United States Department of the Interior

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In Reply Refer To:
4700 (NVL01000)

JUL 24 2012

Decision Record
Pancake Herd Management Area – Two Wild Horse Water Developments

Introduction

The Bureau of Land Management (BLM) Egan Field Office has determined to develop the Pancake Herd Management Area two wild horse water developments. A BLM interdisciplinary team reviewed the Proposed Action for the Pancake HMA Water Developments Determination of NEPA Adequacy (DNA). A Determination of NEPA Adequacy confirms that an action is adequately analyzed in existing NEPA document(s) and is in conformance with the land use plan (H-1790-1-National Environmental Policy Act (NEPA) BLM Handbook). Based on this review the Egan Field Manager determined that the proposed action is substantially similar to the actions analyzed within the Giroux Wash and Horse Range Wildlife Water Developments EA and found to have no significant impacts, thus an EIS is not required.

BLM proposes to construct two water developments for wild horses within the Pancake Herd Management Area (HMA), Nye County. The Bureau of Land Management has the authority to protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources and archeological values under the Federal Land Policy and Management Act of 1976 (43 United States Code 1701 et seq.).

The Ely District received funding associated with the Directors Challenge. The "Directors Challenge" is aimed at improving western rangeland conditions where wild horses and burros roam. Under the Director's Challenge the Ely District's objective is to construct and install guzzlers (water tanks that collect precipitation) within the Pancake HMA, where water sources are limited and being degraded by overuse. BLM proposes to construct these water developments to more evenly distribute wild horses and relieve pressure from heavily utilized water sources.

On July 24, 2012 the Finding of No Significant Impact (FONSI) for the Pancake Herd Management Area Water Developments (DOI-BLM-NV-L010-2012-0022-DNA) was signed.

The Pancake proposed water developments have been moved due to input from Nevada Department of Wildlife (NDOW) regarding developing water sources near the western edge of the HMA boundary. Also, due to concerns with sage grouse both sites were moved outside sage grouse habitat. Initially one of the water developments was proposed for the Triple B HMA, but was moved to the Pancake HMA. Water developments were determined to be a higher priority in this HMA due to limited water availability.

Within the Pancake HMA, these water developments would help distribute wild horses within the Big Sand Springs Valley and relieve pressure at Martiletti Spring and Portuguese Spring. These water developments would also help relieve pressure at a current water haul site located within Big Sand Springs Valley. The water haul site only provides water during periods of livestock use within the allotment. These sites were selected based on areas where wild horses are traveling through to access other water sources. Each water development would provide an additional source of water during water stressed years; relieve pressure from heavily utilized water sources; and provide an alternative source besides private property water sources. The water storage tank capacity for each water development would provide a temporary source of water. The duration of available water is dependent on the number of wild horses using the water development and the amount of precipitation received at that site. Wild horse occurrence and use would be more evenly distributed across the landscape and reduce concentration at current water resources.

The water developments would consist of two large poly aprons (approx. 20' x 100') on the ground to catch rain and snow. Each apron would funnel water through a Johnson Screen and 2" diameter buried polyethylene pipe to a 1,800 gallon water storage tank with drinker in one corner or a flat top tank piped to a trough. Each site would have an overall capacity of approximately 3,600 gallons for the up to two tanks and could increase up to four tanks with an overall capacity of approximately 7,600 gallons.

Water development sites would be accessed using existing two-track roads and no new road construction would be needed. A rubber-tired backhoe would be used to level the areas where the storage tanks and apron would be located. Approximately one day would be needed to prepare each site using a backhoe and an estimated two days per site would be needed to install the water developments.

A standard fence would be constructed around the apron to prevent damage to the apron from livestock, wildlife, or wild horses. The apron fence would be approximately 10' wider than the outer edges of the apron. A pipe railing or four-strand, barbed wire fence would be designed and installed around the storage tanks, but still allowing wild horses access to the drinker. This would prevent livestock, wildlife, or wild horses from damaging the storage tanks.

Installation of the water developments would result in < 1/2 acre of total surface disturbance each. Access to the sites for subsequent annual inspections and routine maintenance would be on existing access routes.

Decision

It is my decision to authorize construction of the Pancake Herd Management Area Two Water Developments in accordance with the description of the Proposed Action in the Determination of NEPA Adequacy (DOI-BLM-NV-L010-2012-0022-DNA). I concur with my staff's assessment of the environmental impacts and authorize the Proposed Action subject to the procedures described in the DNA (DOI-BLM-NV-L010-2012-0022-DNA).

Rationale

The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed in August of 2008. Section B of the DNA documents the conformance review. The Proposed action is consistent with all other federal, state, local, and

tribal policies and plans to the maximum extent possible. Actions will improve available habitat and water resources for wild horses and alleviate large animal impact pressure on surrounding water sources.

Public Involvement

Although the Giroux Wash and Horse Range Wildlife Water Developments EA (DOI-BLM-NV-L010-2009-0018-EA) conducted public and interagency review relative to the proposal; it has been determined that additional public involvement is necessary for the Pancake Herd Management Area Water Developments DOI-BLM-NV-L010-2012-0022-DNA. The EA included both internal and external scoping of issues. External scoping included letters notifying the interested public and tribes of the Giroux Wash portion of the Proposed Action were sent May 21, 2009. No issues were expressed during the public scoping period. Letters notifying the interested public and Tribes of the Horse Range portion of the Proposed Action were sent November 4, 2009. No comments were received.

Because of the public interest specific to wild horses, it has been determined that additional public involvement is necessary for the Pancake Herd Management Area Water Development Project. A public notification was mailed to interested public and posted in the NEPA Register on July 18, 2012.

BLM also consulted and coordinated with the Nevada Department of Wildlife during the development of the Proposed Action.

Authority

The authority for this Decision is contained in Section 1333(a) of the 1971 Free-Roaming Wild Horses and Burros Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976. The Bureau of Land Management (BLM) has the authority to protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources and archeological values under the Federal Land Policy and Management Act of 1976 (43 United States Code 1701 et seq.).

Sincerely,

Doris A. Metcalf

Doris Metcalf
acting Field Manager
Egan Field Office

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management at the above address within 30 days of either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Doris Metcalf, Egan Field Manager
Burcau of Land Management
Ely District Office
HC 33 Box 33500
Ely, NV 89301.

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to the U. S. DOI Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
For the Pancake Herd Management Area Water Developments
(DOI-BLM-NV-L010-2012-0022-DNA)

Finding of No Significant Impact (FONSI):
I have reviewed the Determination of NEPA Adequacy DOI-BLM-NV-L010-2012-0022-DNA , for the Two Wild Horse Water Developments in the Pancake Herd Management Area (HMA), dated July 18, 2012 and considered the project design specifications and impacts, including minimization measures identified in the applicable NEPA documents (Giroux Wash and Horse Range Wildlife Water Developments (DOI-BLM-NV-L010-2009-0018-EA). I have determined that the Proposed Action consisting of constructing two water developments for wild horses will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required based on the following:

Context:
The two wild horse water developments are located within the Pancake HMA, Nye County at T12N, R55E, Section 32 (Guzzler #1) and T12N,R55E, Section 19 (Guzzler#2) and directly impact <1/2 acres each. They are located where horses currently migrate while using other water sources within the HMA.

Intensity:
1) ***Impacts that may be both beneficial and adverse.***
The Determination of NEPA Adequacy, which is tiered to the Giroux Wash and Horse Range Wildlife Water Developments Environmental Assessment (DOI-BLM-NV-L010-2009-0018-EA) December 2009 has considered both beneficial and adverse impacts of the Proposed Action. None of the impacts considered in the DNA approach the threshold of significance, i.e. exceeding air or drinking water quality standards, contributing to a decline in the population of a listed species, etc.

2) ***The degree to which the Proposed Action affects public health or safety.***
The Proposed Action would not result in potentially substantial or adverse impacts 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.***
The DNA evaluated unique characteristics of the area and it was determined that none of the above resources existed in the area.

4) ***The degree to which the effects on the quality of the human environment are likely to be highly controversial.***
Comments during internal scoping were received from Nevada Department of Wildlife. None of these comments discussed concerns regarding the effects on the quality of the human environment.

5) ***The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.***
There are no effects of the Proposed Action identified in the DNA which are considered highly uncertain or involve unique or unknown risks. Construction methods would follow the procedures detailed in the DNA to minimize impacts to the environment. Similar projects have been completed to wildlife, including large ungulates such as elk.

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.***
The Proposed Action does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration. Other wild horse water developments occurring within other Herd Management Areas in the Ely District, if they occur, would be subject to NEPA and independent decision making.

7) ***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.***
No significant cumulative impacts have been identified in the DNA. Past, present, and reasonably foreseeable future actions in the cumulative effects study area would not result in cumulatively significant impacts. For any actions that may be proposed in the future, further environmental analysis, including the assessment of cumulative impacts, would be required.

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 will not cause destruction or loss of scientific, cultural or historical resources. No National Register eligible sites were identified in the project areas during a Class III cultural resources inventory.

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.***
Analysis in the DNA determined that no special status species (Federally listed, proposed or candidate, threatened or endangered and State sensitive) would be affected by the Proposed Action.

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 will not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment.

Doris A. Metcalf

Doris Metcalf
Field Manager
Egan Field Office

7/24/2012
Date