

APPENDIX A: PUBLIC COMMENTS ON WDHA AMENDMENT AND BLM'S RESPONSES TO THE COMMENTS

INTRODUCTION

The public comment period for this RMP amendment was from April 1, to May 5, 2004. Following the May 5, deadline, we received 5 additional comment letters and accepted these comments. A total of 509 comment letters were received of which 499 were by electronic mail. The majority of letters (346) were petition type letters expressing the desire to maintain a horse herd in the West Douglas Herd Area.

The large number of comment letters precluded the printing of each separate letter in this document. However, the comment letters received from local, state and other federal agencies are required to be printed in this amendment. Copies of these letters are printed at the end of this Appendix. Copies of the other comment letters are available upon request from the White River Field Office.

Every comment letter was read and comments identified. The appropriate Team Member was then assigned the comments relating to their specialty in order to develop a response. When the responses were complete, an effort was made to combine comments that contained the same or similar subject matter. Table A-1 contains a list of commentors and affiliation, the number of comments contained in each letter, and the number assigned to their specific comment(s). Individual commentors should be able to track their comments from the following table by finding their name and noting the comment numbers assigned to their comment. The comment and response can then be found by looking up the comment number in the section following Table A-1. Combining the same or similar comments resulted in reducing the number of overall responses. The most common Wild Horse comments/responses are grouped by subject headers, Genetics, Boundary of the Herd Area, Genetically Viable Herd, and the Bureau's Legal Authority to Manage Horses. Most of the petition type letters commented on herd genetics which is comment number one.

Some of the comments discussed subjects outside of the scope of this amendment, with several relating to National Wild Horse Program policies. These comments were not addressed, but were forwarded to the National Program Office. Comments concerning discrepancies in the text, were corrected in the document, and were not included in this attachment.

The comment section is broken up by resource so that a viewer interested in a specific subject can view all the comments and responses to that resource. The Resources are organized as follows: Wild Horses, Range Management, Vegetation, Planning, Water Quality/Hydrology/Water Rights, Riparian, Soils, Wilderness, Wildlife, T&E Animals and Plants, and Socio-Economics.

Table A-1: List of Commentors

Name/Affiliation	Number of Comments	Comment Numbers
Reed F. Morris/ Colorado Environmental Coalition	12	20,66,67,79,80,81,82,83,84,85,86,87
Jim Miller/Colorado Department of Agriculture	1	28
Don Peach/ Self	5	23,29,65,74,76
Jon Marvel/Western Watersheds Project	2	30,31
Twin Buttes Ranch Co.	22	2,7,10,25,26,32,33,34,35,36,37,38,40,41,68,69,70,75,78,88,89,111
C.E.Brooks & Associates, P.C./Twin Buttes Ranch	11	31,42,43,44,45,46,47,48,

Name/Affiliation	Number of Comments	Comment Numbers
		49,50,91
Northwest Resource Advisory Council Wild Horse Subcommittee	2	28,112
Andrea Lococo/The Fund for the Animals	7	2,4,5,17,18,19,51
Darynne Jessler/Self	7	2,4,5,17,18,19,51
Erin Robertson/Center for Native Ecosystems	22	16,31,52,71,92,93,94,95,96,97,98,99,100,101,102,103,104,105,106,107,108,109
Sharon Branch/Self	7	1,6,8,21,53,54,90
Nancy Rife/Self	7	1,6,8,21,53,54,90
Maureen Gould/Self	7	1,6,8,21,53,54,90
Toni Moore/Colorado Wild Horse and Burro Coalition	5	1,2,3,4,22
Thomas M. Berry/Self	11	7,9,10,11,12,13,14,15,55,56,110
Jon Hill/Cripple Cowboy Cow Outfit	2	27,72
Glen Papez/Papez Outfitting	3	4,57,73
Audrey & Marvin Kipp/Self	6	58,59,60,61,62,77
Wild Horse Observers Association	5	4,16,19,51,67
Kathryn Baker/Self	2	4,112
Nancy Lindley/Self	1	1
Celia Wetherill/Self	1	1
Barbara M.Flores/American Mustang and Burro Assoc.	2	1,7
Cindy Meyer/Self	1	63
Ted Rozkuszka/Self	2	6,64
Judy Cady/Self	4	1,4,23,24

Wild Horses; Unique Genetics

1. Comment: These horses have unique bloodlines relating to the Spanish Barb and Janet breeds. These horses are not related to the horses found in the Piceance/East Douglas Herd Management Area. An area that concerns me even more is the deletion of the gene pool. There are genes specific to every wild horse herd and it's not something you can retrieve down the road if WRFO changes their mind. Every herd that is zero'd out is a threat to the survival of the other areas because few herds are being managed at a viable population

Response: The West Douglas herd is unique unto itself as are all wild horse herds. The West Douglas herd does not appear to possess unique or rare genetics that constitute isolation and protection. Dr. Cothran states in his genetic analysis of this herd "The West Douglas herd is unique only in that their history is somewhat different from other herds that are in this area and that probably share the same ancestry. The West Douglas horses show evidence of Spanish heritage but it is likely the type that came through North American breeds that also have Spanish ancestry." Dr. Gus Cothran concludes from his genetics tests that "One cannot state with certainty that the West Douglas horses originated from the Piceance /East Douglas Herd. There are some similarities to the 84 Mesa group in the Piceance /East Douglas Herd Management Area, but the W. Douglas herd does not appear to have originated solely, or even primarily from the Piceance /East Douglas herd." Of the 3 Colorado horse herds genetically compared with West Douglas, the Piceance /East Douglas herd ranks the lowest in genetic similarity to W. Douglas. While the 84 Mesa group within the Piceance herd does share some genetic similarity to West Douglas horses. This similarity still ranks below the similarity seen between the W. Douglas and Little Bookcliffs and Sand Wash Herds.

Discussion of the link between W. Douglas herds and other wild horse herds in proximity to the W. Douglas herd has been included in the Wild Horse Affected Environment section of the RMP Amendment.

Boundary of the Herd Area

2. Comment: There was not an alternative with supporting documentation to allow the wild horses to utilize the entire herd use area which they occupied in 1971. Granted the bureau did not officially identify the area until 1974, but clearly the original herd use area stated in the Unit Resource Analysis was much larger. A one point flyover did not determine the biotic needs and seasonal migration of horses in Douglas Creek. Considering the historical movement patterns of West Douglas wild horses, it is arguable whether the boundaries of the original Herd Area were properly drawn in the first place. In the absence of accurate information on distribution of herds known to have existed in 1971, distribution should be estimated or may be assumed for the planning area as a whole.

Response: Within the RMP amendment on page 4, 1.6 Planning Criteria- All alternatives must comply with the Wild and Free Roaming Horses and Burros Act and 43 CFR Part 4700.

The Douglas Herd Unit included areas East and West of State highway 139. The West Douglas Herd Area is the subject of this Land Use Plan Amendment. The East Douglas portion is contained in the Piceance/East Douglas Herd Management Area, managed for the wild horses. Combined these two areas do make a larger area, but they are physically separated by the fences running along State Highway 139.

Given that there were 21 horses located on the West Douglas Herd Area in 1974 and less at the passage of the Wild and Free Roaming Horse and Burro Act in 1971, it is highly speculative to have determined historical movement patterns. We do know these horses were found in Cottonwood Draw, Big Bull Draw and Texas Mountain. The area chosen in 1974 included all of these areas and took into account existing fences and topographic barriers. Page 4 of this document under Planning Criteria states that the planning area being considered in this document corresponds to the West Douglas planning area considered in the 1997 White River Resource Area Management Plan. This boundary was affirmed by the Interior Board of Land Appeals by Decision in 1998.

Genetically Viable Herd

3. Comment: Local accounts and BLM records indicate there was a genetically viable herd at one time. Blood samples of this herd were not sent in for genetic analysis until herd numbers had repeatedly been reduced to low figures.

Response: In 1974 there were approximately 21 wild horses in the West Douglas Herd Area. It is speculative to contend that this was a genetically viable herd. Because the determination to close this herd from future management was first identified in 1975, information on the history or genetics of this herd was not prioritized by the WRFO.

Legal Authority to Manage Horses

4. Comment: The secretary does not have the authority to circumvent the law, to pick and choose habitat for wild horses. There are no clauses in FLPMA nor PRIA which substantiate the Bureau's claim to reduce acreage or to withdraw animals on a permanent basis. Wild horses are to be considered comparably with the other multiple uses managed

by the BLM. The WFRHBA says wild horses will be protected where they existed in 1971. Wild horses existed in West Douglas in 1971 and fall under this category. These mustangs are in an identified wild horse herd area which means the US Government agreed they would have priority and would not be moved again.

Response: All of the above comments relate to BLM's authority to manage horses. The BLM has the authority to evaluate and identify wild horse habitat in the land use planning process. The following discussion describes the regulatory authority and the underlying rationale for our actions. One of our planning criteria's was the Wild and Free Roaming Horse and Burro Act.

The Wild Free-Roaming Horse and Burro Act of 1971 contains the following provisions:

- The introduction specifies that wild horses "... are to be considered in the area where presently found as an integral part of the natural system of the public lands."
- Sec. 2 (c) defines "Range" as "the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses..."
- In Sec. 2 (f) (2) the Secretary of the Interior is directed to "maintain a thriving natural ecological balance and multiple-use relationship."
- Sec. 3 (a) specifies consultation requirements associated with the management of wild horses.
- Under Sec. 3 (b) (2) (ii), the Secretary is directed to consider, "information contained in any land use planning completed pursuant to section 202 of the Federal Land Policy and Management Act of 1976." This provision was pointedly added to the Wild Horse and Burro Act by the Public Rangelands Improvement Act of 1978.
- Under Sec. 3 (b) (2) (iv), the Secretary is directed to determine that an "overpopulation exists ... until all excess animals have been removed so as to restore a thriving natural ecological balance ..."
- Under Sec. 6, "the Secretary is authorized to enter into cooperative agreements with other landowners and ... may issue such regulations as he deems necessary for the furtherance ... of this Act."

Under 43 CFR 4700.0-6 (a) Policy, it is directed that "Wild Horses ... shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

Under 43 CFR 4710.1 Land Use Planning, it is directed that "management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant part 1600 of this title."

The *Wild Free-Roaming Horse and Burro Act of 1971* identifies a clear linkage to the planning process because land use planning is the only reasonable means by which the Bureau of Land Management may:

- Define "where presently found," and "ranges" as identified in the Act. Without an analysis of habitat conducted with public input in the planning process, "where presently found" means the exact locations of the horses themselves at the passage of the act.
- Establish the "multiple use relationships" that define an "integral part," as specified in the act.

- Conduct the consultation requirements specified in the Act.

Pursuant to the need to conduct this analysis, the BLM has prepared the following guidance:

- The Wild Horse and Burro Program Guidance dated 12/22/80 III B.(4) under Planning for Management and Protection of Wild Horses and Burros, says "the Resource Management Plan ... will specify ... the specific herd areas where the population of wild horses and burros is to be reduced or eliminated..."
- The 1986 BLM Manual 1622 - SUPPLEMENTAL PROGRAM GUIDANCE FOR RENEWABLE RESOURCES specifies under .4 Wild Horse and Burro Management 1. Management Areas that the BLM will "Delineate public land areas where herds of wild horses or burros will be maintained and managed in the long term (herd management areas)." Under .42 B. Manageability of the Herd Area, the manual specifies that "Each herd area should be evaluated for its herd management potential in terms of existing land ownership pattern, present and planned use of the subject and adjacent lands, proposed land tenure adjustments, and similar considerations. Herd areas with extensive inclusions of privately controlled lands and waters should be carefully reviewed for management in light of the legal requirement that wild horses and burros must be removed from private lands upon request by the owner.
- The 1988 BLM Manual 4710 - MANAGEMENT CONSIDERATIONS, .31 Herd Areas specifies, "The geographic areas of public lands that were used as habitat for wild horses and burros in 1971 shall be delineated on maps and placed in a permanent file. If a decision is made in resource management planning not to manage wild horses and burros in a herd area because of resource problems or conflicts, eventual resolution for those problems or conflicts may allow for reconsideration of the decision."

The Code of Federal Regulations (CFR) requires development of criteria during land use planning to "ensure that it is tailored to the issues previously identified and to ensure that unnecessary data collection and analyses are avoided" (43 CFR 1610.4-2). BLM developed the planning criteria listed below for this planning process. These criteria were made available for review during public scoping. More details concerning the criteria can be found in the Scoping Report which is available at the White River Field Office, or online at <http://www.co.blm.gov/wrra/wdha.htm>.

- The planning area is defined as the public and private lands within, or immediately adjacent to the West Douglas Herd Area as specified in the White River Resource Management Plan (July 1997). See the Geographic Scope of the Planning Area in Paragraph 1.3 above.
- All alternatives must comply with the Wild and Free Roaming Horses and Burros Act and 43 CFR Part 4700.
- Management of wild horses will not cause excessive harm to the thriving natural ecological balance (TNEB). Implementing this RMP amendment will result in the planning area meeting public land health standards or moving toward meeting the standards from the current situation.
- Data analysis will include an evaluation of herd genetic viability.
- BLM must be able to accomplish the actions required by the plan amendment utilizing current and foreseeable future fiscal and human resources.

- The planning process will determine forage allocation within the planning area for wild horses, livestock, and wildlife.
- The Environmental Assessment will include an analysis of gather techniques that may be used to gather wild horses from within or adjacent to the herd area in the future. Current vegetative assessments for the planning area are valid and no additional vegetative inventory will be necessary.
- The Environmental Assessment will include economic and fiscal impact analyses.
- Decisions in the White River Resource Management Plan and BLM Interim Management Policy regarding management of the Oil Springs Mountain Wilderness Study Area for wilderness character and values remain applicable. BLM will not include a review of wilderness potential for Conservationists' Wilderness Proposal (CWP) areas during this planning process. However, the environmental assessment will include analysis of the impacts of each alternative on wilderness character and potential of CWP areas.
- The Oil and Gas Reasonable Foreseeable Development scenario found in the 1997 White River Proposed Resource Management Plan remains valid and will be used for analysis.

5. Comment: Acreage figures listed for the West Douglas Herd Area differ in the West Douglas Herd Area RMP Revision (WDEA) and the 10th and 11th Report to Congress on the Administration of Wild Free-Roaming Horses and Burro Act for Fiscal Years 1992-1995. What happened to the differential of 178,904 acres is not explained in the WDEA.

Response: The number in the 10th and 11th Report to Congress was inaccurate and needs to be changed. The 178,904 figure is for the West Douglas HA and the East Douglas portion of the Piceance/East Douglas HMA combined.

6. Comment: If you had publicized this program and had really intended to comply with endangered species laws, you would have openly announced your plans far in advance, and truly sought our public comment. Public is NOT aware of or informed of the existence of, status of, and planning decisions of Herd Areas HA, as opposed to Herd Management Areas(HMA). The general public does not have a clue that there are horses in the west not being protected by BLM.

Response: Land use planning such as this one are public processes. A Notice of Intent for this action was published in the Federal Register on June 25, 2002. The public scoping comment period was extended through September 1, 2002. The White River Field Office conducted public scoping meetings on August 26 in Meeker, CO; on August 28 in Rangely, CO; and on August 29 in Grand Junction, CO. Comment meetings were held in Grand Junction and Rangely, Colorado in May of 2004. This office maintains mailing lists for individuals interested in wild horse issues within the White River Resource Area. All interested parties of record were mailed a copy of this Plan Amendment.

7. Comment: You state that 9 horses were counted in 1974. You don't say where they were counted. If I recall correctly these nine horses were all within a mile of Douglas Creek. The facts are important because at that time there were no fences on Douglas Creek and these horses certainly had to be using that creek for water. Then when BLM called west of Douglas Creek a Herd Area they included the whole Twin Buttes Allotment. This was incorrect and continues to be wrong.

Response: The original survey conducted in February of 1974 counted nine horses in the Big Bull Draw area. During public meetings it was learned that 12 horses in 2 bands, one in Cottonwood and the other on Texas Mountain were not counted. There were 21 horses on the West Douglas Herd Area in 1974.

The West Douglas Herd Area does not contain the entire Twin Buttes allotment. The Red Rock, West Douglas and most of the West Creek pastures are outside of the area.

8. Comment: I support the costs of alternative G – except for the fencing. The WFHBA states that management should be at the minimum feasible level.

Response: The Wild and Free Roaming Horse and Burro Act directs that wild horses be managed in the confines of their Herd Area. Fencing is an acceptable tool used to assure wild horses remain within the confines of the locations where they are managed.

9. Comment: BLM has incorrectly identified that tranquilizer darting is not safe and not an acceptable alternative capture technique.

Response: The Wild Horse and Burro National Program Office and the Animal Plant and Health Inspection Service veterinarians agree that helicopter tranquilizer-darting would result in a higher than normal incidence of severe injury and mortality and that these risks are highly compounded when horses are captured in rough terrain. Tranquilizer-darting is therefore not being considered under the total removal alternatives A and B.

10. Comment: Much of this area has no dependable water at all and no horse can have a home range without a dependable water source! There is limited water so how are you going to make the horses move north?

Response: Horse distribution could become an issue in the event alternative E or G were selected. Water development; control of developed waters, and pre-determined release locations during gather activities would be used to increase band distribution throughout the HMA. On Page 59 of the RMP amendment, Wild Horse Impacts Alternative G, “The northern portion of the herd area has few reliable year-round waters. During drought years when Main-stem Douglas Creek and the ponds dry up, water may be critical to the horses. This will be particularly acute if a drought occurs during the period the horse population is reaching its upper limit.”

11. Comment: Were wild horse dietary studies completed in West Douglas?

Response: No, A fecal analysis study was completed in 1974 in the Piceance Basin Planning Unit. The study summarized that, at high elevations, browse and forb plant species comprise as much as 13% of wild horse diet. At mid-elevations browse and forbs make up 2% of wild horse diet; at low elevation browse and forb plants account for 7% of wild horse diet. Grass and sedges in wild horse diet at the 3 elevations consisted of 87% at high elevation; 98% at mid-elevation and 93% at low elevation.

The summary concluded that wild horses are most competitive with cattle at each of the 3 altitudes and least competitive with deer at each of the 3 altitudes. Elk were not included in the fecal study.

12. Comment: You are wrong when you say that the horses’ shift from traditional home ranges is likely the result of increased commercial activity. These horses didn’t have a home range at all. Their home range was east of Douglas Creek.

Response: Page 15, Section 3.1 Wild horses: Explains the History and Herd Distribution of the West Douglas Herd. In addition, Jon Hill provided a history of the horses in this area. From Jon Hill's letter, "It is too bad the Cottonwood horses were never DNA tested, as I believe they were of Arabian decent, probably going back to Harold Wardell's Arab stud. The reason I think this is that some of them were Rose Gray a color known only to exist in the Arabian breed. It should be noted that these horses did not mix with the Texas Creek Horses until after the passage of the Wild Horse Act and they started increasing in numbers, then they were all caught in the first big gather". We agree with Mr. Hill that these horses were established in the Cottonwood area. We also agree with your position that horses immigrated from east of highway 139, and did not establish a home range. The concentration of horses around Texas Mountain is the result of displacement by oil and gas activity and removals. The horses in the Texas Mountain area have a history of leaving the Herd Area.

13. Comment: Please explain "A typical age structure from a wild ungulate herd is pyramidal in shape."

Response: If you map the age structure of a healthy, self-supporting wild horse herd that has not been altered by human interference, starting with the youngest horses at the bottom of the map, the map will resemble a pyramid. The majority of horses in the herd will be under 1 year of age; the second most numerous animals in the herd would be yearlings, followed by 2, 3 years old; etc. Old horses would compose the fewest number of horses in the herd.

14. Comment: What does the word bimodality mean when used in "the bimodality of horses greater than 15 years"

Response: Bimodality in this sentence refers to the absence of an age group of horses; no wild horses over 15 years of age were captured.

15. Comment: How many horses were sampled and who determined which horses would be sampled?

Response: Bureau of Land Management employees determined which of the horses were to be sampled. 32 horses were sampled from the W. Douglas herd for genetic testing in 2001. Approximately every other horse was sampled. The exception to this was if a horse was fighting human contact to the point where the crew agreed drawing blood might result in the horse or crew getting injured.

16. Comment: The BLM must exercise due diligence to ensure that horses are disposed of humanely. An issue not identified but of the highest importance is as follows: What is the kill ratio of these horses due to issues including; roundup, separation of mothers and babies; Holding pen accidents; Trailering accidents; adoptee accidents; adoptee eventual sale to Auction; Auction sale to slaughter for US dog food or foreign; All horses being adopted out means young and old, calm and skittish. This is obviously not a humane plan. Season of round-up, in combination of type of roundup. Foaling season.

Response: Each Wild Horse Gather Activity Plan outlines safety and humane specifications for the wild horses during capture, transport, handling and holding. These specifications are updated as necessary. These specifications are strictly adhered to by project contractors, BLM personnel and any other individuals who are in contact with the animals. A project lead is always on-site during capture and holding activities. The project lead has the responsibility to assure safety and humane specifications are followed at all times. Gather information is in Appendix B. We do not

keep information at the Field Office level about the other parts of this comment, and they are outside the scope of this planning document.

17. Comment: The 1990 General Accounting Office Report, Rangeland Management concluded that wild horse removals have not improved range conditions and that poorly managed livestock grazing is the primary cause of damaged riparian areas.

Response: You are partially correct. There is however risk in quoting just a portion of the 1990 GAO Report. Reading the Report in its entirety leads to the conclusion that the GAO found the existing information insufficient to determine how many horses the range can support; the extent of degradation caused by the wild horses; and the number of horses that should be removed from individual herd areas. And while the report recognizes BLM could not provide any information demonstrating that rangeland conditions improved significantly because of wild horse removals the absence of improved rangeland resulting from horse removals was viewed by the GAO as being the result of BLM either not reducing livestock grazing or not improving the management of livestock in addition to wild horse removals.

18. Comment: There seems to be a bias against wild horses in most EAs the BLM prepares. They focus primarily on how wild horses negatively impact ranching operations, hunting activities, commercial enterprise, etc but rarely is there any substantive analysis of the reverse ie; how those activities negatively impact wild horses.

Response: We are concerned of your perception that BLM is biased against wild horses and their preservation/management and have routed this comment to the national program office. A number of our environmental assessments relating to oil and gas development address the needs of our wild horses and place stipulations on oil and gas exploration and development. The West Douglas EA discusses in the Wild Horse sections the history of this herd and the various negative impacts that would result from either total or partial removal of this herd. The West Douglas EA also identifies specific Oil and Gas stipulations that would be placed into effect should a herd of horses be managed in all, or in a portion of the Herd Area.

19. Comment: Under no circumstances can The Fund support any alternative that will result in the zeroing out of the West Douglas Herd Area. The BLM should first look to the reduction or total removal of livestock before removing wild horses from the WDHA.

Response: Alternative G analyzes impacts associated with managing only for wild horses in the West Douglas Herd area. Alternatives C; E; and F analyze impacts associated with livestock reductions and managing wild horse herds of varying sizes.

20. Comment: Manage according to alternative C with a population of 150 animals to start to address genetic concerns. Monitor to determine need to adjust herd size in the future.

Response: Managing a herd of 150 horses, combined with the planned introduction of mares from other herds would strengthen genetic viability of the herd. With alternative C; herd genetics could still be successfully strengthened with the conscientious introduction of horses into the herd.

21. Comment: None of BLM's planning documents regarding wild horses are on the National WH&B website or on the Colorado State WH&B website. Lack of access and public availability of these documents is BLM negligence in today's world of electronic communications.

Response: Locally we have expanded our website to include information about wild horse management. Currently, this amendment and the genetic analysis are on our website. Comments above the field office level have been routed to the national program office.

22. Comment: Information has been presented to the WRFO on more than one occasion that shows herd history. This information was not sent to the geneticist for consideration with the blood samples.

Response: WRFO cannot locate any historic herd information from Ms. Moore.

23. Comment: The Little Bookcliffs WH Range also has some oil and gas exploration. Observing wild horses on many different ranges I have noticed that wild horses adapt well to just about any situation. Fred Slagal of Encana stated that wild horses do not seem to be overly concerned about natural gas development.

Response: Refer to Page 15 for a discussion of the History and Herd Distribution. The current distribution when compared with oil and gas development strongly indicates incompatibility between wild horses and intense development.

24. Comment: A major portion of the Little Bookcliffs Wild Horse Range is in a WSA. There's no reason to exclude wild horses from a WSA.

Response: Alternative E is the only alternative that would fence the horses from the portion of the WSA that is within their Herd Area. This alternative was identified to address the opportunities/impacts for fencing the herd area on the southern boundary by excluding the Wilderness Study Area.

25. Comment: The rough terrain is not suitable for managing horses.

Response: PL-92-195 does not recognize ease of management a factor for consideration in determining a transition from Herd Area to Herd Management Area status. BLM successfully manages wild horses in rough, inaccessible terrain in HMAs in other locations in Colorado and other western states.

26. Comment: Are the 2,179 AUMs noted here and displayed on Map H-8 before or after the habitat manipulation.

Response: This includes the current vegetation treatments.

27. Comment: The day I am writing this section is April 22, 2004 and there are wild horses on my private property in the Blue House Pasture in Park Canyon, the School House pasture in Texas Creek, and in the field in East Evacuation Creek. This makes it clear to me that any alternative that leaves horses in the herd area will mean that horses will continue to trespass on private land and on other permits outside the herd area, and we can't have a horse permit to even it out. Alternative C for sure means that horses will continue to head south and west to the Grand Junction and Vernal districts. If C had been tried 15 years ago it may have worked, but now that the horses have established trails around the fence in the South Fork of Texas Creek I don't believe that they will stay home just because we want them to. If you build a fence, you will also need travel restrictions to

help prevent people from leaving gates open. It will take a more serious effort to keep up with the fence maintenance, than you have written in your plan, especially during deer and elk migration periods. I also do not believe that the standard 42-inch fence will hold them. These horses will continue to go where they please. One example is; when I shut a gate that wild horses are using they will tear it down 2-3 times, before they will use another route.

Response: Your comments concerning wild horses outside the herd area and using public lands substantiates BLM's comments on page 15 of the Amendment. Construction of a fence will have to take into account the factors you mentioned.

Rangeland Management

Colorado Department of Agriculture, NWRAC
These letters are displayed in full.

28. Comment: We are dismayed to see that BLM's preferred option is to zero-out the horse herd and permanently cancel the suspended AUMs of the Twin Buttes Ranch, in an apparent effort to increase forage available for wildlife. We are confused at this conclusion when the report itself acknowledges that the elk population in the game management unit is perhaps three times larger than the Division of Wildlife's management objectives. Acknowledging that the deer herd is substantially under management objectives, the Division of Wildlife has developed and will implement in 2004 "innovative and aggressive methods to reduce elk populations" within the GMU. That, coupled with eliminating the horse herd should provide sufficient habitat to accommodate size-objective herds of wildlife and additional cattle AUMs.

In our opinion, BLM would be wiser to reserve options for the future of this allotment. By eliminating the Twin Buttes' suspended AUMs, BLM will be eliminating the greatest incentive for the Twin Buttes to continue to improve the allotment by implementing the AMP as envisioned in 1998. We respectfully request that BLM eliminate any reference to canceling the suspended AUMs and give the AMP a chance to work and the Twin Buttes Ranch an incentive to further increasing the health of the allotment.

Recommend, BLM and the existing parties work together to develop a management strategy that would maintain an AUM level similar to the existing level while complying with accepted land health standards. The reduction to 6947 AUMs should be viewed as a minimum and would only be implemented if agreed upon management actions do not achieve the desired land health outcomes. Any reductions in AUM's should be temporary, placing them in suspended non-use and should not be removed from the permittees preference until it is determined that they cannot meet accepted land health standards.

Response: Reductions in permitted use will be to Active Grazing Use and not Suspended Use.

We are in the process of a Land Use Plan Amendment to flush out issues relating to wild horse management on the West Douglas Herd Area. The Land Use Planning Process is the proper forum for determining forage allocation. We believe there are problems with the current forage allocation, particularly with respect to cattle and wild horses. When the RMP Amendment decision is made, modifications in grazing use will be issued by decision. These decisions will offer affected interests the opportunity to protest and appeal. These decisions will be implemented over a five year adjustment period. During which time new data gathered from utilization studies, actual use and climatic data may be used to modify the grazing decision. Carrying capacity will be based on land health standards, providing incentive to the grazing permittee for proper rangeland management.

29. Comment: Of concern to me, and I admit lack of knowledge, is the method by which AUMs are allocated between wild horses and livestock by pasture and more particularly the impact on drought on figures. Is there a maximum number of AUMs allocated? I would suspect that Twin Buttes voluntarily reduces AUMs in all or certain pastures under drought conditions and, that such reductions, are done in concert with BLM. I would also expect that during wet years AUMs would be increased.

Response: The maximum number of Animal Unit Months (AUMs) known as permitted use is authorized under the Grazing Permit. Permitted use can come from a number of sources based on the history of the permit. Originally AUMs were based on the commensurate carrying capacity of the private lands (base property) used in conjunction with the public lands. This carrying capacity can be modified, increased or decreased, based on inventories, monitoring data, agreements, transfers or by penalty. Each Grazing Permit has a history as to how the current permitted use was determined.

You are correct in that Twin Buttes does voluntarily reduce grazing use in response to drought and restocks during wet years. Grazing permittees carry a great responsibility in matching their use of rangelands to conditions because of the demands for livestock management. BLM does work with permittees and offers advice on stocking rates. BLM has the ability to close ranges because of emergencies, of which drought is considered an emergency.

30. Comment: It is unclear how the BLM reached the conclusion that there are additional AUMs available in the Texas Creek unit of the Twin Buttes allotment or the Bull Draw allotment.

Response: Rangeland conditions on the Bull Draw allotment have significantly improved because of a change in livestock operator. This allotment is not grazed during the growing season. Under this amendment the allotment carrying capacity would be increased to match the improvement in condition and forage production. The period of use would remain unchanged.

Forage analysis of the Texas Creek pasture showed an increase over the current permitted use. The current permitted use was based on commensurability of private lands established in the 1940's. Commensurability was not a measure of the production on the public lands. The forage analysis shown in Appendix E, takes into account current rangeland conditions and management goals for this pasture. Monitoring would be used to validate or modify all changes in carrying capacity.

31. Comment: Similarly, the information provided in Table 3-12 and Appendix E raises more questions than answers. The EA provides no supporting data or objective basis for the grazing capacity determination, only that "BLM has also conducted a detailed analysis of plant communities to determine...carrying capacity." EA at 27.

Additionally the BLM has failed to clearly allocate forage between wildlife, horses and livestock as directed by the need for the analysis. There is no assessment of the actual production of forage in individual units of both allotments in the herd area, but rather just a statement of the number of acres per AUM in each unit. This paucity of measured data in regard to capacity of the allotment prevents a clear understanding of how the BLM is actually determining carrying capacity and what amount of annual vegetation production is being allocated to wildlife, cattle, and horses.

Response: The charts shown in the document are summary charts. The AUM figures are derived from USDA Soil Conservation Service, Section II-E Technical Guide, April 1993 with modifications based on professional judgment of local conditions including vegetation condition,

objectives, elevation, slope, season of use, distance to water, and accessibility by the Range Staff. Charts showing these modifications are available. In preparing the charts allowance was given for wildlife numbers within the above analysis. Discussions of wildlife impacts are based on the assumptions made for wildlife forage allocation. Additionally, future monitoring studies would be used to balance the forage allocation.

Following approval of the Record of Decision by the Colorado State Director, we will implement the chosen alternative in accordance with our Resource Management Plan of 1997. Under Vegetation Management, Implementation, *“Changes in the 1981 forage allocations would be identified in activity plans or integrated activity plans. The average 50 percent above ground annual forage production available for allocation is based upon the following grazing utilization levels on key forage plant species averaged on a grazing allotment basis:*

Key Species—Grass

40 percent averaged utilization for the grazing period from April 1 to June 15 each grazing year.

40 to 60 percent averaged utilization for the grazing period from June 15 to September 15 each grazing year.

60 percent averaged utilization for the grazing period from September 15 to March 31 each grazing year.

Key Species –Browse

40 percent averaged utilization for the grazing period from April 1 to September 30 each grazing year.

50-60 percent averaged utilization for the grazing period from October 1 to March 31 each year.

It is recognized that these utilization levels are used as averages to identify an appropriate allocation mix among grazing/browsing animals. Site specific occurrences of over utilization may occur and may create resource conflicts that can not be resolved by changing the forage allocation mix. Specific resource conflicts will be identified and corrective management sought through development of activity plans or integrated activity plans.

We will also be using the Resource Management Plan Goals for Desired Plant Communities, which would be monitored through Trend Studies.”

32. Comment: Current vegetative assessments. The forage allocation was made during the development of the WRRRA Grazing EIS. The Twin Buttes AMP was completed after the EIS was adopted. Those vegetative assessments are judged valid for this Plan Amendment. Why does the BLM purport to once again determine forage allocation?

Response:

Listed below is the carrying capacity from the 1981 Grazing EIS

Carrying Capacity Determination 1981 GEIS, Twin Buttes and Red Rock Allotments

Allotment (AUMs)	Livestock (AUMs)	Deer (AUMs)	Elk (AUMs)	Total (AUMs)
Twin Buttes	6,338	1,587	142	8,067
Red Rock	139	118	48	305
Total	6,477	1,705	190	8,372

Twin Buttes current carrying capacity is 11,143Active AUMs. The carrying capacity was recalculated for several reasons: The 1981 carrying capacity determination was based on 1940 vintage range surveys. The majority or Twin Buttes’ carrying capacity is based on the original commensurability requirements and not on range vegetation. The carrying capacity figures

agreed to in 1981 were based on implementing an Allotment Management Plan and determining a carrying capacity based on the management of that plan. The plan was never implemented and an analysis of carrying capacity was never completed. The decisions of 1981 were based on two years of utilization data and trend plots which were initiated in 1979. This was insufficient time to develop the data for an analysis.

33. Comment: How many Deer per AUM? How many Elk per AUM?

Response:

The Grazing EIS of 1981 used the following:

Species	Winter	Summer
Deer	6.06	4.97
Elk	3.07	2.72

34. Comment: Why are the 3,300 AUMs of suspended non-use in the Texas Creek Allotment belonging to Twin Buttes not included in tables 3-6 and 3-7.

Response: Your current Grazing Permit does not have 3,300 AUMs of suspended non-use on the Texas Creek Allotment, nor does any other previous Grazing Permit.

35. Comment: Reading plots at five year intervals appears to be to long to present accurate trend. We need to look at weather cycles too.

Response: In drier climates vegetation responses tend to be very slow and five year intervals tend to show changes in vegetation characteristics where as shorter periods tend to be less reliable. Planning monitoring to account for weather cycles often extends the period between readings.

36. Comment: Where can the Range Site description for Rock Outcrop be found? We posed this question to NRCS. They stated one must use the given productive rate for each soil unit because they had considered rock outcrops when calculating each soil unit because they had considered rock outcrops when calculating the productive rate. We ask that the BLM be consistent with NRCS.

Response: There is not a Range Site Description for Rock Outcrop. In the Soil Survey of Rio Blanco County, soil associations describe which soils, or non-soil types are represented in each association. The description contains an estimate of the percentage area each soil/non-soil area contributes to the association. Soils which have Range Sites are identified. Range site guides show the plant lists and productive capability. We are consistent with NRCS.

37. Comment: Page S-3; How does BLM define “current range conditions”?

Response: Range condition is defined as the present state of vegetation of an ecological site in relation to the potential natural community for that site.

38. Comment: Table 3-10 shows 43,966 acres of pinyon/juniper. (At the top of the page you say 51, 788 acres)?? How did you calculate vegetation in these areas?

Response: The 43,966 figure is correct. This calculation came from Appendix E.

39. Comment: Page 59. Rangeland Management. It should be noted that the following statement is not correct. “Failures in the grazing plan relates to limited forage, resulting from no forage allocation for horses”.

Response: The RMP Amendment states, “Failures in the grazing plan relates to limited forage, resulting from no forage allocation for horses: season long grazing by wild horses which affects vegetation conditions and production; and wild horse and cattle direct competition preventing livestock use of important ranges and water sources.” This statement is a summary of three problems; forage allocation, season long use by horses, and livestock distribution problems. The inability of Twin Buttes Ranch to make use of the Texas Mountain area places an additional burden on the other pastures. Without a forage allocation to horses, currently horses are using 1,584 AUMs (110 horses 12 months use) which is cumulative to livestock use. We believe these are important grazing management problems, and they have affected the implementation of the current grazing management program.

40. Comment: The 1983 AMP requires 2400 AUMs of forage for wild horses until their removal. A review of the Twin Buttes Ranch actual Use will verify that we reduced our permitted use to comply with the requirement.

Response: Review of Twin Buttes Actual use shows a low of 4,472 AUMs (2003-2004 Grazing Season) and high of 8407 AUMs (1981-1982 GS) and an average use of 6,635 AUMs for the period 1983 to 2004. Listed below is a comparison of the Current Permitted Use, Average Use and the Proposed Allocation.

	Cottonwood	Lower Horse	Water Canyon	Texas Creek + Portion of West Creek	Park + Water	Total
Current Allocation	1340	680	3360	3417	96	8893
Average use	885	610	2660	2420	60	6635
Proposed Allocation	685	560	1259	3976	52	6532

Our information did **not** show a change in your use over the period of 1980 to present. Because of Twin Buttes inability to use the area around Texas Mountain, this use was shifted to Water Canyon Pasture.

41. Comment: Page 68. In Alternative A, the BLM states “under the current management program livestock use West Douglas Creek during their migration between winter and summer ranges. But the livestock concentrations along West Douglas Creek have been a problem”. The management plan referred to is that of Twin Buttes Ranch. However, Steeles must not have a management plan as their cattle use West Douglas Creek from Nov. 1 thru May each year. If there is a concern about riparian health, why allow one operator to use the area but exclude use by the other operator? The BLM does not state all of the facts here. Most significantly, the Twin Buttes Ranch spring use of west Douglas is May 28 to June 10.

Response: You are correct, we did summarize the impacts and issues pertaining to riparian habitat on West Douglas Creek. Mr. Steele does have a Grazing Permit to use the Texas Creek pasture during the period November 1 to May 30 each year, while Twin Buttes is authorized to graze during the period November 1 to June 12 each year. Mr. Steele runs 58 head of cattle

using 407 AUMs and 88 AUMs during the growing season. Twin Buttes uses West Douglas Creek as a corridor between the winter and summer ranges. Twin Buttes is authorized to run 1157 cattle and during the spring growing season could use 533 AUMs along West Douglas Creek.

42. Comment: The discussion regarding the assessment of rangeland health standards is also lacking. Ea at 27. The statement, however, that seral stage or trend was the basis for determination of whether or not health standards were achieved raises a question about Colorado Rangeland Health Standards. Specifically, is the seral stage or trend the Colorado standard?

Response: Standards for public land health are an action tool by regulation. The RMP Amendment states that, "Those acres in Early Seral or declining condition were considered to be not achieving the standards." This is consistent with the following Indicators adopted for Colorado Standards for public Land Health:

- Noxious weeds and undesirable species are not minimal in the overall plant community. Cheatgrass in particular dominates many of these communities.
- Native plants are not spatially distributed across the landscape with a density, composition, and frequency of species suitable to ensure reproductive capability and sustainability. Declining vegetation trend shows a lack of sustainability.
- Photosynthetic activity is evident throughout the growing season. Lack of litter and abundance of cheatgrass is preventing season long growth.

43. Comment: The BLM, for example, is currently managing for 60-151 horses in the West Douglas Herd Area. EA at 9. This level of horse use amounts to upwards of 2,265 AUMs year-long (151x12x1.25). The BLM calculates available forage production in the Herd Area as 6,947 AUMs and states that the current livestock and wild horse use exceeds available forage. EA at 9,28. The identified preferred alternative proposes to remove all horses and reduce cattle allocations in the Herd Area by 1,905 AUMs or 21.5% (not 20% as stated in 2.4.2). Based on the information presented, therefore, just the removal of the horses (up to 2,265 AUMs) would bring the forage demand by current livestock allocations within the available forage production.

Response: BLM is not currently managing for between 60-151 horses. The current RMP directs management of a herd of 0-50 horses in the herd area. The BLM has not reduced livestock as a result of a forage allocation to horses. This was not done because of the expected short term of the RMP decision (10 years). The EA states that, "The "Current Acres/AUM" shows that there is a great difference among pastures. Specifically, current allocation within Water Canyon Pasture results in seven acres per AUM. BLM discovered that this is an over-allocation due to a lack of re-analysis when the allotment was converted from sheep to cattle. Reassessment and revision of the carrying capacity for this pasture accounts for the greatest portion (2,101 AUMs) of the difference (2,133 AUMs) between the current forage allocation and the proposed allocation for the herd area. Accurate determination of forage allocation is necessary because it is used to schedule livestock numbers and periods of use, as well as estimating wild horse herd appropriate management levels."

44. Comment: Moreover, Table 3-11 indicates only 5,454 acres or 4.4% of the 123,389 acres within the Herd area are not achieving rangeland health standards. In other word, nearly 94% on the herd area is meeting the standards. This suggests that if there is a

grazing problem in the Herd Area, it is a result of grazing distribution rather than over-allocation.

Response: Distribution is a problem and was identified during the Allotment Management Plan process. A forage allocation was conducted which shows there is a discrepancy in the allocation of forage between pastures and in total.

45. Comment: Furthermore, the assertion that successional status (mid-seral, late-seral and early-seral) of plant communities is attributable to relatively subtle differences between estimated and allocated forage for livestock is an oversimplification of ecological processes. Relative to fire, climate, drought, interspecific competition, insects and invasive plant species, the amount of annual forage removed by livestock is a relatively minor influence on the relative abundance of individual plant species on a site (i.e., successional status).

Response: Obviously, there are a number of ecological processes which direct the successional path. Your statement, "the amount of annual forage removed by livestock is a relatively minor influence on the relative abundance of individual plant species on a site", flies in the face of range management. Grazing use absolutely has an impact on the vegetation resource, and also affects fire regimes, the ability of noxious weeds to establish, and drought recovery.

46. Comment: The relative amount of area in declining trend versus the degree of proposed AUM reductions by pasture is also inconsistent.

Response: The basis for the forage allocation was the range site. These range sites were rated as to their apparent condition, trend, and management goal. The acreage was then divided by and Acre/AUM figure derived from modified SCS stocking rates. The trend rating by pasture was a summary of the individual range sites trend. The inconsistencies you are referring to is related to the difference between the current stocking rate determined mostly by the commensurability process when these pastures were established and the current forage allocation.

47. Comment: Over 3,300 AUMs are currently allocated in the Water Canyon Allotment. The EA only estimates 1,200+ AUMs of available forage. EA at 28. The EA suggests that a "lack of re-analysis when the allotment was converted from sheep to cattle" is responsible for this difference. The EA's explanation does not make sense given the fact that the allotment would have been stocked at nearly 3 times the new estimate of carrying capacity for an extended period. If accurate, this situation would have been apparent sooner.

Response: This situation has been apparent for over 25 years and was discussed with Twin Buttes Ranch. The planned approach to this disparity was to determine carrying capacity based on the success of the grazing program. This was not done because of failure to implement the grazing program. There are vegetation conditions and trend problems on this pasture which we believe are the result of using an additional 1,400 AUMs.

48. Comment: The methodology Used to Measure Grazing Capacity Was Not Reliable Under the Circumstances.

Response: The analysis is based on a process which provides valuable data on the amount and distribution of forage on each pasture. In addition monitoring using utilization, trend, actual use and climate studies will be used to further define the carrying capacity. With this method the range management program can be monitored and stocking levels modified.

49. Comment: Livestock Forage Allocation Decisions Should Be Excluded Altogether From The Plan Amendment Process.

Response: Forage allocation is integral to the management of horses because of the different alternatives. Since the analysis covers several population levels and areas on which horses would be managed, it was important to determine the capabilities of the forage base.

50. Comment: An intensive Section 8 review in 1997 and the associated grazing management recommendations failed to identify “overstocked” as a management issue, or reduction in stocking rate as an appropriate management strategy.

Response: You are correct, the Section 8 team was not guided to this issue and was never provided information on the current allocation of forage between pastures or the total permitted use. The Team focused on grazing management issues that were at impasse between the Twin Buttes Ranch and the BLM. If the Section 8, Team had been involved in the forage allocation issue the current RMP forage allocation for the Twin Buttes allotment of 6,338 AUMs would be the base. Under 43 CFR Sec. 4110.2-2 Specifying permitted use. (a)Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan or activity plan may alternatively prescribe vegetation standards to be met in the use of such rangelands. We are in compliance with this regulation.

51. Comment: Notwithstanding that forage allocation is already heavily skewed in favor of livestock in the WDHA to begin with, the BLM has recently determined that there is less forage available (6947 AUMs) than the 9080 AUMs currently allocated. Naturally, the proposed reduction in forage allocation will require an adjustment in animal populations. The BLM’s preferred alternative of removing all wild horses from the WDHA serves merely to pacify livestock interests at the expense of the interests of wild horses. To make matters worse, the BLM claims that all wild horses must be removed to improve the health of public lands, yet is willing to simultaneously and indefensibly turn a blind eye to the much greater negative environmental impacts cause by livestock.

Response: Forage allocation is a land use planning process. In this Land Use Plan Amendment we have eight alternatives with six for management of horses. In all alternatives the wild horse component was given the appropriate forage allocation, recognizing that in alternatives A and B, no horses are planned for. In all of the other alternatives the horse forage allocation is constant with, “Any changes in carrying capacity would be borne by the livestock operation”. The exception would be alternative G, where livestock would not be permitted and, “Rangeland studies would monitor rangeland conditions identifying problem areas and further refining the wild horse carrying capacity”.

We believe we have taken a reasonable look at rangeland conditions and presented them in this document, including an analysis of the forage available.

52. Comment: Colorado continues to struggle with drought, and unless the analysis was very recent, the BLM could still be authorizing overstocking. The EA should disclose this information, and the BLM should carefully consider adopting a formal drought policy that would guide management decisions during drought.

Response: The Bureau has standardized drought management direction under Instruction Memorandum No. 2003-074.

53. Comment: Pasture and Soils not meeting land health standards do not correspond with key or preferred wild horse habitat or known wild horse grazing habits. I have not been convinced by this EA that horses are the over-grazers here.

Response: Overlaying Map H-1 with Map H-3 shows areas in Texas Creek within "key wild horse habitat" and soils not meeting the land health standards. Appendix B: for Texas Creek specifically identifies this area as having land health issues relating to wild horses.

54. Comment: Remove conflicting grazing allotments in the entire planning area to reduce complaints.

Response: For this planning effort the West Douglas Herd Area is the planning area. Alternative G, would remove livestock grazing. The impacts of this alternative are discussed in the document.

55. Comment: The BLM put the Standards of rangeland health into their grazing regulations and land use planning and have applied them to livestock operations on the public ground. Permittees have to graze so that their range meets these standards. In West of Douglas Creek it is well documented with range science that big areas of range-Texas Creek, are not meeting the standards due to wild horses. What does or will it take for BLM to apply management so that there is some consistency here. By this I mean, how can BLM hold a rancher to a standard which they themselves are not held to? This is the "64 million dollar question". Why also does BLM write land use plans and not follow them.

Response: Yes, permittees are required to meet the standards for rangeland health. Yes, it has been documented that there are for rangeland health problems associated with wild horses, in Texas Creek. This documentation has been used as the basis for past gathers in this area. Ranchers using the public lands are responsible for the care and maintenance of these lands, and because of this unique relationship are held to a higher standard than other public land users. In 1996 the population of horses on the West Douglas Herd Area was 151, given a 20% growth rate there would be 649 horses on this range today. Our current estimate of horse numbers is 110. Why does BLM write land use plans and not follow them? Our current land use plan requires us to remove all horses by 2007, and we are within that timeframe. We are conducting this resource management plan amendment, because, "BLM has determined that such detail and focus may not have been sufficiently addressed and documented in the existing White River ROD/RMP, which has a resource-area-wide scope" page S-1.

56. Comment: Alternative B suggests removing horses and then cutting livestock AUMs. This isn't right! These horses have been there for thirty years and most of the time in large numbers, doing much damage to the range because they're totally uncontrolled! They're there 365 days of the year. Also the large numbers of elk compound the damage. I would say that it would only be fair to remove all the horses, reduce the elk numbers, and then give the range 10-20 years of good livestock management before determining whether or not to cut cattle AUMs. That would be a fair and wise way to do things.

Response: From page 27, Table 3-11, Seven of ten pastures show adverse impacts resulting from livestock. Of these seven pastures, three were also identified as having adverse impacts related to livestock. From page 28, 3-12 we believe that 5 out of 7 pastures are over-allocated on forage (The three pastures of Texas Creek have been combined). Proper stocking rates are as important to range management as the grazing program, and the discrepancy in the forage allocation prevents proper management of livestock numbers and periods of use.

57. Comment: I've heard how horses graze all year long and cows are only seasonal but Robertson is running a lot more cattle than there ever will be horses in that country. I doubt you have spent any time in Red Wash or Cottonwood but it won't take a scientist to see what is doing the damage. It's the livestock. You better look at the permittee and his management practices. A permittee needs to be a good steward of the land and a good steward knows how to adjust his management to make room for the wild and domestic animals on the range. I do this on my own ranch and there is no reason Robertson shouldn't be expected to do it on his.

Response: Map H-3 shows soils not meeting land health standards, Cottonwood and Red Wash are identified. The Pasture Vegetation analysis for the Cottonwood Pasture (page E-2) and North Texas Pasture (page E-7) acknowledge the situation you describe. Twin Buttes has modified their management to account for wild horse use, particularly in the Texas Creek area.

58. Comment: You are talking about (maybe) 200 head of horses, you want to get rid of, then put 2,000 or more head of cattle out there. I would like to know how that works? If there is not enough room for horses? Why is there enough for cows.

Response: We are unsure of the numbers you are referencing. This document looked at eight alternatives and allocated forage between livestock and horses.

59. Comment: Who will pay for all the barbed wire and fence posts? You have talked about putting on the range.

Response: On the fences shown in the document BLM would be responsible for paying for construction and maintenance of the fences.

60. Comment: In your book you talk about wildlife, archaeology, how do the horses hurt all that? Do cattle, other animals, and people do more damage than the horses? Do you want to get rid of us too?

Response: The environmental consequences section describes the impacts of each alternative on wildlife and archaeology. Appendix E: is a pasture by pasture analysis of vegetation, which also provides information on the "causes" for current conditions. No laws have been passed for BLM to control human populations, and this is outside the planning criteria.

61. Comment: You say that the horses cause lots of damage, 200 head of horses won't do that much damage, not as much damage as 6,000 head of cattle is going to do. How do you feel about that many head of cattle? And the damage they will do to fencing and water holes, grass and just the land itself.

Response: We are unsure of the context of your numbers. You are correct 200 head of horses won't do as much damage as 6,000 head of cattle. It has not been proposed in this document to authorize 6,000 head of cattle to use the public lands.

62. Comment: Why are the horses being blamed for the spread of cheatgrass? Don't the cattle and oil and gas also help? Any time the ground crust is broken you get cheatgrass. We have cheatgrass in our area and sheep live here. Maybe you need to stop the wind; it spreads cheat grass the best.

Response: You are correct that activities which disturb the vegetation and soil are prone to invasion by cheatgrass. The chart on page 65, shows the expected trend in noxious weeds and cheatgrass by alternative. This chart is based on the impacts of both wild horses and livestock.

63. Comment: Range conditions can be improved by reducing cattle numbers and balancing cattle to horse ratios to truly protect the few remaining wild horses and burros. I truly believe that if BLM monitored the range impacts of cattle vs horses, they would find that cattle are much more destructive than horses are.

Response: Proper balancing of the forage users with the available forage is critical to improving rangeland conditions. BLM does monitor range impacts from horses and cattle, and these are generally described in Appendix E.

64. Comment: The drought is no reason to increase grazing acreage to ranchers.

Response: In this amendment the acreage does not change for the ranchers.

Vegetation

65. Comment: Competition between livestock and horses would continue but at a much reduced scale. Are there ways of reducing this competition? Are there ways to improve current vegetation rated as poor and prevent expansion of degraded rangelands? It would seem the drought is having a major impact.

Response: Specific methods of reducing competition would have to deal with the limits of the resources. This RMP amendment is a balancing act of resource capabilities and users needs.

Improvement of current vegetation rated as poor and preventing expansion of degraded rangelands relies on providing for the growth and reproductive requirements for the desired plant community. Methods for improving in vegetation communities can include singly but more commonly combinations of; rest, deferment, mechanical treatment, burning, seeding or fertilization.

Planning/General

66. Comment: NEPA requires that every agency prepare an EIS on a proposal for every major Federal action that “significantly affects...the quality of the human environment (42 USC 102(2)). Disbanding one of Colorado’s wild horse herds is likely to be highly controversial – for this reason alone the proposed action meets the test of significance, and the BLM must complete an EIS, not just an EA (40 C.F.R. 1508.27(4)). Because some alternatives could compromise wilderness- quality lands, the BLM must complete an EIS.

Response: NEPA process requires that an Environmental Assessment be prepared to determine impacts. If the decision of this assessment concludes there is “significant impacts” then an EIS would be prepared. To date two EISs have been prepared concerning this issue.

67. Comment: BLM fails to consider a no new leasing and comprehensive no surface occupancy alternative, at least in the southern preferred horse habitat area, the BLM ignored a fundamental premise on which all the presented alternatives are based.

Response: As CWN points out, the National Environmental Policy Act requires a identification and analysis of reasonable alternatives. CWN's assertion to the contrary, a no new leasing, comprehensive no surface occupancy alternative is not reasonable.

As stated in the document, 93% of the herd area is currently leased. Some of the leases date back to the 1920s. Over 80% of them are held by production, and will not expire at any time in the near future. Most of the other leases have several years remaining on their primary term, and could be held by future production. Of the lands not currently leased, approximately 40% are within the Oil Spring Mountain WSA, and are not currently available for lease, nor will they be available for lease until Congress acts on wilderness recommendations submitted by the Bureau. Not issuing new leases is a moot point.

The fact that 93% of the area is already leased also precludes "comprehensive use of no surface occupancy" stipulations. Such stipulations may not be added to current leases (see 43 CFR 3101.1-2). They can only be added at such time as future leases are offered. This would only be expected to affect about 4% of the herd area over the remaining life of the RMP.

Given these factors, a no new lease and comprehensive no surface occupancy alternative is not realistic or reasonable.

68. Comment: Page 1 Geographic Scope. You include 4,754 acres of private land within the herd area. Does this mean the BLM is appropriating these lands for wild horse use?

Response: BLM has no intent to appropriate any private lands. It is important for the public to understand there are private lands which have implications on management of wild horses. In particular to this RMP amendment the BLM would be required to fence out private lands, which is shown in the alternatives requiring fencing.

69. Comment: Why does the BLM only quote portions of the Wild and Free Roaming Horses & Burros Act?

Response: This is a summary of important laws and regulations pertaining to wild horse management, which is basic to this planning effort.

70. Comment: Based on the Planning document and its "planning area definition", how will the Texas Creek Allotment east of Colo. 139 be affected? This area is never mentioned in this document when calculating total AUM's for the Twin Buttes Allotment under Alternative B through G. One has to assume this document does not contain all of the impacts from Alternative B through G.

Response: You are correct, forage allocation were for the planning area. A separate forage allocation will have to be conducted for that portion east of highway 139 and will be in addition to the forage allocation for the Texas Creek allotment within the herd area.

71. Comment: NEPA requires that every agency prepare an EIS on a proposal for every major Federal action that "significantly affects...the quality of the human environment (42 USC 102(2)). Disbanding one of Colorado's wild horse herds is likely to be highly controversial – for this reason alone the proposed action meets the test of significance, and the BLM must complete an EIS, not just an EA (40 C.F.R. 1508.27(4)). Because some alternatives could compromise wilderness- quality lands, the BLM must complete an EIS.

Response: NEPA process requires that an Environmental Assessment be prepared to determine impacts. If the decision of this assessment concludes there are “significant impacts” then an EIS would be prepared.

72. Comment: I wonder if Alternative B goes outside the scope of the amendment by mixing a wild horse question with a domestic livestock question.

Response: We are taking your response to refer to the change in carrying capacity, a change from 9,080 AUMs to 6,947 AUMs. This Environmental Assessment discusses several alternatives for horse use on different areas and population levels. These alternatives have varying impacts on the livestock operation as can be seen in the environmental consequences section.

73. Comment: Are you going to let the permittees demand that all of the elk and deer be taken off too?

Response: Permittees have the right to demand that all of the elk and deer be removed, but BLM does not manage wildlife populations.

Water Quality; Hydrology and Water Rights

74. Comment: Currently there are an estimated 80 to 151 horses. A reduction to 29 to 60 should improve water quality. Can more springs be fenced off, with outside tanks, in order to provide protection? This item deserves more discussion.

Response: Currently there may be 80-151 horses, but current management calls for the removal of all horses by the year 2007. Therefore, in alternative C, it is not a reduction of horses to 29 – 60, but instead an allowance of this number of horses. This continual season long grazing is what would be detrimental to water quality.

75. Comment: Page 67. Please explain this statement, “none of the alternatives would impact the status of water rights in the area”. The BLM does not have all the water rights in the Twin Buttes Allotment.

Response: This statement refers to the springs discussed in Chapter 3, Table 3-13. These springs are on public lands and whether there are horses there or not, it would not affect the status of these water rights held presently by BLM. It does not refer to private holdings.

Riparian

76. Comment: In reference to alternative C, West Douglas is about the only perennial stream. I have not observed much of the stream, but on balance what I have observed receives positive attention from Twin Buttes. Is it really desirable and necessary to require Twin Buttes to reduce the duration and intensity of livestock grazing along the creek?

Response: The document states, “ In the past there were efforts to decrease use along the riparian areas by increasing forage and water sources on the uplands. These efforts have been unsuccessful and livestock concentrations, along West Douglas Creek have been a problem. Countering the livestock concentration problems are the beaver, which have been increasing in

the area. Beaver ponds have impounded water decreasing livestock's accessibility to the stream channel. Problems with riparian health are localized but generally severe."

We have stability in the creek. The use of vegetation treatments and water sources on the uplands is to improve the distribution of livestock on the rangelands. With improved distribution, the vegetation communities of West Douglas Creek are expected to improve increasing the amount of forage produced and stabilizing soils.

77. Comment: In the book you talk about 50 acres of willows in West Douglas Creek, where is it? All we see is salt cedar.

Response: You are correct that salt cedar can be found in West Douglas Creek. There is also Coyote willow, both of which are expanding along this channel.

Soils

78. Comment: Page 34. Where are these soils and why aren't they meeting the Standards?

Response: Please refer to Map H-3 in Appendix H for the locations of these soils not meeting the land health standards. Based on vegetation and soil condition, we identified three range sites that were not meeting the standards; Alkaline Slopes, Foothills Swale and Rolling Loam. These range sites in the bottoms express rill erosion, actively-eroding gullies, and they lack diversity of plant species necessary for watershed protection

Wilderness

79. Comment: BLM failed to address the differential administrative policies for managing the CWP and WSA lands.

Response: (IM No. WO-03-274)

BLM will continue to manage public lands according to existing land use plans while new information (e.g., in the form of new resource assessments, wilderness inventory areas or "citizen's proposals") is being considered in a land use planning effort. During the planning process and concluding with the actions after the planning process, *BLM will not manage those lands under a congressionally designated non-impairment standard, nor manage them as if they are or may become congressionally designated wilderness areas*, but through the planning process BLM may manage them using special protections to protect wilderness characteristics.

80. Comment: The potential threats of oil and gas development on wilderness are clear and substantial, yet there is no mention of oil and gas impacts on wilderness anywhere, under any of the alternatives.

Response: There are no oil and gas actions described within the EA that occur within Wilderness Study Areas, therefore no analysis is needed.

81. Comment: No mention of human development appears in the wilderness affected environment section of the EA.

Response: Human developments are described in section 3.8 of the document under the heading "Naturalness".

82. Comment: We again request the BLM to evaluate the on-the-ground significant information and account for the wilderness resources in the proposed RMP amendment.

Response: As stated in the planning criteria: “BLM will not include a review of wilderness potential for Conservationists’ Wilderness Proposal (CWP) areas during this planning process.”

83. Comment: The WDHA amendment EA does not account for the certain increase in oil and gas activity at or near the immediate periphery of the WSA. Furthermore, the EA does not address that the CWP portion of the Proposed Wilderness Area is in the immediate periphery adjacent and continuous to the WSA.

Response: There are no oil and gas actions described within the EA that occur within Wilderness Study Areas, therefore no analysis is needed.

(IM No WO-03-274)

BLM will continue to manage public lands according to existing land use plans while new information (e.g., in the form of new resource assessments, wilderness inventory areas or “citizen’s proposals”) is being considered in a land use planning effort. During the planning process and concluding with the actions after the planning process, *BLM will not manage those lands under a congressionally designated non-impairment standard, nor manage them as if they are or may become congressionally designated wilderness areas*, but through the planning process BLM may manage them using special protections to protect wilderness characteristics.

84. Comment: BLM has failed to take a hard look at new information and new circumstances since the 1990-1991 Wilderness EIS/ROD, and the BLM’s continued reliance on this document by itself in this EA is inadequate.

Response: No new information was provided by CEC or any other organization with respect to Oil Spring Mountain CWP to the BLM.

85. Comment: A full review of the wilderness character and complete analysis through an EIS is needed.

Response: (IM No. WO-03-274)

BLM will continue to manage public lands according to existing land use plans while new information (e.g., in the form of new resource assessments, wilderness inventory areas or “citizen’s proposals”) is being considered in a land use planning effort. During the planning process and concluding with the actions after the planning process, *BLM will not manage those lands under a congressionally designated non-impairment standard, nor manage them as if they are or may become congressionally designated wilderness areas*, but through the planning process BLM may manage them using special protections to protect wilderness characteristics.

Wildlife

86. Comment: Second, such rampant development that already displaces the horses should have alerted the BLM of the need for further analysis of historical displacement of other wildlife species and subsequent displacement from current habitat with continued development throughout the remainder of the herd area.

..the EAs heavy emphasis on forage availability make wildlife displacement a significant impact one that should have been considered.

Response: Wildlife issues involving avoidance response to human activity (e.g., physiological burdens and reductions in habitat utility) were analyzed in the White River RMP. Wildlife impacts were assessed using oil and gas development assumptions (which, for the purposes of this Plan Amendment, remain viable as defined under this document's planning criteria) that formed the basis for the development of wildlife-related mitigation considered appropriate in the context of multiple-use management.

The emphasis of wildlife impact analysis in the EA lies less with forage availability as a forage source for big game than the cumulative influence of wild and domestic ungulate grazing on the expression of native herbaceous understories (i.e., composition, ground cover height and density) and its derivative values.

87. Comment: The BLM acknowledges that oil and gas development will continue to impact wildlife through its evaluation of the horse-related lease stipulations, yet proposes no mitigation measures related to wildlife. The impact to wildlife alone...militate a thorough analysis of those same impacts on wildlife in an EIS. The potential severity of the impacts to wildlife are exacerbated by the fact that the preferred alternative calls for removal of the horses and, if implemented, the already imperiled wildlife habitat will not enjoy even the modicum of protection provided by the horse-related lease stipulations.

Response: As discussed in the EA, the horse-related stipulations in Alternative C, E, F, and G are not overly influential in supplementing the existing suite of RMP-approved wildlife stipulations; in some cases, contradicting the intent and reducing the efficacy of those stipulations. Again, the impacts associated with oil and gas development and the means to mitigate those effects have been analyzed through the RMP. Energy development impacts are primarily associated with avoidance issues, which are fundamentally different, but arguably shorter-term and less profound, than long term alterations in native plant communities attending inappropriate ungulate grazing regimens.

88. Comment: Is the desired increase in deer (4700) within the limit of the 1997 RMP?

Response: Yes. This figure was derived directly from the Colorado Division of Wildlife's long-term herd management objectives used in the RMP. Deer and elk population objectives have remained static since that time.

89. Comment: What are the boundaries of the Douglas Planning Unit? What are the boundaries of the Douglas Geographic Reference Area?

Response: These areas are essentially synonymous and generally conform to BLM-administered lands within that area described by the White River to the north, the Utah border to the west, the Piceance-Douglas divide to the east, and Colorado River-White River divide to the south.

90. Comment: An Eco-Balance Study NEEDS to be conducted at this HA to define the best possible practices to create a NATURAL thriving ecological balance to the range, as defined in the Wild Horse and Burro Act. With a Wilderness Study involved in this area the BLM should strive to improve communications and efforts to study the predator/prey relationship to prey populations.

There is not one word in the EA regarding predators. Predators at the top of the food chain such as the Bear, Mountain Lion, and even the wolf are a necessary part of an eco-

balance community. What is the population of the Mountain Lion in this area? Are these populations evaluated with WDHA management involvement?

Response: A discussion of predator-prey relationships in the context of horse management in the herd area is not considered relevant.

Although substantial efforts are now underway to develop science-based large predator management plans in Colorado, the Colorado Division of Wildlife does not maintain Unit-specific bear and lion population estimates at this time. Based on long-term harvest statistics, large carnivore populations throughout the State are considered viable and stable. Although it is certain that these carnivores occasionally and opportunistically predate horses, there is no reasonable expectation that black bear and mountain lion would exert significant influence on overall horse populations or annual recruitment (i.e., consistent at 20%), especially in light of the availability and abundance of alternate big and small game prey in northwest Colorado.

91. Comment: Finally, resident elk and wild horse populations (high dietary/spatial overlap with cattle) are apparently thriving and populations have grown well beyond herd management objectives. These population trends are not consistent with overstocked rangelands or habitats which are approaching carrying capacity.

Response: We agree that elk and cattle exhibit similar dietary preference, but we do not necessarily agree with your presumption that elk and cattle consistently display a high degree of spatial overlap in the herd area. To the contrary, we believe elk and cattle distribution and forage use tends to be apportioned quite differently in temporal and fine spatial contexts. Elk tend to use resources more closely associated with steeper, more rugged terrain and heavier vegetative cover, they are capable of spontaneously exploiting advantageous resources across broad extent unfettered by fences, this herd derives a substantial portion of their sustenance during the summer and late winter months beyond the herd area, the Game Management Unit, and even the State, and their distribution is often profoundly shaped by human activity on BLM-administered land (e.g., September through December hunting seasons).

Because the BLM allocates an average 50% of the annual above ground forage production among predominant grazing users, the total forage base is presumably capable of supporting more animals than those that BLM allocates for. However, this level of forage use would be incapable of accommodating other land values for which BLM is obliged to manage (e.g., see Colorado Public Land Health Standards 1 and 3; White River Record of Decision and Approved Resource Management Plan, page 2-11: “..watershed protection, visual resource enhancement, and food and cover requirements of small game and nongame wildlife species.”). In addition, and as discussed in the text, increased seasonal elk use has been compensated in part by low current deer populations. These and some of the factors listed in the paragraph above (e.g., forage use outside the herd area, plastic response to prevailing forage conditions) contribute to the fact that elk have assumed population levels beyond established objectives. However, there is no thought by wildlife managers in northwest Colorado that current elk populations are desirable or sustainable in the long term. As discussed in the text, CDOW is actively seeking to install innovative and aggressive methods to reduce elk populations in GMU 21.

Threatened and Endangered Animals

92. Comment: If a listed species may be present, the federal agency must prepare a Biological Assessment to determine whether the listed species may be affected by the proposed action.”

“This process has not been followed here and thus BLM is likely in violation of the ESA.”

Response: The EA explains why BLM believes there is no reasonable likelihood that habitats and/or populations of Colorado pike-minnow, bald eagle, and Mexican spotted owl would be adversely affected by the various alternatives. It is within BLM's discretion to determine if the action has "no affect" on, or "may affect, but is unlikely to adversely affect" (i.e., impacts that are discountable, insignificant, or completely beneficial) animals listed or proposed under the Endangered Species Act (ESA). Section 7 (c) (1) of the ESA states that Biological Assessments "...may be undertaken as part of a Federal agency's compliance with the requirements of the National Environmental Policy Act of 1969." The U.S. Fish and Wildlife Service's Final ESA Section 7 Consultation Handbook (March 1998) states that the "...contents of biological assessments prepared pursuant to the Act are largely at the discretion of the action agency..." and further, "...the agency is not required to prepare a biological assessment for actions that are not major construction activities..." We do not consider herd area management a major construction activity.

93. Comment: **BLM Manual 6840.06. Despite this clear guidance, and the presence of numerous Sensitive and Candidate Species in the Herd Area, there is little evidence that BLM is fulfilling these obligations.**

Response: We are not aware of any species candidate for Endangered Species Act listing in the herd area.

BLM's first action item attending its sensitive species policy statement as quoted, "...determine the distribution, population dynamics, current threats, abundance, and habitat needs for candidate species..." is actually conditioned in the BLM Manual by "In coordination with the FWS and/or NMFS determine, to the extent practicable...", but it is accurate that BLM's primary charge for sensitive species management is to "...ensure that actions authorized, funded, or carried out by the BLM do not contribute to the need for the species to become listed. The remaining points of BLM sensitive species policy pertains to those land bases or actions that have a significant affect on their status. Mainly because of limited representation by these species in the herd area—it is unlikely that any alternative would have this consequence. We have explained in the text how each alternative would affect habitats important to nongame wildlife, including sensitive species, that occur in areas influenced by herd area management. As the basis for determining wildlife-related impacts, the relationship between cumulative ungulate grazing and herbaceous ground cover and its function as forage, cover, and substrate for invertebrate prey is considered paramount.

94. Comment: **In other words, the BLM has not determined "the distribution, abundance, reasons for the current status, and habitat needs" of the goshawk in this area, nor has it monitored "populations and habitats of" northern goshawk "to determine whether management objectives are being met" (BLM Manual 6840.06).**

Again, there is no evidence that the BLM has formally inventoried or monitored sage grouse in the Herd Area or evaluated the impacts of grazing by livestock or wild horses to this species, even though the scientific literature confirms that grazing has major impacts on sage grouse success.

Again, the BLM has not inventoried or monitored these species [Townsend's big-eared bat, fringed myotis, and Yuma myotis] and provides no analysis of the potential impacts of grazing.

Response: The commenter believes that BLM has no firm understanding of the precise distribution and abundance of nesting northern goshawk, greater sage grouse, and 3 species of bats associated with the herd area. To the contrary, BLM is sufficiently knowledgeable of the first 2 species to have explained in the EA text that these populations are peripheral to the herd area.

It is the opinion of BLM that efforts to acquire northern goshawk and greater sage grouse distribution and abundance information in the herd area would be inordinately expensive and extraordinarily unproductive.

Our experience and discussion of goshawk nesting in pinyon-juniper woodlands is consistent with available literature, that is, use of pinyon-juniper woodlands by goshawk for nesting has been documented, but their contribution to goshawk distribution, abundance, and population viability is inconsequential. For example, a habitat assessment conducted in support of Utah's 1998 Conservation Strategy and Agreement for the Management of Northern Goshawk Habitat in Utah (1998; www.fs.fed.us/r4/goshawk/strategy.pdf) states that ".all forested landscapes in Utah are potentially suitable as goshawk habitat for some portion of the lifecycle. Forested landscapes include those areas dominated by coniferous and aspen forest; but not woodlands such as pinyon-juniper." This study attributed no potential to pinyon-juniper woodlands for goshawk nesting. In the 1998 U.S. Fish and Wildlife Service's 12-month finding on the Petition to List Northern Goshawk, only 3 goshawk nests were reported from pinyon-juniper woodlands—these of 5,041 goshawk nests reported from the Great Plains to the west coast.

Although discussions pertaining to impacts on accipiter nesting and foraging habitat generally involve adverse modification of forest extent (e.g., patch size and distribution) and/or conformation (e.g., age structure), these treatments are not associated with any of the alternatives' proposed actions. BLM recognizes that herbaceous understory expression (e.g., plant vigor and diversity, effective cover height) influences the abundance and diversity of small mammals and birds as a source of accipiter prey, and therefore is likely to have an indirect influence on chick survival and recruitment. Each alternative, generally tiering off the discussion in Alternative A, addresses the potential relative effects of collective ungulate grazing on non-game populations. However, determining the precise influence of understory expression on accipiter population dynamics (in the context of grazing management) would be unprecedented and very much in the realm of "not practicable."

In regard to greater sage grouse, BLM is merely attempting to put into perspective the very few birds that have been collectively observed and recorded over the last 30 years by BLM and CDOW staff working in or near the herd area. Considering the attention now focused on sage grouse throughout the west, it is BLM's opinion that sagebrush inventory and habitat evaluation efforts applied to the Douglas Creek watershed for sage grouse would be of the lowest possible concern and priority.

There is no literature known to BLM that details bat distribution or abundance in the greater Douglas Creek basin. However, there is sufficient commonality in prey and habitat preferences among the 3 species of bats considered sensitive by BLM to legitimately evaluate management effects on these bats as a group. Similar themes run through these species' accounts in the recently released Colorado Bat Conservation Plan (Western Bat Working Group, Colorado Committee) in that the primary threats to these bats in Colorado involve the destruction of, and disturbance at, roosts. Although small groups or individual bats can use snags and crevices for certain roost functions, the core abundance and distribution of these bats tend to be correlated with the availability of caves and cave-like roosting habitat. All 3 species of bat commonly use mines as day and maternity roosts or hibernacula, particularly Townsend's big-eared bat, where nearly 60% of known maternity roosts and 93% of known hibernacula in Colorado are associated with mines. As explained in the text, the herd area does not support roost habitat that could be expected to harbor large numbers of bats (e.g., caves, mines, buildings) and it would be inconceivable that herd area management would have any influence on these structures if they existed. The nearest geology conducive to the formation of caves is about 30 miles north of the herd area.

Land management practices that remove old growth pinyon-juniper woodlands or reduce the age structure of these woodlands would generally be considered detrimental to bats that use snags and overmature trees as roost habitat. Mature and overmature pinyon-juniper woodlands are

relatively abundant in the herd area. No modifications to the physical structure of these woodlands are specifically proposed in the document and, as discussed in the text, become increasingly unlikely with decreasing horse use within the herd area (i.e., forage compensation for increasing season-long use attributable to horses).

Land use that enhances the expression of native broadleaf forbs in forest, woodland, and shrubland understories is considered important in improving the availability of substrate required by invertebrates as the principal forage base of bats. According to the Western Bat Working Group, maintaining or enhancing vegetation structure in pinyon-juniper woodlands and associated big sagebrush habitats is recognized as being of singular importance in managing bats in Colorado; this principle extending also to larger riparian systems in these arid environments. In the same sense, the progressive incursion of exotic grasses into sagebrush communities is of special concern. The preferred alternative specifically addresses these issues. One of this alternative's most compelling and oft-cited arguments from the wildlife perspective is the biologist's belief that this proposal would provide the impetus for measurable widespread improvements in herbaceous expression within the herd area's sagebrush and woodland communities. This alternative also promotes maintenance of proper functioning condition and continued development of willow-dominated riparian corridors along West Creek, West Douglas, and the mainstem of Douglas Creek.

Regardless of their local distribution and abundance, ungulate grazing management proposed under Alternative B provides for the maintenance or marked improvement of important habitat components for these bats. It is BLM's opinion that management proposed under this alternative would certainly be considered consistent with enhancing habitat components important to bats and ensuring that actions authorized by the BLM do not contribute to the need to list these species threatened or endangered.

95. Comment: This is unacceptable – the BLM must clearly disclose the potential impacts of each alternative on each special status species.

Response: We do not believe separate treatment of individual species is BLM policy or a mandatory NEPA requirement. In this instance we contend that the specific issues can be as effectively addressed in a community or guild context.

96. Comment: This EA does not consider potential impacts to species that the State of Colorado has listed as Threatened, Endangered, or Species of Special Concern.

Response: By design and the nature of the issues, State-listed animals normally enjoy redundant categorization under the Endangered Species Act (ESA) or BLM's sensitive species list. Those federally listed animals addressed in the document are also State-listed threatened and endangered species (i.e., Colorado River fishes, bald eagle, Mexican spotted owl) and the greater sage grouse, a State species of special concern, is addressed as a BLM sensitive species.

Threatened and Endangered Plants

97. Comment: At one point the BLM states that of the five Sensitive plant species found in the general region, there is only suitable habitat for Graham's penstemon and White river penstemon (*Penstemon scariousus* var. *albifluvis*) within the herd area. But later states, "Potential habitat also occurs in the Green River formation [sic] within the herd area" (p.43), evidently referring to the other three Sensitive plant species (ephedra buckwheat (*Eriogonum ephedroides*), ligulate feverfew (*Parthenium ligulatum*), and Rollins cat's eye (*Cryptantha rollinsii*)).

Response: Only a small portion of the Oil Spring Mountain WSA which contains some of the Green River formation falls within the Herd Area. The statement the BLM made was that there could be suitable habitat for Graham's penstemon and White river penstemon (*Penstemon scariosus* var. *albifluvis*) due to outcroppings of certain formations within the WSA but not restricted to the possibility of just the penstemons occurring since the other plants are endemic to the same formation. The statement is confusing and will be rewritten to clarify this.

98. Comment: Again, the BLM admits that it has not conducted the necessary inventorying or monitoring for these species: "Limited inventories have been conducted for rare and endemic or rare and BLM sensitive species within the herd area" (p.43).

Response: Limited inventories have been conducted because a portion of the area is protected by designation of the WSA. Furthermore, if the area was to be released from further consideration by Congress then it will be designated an ACEC. Inventories will be conducted when actions warrant it.

99. Comment: Because the BLM evidently has not thoroughly surveyed the suitable habitat for these species, it is premature to state that the penstemons "occur only on the Raven Ridge (north of the herd area) in Colorado" (p.43), and Graham's penstemon at least is not restricted to "along the White River" (p.43) in Utah, as the BLM asserts.

Response: All surveys and documented reports that have been conducted in this area have found the penstemons to occur only in the Raven Ridge ACEC. If future inventories show this plant to be found elsewhere in the resource area we will update our records accordingly.

Most inventories conducted occur in response to any proposal submitted involving surface disturbing activities. A pedestrian survey is conducted at that time. It is not practical to conduct surveys on a large scale basis especially in an area protected by WSA status. The Graham's penstemon appears to be restricted to the formation from the Raven Ridge ACEC which the formation follows the river and into Utah. The statement is confusing and will be rewritten to clarify this.

100. Comment: The BLM also uses the Candidate "Category" system that the Service abandoned in 1996.

Response: This will be corrected in the EA.

101. Comment: Finally the BLM includes the incomprehensible statement "Oil Spring Mountain Wilderness Study Area maintains a no Surface Occupancy Stipulation on all sites where rare/protected species exist" (p.43).

Response: Oil Spring Mountain Wilderness Study Area will be designated an ACEC if congress releases the WSA from wilderness consideration. The ACEC designation will impose a No Surface Occupancy stipulation for future development in the area. As long as it remains a WSA no new leases will be issued in it. Oil spring Mountain WSA contains unique woodland and shrubland plant communities.

102. Comment: Since the BLM has not determined where the rare species are actually found, it is impossible that they are effectively protected by any oil and gas leasing stipulations, and the WSA accounts for only a portion of the herd area anyway.

Response: Oil and gas impacts have been analyzed in the Resource Management Plan (RMP). Site specific impacts are reviewed as proposals are received. Inventories are performed at this time, and mitigation or avoidance are required as appropriate.

103. Comment: However, the most disturbing part of this analysis is that no mention is made of the one BLM Sensitive plant that the Colorado Natural Heritage Program has a record for inside the herd area: Duchesne milkvetch. This record is from Big Horse Draw from 1973.

Response: The BLM has no such record of this.

104. Comment: When the BLM analyzes the impacts on special status plants on page 87 of the EA, it suggests that individuals have actually been found within the Herd Area: “The sites on which the plants are found provide little in the way of forage and are not used by livestock or wild horses”, but since the BLM has already asserted that only potential habitat for these species is found in the Herd Area, we assume that the BLM is speaking generally about the Green River formation.

Response: This statement does not suggest that plants have been found in the Herd Area. It describes the lack of vegetation that grows on the formation where plants are found in general.

105. Comment: Unfortunately, livestock do use Graham’s penstemon sites on this formation, as the Service confirmed in it’s discussion of Graham’s penstemon in the Candidate Notice of Review published in yesterday’s Federal Register: “The species is heavily grazed by wildlife (rodents, rabbits, and possibly deer) and by livestock (primarily sheep). Livestock trampling is affecting some populations. Historical overgrazing is thought to have caused the extirpation of some *P. grahamii* populations” (69 FED. Reg. 24882 (May 4, 2004)). Therefore the BLM should not dismiss the potential impacts of grazing based on the favored substrate of these species.

Response: In the above statement, the livestock refers to primarily sheep. The livestock using the area is cattle which do not find most Sensitive Plant Species palatable. Since sheep do not graze in the area the remaining comment does not apply.

106. Comment: Because the BLM does not provide a map showing where the suitable habitat for special status species exists, it is impossible to judge how the various alternatives will affect them.

Response: The BLM maintains a data base in the office that is available to the public. The range for the habitat is too large to include in this document. The scale of map that will be required for the document is not conducive to adequately showing the areas.

107. Comment: Finally, the most troubling part of this document is the explanation of how the BLM protects special status plants:

If populations are found, and monitoring shows that there impacts resulting from grazing, these populations would be protected. Any proposal for protection of these narrow endemics would require completion of an environmental assessment, which would determine the best means of protection.

Mitigation Measures: Threatened, endangered, and sensitive plant species found would be inventoried and monitored to determine their location and density. Populations determined to be impacted by management would be protected or avoided.

The problems with this method should be obvious. The BLM has no plans to conduct an inventory for rare plants, so everything relies on the chance possibility that someone will stumble upon these populations. Then someone has to design a monitoring program to look at the impacts of grazing, and secure the funding for this monitoring, and conduct it for long enough to demonstrate that grazing is a problem. Only after all of these steps will the rare plants be protected -and how? We don't know. Someone else will need to write another EA to figure that out. So, as the mitigation measures explain, the only consideration that rare plants will receive in this part of the Field Office is that AFTER someone finds the plants there will be an inventory and monitoring, and then if someone can show that management is affecting them, somehow the populations will be protected, possibly by avoidance, which is difficult to imagine in the context of grazing.

Response: The portion of the WSA that falls within the Herd Area is protected. Furthermore, if the WSA was to be released by congress then it will be designated an ACEC. Most inventories conducted occur in response to proposals submitted involving surface disturbing activities. A pedestrian survey is conducted at that time. It is not practical to conduct surveys on a large scale basis especially in an area protected by WSA status. The preferred alternative is reducing the impacts by wild horses to the area.

108. Comment: It doesn't need to be this way. You're writing an EA right now. You should know that Graham's penstemon is impacted by grazing.

Response: It was stated in the Federal Register that the grazing impact is based primarily on sheep. Therefore, the grazing impact does not apply in this area since sheep are not grazed.

109. Comment: The BLM Manual also states that species that "are listed but which may be better conserved through application of BLM sensitive species status...should be managed to the level of protection required by State laws or under the BLM policy for candidate species, whichever would provide better opportunity for its conservation" BLM Manual §6840.06(E). This EA does not consider potential impacts to species that the State of Colorado has listed as Threatened, Endangered, or Species of Special Concern.

Response: According to the BLM Manual state agencies responsible for botanical resources can designate BLM sensitive species from state listings. The State Director may or may not designate as a sensitive species.

Socio-Economics

110. Comment: Your analysis is incomplete without a discussion of the costs of both removing these horses and the cost of alternative methods on a per head basis. It must also include the cost of all BLM personnel involved with this operation, to do anything else is both false and misleading the public.

Response: Socio-economics Table 3-21: The table below shows all costs direct and total including personnel costs for years 2000-2003. The table shows both National and Colorado costs.

Mean National 200-2003					
Activity	Units	Direct Cost	Total Cost	Unit Cost Direct	Unit Cost Total
Adopted	6943.75	6499569.50	11969490.00	936.03	1723.78
Prep & Hold	14182.75	12681065.50	17633276.00	894.12	1243.29
Gathered	11692.50	4133699.25	5795086.50	353.53	495.62
Census	89.00	480083.00	697722.75	5394.19	7839.58
Compliance	6124.75	1016816.75	2318614.25	166.02	378.56
		24811234.00	38414189.50		
Cost Per Animal Gathered		2121.98	3285.37		
Cost Per Animal Adopted		3573.18	5532.20		
Mean Colorado 2000-2003					
	Units	Direct Cost	Total Cost	Unit Cost Direct	Unit Cost Total
Adopted	308.75	145804.25	285014.50	472.24	923.12
Prep & Hold	400.25	667824.25	886004.50	1668.52	2213.63
Gathered	245.00	136069.75	218165.50	555.39	890.47
Census	2.50	18368.25	27922.50	7347.30	11169.00
Compliance	311.00	52808.25	158933.50	169.80	511.04
		1020874.75	1576040.50		
Cost Per Animal Gathered		4166.84	6432.82		
Cost Per Animal Adopted		3306.48	5104.58		

111. Comment: The negative impact dollar amounts are grossly underestimated. The value for forage allocated to cattle and the number of jobs lost is not realistic. (Table S-1) How did you arrive at these figures?

Response: The value of the change in forage allocated to cattle is calculated and shown in two ways for each alternative. The value per AUM using the current price per AUM charged a BLM allottee is \$1.43. The approximate market value per AUM used in the analysis is \$10. The market value of forage as well as the change in jobs per alternative were estimated by White River Field Office range personnel familiar with conditions specific to the area.

112. Comment: We would recommend that a more thorough economic assessment and analysis of economic impacts to the local community be done to more fully evaluate the effects of reduced livestock grazing as proposed in alternative B.

Response: Please refer to the Socio-Economic Section which has been revised.

STATE OF COLORADO
Bill Owens, Governor
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE

AN EQUAL OPPORTUNITY EMPLOYER
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*For Wildlife-
For People*

Bureau of Land Management
White River Field Office
73544 Hwy 64
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ATTN: Scott Pavey

Dear Mr. Pavey

I wanted to thank you for this opportunity to provide input to the amended plan for the Wild horse herd in the West Douglas creek area. The main areas of concern are the forage and water allocation issues. Wild horses compete with big game for forage and an increase in the Wild horse herd will aggravate those forage-Competition issues. Maintaining the current allocation to wildlife would be preferred, while strongly endorsing number 3 of the preliminary planning criteria as it is currently written. That "the management of Wild Horses will not cause excessive harm to the natural thriving ecological balance." and continue to move toward meeting public lands health standards. Another issue is regarding number 7 of the planning criteria. When analyzing capture techniques, scheduling the operations so they will not to conflict with big games seasons would help reduce complaints from those hunters that would be currently in the field. Additionally, negative impacts to big game as a result of social interactions between the horses and big game should be considered and mitigated. Again, Thanks for considering these comments in the amended plan.

Sincerely,

Terry Wygant
District Wildlife Manager
Rangley District

CC: Dan Prenzlowl

DEPARTMENT OF NATURAL RESOURCES, Greg E. Walcher, Executive Director
WILDLIFE COMMISSION, Rick Enstrom, Chair • Robert Shoemaker, Vice-Chair • Marianna Raftopoulos, Secretary
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To: "bob_fowler@co.blm.gov" <bob_fowler@co.blm.gov>
cc: "bob_schmidt@co.blm.gov" <bob_schmidt@co.blm.gov>
Subject: West Douglas Wild Horse Herd Draft EA

05/05/2004 03:05 PM

Hello, Bob.

I'm writing to submit formal comments on the Draft EA for the West Douglas Herd draft amendment to the WRRMP.

You will recall, the Colorado Department of Agriculture, under the direction of then-Commissioner Tom Kourlis, committed considerable resources and time to assisting BLM and the Twin Buttes Allotment permittee to come to terms on an allotment management plan. We were assisted in that effort by Roy Roath from CSU, ranchers John Raftopolous from Craig and Warren Gore from Glade Park, and Charlie Jones, a retired BLM range conservationist.

After nearly two years of work and a great deal of compromising on the parts of BLM and Twin Buttes, the plan was signed and commitments for both parties were made. Among the commitments made by BLM was to proceed with the removal of the wild horses from the area, and we are pleased that progress in that regard has been made. The Twin Buttes allotment holder agreed to more intensive herd management in most of the pastures and a rigid on-off-rotation-rest schedule for the pastures. I understand that the permittee has held up these parts of their commitments as well.

However, we are dismayed to see that BLM's preferred option is to zero-out the horse herd and permanently cancel the suspended AUMs of the Twin Buttes Ranch, in an apparent effort to increase forage available for wildlife. We are confused at this conclusion when the report itself acknowledges that the elk population in the game management unit is perhaps three times larger than the Division of Wildlife's management objectives. Acknowledging that the deer herd is substantially under management objectives, the Division of Wildlife has developed and will implement in 2004 "innovative and aggressive methods to reduce elk populations" within the GMU. That, coupled with eliminating the horse herd should provide sufficient habitat to accommodate size-objective herds of wildlife and additional cattle AUMs.

In our opinion, BLM would be wiser to reserve options for the future of this allotment. By eliminating the Twin Buttes' suspended AUMs, BLM will be eliminating the greatest incentive for the Twin Buttes to continue to improve the allotment by implementing the AMP as envisioned in 1998. We respectfully request that BLM eliminate any reference to canceling the suspended AUMs and give the AMP a chance to work and the Twin Buttes Ranch an incentive to further increasing the range health on the allotment.

Sincerely,

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