

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

Finding of No Significant Impact  
and  
Decision Record  
for

Riddle Mountain and Kiger Herd Management Areas Wild Horse Gathering  
Environmental Assessment  
OR-025-03-027-075

INTRODUCTION:

The 28,021-acre Riddle Mountain Herd Management Area (HMA) is located in southeastern Oregon, approximately 50 air miles southeast of the town of Burns. This HMA is located southeast and adjacent to the Riddle Mountain portion of the Steens Mountain. The 36,618-acre Kiger HMA is located approximately 5 miles to the west of the Riddle Mountain HMA on the northeastern portion of Steens Mountain. Both HMAs have intermixed public and private lands. The topography within these HMAs varies from gently rolling hills with valley bottoms to steep mountain slopes. The elevation varies from approximately 4,400 to 6,700 feet. The dominant plant communities are mountain big sagebrush/bunch grass, low sagebrush/bunchgrass with many of these plant communities encroached by juniper, some to the point of currently being juniper woodlands.

These HMAs are managed in accordance with the Riddle and Kiger Wild Horse Herd Management Plan which was approved in 1996. The wild horses in these HMAs exhibit Spanish Mustang characteristics and are known as the Kiger Mustangs. The main objectives of these HMAs are to maintain healthy and sustainable herds that exhibit the dun factor colors and the physical characteristics of the Spanish Mustangs. In 1992, these HMAs were designated as the Kiger Mustang Area of Critical Environmental Concern (ACEC). The purpose of this designation is to perpetuate the unique characteristics of the wild horses in these HMAs.

To manage for a thriving ecological balance the Appropriate Management Level (AML) was determined for each HMA in the Three Rivers Resource Management Plan (RMP) and approved in 1992. This was reaffirmed in the 1996 Herd Management Plan for the Riddle Mountain and Kiger HMA. The AML for the Riddle Mountain HMA is 33 to 56 horses and the AML for the Kiger HMA is 51 to 82 horses.

The Riddle Mountain and the Kiger HMAs were last gathered in 1999. A wild horse census of both HMAs was completed on September 17, 2002. This census indicated that within Riddle Mountain HMA there were 97 horses or 73 percent above the high end of the AML which is 33 to 56 horses. It is estimated with this year's foal crop there will be 116 animals which is 107 percent above the high end of AML.

The September 17, 2002, census indicated that within the Kiger HMA there were 141 horses within and adjacent to the HMA or 72 percent above the high end of the AML which is 51 to 82 horses. It is estimated with this year's foal crop there will be 169 horses which is 106 percent above the high end of AML.

Portions of the uplands in both HMAs have received heavy utilization on forage species with the combined use from wild horses, wildlife, and livestock. The livestock are within permitted numbers and are on management systems which provide periodic growing season rest and change the timing of grazing to allow forage plants to complete their reproductive cycle. Within Kiger HMA, Yank Springs, Yank Creek, the northern 3 miles of Swamp Creek, and Frog Creek, riparian plant communities are being negatively impacted due to the concentration of horses resulting in heavy to severe utilization within these riparian areas.

The Riddle Mountain herd depends on private land water sources in the Oriana Flat and Squaw Creek areas. With the current horse use there is competition for forage between livestock, wildlife, and horses on this private land. There are wild horses that have moved onto private lands in the Clark Field which is outside the HMA.

Although availability of water for horses is not a problem in these HMAs during this drought, the continued high level of forage utilization added to the existing stress on vegetation from drought since the year 2000, may result in loss of forage species within portions of these HMAs where the horses concentrate.

Therefore, horses need to be reduced in number to prevent further resource degradation.

#### SUMMARY OF PROPOSED ACTION:

The proposed action is to capture as many as 116 horses in the Riddle Mountain HMA and 169 horses in the Kiger HMA (as close to 100 percent as practical beginning in September of 2003 and continuing until completed). This would include removing approximately 83 horses from the Riddle Mountain HMA and approximately 118 horses from the Kiger HMA (based on the current census), and providing for the remaining population at the low end of AML for each HMA (33 and 51 animals, respectively). This action would include determining sex, age, and color, acquiring blood samples, assessing herd health (pregnancy/parasite loading/physical condition, etc.), sorting individuals as to age, size, sex, temperament and/or physical condition, and returning selected animals based on physical and conformation characteristics as identified in the HMA plan, primarily in the 6 to 10-year age group. This would ensure a vigorous and viable breeding population, reduce stress on vegetative communities and wildlife, and be in compliance with the Wild Horse and Burro Act and land use plans.

Multiple capture sites (traps) may be used to capture wild horses from the HMAs. Whenever possible, capture sites would be located in previously disturbed areas. The method of capture to be used would be drive trapping with a helicopter. All capture and handling activities (including capture site selections) would be conducted in accordance with Standard Operating Procedures (SOPs) as described in the appendix of the Environmental Assessment (EA). All proposed trap sites would have an archaeological survey, sensitive plant survey and, depending on habitat, a pygmy rabbit survey to ensure avoidance of impacts to sensitive species. Selection of capture techniques would be based on several factors such as herd health, season of the year, and environmental considerations. A written Cooperative Agreement would be attained from the cooperating landowner if it is necessary to locate a capture site on private land. Noxious weed monitoring would be completed at trap sites for 2 to 3 years following gathering.

Determination of which horses would be returned to the range would be based on an analysis of existing population characteristics which are the dun factor colors, physical and conformation characteristics of Spanish Mustang horses. HMA objectives are to perpetuate the Spanish Mustang characteristics of the herds (see detailed description of colors and physical traits in the wild horse portion of the Affected Environment section of the EA).

#### FINDING OF NO SIGNIFICANT IMPACT:

This proposal is in conformance with objectives and land use plan allocations in the 1992 Three Rivers RMP. Based on the analysis of potential environmental impacts contained in the EA and all other information, I have determined that the proposal and the alternative analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary and will not be prepared.

Rationale: This determination was based on the following: The following critical elements of the human environment and other potential concerns were considered and determined not to be known to be affected nor impacted by the proposed action or alternative.

- Adverse Energy Impact
- Air Quality
- American Indian Religious Concerns
- Environmental Justice
- Farmlands (prime or unique)
- Floodplains
- Hazardous Materials
- Paleontology
- Wild and Scenic Rivers
- Water Quality( drinking/ground water)

All potentially impacted resources were analyzed in the EA specific to the proposed action. The following resources were analyzed in the EA:

ACECs  
Cultural Heritage  
Migratory Birds  
Noxious Weeds  
Special Status Fauna  
Special Status Flora  
Water Quality  
Wetlands and Riparian Zones  
Wilderness and Wilderness Study Areas (WSAs)  
Wild Horses  
Grazing Management  
Wildlife  
Vegetation  
Soils  
Recreation  
Visual Resources

Impacts to these resources are considered nonsignificant (based on the definition of significance in 40 CFR 1508.27) for the following reasons:

1. CRITICAL ELEMENTS

A. Areas of Critical Environmental Concern

The primary objective of the Kiger Mustang ACEC is to perpetuate and protect the conformation characteristics and dun factor color of the wild horses in the Kiger and Riddle Mountain HMAs. The proposed action is to gather the horses to reduce numbers to the lower level of AML. This would also encompass assessment of herd health, ensuring proper sex ratio, various age classes, and animals that possess the characteristics of the Kiger Mustang are returned to the herd.

B. Cultural Heritage

There would be no impacts to cultural heritage under the proposed action. All proposed trap sites and holding pen sites would be surveyed for cultural values and any area found to have a cultural site would be avoided.

C. Migratory Birds

Managing the wild horse herds within the AMLs would reduce the possibility of trampling of nests and fledglings. There would be increased vegetative cover which would decrease the vulnerability of ground nesting migratory birds to predation of nests and fledglings. Approximately 2 acres of habitat at and immediately adjacent to trap sites would be negatively impacted for a period of 1 to 3 years until vegetation recovery occurs.

D. Noxious Weeds

Noxious weeds are spread by disturbance which removes perennial native vegetation cover such as congregation areas of wild horses. When the population of wild horses is managed within AML the frequency of congregation areas and other disturbance areas which remove vegetative cover is lessened, reducing the possibility of increased noxious weed infestations. Wild horse trap sites will be disturbed, removing vegetation cover. However, these areas will be monitored for 2 to 3 years or until native vegetation recovers to ensure no new noxious weed infestations occur.

E. Special Status Fauna

The impacts to Greater sage-grouse would be similar to migratory birds as described above. Gathering wild horses and managing the population within the AML would provide for less year-round grazing in riparian areas. Reduction of yearlong grazing and late season grazing would result in an increase in the amount and vigor of herbaceous and deciduous woody riparian species, and allow progression of the riparian plant communities toward later seral stages. Improved riparian conditions would result in more cover and shading along streams, narrowing of stream channels, and potentially a reduction in water temperature. Lower numbers of animals may result in less compaction of moist riparian soils and less shearing of streambanks, leading to improved riparian vegetation, narrowing of stream channels, and reduction of sediment into the streams. This would result in improved habitat for redband trout, Malheur mottled sculpin, Columbia spotted frog, and other aquatic organisms. Many terrestrial wildlife species may encounter temporary disturbance from gathering operations with a helicopter. This would be a short-term disruption of normal activities.

F. Special Status Flora

The possible negative impacts of over grazing and removal of Short-lobe Penstemon and Back's Sedge would be reduced by gathering the wild horses and managing the population within the AML. There are no impacts from wild horses to Simpson hedge hog cactus. There would be no impacts to sensitive plant species during gathering of wild horses by strategically locating traps away from Special Status plant populations.

G. Water Quality

Water temperature during the hot season may decrease on some streams due to the increase in vegetation cover which provides shade, thereby cooling the stream. Wild horses are grazing yearlong on many riparian areas, decreasing shading cover along these streams. If the horses are gathered and managed within the AMLs this negative impact to water temperatures would be expected to decrease. Reducing the numbers of wild horses grazing on Yank Springs, Yank Creek, the northern 3 miles of Swamp Creek, and Frog Creek would decrease sediment deposited within these streams.

H. Wetlands And Riparian Zones

On Yank Springs, Yank Creek, Frog Creek, and the northern 3 miles of Swamp Creek the negative impacts of over grazing and continuous grazing by wild horses would be reduced by removing animals and managing at AMLs to create an ecological balance. The reduction in late season grazing by horses would allow for the establishment of deciduous woody riparian species (see the above discussion under Special Status fauna).

I. Wilderness and Wilderness Study Areas

The proposed action would not impair the area's wilderness values. If the proposal's impacts had existed at the time of intensive inventory, those impacts would not have disqualified the area from being identified as a WSA. Also, the addition of this proposal would not produce an aggregate effect upon the area's wilderness characteristics or values that would constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness.

During the gathering operation, the opportunity for outstanding solitude would be temporarily reduced within the Stonehouse WSA as a result of the helicopter activity. The panels would be removed upon completion of the gather, eliminating any visual impacts from the trap. The impacts of removing the horses include an improvement in vegetation, soil, wildlife habitat, and the natural appearance of the entire WSA.

## 2. Noncritical Elements

### A. Wild Horses

Impacts to wild horses under the proposed action take the form of direct and indirect impacts and may occur on either the individual or the population as a whole. Direct individual impacts are those impacts which occur to individual horses and are immediately associated with implementation of the proposed action. These impacts include handling stress associated with the roundup, capture, sorting, animal handling, and transportation of the animals. The intensity of these impacts varies by individual, and are indicated by behaviors ranging from nervous agitation to physical distress. Mortality of individuals from this impact is infrequent, but does occur in one-half to 1-percent of horses gathered in a given roundup.

There are no indications that these direct impacts persist beyond a short time following the stress event. They would be expected to completely dissipate following release.

Indirect individual impacts are those impacts which occur to individual horses after the initial stress event. Indirect individual impacts may include spontaneous abortions in mares, and increased social displacement and conflict in studs. These impacts, like direct individual impacts, are known to occur intermittently during wild horse gather operations.

Populationwide direct impacts are immediate effects which would occur during or immediately following implementation of the proposed action. They include the displacement of bands during capture and the associated redispersal which occurs following release, the modification of herd demographics (age and sex ratios), the temporary separation of members of individual bands of horses, the reestablishment of bands following releases, and the removal of animals from the population. With exception of changes to herd demographics, direct populationwide impacts have proven, over the last 20 years, to be temporary in nature with most, if not all, impacts disappearing within hours to several days of release. No observable effects associated with these impacts would be expected within 1-month of release except a heightened awareness of human presence.

The effect of band displacement on a population as a result of gather operations has been observed in several HMAs following releases. Observations have been made of individual and populationwide horse response following releases from both the trap site where particular animals were captured and from the central holding facility where all captured animals were held. Most horses relocated themselves from the release site back to their home ranges within 12 to 24 hours and at times much faster.

The effect of removal of horses from the population would not be expected to have impact on herd dynamics or population variables, as long as the selection criteria for the removal ensured a "typical" population structure.

The proposed action would reduce the potential impacts on wild horse populations by establishing a procedure for determining which selective removal criteria are warranted for the herd. This more flexible procedure of removing horses under 6 years and over 10 years old, would allow for the correction of any existing discrepancies in herd dynamics which could predispose a population to increased chances for catastrophic impacts. The proposed action would establish a standard for selection which would minimize the possibility for developing negative age or sex based selection effects in the population in the future.

B. Grazing Management

The proposed action would allow present livestock use at allocated levels to continue with the current management systems. During gathering in the Riddle Mountain HMA, use of the helicopter would be coordinated with the private landowner and permittee to avoid prematurely causing cattle to move toward home. The cattle in this area are normally moved using a helicopter.

C. Wildlife

Wildlife populations in the areas from which horses are gathered by the helicopter would be forced to seek cover in areas adjacent to the flight path. This would not cause them to abandon their normal habitat areas as the disturbance would be of short duration (2 to 3 days) and very localized. Competition for water and/or forage between wild horses and wildlife would be reduced. There would be increased vegetative cover used for nesting and hiding cover for many wildlife species when horses are managed within AML.

D. Vegetation

In the immediate vicinity of the catch pens or corrals and the loading chute short-term disturbance would occur. The vegetation would be trampled during panel installation by personnel and vehicles and severely trampled in the catch pen area by wild horses, domestic horses, and the wranglers. It is estimated and anticipated that 1 to 3 years would be required for native vegetation to become reestablished under average conditions with no reclamation. The total area of impact per trap would be approximately 2 acres, with less than one-quarter acre severely disturbed. Less than 1-AUM of livestock forage would be temporarily lost for one grazing season at each trap site used.

There would be a positive impact to the upland and riparian vegetation by reducing the total numbers of wild horses grazing yearlong within the HMAs.

Lessened utilization would allow critical growth period rest for key cool season grasses. The composition of vegetation would change to a higher percentage of desirable plants, vegetative cover would increase and erosion would decrease.

E. Soils

Soil loss and compaction would be expected to decrease in those areas near water sources and other sites where horses concentrate. Lower populations of horses would result in less hoof traffic, thereby decreasing any possible negative impacts to soil biological crusts.

Soil may be compacted on approximately 2 acres at each site in the construction of the trap panels, use of the access routes, and in the round-up and loading of the wild horses. The area of severe surface disturbance is normally less than 2,000 square feet. Minimal surface wind and water erosion is expected on these areas during the vegetative rehabilitation period (approximately 1 to 3 years).

F. Recreation

There would be short-term impacts in localized areas during gathering. If gathering is completed during any hunt, wildlife will move away from the direct flight path of the helicopter with possible disruption of hunting within this flight pattern. The helicopter would be highly visible to people hiking in the area. All efforts would be made to avoid areas where bighorn sheep hunting may occur.

G. Visual Resources

The visual resources would improve with increased vegetation cover on the uplands and riparian areas which are currently heavily grazed by wild horses. This would be a direct benefit to the overall scenic quality of the area.

Signature on File

Joan M. Suther  
Three Rivers Resource Area Field Manager

9/3/2003

Date

## Decision Record

Decision: Having considered a range of alternatives and associated impacts within the analysis of the Riddle Mountain and Kiger HMAs Wild Horse Gathering EA, it is my decision to implement the proposed action as described in the summary of the proposed action in this document and the EA. Any off-road travel will be kept to the minimum required as determined by the Authorized Officer, to accomplish this wild horse gathering as authorized under Public Law 106-399, Section 112 (2) (A) and (B). If off-road travel is required within the Stonehouse WSA, the Authorized Officer will ensure that such activities are in compliance with the nonimpairment standards within the Interim Management Policy for Lands under Wilderness Review. This decision is placed in full force and effect in order to restore and maintain a thriving ecological balance and multiple-use relationship as of the date of this decision in accordance with 43 CFR 4770.3 (c). The wild horse gathers will be completed during the fall of 2003, beginning on or about September 8, 2003. The proposed action will achieve and maintain wild horse AMLs which reflect the normal thriving ecological balance, collect information on herd characteristics, determine herd health, maintain sustainable rangelands, perpetuate the Spanish Mustang characteristics of the herds, and maintain a healthy and viable wild horse population.

Rationale: I have selected the proposed action for the following reasons:

The gathering of wild horses to the low end of the AML is necessary to maintain a thriving ecological balance and to manage for healthy sustainable rangelands within the Riddle Mountain and Kiger HMAs.

1. Portions of upland and riparian plant communities are being negatively impacted by heavy to severe utilization of forage species and concentration of wild horses.
2. Wild horse use on private land creating competition for forage with wildlife and livestock. Wild horses are on private land outside the HMAs.
3. Existing stress on plant communities from drought which has continued since 2000 may result in loss of forage species in areas where horses concentrate.
4. The Three Rivers RMP (Pages 2 to 43, 44, Appendix 9) and the Riddle Mountain and Kiger Herd Management Plan (Pages 3, 4) direct periodic gathers to maintain populations of wild horses within AMLs. The Riddle Mountain and Kiger Herd Management Plan directs gathers in both HMAs to remove all animals in excess of the low end of AML. Numbers of horses maintained after a gather are 31 in Riddle Mountain HMA and 51 in Kiger HMA (Page 4).
5. This action is in compliance with the Wild Horse and Burro Act of 1971 and the Steens Mountain Cooperative Management and Protection Act of 2000 as well as all other applicable law and Title 43 Code of Federal Regulations (CFR), Part 4700.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is submitted, your notice of appeal must be filed in the Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738 by September 2, 2003. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for 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 also 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 (see 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 a 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 or not the public interest favors granting the stay.

Signature on file  
Three Rivers Resource Area Field Manager

9/3/2003  
Date