

CATEGORICAL EXCLUSION DOCUMENTATION

Background

BLM Office: DOI-BLM-CA-N02000

NEPA File No.: DOI-BLM-CA-N020-2022-0001-CX

Proposed Action Title/Type: Hwy 299 Nuisance Wild Horse Removal

Location of Proposed Action: Laxague Well on Public Lands adjacent to Hwy 299 in eastern Modoc County, approximately ten miles east of Cedarville, California.

Description of Proposed Action

The purpose of the Proposed Action is to respond to the public safety risk posed to the motorized public and to Wild Horses congregating on and along California Highway 299 in Cedarville, California. The purpose of this action is also to respond to two private landowner's requests for removal from their private land. The Proposed Action would authorize the removal of up to 25 wild horses adjacent to Hwy 299 on BLM administered lands. Wild horses are migrating off of the Carter Reservoir Herd Management Area due to a lack of water and availability of forage within the HMA. A water trap at Laxague Well would be utilized to facilitate their removal. Traps with weighted swing gates would be installed at Laxague Well to facilitate passive gathering techniques. All trapped horses would be removed regardless of age, sex, type, conformation, size or color. No horses will be returned to the HMA, and no population controls will be implemented. Gathered wild horses would be prepared for the BLM Wild Horse and Burro Adoption Program.

Land Use Plan Conformance

The proposed action is in conformance with the Surprise Field Office Resource Management Plan (RMP) and Record of Decision (ROD) approved in April 2008, because it is clearly consistent with the RMP objectives as follows:

- Manage wild horses and burros in accord with the Wild Free-Roaming Horses and Burros Act (1971, as amended) and with other laws and regulations that may apply.

Compliance with the National Environmental Policy Act

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with H-1790-1-National Environmental Policy Act Handbook, Appendix 4 – 150.

The removal of wild horses or burros from private lands are categorically excluded under the US Department of Interior, Bureau of Land Management, Department Manual, Series 31, part 516 chapter 11, subpart D. Rangeland Management:

- (4) Removal of wild horses or burros from private lands at the request of the landowner.
- (5) Processing of excess wild horses and burros.
- (6) Approval of the adoption of healthy, excess wild horses and burros.

Land Use Plan conformance and Categorical Exclusion review confirmation

PATRICK FARRIS Digitally signed by PATRICK FARRIS
Date: 2021.11.16 16:38:24 -08'00'

Pat Farris

Date

Northern California District Wild Horse and Burro Specialist

Approval and Decision

Based on the Review of Extraordinary Circumstances prepared by the Applegate Field Office Resource Staff, I have determined that the Proposed Action involves no significant impact to the environment and no further environmental analysis is required.

CRAIG DRAKE Digitally signed by CRAIG DRAKE
Date: 2021.11.15 13:53:40 -08'00'

Craig R. Drake
Applegate Field Office Field Manager

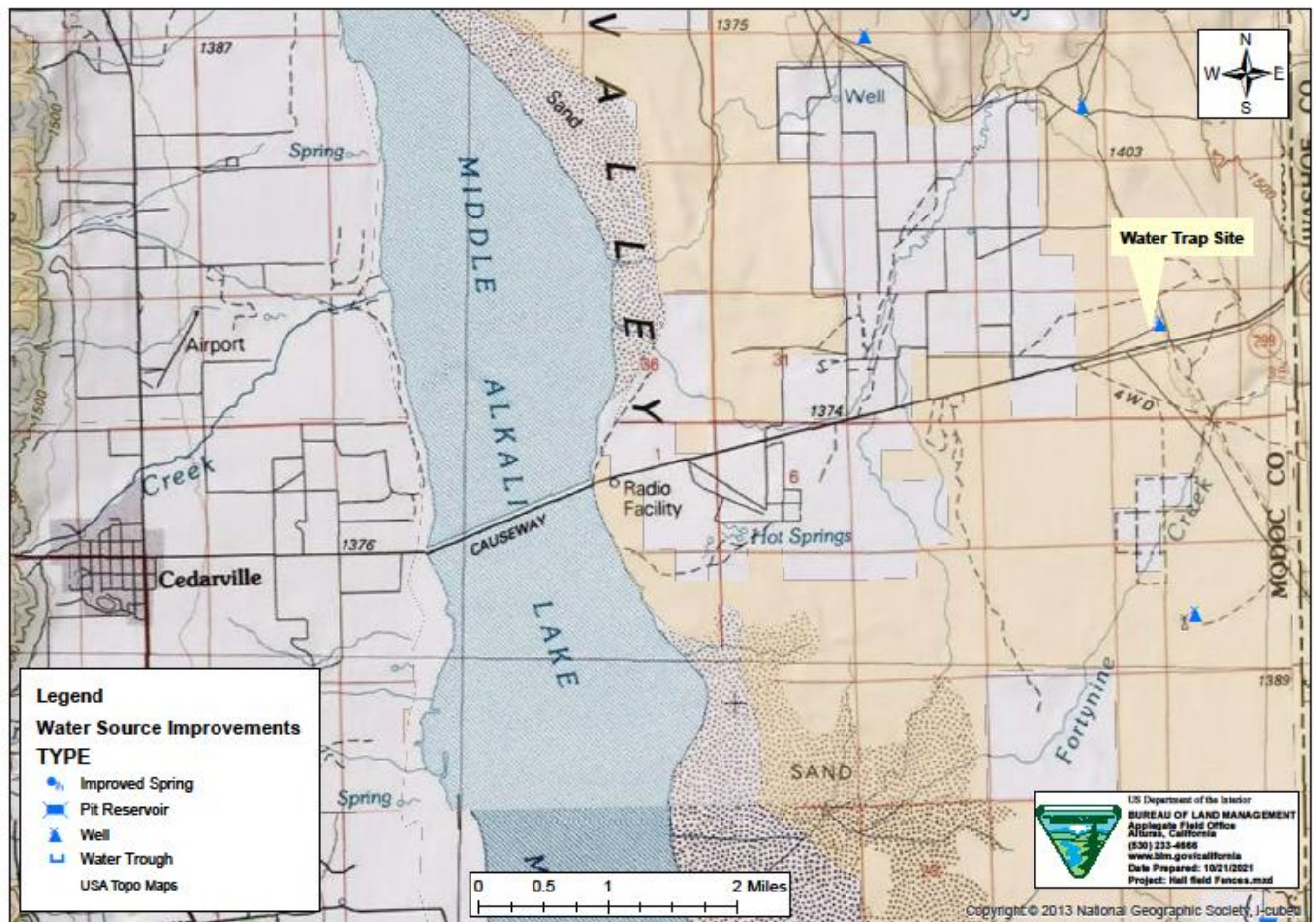
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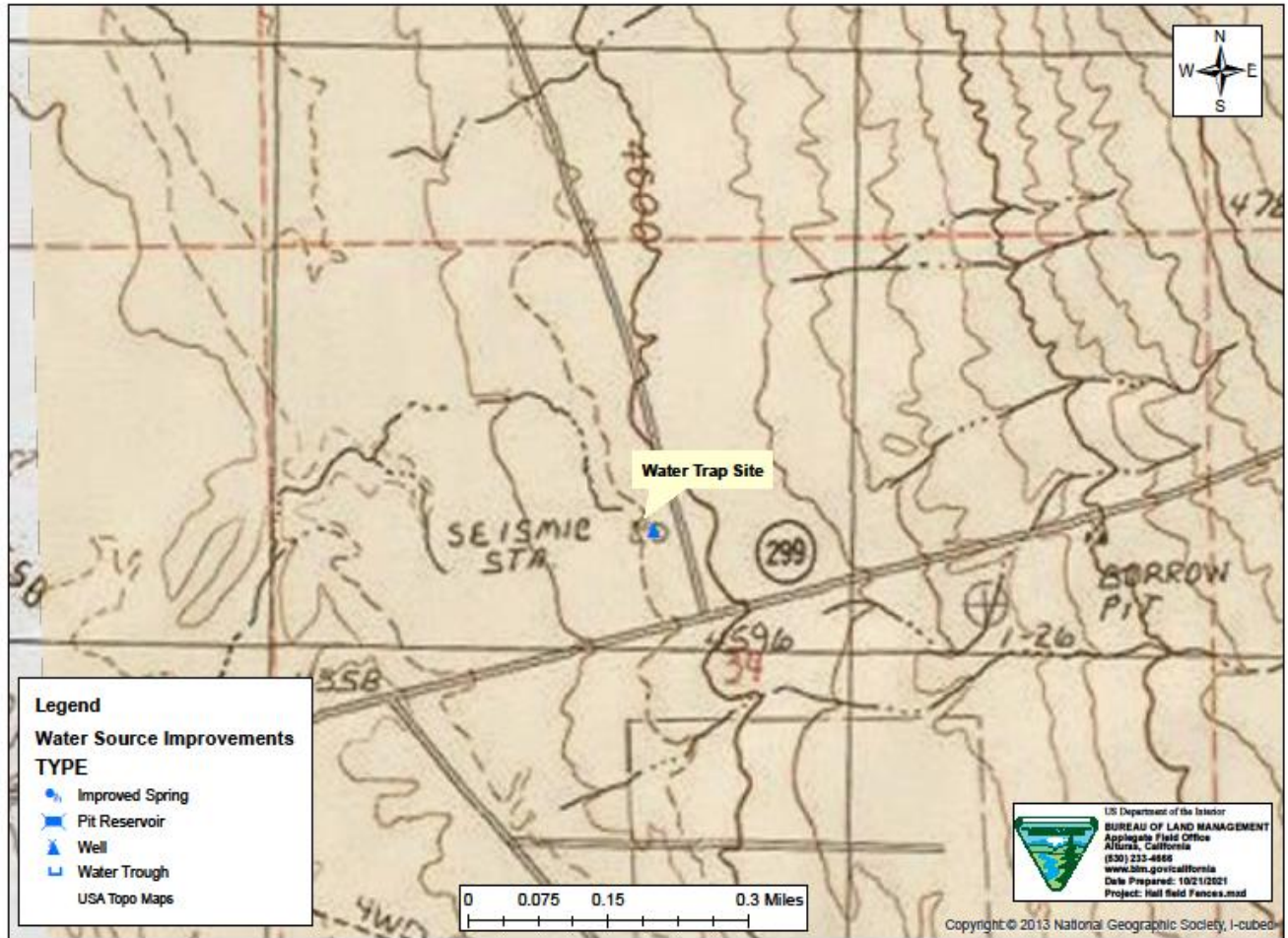
For more information, contact Kevin Kunkel, at (530) 233-7918.

Attachment 1, Maps

HWY 299 Wild Horse Removal Water Trap Site



HWY 299 Wild Horse Removal Water Trap Site



Review of Extraordinary Circumstances

The Department of the Interior Manual 516 2.3A (3) requires review of the following “extraordinary circumstances” (516 DM 2 Appendix 2) to determine if an otherwise categorically excluded action would require additional environmental analysis/documentation.

Would the proposed action: (YES or NO)?

1) Have significant impacts on public health or safety.
 Yes No

Comments: There is currently a risk to public health and safety due to the Wild Horses congregating on Highway 299. Due to the location of the proposed action adjacent to Highway 299, there are no expected additional impacts to public health and safety. This action would alleviate the risks to public health and safety.

2) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
 Yes No

Comments: No Special Designation Areas are present at the trap site, as all sites are located on private land and have been used several times in the past. Additionally, there are no known Special Designations for protection of private lands at these sites. One known, previously recorded cultural resource is located at the proposed trap site but this location has served as a trap site previously and the actions proposed in this case will not impact the surrounding site constituents.

3) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].
 Yes No

Comments: There are no controversial environmental effects or unresolved conflicts associated with removal of wild horses on private lands and/or outside of an HMA.

4) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
 Yes No

Comments: There are no uncertain or potentially significant environmental effects or risks associated with the project.

5) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
 Yes No

Comments: The proposed action does not represent future actions or set a precedent for future actions with significant effects. The proposed action is in response to a private landowner’s request to remove nuisance Wild Horses.

6) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
 Yes No

Comments: There are no known cumulative impacts or relationships to other actions at present, nor are there any expected.

7) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.
 Yes No

Comments: The proposed trap site will not impact known historic properties, particularly those properties listed, or eligible for listing

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on the National Register of Historic Places as determined by either the bureau or office. The lone trap site proposed is located within an existing, previously recorded site boundary but this location has served as a trap site previously and the action proposed in this case will not impact the surrounding site constituents.

8) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat.

Yes No

Comments: There are no known populations of Threatened or Endangered species or known critical habitat in the project area.

9) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.

Yes No

Comments: The proposed action does not violate any Federal, State, Local or tribal laws for the protection of the environment and is compliant with the Wild Free-Roaming Horses and Burro Act of 1971.

10) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes No

Comments: Due to the nature of the issue, the proposed action will not have an adverse effect on low income and minority populations.

11) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Yes No

Comments: The proposed action will not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007), as the trap sites will be used for a short duration of time and will not restrict nearby existing road access.

12) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Yes No

Comments: The proposed action will not increase or contribute to the spread and recruitment of noxious and non-native invasive plant species. Historic trap locations are in existing disturbances and no new disturbances are expected that would encourage noxious weed recruitment.