



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

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May 8, 2014

**Finding of No Significant Impact (FONSI)
for DOI-BLM-CAN070-2013-0021-EA:**

***Livestock Grazing Authorization and Wild Horse Appropriate Management
Level Establishment Massacre Lakes Allotment and Herd Management Area***

INTRODUCTION

The Surprise Field Office, NorCal District, has prepared an Environmental Assessment (EA) to analyze issuing a livestock grazing permit on the Massacre Lakes allotment and establishing a wild horse Appropriate Management Level (AML) for the Massacre Lakes Horse Management Area (HMA) to ensure continuance of achieving Standards for Land Health. Based upon an evaluation of the allotment/HMA, Land Health Standards were not being achieved and grazing by both livestock and wild horses were contributing factors.

The Bureau of Land Management (BLM) has conducted an environmental analysis (DOI-BLM-CA-N070-2013-0021-EA) analyzing the impacts of authorizing grazing on the Massacre Lakes Allotment (#1007) for the next ten years and setting Appropriate Management Levels (AMLs) for the Massacre Lakes Wild Horse Herd Management Area (HMA).

The environmental assessment (EA) analyzed (5) alternatives including the BLM's Proposed Action, a continue present management alternative (No Action), an alternative proposed by the Modoc/Washoe Experimental Stewardship Program that emphasized operator flexibility, an alternative proposed by wild horse advocates that included allocating one pasture to wild horses and increasing the AML range, and a no grazing alternative.

I have decided that the Proposed Action alternative with minor changes best meets the purpose and need and addresses the issues described in the EA. The 17.2 acre enclosure at Sagehen spring that was included in the Proposed Action alternative is not included in this decision.

The Proposed Action alternative is described on pgs. 10-15 of the EA and includes:

- The BLM would continue authorizing grazing on the Massacre Lakes Allotment (#1007) for the next ten years by issuing one grazing permit.
- A revised livestock grazing system, allotment objectives, additional terms and conditions and the establishment of Desired Plant Communities (DPCs) for major ecological sites.
- The proposed livestock grazing practices including the rotational grazing system are designed to:

- Provide native bunchgrasses with regular rest or deferment during the critical growth period for the grasses (April, May and June).
- Provide substantial areas for sage-grouse breeding, nesting and brood-rearing with reduced livestock use.
- Provide that areas grazed by livestock have residual herbaceous vegetation for soil protection and wildlife cover at the end of the grazing period.
- Establishment of lower and upper Appropriate Management Levels (AML) for Wild Horses of 25 to 45 animals.
- Install a water storage tank in the Sand Spring Pasture.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION

Based upon a review of the attached EA and the supporting documents, I have determined that Alternative 1, the Proposed Action, with minor changes, is not a major federal action having a significant effect on the human environment, individually or cumulatively with other actions in the general area. For this reason no environmental impact statement needs to be prepared. This finding is based on the following rationale and discussion of context and intensity of the action.

Rationale:

Following is the rationale for why the Proposed Action as discussed in the EA will not significantly affect the resources present in the Massacre Lakes Allotment:

Resource Concerns and Environmental Assessment Issues

Many resource concerns were identified during internal and external scoping. These are listed and discussed in Chapter 1 of the EA. The multi-resources staff of the Surprise Field Office reviewed the concerns raised during the scoping process. The staff developed specific issues that were considered during the Environmental Assessment Process that incorporated concerns generated during scoping. These specific resource issues were utilized to develop a range of alternatives that addressed both the purpose and need for the action and the identified resource management issues. The selected alternative was chosen because it is consistent with the purpose and need and successfully addresses the resource issues.

Context: The proposed action is in a project area involving a grazing allotment with five pastures totaling approximately 44,480 acres of BLM administered public land that by itself does not have international, national, regional, or state-wide importance, but on a local level is important to the economy and public land health.

Intensity: The following discussion is based on the relevant factors that should be considered in evaluating intensity as described in 43 CFR 4100:

1. Impacts 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.

I have determined that none of the direct, indirect or cumulative impacts associated with the selected alternative are significant, individually or combined.

2. The degree to which the selected alternative will affect public health or safety.

The Proposed Action affects public and private lands within a rural setting. Grazing by livestock and wild horses at similar levels as described in the Proposed Action has occurred in the same location for over 30 years in combination with other human activities including but not limited to off-highway vehicle (OHV) use, hunting and hiking. Since grazing by livestock and wild horses has been authorized within the affected area there have been no known instances where public health or safety has been affected.

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

A discussion of these unique geographic areas and anticipated environmental issues is located in Chapter 3 of the EA. The unique characteristics associated with the Massacre Lakes Allotment were analyzed in the EA. Based on the EA and above rationale I have determined that the selected alternative will not have a significant impact on the unique characteristics within the affected area.

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

Scoping for the proposed action and background information was sent to known affected and interested publics on three occasions. The preliminary EA was also made available for a 30 day public review. The volume of comments received during the four public comment periods indicated that there is public controversy related to livestock versus wild horse grazing on public lands. However, for the purposes of this document, controversy “means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among alternatives. . . . Substantial dispute within the scientific community about the effects of the proposed action would indicate that the effects are likely to be highly controversial.” (H-1790-1 – National Environmental Policy Act Handbook (BLM), page 71). The impact of grazing by large herbivores on Great Basin ranges is relatively well understood. Those impacts were described in the analysis for the various alternatives in the EA. No comments were received that suggested that such analysis was incorrect.

Legitimate controversy must be based on credible scientific evidence. An analysis of public comments received during the EA review was conducted. Opposing viewpoints do not necessarily constitute scientific controversy. The project record, including specialist reports, other supporting documentation, and the EA documents all rely on scientific information including papers, reports, literature reviews, review citations, peer reviews, opposing views and results of ground-based observations. After review of the comments and issues identified from the scoping process and those analyzed in the EA, I have determined that the effects described in the EA do not rise to the level of “highly controversial”.

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

Grazing by livestock and wild horses are common actions authorized by the BLM, the effects from which have been thoroughly analyzed in NEPA documents, including the recent RMP, and scientific publications. The analysis provided in the attached EA does not indicate that this action would involve any 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.

The issuance of a grazing permit or establishment of AMLs are not precedent setting. Livestock grazing has been authorized under the provisions of CFR 43 §4100 on the allotment for decades. The process of setting AMLs has been ongoing for decades.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.

A cumulative effects analysis was conducted as part of the EA, and it determined that there were no cumulatively significant effects associated with the selected alternative.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other 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.

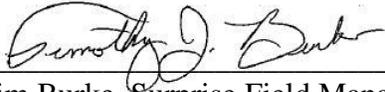
The action will not adversely affect National Register of Historic Places eligible sites or cause loss or destruction of significant scientific, cultural, or historic resources. Mitigation measures for managing sites that are determined to be impacted by livestock or wild horses grazing may include: fencing, relocation of improvements, removal of natural attractants for livestock from archaeological sites, removal of the archaeological site(s) from the allotment, livestock herding away from cultural resource sites, using salt to move livestock away from cultural resource areas. Implementation of grazing under the Proposed Action will likely help stabilize existing sites through improving the vigor of perennial vegetation and by allowing litter accumulation.

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 action does not adversely affect any endangered or threatened species, or its habitat that has been determined to be critical under the ESA. The greater sage-grouse, which is considered a candidate species eligible for listing under the ESA, is present within the allotment. The livestock grazing management practices and the wild horse AML range in the Proposed Action are considered compatible with maintenance and recovery of sage-grouse populations in the area.

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

The action does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment.



Tim Burke, Surprise Field Manager

May 8, 2014

Date