Temperature (F)	Minimum Temperature (F)	Snow Depth (inches)	Maximum Sustained wind (mph)
2000	30.4	41.0	21.2	0	13.81
1999	35.1	51.8	24.8	0	12.66
1998	30.4	42.8	23.0	0	12.77
1997	46.6	57.2	35.6	0	No Data
1996	38.7	52.9	25.9	0	No Data
1995	33.6	46.9	25.0	0	No Data
Average	35.8	48.8	25.9	0	No Data

Another source of weather information provided average maximum and minimum temperatures and average total snowfall for the years 1961 through 1990 for various points found throughout Sweetwater County. Table 4 provides this information for the months of February and March.

**Table 4⁸
Average Temperature and Snowfall at Sites within Rock Springs Field Office**

⁷Source: http://www.wunderground.com/US/WY/Rock_Springs.html.

⁸Source: USDA, National Resources Conservation Service, National Water and Climate Center web site, <ftp://162.79.124.23/support/climate/taps/wy/56037.txt>

Area	Average Maximum Temperature (F)		Average Minimum Temperature (F)		Average Total Monthly Snowfall (inches)	
	Feb	Mar	Feb	Mar	Feb	Mar
	Rock Springs	34.2	41.7	14.2	20.4	5.5
Wamsutter	32.6	40.8	10.1	17.5	2.7	3.1
Bitter Creek	35.5	43.0	10.2	17.7	3.0	1.9
Farson	31.7	40.5	-1.1	11.7	3.7	6.6
Green River	36.6	45.1	7.3	17.7	3.5	3.8

Terrain/Topography

Terrain found within the RSFO is highly variable, ranging from mostly flat to slightly rolling foothills carved by drainages and desert mountains featuring steep slopes, cliffs, and canyons. Preferred habitat for wild horses during the late winter period is open terrain within the sagebrush/grass and saltbush vegetative community types. During severe weather the horses will seek out thermal cover in protected areas provided by topographic relief.

Human-Made Hazards

Portions of the boundaries associated with HMAs found in the RSFO are fenced. This fencing is usually associated with highways, BLM Field Office boundaries, and the state line. The minimal fencing found within HMAs is usually associated with deeded property. Within the checkerboard, fencing is associated with the major highway corridors of Interstate 80 and U.S. Highway 191.

WILD HORSES

Current wild horse populations are estimated at 2,952 animals (Table 1). This is the number of horses estimated to remain after the removal of 568 animals during the summer of 2000. The AML for the HMAs included in the Proposed Action is 1,215. Current populations are therefore estimated to be over two and one-half times that of established AML. During calendar year 2000, the RSFO experienced a severe drought and had more acreage consumed by wild fire than during the past two decades combined. None of the wild fires affected the wild horses and they survived the drought in good shape. Forage was available to sustain them until the present time. Some concentration of use areas occurred due to scarcity of surface water supplies. No increased mortality was documented.

The majority of pregnant mares will be in the third trimester of pregnancy during the proposed gathering period. Data contained in the BLM Wild Horse and Burro Information System documents that the majority of wild horse foals in this area are born on or around June 1 each year. Ninety-six percent (96%) of mares are foaled between April 15 and June 30 each year. No gathering of wild horses is proposed between April 1 and July 14.

During this time of year, wild horses commonly migrate from solid block (public lands) areas of HMAs to the checkerboard portions of the HMAs. North of Interstate 80, this movement is from the north to south. South of Interstate 80, the movement is from the south to the north. This seasonal migration occurs with HMA boundaries and is not generally responsible for horses straying to areas outside of HMAs. Out-migration (east to west) is largely a function of density dependent factors related to social and breeding activity.

WILDLIFE

The RSFO area is home to over 350 species of wildlife including big game, furbearers, waterfowl, shorebirds, songbirds, amphibians, and reptiles, to name a few. Many species are not affected by this action since they migrate to wintering ranges outside of the State of Wyoming. Of those species that make southwest Wyoming home during the proposed late winter gathering time frame, big game (antelope, mule deer, and elk), certain raptors, and greater sage-grouse could potentially be affected by the Proposed Action or No Action alternatives. Since gathering operations are not proposed around water areas, those species that inhabit such areas (e.g., moose, fish) are not affected, henceforth they are not addressed further in this document.

Big Game Species

Pronghorn Antelope - The Wyoming Game and Fish Department (WGFD) identified certain antelope herds as potentially affected by the Proposed Action: portions of the Sublette, South Rock Springs, and Bitter Creek herds. Antelope live year round in much of the RSFO. Crucial winter range within the RSFO is shown on Map 3, Appendix 1. The current population is estimated at approximately 60,000 (WGFD Annual Herd Unit Reports, 1999). During the winter months, these animals form loose aggregations and feed primarily on sagebrush. Antelope will consume snow for their water needs when sources of open water are not available. Meeker (1982) found dietary overlap between feral horses and antelope suggesting a 1:1 replacement ratio between horses and antelope. Stephenson (1982) found a 60% overlap between pronghorn antelope and feral horses.

Mule Deer - Mule deer occur throughout the Field Office area. Most populations are below Wyoming Game and Fish Department population objectives (pers. comm. Christiansen) with the population estimated at 27,000 (WGFD Annual Herd Unit Reports, 1999). Crucial mule deer winter range is shown on Map 3, Appendix 1. Mule deer utilize both rangelands and forests where they feed primarily on brush and trees during the winter months. Stephenson (1982) found a 65% dietary overlap between mule deer and feral horses. It is reasonable to expect that wild horses compete with mule deer for water resources and space.

Rocky Mountain Elk - The estimated elk population is approximately 2,800 (WGFD Annual Herd Unit Reports, 1999). Within some herd units, populations are over objective levels (pers. comm. Christiansen). Crucial winter range for elk is shown on Map 3, Appendix 1. Elk feed mostly on grasses and saltbush for the majority of their forage requirements but switch to shrubs and certain trees during the winter months. Stephenson (1982) found a 71% dietary overlap between elk and feral horses, indicating potential competition for available forage. It is reasonable to expect that wild horses compete with elk for water resources.

Raptors

There are 17 species of raptors with potential nesting habitat in the RSFO. Golden eagles and great-horned owls inhabit the field office area year-round and may start nesting as early as February (pers. comm. Deibert). Golden eagle nests are most often found on cliffs, canyon walls, and pinnacles; occasionally, golden eagles also nest in the tops of snags or open trees. Great-horned owls nest primarily in open trees and snags; occasionally, these owls will nest on cliffs and pinnacles. Known golden eagle and great-horned owl nest sites are shown on Map 4, Appendix 1.

Ferruginous hawks, ground-nesting raptors, generally arrive in the area in mid-April to begin courtship and subsequent nesting in late April and early May (pers. comm. Cerovski). Another ground-nesting raptor, the burrowing owl, nests in abandoned prairie dog burrows or burrows they excavate themselves in May. Other raptor species found in the RSFO area arrive after the close of proposed late winter gathering operations and would not be affected by the Proposed Action.

Greater Sage-Grouse

The greater sage-grouse (American Ornithologists' Union, 2000) can be found throughout much of the RSFO area where there is sufficient sagebrush habitat. Long-term trends have shown a 30% decrease in populations over the last 30 years. The chick survival rate in the summer of 2000 was very poor due to the drought conditions and is expected to have a negative impact on local populations (pers. comm. Christiansen). These birds usually arrive on their traditional strutting grounds, known as leks, in March although if weather should permit, they could arrive as early as mid-February. Leks are generally characterized by an open, relatively flat area adjacent to sagebrush habitat. Known greater sage-grouse leks and 2-mile nesting buffers are shown on Maps 2 and 4, Appendix 1.

Other Species of Interest

Prairie dogs - Prairie dogs inhabit the field office area in areas where there are suitable soils and flat topography.

Swift fox - This diminutive fox occurs in the eastern portion of the RSFO area (pers. comm. Wooley). This species inhabits areas of low vegetation and flat topography often in association with prairie dog towns.

Other species of interest that may be present in the RSFO but not likely to be affected by gathering operations include bobcat, black bear, mountain lion, ground squirrels, badger, red fox, coyotes, rodents, weasels, bats, waterfowl, song birds, fish, invertebrates, amphibians, reptiles, and others.

VEGETATION/SOILS/RANGELAND HEALTH

During the late winter period, most vegetation is dormant and soils are frozen. If these conditions do not exist, vehicular access would be extremely limited and may preclude gathering activities. The conditions under which gathering could proceed are included in the Proposed Action.

Some grazing allotments within existing HMAs have been determined to not be in compliance with the Wyoming Standards for Rangeland Health (1997). Impacts from grazing animals, including wild horses, have often been determined to be a causative factor in the failure to comply with the standards. One of a number of appropriate actions identified to address this situation is to reduce wild horse numbers to AML and to totally remove wild horses from areas outside established HMAs.

CHAPTER IV - ENVIRONMENTAL CONSEQUENCES

This section tiers to and incorporates Chapter IV of the 1999 EA. The impacts described in the 1999 EA continue to apply to this action. The discussion below is limited to the potential impacts specific to gathering and removing excess wild horses during the period from February 15 through March 31, for the following resources: wild horses, wildlife, and vegetation (includes soils and rangeland health). The direct, indirect, and cumulative impacts are addressed for each resource.

With one exception the cumulative impact analysis done during the development of the Green River RMP Environmental Impact Statement (EIS) and the 1999 EA applies to this Proposed Action. The additive effects of wild horse gathering coupled with other reasonably foreseeable resource uses (e.g., oil and gas development, livestock grazing) on the environment were analyzed in that EIS and are not repeated here. The exception to that cumulative analysis was the effect on wild horses from gathering during the late winter time period, when other conditions (late winter physical condition, mare pregnancies, etc.) may be stressing the physiological health of the horses. A cumulative analysis was done for that potential impact on wild horses and can be found in the below discussion.

PROPOSED ACTION

Wild Horses

Direct and Indirect Impacts - Review of the Wild Horse and Burro Information System (information is available upon request) and consultations (pers. comm. Glenn), it was confirmed that avoiding unaccustomed stress after the onset of the 38th week of pregnancy was an appropriate safeguard to avoid stress-induced abortion during removal and processing. It has also been determined that shutting down gathering activities between April 1 and July 14 is effective in avoiding subjecting mares to unaccustomed stress after their 38th week of pregnancy. This would occur at least 85% of the time, as this is the documented percentage of mares that foal between April 1 and June 30 each year. It was further determined that the only way to avoid, with absolute certainty, the possibility that any pregnant mare would ever be subjected to any unaccustomed stress, was to never remove any group of horses which might contain a pregnant mare. This would, in effect, make it essentially impossible to ever schedule and complete any removal, subverting the well-being of the entire herd and the habitat that supports them.

Hansen and Mosley (2000) in studies in Idaho and Wyoming on the effects of helicopter roundups on the behavior and reproduction of wild horses determined “. . . in our study roundups did not decrease reproductive rates of feral horses.” The authors go on to state “Feral horses in our study apparently adapted easily to any stress caused by roundups. We found no evidence that roundups had deleterious effects on behavior or reproduction of feral horses.”

The actual foaling period has been determined from several sources (pers. comm. Glenn). In 1978 and 1979, wild horses were observed in the field. During these two years, 85% and 87% of foals were born after April 1 and before June 30. Field observations were also conducted in 1999. Seventy-six percent of foals were born between May 15 and July 1 and 91% of foals were born after April 1. Analyses of data from the Wyoming Horse and Burro Information System, over the period of 1986 through 1998, established that 96% of foals were born between April 15 and June 30 and that 85% were born after May 14. Therefore, less than four percent of any potential foal crop could be born prior to the dates of the proposed action, and 85% of foals would not be born until at least six weeks after activities under the proposed action had ceased.

Cumulative Impacts - The potential cumulative effects on wild horses from the impacts of gathering operations coupled with potential impacts to their health from the lower quality and quantity of forage, cold weather, and mare pregnancy was evaluated. Several measures were developed in the Proposed Action to prevent a possible cumulative impact that could result in the death of a horse or loss of an unborn foal. These measures include specifying mild weather conditions, specific guidelines on herding the horses by the helicopter, shutting down gathering operations on April 1 through July 15 to protect unborn and recently born foals and use of an outside Veterinarian to evaluate individual herd conditions prior to gathering. With implementation of these features, no cumulative impacts on wild horse health are anticipated from late winter gathering.

Mitigation Measures - With implementation of the committed measures identified under the Proposed Action, no additional mitigation measures are identified.

Wildlife

In general, wildlife species would benefit from the Proposed Action Alternative. Any action taken to achieve and maintain AML should result in the improvement of the overall quality of the rangeland conditions potentially benefitting all species inhabiting the range.

Big Game Species

Pronghorn Antelope

Direct and Indirect Impacts - BLM may conduct gathering operations in antelope crucial winter range (see Map 3, Appendix 1), but as stated in the Proposed Action, BLM would avoid concentrated populations of antelope. Therefore, no direct impacts to such herds would be expected. Antelope in the general area during trap construction or gathering operations could be temporarily disturbed by these activities or by the helicopter as it passes by.

Cumulative Impacts - Based upon the findings of both Meeker (1982) and Stephenson (1982), removing excess wild horses should improve the overall health of the range, thereby benefitting antelope due to a reduction in competition for forage and water resources. Such reductions in competition for forage and water would be particularly beneficial for antelope during severe winters or times of drought.

Mule Deer

Direct and Indirect Impacts - As stated under the Proposed Action, the BLM would avoid gathering operations in mule deer crucial winter ranges (see Map 3, Appendix 1). Therefore, no direct or indirect impacts to mule deer are anticipated. In the event that mule deer happen onto areas outside of their winter range during gathering operations, those individuals could be momentarily disturbed by the helicopter and/or the wild horses as they pass by. Any such impact would be temporary and unlikely to pose a serious threat to the animal.

Cumulative Impacts - Removing excess wild horses to achieve AML should benefit the overall health of the rangeland which should benefit all inhabitants of the range. Mule deer should benefit in particular due to reduced competition for forage, water, and space. Achieving AML would be essential for mule deer during severe winters or times of drought.

Rocky Mountain Elk

Direct and Indirect Impacts - As stated under the Proposed Action, the BLM would avoid gathering operations in elk crucial winter ranges (see Map 3, Appendix 1), thus no direct or indirect impacts to elk are anticipated. In the event that an elk finds its way into an area outside of their winter range during gathering operations, those individuals could be momentarily disturbed by the helicopter and/or wild horses as they pass by. Any such impact would be temporary and unlikely to pose a serious threat to the animal.

Cumulative Impacts - Since elk and wild horses are both grazers that eat primarily grasses and saltbush for the majority of their forage requirements, removing excess wild horses to achieve AML should benefit overall rangeland health and specifically elk, due to reduced competition for forage and water. Achieving AML would be imperative for elk during severe winters or times of drought.

Mitigation Measures - With implementation of the committed measures identified under the Proposed Action, no additional mitigation measures have been identified for big game.

Raptors

Direct and Indirect Impacts - As stated under the Proposed Action, the BLM would avoid known active nesting sites as determined by BLM Wildlife Biologist. Therefore, no direct or indirect impacts to nesting raptors, specifically nesting golden eagles or great-horned owls (Map 4, Appendix 1), are anticipated. Wild horses passing by or the helicopter flying overhead could disturb raptors in the immediate area where such operations are occurring. Any such encounter, however, would be momentary and individuals would likely resume their normal activity shortly thereafter.

Cumulative Impacts - Removal of excess wild horses should improve the overall health of the range, thereby benefitting the prey species raptors depend upon.

Mitigation Measures - No additional mitigation measures are identified.

Greater Sage-Grouse

Direct and Indirect Impacts - As stated under the Proposed Action, the BLM would avoid a 2-mile radius around leks (see Maps 2 and 4, Appendix 1) during gathering operations. Therefore, no direct or indirect impacts to those grouse actually occupying leks during the late winter gathering time frame would occur. However, should greater sage-grouse happen upon areas where gathering operations are actually occurring, outside of the 2-mile radius around leks, there is potential for individuals to be trampled if they do not move out of the way.

Cumulative Impacts - Removal of excess wild horses should improve the overall health of the range, thereby benefitting greater sage-grouse nesting and brood rearing habitats.

Mitigation Measures - With implementation of the committed measures identified under the Proposed Action, no additional mitigation measures are required.

Other Species

Direct and Indirect Impacts - As stated under the Proposed Action, the BLM would avoid prairie dog towns, open or frozen water, and fenced areas; hence, direct or indirect impacts to those species (i.e., prairie dogs, swift fox, etc.) inhabiting those areas would be avoided. Where gathering operations are actually occurring, species within the immediate area would either temporarily move away or hide.

Cumulative Impact - Removal of excess wild horses should improve the overall health of the range, thereby benefitting all species inhabiting the range.

Mitigation Measures - No additional mitigation measures are required.

Vegetation/Soils/Rangeland Health

Direct and Indirect Impacts - The removal of excess wild horses from inside the four wild horse HMAs and areas outside of HMAs (i.e., the North Baxter/Jack Morrow Hills area) could avoid potential over-utilization of forage and reduction in vegetative ground cover. 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.

Removal of excess wild horses should help maintain vegetation cover. Potential for competition for forage and water between wild horses, wildlife and livestock, and surface disturbing activity in general around water sources should be reduced. Quantity of forage should increase. The increased vegetation cover should protect soils and reduce erosion of the surface soil layer.

Reducing wild horse populations to established AMLs should ensure that adequate amounts of vegetative ground cover remain at the beginning of each growing season to support water infiltration rates, maintain soil moisture storage and transport, stabilize soils, allow natural rates of water release to support hydrologic function, and to maintain subsurface soil conditions that support permeability rates and other processes appropriate to the site.

Reducing wild horse populations to established AMLs will allow the management of other forage/vegetation uses to maintain, restore, or improve riparian plant communities and proper stream function.

Cumulative Impacts - Managing wild horses at established AMLs will ensure that the combined levels of forage use will maintain, enhance, or restore habitats for federally threatened or endangered species and other federal or state species of concern. This action will also maintain or enhance the physical and biological conditions necessary to sustain native animal populations and healthy rangeland plant communities. Maintaining wild horse populations at AML would produce no cumulative negative impacts to vegetation and soils. Managing wild horse populations at AML would assist in compliance with the Wyoming Standards for Rangeland Health.

Mitigation Measures - Compliance with the committed measures described under the Proposed Action precludes the necessity for additional mitigation.

Residual Impacts

See page 21 of the 1999 EA for a discussion of these impacts. They are expected to remain the same.

NO ACTION ALTERNATIVE

Wild Horses

Direct and Indirect Impacts - No wild horses would be gathered or removed from public or private lands. Previously identified impacts to wild horses from gathering, transporting, handling and entry into private care (this document and the 1999 EA) would not occur.

Cumulative Impacts - Excess wild horses would not be captured and removed to achieve AML, during the proposed gathering period. Pregnant mares that remain on the range will produce new foals adding to an already overpopulation of wild horses. Gathering activities later in the year may mitigate this impact, only if sufficient horses could be captured and processed. Current analyses (1999 EA Appendix D, Population Modeling) indicate that to capture sufficient excess wild horses to achieve AML will require at least three years at total capacity of the Rock Springs facility and available labor. It is for this reason that gathering of wild horses, as prescribed under the Proposed Action, allows for more efficient use of facilities and labor, thereby increasing the ability to achieve AML.

Mitigation Measures - Removing and processing more wild horses during the July 15 through early winter gathering period could mitigate the short-term direct and indirect impacts and long-term cumulative impacts. Existing and potential future limitations in facilities, labor, budget, weather, and adoption demand could render this mitigation ineffective to address the long-term cumulative impacts to the wild horses and their habitat.

Wildlife

In general, wildlife species could be adversely impacted by the No Action Alternative. Not achieving or maintaining AML could result in a reduction in the quality of habitat due to increased competition for forage and space, and degradation of water-related habitats.

Big Game Species

Pronghorn Antelope

Direct and Indirect Impacts - No direct or indirect impacts to antelope are expected should the No Action alternative be implemented.

Cumulative Impact - By not achieving AML, overpopulation of wild horses left on the range is expected to have detrimental effects on antelope over the long term. Continued competition for forage and water resources could contribute to the decline of antelope populations and habitat conditions, especially during times of severe weather events (i.e., severe winter, drought).

Mule Deer

Direct and Indirect Impact - No direct or indirect impacts to mule deer are expected should the No Action alternative be implemented.

Cumulative Impact - Based on Stephenson's (1982) findings, there would be increased competition for forage and water resources should the wild horse population be allowed to increase unchecked. Continued

competition for such resources would likely contribute to the decline of mule deer populations and habitat conditions, especially during times of severe weather events (i.e., severe winter, drought).

Rocky Mountain Elk

Direct and Indirect Impact - No direct or indirect impacts to elk are expected should the No Action alternative be implemented.

Cumulative Impact - Based upon Stephenson's (1982) findings, elk would likely be severely impacted by unchecked wild horse population increases. Continued and increased competition for forage, space, and water could contribute to the decline of elk populations and habitat conditions, especially during times of severe weather events (i.e., severe winter, drought).

Mitigation Measures - With increasing numbers of wild horses, a reduction in the numbers of pronghorn antelope, mule deer, and Rocky Mountain elk may be required.

Raptors

Direct and Indirect Impacts - No direct or indirect impacts to raptors would be expected with implementation of the No Action alternative.

Cumulative Impacts - By not achieving AML, growth in wild horse populations could lead to range degradation resulting in a reduction of prey species.

Mitigation Measures - No additional mitigation measures have been identified.

Greater Sage-Grouse

Direct and Indirect Impacts - No direct or indirect impacts to greater sage-grouse would be expected with implementation of the No Action alternative.

Cumulative Impacts - Braun (1987) and Dobkin (1995) found indirect evidence suggesting that excessive grazing in breeding and brood-rearing habitat may have an adverse impact on greater sage-grouse populations. Reductions in cover and forage caused by grazing and trampling by excess free-roaming wild horses could lead to further population decline.

Mitigation Measures - No additional mitigation measures have been identified.

Other Species of Interest

Direct and Indirect Impacts - No direct or indirect impacts to other species would be expected with implementation of the No Action alternative.

Cumulative Impacts - A reduction in rangeland health could lead to population declines for other species.

Mitigation Measures - No additional mitigation measures have been identified.

Vegetation/Soils/Rangeland Health

Direct and Indirect Impacts - The 1999 EA addresses the direct and indirect impacts of the No Action alternative. There are no additional direct impacts to these resources due to the No Action Alternative.

Achievement of compliance with rangeland health standards where excessive forage removal has been determined to be a causative factor would not result from the No Action alternative. Selection of the No Action Alternative would require more time to improve rangeland health, if possible at all. Reductions of other forage uses to accommodate the current and projected over-population of wild horses may need to occur. Horses not removed prior to the growing season would continue to use forage. This could hinder potential plant growth affecting the vegetation and soil resources, and therefore rangeland health.

Cumulative Impacts - Since not gathering wild horses may have only short-term impact on achieving AML, cumulative impacts to soils and vegetation would be difficult to predict. These impacts would depend upon the ability to achieve AML through the removal of wild horses outside of the February 15 to March 31 period.

If wild horse numbers are allowed to continue to increase to multiples of AML, so does the likelihood that adverse cumulative impacts to plants and other animals would occur over time. See cumulative impact analysis sections under Wild Horses and Wildlife for specific discussion.

Mitigation Measures - Additional wild horses would need to be captured at times other than that identified under the Proposed Action to assure that authorized wild horse numbers are achieved and maintained.

Removing and processing more wild horses during the July 15 through early winter gathering period could mitigate the short-term direct and indirect impacts and long-term cumulative impacts to rangeland health. Existing and potential future limitations in facilities, labor, budget, weather, and adoption demand could render this mitigation ineffective to address the long-term cumulative impacts to the health of the public rangelands.

Residual Impacts

Residual impacts are addressed in the 1999 EA on page 24 and would remain the same.

CHAPTER V - CONSULTATION AND COORDINATION

Chapter V of the 1999 EA provides further discussion of the history of wild horse gathering in the RSFO area and checkerboard lands.

This EA has been distributed to the public for review and comment. Copies of this EA are available at the Rock Springs Field Office and on the internet at: <http://www.wy.blm.gov/currentnews/wildhorses/WILDHORSEADOPTION.HTML>.

This EA has been sent to those individuals or organizations who specifically requested continued participation during public scoping period. These individuals and organizations include:

Individuals:

Ida Anderson
Jon Child
Lloyd Eisenhauer
Dr. Patricia Fazio
C. Fuhrmann
Laurie Hamilton (email)
Leonard Hay

James Magagna
Chadwick McBurney
Dave Pauli
Bill Taliaferro
Clark Weber
Carricaburu-Jauregui

Organizations:

American Mustang & Burro Association
Animal Legal Defense Fund
Animal Protection Institute
Colorado Wild Horse & Burro Coalition
Doris Day Animal League
Earthjustice Legal Defense Fund
Fund for Animals

Rock Springs and Green River Chambers of Commerce
Rocky Mountain Elk Foundation
SPCA
Sweetwater Wildlife Association
Taurus Production
Western Wyoming Mule Deer Foundation
Wyoming Advocates for Animals

Governmental Agencies/Representatives:

BLM - Wyoming State Office and Rawlins and White River Field Offices
Commissioners for Sublette, Fremont, Sweetwater Counties
Mayor of Superior
Pati Smith, Representative for U.S. Senator Craig Thomas
Rock Springs Library
State Representatives: Stephen Watt, Louie Tomassi
U.S. Congressional Representatives
U.S. Fish and Wildlife Service
University of Wyoming, Department of Renewable Resources, Collections Department
Wyoming Game and Fish Department
Wyoming Office of Federal Land Policy
Wyoming State Grazing Board

Western Wyoming Community College (WWCC)

Livestock Operators:

Grey's River Livestock Co

Rock Springs Grazing Association, Marty and Ragsdale (attorney for RSGA)

A press release was issued to the following local and state media informing the public that this EA is available for review.

Newspapers:

Associated Press - Cheyenne
Bridger Valley Pioneer
Casper Star-Tribune
Green River Star
Jackson Hole News
Jackson Hole Guide
Kemmerer Gazette

Little Chicago Review
Pinedale Roundup
Rawlins Daily Times
Rock Springs Daily Rocket-Miner
Sublette County Journal
Uinta County Herald
Wyoming State Journal

Radio Stations:

K2 Radio Network
KEVA - Evanston
KMER - Kemmerer
KMTN - Jackson

KPIN - Pinedale
KQSW/KRKK/KSIT - Rock Springs
KUGR/KYCS - Green River
Wyoming Radio Network

Television Stations:

KFNB-TV - Casper
KGWC-TV - Casper
KTWO-TV - Casper

Preparers and Document Review

Teri Deakins - Environmental Protection Specialist, Rock Springs Field Office
Thor Stephenson - Rangeland Management/Wild Horse Specialist, Rock Springs Field Office
Lorraine Keith - Wildlife Biologist, Rock Springs Field Office
Jim Glennon - Botanist, Rock Springs Field Office
Bernie Weynand - Assistant Field Manager for Resources, Rock Springs Field Office
Vic McDarment - Lead Wrangler, Rock Springs Field Office
Angelina Pryich - Editor, Rock Springs Field Office
Dave Roberts - Wildlife Biologist, Wyoming State Office
Don Glenn - Wild Horse and Burro Specialist, Wyoming State Office
Tim Bottomley - Environmental Protection Specialist, Wyoming State Office
Ron Shane - BLM Contracted Helicopter Pilot, Timberline Helicopters

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American Ornithologists' Union 2000. Forty-second supplement to the American Ornithologists' Union, Check-list of North American Birds. *Auk* 117:847-858.

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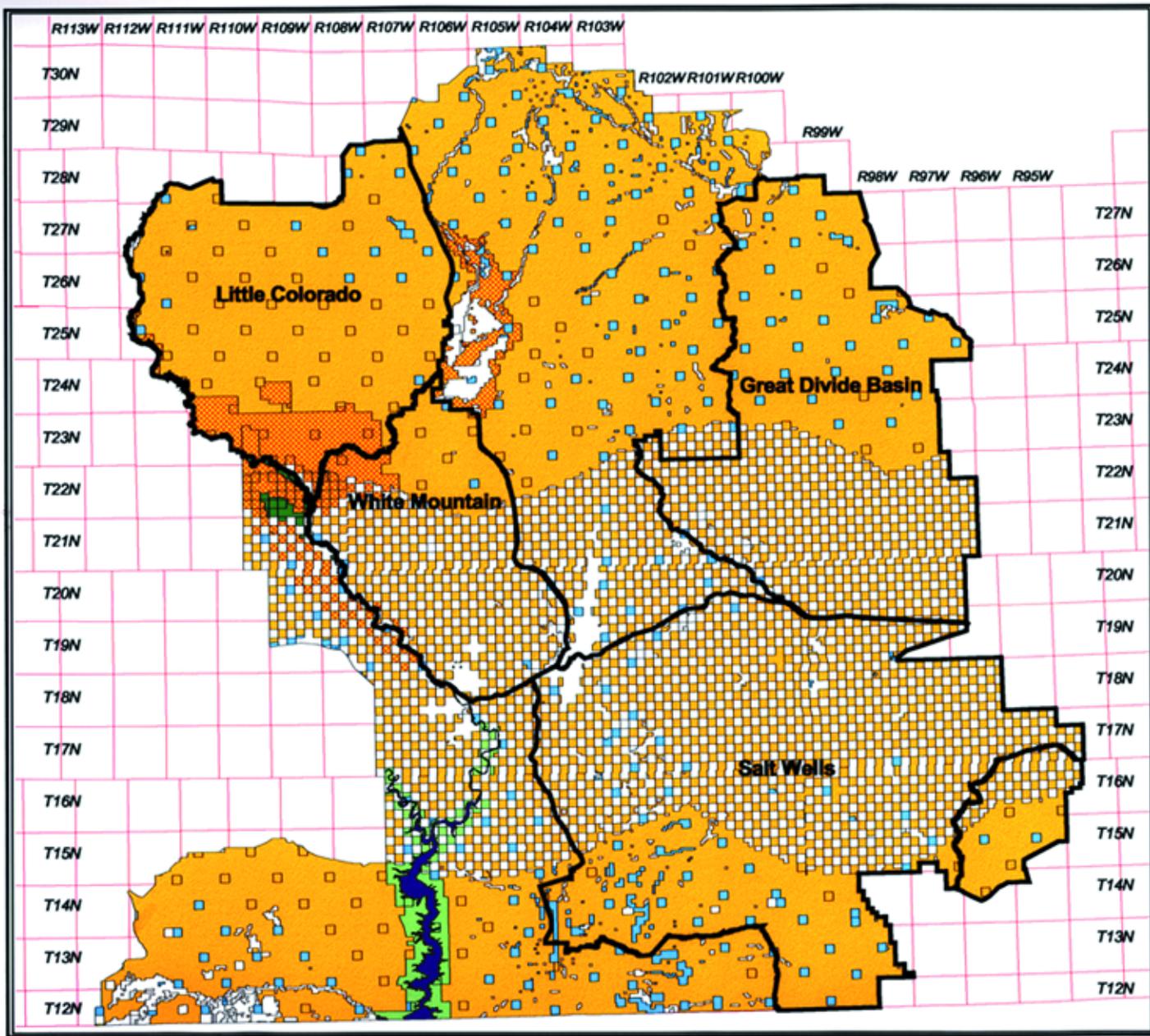
Meeker, J.O. 1982. "Interactions between pronghorn antelope and feral horses in northwestern Nevada," J.M. Peek and P.D. Dalke, Editors, 1982, in Wildlife-Livestock Relationships Symposium: Proceedings 10. University of Idaho. Forest, Wildlife and Range Experiment Station, Moscow, Idaho. 614 pages.

Stephenson, Thor E. 1982. "Diet Botanical Composition for Pronghorn Antelope and Other Ungulates in Northcentral New Mexico." Masters Thesis. New Mexico State University, Las Cruces, New Mexico.

Wyoming Game and Fish Department 1999. Green River Region Annual Herd Unit Reports 1999.

APPENDIX 1

MAPS



Map 1
Wild Horse Herd
Management Areas

Legend

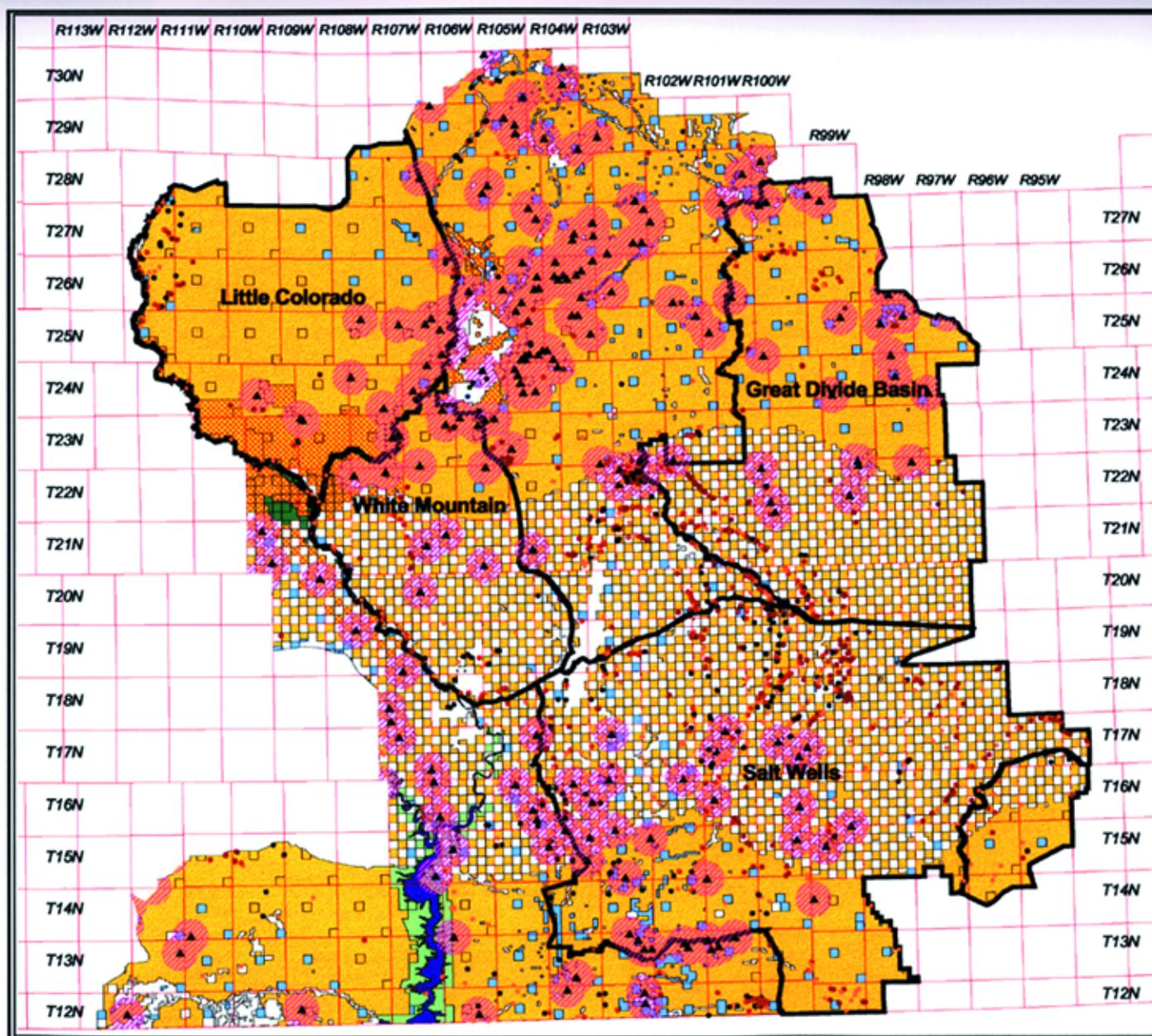
- Wildhorse Herd Mngmt. Areas
- Surface Ownership**
- Bureau of Land Management
- Bureau of Reclamation
- Fish and Wildlife
- Forest Service
- Private
- State
- Water

5 0 5 10 15 Miles

N

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Map produced by:
 Rock Springs Field Office
 GIS Specialist
 Rock Springs, WY
 12/13/2000



Map 2
 Known Avian
 Breeding and
 Nesting Habitat

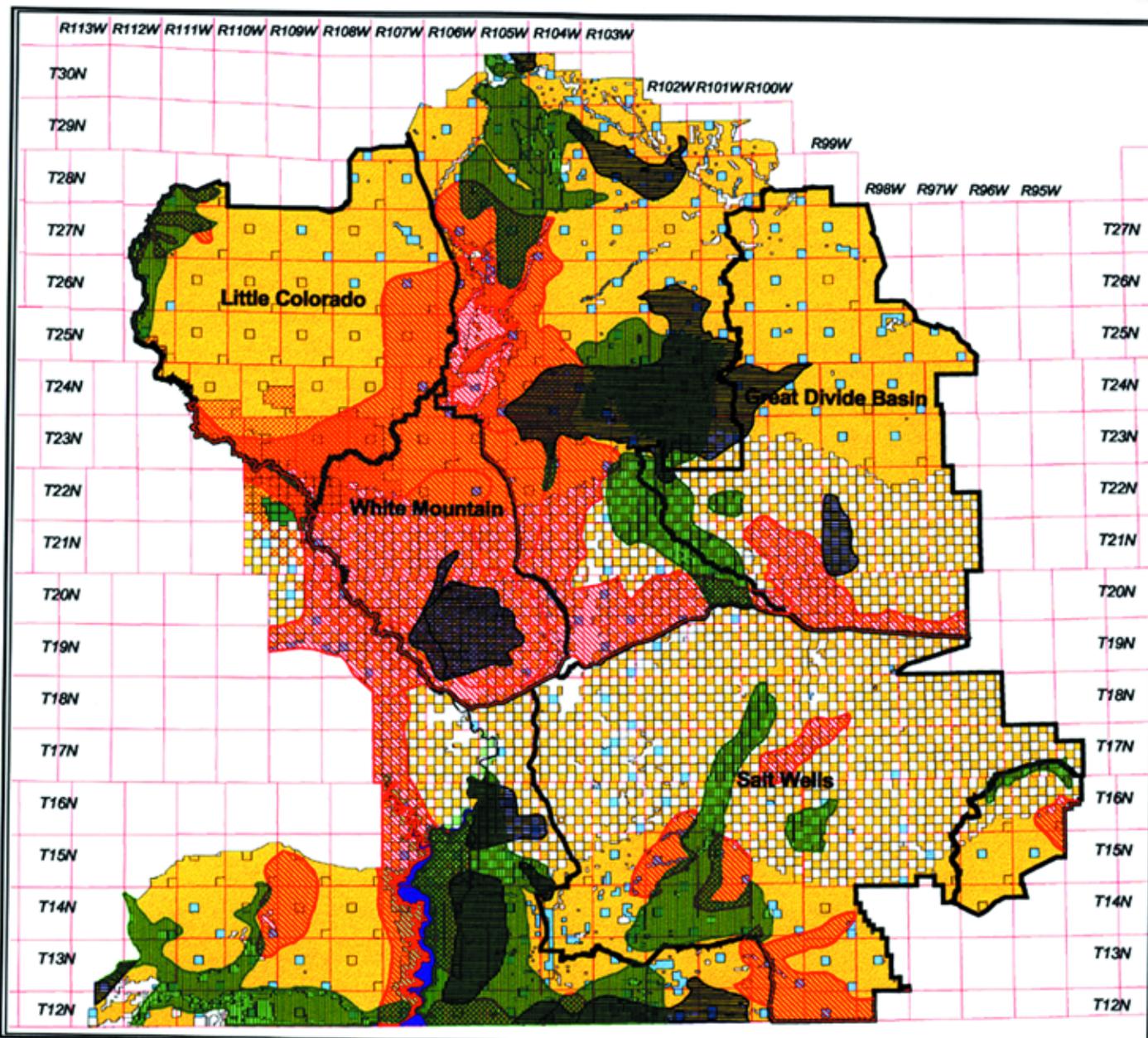
Legend

- Raptors**
- Burrowing Owl
- Ferruginous Hawk
- Golden Eagle
- Great Horned Owl
- Kestrel
- Long-eared Owl
- Marsh Hawk
- Merlin
- Prairie Falcon
- Red-tailed Hawk
- Short-eared Owl
- Swainson's Hawk
- ▲ Sagegrouse Lakes
- Salt 2 mile buffer
- Wetmore's Wood Shrike Areas
- Land Ownership**
- Bureau of Land Management
- Bureau of Reclamation
- Fish and Wildlife
- Forest Service
- Private
- State
- Water



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Map produced by:
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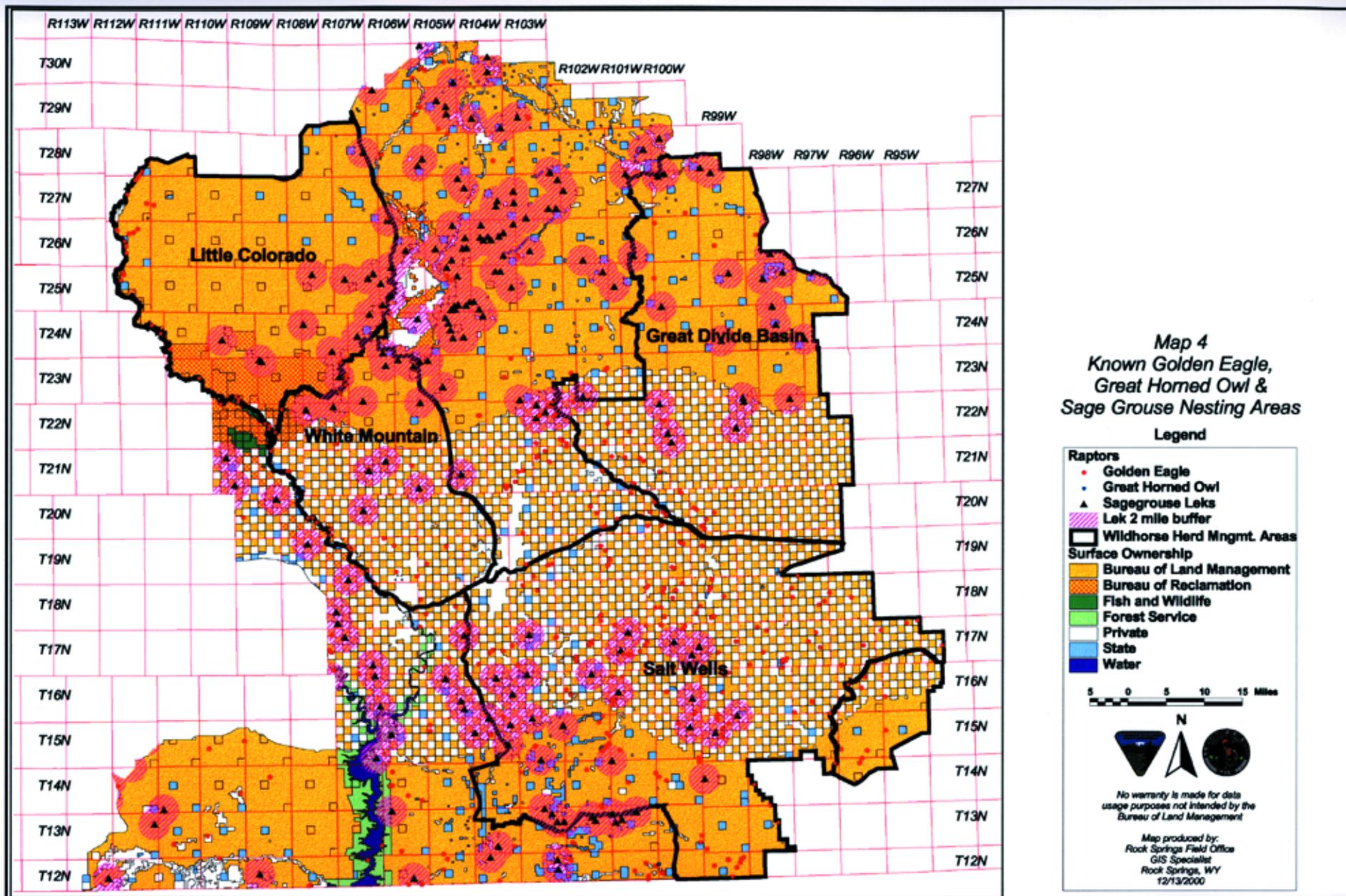
Map 3
Big Game
Crucial Winter Range
Legend

- Crucial Muledeer Range
- Crucial Elk Range
- Crucial Antelope Range
- Wildhorse Herd Mngmt. Areas
- Surface Ownership**
- Bureau of Land Management
- Bureau of Reclamation
- Fish and Wildlife
- Forest Service
- Private
- State
- Water



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GIS Specialist
Rock Springs, WY
12/13/2000



APPENDIX 2

LETTER FROM ROCK SPRINGS GRAZING ASSOCIATION

MARTY & RAGSDALE

ATTORNEYS AT LAW
20 EAST FLAMING GORGE
GREEN RIVER, WYOMING 82935

Lawrence A. Marty
Calvin E. Ragsdale
Karen L. Marty

307-875-3235
Fax 307-875-8446

March 10, 1999

Mr. John S. (Stan) McKee
Field Manager
U. S. Dept. of the Interior
Bureau of Land Management
Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901

Mr. Alan Pierson
State Director
U. S. Dept. of the Interior
Bureau of Land Management
Wyoming State Office
P. O. Box 1828
Cheyenne, Wyoming 82603

Via Certified Mail No. P 551 468 926, return receipt requested, to Mr. McKee

Via Certified Mail No. P 551 468 777, return receipt requested, to Mr. Pierson

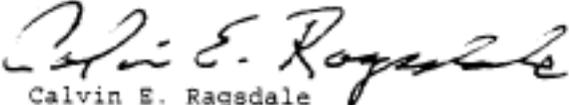
RE: ROCK SPRINGS GRAZING
ASSOCIATION- BLM (wild
horses - General File)

Dear Messrs. McKee and Pierson:

Our client, Rock Springs Grazing Association, requested that we deliver the enclosed letter concerning the above referenced matter to you. Enclosed with Mr. McKee's letter is originally signed letter of March 4, 1999, addressed to him. Enclosed with Mr. Pierson's letter is copy of March 4, 1999, letter to Mr. McKee.

Your prompt attention to this matter would be greatly appreciated by our client.

Very truly yours,


Calvin E. Ragsdale

CER: ps

Enclosure

cc: (with copy of enclosure)

Mr. John F. Arambel, Jr.
P. O. Box 1114
Rock Springs, Wyoming 82902

Mr. John Peroulis
1006 Ranney Street
Craig, Colorado 81625


Dept. Of The Interior
Bureau Of Land Management
Rock Springs, Wyoming

Mr. John S. (Stan) McKee
Mr. Alan Pierson
March 10, 1999
Page 2

cc: (with copy of enclosure)

Mr. John W. Hay, III
Treasurer
Rock Springs Grazing Assn.
P. O. Box 247
Rock Springs, Wyoming 82902

Mr. Leonard W. Hay
President
Rock Springs Grazing Assn.
P. O. Box 247
Rock Springs, Wyoming 82902

Mr. Fred W. Roberts
Vice President
Rock Springs Grazing Assn.
Roberts Ranch
Cokeville, Wyoming 83114

Mr. William R. Taliaferro
106 Cedar
Rock Springs, Wyoming 82901

THE ONLY LAND CLAIMED BY THIS COMPANY WITHIN ITS RANGE ARE THE ODD NUMBERED SECTIONS. WHERE RIGHTS OF WAY ARE NOT ESTABLISHED TO THE PUBLIC DOMAIN THE COMPANY OFFERS TO ESTABLISH AND DEFINE SUCH RIGHTS OF WAY UPON APPLICATION TO THE SECRETARY. ALL PERSONS ARE HEREBY WARNED NOT TO TRESPASS UPON ANY PORTION OF SAID ODD NUMBERED SECTIONS WHICH IS NOT TO BE USED AS A RIGHT OF WAY TO THE PUBLIC DOMAIN.

ROCK SPRINGS GRAZING ASSOCIATION
ROCK SPRINGS, WYOMING 82901

March 4, 1999

Mr. John S. (Stan) McKee
Field Manager
U.S. Department of the Interior
Bureau of Land Management
Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901

Dear Mr. McKee:

In 1907, Rock Springs Grazing Association was founded to preserve its range by the implementation of rational range practices calculated to protect the range from abuse. This was long before the creation of either the Grazing Service or the Bureau of Land Management. Since the passage of the Taylor Grazing Act in 1934, the Association and the Department of the Interior have essentially been partners in managing the uses of their interdependent lands. The "checkerboard" ownership land pattern and resulting relationship of uses on the federal and Association lands virtually dictated such a partnership. The Association has always believed that the Bureau is as interested in fostering and maintaining proper range land health as the Association is.

For over twenty years, Rock Springs Grazing Association has consented to the presence of so-called "wild horses" on its property. On January 3, 1979, representatives of Rock Springs Grazing Association, Wild Horses Yes (WHY), and International Society for the Protection of Mustangs & Burros met and agreed on "checkerboard" numbers. By letter dated January 4, 1979, the Society advised the Bureau of the agreement. By letter dated January 10, 1979, Rock Springs Grazing Association did the same. Since 1981 and 1982, the Association has consented to the inclusion of lands it owns or controls in Wild Horse Herd Management Areas (WHHMA's). A few years after the WHHMA's were created, the Association

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offered to enter into a Cooperative Horse Management Agreement with the Bureau to formalize the horse management relationship. Although such a formal agreement was never executed, both the Bureau and Rock Springs Grazing Association have performed several of its terms for many years. A review of those documents will reflect that the only consideration Rock Springs Grazing Association sought is that the United States reasonably manage its horses and control their numbers to those numbers set out in the agreement or the WHHMA's.

As you know, the WHHMA plans were based on that agreement and the numbers set out in it. Area resource management plans within the district have been structured around that agreement. The agreement and its progeny are based on the law recognized in the March 13, 1981, Order in *Mountain States Legal Foundation and Rock Springs Grazing Association v. Andrus, et al*, Civil Action No. C79-275K, United States District Court for the District of Wyoming, and subsequent amendments to that order. In the original Order, Judge Kerr found and held:

. . . this case arises under the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. Section 1331, et seq. (the Act). Jurisdiction is based on 28 U.S.C. Section 1331.

16 U.S.C. Section 1333(a) provides in pertinent part "all wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection...". Furthermore, the section provides that the animals shall be managed in a manner which achieves and maintains a thriving ecological balance on the public lands.

In derogation of the above provisions, the wild horse population has dramatically increased and the excess demand on grazing lands has created severe problems for ranchers in the Rock Springs area and for the ecological balance of the range.

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After the passage of the Act, the first Bureau of Land Management (BLM) inventory revealed 2,364 wild horses in the Rock Springs area in February, 1972, with 1,116 of these horses located on the lands of the Rock Springs Grazing Association (Association). As of March, 1979, 6,129 wild horses were in the Rock Springs District, with 3,413 of these on the lands of the Association.

The BLM has not removed a significant number of horses from the area from January 1, 1972, through September 1, 1976. Such inaction is clearly contrary to the Act and to Congressional mandate, and as such is unacceptable to this Court.

NOW THEREFORE, IT IS

ORDERED that the Motion for Partial Summary Judgment filed by and on behalf of plaintiffs be and the same is hereby granted; it is

FURTHER ORDERED that the Rock Springs District office of the Bureau of Land Management shall within one year from the date of this Order remove all wild horses from the checkerboard grazing lands in the Rock Springs District except that number which the Rock Springs Grazing Association voluntarily agrees to leave in said area; it is

FURTHER ORDERED that the Rock Springs District office of the Bureau of Land Management shall within two years of the date of this Order remove all excess horses from within the Rock Springs District; it is

FURTHER ORDERED that excess as defined in this Order and the Act means that the wild horse population exceeds the number deemed appropriate

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by a final environmental statement. In the absence of such a statement excess means that the number of horses exceeds the number present in the same area at the time the Act was passed;

Although the numbers have never been quite reduced to the numbers of the agreement or to those set out in the WHHMA plans, the Bureau has come close once or twice; and Rock Springs Grazing Association has until recently thought that the Bureau was serious about its horse management responsibilities. Over the years, the Bureau conducted an annual aerial District-wide inventory of horses. Bureau representatives and Association representatives met and discussed the inventory numbers and Bureau plans concerning management. During the last few years, these partnership activities have declined or have not occurred. Complete and regular inventories are not being done. Gathering has been sporadic and has declined to almost nonexistent levels. As a result, the horse numbers are again burgeoning. Even under the Bureau's most recent inventory (now two or three years old), they are well in excess of the agreement numbers, the numbers set out in the WHHMA plans, and the numbers set out in the Green River Resource Area Resource Management Plan. As neither an effective inventory nor adequate gathering has been done in the last few years, we suspect that the numbers are actually well in excess of the inventory numbers.

We remind you that, in the Rock Springs Allotment, over 50% of the land is privately owned. All but one of the WHHMA's encompass substantial portions of that Allotment. There are reasons for that configuration. The Rock Springs Allotment and the fee and leased lands of Rock Springs Grazing Association constitute the winter grazing region for the B.L.M. solid block lands. Without the "checkerboard" lands, your wild horses, the State's wildlife and our members' livestock find the winters difficult to survive. While the WHHMA's took the foregoing into account, the Bureau seems to have forgotten some rather salient points implicit in all of this. Your horses are occupying private lands. Your horses are consuming forage on private lands.

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Your lack of reasonable management of your horses adversely affects private lands.

The Association's present concerns are the same as they were twenty years ago. The increased numbers of "wild horses" are threatening again to damage the Association's lands as well as the Bureau's. Recent commitments by local Bureau officials had assuaged those concerns to some degree. Now, however, the Association is advised that no horses will be removed this spring because of fears of a lawsuit by the horse interests. Whether horses will be removed during the summer remains to be seen. In the meantime, the numbers continue to grow. No one in the Bureau seems to have a grasp on what numbers are actually present. The Association's concerns are no longer relieved. They are increased.

In the interest of maintaining what has been a relatively successful partnership, Rock Springs Grazing Association wants to help the Bureau solve a serious management problem and remove the threat to its and the Bureau's essential renewable resource - the range. It occurs to Rock Springs Grazing Association that the first step in this process is to obtain more precise numbers. The Association strongly urges the Bureau to conduct an immediate and adequate inventory of the "wild horses" present throughout the District. Such an inventory should locate the horses within WHHMA's, in the District as a whole and on the "checkerboard". After it is completed, the Association strongly urges the Bureau to meet immediately with the Association's Board and discuss the inventory numbers and what actions the Bureau should take to reduce the horse numbers to those set out in the Bureau's own plans, both its WHHMA plans and its Resource Management Plan. These plans went through a public process to determine concerns and acceptability. No one appealed them or objected to them as to horses. They are your own plans. Now, you blithely disregard them. It has been suggested that there are environmental concerns. Over the past 25 years, questions concerning horse numbers in the District have been the subject of a lawsuit, three environmental impact

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statements, at least a half dozen environmental analyses, and an IBLA appeal. The United States District Court for the District of Wyoming, each EIS, each EA, and the IBLA reached the same conclusion. The horses need to be managed and horse numbers need to be controlled. The most recent EIS is not yet three years old. The Resource Management Plan which it analyzed concluded that horse numbers needed to be and would be controlled. The Association is left with a nagging question that has been with it for several years. When do planning and analysis stop and management begin? Ultimately, agreement concerning management of the horses between the Bureau and the Association must be reached and that management implemented and continued by the Bureau.

If the Bureau is unwilling to tell us how we can help and is unable to conform to its own plans, we have to consider other options available to us. The Association really does not want to do that. It is not neighborly and it does not solve the problem. The Association would prefer to address and resolve the problem jointly in a neighborly way with its land partner.

If you have any questions or need more information, let us know at your early convenience. Thank you for your prompt attention to this matter within the next 30 days.

Very truly yours,

Rock Springs Grazing Association



By: Leonard Hay
President of the Corporation
and Chairman of the Board of
Directors

Mr. John S. (Stan) McKee

March 4, 1999

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By Fred Roberts

Fred Roberts

Vice-president of the
Corporation & Vice Chairman of
the Board of Directors, acting
in the President's absence

By Fred Roberts

Fred Roberts

Vice-president of the
Corporation & Vice-chairman of
the Board of Directors

By John W. Hay III

John W. Hay, III

Member of the Board of
Directors

By John F. Arambel, Jr.

John F. Arambel, Jr.

Member of the Board of
Directors

By John Peroulis

John Peroulis

Member of the Board of
Directors

By William R. Taliaferro

William R. Taliaferro

Member of the Board of
Directors

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March 4, 1999
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cc: Mr. Alan Pierson
State Director
U.S. Department of the Interior
Bureau of Land Management
Wyoming State Office
5353 Yellowstone Road
P.O. Box 1828
Cheyenne, Wyoming 82603

APPENDIX 3

SPECIES LISTED and PROPOSED FOR LISTING

The FWS provided a list with the following species as potentially affected by the Proposed Action. The matrix below shows the occurrence of and effect on these species.

Threatened, Endangered, and Proposed Species

Listed and Proposed Species:

<u>Species</u>	<u>Status</u>	<u>Expected Occurrence</u>	<u>Affect</u>
Black-footed ferret (<i>Mustela nigripes</i>)	Endangered	Potential resident in prairie dog (<i>Cynomys</i> sp.) colonies	No affect. Prairie dog towns are avoided due to potential for injury to wild and domestic horses.
Whooping crane (<i>Grus americana</i>)	Experimental	Resident. Migrant	No affect. No potential habitat involved in gathering areas or at trap sites.
Bald eagle (<i>Haliaeetus leucocephalus</i>)	Threatened	Nesting. Winter resident. Migrant	No affect. No potential habitat involved in gathering areas or at trap sites.
Mountain plover (<i>Charadrius montanus</i>)	Proposed	Grasslands statewide	No affect. Late winter gathering and removal operations occur prior to nesting period.
Ute Ladies'-tresses (<i>Spiranthes diluvialis</i>)	Threatened	Platte River drainages below Alcova and Cheyenne and Niobrara drainages (possible in Uinta and Sweetwater counties).	No affect. No spring gathering operations or trap sites proposed in potential habitat. Plants dormant.
<u>Colorado River Fishes:</u>			
Bonytail chub (<i>Gila elegans</i>)	Endangered	Downstream resident of Green River System.	No affect. No water depletions planned.
Colorado pikeminnow (<i>Ptychocheilus lucius</i>)			
Humpback chub (<i>Gila cypha</i>)			
Razorback sucker (<i>Xyrauchen texanus</i>)			



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

PM	FM
AFM-SC	RIDC
AFM-RES	RA-RES
AFM-M&L	LEO
ADMIN	ME
NOV - 3 2000	
IRM	TRNG
NEPA	BUDG
NRS	PAS

October 31, 2000

ES-61411

W.02 (WY4052.df)

Memorandum

To: Project Manager, Rock Springs Field Office, Rock Springs, Wyoming

From: Field Supervisor, Ecological Services, Cheyenne, Wyoming
Mary E Jennings, Acting

Subject: Scoping Notice for Proposed Spring Gathering of Wild Horses in the Rock Springs Field Office Area.

Thank you for your letter of September 29, regarding the proposed spring gathering of wild horses in Sweetwater and southern Sublette counties, Wyoming. I understand the proposed project will involve gathering wild horses from February 15 through March 31, 2001, with first priority given to "checkerboard" lands along the Interstate 80 corridor.

In accordance with section 7(c) of the Endangered Species Act of 1973, as amended (Act), I am providing you with information on threatened or endangered species, or species proposed for listing under the Act, that may be present in the project area (see enclosed information).

Section 7(d) of the Act requires that the Federal agency and permit or license applicant shall not make any irreversible or irretrievable commitment of resources which would preclude the formulation of reasonable and prudent alternatives until consultation on listed species is completed.

I have also provided information on the Migratory Bird Treaty Act. This act prohibits the take of migratory birds, their nests, or eggs. In the event that gathering activities may disturb nesting birds, your staff should take the necessary precautions to avoid take of these species.

Thank you for the opportunity to review the proposed work. Please keep this office informed of any developments or decisions concerning this project. If you have any questions please contact David Felley of my staff at the letterhead address or phone (307) 772-2374, extension 23.

Attachments (2)

cc: Director, WGFD, Cheyenne, WY
Nongame Coordinator, WGFD, Lander, WY



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

THREATENED AND ENDANGERED SPECIES OF SWEETWATER AND SOUTHERN SUBLETTE COUNTIES, WYOMING Last Updated Apr 10, 2000

Status Key: E = Endangered, T = Threatened, P = Proposed for Listing, X = Experimental

SPECIES	STATUS	HABITAT
BALD EAGLE <i>(Haliaeetus leucocephalus)</i>	T	Found throughout state
BLACK-FOOTED FERRET <i>(Mustela nigripes)</i>	E	Prairie dog towns
MOUNTAIN PLOVER <i>(Charadrius montanus)</i>	P	Grasslands
WHOOPING CRANE	X	Wet meadows and palustrine emergent wetlands
UTE LADIES'-TRESSES <i>(Spiranthes diluvialis)</i>	T	Seasonally moist soils and wet meadows of drainages below 6500 feet elevation.

If the proposed action will lead to water depletion (consumption) in the Colorado River System, impacts to species inhabiting downstream reaches should be included in the evaluation. (Please read detailed information in the following page).