

FINDING OF NO SIGNIFICANT IMPACT

Jackson Mountains Wild Horse Gather Plan Environmental Assessment DOI-BLM-NV-W030-2012-0005-EA

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Based on the interdisciplinary analysis conducted in the Jackson Mountains Wild Horse Gather Plan Environmental Assessment (EA), DOI-BLM-NV-W030-2012-0005-EA, dated June 05, 2012, and 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, I have determined that the impacts associated with implementation of Proposed Action, as modified, are not significant. Therefore, preparation of an Environmental Impact Statement (EIS) is not required as per Section 102 (2) (C) of the National Environmental Policy Act (NEPA).

CONTEXT

The proposed gather area encompasses approximately 775,000 acres, of which approximately 286,000 acres (public and private) would be within the designated Jackson Mountains Herd Management Area (HMA) and 489,000 acres would be outside the HMA. The gather area would be located north and west of Winnemucca, Nevada within Humboldt County. The entire gather area would be approximately 60 miles long and 35 miles wide. A portion of the gather area would be located within the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA). (EA Map 1)

The population of wild horses within the gather area is 738 adult wild horses and approximately 96 foals, based on an aerial direct count population inventory conducted in April 2012 of the Jackson Mountain HMA and immediately adjacent areas. BLM estimates that at the time the proposed gather operation is implemented, the population within the area will be approximately 930 wild horses, which includes the 2012 foal crop. Appropriate Management Level for this HMA has been established as a range of 130-217 (EA Section 1.3). The current population is expected to greatly exceed the low-range AML for this HMA by 800 wild horses, and the high-range by 713 wild horses.

The proposed action as identified and described in full, in the EA, would be to implement a long term management strategy. The proposed initial gather was originally scheduled to begin in July 2012; however, rapidly deteriorating rangeland conditions has caused the BLM to modify the proposed action to include an earlier initial gather in the southwestern portion of the gather area to occur in June 2012. The proposed gather is expected to take approximately 20 days.

Immediate removal of wild horses from the southwest portion of the gather area is necessary prior to July 1, 2012 due to observed reduction of wild horse body condition and overall health arising from lack of spring vegetation growth, minimal residual vegetation from the previous year's forage crop, and reduced spring flows and natural water sources. The intent in initiating

the emergency gather in June is to start this emergency gather before wild horse health is severely compromised due to drought conditions. An emergency gather would focus on the critical southwestern portion of the HMA; however, the remainder of the gather area would be concurrently gathered to minimize movement of wild horses and to reduce stress from competition for severely limited resources and multiple gather attempts.

In order to control population growth rates, subsequent gathers over the next ten year period would implement fertility control treatments and sex ratio adjustments. The use of water/bait trapping may be used in this phased management strategy as a supplementary gather technique to assist in managing the herd population to within established AML range.

INTENSITY

1) Impacts that may be both beneficial and adverse.

The EA considered both beneficial and adverse impacts of the gather and removal of wild horses from the gather area in the summer of 2012 and follow up gathers over the next 10 years to maintain the HMA at AML and to implement fertility control measures. The consideration included impacts associated with gather activities on pregnant mares and young foals. Removing excess wild horses from the gather area would reduce the level of utilization of rangeland and riparian vegetation, and alleviate competition for resources between wildlife, livestock, and wild horses. A reduction in wild horse utilization of forage would allow for the recovery of natural resources, such as soils, vegetation, watersheds, wildlife, fisheries, and wildlife habitat, including wild horse habitat. Removal of excess wild horses would also lessen impacts to cultural resources in riparian areas as fewer animals would be trampling areas that may contain prehistoric archaeological sites while utilizing water sources.

Due to an escalation of drought issues, an immediate emergency removal of wild horses from the south west portion of the gather area near the end of foaling season and the concurrent removal of wild horses from the remaining portions would prevent harm to the wild horse population within the Jackson Mountains. By implementing the emergency gather for this HMA we will be ensuring those wild horses remaining on the range experience reduced competition for limited resources, water, forage and space. In turn, we are ensuring the excess wild horses that are removed are provided with feed and water which is currently lacking in the gather area. It is likely there will be an increased number of pregnant mares and younger foals gathered near the end of foaling season. However, the overall benefits of gathering and removing excess wild horses before July 1, the original proposed start date, would be to limit the probability of death loss due to extremely poor body condition related to poor nutrition and limited water consumption opportunities. In order to preserve the overall health of mares and foals specifically, an early gather would provide an opportunity to transition the animals to adequate feed at temporary and short term holding while their bodies are still capable of recovering from a poor state of health. If the gather were to be delayed, body condition would continue to decrease and the probability of death loss to pregnant and nursing mares would increase, also increasing the probability of orphaning foals and spontaneous abortions. Although there maybe incidence of orphan foals and/or spontaneous abortions during gather operations an earlier gather would

allow the opportunity to offer proper nutrition by feeding hay and providing water to mares at the temporary and short term holding, increasing the chances of survival for mares and foals.

Every attempt would be made to place gather and holding sites in previously disturbed areas and in areas that have had an inventory for cultural resources. If a new site were to be used, a cultural inventory would be completed prior to use of the site. All gather sites and holding sites would be constructed in accordance with the design criteria for implementing the Proposed Action. (Refer to Chapter 2 of the EA for management actions common to action alternatives).

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

The Standard Operating Procedures (SOPs) and observation protocols would be followed 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 SOPs and protocols can be found in the EA appendices. The Proposed Action would have minimal effects on 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.

- There is no park land within or in close proximity to the gather area.
- Prime farmlands would not be affected by the implementation of the Proposed Action.
- There are no wild and scenic rivers within or in close proximity to the gather area.
- Approximately two-thirds of the HMA is within the Black Rock Desert-High Rock Canyon Emigrant Trail National Conservation Area.
- Approximately 78,000 acres of the gather area is designated as wilderness.

Direct impacts to cultural resources are not anticipated because gather sites and temporary holding facilities would be placed in previously disturbed areas or inventoried for cultural resources prior to construction. If cultural resources are found in an area, a new location would be identified in which to set up temporary gather sites and holding corrals. Temporary gather sites and holding facilities for the wild horse gather would not be placed within Wilderness Areas.

The Proposed Action would not impact resources and/or special designations identified above. Achievement and maintenance of the established AML over the next 10 years through the phased-in gathers and implementation of population controls would help to protect these landscapes from adverse impacts caused by the current over-population of wild horses relative to the level at which a thriving natural ecological balance can be maintained.

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

The effects that would occur from the implementation of the gather are well known and understood. Some members of the public have advocated for no removals of wild horses from any public lands and urge removals of livestock or letting “nature take its course.” Due to current drought conditions, limited water in 2012, lack of forage/water production, the permittee

in the southwestern portion of the gather area has voluntarily turned out less livestock numbers compared to permitted livestock numbers. Furthermore, based on excess wild horses and the competition for space, forage and water, the permittee removed livestock from the Trail Springs/DeLong windmill use area.

No unresolved issues were raised following public notification of the proposed gather. The effects of wild horse gathers on the quality of the human environment are well documented through the forty years of management of wild horses and burros, through gathers and other population controls, and are not highly controversial.

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.

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 gather area would be evaluated through the National Environmental Policy Act (NEPA) process and evaluated with the appropriate level of NEPA documentation. 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 cumulative assessment area that would result in cumulatively significant 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 National Register of Historic Places 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 resource inventory would be completed prior to gather site and corral construction. Temporary gather sites and holding facility sites would be inventoried prior to any ground disturbing activities to determine the presence of sites that are unclassified, eligible, or potentially eligible for the National Register of Historic Places. Archaeological site inventories and avoidance measures would ensure that loss or destruction of significant scientific, cultural, or historical resources would not occur. Native American consultation was conducted and concerns relative to implementation of the Proposed Action have been addressed.

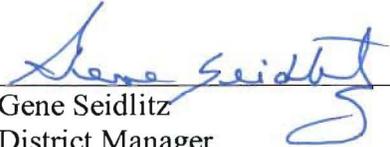
9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical in the Endangered Species Act of 1973. The EA has identified one threatened species (Lahontan cutthroat trout) in the project area. Review of the threatened and endangered species section of the EA indicates an overall improved/sustained ecological condition for the threatened and candidate species under the Proposed Action. The threatened and candidate species are expected to meet life cycle

requirements. The proposed activities would not adversely affect any threatened or candidate species or critical habitat.

Section 7 consultation was completed with the U.S. Fish and Wildlife Service. A species list was requested March 1, 2012, and received March 26, 2012, from the U.S. Fish and Wildlife Service in Reno, Nevada. Informal consultation was requested May 8, 2012, and a Letter of Concurrence was received via e-mail May 24, 2012, from the U.S. Fish and Wildlife Service in Reno, Nevada.

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 would not violate the Migratory Bird Treaty Act or Endangered Species Act.

All practicable means to avoid or minimize environmental harm and unnecessary or undue degradation of the public land are incorporated in the Proposed Action.



Gene Seidlitz
District Manager
Winnemucca District

Date 6/7/12