



File Code: 1950
Date: June 8, 2023

Dear Friends and Neighbors:

The Forest Service, Malheur National Forest in cooperation with the Bureau of Land Management (BLM), Prineville District, has prepared an environmental analysis to establish a herd management area plan and conduct population management actions (gather activities) for wild horses in the Murderer's Creek Wild Horse Joint Management Area. The Forest Service is the lead agency for this project. The joint management area is located in Eastern Oregon in Grant County, between the towns of Dayville, Mount Vernon, and Seneca.

Aerial surveys show that the wild horse herd population continues to increase within the joint management area. From 2018 to 2022, the horse herd had grown by approximately 164 horses, an average of 11 percent growth per year. We estimated the 2022 wild horse population at 503 horses. At current population levels, horses are impacting the overall ecological health of the joint management area, and limiting forage available for livestock, wildlife, and wild horses. This is causing mule deer and elk to avoid the joint management area outside of winter and causing horses to stray onto private lands and State lands in the Phillip W. Schneider Wildlife Area. Riparian areas, springs, and wetlands are being degraded. We expect that horse health will decline as competition for forage increases.

The purpose of this project is to protect and manage wild horses to "achieve and maintain a thriving natural ecological balance and multiple-use relationship on public lands" (Wild and Free-Roaming Horse and Burros Act of 1971). This includes managing wild horses in a manner consistent with goals and objectives identified in the Malheur Forest Land and Resource Management Plan (as amended) and the John Day Basin Resource Management Plan.

The preliminary environmental assessment (PEA) documents our analysis of the effects of four alternatives developed in detail. Based on comments provided during scoping (PEA, Appendix I) we refined the proposed action (PEA, Alternative 2) to combine phases I and II to both: (I) establish a herd management area plan, including an appropriate management level and (II) analyze and implement wild horse population management actions consistent with the appropriate management level and herd management area plan.

The PEA describes the no action alternative (alternative 1) and three action alternatives (alternatives 2, 3 and 4). The action alternatives would establish an appropriate management level ranging from 50 to 140 wild horses (alternatives 2 and 4) to 140 to 190 wild horses (alternative 3), and would establish a herd management plan containing population, habitat, and monitoring objectives (PEA, Appendix A). Each alternative proposes a suite of tools for managing the wild horse herd consistent with the respective herd management area plan to achieve the appropriate management levels, including various gather methods; population



growth suppression methods; and removal, sale with limitations, and adoption of excess wild horses. Priority areas for gathering are areas where wild horses stray on to private and state lands and areas where monitoring indicates resource impacts from wild horses do not meet the land management standards of each agency. Our agencies propose to begin gathering in 2024 or 2025 to remove excess horses. The goal is to achieve the appropriate management level at the earliest opportunity.

Alternatives 2, 3, and 4 also include amendments to the Malheur National Forest Land and Resource Management Plan to establish an appropriate management level of wild horses jointly with the Bureau of Land Management consistent with the direction of each agency and guidance under the Wild and Free-Roaming Horses and Burros Act.

The PEA and supporting documents are available online at: <https://www.fs.usda.gov/project/?project=44570>. The PEA is also available for review at the Malheur National Forest, Supervisor's Office and the Prineville Bureau of Land Management District Office.

How to Comment

The opportunity to comment on the preliminary environmental assessment ends 30 days following the first day after publication of the legal notice in the Blue Mountain Eagle (newspaper of record). Computation of the 30-day time period for this designated opportunity for comment will follow 36 CFR Part 218.25(a)(2) and 36 CFR 219.16(2), 219.16(c)(4), and 219.16(d). The publication date in the Blue Mountain Eagle is anticipated to be June 14. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to submit written comments on a proposed project. Those wishing to comment should not rely on dates or timeframe information provided by any other source. It is the responsibility of all individuals and organizations to ensure that their comments are received in a timely manner. Forest Service regulations do not allow the comment period for an environmental assessment to be extended (36 CFR 218.25(a)(1)(iv)).

Submitting Comments

The preferred method to submit comments is electronically to the Comment Analysis and Response Application (CARA) database at: <https://cara.fs2c.usda.gov/Public//CommentInput?Project=44570>.

Electronic comments must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc, .docx).

Alternatively, written comments concerning the project may be submitted using the following methods:

- **Postal mail:** Attn: Wild Horse, Blue Mountain District Ranger, Blue Mountain Ranger District, Malheur National Forest, 431 Patterson Bridge Road, PO Box 909, John Day, Oregon 97845.
- **Hand delivery:** Attn: Wild Horse, Blue Mountain District Ranger, Blue Mountain Ranger District, Malheur National Forest, 431 Patterson Bridge Road, John Day, Oregon.

The office business hours for those submitting hand-delivered comments are: 8:00 am to 4:30 pm Monday through Friday, excluding holidays.

- **Fax/Facsimile:** 541-575-3319.

Comment Consideration and Agency Administrative Review Processes

The Malheur National Forest and Prineville District of the BLM will consider all written comments submitted in compliance with 218.25(a) and 43 C.F.R. § 46.305 in preparation of a final environmental assessment. All written comments received will be placed in the project file and shall be a matter of public record (36 CFR 218.25(b)(2)).

After preparation of a final environmental assessment (EA), each agency will prepare separate decisions subject to their specific regulations and administrative review processes (discussed below).

The Forest Service has two administrative review processes that will be followed that will run concurrently. The regulation at 36 CFR Part 218 establishes a predecisional administrative review (objection process) for proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans documented with a Decision Notice. The proposed herd management plan and associated herd management actions will be subject to this objection process. The proposed forest plan amendments will be subject to objections under 36 CFR 219 Subparts A and B. Details about each administrative review process and associated eligibility requirements are discussed below.

Bureau of Land Management decisions are subject to appeal pursuant to 43 CFR Part 4 (Department Hearings and Appeals Procedures). Details about this process and eligibility requirements are discussed below.

Forest Service Objection Process

Only individuals or entities (as defined by 36 CFR 218.2 / 36 CFR 219.62) who submit timely and specific written comments (as defined by 36 CFR 218.2) or substantive formal comments (as defined by 36 CFR 219.62) regarding the proposed project or activity during this or another public comment period established by the responsible official (Forest Supervisor, Malheur National Forest) are eligible to file an objection.

To be eligible to submit an objection, specific requirements for commenting on the proposed project and amendment are defined by 36 CFR 218.25(a)(3) or 36 CFR 219.53(a) and include the name, postal address, title of the project, the name/identity of the individual or entity who authored the comment, and signature or other verification of identity upon request. Individual members of an entity must submit their own individual comments in order to have eligibility to object as an individual. A timely submission will be determined as outlined in 36 CFR 218.25(a)(4) or 36 CFR 219.16(a)(2). It is the responsibility of the sender to ensure timely receipt of any comments submitted. Names and contact information submitted with comments will become part of the public record and may be released under the Freedom of Information Act. Comments should be within the scope of the proposed alternatives, have a direct

relationship to the described actions, and must include supporting reasons for the Responsible Official to consider (36 CFR 218.2 / 36 CFR 219.62).

Bureau of Land Management Decision and Administrative Remedy Process

As a Cooperating Agency, the Bureau of Land Management will determine whether their agency will formally adopt the final EA after the Forest Service has issued a Decision Notice. If they adopt the final EA, the BLM will issue a Finding of No Significant Impact and a Decision Record.

A person adversely affected by the BLM decision may appeal the decision to the Interior Board of Land Appeals (Board), within the Office of Hearings and Appeals, Office of the Secretary. Appeals to the Board are governed by the Department of the Interior's regulations at 43 CFR Part 4. The BLM will provide further details about the appeals process in any Decision Record the agency issues on this project. An appellant (the person filing the appeal) bears the responsibility to know, understand, and comply with the appeals regulations.

Thank you for your interest in management of the Murderer's Creek wild horse herd and joint management area. For additional information or questions, please contact Ryan Falk at ryan.falk@usda.gov, (541) 575-3181.

Sincerely,



ANN NIESEN
Malheur Forest Supervisor