

FULL FORCE AND EFFECT DECISION RECORD
for
Maintaining Viable Populations of Wild Horses in the Stinkingwater Herd Management Area

EA OR-025-00-14

INTRODUCTION: Following a 30-day comment period of the Maintaining Viable Populations of Wild Horses in the Stinkingwater Herd Management Area Environmental Assessment (EA), OR-025-00-14, the Three Rivers Field Office of the Bureau of Land Management is issuing a decision for the management of wild horses in the Stinkingwater Herd Management Area (HMA). The decision is to implement the proposed action of the EA. This decision is placed in full force and effect in order to restore and maintain a thriving ecological balance and multiple-use relationship in accordance with 43 CFR 4770.3(c).

DECISION: Having considered a range of alternatives and associated impacts and based on the analysis in the Maintaining Viable Populations of Wild Horses in the Stinkingwater Herd Management Area EA, it is my decision to implement the proposed action which implements an integrated wild horse management program in the Stinkingwater HMA. The project proposes to reduce the current herd's population to meet Appropriate Management Levels (AMLs) to maintain a thriving natural ecological balance between the horses and their environment and provide for a viable, vigorous, and stable population. Capture and release operations would be initiated in the fall of 2000 or as soon thereafter as funding permits. A helicopter would be used to herd the horses into portable, temporary traps. The captured horses would be transported to the Burns District Wild Horse Corrals for processing. At least 40 head having good conformation would be returned to the HMA, the remaining horses would be placed in the BLM's wild horse adoption program. Most horses removed from the herd would be less than 6 years old. This decision pertains only to land administered by the BLM.

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

The proposed action achieves AMLs for the HMA.

The capture and release operations are a proven successful method for reducing herd numbers and minimizes risks to the horses.

It provides for the continued recovery of several riparian areas.

It provides for a thriving ecological balance.

Based on past experience there is a high likelihood for success.

It provides for a healthy, vigorous, viable horse herd.

It includes coordination with local government, tribal entities, private landowners, and other State and Federal agencies.

Public involvement consisted of direct mailing to 11 individuals, organizations, tribes and agencies and notice in the local newspaper. I received one comment in support of the proposal and no negative comments during the Finding of No Significant Impact (FONSI)/EA review period.

It is in conformance with Section 7(a)1 of the Endangered Species Act.

It is in compliance with the Three Rivers Resource Management Plan (RMP) (1992), the Wild Horse and Burro Act (1971) and the Stinkingwater Herd Management Area Plan (1977).

It is in compliance with Federal laws that mandate the management of public land resources (Federal Land Policy and Management Act of 1976).

The decision does not result in any undue or unnecessary environmental degradation.

I have also considered alternatives to the proposed action including:

Alternative 1 - No Action: This alternative proposed not reducing the herd numbers to AMLs at this time. I did not select this alternative because it was not responsive to maintaining healthy vigorous upland and riparian plant communities and it was not in conformance with other land management objectives that have been identified for the area.

I also considered several other alternatives but did not develop them for the following reasons:

Fertility Control: Due to the small size of the herd I was concerned about the potential for compromising the viability and genetic diversity of the herd.

Hay and Water Trapping: This method requires that forage and water resources be scarce. The method is not practical or efficient and it is almost impossible to predict when conditions would warrant this method.

Closure of the HMA to Livestock: The Wild and Free-Roaming Horse and Burro Act does not require that these areas be managed exclusively for wild horses and it is not in conformance with the Three Rivers RMP.

Increasing or decreasing AMLs within the HMA: This decision is an RMP decision and is therefore outside the scope of this analysis.

This decision is in full force and effect as of this date: August 2, 2000. 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 taken, your notice of appeal must be filed in the Burns District Office, HC 74-12533 Hwy 20 West, Hines, OR 97738 within 30 days of the receipt of this decision. The appellant has the burden of showing that the decision appealed 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 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.
- (4) Whether or not the public interest favors granting the stay.

Signature on File

07/26/2000

Craig M. Hansen
Three Rivers Resource Area Field Manager

Date