

Finding of No Significant Impact
Bureau of Land Management
Lander Field Office
North Lander Complex Wild Horse Gather
WY-050-EA12-33

BACKGROUND

The proposed action is for the gather and removal of excess wild horses inside and outside the herd management areas (HMAs) within the North Lander Complex. This proposed action also brings wild horse numbers to the low end of appropriate management level (AML) as identified in the EA.

The following alternatives were analyzed in detail:

- Alternative 1—Gather to Low End of AML (320 Horses) with fertility control using PZP-22 on all mares released.
- Alternative 2—Gather to Low End of AML (320 Horses) with fertility control using PZP- 22 on all mares released. Adjust the sex ratio of studs (60 percent) to mares (40 percent). Geld 50 percent of the studs prior to release.
- Alternative 3 (Proposed Action)—Gather to Low End of AML (320 Horses) with fertility control using SpayVac® on approximately 60 breeding-age mares, release 30 untreated control mares, and treat all remaining released mares with PZP-22.
- Alternative 4—No Gather/Removal

Alternatives 1, 2 and 3 were developed based on the need to fertility treat mares and remove excess animals to manage the range in a thriving natural ecological balance and multiple-use relationship and to prevent range deterioration. The gather will ensure that wild horses remaining within the HMAs have adequate forage and water to survive and maintain satisfactory physical condition. Removal of wild horses inside and outside the HMAs will also help to sustain the long-term productivity of the rangeland resources on the public lands that other uses and wild horses depend on. Although Alternative 4 (No Action) does not comply with the Wild Free-Roaming Horses and Burros Act of 1971, as amended, nor meet the purpose and need for this action, nor comply with the 2003 Consent Decree Agreement with the State of Wyoming, it is included as a basis for comparison with the three action alternatives.

PLAN CONFORMANCE AND CONSISTENCY

The proposed action is in conformance with the land use plan terms and conditions as required by [43 CFR 1610.5-3(a)]. Any action in the Lander Field Office is subject to requirements established by the Lander Resource Management Plan, (1987). The North Lander Complex has been designated as suitable for long term, sustained wild horse use in the Lander RMP. The proposed capture, fertility control program and removal actions conform to the land use decisions and resource management goals and objectives of the Lander Resource Management Plan.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION

Based upon a review of the EA and the supporting documents, we have determined that the implementation of the proposed action (Alternative 3) is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Environmental effects do not meet the definition of significance in context or intensity as defined in 40 CFR 1508.27, and do not exceed those effects described in the Lander RMP. **Therefore, an environmental impact statement is not needed.** This finding is based on the context and intensity of the project as described below:

Intensity

The following discussion is organized around the ten significance criteria described in 40 CFR 1508.27, and incorporated into BLM's Critical Elements of the Human Environment list (H-1791-1), and supplemental Instruction Memoranda, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

- 1. Impacts may be both beneficial and adverse.** The proposed action will impact resources as described in the EA. The resources analyzed are wild horses, soils, vegetation, riparian areas and watershed; endangered, threatened, proposed candidate and BLM Wyoming sensitive species; wildlife, heritage resources and energy development. Mitigation measures to reduce impacts have been incorporated into the proposed action through the implementation of the Standard Operating Procedures for Wild Horse Gathers. (EA, Appendix 1). 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 selected alternative will affect public health or safety.** The proposed action is designed to have minimum impact on public health. Transportation of equipment to the project location will be in conformance with state and federal laws. The Standard Gather Operating Procedures for Wild Horse Gathers and Fertility Treatment (EA, Appendix 3 and 3A, respectively) will be used to conduct the gather and are designed to ensure protection of human health and safety, as well as the health and safety of the wild horses.
- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.** Heritage resources program support for the wild horse capture will consist of file search (Class I) and/or intensive field (Class III) inventories, and, if necessary, mitigation of impacts, at the locations of the

horse traps prior to horse capture. The following Critical Elements of the Human Environment and Other Resource Issues are not present in the project area and are not affected: areas of critical environmental concern, environmental justice, farmlands (prime or unique), flood plains, Native American religious concerns, and wild/scenic rivers. 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 highly uncertain or involve unique or unknown risks. Effects of the gather on the quality of the human environment 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. SpayVac®, a recently developed fertility control vaccine will be administered in accordance with the operating procedures outlined in Appendix 3A (A Field Trail to Assess the Efficacy of SpayVac® for Wild Horses). The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve 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 actions in the selected alternative were considered within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the direct, indirect and cumulative effects of the selected alternative and other alternatives are described in Chapter 3 of the EA. The Proposed Action does not set a precedent for future actions. SpayVac® is similar to PZP-22 which has been used on a regional and national basis for fertility control of wild horses.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts, which include connected actions regardless of land ownership The Proposed Action is not related to other actions within the cumulative assessment area that would result in cumulatively significant impacts.

8. The degree to which the action may adversely affect districts, sites, highway, 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 project will not affect districts, sites, highways, structures, or other objects listed in, or eligible for, listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historic resources. Consultation with SHPO has been completed in accordance with Section 106 of the NHPA and the Programmatic Agreement between the Wyoming BLM and SHPO.

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, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or

its habitat, or 2) a species on the BLM's sensitive species list. Mitigating measures to reduce impacts to wildlife have been incorporated into the design of the proposed action. Although sensitive species may occupy habitat within the project boundary, it has been determined that they will not be affected because of measures outlined in the EA. Ute ladies' tresses and desert yellowhead are within the project area. The implementation of the Proposed Action is expected to improve forage and habitat conditions in the herd management areas and would be beneficial for wildlife habitat, including habitat that support or has the potential to support endangered or threatened species.

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 North Lander Complex Wild Horse Gather does not violate any known federal, state, local, or tribal law or requirement imposed for the protection of the environment. Additionally, the Proposed Action is in compliance with the 1987 Lander RMP management objectives for wild horses.

Authorized Official:

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9/04/12

Date