

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

FINDING OF NO SIGNIFICANT IMPACT

I have determined that the impacts associated with implementation of any of the Action Alternatives analyzed within the Fish Creek HMA Wild Horse Gather Plan Final Environmental Assessment (EA) DOI-BLM-NV-B010-2015-0011-EA (Fish Creek Gather EA) will not significantly affect the quality of the human environment. This determination is based on the interdisciplinary analysis conducted within the Fish Creek Gather EA, dated February, 2015, 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. 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 Fish Creek Gather EA has been prepared to analyze the proposal to conduct a wild horse gather and implement a Population Growth Suppression program within the Fish Creek HMA. The proposed gather would include removing excess wild horses from inside and outside the HMA and treating mares with a fertility control agent.

The gather area is administered by the Bureau of Land Management's (BLMs) Mount Lewis Field Office. The Fish Creek Complex is located in Eureka County west of Eureka, Nevada.

The proposed gather area includes areas within and outside of HMA boundaries, and only includes the portion of the HMA south of U.S. Highway 50. The small portion north of the highway is managed with the Roberts Mountain Complex. The Fish Creek HMA is approximately 230,675 acres in size and encompasses the east side of Antelope Valley, the Mahogany Hills, Fish Creek Range and a portion of the Antelope Range.

The most recent helicopter population inventory flight for the HMA was conducted in March 2014. Based on the direct count of the horses during this flight, the current estimated population is 579 wild horses. The Appropriate Management Level (AML) for the HMA is 101-170 wild horses.

The Preliminary EA was posted on the Nevada NEPA Register and available on the Battle Mountain District website on December 22, 2014. A letter was mailed to the interested public mailing list informing 56 individuals, organizations and State and Federal Agencies of the availability of the document for public review. The Preliminary EA was also made available to the Nevada State Clearinghouse which made the notification letter and EA available for review by over 50 different local, county, state, and federal agencies from around the state. Letters were also sent to Native American Tribal Representatives throughout Central Nevada informing them of the proposed gather. A total of 91 comments from various organizations, institutions or individuals were received. Comments received were considered in completion of the Final Fish Creek Gather EA and summarized in Appendix F of the EA. As a result of the comments received, some

additional information was added or discussion supplemented to specific portions of the EA, and minor edits were made to the document. No substantial modifications were made to the EA as a result of the comments received.

The Proposed Action Alternative as identified and described in full in the Final EA, would be to implement a long term management strategy involving wild horse gathers using helicopter and/or bait and water trapping, removal of excess wild horses and the use of approved fertility control vaccines. In order to control population growth rates, phases of the operation over approximately the next ten years would implement fertility control treatments.

Intensity

1. Impacts assessment considered both beneficial and adverse aspects.

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 2015 and follow up gathers and population growth suppression operations over the next 10 years to maintain the population at AML and to implement fertility control measures.

Treatment of the mares within the Fish Creek HMA with the fertility control vaccine ZonaStat-H and 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 Fish Creek HMA mares with fertility control is to achieve a population within the established AML, preventing an overpopulation of wild horses, 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 over the long term.

Standard Operating Procedures (SOPs) are in place (as 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.

Achieving and maintaining the AML within the Fish Creek HMA 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 the HMA 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 Fish Creek HMA 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 Fish Creek Gather EA Appendix A and F. 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.



Michael Vermeys
Acting Field Manager,
Mount Lewis Field Office



Date