BLM

Stillwater Field Office, Nevada

FINAL ENVIRONMENTAL ASSESSMENT

Desatoya Herd Management Gather Plan Portion of The Desatoya Mountains Habitat Resiliency, Health, and Restoration Project

Finding of No Significant Impact

DOI-BLM-NV-C010-2011-0513-EA

U.S. Department of the Interior
Bureau of Land Management
Carson City District
Stillwater Field Office
5665 Morgan Mill Road
Carson City, NV 89701
775-885-6000

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It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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BACKGROUND

The Bureau of Land Management (BLM), Carson City District, Stillwater Field Office is proposing to implement a landscape-scale, multi-year, integrated habitat restoration and maintenance project on BLM lands within the Desatoya Mountain Range and adjacent public range lands in Churchill and Lander Counties, Nevada. The project area encompasses approximately 230,000 acres, which includes portions of the Clan Alpine, Porter Canyon, and Edwards Creek livestock grazing allotments, 38% of the Desatoya sage-grouse population management unit (PMU), 0.2% of the Reese River PMU, 84% of the Desatoya Herd Management Area (HMA) and 67% of the Desatoya Wilderness Study Area (WSA). The Environmental Assessment (EA) DOI-BLM-NV-C010-2011-0513 has been prepared to analyze possible impacts of the Desatoya Mountains Habitat Resiliency, Health, and Restoration project. The EA is a site-specific analysis of potential impacts that could result with the implementation of the Proposed Action. This Finding of No Significant Impact (FONSI) is specifically for the Desatoya HMA excess wild horse removal phase of the Proposed Action.

The Desatoya (HMA) is situated within the administrative jurisdiction of the BLM Carson City and Battle Mountain District Offices. The BLM needs to reduce the existing wild horse population to within the appropriate management level (AML) range through the use of helicopter drive-trapping and bait/water trapping. The BLM is proposing to enter into a cooperative agreement with Smith Creek Ranch LLC in which permanent or semi-permanent corrals would be constructed around one or more water sources (public or private land) to enable bait/water trapping of wild horses for the purpose of maintaining the population within the AML range. This would be accomplished by removing excess wild horses and treating mares with a contraceptive to slow the rate of population increase following the attainment of the AML through a helicopter gather scheduled for Mid-August of 2012. It is anticipated that the horses in the Desatoya HMA would be re-gathered every two to three years over the next 10 years to re-vaccinate the mares and remove excess animals.

The Proposed Action evaluated under EA- DOI-BLM-NV-C010-2011-0513 (pages 21-23) is to gather approximately 450-525 wild horses while removing approximately 400 (assumes 70-80% gather efficiency) excess wild horses during the initial helicopter trapping gather and releasing 127 (assumes 100% gather efficiency) back into the Desatoya HMA after treating an estimated 51 mares with the fertility control vaccine (PZP-22 or most current formulation). The sex ratio of potential released animals will be dependent on the sex ratio of the gathered wild horses. Approximately 65% or more of all released wild horses would likely be stallions to achieve a 60% male sex ratio on the range (including animals not gathered). All wild horse mares released back into the HMA would be treated with fertility control vaccine (PZP-22 or the most current formulation) to maintain AML, extend the time before another gather is required, and reduce the number of excess wild horses that would need to be removed in the future. Following the initial helicopter gather in the late summer or early fall of 2012, the BLM intends to use bait/water trapping over the next 10 years to continue removing small numbers of excess wild horses (20-30) each year until the overall population management objectives are met. All future removals of excess wild horses will be based upon population inventories conducted through aerial or ground surveys. An objective of the planned annual bait/water trapping sessions would be to trap sufficient numbers of wild horses to continue to administer fertility control vaccine and remove excess wild horses to achieve and/or maintain the AML range and desired sex ratio. If the

proposed bait/water trapping and fertility control treatments prove to be unsuccessful in maintaining population objectives, then it is anticipated that a follow up helicopter-driven gather would be implemented every two to three years over the next 10 years to maintain AML. Future gather activities over the next 2-10 years would be implemented in a manner utilizing the same procedures and analysis used in EA-DOI-BLM-NV-C010-2011-0513. No other EA or Decision Record (DR) would be required as the same procedures and analysis would continue to be addressed in the initial DR and EA. Over the course of this plan (10 years), if fertility control efficiency is low and too many foals are being recruited into the HMA population; additional excess wild horses would be removed; alternatively, if not enough foals are recruited into the population to maintain the AML, fewer mares would be vaccinated and thus allowed to return to higher fertility rates.

Appropriate AML for the Desatoya HMA was determined by allocating available forage between wild horses, livestock and wildlife by allotment. A population inventory was completed for the Desatoya HMA in July 2011, 543 horses were counted based on a direct count aerial survey.

All wild horses residing outside of established HMA boundaries will be removed regardless of sex and age and would not be relocated back to the HMA. Wild horse data including sex and age distribution, condition class information (using the Henneke rating system), color, size and other information may also be recorded. Hair samples may be collected on about 25-100 animals to assess the genetic diversity of the herds. Old, sick or lame horses unable to maintain an acceptable body condition greater than or equal to a Henneke Body Condition Score (BCS) of 3 or with serious physical defects such as club feet, severe limb deformities, or sway back would be humanely euthanized as an act of mercy. Decisions to humanely euthanize animals in field situations will be made in conformance with BLM policy (Washington Office Instruction Memorandum 2009-041).

FINDING OF NO SIGNIFICANT IMPACT

Based upon the analysis in the Environmental Assessment (EA) DOI-BLM-NV-C010-2011-0513 Desatoya Resiliency, Health, and Restoration Project it is my determination that the implementation of the Proposed Action will not have significant environmental impacts and that the Proposed Action is in conformance with the Carson City Field Office Consolidated Resources Management Plan (CRMP) adopted in 2001. I have determined that the Proposed Action is not a major federal action, and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Therefore, an environmental impact statement (EIS) will not be prepared.

CONTEXT AND INTENSITY

This finding and conclusion is based on 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 or as articulated in the letters of comment.

Context: The Proposed Action is a site-specific action located on public lands administered by the BLM CCDO in Churchill and Lander Counties, Nevada, which by itself does not have international, national, regional, or state-wide importance.

Intensity: The following discussion is based on the relevant factors that should be considered in evaluating intensity as described in 40 CFR 1508.27:

1. *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency as described believes that on balance the affect will be beneficial.*
I have determined that none of the direct, indirect or cumulative impacts associated with the Proposed Action are significant, individually or combined. The EA evaluated both beneficial and adverse impacts of the gathers and vaccination of mares with the 2 year fertility control vaccine PZP-22 prior to releasing an estimated 51 all mares (assuming 70%, 80% and 100% gather efficiency) back into the HMA. Potential impacts include injuries to wild horses from capture, processing, transfer and holding; and affects to the populations through changes in herd population dynamics, age structure or sex ratio and subsequently to the growth rates and population size over time. Other short term impacts include disturbance (within gather sites) to vegetation, noxious weeds, invasive weeds, livestock grazing, general wildlife, migratory birds, BLM designated sensitive species, human health and safety (EA section 3.0).

The Proposed Action is to gather approximately 450-525 wild horses, removing approximately 400 excess wild horses (assumes 70-80% gather efficiency) during the initial helicopter trapping gather and releasing 127 (assumes 100% gather efficiency) back into the Desatoya HMA after treating an estimated 51 mares with the fertility control vaccine (PZP-22 or most current formulation). The sex ratio of potential released animals will be dependent on the sex ratio of gathered wild horses. Approximately 65% or more of all released wild horses would likely be stallions to achieve a 60% male sex ratio on the range (including animals not gathered). All wild horse mares released back into the HMA would be treated with fertility control vaccine (PZP-22 or the most current formulation) to maintain AML, extend the time before another gather is required, and reduce the number of excess wild horses that would need to be removed in the future. Following the initial helicopter gather in the late summer or early fall of 2012, the BLM intends to use bait/water trapping over the next 10 years to continue removing small numbers of excess wild horses (20-30) each year until the overall population management objectives are met. Implementation of the Proposed Action is consistent with the CRMP, facilitates the AML management objectives and maintains a thriving natural ecological balance and multiple use relationship consistent with other resource needs.

Implementation of the Proposed Action is expected to be beneficial for wild horse health, vegetative resources, sensitive species, riparian zones, fish/wildlife habitat, migratory birds, livestock grazing, soils and watersheds. Over the next 10-20 years, continuing to manage wild horses within the established AML range would achieve/maintain the thriving natural ecological balance and multiple use relationship on public lands in the area.

The BLM Contracting Officer Representative (COR) and Project Inspector (PI) assigned to the gather will be responsible for ensuring contract personnel abide by the contract specifications and the Standard Operating Procedures (SOPs) (EA Appendix D). Ongoing monitoring for forage condition and utilization, water availability, aerial population surveys, and animal health will continue. Fertility control monitoring will be continued in accordance with the SOPs (EA Appendix C). Public Health and Safety monitoring will be conducted in accordance with the

Wild Horse Gather Public Observation Protocol (EA Appendix D subheading I) and BLM IM No. 2010-164.

2. *The degree to which the proposed action affects public health or safety.*
The Standard Operating Procedures for Population-level Fertility Control Treatments (EA Appendix C), Standard Gather Operating Procedures (EA, Appendix D), Wild Horse Gather Public Observation Protocol (EA, Appendix D subheading I) and BLM IM No. 2010-164 would be used to conduct the gather and are designed to protect human health and safety, as well as the health and safety of the wild horses. The Proposed Action could have a minor effect on public health or safety during helicopter operations and around holding corrals. In accordance with IM No. 2010-164, the public will not be permitted to enter corrals or pens or be in direct contact with the animals. The Proposed Action would have minimal affect to public health or 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.*
The BLM Interdisciplinary Team (ID) identified the following Supplemental Authorities as being not present and present/not affected: Air Quality, Areas of Critical Environmental Concern, Cultural Resources, Environmental Justice, Farm Lands Prime or Unique, Forests and Rangelands, Floodplains, Native American Religious Concerns, Threatened and Endangered Species (plant and animal), Wastes Hazardous or Solid, Water Quality, Wild and Scenic Rivers and Wilderness. The ID team identified the following Supplemental Authorities as being present/may be affected: Cultural Resources, Invasive, Nonnative and Noxious Species, Migratory Birds, Native American Religious Concerns, Human Health/Safety (regarding wild horse gather), and Wetlands/Riparian Zones. Resources other than Supplemental Authorities identified as being present/may be affected include: BLM Sensitive Species, Fish/Wildlife (vegetative resources), Wild Horses, Livestock Grazing, Fire Management and Soils. The Supplemental Authorities and Resources other than Supplemental Authorities that may be present and may be affected were evaluated in DOI-BLM-NV-C010-20111-0513-EA.

The results of a BLM literature review at the Carson City District and Nevada Cultural Resources Information System (NVCRIS), revealed eighteen Class III cultural resource inventories have been conducted within the area of implementation (32,705 acres) between 1976 and 2011. Approximately one hundred and fifty cultural resources (prehistoric historic and ethno-historic) were documented and evaluated (91 eligible and 50 non eligible). If unanticipated historic-era or prehistoric resources are discovered during project activities, work would cease and be reported immediately to the BLM. In the event that any location is relocated a member of the BLM cultural staff will inventory the potential site, if cultural resources are identified this site will be dismissed from consideration and an additional site will be proposed until a suitable site is found that will not impact cultural resources.

The Fallon Paiute-Shoshone and Yomba Shoshone Tribes were notified of the Desatoya HMA gathers and no substantial concerns were identified by the Tribes. The BLM has been and would continue to conduct government to government consultation with the Fallon Paiute-Shoshone Tribe and the Yomba Shoshone Tribe during all phases of the Project (Per 36 CFR Part 800 and 43 CFR Part 8100, as amended).

Trap sites and holding facilities will not be allowed within a Wilderness Study Area (WSA). Motorized vehicles are restricted to authorized designated (cherry stemmed) roads within the WSAs.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The effects of the gathers are well known and understood. BLM CCDO has conducted numerous wild horse gathers over the past 36 years. No unresolved issues have been identified following public notification of the proposed action. 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 analysis provided in the EA does not indicate that this action would involve any unique or unknown risks. Relevant components of the human environment which would be either affected or potentially affected by the Proposed Action and other alternatives were addressed through the affects analyzed in this EA. The effects of wild horse gathers have resulted in fairly consistent (beneficial) outcome to wild horses and to biological and cultural resources.

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.*

Any future gather activities over the next 2-10 years would be implemented in a manner utilizing the same procedures and analysis used in EA-DOI-BLM-NV-C010-2011-0513. No other EA or DR would be required as the same procedures and analysis would continue to be addressed in this EA. A primary object of the planned annual bait/water trapping sessions would be to trap sufficient numbers of wild horses to continue to administer fertility control vaccine and remove excess wild horses to achieve and/or maintain the AML range and desired sex ratio. If the proposed bait/water trapping and fertility control treatments prove to be unsuccessful in maintaining population objectives, then it is anticipated that a follow up helicopter-driven gather would be implemented in the Desatoya HMA every two to three years over the next 10 years. Over the course of this plan (10 years), if fertility control efficiency is low and too many foals are being recruited into the HMA population; additional excess wild horses would be removed; alternatively, if not enough foals are recruited into the population to maintain the AML, fewer mares would be vaccinated and thus allowed to return to higher fertility rates. The probability of long-term infertility using PZP-22 is very low, and many mares retreated even after 3 years will return to normal fertility after the second treatment wears off (Turner, pers. comm.). After the contraceptive wears off, the population will increase at or slightly above the normal growth rate for the HMAs. Any future wild horse management outside of the scope of EA-DOI-BLM-NV-C010-2011-0513 would be analyzed in appropriate environmental documents following site-specific planning with public involvement. 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 would achieve a stable wild horse population, reduce population growth rates, reduce competition for limited forage and water resources, and promote healthier wild

horses and rangelands. Over the short and long term consistently managing wild horses within the established AML range will achieve a thriving natural ecological balance and multiple use relationship on the public lands in the area. The Proposed Action is not related to other actions with individually insignificant but cumulative impacts.

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 Alternative has no potential to adversely affect significant scientific, cultural, or historical resources. Cultural resources would be identified prior to implementation or treatments; eligible properties would be avoided, and a programmatic agreement between the BLM, partners, and the Nevada State historic preservation officer would be developed for the life of the project.

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 ESA of 1973.***
The Proposed Action will have no affect to any federally listed species under the ESA.

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 is in compliance with the CRMP. The Proposed Action is consistent with Statutes, regulations and policies of neighboring local, County, State, Tribal governments and other Federal agencies. The Proposed Action is in conformance with the Wild Free-Roaming Horse and Burro Act of 1971 (WFRHBA as amended) and applicable regulations at 43 CFR § 4700. The Proposed Action does not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

Teresa J. Knutson

Teresa J. Knutson
Field Manager
Stillwater Field Office

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Date