

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Gather of Excess Wild Horses Outside of the Piceance-East Douglas Herd Management Area

DOI-BLM-CO-N05-2018-0071-DNA

Background

The most recent inventory of the Piceance-East Douglas Herd Management Area (PEDHMA) and locations outside of the PEDHMA, conducted in February 2016, found that there were approximately 177 excess wild horses located within the West Douglas Herd Area (WDHA) and approximately 40 excess wild horses located in the North Piceance Herd Area as well as a few other areas outside of the PEDHMA for an estimated total of 217. With an estimated recruitment rate of 20 percent for years 2016, 2017, and 2018, the population of excess wild horses outside of the PEDHMA could reach approximately 374.

The need for this action is that the BLM has determined that excess wild horses exist on public lands outside of the PEDHMA, requiring that they be gathered and removed. In determining that excess wild horses exist outside of the PEDHMA, the BLM conducted a careful review of the *Wild Horse Management History and Current Conditions within the West Douglas Herd Area (January 2015)* (see Appendix C within the Environmental Assessment DOI-BLM-CO-N05-2015-0023-EA), the March 2017 excess determination memo for areas outside of the PEDHMA (see Appendix C within DOI-BLM-CO-N05-2017-0056-EA), the White River Resource Management Plan and all applicable Resource Management Plan Amendments, and other information in accordance with The Wild Free-Roaming Horses and Burros Act of 1971. The wild horses that reside outside of the PEDHMA are impacting the landscape and the ability to maintain a thriving, natural ecological balance and multiple-use relationship in the area.

Therefore, the purpose for this action is to remove all excess wild horses that reside outside of the PEDHMA in accordance with The Wild Free-Roaming Horses and Burros Act of 1971 and in order to comply with existing Land Use Planning¹ decisions set forth in the White River Resource Management Plan (Record of Decision, July 1997).

In accordance with 16 USC 1332 (f) "excess animals" includes wild free-roaming horses or burros which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.

¹ 16 U.S.C. § 1333(b)(2)

Finding of No Significant Impact

Based upon a review of the EAs and the supporting documents, I have determined that the Proposed Action will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27 and do not exceed those effects as described in the White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (1996). The BLM has determined, through DOI-BLM-CO-N05-2018-0071-DNA, that the environmental reviews conducted in DOI-BLM-CO-N05-2015-0023-EA and DOI-BLM-CO-N05-2017-0056-EA as required by the National Environmental Policy Act (NEPA) are adequate. Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

Context

The project is a site-specific action directly involving BLM administered public lands that do not in and of itself have international, national, regional, or state-wide importance. The Determination of NEPA Adequacy (DNA) #DOI-BLM-CO-N05-2018-0071-DNA considers the proposed action including methods to be used to gather excess wild horses that reside outside of the PEDHMA. The BLM prepared the DNA to determine whether existing NEPA documents satisfy NEPA requirements for the proposed action under consideration.

For this project, BLM would conduct most, if not all, of the necessary activities on previously disturbed lands which is estimated at impacting less than 50 acres in the short-term. Design features are included for pre-construction in previously disturbed and undisturbed locations, as well as, post-construction monitoring on all lands. Existing disturbances within the analysis area include: grazing by livestock, wild horses and wildlife; energy and mineral development; construction and/or maintenance of range improvement projects; vegetation treatments; and both wildfires and prescribed burns.

Affected interests for this project may include wild horse special interest groups, energy facilities operators, grazing permittees, and people who use the area for recreation.

Intensity

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

1. Impacts that may be both beneficial and adverse.

Beneficial and adverse effects of the Proposed Action were described in the DOI-BLM-CO-N05-2015-0023-EA and DOI-BLM-CO-N05-2017-0056-EA. Design features to reduce potential short-term impacts to soils, distribution of invasive non- native species, sensitive plants, migratory birds, wildlife, cultural and paleontology are incorporated along with SOPs and CAWP standards for wild horses.

Beneficial impacts of the project would be the BLM/WRFO's ability to focus wild horse management within the Piceance-East Douglas Herd Management Area.

None of the environmental impacts disclosed in DOI-BLM-CO-N05-2015-0023-EA and DOI-BLM-CO-N05-2017-0056-EA exceed what has been documented in White River Resource Management Plan (Record of Decision, July 1997).

2. The degree to which the Proposed Action affects public health or safety.

Gather operations would comply with the BLM's policy and guidelines, and other federal, state, and local laws. The potential for risks to public health and safety would be low, however, if they occurred, would occur over limited, brief periods.

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, or wild and scenic rivers, in the project area.

Cultural resources would be protected by the design features and unknown future trap locations would have cultural clearances completed prior to construction. Traps would be placed in a manner so as to not impact the resources for which the following Areas of Critical Environmental Concern (ACECs) were designated: Upper Greasewood, Yanks, East Douglas Creek, portion of the Duck Creek, Ryan Gulch, Dudley Bluffs, Oil Spring Mountain, and Deer Gulch.

4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.

Controversial for purposes of NEPA does not refer to the existence of public opposition but whether a substantial dispute exists over the environmental effects of a proposed action. 43 CFR 46.30. This decision is to remove excess horses from areas outside of the PEDHMA. The BLM will continue to wild horse management within the PEDHMA as it has since 1971. The BLM does not consider the effects of the Proposed Action on the quality of the human environment to be highly controversial. The effects that would occur from implementation of the gather are well known and understood based upon previous gathers.

5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.

The project is not unique or unusual in this area. Approximately sixteen other such gather operations have occurred in areas outside of the PEDHMA. No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action.

6. 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.

The Proposed Action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. The Proposed Action was considered in the context of past, present and reasonably foreseeable actions. This decision is not unusual and impacts from gather operations have been previously evaluated in several EAs: CO-110-2006-030-EA, CO-110-2006-166-EA, DOI-BLM-CO-110-2010-0089-EA, DOI-BLM-CO-110-2011-058-EA, DOI-BLM-CO-N05-2015-0023-EA, and DOI-BLM-CO-N05-2017-0056-EA.

Impacts from the Proposed Action are not predicted to exceed previously disclosed impacts and

an EIS is not required. This decision does not entail any known issues or elements that would create a precedent for wild horse gather methods because the Proposed Action would use the same gather methods previously analyzed. The decision does not represent a decision in principle about a future consideration because the BLM has previously determined, through land use planning efforts, that the only area designated for long-term management of wild horses within the WRFO is the PEDHMA.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The EAs (DOI-BLM-CO-N05-2015-0023-EA and DOI-BLM-CO-N05-2017-0056-EA) did not reveal any significant cumulative effects. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. No new cumulative effects are expected.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

No potential impacts to districts, sites, highways, or structures have been identified within the project area. Per the design features included in the DNA all traps and temporary holding facilities locations will be surveyed for cultural resources prior to placement. Bait or water trapping would also avoid all known sites and the traps sites themselves would not cause any impacts to known sites.

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 under the Endangered Species Act (ESA) of 1973.

The DOI-BLM-CO-N05-2017-0056-EA addressed and mitigated any potential impacts to special status plants in the analysis area. The Proposed Action in the DNA includes design features to avoid placing trap locations within 300 meters of known occupied habitat for special status plants.

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 nor impacts associated with the Proposed Action violate any laws or requirements imposed for the protection of the environment.

Appendix A. Map of the Removal Area

