

**U.S. Department of the Interior
Bureau of Land Management**

**Determination of NEPA Adequacy (DNA)
Pancake Herd Management Area Wild Horse Emergency
Gather**

September 2012

DOI-BLM-NV-L010-2012-0038-DNA

PREPARING OFFICE

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Determination of NEPA Adequacy (DNA) Worksheet

U.S. Department of the Interior
Bureau of Land Management

OFFICE:BLM Egan Field Office, LL00NVL01000

TRACKING NUMBER: DOI-BLM-NV-L010-2012-0038-DNA

PROPOSED ACTION TITLE/TYPE: Pancake Herd Management Area Emergency Wild Horse Gather

LOCATION/LEGAL DESCRIPTION:

Pancake Herd Management Area, Nevada

The Area is located in the Following legal land descriptions (Mt. Diablo Base and Meridian):

The Pancake HMA is located in southwestern White Pine and Northeastern Nye Counties approximately 30 miles west of Ely, Nevada, and 80 Miles northeast of Tonopah, Nevada.

APPLICANT (if any):

A. Description of Proposed Action and any applicable mitigation measures

The Proposed Action is to conduct an emergency gather operation to gather and remove 100-125 excess wild horses from the southern portion of the Pancake Herd Management Area (HMA), Nye County (See Map in Appendix A). A sufficient number of wild horses would be gathered, primarily from the southern portion of the Pancake HMA due to the continuing decline in the animals' condition caused by severe drought conditions resulting in minimal vegetation growth and reduced water availability. BLM's monitoring of wild horse condition indicates that the body conditions of wild horses in the southern portion of the HMA based on the Henneke body condition scoring system (BCS) are generally very thin (BCS 2) to moderately thin (BCS 4). Wild horses at BCS 2 are at risk of death if they remain on the range given the current drought conditions. Given the weak state of the horses in the southern portion of the Pancake HMA, a veterinarian will be on site at the temporary holding facility to provide recommendations regarding care, treatment, and, if necessary, euthanasia. [per BLM Manual 4720.23] The BLM Euthanasia Policy is outlined in WO-IM-2009-041 and is used as a guide to determine if animals meet the criteria and should be euthanized.

No population control measures would be implemented during this gather operation, which would be limited to removal of a targeted number of excess horses only.

Background

The Ely District's Pancake HMA has an Appropriate Management Level (AML) range of 240-493 whereas the current estimated population is 1,206 wild horses (including the 2012 foal crop). This population estimate is nearly 3 times the high range of AML and 5 times the low range. The proposed action would decrease the existing overpopulation of wild horses by approximately 100-125 wild horses. This would alleviate the competition for limited forage and water resources in the area of concern during the extended drought conditions and help prevent continued deterioration of wild horse body condition. For the most vulnerable horses in BCS

Goal: Maintain and manage healthy, self-sustaining wild horse herds inside herd management areas within appropriate management levels to ensure a thriving natural ecological balance while preserving a multiple-use relationship with other uses and resources.

Objective: "To maintain wild horse herds at appropriate management levels within herd management areas where sufficient habitat resources exist to sustain healthy populations at those levels."

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Pancake Complex Environmental Assessment DOI-BLM-NV-L010-2011-0023-EA; November 28, 2011

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The Proposed Action is a feature of and substantially similar to the actions analyzed within the existing NEPA document listed above. The Pancake Complex EA specifically analyzed alternatives for, and impacts of, removing excess wild horses from the Pancake Complex to bring the wild horse population back to within the established AML range in order to achieve and maintain a thriving natural ecological balance between wild horses and other multiple uses as required under Section 1333(a) of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) and Section 302(b) of the Federal Land Policy and Management Act of 1976. The proposed action of the Pancake Complex EA includes a Phased-in Gather and Population Growth Control Alternative. The present action's methods, and the disturbances associated with gathering and removing excess wild horses, are similar to Alternative D: Remove Excess Animals to Low Range AML Without Fertility Control or Sex Ratio Adjustment. Proposed gather locations are within the Pancake HMA, which is part of the Pancake Complex and has the same geographic and resource conditions as analyzed in the EA. Accordingly, the present action is within the scope of the alternatives examined in the Pancake Complex EA, and issues and concerns would be similar to those already identified and analyzed within the Pancake Complex EA.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource value?

Yes. The range of alternatives analyzed within Pancake Complex Environmental Assessment DOI-BLM-NV-L010-2011-0023-EA is appropriate given the current conditions. The EA analyzed alternatives developed in response to issues identified through internal and external scoping of the projects. The no action alternative was considered in the EA. No other issues were raised that would suggest the need for additional alternatives. There is no information or circumstances that would indicate the need for additional alternatives beyond those previously analyzed. Moreover, alternatives considered but eliminated from detailed analysis in the Pancake Complex EA remain impractical or infeasible with respect to the present action. For example, bait or water trapping is infeasible as a method for accomplishing the present gather and removal

action because, as in the Pancake Complex generally, road access to potential trapping locations in the Pancake HMA is extremely limited as well as the need to take quicker action to prevent further decline in animal condition.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. There is no new information or circumstances that would alter the analysis of the impacts associated with the proposed action.

The U.S. Fish and Wildlife Service concluded in 2010 that the greater sage-grouse (*Centrocercus urophasianus*) is warranted for listing under the Endangered Species Act, however precluded at this time by higher priority species. The proposed project does not occur in either Preliminary Priority or Preliminary General sage grouse habitat. The nearest lek (of unknown status) is over 14 miles north of the gather area. Conducting the gather in late summer or fall will greatly reduce the chances of affecting any sage grouse that may be in the area, as breeding, nesting and brood rearing are almost certainly over and wintering has not yet begun.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The direct, indirect and cumulative effects would be the same type as those analyzed within the Pancake Complex EA for Alternative D—including those impacts associated with the gather, removal of excess wild horses, and ground disturbing activities. In light of the more restricted geographic scope and the more limited number of excess horses to be gathered in the present action, however, the direct and indirect impacts would quantitatively be of a lesser extent and a lesser intensity than the impacts analyzed in the Pancake Complex EA.

5. Are there public involvement and interagency reviews associated with existing NEPA document(s) adequate for the current proposed action?

Yes. It has been determined that no additional public involvement is necessary for the Pancake HMA Wild Horse Emergency Gather Determination of NEPA Adequacy DOI-BLM-NV-L010-2012-0038-DNA because the present action is within the scope of actions previously analyzed and publicly reviewed. The Public involvement process discussed below for the Pancake Complex EA (DOI-BLM-NV-L010-2011-0023-EA) adequately covered the need for such involvement for the Pancake DNA as no new management alternatives are considered. A public notification on the availability of this DNA was mailed to interested public and posted on the Ely District website, www.nv.blm.gov/ely on September 6, 2012

The Pancake Complex EA (DOI-BLM-NV-L010-2011-0023-EA) conducted public and interagency review relative to BLM's need to gather excess wild horses on the Pancake Complex, which includes the Pancake HMA. A preliminary environmental assessment was made available to interested individuals, agencies and groups and posted on the Ely District website, www.blm.gov/nv, for a 30 day public review and comment period that opened on September 28, 2011 and closed October 28, 2011. Written comments were received from 20 individuals, e-mail comments and form letters were received from 238 individuals. Many of these comments contained overlapping issues/concerns which were consolidated into 118 distinct topics. Refer to

the Pancake Complex EA, Appendix X for a detailed summary of the comments received and how BLM used these comments in preparing the final environmental assessment. Because the present action is within the scope of the broader gather and removal actions analyzed in the Pancake Complex EA, it has been determined that no additional public involvement is necessary for the Pancake HMA Wild Horse Emergency Gather Project Determination of NEPA Adequacy DOI-BLM-NV-L010-2012-0038-DNA.

E. Persons/Agencies/BLM Staff Consulted

Table 1. List of Preparers

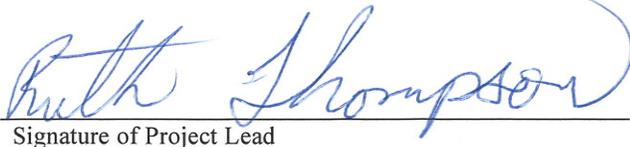
Name	Title	Responsible for the Following Section(s) of this document
Ruth Thompson	Wild Horse Specialist	Project Lead/Wild Horse Specialist
Marian Lichtler	Wildlife Biologist	Wildlife, Migratory Birds, Special Status Species
Melanie Peterson	Environmental Protection Specialist	Human Health and Safety, Hazardous Wastes
Emily Simpson	Wilderness Planner	Wilderness
Mark Lowrie	Rangeland Management Specialist	Livestock Grazing Vegetation
Lisa Gilbert	Archaeologist Technician	Cultural Resources
Elvis Wall	Native American Coordinator	Native American Religious Concerns
Mark D'Aversa	Hydrologist	Soils, Water, Wetlands and Riparian/Flood Plans
Mindy Seal	Natural Resource Specialist	Environmental Justice, Environmental Coordinator/LUP

Note

Refer to the Pancake Complex EA DOI-BLM-NV-L010-2011-0023-EA for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirement of NEPA.



Signature of Project Lead



Signature of NEPA Coordinator



Signature of the Responsible Official

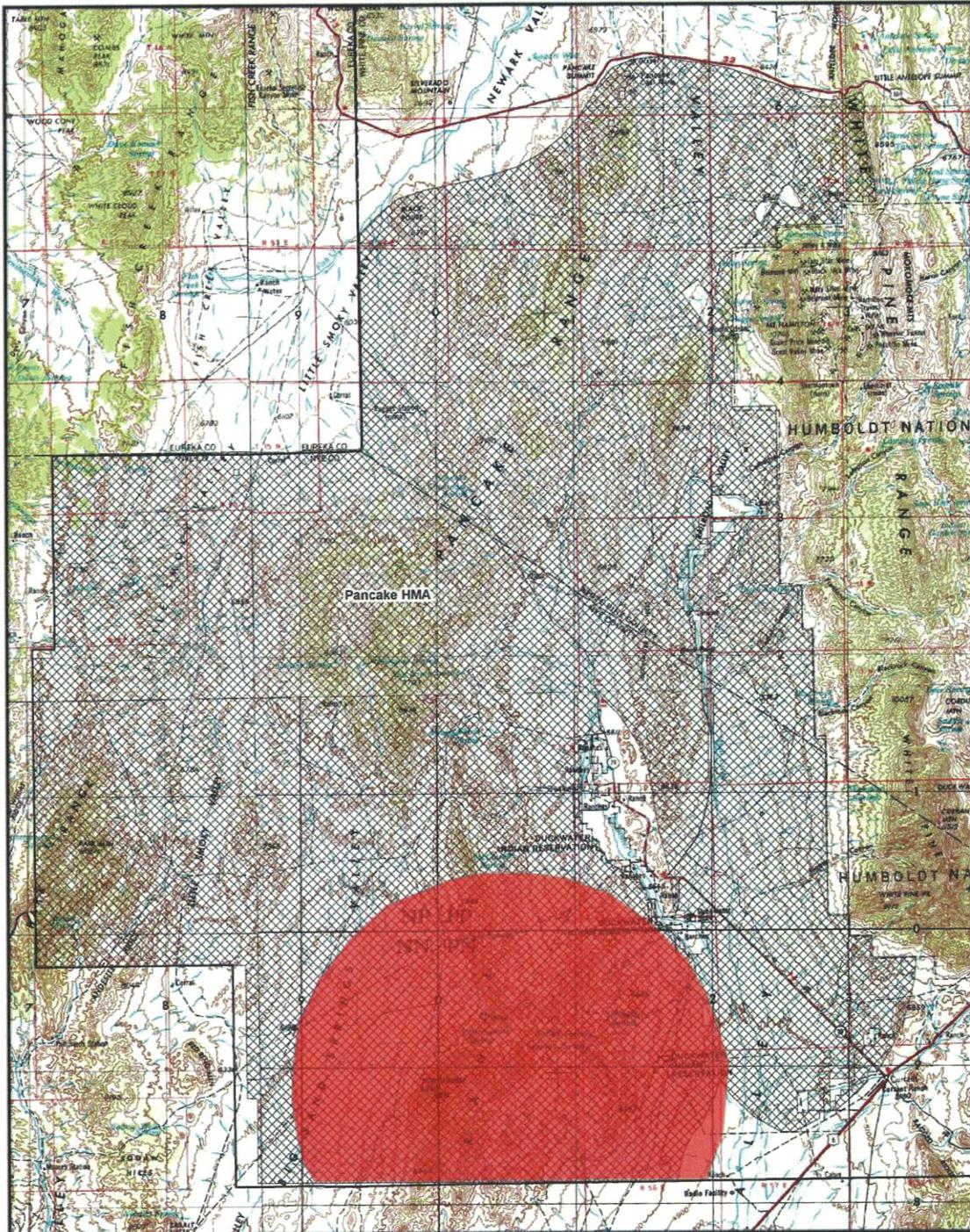

Date

Note:

The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Map

Pancake HMA



Determination of NEPA Adequacy (DNA)

No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.



Legend

- HMA
 -  Pancake
 -  Area of Concern

Egan Field Office
2012

Photo



Ike Springs photo taken 7/7/2012 wild horses in body condition 2-3