

**United States Department of the Interior
Bureau of Land Management
Burns District Office**

**FINDING OF NO SIGNIFICANT IMPACT
Kiger and Riddle Mountain Herd Management Areas Wild Horse Gather
Environmental Assessment
DOI-BLM-OR-B050-2011-0006-EA**

INTRODUCTION

The Kiger and Riddle Mountain Herd Management Areas Wild Horse Gather Environmental Assessment (EA) (DOI-BLM-OR-B050-2011-0006-EA) was completed to analyze the impacts of conducting a gather and removal of excess wild horses within the boundaries of the Kiger and Riddle Mountain Herd Management Areas (HMAs) and any wild horses immediately outside or adjacent to the HMA. The current population of wild horses within the gather area is estimated to be 210 animals. The Appropriate Management Level (AML) for the herd is 84 to 138 wild horses. The AML for the Kiger and Riddle Mountain HMAs has been previously established based on monitoring data and following a thorough public review. Documents containing this information are available for public review at the Burns District Office.

SUMMARY OF THE PROPOSED ACTION

The Proposed Action is to gather approximately 210 wild horses (100 percent of the population) in the summer (July) of 2011, where approximately 120 excess wild horses would be removed from the Kiger and Riddle Mountain HMAs. Approximately 87 wild horses (38 mares, 38 studs, and 11 geldings) would be returned to the HMA at completion of the gather, leaving a post gather population of approximately 87 head of wild horses which is just above the lower level of the AML. This alternative would include determining sex, age, and color, assessing herd health pregnancy/parasite loading/physical condition, etc.), monitoring results as appropriate, sorting individuals as to age, size, sex, temperament and/or physical condition, and returning selected animals, primarily in the 6 to 10-year age group. This would ensure a vigorous and diverse breeding population, reduce stress on vegetative communities and wildlife, and be in compliance with the Wild Free-Roaming Horse and Burro Act of 1971 and land use plans.

FINDING OF NO SIGNIFICANT IMPACT

Consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of impacts, is described below:

Context

The affected region is limited to portions of Harney County, where the project area is located. The area is located 50 miles south of Burns, Oregon. It is located west of the east Steens Road and south and east of Diamond, Oregon. There would be no substantial broad societal or regional impacts not previously considered in the Three Rivers Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS). The actions described represent anticipated program adjustments complying with the Three Rivers RMP/Record of Decision (ROD), and implementation of the wild horse management program within the scope and context of this document.

The gather has been planned with input from interested public and users of public lands.

Intensity

Based on my review of the EA against the succeeding CEQ's 10 considerations for evaluating intensity (severity of effect), there is no evidence that the severity of impacts is significant:

1. *Impacts that may be both beneficial and adverse.* The proposed gather is expected to meet Bureau of Land Management's resource objective for wild horse management of maintaining a thriving natural ecological balance consistent with other multiple uses. Although the gathering and removal of excess wild horses is expected to have short-term impacts on individual animals, it is expected to ensure the long-term diversity of the wild horse herd and help to improve forage and habitat conditions in the HMAs.
2. *The degree to which the Proposed Action affects public health or safety.* The proposed gather has no effect on public health or safety.
3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* The Proposed Action has no potential to affect unique characteristics such as historic or cultural resources or properties of concern to American Indians. There are no wild and scenic rivers or affected ecologically critical areas present in the areas. Maintenance of appropriate numbers of wild horses is expected to help make progress in meeting resource objectives for improved terrestrial habitat.
4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the Proposed Action or preference among the alternatives. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action or alternatives as effects of the gather are well known and understood.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The analysis has not shown there would be any unique or unknown risks to the human environment nor were any identified in the Three Rivers PRMP/FEIS or Steens Mountain Cooperative Management and Protection Area (CMPA)/ROD. Effects of gathering wild horses are well known and understood.
6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The action would not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Wild horse gathers are a reoccurring management activity.
7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The EA includes an analysis of cumulative effects which considers past, present, and reasonably foreseeable future actions in the Kiger and Riddle Mountain HMAs that support the conclusion that the proposed gather is not related to other actions with individually insignificant but cumulatively significant impacts.
8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.* The proposed gather has no potential to adversely affect significant scientific, cultural, or historical resources as there are no features within the project area listed or eligible for listing in the National Register of Historic Places.
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.* There are no known threatened or endangered species affected by the Proposed Action or alternatives and the action area does not include any habitat determined to be critical under the Endangered Species Act.
10. *Whether the action threatens a violation of Federal, State, local or tribal law or requirements imposed for the protection of the environment.* The proposed gather conforms to the approved 1992 Three Rivers RMP. Further the proposed gather is consistent with other Federal, State, local, and tribal requirements for protection of the environment to the maximum extent possible.

On the basis of the information contained in the EA and all other information available to me, it is my determination that:

- 1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Three Rivers PRMP/FEIS (1991) and Steens Mountain CMPA/ROD (2005);

- 2) The Proposed Action and alternatives are in conformance with the Steens Mountain CMPA/ROD (2005);
- 3) There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and
- 4) The environmental effects against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment.

Therefore, an EIS is not necessary and will not be prepared.

/signature on file/

Richard Roy
Three Rivers Resource Area Field Manager

May 3, 2011
Date

**USDI, Bureau of Land Management
Three Rivers Resource Area, Burns District**

DECISION RECORD

**KIGER AND RIDDLE MOUNTAIN HERD MANAGEMENT AREAS
WILD HORSE GATHER**

**ENVIRONMENTAL ASSESSMENT
DOI-BLM-OR-B050-2011-0006-EA**

BACKGROUND

The Kiger and Riddle Mountain Herd Management Areas (HMAs) lay south of Burns, Oregon, about 50 miles and are bordered by Kiger Gorge on the west and East Steens Road on the east. Topography varies from steep glacier cut canyons to high plateaus to prominent buttes, with two distinct drainages running through the area. Elevation varies from approximately 4,000 to 7,400 feet. Precipitation ranges upward of 14 inches annually and comes mainly in the form of snow. Temperatures vary from -30 °F in winter to 95 °F in summer. Major vegetation types are mountain and Wyoming big sagebrush and low sagebrush mixed with a variety of perennial grasses and forbs. Western juniper woodlands exist in varying degrees across both HMAs.

The Kiger and Riddle Mountain HMAs were last gathered in 2007. An April 2010 inventory estimated wild horse numbers within the two HMAs to be 91 head and 60 head, respectively. The previously established Appropriate Management Level (AML) is a range from 51 to 82 and 33 to 56 wild horses for Kiger and Riddle Mountain HMAs, respectively. This AML was adopted in the Three Rivers Resource Management Plan/Record of Decision (RMP/ROD) (September 1992) and the Steens Mountain Cooperative Management and Protection Area Resource Management Plan/Record of Decision (CMPA RMP/ROD) (August 2005).

Based on the 2010 inventory and including the 2011 foal crop, wild horse numbers at the time of the gather would be approximately 72 head over the high AML and 120 head over low AML (combined AML for both HMAs). Based upon all information available at this time, the Bureau of Land Management (BLM) has determined that approximately 120 excess wild horses exist within the HMAs and need to be removed to maintain a thriving natural ecological balance.

COMPLIANCE

The Environmental Assessment (EA) Gather Plan for the Kiger and Riddle Mountain HMAs DOI-BLM-OR-B050-2011-0006-EA is tiered to the Three Rivers RMP and the Steens Mountain CMPA RMP. The Proposed Action is in conformance with both RMPs/RODs and has been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Burns District:

- The Wild Free-Roaming Horse and Burro Act (WFRHBA) of 1971 (Public Law (PL) 92-195 as amended) and Title 43 Code of Federal Regulations (CFR) Part 4700.
- National Environmental Policy Act (42 U.S.C. 4321-4347) 1970.
- Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1701, 1976), Section 302(b) of FLPMA, states "all public lands are to be managed so as to prevent unnecessary or undue degradation of the lands."
- Public Rangelands Improvement Act (43 U.S.C. 1901, 1978).
- Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the BLM in the States of Oregon and Washington (1997).
- Greater Sage-grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM - 2000).
- BLM National Sage-grouse Habitat Conservation Strategy (2004).
- Local Integrated Noxious Weed Control Plan (1998).
- Greater Sage-grouse Conservation Assessment and Strategy for Oregon (Hagen 2005).
- The following are excerpts from the 43 CFR:
 - 1) 4720.1 – "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately."
 - 2) 4710.3-1 – "Herd Management Areas shall be established for maintenance of wild horse and burro herds."
 - 3) 4180.2(b) – "Standards and guidelines must provide for conformance with the fundamentals of 4180.1."

DECISION

Having considered the Proposed Action, No Action, other alternatives and associated impacts and based on analysis in DOI-BLM-OR-B050-2011-0006-EA, it is my decision to implement the capture and removal of excess wild horses in the HMAs as described in the Proposed Action. Pursuant to Title 43 of the CFR at 4770.3(c), the Kiger and Riddle Mountain HMAs 2011 gather will be approved for implementation following a 30-day appeal period, provided no stays are granted. Gather operations will begin on or about July 2011, and last until management objectives are attained.

Additionally, a Finding of No Significant Impact (FONSI) found the Proposed Action and alternatives analyzed in DOI-BLM-OR-B050-2011-0006-EA did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement was unnecessary and will not be prepared.

The Proposed Action is to gather approximately 210 wild horses within and immediately outside both HMAs and remove approximately 120 excess wild horses. Approximately 87 wild horses (38 mares, 38 studs, and 11 geldings) would be returned to the HMAs at completion of the gather, leaving a post gather population of approximately 87 wild horses (53 in Kiger, 34 in Riddle Mountain) which is just above the lower level of the AML.

This alternative would include determining sex, age, and color, assessing herd health pregnancy/parasite loading/physical condition, monitoring results as appropriate, sorting individuals as to age, size, sex, temperament and/or physical condition, and returning selected animals, primarily in the 6 to 10-year age group. This would ensure a vigorous and diverse breeding population, reduce stress on vegetative communities and wildlife, and be in compliance with the WFRHBA of 1971 and land use plans.

It is anticipated two capture sites (traps) will be used to capture wild horses from the HMAs. Trap site corrals will typically be approximately 800 square feet. With secondary disturbance areas such as trap wings, total surface disturbance will be approximately 2,400 square feet (0.05-acre) per trap site. Trap wing configuration will vary, depending on terrain and materials. Trap sites will be selected during the gather operations. Traps are built as close to the horses' location as possible.

All capture and handling activities, including capture site selections, will be conducted in accordance with Standard Operating Procedures described in Appendix A of the EA.

PUBLIC COMMENT PERIOD

A copy of the original EA and unsigned FONSI were mailed to 81 interested publics on March 16, 2011, for a 30-day public comment period. In addition, a public notice was posted in the *Burns Times-Herald* newspaper on March 16, 2011. It was also posted on the Burns District Web site on the same date. The Burns District BLM received no public comments pertaining to the EA or unsigned FONSI.

RATIONALE

In accordance with 43 CFR 4720.1, upon examination of current information and a determination by the authorized officer when there is an excess of wild horses, the authorized officer shall remove the excess animals immediately. Implementation of the Proposed Action will meet the BLM's objective to achieve and maintain a wild horse AML that achieves a thriving natural ecological balance and prevents resource deterioration within the Kiger and Riddle Mountain HMAs.

The selected action will achieve a balance in resource values and uses among wild horses, vegetation, water, livestock, and wildlife as directed in Section 3(b)(2) of the 1971 WFRHBA and Section 302(b) of the FLPMA of 1976. The selected action will also result in collection of data on herd characteristics, health, and viability. The selected action will maintain herd characteristics which were typical of Kiger and Riddle Mountain HMAs at the time of passage of the Act.

The alternatives considered all have the ability to reduce populations of wild horses to AML except for the No Action Alternative. The alternatives differ in the method and effectiveness of reducing the population. Leaving excess horses on the range under the No Action Alternative will lead to degradation of the range and damage to riparian resources and would not meet the purpose and need for action.

AUTHORITY

Authority for this decision is found in the WFRHBA of 1971 (PL 92-195) as amended and Title 43 CFR Part 4700 including 43 CFR 4720.1, 43 CFR 4740 .1, 43 CFR 4710.3-1, and 4710.4. The authority to provide that all or part of a decision be effective upon issuance is found in 43 CFR 4770.3 (c).

APPEAL PROCEDURES

Within 30 days of receipt of this decision, you have the right to appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR § 4.4. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error. If an appeal is taken, your notice of appeal must be filed in the Burns District Office at 28910 Hwy 20 West, Hines, Oregon 97738 by June 6, 2011. The appellant has the burden of showing that the decision is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

The appellant may wish to file a petition for a stay (suspension) of this decision during the time that the appeal is being reviewed by the Board pursuant to Part 4, Subpart B, Section 4.21 of Title 43, CFR, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards:

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

/signature on file/

Richard Roy

Three Rivers Resource Area Field Manager

May 3, 2011

Date