
FINDING OF NO SIGNIFICANT IMPACT
for the
Centennial, Panamint, and Slate Range Herd Areas Wild Burro Gather Plan
Environmental Assessment
DOI-BLM-CA-D050-2021-0015

Bureau of Land Management, Ridgecrest Field Office

INTRODUCTION

An Environmental Assessment (EA) has been prepared to analyze the potential effect(s) of authorizing a 10-year wild burro gather plan for the Centennial, Panamint, and Slate Range Herd Areas (HAs) (the Proposed Action or project). The purpose and need for Proposed Action is to gather and remove all excess wild burros from the Centennial, Slate Range and Panamint Herd Areas and remove nuisance burros when applicable over the next 10 years. The need is based on the BLM's obligations established by the provisions of the Wild Free-Roaming Horses and Burros Act which mandates management of wild burros in a manner that is compliant with the land use plan decisions, and which will lead to a thriving natural ecological balance. The CDCA plan as amended (1981, Amendment 24 and 1983, Amendment 12) identified these three HAs as areas from which all burros should be removed, due to the conflicts with the Naval Air Weapons Station China Lake (NAWSCL) and the infeasibility to maintain a population on BLM lands when removals would be conducted in adjacent jurisdictions on NAWSCL and NPS-Death Valley National Park. Public safety concerns and protection of wildlife habitat resource values, including critical habitat for the Inyo California towhee and desert tortoise habitat further necessitate and support removal of all excess burros from the HAs. The Proposed Action will primarily implement the helicopter assisted drive trap method of capture and will utilize helicopter assisted roping and bait trap methods of capture when the drive trap method would not be feasible (see Chapter 2 of EA).

PLAN CONFORMANCE AND CONSISTENCY

Applicable BLM land use plans for the project include the California Desert Conservation Area (CDCA) Plan of 1980, as amended. The latest amendment to the CDCA Plan (the Desert Renewable Energy Conservation Plan, or DRECP) was approved in September 2016. The project area is area falls within numerous Areas of Critical Environmental Concern (ACECs).

The Proposed Action is consistent with the CDCA Plan and its amendment, the DRECP; it would comply with all applicable statutes and regulations and all applicable DRECP Conservation and Management Actions (CMAs).

FINDING OF NO SIGNIFICANT IMPACT

Based on a review of the EA and supporting documents, I have determined that the Proposed Action (1) is not a major Federal action and will not significantly affect the quality of the human

environment, either individually or cumulatively; and (2) is in conformance with the following statutes, plans and policies: FLMPA, CDCA Plan, the DRECP and the BLM's National Environmental Policy Act (NEPA) Handbook H-1790-1. and Per the Council on Environmental Quality (CEQ) regulations., whether a proposed action significantly affects the quality of the human environment is determined by considering the potentially affected environment of the action and the degree of its effects.

If the Federal agency prepares an EA and determines that the proposed Federal action does not have the potential to significantly affect the quality of the human environment, then NEPA directs the agency to prepare an EA and Finding of No Significant Impact (FONSI) rather than an environmental impact statement (EIS). Based on the analysis and conclusions in the EA prepared for this project, an EIS is not required.

POTENTIALLY AFFECTED ENVIRONMENT

In NEPA, "potentially affected environment" means the consideration of the significance of an action in several contexts or scales, such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant)). The Proposed Action points to no significant unmitigated environmental impact considering the following:

- The affected region is limited to the geographic extent of the Centennial, Panamint, and Slate Range Herd Areas in Inyo and San Bernardino Counties (California), where the project area is located. For this reason, the analysis of impacts in the EA is focused at this scale.

DEGREE

The term "degree" refers to the severity of a proposed action's impact on the environment. In determining an impact's degree, NEPA regulations direct Federal agencies to consider the following ten factors each of which is discussed below in relation to the Proposed Action.

1) Impacts that 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.

While consideration of a project's intensity must include analysis of both beneficial and adverse effects, only a significant adverse effect triggers the need to prepare an EIS BLM NEPA Handbook (Section 7.3)). The potential beneficial effects and adverse impacts of the Proposed Action are discussed briefly in the following sections.

None of the adverse environmental effects for the Proposed Action (Alternative 1), as discussed in detail in the EA (refer to Chapter 3 Affected Environment and Environmental Consequences) are considered significant, nor do the effects exceed any known threshold of significance, either beneficial or adverse. Alternative 1 was developed to implement the land use plan decision and to restore and maintain a thriving natural ecological balance and multiple use relationship

consistent with other resource needs as required under the Wild Free-Roaming Horse and Burros Act of 1971 (WFRHBA). Although the gather and removal of excess wild burros is expected to have short-term impacts on individual animals, over the long-term, it is expected to be beneficial for resources such as vegetative communities, riparian resources, and wildlife habitat that are being adversely impacted by the excess population of wild burros.

2) The degree to which the proposed action affects public health or safety.

The Standard Gather Operating Procedures (EA, Appendix A) would be used to conduct the gather and are designed to ensure protection of human health and safety, as well as the health and safety of the wild horses and burros. The Proposed Action would improve public health or safety for motorists traveling on major highways within the Ridgecrest Field Office and where there is a risk of collision with excess wild burros.

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

A number of known cultural resources exist within the three herd areas, however as described in Chapter 2 of the EA and as part of the standard operating procedures, these resources would be avoided during the gather. Trap sites and holding facilities would be surveyed before the gather begins to prevent adverse effects to cultural resources. If unanticipated cultural resources are discovered during the trapping process at the capture sites, trapping would cease immediately, and the Authorized Officer would be notified.

There are many ecologically critical areas with the HAs including ACECs, wetlands, and a Wild and Scenic River and as described in Chapter 2 of the EA, design features and management objectives for ACEC values, especially pertaining to wildlife species (including desert bighorn sheep) that would benefit from removal of all the excess burros. National Park Lands are adjacent to the HAs and would benefit from excess burro removal. Implementation of Alternative 1, the Proposed Action, would conform to and support the management goals for these areas.

There are no prime or unique farmlands within the HA.

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

The potential impacts to wild burros, vegetation, soil resources, invasive, water resources, wildlife resources (including special status species) anticipated by implementation of Proposed Action have been analyzed in detail within the EA and found not to be significant (see Chapter 3 of EA). These impacts are not highly controversial, nor is there substantial dispute within the scientific community regarding the nature or intensity of these effects. The burro management activities proposed in the EA have been studied and the anticipated effects are well documented in the literature; there is little to no scientific controversy over the potential impacts.

Comment letters were reviewed to determine if they provided evidence of potential highly controversial effects. While it was clear that the comments demonstrated public interest in wild burro management activities, as well as expressed disagreement over the best option for wild burro management, none of the comments demonstrated that there was a high degree of scientific controversy over the nature of the potential effects of the management actions proposed under Alternative 1 (see Appendix B of the Decision Record).

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The burro management activities proposed in the EA and as part of the Proposed Action have been studied and the anticipated effects are well documented in the literature; the possible effects on the human environment are not highly uncertain and would not involve unique or unknown risks. and determined did not provide For this reason, the BLM finds that the potential impacts are adequately analyzed for the Proposed Action in the EA and the nature of these impacts is not highly uncertain, nor would they involve either 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.

None of the management techniques analyzed in the EA represent new or untested methodologies. The Proposed Action (Alternative 1) does not set a precedent for future actions outside the 10-year gather plan. While these management approaches could be applied to other HAs through future action proposals, use of these methods would not bind the BLM to apply these approaches elsewhere and future actions would be subject to evaluation through the appropriate level of NEPA documentation and a separate decision-making process with public input.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts or a reasonably close causal relationship—The EA considered various past, present, and reasonably foreseeable future projects on both private and public land within the geographic area of the Proposed Action. As summarized above, the Proposed Action would not contribute substantially to any adverse effects in combination with other projects that may have a reasonably close relationship to this project.

8) The degree to which the action may adversely affect districts, sites, highways, structure, 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.

As stated in Section 2.3 of the EA, all work areas associated with the gather's activities will be confined to previously disturbed areas where the occurrence of important National Register Historic Properties are not located. However, when gathering activities on BLM administered lands cannot be confined to previous disturbances, a BLM archaeologist will examine the proposed gather site to ensure that no cultural resources are present. If cultural resources are identified within a proposed gather site, an alternate gather site will be selected.

In addition, no capture sites located upon nearby Timbisha Shoshone Tribal lands and therefore there will be no adverse effects to scientific, cultural, or historical resource from the Proposed Action.

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, or the degree to which the action may adversely affect: 1) a proposed to be listed or endangered or threatened species or its habitat, or 2) a species on BLM’s sensitive species list.

The project will not result in adverse effects to federally listed or BLM Sensitive species with the addition of the protective measures which stemmed from the informal consultation with USFWS (see Section 2.3 of the EA). The authority for these measures would be in compliance with the Endangered Species Act, DRECP, and NEPA regulations among others. In addition, the Recovery plan for both the federally listed Inyo CA Towhee and desert tortoise include management actions of removing burros from the habitat.

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

As documented in the EA and this FONSI, the Proposed Action would comply with applicable Federal, State, and local laws and requirements imposed for protection of the environment.

Conclusion

Based on the findings discussed herein, I conclude that the Proposed Action (**DOI-BLM-CA-D050-2021-0015**) will result in no significant impacts to the quality of the human environment, individually or cumulatively, with other actions in the general area under NEPA.

Reviewed by: _____
Caroline Woods
Planning and Environmental Coordinator

Date

Approved by: _____
Carl Symons
Ridgecrest Field Manager

Date