

**Finding of No Significant Impact
for the Humboldt River Field Office
Owyhee Complex Herd Management Area Gather
Final Environmental Assessment
DOI-BLM-NV-W010-2012-0055-EA**

FINDING OF NO SIGNIFICANT IMPACT

Based on the interdisciplinary analysis conducted in the Owyhee Complex Herd Management Area Gather Final Environmental Assessment (EA), DOI-BLM-NV-W010-2012-0055-EA, dated October 16, 2012, and my consideration of the Council on Environmental Quality's 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 any of the Action Alternatives are not significant. Therefore, preparation of an Environmental Impact Statement is not required as per Section 102 (2) (C) of the National Environmental Policy Act (NEPA).

CONTEXT

This Final EA has been prepared to analyze the proposal to conduct a wild horse gather in the Little Humboldt, Little Owyhee, Owyhee, Rock Creek, and Snowstorm Mountains Herd Management Areas (HMA) – collectively called the Owyhee Complex. The proposed gather would include removing excess wild horses from inside and outside the Owyhee Complex; adjusting sex ratios to favor males; and treating mares with a fertility control agent. The Little Owyhee and Snowstorm Mountains HMAs are managed by the Winnemucca District, Humboldt River Field Office (HRFO). The Owyhee, Rock Creek, and Little Humboldt HMAs are managed by the Elko District, Tuscarora Field Office.

The Owyhee Complex consists of approximately 1,055,023 total acres, but the gather area consists of approximately 2,047,281 acres, which encompasses additional lands where wild horses are residing outside of the Owyhee Complex. Wild horses have moved outside of the HMAs in search of forage, water, and space due to the current over-population of wild horses in this area as well as the current drought conditions.

The estimated population of wild horses within the entire gather area is approximately 2,267 wild horses based on surveys conducted in September 2012. For the Little Owyhee HMA the estimated population of wild horses is 1,097 which exceeds this HMA's low appropriate management level (AML) of 194 by 903 wild horses and is approximately 5 times higher than low AML and 3 times higher than high AML. For the Snowstorm Mountains HMA the estimated population of wild horses is 537 which exceeds this HMA's low AML of 90 by 447 wild horses and is approximately 6 times higher than low AML and 4 times higher than high AML.

The Action Alternatives as identified and described in full, in the EA, would be to implement a long term management strategy. The proposed gather is expected to take approximately 30 days.

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 populations 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 fall of 2012 and follow up gathers over the next 10 years to maintain the HMAs 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.

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 any of the Action Alternatives. (Refer to EA Chapter 2.1 Actions Common to Alternatives A-C).

2) The degree to which the Action Alternatives 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 Appendix A. Standard Operating Procedures for Wild Horse Gathers. The Action Alternatives 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 are no park lands within or in close proximity to the gather area.

Prime farmlands would not be affected by the implementation of the Action Alternatives.

There are no wild and scenic rivers within or in close proximity to the gather area.

Approximately 110,810 acres of the gather area within the HRFO is managed as Wilderness Study Areas. Temporary gather sites and holding facilities for the wild horse gather would not be placed within Wilderness Study Areas.

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.

The Action Alternatives 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.”

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 Action Alternatives have 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 NEPA process and evaluated with the appropriate level of NEPA documentation. The Action Alternatives do not set a precedent for future actions.

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

The Action Alternatives are 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 Action Alternatives 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 and coordination activities were conducted and concerns relative to implementation of the Action Alternatives 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) and two candidate species (Greater sage-grouse and Columbia spotted frog) 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 Action Alternatives. 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 (USFWS) in Reno, Nevada. The BLM requested a species list on August 26, 2012, and received the official list for the project area on September 4, 2012 from the USFWS. A request for consultation and a Biological Assessment were submitted on September 17, 2012. A Letter of Concurrence was received via e-mail on October 17, 2012, from the USFWS 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 Action Alternatives would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The Action Alternatives are in conformance with all applicable 43 CFR regulations. The Action Alternatives 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 Action Alternatives.

/s/ Gene Seidlitz

Gene Seidlitz
District Manager
Winnemucca District

10/18/2012

Date