

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BATTLE MOUNTAIN DISTRICT/TONOPAH FIELD OFFICE**

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the Final Bullfrog HMA Wild Burro Gather Environmental Assessment (EA), DOI-BLM-NV-B020-2011-0102-EA, dated January 2012. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the Proposed Action, with the project specifications, including mitigation measures identified in the EA will not significantly affect the quality of the human environment. No environmental effects meet the definition of significance in context or intensity as described in 40 CFR 1508.27. Therefore, preparation of an Environmental Impact Statement (EIS) is not required as per section 102(2)(c) of the National Environmental Policy Act (NEPA).

This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context

The gather area is administered by the Bureau of Land Management's Tonopah Field Office. The proposed gather area includes the Bullfrog Herd Management Area (HMA) and areas outside of the HMA boundary.

The Bullfrog HMA is located in the southernmost portion of the Tonopah Field Office area, and is approximately 151,782 acres. The gather area included the Bullfrog HMA and extends south of the Bullfrog HMA onto lands administered by the BLM Southern Nevada District. Wild burros residing in this non-HMA area are likely emigrant wild burros from the Bullfrog HMA.

The Preliminary EA and Gather Plan was made available to the interested public on the Battle Mountain District Website, http://www.blm.gov/nv/st/en/fo/battle_mountain_field.html on November 30, 2011 for a 30 day review and comment period. All comments were reviewed and considered in completion of the Final Gather EA. Several letters were received in support of the gather as well as against the gather. These comments are summarized within Appendix E of the Final EA. Some additions were made to the EA for clarification purposes; however, no substantial modifications were made to the EA as a result of the comments received.

Intensity

1. Impacts that may be both beneficial and adverse.

The Environmental Assessment considered both beneficial and adverse impacts of the gather and removal of excess wild burros from the Bullfrog HMA.

Standard Operating Procedures (SOPs) are in place to minimize stress and injury to the gathered wild burros and to minimize the disturbance of natural resources and wildlife. Archaeological site clearances would be conducted prior to the construction of temporary gather sites and holding facilities.

Achieving and maintaining the AML within the Bullfrog HMA would prevent degradation of rangeland and riparian resources, wildlife habitat, alleviate public safety concerns with wild burros, and promote improvement in the quality of wild burro habitat over the long term. Achieving AML and ensuring a thriving natural ecological balance within the HMA will allow for the recovery and improvement of natural resources, including soils, vegetation, watersheds, and important wildlife habitat. A healthy population of wild burros will remain in the HMA in balance with the available forage, water, and other users.

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

The SOPs would be used to conduct the gather and are designed to protect human health and safety, as well as the health and safety of the wild burros. The Proposed Action would have minimal effects on public health or safety.

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

There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas within the gather area. A cultural resources inventory would be completed prior to constructing temporary gather sites and holding facilities. If cultural resources are found in an area, a new location would be identified in which to set up temporary gather sites and holding corrals. Wild burro gather activities would not be conducted within Wilderness Study Areas.

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

The effects that would occur from implementation of the gather are well known and understood. This is demonstrated through the effects analysis in the EA. Some members of the public advocate that no wild burros should be removed from any public lands and urge natural predation or letting "nature take its course". However, the effects of wild burro gathers on the *quality of the human environment* are well documented through the many years of wild burro management through gathers and are not highly controversial. No unresolved issues were raised following public notification of the proposed gather.

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

The Proposed Action has no known effects on the human environment which are considered highly uncertain or involve unique or unknown risks. This is demonstrated through the effects analysis in the EA.

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.*

Future projects occurring within the gather area would be evaluated through the appropriate process and impacts would be analyzed under a site-specific environmental analysis. The Proposed Action does not set a precedent for future actions.

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

The Proposed Action is not related to other actions within the project area that would result in cumulatively significant impacts. Proper environmental analysis would be completed for all proposed actions in the future, including an assessment of cumulative impacts. Cumulative impacts were analyzed in the EA.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, 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 historic resources.*

The Proposed Action would not affect significant scientific, cultural, or historical resources. A cultural resource inventory would be completed prior to gather site and corral construction. Temporary gather sites and holding facilities would be cleared to determine the presence of sites that are unclassified, eligible, or potentially eligible for the National Register of Historic Places. Archaeological site clearances and avoidance measures would ensure that loss or destruction of significant scientific, cultural, or historical resources does not occur.

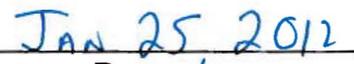
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

There will be no *adverse* effects to the threatened Desert tortoise under the proposed action. The effects of the wild burro gather on Desert tortoise habitat are analyzed in the EA and are considered beneficial.

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

The Proposed Action would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The Proposed Action is in conformance with all applicable 43 CFR (Code of Federal Regulations). The Proposed Action would not violate the Migratory Bird Treaty Act or Endangered Species Act.


Thomas J. Seley
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Date