

**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

## **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

### **Gather of Excess Wild Horses Outside of the Piceance-East Douglas Herd Management Area**

#### **DOI-BLM-CO-N05-2017-0056-EA**

#### **Background**

The most recent inventory of the Piceance-East Douglas Herd Management Area (PEDHMA) and locations outside of the PEDHMA, conducted in February 2016, found that there are approximately 44 excess wild horses within the Cathedral Creek drainage. With an estimated recruitment rate of 20 percent for both 2016 and 2017, the population could reach 64 wild horses. Although the February 2016 inventory did not include any other areas located outside of the PEDHMA, based on past history and on the ground sightings in other areas, the BLM estimates 210 excess wild horses will be located outside of the PEDHMA by the end of year 2017.

The need for this action is after the review inventories, the White River Resource Management Plan and all applicable Resource Management Plan Amendments, and other information in accordance with The Wild Free-Roaming Horses and Burros Act of 1971, as amended the BLM has determined that excess wild horses exist on the public and private lands adjacent to PEDHMA requiring they be gathered and removed. The wild horses that reside outside of the PDHMA are impacting the landscape and the ability to maintain a thriving, natural ecological balance and multiple-use relationship in the area.

Therefore, the purpose for this action is to remove all excess wild horses that reside outside of the PEDHMA in accordance with The Wild Free-Roaming Horses and Burros Act of 1971 and in order to comply with existing Land Use Planning<sup>1</sup> decisions set forth in the White River Resource Management Plan (Record of Decision, July 1997).

As provided in 16 USC § 1332 (f) and the BLM Manual, 4710.12, the term "excess animals" includes wild free-roaming horses or burros which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area and to manage wild horses within designated management areas.

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<sup>1</sup> 16 U.S.C. §1333(b)(2)

## **Finding of No Significant Impact**

Based upon a review of the EA and the supporting documents, I have determined that the Proposed Action will not have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity, as defined at 40 CFR 1508.27 and do not exceed those effects as described in the White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (1996). Therefore, an environmental impact statement is not required. This finding is based on the context and intensity of the project as described below.

### ***Context***

The project is a site-specific action directly involving BLM administered public lands that do not in and of itself have international, national, regional, or state-wide importance. This Environmental Assessment (EA) specifically considers the methods to be used to gather excess wild horses that reside outside of the PEDHMA. The BLM is preparing this EA to disclose and analyze the environmental consequences of the methods used to gather excess wild horses in compliance with the National Environmental Policy Act (NEPA).

For this project, BLM would conduct most, if not all, of the necessary activities on previously disturbed lands which is estimated at impacting less than 50 acres in the short-term. Design features are included for pre-construction in previously disturbed and undisturbed locations, as well as, post-construction monitoring on all lands. Existing disturbances within the analysis area include: grazing by livestock, wild horses and wildlife; and construction and/or maintenance associated with range improvement projects; vegetation treatments; and both wildfires and prescribed burns. Energy development in the area was initiated decades ago with most development occurring in the last 15 years, however, no matter the development in the area the maintenance of energy related facilities continues and is necessary to keep those facilities operational (i.e., producing wells).

Affected interests for this project may include wild horse special interest groups, energy facilities operators, grazing permittees, and people who use the area for recreation.

### ***Intensity***

The following discussion is organized around the 10 Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this Proposed Action:

#### **1. Impacts that may be both beneficial and adverse.**

Beneficial and adverse effects of the Proposed Action and alternatives were described in the EA. Design features to reduce potential short-term impacts to soils, distribution of invasive non-native species, sensitive plants, migratory birds, wildlife, cultural and paleontology are identified in the proposed action.

Beneficial impacts from the project include the reduction of range deterioration due to the presence of wild horses residing in areas not designated for their long-term management, including areas where wild horses were not present in 1971. Implementation of the project would

also allow the BLM/WRFO to focus on wild horse management within the Piceance-East Douglas Herd Management Area.

None of the environmental impacts disclosed in the EA exceed what has been documented in White River Resource Management Plan (Record of Decision, July 1997).

## **2. The degree to which the Proposed Action affects public health or safety.**

Gather operations would comply with the BLM's safety policies and guidelines, and other federal, state, and local laws. The potential for risks to public health and safety would be low, however, if they occurred, would occur over limited, brief periods.

## **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, prime farmlands, or wild and scenic rivers, in the project area.

Cultural resources would be protected by the design features. Future trap locations would be placed on previously used sites, or would have cultural clearances completed prior to construction. If necessary trap sites would be relocated or modified to avoid impacts to cultural resources.

Any traps placed within an ACEC would be limited to areas of existing disturbance and would be placed in a manner that would not impact resources for which the ACEC has been designated. Until the BLM makes a decision (through a land use planning process) on whether or not to designate the two potential ACECs within the gather area, the BLM would place traps in the same manner as within the designated ACECs.

## **4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial.**

No highly controversial possible effects of the Proposed Action were identified in the EA. "Whether a proposed action is 'likely to be highly controversial' under 40 CFR 1508.27(b)(4) is not a question about the extent of public opposition, but, rather, about whether a substantial dispute exists as to its size, nature, or effect." *Missouri Coalition for the Environment*, 172 IBLA 226, 249 n.23 (2007). *See also* 43 CFR 46.30 ("Controversial refers to circumstances where a substantial dispute exists as to the environmental consequences of the proposed action and does not refer to the existence of opposition to a proposed action, the effect of which is relatively undisputed.") The Proposed Action is to remove all excess horses from outside of the PEDHMA. Wild horse management will continue within the PEDHMA. Approximately fifteen other such gather operations have occurred in areas outside of the PEDHMA. The potential effects of the gather operations and the removal of wild horses from areas outside their designated management areas are well understood. Previous comment and concerns against the removal of wild horses from public lands in the WRFO have provided no scientific evidence supporting claims that the project will have controversial effects within the meaning of this factor.

**5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk.**

The project is not unique or unusual in this area. Approximately fifteen other such gather operations have occurred in areas outside of the PEDHMA. No highly uncertain or unknown risks to the human environment were identified during analysis of the Proposed Action.

**6. 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 Proposed Action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. This decision is not precedent setting. The Proposed Action was considered in the context of past, present and reasonably foreseeable actions. This decision is not unusual and impacts from gather operations have been previously evaluated in several EAs: CO-110-2006-030-EA, CO-110-2006-166-EA, DOI-BLM-CO-110-2010-0089-EA, and DOI-BLM-CO-110-2011-058-EA.

Impacts from the Proposed Action are not predicted to exceed previously disclosed impacts and an EIS is not required. This decision does not entail any known issues or elements that would create a precedent for wild horse gather methods. The decision does not represent a decision in principle about a future consideration.

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

The analysis contained in the EA did not reveal any significant cumulative effects. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant new cumulative effects are not expected.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

No potential impacts to those portions of Canyon Pintado National Historical District, other districts, sites, highways, or structures have been identified within the project area. Per the design features included in the EA all traps and temporary holding facilities will be located on previous trap locations or surveyed for cultural resources prior to placement. Bait or water trapping would also avoid all known sites and the trap sites themselves would not cause any impacts to known sites.

**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.**

There are no threatened or endangered animal species that are known to inhabit or derive important use from the analysis area. There are threatened plant species known to exist in the

analysis area. Inventories have been conducted for these and other special status plant species within the analysis area. However, BLM will conduct surveys for plant species in locations where potential exists for them to occur prior to trap placement. If necessary, traps would be relocated or modified to avoid special status plant species.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

Neither the Proposed Action or alternatives nor impacts associated with the Proposed Action or Alternatives with it violate any laws or requirements imposed for the protection of the environment.

**Signature of Authorized Official**

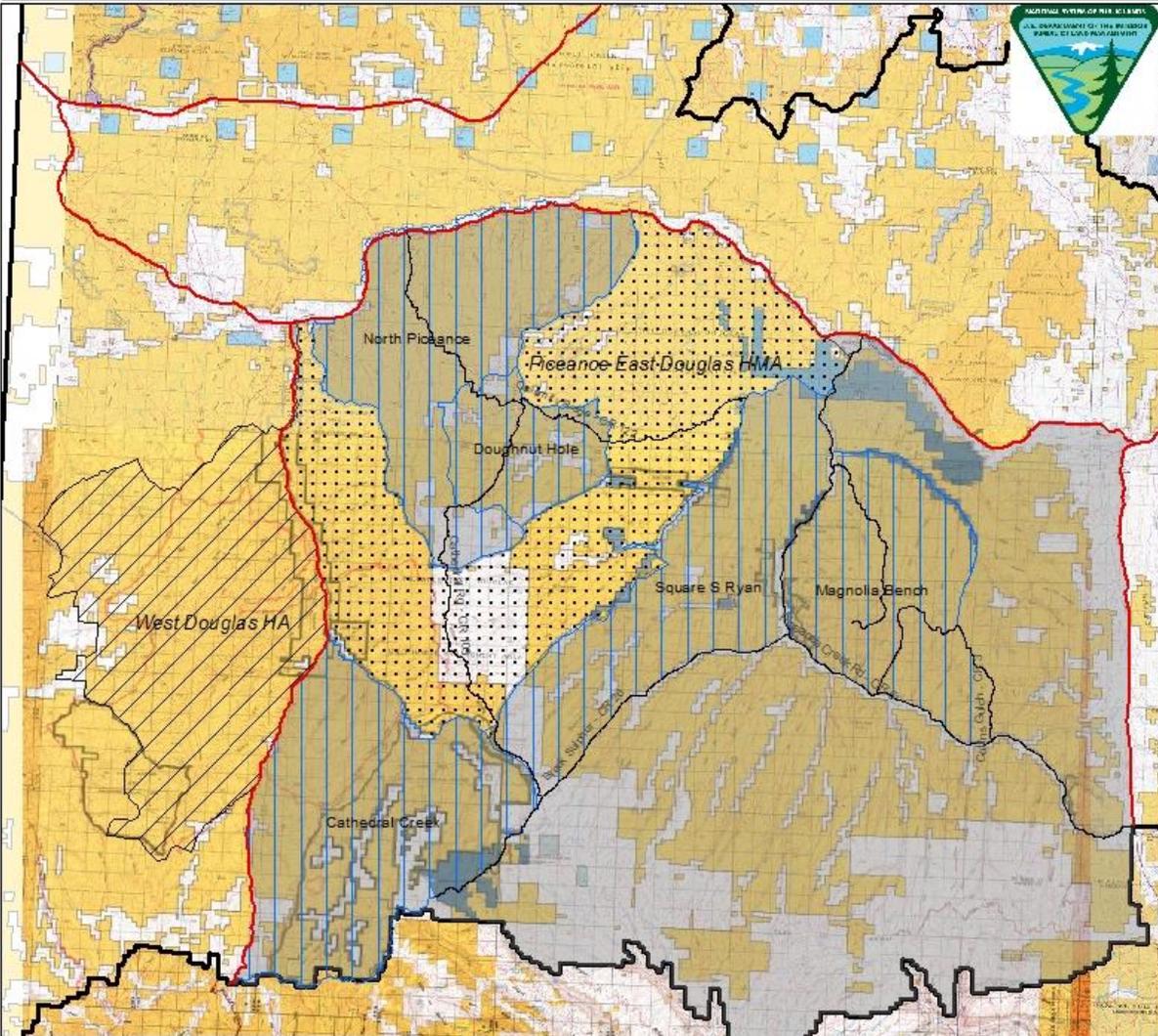


Kent E. Walter, Field Manager



Date

# Removal Area Outside PEDHMA



**Legend**

- County
- State
- Areas Known to Have Wild Horses 2017
- Removal Area Outside HMA
- Piceance East Douglas HMA
- West Douglas HA
- Bureau of Land Management
- Colorado Parks and Wildlife
- Private
- State
- WRFO Boundary



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