# Determination of NEPA Adequacy

U.S. Department of the Interior
Bureau of Land Management
Prineville District
Central Oregon Field Office
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## A. Background

**BLM Office:** Prineville District, Central Oregon Field Office
**National Environmental Policy Act (NEPA) register #:** DOI-BLM-ORWA-P040-2025-0014-DNA
**Proposed Action Title:** Appropriate Management Level, Herd Management Area Plan and Population Management Actions Determination of NEPA Adequacy for the Murderer's Creek Wild Horse Joint Management Area

**Location:** The Murderer's Creek Wild Horse Joint Management Area (JMA) is located in eastern Oregon's Grant County between the towns of Dayville, Mount Vernon, and Seneca. The area lies north of the Izee Highway (County Road 63), south of Aldrich Mountain, east of the South Fork John Day River, and west of Flagtail Mountain. It is within the Upper John Day River subbasin.

**Background:** The Malheur National Forest (lead agency) and the Bureau of Land Management (BLM) Prineville District (cooperating agency) have prepared a Final Environmental Assessment (Final EA or FEA) (DOI-BLM-ORWA-P000-2019-0025-EA) to determine an Appropriate Management Level (AML), Herd Management Area Plan (HMAP), and Population Management Actions for the Murderer's Creek Wild Horse JMA. The JMA contains 108,488 acres of Federal public land (73,609 acres Malheur National Forest and 34,879 acres BLM). See Figure 1 of the Final EA for a vicinity and land ownership map.

Following the release of the Final EA (July 2024), on September 2, 2024, multiple fires started in the vicinity of the South Fork John Day River. These fires burned together and were managed as the Rail Ridge Fire. The fire burned over 176,000 acres, including almost 44,000 acres of BLM-managed lands and National Forest lands within the Murderer's Creek Wild Horse JMA (approximately 40 percent of the Federally managed land within the boundaries of the JMA). In addition, over 9,000 acres of land managed by the Oregon Department of Fish and Wildlife (ODFW) within the Phillip W. Schneider Wildlife Area (located within the boundaries of the JMA) burned. As a result of the Rail Ridge Fire, there was very little forage in the lower elevation areas of the JMA, which comprise most of the winter range for both the wild horse herd and big game species, such as mule deer, elk, and bighorn sheep, which led to the emergency gather in November of 2024. Based on monitoring in the spring of 2025, vegetation conditions within the JMA are normalizing and are within the annual fluctuation of vegetation growth.

On November 15, 2024, the BLM issued a Decision Record approving an emergency gather of wild horses in the Murderer's Creek JMA and on ODFW lands to: 1) protect the health and welfare of the wild horses; 2) allow recovery of native vegetation and protect burned area rehabilitation investments such as seeding and herbicide treatment; 3) protect the current vegetated areas, which are primarily in the riparian areas that are designated critical habitat under the Endangered Species Act for Middle Columbia River steelhead (*Oncorhynchus mykiss*); and 4) respond to any nuisance gather requests the agencies may

receive from private landowners per Section 4 of the Wild Free-Roaming Horses and Burros Act of 1971 (Wild Horse Act). The emergency gather ended on February 18, 2025. The agencies collectively gathered a total of 410 wild horses, which are being held at the BLM Burns District and U.S. Forest Service Double Devil corral facilities.

On May 9, 2025, the Malheur National Forest issued a Final Decision Notice determining the AML, adopting the HMAP, and authorizing population management actions. The Forest Service is able to begin the adoption process for the animals in their facility.

**Proposed Action:** The BLM is preparing this DNA for a suite of actions - determining the AML for the Murderer's Creek Wild Horse JMA, approving an HMAP, and authorizing the gather and removal of excess wild horses from the JMA. The BLM has prepared this DNA to evaluate whether the proposed action is adequality analyzed in the existing Final EA, or whether additional NEPA is warranted. While the Final EA included a proposed action alternative, two additional action alternatives, and a no-action alternative, the BLM is no longer considering the proposed action alternative in the Final EA for implementation, but rather, is considering a modified Alternative 4, as discussed in greater detail below. For purposes of this DNA, however, BLM will hereinafter refer to the modified Alternative 4, together with the authorization to gather and remove excess wild horses, collectively as the "Proposed Action."

## B. Land Use Plan Conformance

**Land Use Plan Name:** John Day Basin Record of Decision and Resource Management Plan (John Day Basin RMP)
**Date Approved:** April 2015

The Proposed Action is in conformance with the applicable RMP because it is specifically provided for in the John Day Basin RMP as follows:

**Wild Horses: Objective HB1**
Manage the Murderer's Creek wild horse herd as a self-sustaining population of healthy animals in balance with other uses and the productive capacity of their habitat.

**Management Actions**
1. Continue to manage the Murderer's Creek wild horse herd jointly with the Malheur National Forest under the guidance of the Murderer's Creek Wild Horse Territory/Horse Management Area (HMA) Management Plan (October 2007 or current version).
2. Continue to manage for a herd size or AML of 50-100 horses.

**Guidelines**
1. Use the following criteria when considering adjustments in herd size:
    a. Extraordinary circumstances such as wildland fire, extreme drought, disease, or circumstances warranting quarantine may require removal of animals to maintain animal health or an ecological balance with the available habitat.
    e. When population levels surpass the upper end of the AML, schedule gather activities and remove excess horses. The number of horses removed will be those necessary to bring the population down to the lower end of the AML range.
    f. Fertility control measures, such as the use of the drug *porcine zona pellucida* or others approved for use, can be used to slow the rate of population increase.

2. Gather and remove excess horses as described in the Murderer's Creek Wild Horse Territory/HMA Management Plan (October 2007 or current version) using approved techniques such as helicopter drive trapping, horseback herding to a trap, roping, bait trapping, chemical capture, or net gun capture.

The RMP is available at the BLM Prineville District Office or on the internet at: https://eplanning.blm.gov/eplanning-ui/project/55483/510

The Proposed Action conforms to the John Day Basin RMP direction, as the intent in the John Day Basin RMP was to manage the Murderer's Creek wild horse herd according to the most current version of the HMAP. In this implementation-level decision, BLM is proposing to select a new HMAP to guide management of this herd. Based on the site-specific analysis regarding wild horses and range conditions documented in the Final EA, it is my decision to manage this herd with an AML of 100 to140 wild horses, which is within the overall range of 50 to 140 wild horses that was identified in the previous HMAP. I have concluded that it is not necessary or practical to manage the Murderer's Creek herd down to 50 wild horses to achieve Objective HB1, which is to "[m]anage the Murderer's Creek wild horse herd as a self-sustaining population of healthy animals in balance with other uses and the productive capacity of their habitat" (RMP, pp.21, 66).

## C. Identify Applicable NEPA Documents and Related Documents That Cover the Proposed Action

The following NEPA and related documents cover the Proposed Action:

- Final EA: Appropriate Management Level, Herd Management Area Plan and Population Management Action for the Murderer's Creek Wild Horse Joint Management Area; July 10, 2024.
- Final Decision Notice, Forest Plan Amendment, and Finding of No Significant Impact; May 9, 2025.
    - The Final EA and Decision Notice are available at the BLM Prineville District Office or on the internet at: https://www.fs.usda.gov/r06/malheur/projects/44570

- BLM's May 2025 Decision Record for the AML, HMAP, and Population Management Action for the Murderer's Creek Wild Horse JMA.
- BLM's May 2024 Finding of No Significant Impact
    - The BLM documents are available at the BLM Prineville District Office or on the internet at: https://eplanning.blm.gov/eplanning-ui/project/124467/510 and https://eplanning.blm.gov/eplanning-ui/project/2034934/570

## D. NEPA Adequacy Criteria

1. ***Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?***

The Proposed Action discussed here is not "new" - it is largely comprised of the same actions analyzed in the Final EA. The Proposed Action is both a feature of and essentially similar to the alternatives analyzed in the Final EA (FEA, p. 21).

In the Final EA, the agencies analyzed alternatives for a suite of actions – determining AML, approving an HMAP and population management actions, including gathering and fertility control, for wild horses in the JMA. As noted above, the Final EA considered the effects of implementing a proposed action alternative, alternatives to the proposed action, and an alternative where no action is taken (FEA, p. 6). In the Final EA, the agencies have analyzed a reasonable range of alternatives, including Alternative 4 (FEA, p. 21). Modifications to Alternative 4 (as the alternative is analyzed in the Final EA) include: (a) the removal of helicopter gathering and the removal of intrauterine devices as population management tools from the alternative, and (b) modifying the AML to increase the low end of the range from 50 adult wild horses to a low AML of 100 adult wild horses, *i.e.*, establishing an AML range of 100 to 140 adult wild horses. While Alternative 4 included helicopter gathering as a management tool, the Proposed Action in this respect is similar to Alternatives 2 and 3 in the Final EA, both of which excluded helicopter gathering and featured a combination of bait or water trapping and horseback drive trapping to conduct gathers within the JMA boundaries. Alternative 4 also included the use of intrauterine devices as a population growth suppression method. By excluding this method from the management tools in the HMAP, the Proposed Action is similar to Alternative 3 in the Final EA, which excluded all population growth suppression methods. In addition, the modified AML of 100 to 140 adult wild horses is a subset, and thus within the range, of the AML of 50 to 140 adult wild horses analyzed in Alternatives 2 and 4 in the Final EA. Thus, the AML and HMAP elements of the Proposed Action are essentially similar to the alternatives analyzed in the Final EA.

Finally, the authorization to gather and remove excess wild horses from the JMA is a feature of all of the action alternatives analyzed in the Final EA, including Alternative 4 (FEA, pp. 25-29).

The Proposed Action will be implemented within the same analysis area utilized in the Final EA, namely, the Murderer's Creek Wild Horse JMA. The geographic conditions are the same as those analyzed in the Final EA, and resource conditions are sufficiently similar to those analyzed in the Final EA, as discussed in greater detail in Section D(3), below.

***2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?***

The range of alternatives analyzed in the Final EA is appropriate with respect to the Proposed Action described in this DNA. The agencies considered and analyzed the effects of determining various AMLs as well as approving HMAPs containing suites of population management actions in the Final EA. Gathering and removing excess wild horses was a feature of each of the action alternatives (FEA, pp. 25-29). The range of alternatives in the Final EA was broad and flexible enough to account for the current environmental concerns, interests, and resource values. The Proposed Action falls within the range of alternatives analyzed in the Final EA, and thus the Final EA analyzed a reasonable number of alternatives that cover the full spectrum of potential environmental effects that will result from implementing the Proposed Action described in this DNA.

The EA analyzed four alternatives (one no-action and three action alternatives). The three action alternatives analyzed in the Final EA include the permanent removal of excess horses and the formal determination of the AML within the JMA, as well as an HMAP to guide management of this herd. Even with temporary changes to forage conditions cause by the Rail Ridge Fire, the action alternatives provide a reasonable range of alternative means of meeting the purpose and need identified in the Final EA, namely, to "protect and manage wild horses to promote the health and vitality of the Murderer's Creek horse herd and to 'achieve and maintain a thriving natural ecological balance and multiple-use relationship on public lands'" in the face of anticipated growth in the wild horse population over time (FEA, p. 14).

3. ***Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?***

The Rail Ridge Fire is a new circumstance. The Final EA was released in July 2024 and subsequently in September 2024 the Rail Ridge Fire began. On November 15, 2024, the BLM issued a Decision Record approving an emergency gather for wild horses in the JMA. The emergency gather ended on February 18, 2025. The agencies gathered a total of 410 horses, which are being held at the BLM Burns District and U.S. Forest Service Double Devil corral facilities. The BLM is responsible for 210 of the gathered horses and the Forest Service is responsible for the remaining 200 horses.

The Rail Ridge Fire burned most of the forage on BLM and ODFW managed lands in the lower elevation of the JMA. These lower elevation areas provide much of the winter range for both wild horses and native big game, such as mule deer and elk. Winter forage was severely limited the first year following the fire (winter 2024/2025). Site visits from Spring 2024 indicate vegetation conditions within the JMA are normalizing and within the annual fluctuation of vegetation growth. The soil burn severity is mostly low (97 percent), with some small pockets of moderate to high severity throughout the BLM and State managed lands, consistent with the natural fire regime for dry, open forest and sagebrush steppe shrubs and grasses. Recovery of native plants is predicted within two years as shrubs resprout, stored seed banks begin to grow, and intact nutrient levels begin to increase and are unlikely to be eroded off-site. Adverse impacts to soil quality result in increased susceptibility for opportunistic invasive or noxious plant species to establish, inhibiting recovery of the native plant communities. The Final EA discussed the prevalence of non-native invasive annuals that are currently present throughout the JMA (FEA, pp. 71, 89, 130). The emergency stabilization and rehabilitation treatments in the burned areas include seeding with native grasses and forbs, planting shrubs, as well as herbicide treatments to control the spread of invasive species. Livestock grazing is deferred for two years in pastures with a high percentage of burned area and in stabilized, rehabilitated, and herbicide treated areas to allow time for vegetation to recover (Emergency Gather. DNA, p. 6).

Other changed circumstances from the fire include damage to riparian fences that are needed to protect sensitive streambanks that provide designated critical habitat for Middle Columbia River steelhead, which are listed as threatened under the Endangered Species Act. The emergency stabilization and rehabilitation report found that almost 60 percent of fences will need minor repairs, almost 35 percent will require more extensive repairs (as they contained wooden supports) and approximately 5 percent will require full reconstruction. These riparian areas contain some of the only green vegetation within the JMA. An overpopulation of wild horses could compromise damaged fences and congregate in these riparian areas to access some of the only available forage, which would damage streambanks and riparian vegetation. This would be a detrimental impact to the designated critical habitat for this fish species. The agencies' actions to remove horses and livestock will allow time for fences to be repaired or replaced. The analysis in the Final EA describes how the number of horses within the JMA has various effects to available forage, rangeland, and riparian health. These existing effects highlight that there is already competition among wildlife, horses, and livestock for available forage in a normal year (ungulates currently utilize approximately 78 percent of average annual available forage) (FEA, p. 82). Temporarily losing a majority of forage to the fire exacerbated this competition for forage, especially between horses and wildlife, since most standing forage was consumed by the fire. Analysis in the Final EA also highlights how "when grazer density is high relative to available forage resources…then overgrazing by any species can lead to long-term reductions in plant productivity, including decreased root biomass…" (FEA, p. 72). The analysis in the Final EA further describes adverse impacts from overuse by horses in riparian areas, including "bank shearing and erosion from hoof action, destructive foraging habits including clipping of

grasses and forbs down to soil level…and ground disturbance caused by trampling…During increased streamflow, this degradation can cause streambank erosion, impacting water quality" (FEA, p. 100). Horses would be more likely to access fenced riparian areas through damaged fences, and with increased streamflow following the fire, streambank erosion is a concern.

Regardless of the fire, in the Final EA the BLM analyzed a range of action alternatives that included gathering and removing excess wild horses within the boundaries of the JMA to protect and manage the wild horse herd, to promote the health and vitality of the JMA, and to achieve and maintain a thriving natural ecological balance and multiple-use relationship on public lands within the JMA. The fire accelerated the need to gather horses due to the emergency caused by the lack of forage.

Although the analysis within the Final EA did not account for the effects of this specific wildfire, the agencies did consider the increased risk of wildland fire, as well as how disturbances such as wildfire affect forage availability, invasive grass establishment, and water quality (FEA, pp. 71, 73, 78, 96, 181). The analysis in the Final EA documented detrimental ecological effects when herd numbers ranged from about 198 to 228 wild horses (2011 to 2014 surveys) to 503 wild horses (2022 survey) (FEA, pp. 39, 49-55). Following the Rail Ridge fire, these adverse effects to various resources resulting from an overpopulation of wild horses would have been exacerbated if the emergency gather had not taken place. In accounting for the potential effects of wildfire the Final EA noted that it is more appropriate to establish a range, rather than an average population number because the range provides greater flexibility for management options which allow adjustments in light of annual herd population growth, drought, climate impacts and disturbances, which could include wildfire (FEA, p. 32). When considering potential wildfire impacts to forage, the analysis within the Final EA concluded that annual grasses are present throughout the JMA due to frequent wildfires and the mid-to-lower elevation and flat areas which have more frequent fires have well established populations of annual grasses including cheatgrass, Medusa head rye, and Ventanata (FEA, p. 71). The Final EA acknowledges the difficulty when accurately estimating forage production based on vegetation type due to many variables involved in forage production, such as fluctuating climatic conditions, juniper and invasive grass infestations from wildfires which all affect the amount of forage produced (FEA, p. 78). To account for the fluctuations in forage production, public land ranchers rest pastures and reduce livestock numbers to accommodate the increase in horse numbers, vegetation recovery following wildfires, and ongoing drought (FEA, p. 45). Post-fire, domestic livestock grazing can be altered to allow for recovery, whereas wild horse grazing occurs year-round, and horse presence can have broad effects on ecosystem function (FEA, p. 73) that reduces the possibility of achieving the thriving natural ecological balance required by the Wild Horse Act. Lastly, the EA concluded that changes in climate and hydrology have far-reaching effects on aquatic and terrestrial ecosystems as the associated effects on ecological disturbance (wildfire, insect outbreaks) increase (FEA, p. 181). The Final EA adequately accounted for the effects of wildfire within the JMA and throughout the analysis also accounted for the effects of changing climatic conditions, which may increase the presence of wildfire on the landscape.

In October 2024, the BLM conducted a double-observer aerial survey to gain a more accurate population estimate of the wild horse herd in the JMA. Unlike the previous aerial survey, the October 2024 survey covered all parts of the Murderer's Creek JMA (October 2024 Wild Horse Abundance Memorandum). Based on the October 2024 survey, it is estimated that the wild horse population in the JMA is 659 animals (99 foals and 560 adults). While this updated estimate is greater than what was reported in the Final EA (503 animals based on the May 2022 survey), this increase in population size aligns with the analysis in the Final EA. The Final EA estimated that the horse herd increases by approximately 10 to 15 percent per year (FEA, p. 15). This most recent survey confirms the population growth estimates within the Final EA and reaffirms the need to regulate herd growth through the determination of an AML and implementation of population management actions to avoid the environmental damage caused by an overpopulation of wild horses in the JMA (FEA Appendix L, pp. 49-55). While the updated population

data constitutes new information, these survey results do not change the analysis, but rather affirm the analysis in the Final EA.

The analysis in the Final EA demonstrated that a wild horse overpopulation contributes to adverse impacts to available forage and rangeland and riparian health. That analysis remains valid, and the new environmental conditions that resulted from the fire does not substantially change the analysis for the Proposed Action contemplated in this DNA. Post-fire conditions merely exacerbated the adverse effects identified in the Final EA, supporting the need to manage the herd within a determined AML, using population management actions described in an approved HMAP, including removing horses that were gathered on an emergency basis to protect the welfare of the wild horse herd, as well as gathering and removing remaining excess wild horses from the HMA. These actions will allow forage vegetation recovery and protect remaining vegetated riparian areas, as contemplated in all of the action alternatives analyzed in the Final EA.

4. ***Are the environmental effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?***

The Final EA fully analyzes the Proposed Action contemplated in this DNA. As discussed above, the Proposed Action consists of implementing Alternative 4 from the Final EA, with several modifications, and authorization to gather and remove excess wild horses from the JMA. As noted above, the first modification involves removing helicopter gathers as a management tool, *i.e.*, limiting gather methods to bait or water trapping and horseback drive trapping, which the agencies analyzed as elements of Alternatives 2 and 3 in the Final EA. The environmental effects of this modification are therefore the same as the effects of conducting gathers analyzed in the Final EA. The second modification involves removing intrauterine devices as a population growth suppression method, which the agencies analyzed in Alternative 3 in the Final EA (Alternative 3 excluded all population growth suppression methods). The third modification involves managing the Murderer's Creek wild horse herd within an AML of 100 to 140 adult wild horses. This modified AML is within the range of the AMLs that the agencies analyzed in the Final EA as an element of Alternatives 2 and 4, namely, managing the herd population within a range of 50 to 140 adult wild horses. Therefore, the effects of managing the herd within this modified AML are similar, both quantitatively and qualitatively, to the effects analyzed in the Final EA.

On pages 77-85 of the Final EA, the agencies analyze the effects to overall forage and spring utilization from managing the population of horses below a high AML of 140 adult wild horses.

Informed in part by the AML of 100 to 140 adult wild horses included in the Proposed Action, BLM has determined that the 410 horses removed as a result of the emergency gather as well as the estimated 109 horses (estimated number above the high AML of 140) remaining on the range as of February 18, 2025, are excess wild horses within the meaning of Section 3(b)(2)(iv) of the Wild Horses Act. The Final EA included permanent removal of excess wild horses as an element of all three action alternatives (FEA, pp 60-61), and, in Chapter 3, the agencies analyzed the effects of managing the wild horse population within a determined AML range on big game habitat (FEA, pp. 88-93), Middle Columbia River steelhead (FEA, pp. 112-117), livestock grazing (FEA, pp. 151-155), and other uses (FEA, pp. 190-191). In addition, the Final EA considered the direct, indirect, and cumulative effects from the action alternatives on the resources listed above (FEA Chapter 3, pp. 43-182). Therefore, the effects of implementing the authorization to gather and remove excess wild horses in the Proposed Action are also similar, quantitatively and qualitatively, to the effects analyzed in the Final EA.

5. ***Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?***

The BLM participated as a cooperating agency with the Malheur National Forest on the joint NEPA analysis for determining AML, approving an HMAP, and authorizing population management actions for the Murderer's Creek Wild Horse JMA for the past several years. The agencies have engaged in several joint Tribal and public involvement activities during this time.

Tribal consultation on a government-to-government basis is ongoing with the Burns Paiute Tribe, Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes of Warm Springs Reservation. Consultation was initiated on June 24, 2019, through individual letters sent to each Tribe providing details of the project. No comments were received from the Tribes during the scoping period. Tribes were mailed preliminary EA notification letters on June 12, 2023. No comments on the preliminary EA were received from the Tribes. The Final EA notification letters were mailed to each Tribe on July 3, 2024. The Malheur National Forest sent the Tribes a letter on September 30, 2024, to inform them of the potential to conduct emergency gathers of the wild horse herd, in cooperation with the BLM. Lastly, the BLM sent letters to the Tribes in May 2025, informing them of the Decision.

During the January and April 2025 BLM quarterly consultation meetings with the Burns Paiute Tribe, the Tribal Cultural Heritage Director provided official comments on this Federal undertaking that are summarized below. The Burns Paiute Tribe considers wild horses to be an indigenous species that are part of the Tribe's traditional culture and believes that land management agencies should prioritize indigenous species before cattle and livestock when evaluating management needs. After gathers, the Tribe prefers that horses eventually be returned to the areas where they were gathered. The Tribe did not oppose fertility controls.

The agencies sent a joint scoping letter to approximately 341 individuals, groups, and Federal and State agencies on July 17, 2019, initiating a 30-day scoping period. A notice was also published in the Blue Mountain Eagle newspaper (the U.S. Forest Service newspaper of record). The agencies received 84 comment letters in response, which included about 634 comment points. Scoping comments were considered in the development of issues and alternatives for analysis in both the preliminary and Final EAs.

The Malheur National Forest published a legal notice of opportunity to comment on the preliminary EA in the newspaper of record on June 14, 2023, initiating a 30-day comment period. Information regarding the preliminary EA was provided to 330 people and entities. The agencies received 47 letters from 41 individuals. Comments on the preliminary EA were used to make changes to the Final EA. Responses to comments were included in an appendix to the Final EA, Appendix I.

The BLM notified interested parties of the emergency gather and posted draft copies of that DNA and the emergency gather Finding of No Significant Impact on ePlanning for a one-week comment period, which ended November 5, 2024. A total of 34 separate responses were received. Comments pertinent to the emergency gather and temporary holding actions were considered by the agencies prior to issuing a Decision Record for the emergency gather. The substantive comments and BLM responses are provided as an Appendix to the Emergency Gather Decision Record.

## E. Conclusion

**Management Determination:** Based on the review documented above, the BLM has concluded that the Proposed Action - determining the AML, adopting the HMAP, and authorizing gather and removal of excess wild horses - as analyzed in the Final EA for the Murder's Creek Wild Horse JMA, conforms to the John Day Basin RMP. The BLM has also concluded that the NEPA documentation fully analyzes and discloses the environmental effects of the Proposed Action and constitutes BLM's compliance with the requirements of NEPA. When contemplating future actions to implement the HMAP, the BLM will

consider any new information and changed circumstances at that time and assess whether any additional environmental analysis is necessary.

KYLE HENSLEY

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Authorized Officer: Date:
Kyle E. Hensley
Central Oregon Field Office Manager

*The signed conclusion in this DNA worksheet is an interim step in the BLM's internal review process and does not constitute a protestable or an appealable decision. The decision on the action being implemented may be subject to protest under 43 CFR Part 4 and program-specific regulations.*

## F. Contact Person

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