

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**  
**for**  
**Wild Horse Gather Plan Environmental Assessment (EA)**  
**For the Silver King Herd Management Area**  
**Schell Field Office**  
**Caliente Field Office**  
**DOI-BLM-NV-L020-2010-0039-EA**

Based on the analysis of potential environmental impacts in the E.A. for the Silver King Wild Horse Gather (DOI-BLM-NV-L020-2010-0039), I have determined that the Proposed Action will not have a significant effect on the human environment. Therefore, the preparation of an environmental impact statement (EIS) is not required for compliance with the National Environmental Policy Act of 1969.

Reasons for this finding are based on my consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and intensity of impacts.

Context: The affected region is limited to portions of Lincoln County, where the project area is located. The gather has been planned with input from interested public and users of public lands.

Intensity: Based on my review of the EA against CEQ's factors for intensity, there is no evidence that the severity of impacts is significant:

1. *Impacts that may be both beneficial and adverse.* The proposed gather would be consistent with the Ely District Approved Resource Management Plan (August 2008), and the standards for rangeland health, and would maintain a thriving natural ecological balance and multiple use relationship consistent with other resource needs as required under the WFRHBA. Although the gather and removal of excess wild horses is expected to have short-term impacts on individual animals, over the long-term, it is expected to benefit wild horse health by improving forage and habitat conditions in the herd management areas and would be beneficial for rangeland resources such as vegetative communities, riparian resources, and wildlife habitat.
2. *The degree to which the proposed action affects public health or safety.* The Standard Gather Operating Procedures (EA, Appendix III) 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 horses and burros. The proposed action has no effect on public health or safety.
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.* The proposed action has no potential to affect unique characteristics such as historic or cultural resources or properties of concern to Native Americans. There are no wild and scenic rivers, or ecologically critical areas present in the areas. Maintenance of appropriate numbers of wild horses is expected to help make progress in meeting resource objectives for improved riparian, wetland, aquatic and terrestrial habitat.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* Effects of the gather are well known and understood. No unresolved issues were raised through consultation or public comments.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* Possible effects on the human environment are not highly uncertain and do not 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.* The action is compatible with future consideration of actions required to improve wild horse management in conjunction with meeting objectives for wildlife habitat within the herd management area. The Proposed Action does not set a precedent for future actions. Future actions would be subject to evaluation through the appropriate level of NEPA documentation

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 with individually insignificant but cumulatively significant impacts.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.* The proposed gather has no potential to adversely affect significant scientific, cultural, or historical resources.

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.* The proposed action is not likely to adversely affect any listed species, and the action area does not include any habitat determined to be critical under the Endangered Species Act.

10. *Whether the action threatens a violation of Federal, State, local or tribal law or requirements imposed for the protection of the environment.* The Proposed Action is in compliance with the 2008 Ely District Record of Decision and the Approved Resource Management Plan dated August 2008, and is consistent with other Federal, State, local and tribal requirements for protection of the environment to the maximum extent possible.

\_\_\_\_\_/s/  
Mary D'Aversa  
Field Manager  
Schell Field Office

\_\_\_\_\_/7/29/2010  
Date

\_\_\_\_\_/s/  
Victoria Barr  
Field Manager  
Caliente Field Office

\_\_\_\_\_/7/29/2010  
Date

**Attachment**  
**Wild Horse Gather Plan Environmental Assessment (EA)**  
**For the Silver King Herd Management Area Gather Plan**  
**Decision Record**

**Appeal Procedures**

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4. If you appeal, your appeal must **also** be filed with the Bureau of Land Management at the following address:

Mary D'Aversa, Schell Field Manager  
BLM, Ely Field Office  
HC 33 Box 33500  
702 N. Industrial Way  
Ely, NV 89301

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals  
Dockets Attorney  
801 N. Quincy Street, Suite 300  
Arlington, VA 22203

A copy must also be sent to the appropriate office of the Solicitor at the same time the original documents are filed with the above office.

US Department of the Interior  
Office of the Regional Solicitor  
Pacific Southwest Region  
2800 Cottage Way, Room E-1712  
Sacramento, California 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals, therefore they will not be accepted.