

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

FINDING OF NO NEW SIGNIFICANT IMPACT (FONSI)

Piceance-East Douglas Herd Management Area and Adjacent Areas Wild Horse Gather DOI-BLM-CO-N05-2015-0024-DNA

Background

The most recent inventory, conducted in February 2012, found approximately 183 wild horses within the Piceance-East Douglas Herd Management Area (PEDHMA). With an estimated foal crop of 20 percent, the population of wild horses located within the PEDHMA is estimated to be 377 wild horses in 2015 which is approximately 142 wild horses over the Appropriate Management Level (AML) set in 2002. Further, the February 2012 inventory accounted for 34 wild horses located adjacent to or outside of the PEDHMA. With an estimated foal crop of 20 percent, the population of wild horses adjacent to or outside of the PEDHMA is estimated to be 74 wild horses in 2015. The BLM believes this to be a conservative estimate due to the limited areas covered outside of the PEDHMA in the 2012 inventory . Refer to Map 1 for area where wild horses will be gathered and removed.

The need for this action is to maintain the PEDHMA within the AML of 135-235 wild horses and to attempt to gather and remove those wild horses that have relocated outside of the PEDHMA. In accordance with the White River Resource Management Plan, any existing court ordered EISs, and other information 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 lands within and adjacent to the PEDHMA requiring they be gathered and removed.

After a review of DOI-BLM-CO-110-2011-0058-EA, the WRFO Field Manager concluded that wild horses within or adjacent to the PEDHMA meet the statutory definition of excess animals, and therefore, consistent with the authority provided in 16 USC § 1333 (b) (2), the Bureau of Land Management (BLM) shall remove excess animals from the range and is requesting such action take place. Gather and removal operations shall be conducted in order to restore a thriving natural ecological balance and protect the range from deterioration associated with an overpopulation of wild horses.

Therefore, the purpose for this action is to remove excess wild horses that reside in or adjacent to the PEDHMA in accordance with The Wild Free-Roaming Horses and Burros Act of 1971 and

in order to comply with existing Land Use Planning¹ decisions set forth in the White River Resource Management Plan (Record of Decision, July 1997).

In accordance with 16 USC § 1332 (f) "excess animals" means 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.

Finding of No New 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) and DOI-BLM-CO-110-2011-0058-EA, which DOI-BLM-CO-N05-2015-0024-DNA documents that the environmental review required by the National Environmental Policy Act (NEPA) is adequate. Therefore, an environmental impact statement is not required. See 43 CFR 46.140(c). 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 Determination of NEPA Adequacy (DNA) specifically considers the method to be used to gather excess wild horses that reside in or adjacent to the PEDHMA.

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 20 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: energy related exploration and development, 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.

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 DOI-BLM-CO-110-2011-0058-EA. Design features to reduce potential short-term impacts to soils,

¹ 16 U.S.C. §1333(b)(2)

distribution of invasive non-native species, sensitive plants, migratory birds, wildlife, cultural and paleontology are identified.

Beneficial impacts of the project would be the BLM/WRFO's ability to focus on wild horse management within the PEDHMA versus redirecting efforts to address issues that arise from wild horses relocating outside of the PEDHMA.

None of the environmental impacts disclosed in the DOI-BLM-CO-110-2011-0058-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 policy 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 and unknown future trap locations would have cultural clearances completed prior to construction. For the Areas of Critical Environmental Concern (ACEC) such as the Duck Creek ACEC no traps would be located in that boundary.

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

This decision is to remove excess wild horses from within or adjacent to the PEDHMA only in order to be within the AML and maintain the thriving, natural ecological balance associated with the multiple uses in the area. Wild horse management has been conducted on those public lands since 1971 and will continue within the PEDHMA. Multiple comments and concerns, as well as, litigation against the removal of wild horses from public lands have been received regarding the possible effects on the quality of the human environment during scoping.

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. Similar gather operations have occurred in this area since 1980. 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-110-20010-0089-EA, and DOI-BLM-CO-110-2011-0058-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 DOI-BLM-CO-110-2011-0058-EA did not reveal any significant cumulative effects. The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. No new significant or new cumulative effects are 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 districts, sites, highways, or structures have been identified within the project area. Per the design features included in the DOI-BLM-CO-110-2011-0058-EA all traps and temporary holding facilities locations will be surveyed for cultural resources prior to placement.

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 DOI-BLM-CO-110-2011-0058-EA addressed and mitigated any potential impacts to the greater sage-grouse animal species that are known to inhabit or derive important use from the analysis area. The DOI-BLM-CO-110-2011-0058-EA addresses the Threatened, Endangered or Candidate plant species known to exist in the analysis area. However, BLM will conduct surveys for plant species in locations where potential exists for them to occur prior to trap placement.

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 Officer

Kent E. Walter, Field Manager

Date

Appendix A. Map 1 – Proposed Gather Area (Analysis Area)

