

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

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**Finding of No Significant Impact**

**Livestock Grazing Authorization and Wild Horse Appropriate  
Management Level Establishment Massacre Lakes Allotment  
and Herd Management Area**

**August 27th 2013**

**PREPARING OFFICE**

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**DOI-BLM-CAN070-2013-0021-EA**

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# **Chapter 1. Finding of No Significant Impact**

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## 1.1. INTRODUCTION

The Bureau of Land Management (BLM) has conducted an environmental analysis (DOI-BLM-CA-N070-2013-0021-EA) analyzing the impacts of authorizing grazing on the Massacre Lakes Allotment (#1007) for the next ten years and setting Appropriate Management Levels (AMLs) for the Massacre Lakes Wild Horse Herd Management Area (HMA).

The environmental assessment (EA) analyzes (5) alternatives including the BLM's Proposed Action.

Alternative 1, the Proposed Action, is described on pgs. 10-15 of the EA and consists of:

- The BLM would continue authorizing grazing on the Massacre Lakes Allotment (#01107) for the next ten years by issuing one grazing permit.
- A revised rotational grazing system, allotment objectives, additional terms and conditions and the establishment of Desired Plant Communities (DPCs) for major ecological sites.
- The proposed livestock grazing practices including the rotational grazing system are designed to:
  - Provide native bunchgrasses with regular rest or deferment during the critical growth period for the grasses (April, May and June).
  - Provide substantial areas for sage-grouse breeding, nesting and brood-rearing with reduced livestock use.
  - Provide that areas grazed by livestock have residual herbaceous vegetation for soil protection and wildlife cover at the end of the grazing period.
- Establishment of lower and upper Appropriate Management Levels for Wild Horses of 25 to 45 animals.

The Proposed Action addresses the underlying need for the proposal and accomplishes the following objectives which were developed from the Surprise Field Office Resource Management Plan (RMP) and Record of Decision, April 2008, and Standards and Guidelines (S&Gs):

**Objective 1:** Sustainable, ecologically sound, and economically viable livestock grazing opportunities would be provided, where suitable, in the Surprise Field Office management area.

**Objective 2:** Adequate forage would be produced to support sustainable levels of livestock grazing where compatible with objectives for other resources and resource users.

**Objective 3:** Continue to modify and adjust grazing management within individual grazing allotments to ensure that a vigorous plant community is sustained in combination with livestock grazing.

**Objective 4:** Ensure that the natural distribution, variety, and abundance of native plants, plant communities, and associations are restored and native plants and ecosystems remain healthy throughout their range.

**Objective 5:** Restore degraded landscapes, especially shrub lands dominated by exotic annual grasses, perennial grasslands choked with brush, and decadent mountain big sagebrush.

**Objective 6:** Ensure that vegetation provides sufficient forage, water, and cover (thermal and escape) for wildlife.

**Objective 7:** Eliminate encroachment and significantly reduce invasive juniper in order to restore shrub-steppe, aspen, riparian, and mountain mahogany plant associations. However, maintain ecosystem integrity in natural juniper woodlands.

**Objective 8:** Achieve healthy and productive wetland and riparian habitats through measures that will restore and protect riparian vegetation, and achieve habitat diversity and hydrologic stability.

**Objective 9:** Produce healthy aspen stands (upland and riparian) through measures that will promote regeneration and growth, and create size and age class diversity. Restore and maintain ecosystem integrity and productivity in natural mountain mahogany woodlands.

**Objective 10:** Manage critical habitats of endangered and threatened wildlife according to recovery plans or habitat management plans.

The Surprise RMP Wild Horse Desired Future Condition (2.21.1)

Wild horses would be limited to established herd management areas at appropriate management levels so as not to degrade ecosystems or interfere with activities of resource users. Horses would be regularly gathered to reduce numbers and excess animals would be placed in the National Wild Horse and Burro Adoption Program. Genetic data would be used for guidance and confirmation regarding selection for historical herd characteristics in animals contemplated for release. Although horses from the SFO management area are mostly high-quality animals and popular in the adoption program, fertility control will likely have increased importance as a more cost-effective method for maintaining healthy herds and minimizing resource damage.

## 1.2. PLAN CONFORMANCE AND CONSISTENCY

The Proposed Action is subject to and conforms to the Surprise Field Office Resource Management Plan (RMP) and Record of Decision, April 2008 and the RMP for the Black Rock Desert-High Rock Canyon Emigrant Trails (2004). The Surprise RMP supports the proposed authorized use in the Massacre Lakes Allotment as identified in Section 2.8.5 (p. 2-35):

Livestock grazing would be available on 49 allotments (1,445,443 acres). The Surprise Field Office would continue to authorize approximately 92,465 AUMs of livestock use annually. Review of existing permitted use-levels (AUMs) would be conducted on individual allotments through assessment of existing activity plans (allotment management plans, livestock grazing decisions, habitat management plans, watershed management plans, biological opinions, multiple-use decisions). Decisions regarding adjustments to existing levels of use, forage allocation, allotment boundaries, and changes to management level categories would be made at the activity plan level. When additional forage becomes available on a sustained yield basis, suspended AUMs can be appointed to permittees.

The action is also in accordance with 43 CFR 4100 and to be consistent with the provisions of the Taylor Grazing Act, Public Rangelands Improvement Act, and Federal Land Policy and Management Act.

## 1.3. FINDING OF NO SIGNIFICANT IMPACT DETERMINATION

Based upon a review of the attached EA and the supporting documents, I have determined that Alternative 1, the Proposed Action, is not a major federal action having a significant effect on the human environment, individually or cumulatively with other actions in the general area. For this reason no environmental impact statement needs to be prepared. This finding is based on the following rationale and discussion of context and intensity of the action.

### **Rationale:**

Following is the rationale for why the Proposed Action as discussed in the EA will not significantly affect the resources present in the Massacre Lakes Allotment:

### **Cultural Resources**

Cultural resources are predicted and known to occur within the allotment.

The Massacre Lakes Allotment consists of 44,480 acres of public land and 2,410 acres of privately owned land. Within the allotment, a small fraction of the area has been inventoried for cultural resources employing a stratified sampling technique using 100 meter-wide transects. As a result of the inventory, a number of archaeological sites were discovered and recorded. The types of sites discovered within the allotment are prehistoric and are characterized as follows: petroglyphs, temporary camps, sites associated with resources processing and hunting, and lithic reduction sites. Although these sites have not been formally evaluated for the National Register of Historic Places (NRHP), all sites are considered eligible to the National Register by the BLM until they are found to be not eligible.

In accordance with the 2004 State Protocol Agreement between California Bureau of Land Management and The California State Historic Preservation Officer and the 2004 Grazing Amendment, Supplemental Procedures for Livestock Grazing Permit/Lease Renewal, a Cultural Resource Assessment will be completed in the future. In accordance with the protocol the permit may be renewed prior to the cultural resource assessment being completed.

### **Wildlife**

*Sage-grouse habitat* -the Greater sage-grouse (*Centrocercus urophasianus*) is found within the allotment and is considered a BLM sensitive species. Two active sage grouse leks (strutting grounds) are known to exist within the allotment. Sage-grouse are known to use the allotment. Sage-grouse use within the allotment is considered yearlong. Livestock grazing within the SFO is managed in compliance with land health standards and livestock grazing standards and guidelines. Compliance with these standards, among other objectives, is designed to minimize adverse effects to sage-grouse and other wildlife species. In addition, the use areas are managed following guidelines from the Conservation Strategy for Sage-Grouse (*Centrocercus urophasianus*) and Sagebrush Ecosystems within the Vya Population Management Unit (Northeast California Sage-Grouse Working Group, 2006).

### **Wild Horses**

Massacre Lakes Herd Management Area (HMA) lies entirely within the boundaries of the Massacre Lakes Allotment north of County Road 8A (Map 3). Excess wild horses were last

gathered from the HMA in 1988, which brought numbers into Appropriate Management Level (AML).

Based on the June 2012 population inventory and projected recruitment rate of 20% per year, the current wild horse population on the Massacre Lakes HMA is estimated to be 186 wild horses, well above the proposed AML range of 35 - 45 wild horses. Though the population has varied from 149 to 160 head based on aerial inventories since 2009. The Massacre Lakes wild horse herd appeared to be healthy and reproducing based on periodically field observations, but genetic and horse health information has not been collected. The Nut Mountain HMA, contiguous to the Massacre Lakes HMA, has the lowest document coefficient of in-breeding of all BLM HMAs for which genetic testing has been completed. Additionally, the Carter Reservoir HMA, which has the same AML as Massacre Lakes, but is not contiguous to other HMAs, has been tested for genetic diversity and is well above minimum standards for diversity (Cothran cited in NAS, 2013). Pasture gates are opened at the end of the grazing season, and the wild horses in the HMA have no difficulties moving between seasonal ranges. Additionally, gates between adjacent allotments and HMAs are also opened at the end of the livestock grazing season to facilitate livestock movements back to home ranches.

#### Resource Concerns and Environmental Assessment Issues

Many resource concerns were identified during internal and external scoping. These are listed and discussed in Chapter 2 of the EA. The multi-resources staff of the Surprise Field Office reviewed the concerns raised during the scoping process. The staff developed specific issues that were considered during the Environmental Assessment Process that incorporated concerns generated during scoping.

**Context:** The proposed action is in a project area involving a grazing allotment with five pastures totaling approximately of 44,480 acres of BLM administered public land that by itself does not have international, national, regional, or state-wide importance, but on a local level it is important to the economy and public land health.

**Intensity:** The following discussion is based on the relevant factors that should be considered in evaluating intensity as described in 43 CFR 4100:

**1. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.**

I have determined that none of the direct, indirect or cumulative impacts associated with the selected alternative are significant, individually or combined.

**2. The degree to which the selected alternative will affect public health or safety.**

The Proposed Action affects public and private lands within a rural setting. Grazing by livestock and wild horses at similar levels as described in the Proposed Action has occurred in the same location for over 30 years in combination with other human activities including but not limited to off-highway vehicle (OHV) use, hunting and hiking. Since grazing has been authorized within the affected area there have been no known instances where public health or safety has been affected or a conflict has occurred.

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

A discussion of these unique geographic areas and anticipated environmental issues is located in Chapter 3 of the EA. The unique characteristics associated with the Massacre Lakes Allotment were analyzed in the EA. Based on the EA and above rationale I have determined that the selected alternative will not have a significant impact on the unique characteristics within affected area.

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

Scoping for the proposed action and background information was sent to known affected and interested publics. After review of the comments and issues identified from the scoping process and those analyzed in the EA, I have determined that the effects described in the EA 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.**

Grazing by livestock and wild horses are common actions authorized by the BLM, the effects from which have been thoroughly analyzed in NEPA documents, including the recent RMP, and scientific publications. The analysis provided in the attached EA does not indicate that this action would involve any 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.**

The issuance of a grazing permits or establishment of AMLs are not precedent setting. Grazing has been authorized on the allotment since the allotments' establishment. The process of setting AMLs has been ongoing for decades.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.**

A cumulative effects analysis was conducted as part of the EA, and it determined that there were no cumulatively significant effects associated with the selected alternative.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or other 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 will not adversely affect National Register of Historic Places sites or cause loss or destruction of significant scientific, cultural, or historic resources. Mitigation measures for managing sites that are determined to be impacted by livestock or wild horses grazing may include: fencing, relocation of improvements, removal of natural attractants for livestock from archaeological sites, removal of the archaeological site(s) from the allotment, livestock herding away from cultural resource sites, using salt to move livestock away from cultural resource areas.

Additional management practices may be developed after consultation with the State Historic Preservation Office. Implementation of grazing under Alternative 1 will likely help stabilize existing sites through improving the vigor of perennial vegetation and by allowing litter accumulation.

**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 (ESA) of 1973.**

The action does not adversely affect any endangered or threatened species, or its habitat that has been determined to be critical under the ESA.

**10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where nonfederal requirements are consistent with federal requirements.**

The action does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment.

## **1.4. Signatures:**

Approved by:

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Tim Burke  
Surprise Field Manager

[Date]