

**United States Department of the Interior
Bureau of Land Management**

Environmental Assessment DOI-BLM-MT-0010-2010-0047-EA

Finding of No Significant Impact and Decision Record

**Pryor Mountain Wild Horse Range Prescribed Fire
Environmental Assessment DOI-BLM-MT-0010-2010-0047-EA
Tiered to the
Pryor Mountain Wild Horse Range/Territory Environmental
Assessment MT-010-08-24
And Herd Management Area Plan**

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Finding of No Significant Impact
Billings Field Office
Pryor Mountain Wild Horse Range Prescribed Fire

INTRODUCTION

The Bureau of Land Management has completed an Environmental Assessment (EA) DOI-BLM-MT-0010-2010-0047-EA for the implementation of vegetation treatments utilizing prescribed burning in the northern portions of the Pryor Mountain Wild Horse Range (PMWHR) on portions of approximately 6,200 acres. The BLM determined through the 2009 Pryor Mountain Wild Horse Range/Territory EA and Herd Management Area Plan (HMAP) and subsequent FONSI and Decision Record that hazardous fuels build up and unhealthy forest conditions exist. The proposed action to use prescribed fire would improve forest health and provide vegetation diversity, both in species composition and structure. The use of prescribed fire would be based on providing the best benefit to natural resources and strategically placed to limit the spread of wildland fire. Proper placement would reduce the potential for a severe stand replacing event. Strategically placed prescribed fire would allow wildland fire to play more of a natural role and function in the ecosystem.

Refinements, small changes, and additional mitigation measures have been incorporated into the EA after review and analysis of public comments. All changes and additions to the document are highlighted in gray (within the EA) to help interested parties track the additions and changes from the preliminary document. Substantive comments are addressed in the consultation and coordination section of the EA.

The Environmental Assessment DOI-BLM-MT-0010-2010-0047-EA is available from the Billings Field Office and immediately available on the Billings Field Office website at:

http://www.blm.gov/mt/st/en/fo/billings_field_office.html

The EA is incorporated by reference for this Finding of No Significant Impact (FONSI). Two alternatives were analyzed, a proposed action and a no action.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action is in conformance with the Billings Resource Management Plan Final EIS (1984) Record of Decision (ROD) and subsequent amendments:

- The Billings Resource Area Management Plan (1983) ROD (1984) as amended by the Fire/Fuels Management Plan Environmental Assessment/Plan Amendment for Montana and the Dakotas (2003).
- Areas of Critical Environmental Concern 1998
- OHV Off Highway Vehicle Environmental EIS 2001

- Fire/Fuels Management Plan Environmental Assessment/Plan Amendment for Montana and the Dakotas 2003
- Montana/Dakotas Standards and Guidelines, November 1996
- Oil and Gas Leasing and Development, January 2003
- Wind Energy Development, December 2005
- West-Wide Energy Corridors, January 2009

The 2009 Pryor Mountain Wild Horse Range Environmental Assessment (MT-010-08-24) and Herd Management Area Plan and Finding of No Significant Impact (FONSI) Decision Record (May 2009) analyzed and documented the need to use prescribed fire. The HMAP states “ Prescribed fire for the enhancement of forest health, wildlife and wild horse habitat could occur primarily in the mapped area identified . The Decision Record states: “Prescribed Fire will be allowed to occur after subsequent Environmental Analysis and burn plans are developed.”

The action is consistent with the Final EIS - Vegetation Treatments on Using Herbicides on Bureau of Land Management Lands in 17 Western States (2007) "Forest and Woodland Management” (pages 2-4) states in part, "Treatments that are addressed in this document include: 1) reducing plant competition to enhance the growth of desired tree species and structures, 2) managing forest stands to provide habitat for wildlife and prevent epidemic insect or disease outbreaks, and 3) managing vegetation that could serve as fuel for wildfires.”

Title 43 Code of Federal Regulations Part 1000 to End (2004) more specifically, the Fundamentals of Rangeland Health (Title 43 CFR 4180.1) and Standards and Guidelines for Grazing Administration (Title 43 CFR 4180.2) as outlined in pages 854 to 857 and Effect of Wildfire Management Decisions (Title 43 CFR 4190.1), which states in part, ".....when BLM determines that vegetation, soil or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup or other reasons the BLM may make a rangeland wildfire management decision which includes, but is not limited to, fuel reduction or fuel treatment such as prescribed burns, mechanical, chemical and biological thinning methods"

The Healthy Forests Restoration Act (HFRA) (2003) was signed into law on December 3, 2003. It is designed to improve the capacity of the Department of Interior and the Department of Agriculture to implement the National Fire Plan and to conduct hazardous fuels reduction projects to protect communities, watersheds, and other at-risk lands from catastrophic wildfire.

Returning fire as an important natural process is specifically called for in the Carbon County Community Wildfire Protection Plan dated August 2005. This document “Recognize(s) fire as a natural process in ecosystem maintenance on lands where appropriate.” Actions to be taken under this plan by the BLM include 7.1.a. Develop desired condition maps, identifying condition class; and 7.1.b. Develop goals and projects to return those areas determined desirable to their natural fire regime and manage other lands appropriately. (Carbon County Community Wildfire Protection Plan pgs. 46-48)

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis and consideration of potential environmental impacts detailed in Environmental Assessment DOI-BLM-MT-0010-2010-0047-EA, the context and intensity of effects, the RMP, applicable laws, regulations, policies and public comment, I have determined that the environmental impacts associated with the Proposed Action are not significant individually or cumulatively and will not significantly affect the quality of the human environment. After consideration of the environmental effects described in the EA and supporting documentation, I have determined that the Proposed Action is not a major Federal action that would significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Therefore, preparation of an Environmental Impact Statement (EIS) is not required as per Section 102 (2)(c) of the National Environmental Policy Act (NEPA). This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

RATIONALE

The Proposed Action described in the EA would help return the fire regime to a more natural state with smaller more frequent fires that are not catastrophic in nature, while simultaneously improving forest health habitat for wildlife resources, wild horses, and watershed protection. The need is also to promote a more natural regime that protects and enhances the wilderness values that are present within the wilderness study areas. The need is also to analyze the impacts associated with implementation actions of hazardous fuels treatments through the use of prescribed fire. Based on the analysis, the impacts, including cumulative impacts, to these resources are considered insignificant (see definition of significance in 40 CFR 1508.27).

CONTEXT

The Bureau of Land Management (BLM) Billings Field Office has managed the Pryor Mountain Wild Horse Range since 1968. Management within the PMWHR is not exclusive to wild horses. Part of the current mandate directs the BLM to manage multiple uses on a system of the public lands. Meeting these mandates has proven to be challenging. At times the PMWHR attracts national and international attention. Proper management sometimes evokes controversy, emotionalism, and public outcry. Balancing BLM's legal obligations with public sentiment continues to be a challenge in the management of the PMWHR.

Since 1988, there has been an average of one major wildfire event annually (fires 200 acres or more in size) near or adjacent to the proposed project area on either BLM, United States Forest Service (USFS), or National Park Service (NPS) managed land or on the Crow Indian Reservation. In 2011, a wildfire less than a mile north of the PMWHR occurred and was contained. The most notable event was the 2002 Red Waffle wildfire

which burned over 6,000 acres in a three-day period. The Red Waffle wildfire illustrates the potential outcome that would result in a ripple effect to nearly all other resources and further reiterates why this action is needed.

The 2009 PMWHR/Territory EA (MT-010-08-24) and Herd Management Area Plan (HMAP) and Finding of No Significant Impact (FONSI) Decision Record (DR) (May 2009) determined fuels treatments are needed (primarily through the use of prescribed fire) to manage for forest health and return a more natural fire regime to the landscape.

The Pryor Mountain Wild Horse Range (PMWHR) Prescribed Fire Environmental Assessment (EA) DOI-BLM-MT-010-2010-0047-EA and unsigned Finding of No Significant Impact (FONSI) were made available for a 30 day public comment period beginning September 25, 2013 and ending on October 24, 2013. The comment period was then extended to November 4, 2013 due to the Government shutdown.

The Proposed Action was evaluated on how it would meet the resource objectives of the HMAP and what impacts it could have on the critical environmental elements and affected resources. The No Action alternative was considered and analyzed in order to provide a baseline for comparison of the impacts of the Proposed Action. The hazardous fuels reduction/forest health activities could begin in 2013 and potentially occur on an annual basis for as long as the 2009 HMAP is the guiding document for the area. In order to minimize impacts to wild horses, wildlife, and wilderness resources, no more than 300 acres would be burned annually. Initial prescribed burning would be implemented in smaller units within the project area and subsequent burns would not be conducted on adjoining units at the same time. Monitoring would take place after the initial burns to determine if objectives are being met. These prescribed fire activities would only occur on BLM-administered public lands. The project area is located approximately 13 miles northeast of Lovell, Wyoming in Bighorn County, Wyoming and Carbon County, Montana.

INTENSITY

1) *Impacts that may be both beneficial and adverse.* The Environmental Assessment (EA) considered both the beneficial and adverse impacts of the implementing prescribed fire and determined that it would allow for the stabilization of natural resources, such as soils, vegetation, watersheds, wildlife, and wild horse habitat.

Site inventories for archaeological and plant species of concern have been completed and additional inventories will occur prior to operational implementation. Standard operating procedures, including the use of Minimum Impact Suppression Tactics (MIST) will be followed to minimize impacts to resources.

2) *The degree to which the proposed action affects public health or safety.* The proposed action would have minimum affect to public health and 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.* There are no park lands, prime farmlands, wetlands, or wild and scenic rivers within the gather area. The East Pryor's Area of Critical Environmental Concern (ACEC) along with the Burnt Timber Canyon Wilderness Study Area (WSA), Pryor Mountain WSA, Big Horn Tack-On WSA, and Bighorn Canyon National Recreation Area WSA are within or near the project area.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* Effects of the prescribed fire are well known and understood. No unresolved issues were raised following public notification of the proposed prescribed fire. This is demonstrated through the effects analysis in the EA.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The Proposed Action has no known effects on the human environment which are considered highly uncertain or involve unique or unknown risks. This is demonstrated through the effects analysis in the EA.

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.* Future projects occurring within the project area would be evaluated through the appropriate NEPA process and analyzed under a site-specific NEPA document. The Proposed Action does not set a precedent for future actions.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The Proposed Action is not related to other actions within the project area that would result in cumulatively significant impacts. The EA includes an analysis of cumulative effects which considers past, present and reasonably foreseeable future actions in the project area that supports the conclusion that the proposed gather is not related to other actions with individually insignificant but cumulatively significant impacts. NEPA analysis would be completed for all proposed actions in the future. Cumulative impacts of the Proposed Action were analyzed in the EA.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.* The Proposed Action would not affect significant scientific, cultural, or historical resources. A cultural and species of concern resource inventory has been completed prior to project implementation. Temporary camp sites and staging areas would be inventoried to determine the presence of sites that are unclassified, eligible, or potentially eligible for the NRHP and for the presence of plant species of concern. Archaeological inventory and avoidance measures would ensure that loss or destruction of significant scientific, cultural, or historical resources does not occur.

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 in the ESA of 1973. There are no known threatened and endangered species that occur in the project area; however, undesignated Canadian lynx habitat exists in the area. There are no known threatened and endangered plants present in the project area. The area is not within core sage grouse candidate species habitat.

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The Proposed Action would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The Proposed Action is in conformance with all applicable 43 CFR (Code of Federal Regulations).

The Proposed Action detailed in the EA and FONSI has led to my decision that all practical means to avoid or minimize environmental harm and unnecessary or undue degradation of the public land have been adopted.



James M Sparks
Field Manager
Billings Field Office

March 7, 2014

Date

Decision Record
Billings Field Office
Pryor Mountain Wild Horse Range Non-Helicopter Gather

DECISION:

Based on the analysis of Environmental Assessment EA DOI-BLM-MT-0010-2010-0047-EA as tiered to the 2009 Pryor Mountain Wild Horse Range/Territory Environmental Assessment and Herd Management Area Plan (EA MT-010-08-24), it is my decision to adopt the Proposed Action with incorporation of mitigating measures as described in the EA.

This decision constitutes my final decision to implement prescribed fire within the project area in the PMWHR. Pursuant to Title 43 of the Code of Federal Regulations at 4190.1(c), the project is approved for implementation.

Mitigating and Suggested Monitoring Measures: Mitigating measures incorporated as part of the proposed action are designed to reduce the impacts of management actions and protect resources. Suggested monitoring for impacts from the prescribed fire are incorporated as part of the proposed action and will be continuous.

Alternatives Considered:

Proposed Action: To implement vegetation treatments utilizing prescribed burning in the northern portions of the PMWHR on portions of approximately 6,200 acres.

No Action Alternative: The no action alternative is required by the National Environmental Policy Act (NEPA) to provide a baseline for impact analysis.

Authorities:

The authority for this decision is contained in the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4100 which states in pertinent parts:

Title 43 Code of Federal Regulations Part 1000 to End (2004) more specifically, the Fundamentals of Rangeland Health (Title 43 CFR 4180.1) and Standards and Guidelines for Grazing Administration (Title 43 CFR 4180.2) as outlined in pages 854 to 857 and Effect of Wildfire Management Decisions (Title 43 CFR 4190.1), which states in part, ".....when BLM determines that vegetation, soil or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup or other reasons the BLM may make a rangeland wildfire management decision which includes, but is not limited to, fuel reduction or fuel treatment such as prescribed burns, mechanical, chemical and biological thinning methods".

And within The Healthy Forests Restoration Act (HFRA) (2003) was signed into law on December 3, 2003. It is designed to improve the capacity of the Department of Interior and the Department of Agriculture to implement the National Fire Plan and to conduct hazardous fuels reduction projects to protect communities, watersheds, and other at-risk lands from catastrophic wildfire.

Rationale for Decision:

Implementation of this action is needed to return the fire regime to a more natural state protecting the wilderness values, forest health, wildlife, wild horses, vegetation, watershed and other multiple uses as authorized under the Federal Land Policy and Management Act of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4100.

Forest health issues (especially insect and disease damage) exist throughout the proposed project area. Besides insects and disease, other conditions include: overstocking in the forest overstory and understory, conifer encroachment into natural meadows, blowdown timber and suspended woody fuels, and a lack of herbaceous wildlife browse. Almost the entire forested area is in a late successional stage resulting in increased fuel loading.

The fuel structure of the overall forest is important to potential fire behavior. The overstocked nature of the forest helps form a continuous vertical fuel profile that facilitates ignition and burning of the tree crowns from surface fires. This would occur irrespective of the condition of the overstory canopy (whether live or dead). Beetle killed trees with dead foliage still attached could have the potential to increase the spread rate of a crown fire once it is established in the canopy. Where the understory contains no small trees or ladder fuels, crown fire could have a difficult time occurring.

If no action is undertaken, forest health would continue to decline. Fuel loadings would continue to increase until affected by wildland fire. Wildland fire ignitions would have the potential to be large scale, high-intensity fires that would result in catastrophic impacts to wildlife resources, wild horses, forest, wilderness resources, key watersheds components, private land and compromise firefighter and public safety. Rugged terrain, high fuel densities, and the predicted fire behavior would make suppression difficult and wildland fire would likely spread onto adjacent lands. Forest loss could be severe and dry moisture/soil conditions would retard or limit regeneration of burned forested areas. Possible outcomes could include adverse effects to the wilderness values, forest health, wildlife, wild horses, vegetation, watershed, public/firefighter safety, and private property.

APPEAL PROVISIONS

The 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. Public notification of this decision will be considered to have occurred on March 7, 2014. Within 30 days of this decision, a notice of appeal must be filed in the office of the authorized officer at 5001 Southgate Drive, Billings, Montana 59101. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21, the petition for stay should accompany your notice of appeal and 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 irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, P.O. Box 31394, Billings, Montana 59107-1394, not later than 15 days after filing the document with the authorized officer and/or IBLA.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.

Sincerely,



March 7, 2014

James M. Sparks
Field Manager,
Billings Field Office

Date