

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
BATTLE MOUNTAIN DISTRICT/MOUNT LEWIS FIELD OFFICE  
ELY DISTRICT/EGAN FIELD OFFICE  
ELKO DISTRICT/TUSCARORA FIELD OFFICE**

**FINDING OF NO SIGNIFICANT IMPACT**

Based on the interdisciplinary analysis conducted in the Diamond Complex Wild Horse Gather Final Environmental Assessment, (EA), DOI-BLM-NV-B010-2012-0045-EA, dated December 2012 and my consideration of the Council on Environmental Quality's criteria for Significance (40CFR 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 will not significantly affect the quality of the human environment. 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**

This Final EA has been prepared to analyze the proposal to conduct a wild horse gather in the Diamond, Diamond Hills North, Diamond Hills South, and Outside Herd Management Area (HMA) boundaries-collectively called the Diamond Complex. The proposed gather would include removing excess wild horses from inside and outside the Diamond Complex, adjusting sex ratios to favor males and treating mares with a fertility control agent.

The gather area is administered by the Bureau of Land Management's (BLMs) Mount Lewis, Egan and Tuscarora Field Offices. The Diamond Complex is located in Eureka, White Pine and Elko Counties north of Eureka, Nevada. The Mount Lewis Field Office (MLFO) is the project lead for completion of NEPA and gather planning.

The proposed gather area includes areas within and outside of HMA boundaries. The Diamond Complex is approximately 355,000 acres in size of which 257,378 acres are within HMAs and 99,500 acres are outside of HMA boundaries.

The most recent helicopter population inventory flight was conducted November 6-7, 2012. The direct count in the Diamond Complex was 813 wild horses. The upper range of Appropriate Management Level (AML) for the Complex is 210 wild horses.

The Preliminary Diamond Complex EA and Gather Plan was made available to the interested public on October 19, 2012 for a 30 day review and comment period. All comments were reviewed and considered in completion of the Final Gather EA. Several letters were received in support of the gather as well as against the gather. Numerous form letters were received, which were generated from members of an animal welfare organization. These comments are summarized and substantive comments addressed within Appendix F of the Final EA. As a result of the comments received, some additions were made to the Final EA for clarification purposes; including discussion in regarding safety and humane treatment of the wild horses, and information throughout the regarding the results of the wild horse inventory in November 2012. Additionally,

photos were added throughout the document to further illustrate conditions of the range, wild horse condition, resource issues and inventory methods. Beyond these changes, no substantial modifications were made to the EA as a result of the comments received.

The Action Alternatives as identified and described in full, in the EA, would be to implement a long term management strategy. In order to control population growth rates, subsequent gathers over approximately the next ten years 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 Environmental Assessment considered both beneficial and adverse impacts of the gather and removal of wild horses from the gather area in the winter of 2013 and follow up gathers over the next 10 years to maintain the population at AML and to implement fertility control measures.

Treatment of the mares within the Diamond Complex with the fertility control vaccine PZP-22 would reduce growth rates and slow population size increase. The fertility control vaccine PZP has been used in Nevada on wild horses since 1992. PZP is relatively inexpensive, meets BLM requirements for safety to mares and environment, and can easily be administered in the field. In addition, among mares, PZP contraception appears to be completely reversible. The goal of future re-treatment of the Diamond Complex mares with fertility control is to maintain the populations within the established AMLs, preventing an overpopulation of wild horses, to extend the time until another gather is needed, and to reduce or eliminate the number of excess wild horses that must be removed from the range and placed for adoption, sale or maintained in long term pastures.

The EA also analyzes sex ratio adjustment as a population control tool with the objective to leave a post gather population of 60% studs and 40% mares. The effects are expected to be slight as the proposed sex ratio is not an extreme departure from normal sex ratios of wild horses on the range which are typically close to 50:50, but may range from 60:40 to favor studs or 40:60 to favor mares.

Standard Operating Procedures (SOPs) are in place (and documented in the Final EA) to minimize stress and injury to the gathered wild horses and are also in place to minimize the disturbance of natural resources and wildlife. Archaeological site clearances would be conducted prior to the construction of temporary gather sites and holding facilities.

Maintaining the AML within the Diamond Complex would prevent further degradation of rangeland and riparian resources, and promote continued improvement in the quality of wild horse habitat over the long term. Preventing an overpopulation of wild horses and ensuring a thriving natural ecological balance within these HMAs will allow for the recovery and improvement of natural resources, such as soils, vegetation, watersheds, and important wildlife habitat. A healthy population of wild horses will remain in the Diamond Complex in balance with the available forage, water and space.

### ***2. The degree to which the proposed action affects public health and safety.***

The 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 Final Diamond Complex Gather EA Appendix A and G. The Proposed Action would have minimal effects on public health or safety.

***3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.***

There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas within the gather area. 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. Wild horse gather activities would not be conducted within Wilderness Study 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 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 implementation of the gather are well known and understood. This is demonstrated through the effects analysis in the EA. Some members of the public advocate that no wild horses should be removed from any public lands and urge removal of livestock or letting “nature take its course”. However, the effects of wild horse gathers on the *quality of the human environment* are well documented through the many years of management of wild horses through gathers and other population controls, and are not highly controversial. No unresolved issues concerning the impacts to resources or the human environment were raised following public notification of the proposed gather.

***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. This is demonstrated through the effects analysis in the EA.

***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 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 project area that would result in cumulatively significant impacts. Proper environmental analysis would be completed for all future actions. Cumulative impacts were analyzed in the EA.

**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 historic 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 facilities would be cleared to determine the presence of sites that are unclassified, eligible, or potentially eligible for the National Register of Historic Places. Archaeological site clearances and avoidance measures would ensure that loss or destruction of significant scientific, cultural, or historical resources does not occur.

**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 Endangered Species Act of 1973.**

There are no known threatened and endangered species present in the project area.

**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 regulations under 43 CFR. The Proposed Action would not violate the Migratory Bird Treaty Act or Endangered Species Act.

/s/ Christopher J. Cook 12/11/12  
Christopher J. Cook Date  
Field Manager  
Mount Lewis Field Office

/s/ Richard E. Adams 12/11/12  
Richard E. Adams Date  
Field Manager,  
Tuscarora Field Office

/s/ Timothy R. Shannon 12/11/12  
Timothy R. Shannon Date  
Field Manager,  
Egan Field Office