



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Las Vegas Field Office
4701 North Torrey Pines Dr
Las Vegas NV 89130
www.nv.blm.gov



In Reply Refer to:
4700 (NV052)

AUG 21 2008

Dear Interested Party:

The Bureau of Land Management (BLM) Las Vegas Field Office (LVFO) has prepared a preliminary environmental assessment for the Gold Butte Herd Management Area Plan (HMAP). The HMAP addresses the long-term management strategy for the Gold Butte wild burro herd.

The HMAP is an activity plan and is needed to ensure self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat over the long-term and ensure that management is at the minimum level necessary to attain the HMAP objectives. Future wild burro management actions would be subject to further site-specific environmental analysis.

Two possible management strategies are analyzed in detail in the enclosed environmental assessment. The BLM is asking the public to review and comment on the enclosed **Preliminary Environmental Assessment for the Gold Butte Herd Management Area Plan (EA NV052-2008-435)** no later than September 19, 2008. The EA is also posted at www.nv.blm.gov/vegas. Comments should be post-marked not later than September 19, 2008 and submitted to:

Patrick Putnam
Assistant Field Manager
Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130-2301

BLM is particularly interested in knowing if the public has any additional information, data or analysis which should be considered. Examples of helpful information might be:

- Are there additional issues, concerns, or opportunities (not already identified) that BLM should consider?
- Are there additional alternatives (not already identified) that BLM should consider?

If you have any questions, please call Jerrie Bertola, Wild Horse and Burro Specialist at (702) 515-5024.

Sincerely,

Patrick Putnam
Assistant Field Manager
Recreation and Renewable Resource

Gold Butte Herd Management Area Herd Management Area Plan

INTRODUCTION

Background Information

The Bureau of Land Management (BLM) Las Vegas Field Office (LVFO) proposes to prepare a Herd Management Area Plan (HMAP) for the Gold Butte Herd Management Area (HMA) that would establish short and long-term management and monitoring objectives for the wild burro herd and their habitat. These objectives would guide the management of the Gold Butte HMA wild burros over the next 10-20 year period.

The Gold Butte HMA is 271,210 acres and is located north and east of Lake Mead. Refer to Map 1. The appropriate management level of Gold Butte HMA was established as a range of 22-98 wild burros in 1991 based on an in-depth analysis of resource monitoring data and issuance of a BLM decision.

This Environmental Assessment (EA) contains the site-specific analysis of potential impacts that could result with the implementation of the No Action Alternative or the Proposed Action Alternative. The EA ensures compliance with the National Environmental Policy Act (NEPA). Based on the following analysis of potential environmental consequences, a determination can be made whether to prepare an Environmental Impact Statement (EIS) or issue a “Finding of No Significant Impact” (FONSI). A FONSI documents why implementation of the selected alternative will not result in environmental impacts that significantly affect the quality of the human environment.

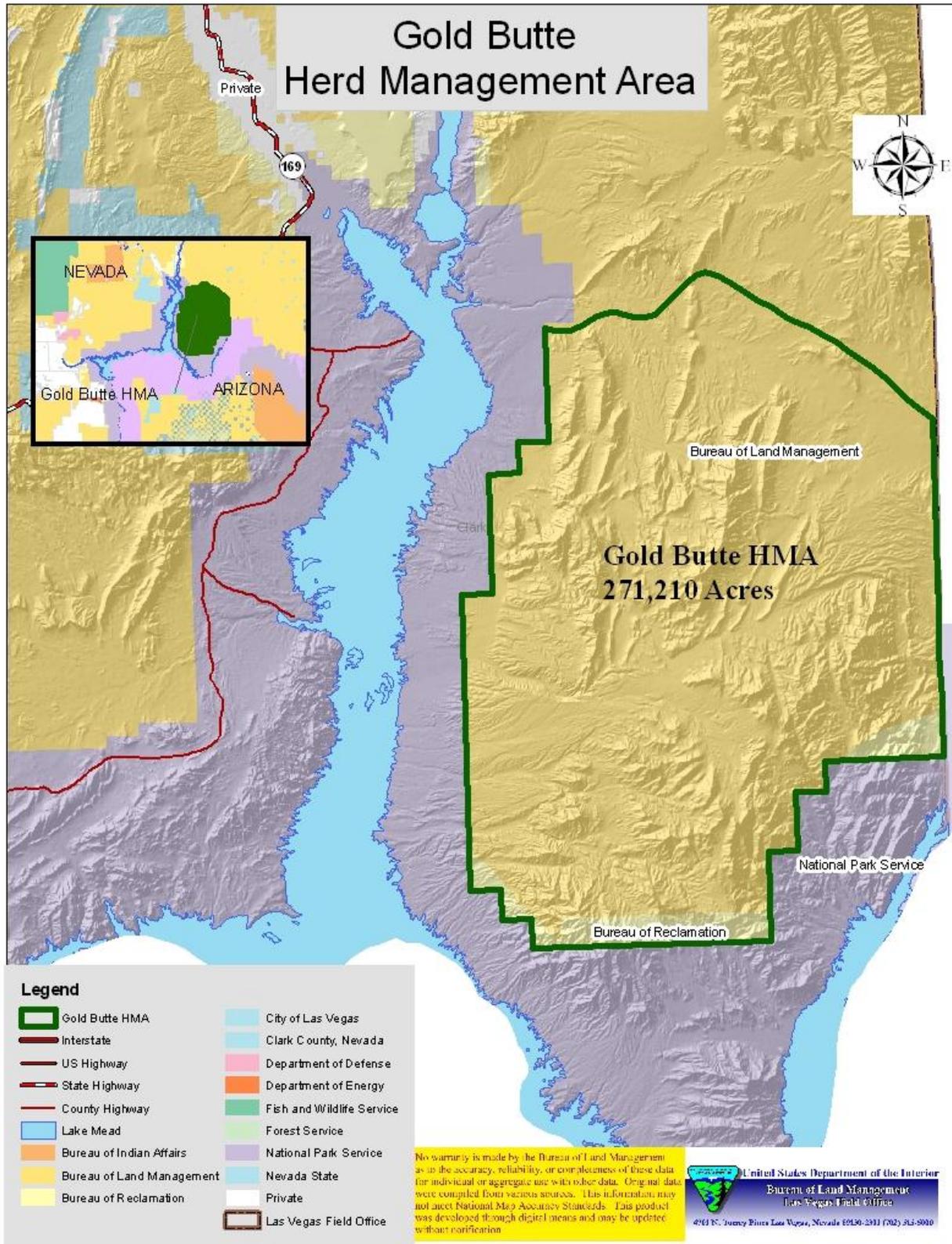
Purpose and Need

The purpose of the Proposed Action is to prepare a HMAP consistent with the authority provided in 43 Code of Federal Regulations 4700 and the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA). Preparation of an HMAP is needed to ensure wild burros within the Gold Butte HMA are managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat over the long term. Additionally, an HMAP will help assure that management is at the minimum level necessary to attain the objectives outlined in the approved land use plans and the HMAP; and to make progress towards attainment of rangeland health standards.

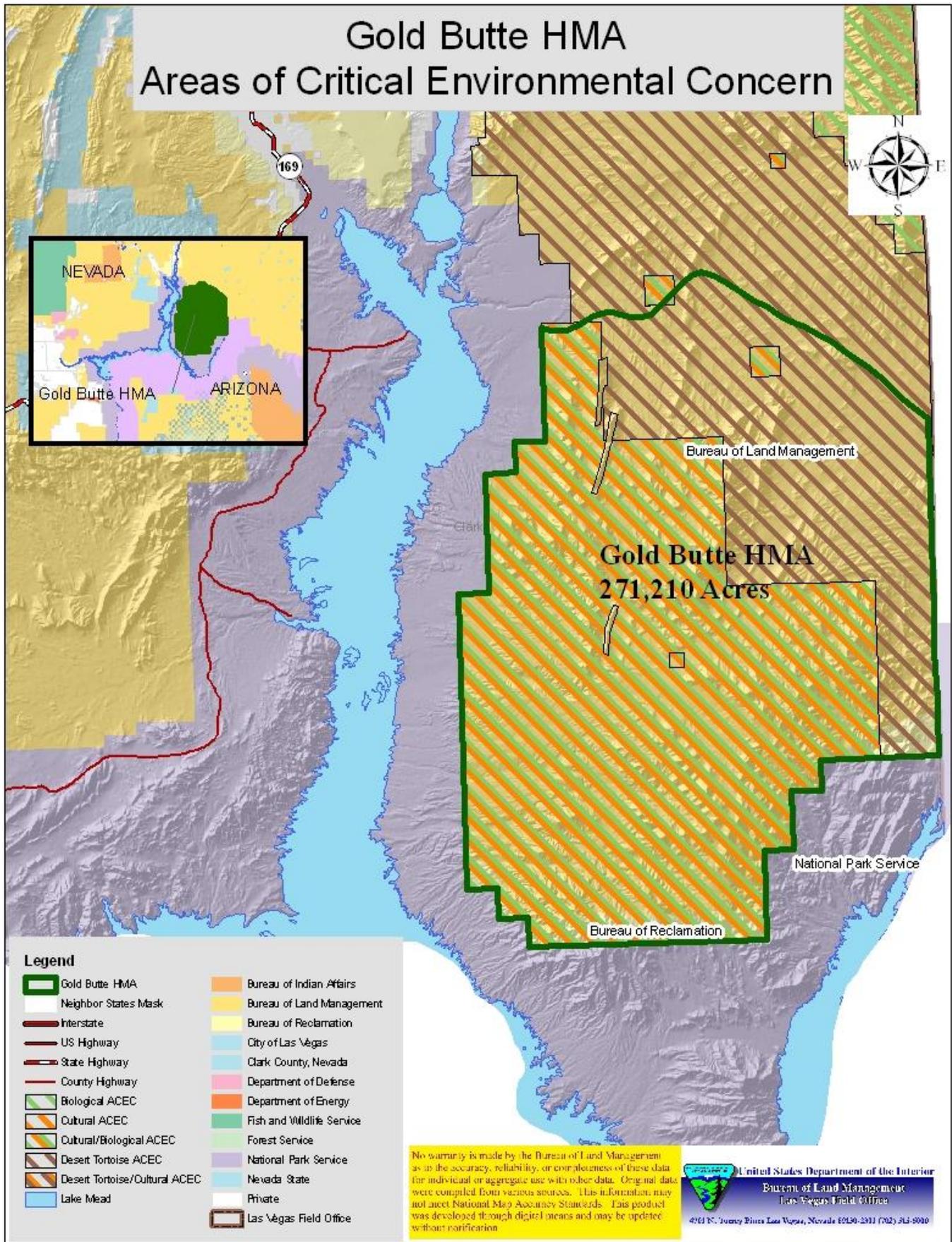
Conformance with Existing Land Use Plans

Management of wild burros within the Gold Butte HMA is guided by the October 1998 Record of Decision (ROD) for the approved Las Vegas Resource Management Plan (LV RMP) and Final Environmental Impact Statement (FEIS) on pages 14 and 15. The Proposed Action/HMAP is an activity plan that conforms to the objectives and management direction in the RMP (refer to Appendix A for a detailed summary of the relevant objectives and management direction).

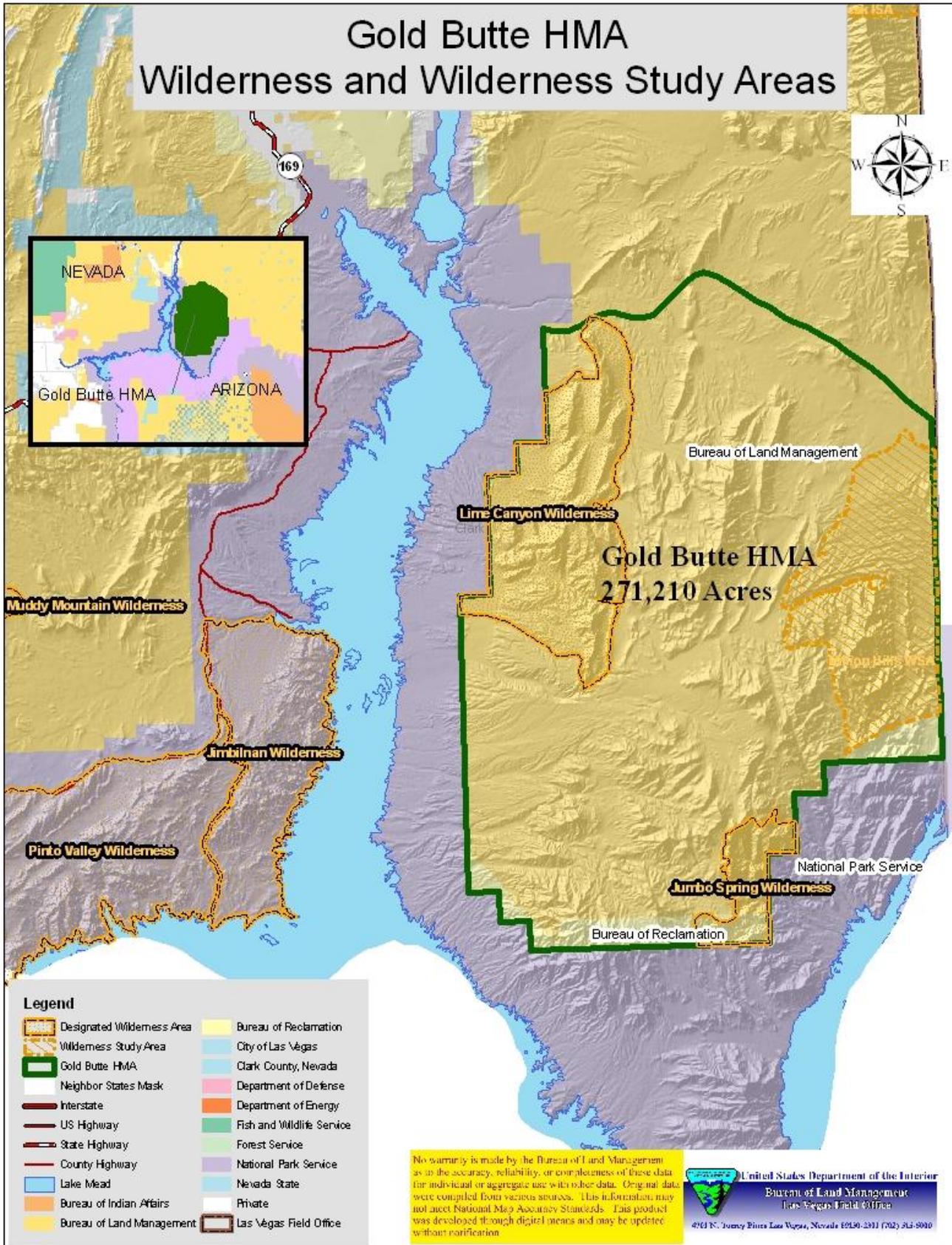
Map 1. Gold Butte Herd Management Area



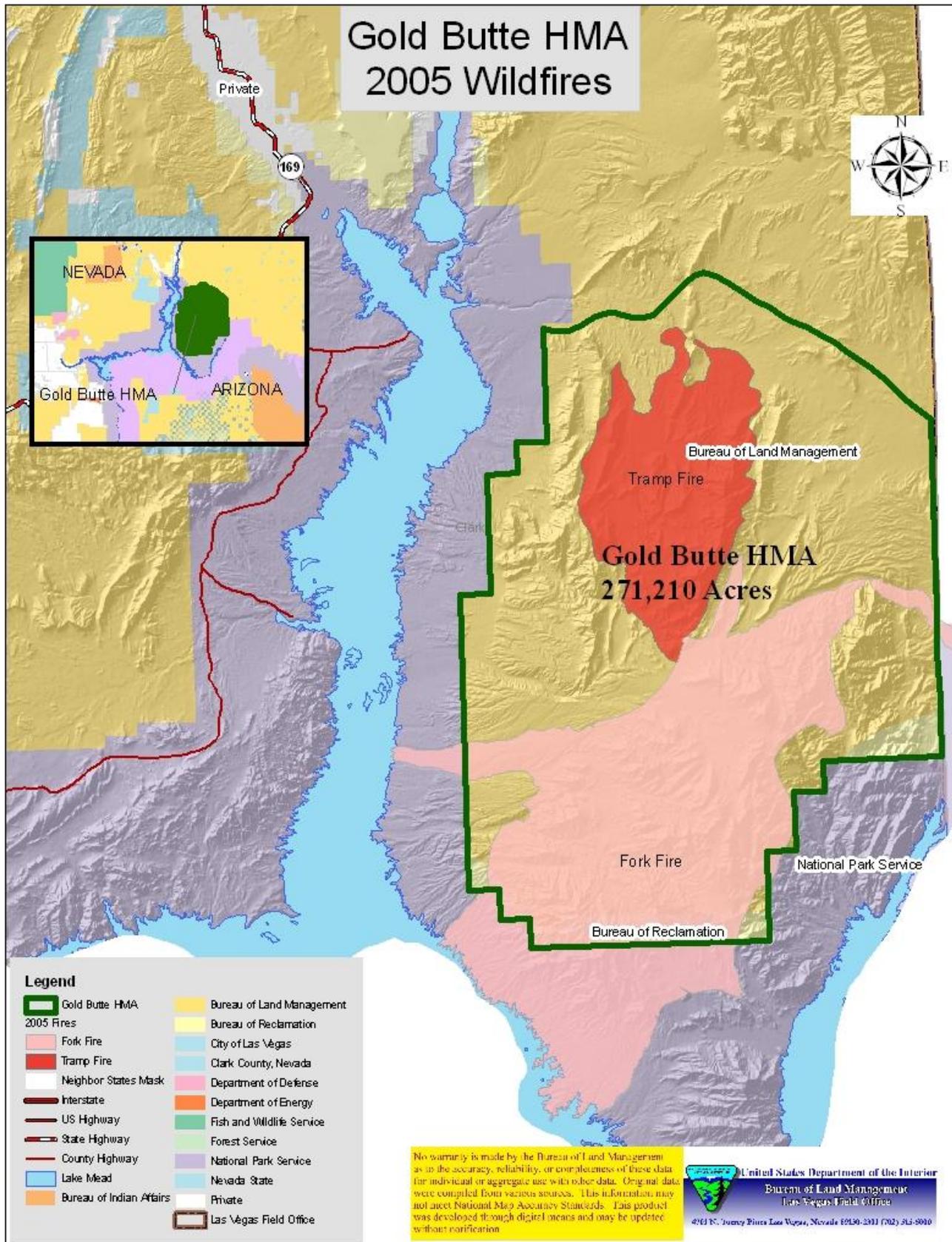
Map 2. Gold Butte Herd Management Area Areas of Critical Environmental Concern



Map 3. Gold Butte Herd Management Area Wilderness and Wilderness Study Areas



Map 4. 2005 Wildfires within the Gold Butte Herd Management Area



Conformance with Rangeland Health Standards and Guidelines

The Gold Butte HMA has not yet been assessed for conformance with Rangeland Health Standards and Guidelines. A rangeland health assessment is tentatively planned for completion by FY2010. Refer to Appendix B for a summary of the applicable Rangeland Health Standards.

Relationship to Statues, Regulations or Other Plans

The Proposed Action and other action alternatives are in conformance with all applicable regulations at 43 CFR (Code of Federal Regulations) 4700 and policies. Included are:

- 43 CFR 4710.3-1:** Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas.
- 43 CFR 4710.3-2:** Herd management areas may also be designated as wild horse or burro ranges to be managed principally, but not exclusively, for wild horse or burro herds.
- 43 CFR 4710.4:** Management of wild horses and burros shall be undertaken with limiting the animals' distribution to herd areas. Management shall be at the minimum feasible level necessary to attain the objectives identified in approved land use plans and herd management area plans.
- 43 CFR 4720.1:** Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately.

Decision to Be Made

The authorized officer will select a management strategy for the Gold Butte HMA wild burro herd and their habitat. The selected management actions, together with the associated management and monitoring objectives, will guide management of the Gold Butte HMA over the next 10-20 year period. The Proposed Action/Proposed HMAP is an activity plan and does not establish any precedence for future actions with significant effects. All future wild horse and burro management actions would be subject to further site-specific environmental assessment standards as well as an independent decision making process, as needed.

Scoping and Issue Identification

During preliminary gather planning for the proposed January 2007 removal of excess wild burros within the Lake Mead Complex (LMC, including Gold Butte HMA, Muddy Mountains HMA, and El Dorado HMA), an initial scoping letter was sent to 52 individuals, groups and agencies on July 3, 2006; comments were received from 19 parties during the 30-day comment period. The LVFO also conducted scoping meetings with the Nevada Department of Wildlife (NDOW) and the National Park Service (NPS). Many of these comments concerned long-term management of wild burros within the planning area, including: water development, herd

genetic diversity, and the long-term strategy for population management. These comments and concerns are summarized in Appendix G and H. Additional consultation and coordination with NDOW and NPS was conducted.

The following concerns were identified as a result of public and internal scoping concerning:

1. Impacts to vegetation, riparian and soil and water resources. Measurement indicators for this issue include:
 - Expected forage utilization and distribution
 - Potential impacts to vegetation resources, including upland range and riparian communities
 - Potential impacts to water quality
 - Potential for soil displacement, trampling or disturbance
2. Impacts to wildlife, migratory birds, threatened/endangered and special status species and their habitat. Measurement indicators for this issue include:
 - Potential for displacement, trampling or disturbance
 - Potential competition for forage and water over time (expected change in actual forage utilization by wild burros)
3. Impacts to individual wild burros and the herd. Measurement indicators for this issue include:
 - Project population impacts
 - Potential impacts to animal health and condition
 - Expected impacts to herd social structure
 - Potential effects to genetic diversity
 - Expected impacts to individual wild burros from handling stress

ALTERNATIVES

This section describes the Proposed Action and No Action alternatives, including any alternatives that were considered but eliminated from detailed analysis. Alternatives analyzed in detail include the following:

- Alternative 1: No Action** – Continue existing management.
- Alternative 2: Proposed Action** – Implement a management strategy that would manage wild burros within the AML of 22-98 animals together with additional management and monitoring objectives.

The alternatives were developed to meet the Purpose and Need and respond to the identified issues to varying degrees. The alternatives are designed to meet the need to remove excess animals in order to protect the rangeland from deterioration associated with overpopulation. The No Action alternative partially meets the Purpose and Need and does comply with the

WFRHBA (as amended); it is included as a basis for comparison with the Proposed Action alternative.

Management Actions Common to Alternatives

- Future gather operations would be conducted in accordance with the Standard Operating Procedures (SOPs) described in the National Wild Horse Gather Contract. Appendix C outlines the SOPs currently in effect.
- When gather objectives require gather efficiencies of 50-80% or more of the animals to be captured from multiple gather sites; the helicopter drive method and helicopter assisted roping from horseback will be the primary gather methods used. If possible, gather sites (traps) will be located in previously disturbed areas. Post-gather, every effort would be made to return released animals to the same general area from which they were gathered.
- An Animal and Plant Inspection Service (APHIS) or other licensed veterinarian may be on-site during future gathers, as needed, to examine animals and make recommendations to BLM for care and treatment of wild horses. Euthanasia would be conducted in conformance with Washington Office Instruction Memorandum (IM) 2006-023. Refer to Appendix D for BLM's current euthanasia policy.

Proposed Action and Alternatives

Alternative 1: No Action Alternative—Continue Existing Management

Under this alternative, the Gold Butte HMA would be managed as a range of 22-98 animals as follows:

- Gathers would occur approximately every 4 to 5 years to remove excess wild burros to within the established AML range.
- Existing monitoring, including: utilization, forage condition, animal health and periodic population census would continue.
- A gate cut (all animals entering the trap are removed) would be used.
- No consideration would be given to the age distribution and sex structure of the remaining wild burros.
- AML would be adjusted, as needed, based on animal population, forage, water, riparian, and other ecosystem management objectives.

Table 1. No Action (Continue Existing Management) in HMAP Format

Management Objective(s)	Monitoring Objective(s)	Implementation Objective(s)
<p><u>A. Control Population Numbers</u></p> <p>Manage wild burro populations within the established AML range to protect the range from deterioration associated with overpopulation.</p>	<p>Census populations a minimum of once every 3-4 years.</p> <p>Determine the population size and annual growth rate.</p>	<p>Schedule gathers to remove excess wild burros when the total wild burro population exceeds the AML for the HMA, when animals permanently reside on land outside the HMA, and whenever animal health/condition is at risk.</p> <p>Gate cut removal strategy: all animals gathered will be removed.</p>
<p><u>B. Additional Selective Removal Criteria</u></p> <p>Wild burro use is not allowed in the Desert Tortoise Area of Critical Environmental Concern (ACEC) within the Gold Butte HMA. Refer to Map 2.</p>	<p>Record number of wild burros removed from these areas as part of the final gather report.</p> <p>Conduct on the ground monitoring within the ACEC, at least twice yearly, once in early fall and once mid-winter. This monitoring would be conducted by BLM wild horse and burro specialist and/or BLM wildlife biologist.</p>	<p>Wild burros will be removed when the animals are residing within the Desert Tortoise ACEC.</p>
<p><u>C. Assure Rangeland Health</u></p> <p>Objective 1: Assess rangeland health not later than 2010.</p> <p>Objective 2: Limit utilization by all herbivores to 50% of current year's production for grasses and 45% for shrubs and forbs within the HMA.</p>	<p>Assess rangeland health using the procedures outlined in Technical Reference 1734-6.</p> <p>Establish baseline trend studies using the frequency sampling procedures as outlined in the Nevada Rangeland Monitoring Handbook.</p> <p>Measure utilization at designated key areas and map use patterns annually.</p>	<p>Pending completion of the rangeland health assessment, establish additional site-specific resource management objectives for key areas, as needed.</p> <p>Assess/document conformance with rangeland health standards.</p> <p>Based on above, re-adjust AML or identify management actions to address/resolve rangeland health issues.</p>
<p><u>D. Sustain Healthy Populations of Wild Burros</u></p> <p>Manage wild burros to achieve an average Henneke body condition class score of 3+.</p>	<p>Visual observations of wild burro body condition will be completed annually.</p> <p>Record average body condition during periodic gather operations.</p>	<p>Conduct emergency removals when needed if animal body condition is less than Henneke condition class 3, due to: drought, wildfires, or other unplanned/unforeseeable events.</p>
<p><u>E. Coordinate Herd Management with NPS</u></p> <p>Manage wild burros in a way that meets BLM and NPS objectives.</p>	<p>Annually review the memorandums of understanding (MOUs).</p>	<p>Maintain MOUs for coordinated herd management with the NPS, where herd management areas extend across agency boundaries.</p>

Alternative 2: Proposed Action (Proposed HMAP)

The Proposed Action would implement a management strategy that includes obtaining information about the herd status and genetic diversity. Under this alternative, wild burros would be managed within the established AML range of 22-98 animals over the next 10-20 year period, as follows:

- The sex ratio of animals released back to the range following future gathers would be approximately 50% males and 50% females.
- Hair and/or blood samples would be acquired every gather or every other gather, pending the recommendations of a baseline genetics report, to determine whether BLM’s management is maintaining acceptable genetic diversity (avoiding inbreeding depression).
- Data including sex and age distribution, reproduction, survival, condition class information (using the Henneke rating system), color, size and other information may also be recorded, along with the location status of that animal (removed or released).
- Released animals would be prioritized to reach the desired 10-25% Young Age Class, 50-80% Middle Age Class, and 10-25% Old Age Class structure.

Table 2. Alternative 2 (Proposed Action/Proposed HMAP) in HMAP Format

Management Objective(s)	Monitoring Objective(s)	Implementation Objective(s)
Items A-E from Table 1 Above, including the following:		
<p><u>F. Ensure Genetic Diversity</u></p> <p>Maintain genetic diversity within the herd (avoid inbreeding depression).</p>	<p>Collect blood and/or hair samples every or every other gather.</p>	<p>Develop baseline genetic information on the wild burros within the Gold Butte HMA.</p> <p>Ensure that no additional loss (>10%) of genetic diversity (H_o) occurs over the next twenty years.</p> <p>If genetic sampling indicates a greater than 10% loss in genetic diversity over the next 10-20 years, wild burros from similar HMAs will be introduced.</p>
<p><u>G. Age Distribution</u></p> <p>Ensure all age classes are represented post-gather.</p>	<p>Monitor post-gather results.</p>	<p>Manage wild burros to achieve the following relative age distribution within any given 4-5 year period.</p> <ul style="list-style-type: none"> • 10-25% Young Age Class (Ages 0-5) • 50-80% Middle Age Class (Ages 6-15) • 10-25% Old Age Class (Ages 16+)
<p><u>H. Sex Ratio</u></p> <p>Maintain a relatively even male/female sex ratio.</p>	<p>Document total number of jacks/jennies released following each gather.</p>	<p>Manage a breeding population of burros that has approximately 50/50 male/female sex ratio immediately following future gathers.</p>

Table 3. Summary Comparison of the Impacts of the Alternatives

Item	Alternative 2 Proposed HMAP	Alternative 1-No Action Continue Existing Management
Population Management Range	The wild burros within the Gold Butte HMA would be managed within the established AML range of 22-98 animals, over the next 10-20 year period, or until the AML is adjusted as described below.	
Future Adjustments to AML	As needed, AML would be adjusted following in-depth analysis of resource conditions, including: actual use, utilization, available forage and water, range condition and trend, and precipitation.	
Size-Breeding Population	100%	
Desired Sex Ratio (Immediately Following Future Gathers)	50/50 Males/Females	Remaining sex ratio is unknown following existing management plan.
Total # Wild Burros Remaining Following Future Gathers	22-49 Animals, immediately following the gather, population would grow at about 20% per year over the next 4-5 years.	
Age Distribution	Future gathers will ensure representation of all age classes based on the following relative age distribution (within any given 4-5 year period); 10-25% Young Age Class (Ages 0-5) 50-80% Middle Age Class (Ages 6-15) 10-25% Old Age Class (Ages 16+)	Remaining age distribution is unknown following the existing management plan.
Population Control Methods (Selective Removal Criteria)	Wild burros will be selectively removed.	All wild burros that are gathered are removed.
Genetic Diversity	Develop baseline genetic information on the wild burros within the Gold Butte HMA. Ensure that no additional loss (>10%) of genetic diversity (H_o) occurs over the next twenty years. If genetic sampling indicates a greater than 10% loss in genetic diversity over the next 1-20 years, wild burros from similar HMAs will be introduced.	No baseline genetic information for the Gold Butte HMA wild burros would be established. No management plan is in place to correct potential future genetic loss.
Rangeland Health	Limit utilization of current year's production by all herbivores on key perennial forage species within the HMA to 50% for grasses and 45% for shrubs and forbs. A rangeland health assessment is planned for completion by 2010.	
Vegetation Condition, Wildlife, Migratory Birds, and Special Status Species Habitat	Short-term displacement due to future gather activities from about 1 to 20 days approximately every 4-5 years. Reduced competition for forage and water leading to healthier plants/rangelands.	

Alternatives Considered But Eliminated From Further Analysis

Provide Supplemental Water and Feed

Providing additional water sources is not feasible due to; limited water rights available in the Las Vegas Valley, difficult access within this geographic area and the potential negative impacts within a NPS-administered area. Additionally, under the 1971 WFRHBA, BLM is required to manage wild burros in a thriving natural ecological balance and all management activities are to be at the minimum feasible level. Therefore, providing supplemental feed (hay) and/or hauling water (other than during short-term emergency situations) does not meet the definition of minimum feasible management and is inconsistent with current laws, regulations and policy. Refer to 43 CFR 4710.4.

Fertility Control

At this time, there are no approved immunocontraceptives for wild burros. In the future, if a fertility control agent is authorized for use in wild burros; additional assessments will be completed prior to its use.

DESCRIPTION OF THE AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS

This section of the environmental assessment briefly discusses the relevant components of the human environment that would be either affected or potentially affected by the Proposed Action and No Action alternatives (refer to Tables 6 and 7). Direct impacts are those that result from the management actions while indirect impacts are those that exist once the management action has occurred. By contrast, cumulative impacts result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such actions. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time.

General Description of the Affected Environment

As discussed in the Background Information (this EA-Page 1), the Gold Butte HMA encompasses 271,210 acres of public land, within Clark County, Nevada (refer to Map 1). HMAs were established in the 1980s with public involvement through the land use planning process.¹ HMA boundaries can only be changed through the land use planning process.

The Gold Butte HMA is within the Mojave Desert ecosystem, which is characterized by low precipitation, hot summers, and cool winters. Air temperatures vary from 20 degrees Fahrenheit (°F) in the winter to an excess of 115 °F in the summer. Average annual precipitation for the Gold Butte HMA is approximately 6.6 inches. Most precipitation occurs during the winter and early spring months (December-March) and in the late summer months (July-August). The driest months are typically May, June, September, and October. Short and long-term drought conditions have a direct and sometimes prolonged impact on water availability and forage plant

¹ Herd management areas are those areas that can be managed over the long-term to achieve sustainable, healthy and viable populations of wild horses and burros in balance with the land's ability to provide habitat.

conditions. Elevation ranges from approximately 630 feet to nearly 5,700 feet above sea level. Canyons and washes occur frequently throughout the area.

The AML in the Gold Butte HMA was set at 0 wild horses and 22-98 wild burros in 1991, based on in-depth analysis of resource monitoring data and issuance of a BLM decision. The Gold Butte HMA is scheduled for re-evaluation of AML in 2009. Depending on the results of the re-evaluation, the AML range may increase, decrease, or remain the same.

The Fork and Tramp Fires of 2005 burned approximately 47% of the Gold Butte HMA, reducing the amount of available forage for the burros. Refer to Map 4. Of this, restoration activities have been implemented on 40 acres, with the balance depending primarily on natural recovery. To aid in the recovery of the vegetation in these areas, 132 burros were removed in March 2006 from the area affected by the wildfires.

The spring sources in the Gold Butte HMA have not been assessed yet for proper functioning condition and include the following springs:

- Aqua Chiquita Spring
- Bills Spring
- Cataract Spring
- Connolly Spring
- Fairbanks Spring
- Falls Spring
- Gann Spring
- Gofchel Spring
- Grapevine Spring
- Granite Spring
- Horse Spring
- Jumbo Spring
- Maynard Spring
- Mockingbird Spring
- New Spring
- Perkins Spring
- Quail Spring
- Rattlesnake Spring
- Red Rock Springs
- Ruby Spring
- Summit Spring
- Turkey Spring
- Twin Spring
- Walker Spring

Wild burros are present year-round in the Gold Butte HMA and surrounding areas. Burros were brought to Nevada through the westward expansion and exploration. Burros were heavily used in mining operations and as pack animals during the 1800s. Dominant colors are grey, brown, black, and Maltese (grey with black mask), no pinto burros have been found within the Gold Butte HMA. The average population increase for wild burros is approximately 20%, with year-round foaling. The direct count of wild burros is adjusted by a factor of 50% to compensate for potential visual observation error (refer to Table 5). The current population is estimated at 90 wild burros.

Gathers have not occurred on a regular basis within Gold Butte HMA; however, a number of emergency or nuisance removals have occurred over the years (refer to Table 4). Additional wild burros have been gathered that are not listed in Table 4, these wild burros were from outside the Gold Butte HMA on National Park Service managed land. The primary gather method used in the past is helicopter drive and helicopter assisted roping. In the future, the same method will be used unless only a few animals need to be gathered. If possible, bait and/or water trapping for a few animals will be used instead of the helicopter drive and helicopter assisted roping method.

Table 4. Gather/Removal History of Wild Burros in the Gold Butte HMA

Year	Burros Removed	Location
1989	11	Gold Butte HMA
1991	254	Gold Butte HMA
1993	100	Gold Butte HMA
1995	37	Gold Butte HMA
1996	313	Gold Butte HMA
1997	120	Gold Butte HMA
2003	39	Gold Butte HMA
2006	132	Gold Butte HMA
2007	140	Gold Butte HMA

Table 5. Population Census History of Wild Horses & Burros in the Gold Butte HMA and NPS

Population Census and Distribution History			
Year	Direct Count	Adjusted Count (For Wild Burros)	Total Estimated Population
1994 – April	472	708	708
2005 – December	94	141	141
2006 – June	66	*	** 80
2006 – October	92	*	** 110
2006 – December	103	155	155
2007 – May	48	*	** 186
2007 – December	78	94	94

* Distribution flights are not adjusted.

** Estimated population increased by 20% to account for foaling increase.

Supplemental Authorities for the Human Environment

Table 6. Critical Elements for the Human Environment

Critical Element	Resource Present	Affected	Rationale
ACECs	YES	NO	The critical habitat for desert tortoise and the cultural resources for the Gold Butte ACECs will be avoided during the gather operations. Trap site locations will be located at previously disturbed sites and avoid any potential conflicts with critical habitat or specific cultural resources with the ACEC. Additionally, the desert tortoise critical habitat with the Piute/Eldorado ACEC will also be avoided. Cultural resource specialists and wildlife biologists will be consulted as to where trap sites can be located without causing conflicts to the ACECs within the gather area.
Air Quality	YES	NO	The proposed gather area is not within an area of non-attainment or areas where total suspended particulates exceed Nevada air quality standards. Areas of disturbance would be small and temporary.
Cultural and Historical Resources	YES	NO	A number of known cultural resources exist within the Gold Butte HMA that would be avoided during the gather. Trap sites and holding facilities (unless they are located on a previously surveyed site) would be surveyed before the gather begins, to prevent any negative effects to the cultural resources.
Environmental Justice	NO	NO	The proposed action or alternatives would have either no or negligible effect on minority or low-income populations.
Farmlands Prime or Unique	NO	NO	Resource not present.
Fish Habitat	NO	NO	Resource not present.
Floodplains	NO	NO	Resource not present.
Forest and Rangelands	YES	NO	Resource is not affected by the proposed action or alternatives.
Invasive, Non-native Species	YES	NO	Any noxious weeds or non-native invasive weeds would be avoided when establishing trap sites, and holding facilities, and would not be driven through to prevent the risk of the spread of noxious weeds.
Migratory Birds	YES	NO	Discussed below under wildlife.
Native American Religious Concerns	YES	NO	No known Native American concerns.
Riparian-Wetland Zones	YES	NO	Riparian-wetland zones would be avoided for trap site or holding facility locations. It is anticipated that under the proposed action riparian-wetland zones would improve as grazing pressure decreases.
T&E Flora/Fauna and Special Status Species	YES	MAY	Discussed below under wildlife.
Waste – Hazardous/Solid	NO	NO	Not present.
Water Quality	NO	NO	Resource not present.
Wild & Scenic Rivers	NO	NO	Resource not present.

Table 7. Other Resources Checklist

Other Resources	Resource Present	Affected	Rationale
Fire Management	YES	NO	Resource is not affected by the proposed action or alternatives.
Forestry and Woodland	YES	NO	Resource is not affected by the proposed action or alternatives.
Land Use Authorization	YES	NO	Resource is not affected by the proposed action or alternatives.
Livestock Management	NO	NO	Resource not present.
Minerals	YES	NO	Resource is not affected by the proposed action or alternatives.
Paleontology	YES	NO	Resource is not affected by the proposed action or alternatives.
Rangeland Vegetation	YES	YES	Discussed below under vegetation
Recreation	YES	NO	Resource is not affected by the proposed action or alternatives.
Socioeconomics	YES	NO	Resource is not affected by the proposed action or alternatives.
Soils	YES	YES	Soil disturbances would be less than 1 acre in size and trap sites would be located in previously disturbed areas. Except for temporary disturbance at the trap sites, the resource is not affected due to the sandy soil texture. Refer to discussion below.
Visual	YES	NO	No visual impacts would occur because this action is temporary.
Wild Horses and Burros	YES	YES	Discussed below under wild horse & burro.
Wildlife	YES	YES	Discussed below under wildlife.
Wilderness and Wilderness Study Area	YES	NO	Wilderness and wilderness study areas are located within the Gold Butte HMA. No surface impacts within the wilderness are anticipated to occur during the gather since all trap sites and holding facilities would be placed outside wilderness or wilderness study areas. Wilderness values of naturalness after the gather would be enhanced by a reduction in burro numbers which would be expected to result in improved ecological condition of the plant communities and other natural resources as plant communities are allowed to stabilize absent burro herbivory.

The following critical or other elements of the human environment are present and may potentially be affected by the Proposed Action or the alternatives: **Wild Horses and Burros, Vegetation, Soils, and Wildlife.** The existing situation (affected environment) and direct and indirect impacts to these resources, which would result with implementation of the Proposed Action and the other alternatives, are discussed in detail below.

Wild Horses and Burros

Affected Environment

The current population of wild burros in the Gold Butte HMA (including NPS) is estimated at approximately 94 animals, but is expected to grow to approximately 113 animals following the 2008 foaling season, 5.1 times the low-range of the AML². This data suggests the annual population growth has averaged about 20% over the past four years.

During the summer months, the majority of the wild burro herd waters at multiple springs scattered throughout the Gold Butte HMA, and at Lake Mead.

At the present time, wild burros are in mostly good physical condition (body condition of $\geq 3+$); however, the health of the current wild burro population cannot be sustained without continued use of NPS land.

Environmental Consequences

Impacts Common to Both Alternatives

Both alternatives would result in periodic gathers to remove excess wild burros from the Gold Butte HMA. Future gather operations would be conducted in accordance with the SOPs in the National Gather Contract. The primary methods used to gather excess wild burros would be helicopter drive trapping or helicopter assisted roping from horseback. Bait and/or water trapping may also be selected in other special circumstances, as appropriate. Any future emergency removals (due to drought, fire, or other unexpected events) would be based on a gate cut strategy (all animals gathered would be removed) to minimize impacts to animals which may already be stressed.

Direct impacts to individual wild burros as a result of future gather and removal operations include the handling stress associated with these activities. Traumatic injuries that may occur typically involve biting and/or kicking that may result in bruises and minor swelling that normally does not break the skin. These impacts are known to occur intermittently during gather operations, the intensity of these impacts varies by individual. Mortality of individuals from these impacts is infrequent but may occur in one-half to one percent of wild horses and burros gathered in a given removal operation (Nevada BLM statistics). Implementation of SOPs would help minimize direct impacts to animals.

Direct impacts to the wild burros' social structure as a result of a future gather, handling and removal operation include the temporary separation of foals from their mothers, and mixing and separation of individual bands. These impacts would be short-term (from a few hours to a few weeks) and would disappear within a few weeks following the gather as bands reform.

The indirect effect of removing excess and nuisance wild burros before range conditions deteriorate would be decreased competition among the remaining burros for the available water

² This number is derived from the May 2007 distribution.

and forage. This should result in improved wild burro health and body condition, especially for jennies and foals.

Alternative 1: No Action (Continue Existing Management)

Under the No Action alternative, the HMA would be gathered about every 4-5 years over the next 10-20 year period to remove excess wild burros using a gate cut removal strategy. Following future gathers the population would be expected to continue to grow at a rate of about 20% per year. As a result, the population would be expected to grow from about 94 animals to about 196 animals within a four-year period and up to 235 animals within a five-year period.

No genetic sampling will be collected under this alternative. Any burros that are gathered will be removed from the HMA.

Utilization in a 1-3 mile radius around existing water sources could continue to be heavy, especially as the population exceeds the high-range of AML.

Alternative 2: Proposed Action (Proposed HMAP)

Under the Proposed Action, the HMA would initially be gathered to the low- to mid-range of AML using selective removal strategy. Following that gather, the population would be expected to grow from about 22-49 animals to about 46-102 animals within a four year period and up to 55-122 animals within a five year period.

Under the Proposed Action, the breeding population would be managed at an even sex ratio, 50/50 male/female, immediately following gathers. The age structure distribution would follow a 10-25% Young Age Class, 50-80% Middle Age Class, and 10-25% Old Age Class structure. Baseline genetic information will be established under the Proposed Action by taking hair and/or blood samples from gathered animals. If genetic sampling indicates a greater than 10% loss in genetic diversity over the next 10-20 years, wild burros from similar HMAs will be introduced.

Vegetation and Soils

Affected Environment

The Gold Butte HMA consists of a variety of vegetative communities, including creosote bush, white bursage, Mojave mid-elevation desert scrub (blackbrush), mixed salt desert scrub, sagebrush dominated shrubland, playa, warm desert wash and pinyon-juniper woodlands. Short-lived ephemeral-type forbs and grasses may be periodically abundant when favorable climatic conditions result in “desert bloom”. Many other yucca, cacti and succulents are common in sites dominated by desert shrubs. Burros typically forage on the following key grass and browse species: galleta grass, Indian ricegrass, stipa species, white bursage, winterfat, and spiny menodora.

The vegetative communities of the Gold Butte HMA have been affected by the Fork and Tramp Fires, which occurred in 2005, refer to Map 4. Due to these wildfires, 47% of the HMA has burned, reducing the amount of available forage for the burros. Since the 2005 fires, restoration has begun within some of the burned areas, while the remaining areas are recovering naturally.

To further aid in the recovery of the vegetation in these areas, 132 burros were removed in March 2006 from the area affected by the wildfires.

Soils are more commonly affected by physical weathering processes than chemical dissolution because of the arid climate, although significant chemical dissolution can occur at higher elevations in mountain ranges where precipitation is greater. Runoff from periodic intense thunderstorms and winter rainstorms transport large quantities of weathered rock fragments from the mountains; coarse-grained materials form alluvial fans along the flanks of the mountains, while fine-grained sediments are transported by water or wind to valley floors. Soils tend to be poorly formed because sedimentation rates are greater than soil-formation rates. Soils tend to have little organic matter because of lower abundances of vegetation and organic detritus tends to oxidize rather than decompose in arid environments. Soils tend to be moderately to highly alkaline and have high salinity concentrations because of high evaporation rates. Limited plant canopy cover in many areas allows raindrop impacts during high-intensity thunderstorms to destroy soil aggregates and increase transport of sediments by splashing; runoff during these storms also enhances sheet and rill erosion.

Environmental Consequences

Impacts Common to Both Alternatives

Both alternatives would result in the location of key areas to facilitate future utilization and vegetation condition and trend monitoring. A rangeland health assessment would be completed by 2010 under both alternatives; based on the results of this assessment additional site-specific resource management objectives for the key areas could potentially be established.

All the alternatives would result in periodic gathers to remove excess and nuisance wild burros from the Gold Butte HMA. The direct impacts to vegetation would include short-term (1-20 days) disturbance of native vegetation immediately in and around temporary gather sites, and holding and handling facilities. Impacts could be by vehicle traffic and the hoof action of penned wild burros, and could be locally severe in the immediate vicinity of the corrals or holding facilities, these sites would be small (less than one half acre) in size. Since most trap sites and holding facilities would be re-used during recurring wild burro gather operations, any impacts would remain site-specific and isolated in nature. In addition, most trap sites or holding facilities are selected to enable easy access by transportation vehicles and support equipment.

Indirect impacts from gathering to the low- to mid-range AML include; reduced trailing, decreased forage utilization and less competition between wild burros and native wildlife. Reduced trailing would lessen vegetation trampling and disturbance as the burros travel between water and forage areas. Decreased forage utilization would promote re-growth and potentially provide for the recovery of overgrazed plants. Decreased competition would create a more balanced ecosystem and lessen animal stress especially during periods of drought.

Wildlife

Affected Environment

The mosaic of plant communities and topographic features found on the Gold Butte HMA supports a wide variety of wildlife species. These species use these areas for resting, courtship, foraging, travel, supplies of food and water, thermal protection, reproduction and escape cover. Numerous avian, mammalian, reptilian, amphibian, invertebrates and other wildlife species are present within the Gold Butte HMA.

Migratory birds including the horned lark, common raven, black-throated sparrow, phainopepla, and the burrowing owl may be found in the Gold Butte HMA within the creosote-bursage scrub plant community. The bald eagle winters around Lake Mead and may forage areas around the lake in the winter, but no known bald eagle habitat occurs on BLM managed lands in southern Nevada.

The BLM recognizes special status species as those species considered Species of Concern by the US Fish and Wildlife Service (FWS), or area state protected species. The BLM also recognizes those designated as sensitive by the BLM State Director, and in the Las Vegas Field Office, the BLM is signatory to the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and has committed to ensure protection for 78 covered species.

Threatened species present in the Gold Butte HMA:

- Desert tortoise (*Gopherus agassizii*): As discussed above, there are two ACECs established for the desert tortoise in both the El Dorado Mountains HMA and Gold Butte HMA. Refer to Map 2.

Sensitive species present in the Gold Butte HMA:

- Phainopepla (*Phainopepla nitens*): This species of bird may occur throughout the Gold Butte HMA within ephemeral washes and upland scrub areas supporting catclaw acacia plants.
- Burrowing owl (*Athene cunicularia*): This species may occur throughout the Gold Butte HMA, within the same general habitat as desert tortoise. It may be found in the open, dry, Mojave Desert shrub plant community.
- Bighorn sheep (*Ovis canadensis*): Winter and crucial habitat for the bighorn sheep are found in the Gold Butte HMA.

Burros may disturb habitat for these threatened and sensitive species, and could possibly be a contributing factor to management objectives for these species not being met. Proper population management of the burros will continue to lessen their affects on any critical habitat in the Gold Butte HMA.

Environmental Consequences

Impacts Common to Both Alternatives

Both alternatives would result in periodic gathers to remove excess and nuisance burros from the Gold Butte HMA. The direct impacts to wildlife would include short-term (1 to 20 days) disturbance immediately in and around temporary trap sites and holding and handling facilities.

Indirect impacts from gathering to the low- to mid-range AML include reduced trailing by wild burros and less disturbance to native wildlife. Reduced competition between wild burros and wildlife for water and forage would also be expected. Over the next 10-20 years, reduced forage utilization would promote vegetative re-growth and provide for the natural recovery of overgrazed forage species. This would benefit wildlife by improving the diversity and productivity of key species and the overall quality of the habitat. Over the long-term (10-20 years), managing the wild burro population within the AML range of 22-98 would result in healthier rangeland vegetation better able to withstand grazing pressure from wild burros and native wildlife, especially during periods of drought.

As the wild burro population increases to the upper limit of AML increased impacts to wildlife would also be expected because of the concentrated wild burro use around the available water sources within the Gold Butte HMA.

CUMULATIVE IMPACTS

The National Environmental Policy Act (NEPA) regulations define cumulative impacts as impacts on the environment that result from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such actions (40 CFR 1508.7). Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time.

According to the 1994 BLM *Guidelines for Assessing and Documenting Cumulative Impacts*, the cumulative analysis should be focused on those issues and resource values identified during scoping that are of major importance. Accordingly, the issues of major importance to be analyzed are; **Wild Burros** and **Vegetation**. Impacts to soils and wildlife will not be analyzed as issues because potential cumulative impacts to these resources are a function of the wild burro population size and their direct, indirect and cumulative impact on vegetation quantity and quality.

Wild Burros

Past

Herd Areas (HAs) were identified in 1971 as areas occupied by wild horses and burros. HMAs were established in the 1980s through the land use planning process as areas where wild horse and burro management was an approved multiple-use. The BLM also moved to long-range plan with the development of Resource Management Plans and Grazing Environmental Impact Statements.

Gathering of the Gold Butte HMA on a regular basis has never occurred; but a number of emergency and/or nuisance gathers have occurred over the years.

Present

Today the Gold Butte HMA has an estimated population of 94 burros; this population is expected to grow to nearly 113 wild burros following the 2008 foaling season. The current sex ratio of males/females and the age structure distribution of the wild burros is unknown.

Current policies require the BLM to remove excess animals immediately (or as soon as possible) once a determination has been made that excess animals are present. Program goals have expanded beyond establishing a “*thriving natural ecological balance*” (by establishing AML for individual herd management areas) to achieving and maintaining a healthy, self-sustaining wild horse and burro population.

The destruction of healthy animals is prohibited; adoptions or sales³ or placement of excess wild horses and burros in a long-term holding facility are the primary means for caring for the animals removed from the Gold Butte HMA. The focus of wild horse and burro management has also expanded to place emphasis on achieving rangeland health as measured through the standards and guidelines for rangeland health and healthy, self-sustaining wild horse and burro populations developed by the Mojave-Southern Great Basin Resource Advisory Council (RAC).

Under Alternative 1, continue the existing management and manage for a population range of 22-98 burros. Gathers would be conducted as gate cuts and genetic sampling would not be completed for wild burros within the Gold Butte HMA.

The Proposed Action (Alternative 2) would manage for a population range of 22-49 animals. This would allow the population to grow at 20% per year for four years to the upper limit of the AML without the need for more frequent removals of excess wild burros. By achieving AML, competition between wild burros and other users for vegetation and water resources would be reduced over the current level. Direct improvement in rangeland vegetation condition would be expected, which would benefit both native wildlife and wild burro populations within the Gold Butte HMA over the short-term. Over the long-term, continuing to maintain burro populations within the low to mid-range AML would further benefit all users and the resources they depend on for forage and water.

Genetic diversity would be monitored during every or every other future gather under the Proposed Action, dependent upon initial baseline genetic information and recommendations. Should genetic monitoring indicate a reduction in genetic diversity greater than 10% over the established baseline (H_0), then wild burros from similar herd management areas would be introduced to the Gold Butte HMA.

³ Under authority provided by the Congress of the United States in December 2003, sales of excess animals to individuals who can provide the animals with a good home are limited to animals over age 10 or that have been offered unsuccessfully for adoption three times.

Under the Proposed Action an even sex ratio of males to females is planned as well as ensuring representation of all age classes based on the following relative age distribution (within any given 4-5 year period);

- 10-25% Young Age Class (Ages 0-5)
- 50-80% Middle Age Class (Ages 6-15)
- 10-25% Old Age Class (Ages 16+)

Reasonably Foreseeable Future Actions

No further amendments to the 1971 WFRHBA are currently anticipated which would have potential to change the way wild horses and burros are managed on the public lands, although the Act has been amended three times since 1971. Therefore, future changes to the WFRHBA are possible as a reasonably foreseeable future action.

Under the Proposed Action, the estimated annual growth rate is 20% per year. At that rate of growth, the wild burro population within the Gold Butte HMA would be expected to reach the upper limit of the AML (or 98 animals) in about 2015. At that time, a gather would be necessary, and it is projected that approximately 70 burros would be proposed for removal at that time. Under the Continue Existing Management Alternative, the population of burros within the Gold Butte HMA would be expected to double over the next four years.

As a reasonably foreseeable future action, the Gold Butte HMA is tentatively scheduled for an AML re-evaluation in 2009. This evaluation would include an in-depth analysis of available monitoring data collected since AML was set in 1991, preparation of an environmental assessment and issuance of a BLM decision. Depending on the results of the evaluation, AML could be adjusted up or down or remain unchanged at 22-98 animals. Opportunities for public involvement would be provided throughout the re-evaluation process, including the opportunity for administrative review of BLM's final decision. Any future proposed projects within the Gold Butte HMA would be analyzed in an appropriate environmental document following site-specific planning. Future project planning would also include public involvement.

Vegetation

Past

Utilization monitoring has been completed within the Gold Butte HMAs. In the Gold Butte HMA, the animals are more evenly dispersed, thus the vegetation was not being utilized as heavily.

Present

All alternatives would conduct future gathers to reduce wild horse and burro populations to within the established AML range; as a result, forage utilization by wild burros would decrease. Competition between wild burros and other native wildlife over water resources and vegetation would be reduced. The Proposed Action alternative would reduce the population to the low to mid-range AML, further reducing competition for vegetation. This reduction would allow the population to grow over a longer period of time before it reaches the upper limit of the AML.

Reasonably Foreseeable Future Actions

Cumulatively over the next 10-20 year period, continuing to manage wild burros and horses within the established AML range would result in improved vegetation conditions (quality and quantity), which in turn would positively impact native wildlife and wild burro populations.

SUMMARY OF PAST, PRESENT, AND REASONABLY FORESEEABLE FUTURE ACTIONS (CUMULATIVE IMPACTS)

Cumulative beneficial impacts from the Proposed Action are expected and would include continued improvement of vegetative conditions, in turn positively impacting native wildlife and wild horse and burro populations as forage quantity and quality is improved over the current level.

Direct cumulative impacts of the No Action Alternative coupled with impacts from past, present, and reasonably foreseeable future actions would result in foregoing an opportunity to improve rangeland health. Wild horses and burros would not be properly managed in balance with the available water and forage. This No Action alternative, in conjunction with many of the past, present and reasonably foreseeable future action would only partially attain the RMP objectives and Standards for Rangeland Health and Wild Horse and Burro Populations.

This combination of past, present and reasonably foreseeable future actions, along with implementation of the Proposed Action, should result in a more stable wild burro population, healthier rangeland, healthier, self-sustaining wild burro population, more even sex ratio, a relative age distribution between young, middle, and old age class, and fewer multiple use conflicts within the Gold Butte HMA over the short and long-term.

MITIGATION MEASURES AND SUGGESTED MONITORING

Proven mitigation and monitoring measures are incorporated into the Proposed Action through standard operating procedures (SOPs) which have been developed over time. These SOPs represent the "best methods" for reducing impacts associated with gathering, handling, transporting and collecting herd data.

The Gold Butte HMA will be monitored annually as outlined in the Monitoring Plan. Management plans may be adjusted when monitoring data and other information indicates a need. In addition to annual monitoring, long-term evaluations will be completed at roughly ten-year intervals, or as needed, based on the results of annual monitoring.

Monitoring is designed to answer two primary questions:

“Did we do what we said we were going to do?”
“Was what we did effective in meeting/moving toward our objectives?”

The objective for the long-term evaluation is to determine:

“Are our objective(s) still current...or do they need to be modified?”
“Is our management on track...or do we need to make some changes?”

Significant changes needed because of short or long-term evaluations may require appropriate NEPA analysis and documentation prior to implementation.

CONSULTATION AND COORDINATION

The consultation and coordination conducted in preparing this preliminary environmental assessment is summarized in the EA. For a detailed list of those consulted as well as a summary of the comments received, refer to Appendices G and H.

List of Preparers

Jerrie Bertola	Wild Horse & Burro Specialist, LVFO
Krystal Johnson	Wild Horse & Burro Specialist, LVFO
Patrick Putnam	Assistant Field Manager, Recreation and Renewable Resources, LVFO
Susanne Rowe	Archaeologist (Archaeology and Cultural Resources), LVFO
Mark Slaughter	Wildlife Biologist (Wildlife/T&E/Special Status Species), LVFO
Jeff Steinmetz	Planning and Environmental Coordinator, LVFO
Susie Stokke	Wild Horse & Burro Program Lead, NSO

APPENDIX

Appendix A – Las Vegas Resource Management Plan ROD (October 1998)

Appendix B – Mojave-Southern Great Basin Rangeland Health Standards and Guidelines

Appendix C – Current Standard Operating Procedures (Gather Operation)

Appendix D – Current Euthanasia Policy

Appendix E – Current Selective Removal Criteria

Appendix F - List of Interested Individuals, Groups and Agencies Contacted

Appendix G- Summary of Comments Received During Public Scoping and How BLM Used These Comments in Preparing the Preliminary Environmental Assessment

Appendix H - Summary of Comments Received Following 30-Day Review of the Preliminary EA and How BLM Used These Comments in Preparing the Preliminary Environmental Assessment

APPENDIX A

Relevant Land Use Plan Decisions -- Wild Horse and Burro Management

Las Vegas Resource Management Plan ROD (October 1998)

Objective

WHB-1. In herd management areas not constrained by desert tortoise restrictions, manage for a healthy genetically viable herds of wild horses and/or burros in a natural, thriving ecological balance with other rangeland uses.

Management Direction

WHB-1-a. Establish appropriate management levels within herd management areas.

WHB-1-b. Adjust the appropriate management level identified for each HMA when monitoring determines the animal population, forage, water, riparian, and other ecosystem management objectives are not being met.

WHB-1-c. Limit utilization of current year's production by all herbivores on key perennial forage species within HMAs to 50% for grasses and 45% for shrubs and forbs.

WHB-1-d. Develop and maintain dependable water sources, consistent with BLM policy for wilderness management, to allow more event distribution of wild horses and burros throughout the HMAs.

Objective

WHB-2. Maintain the wild, free-roaming character of the wild horses and burros on the public lands.

Management Direction

WHB-2-a. To facilitate management with distinct population units, realign the following HMAs: Red Rocks Herd Management Area (formerly part of the Spring Mountains Herd Management Area).

WHB-2-b. Adopt Herd Management Boundaries to existing 1971 locations; this will increase the size of some HMAs but not decrease any in size.

WHB-2-c. Develop/maintain memorandums of understanding for coordinated herd management with the National Park Service and U.S. Forest Service where HMAs extend across administrative boundaries.

WHB-2-d. Wild horses and burros that become problem animals or traffic hazards on Nevada State Routes 159 and 160 or in urban areas will be removed as soon as possible.

WHB-2-e. Wild horses and burros will be scheduled for removal as expeditiously as possible from fenced private lands within the planning area, after a request is made by the private landowner and reasonable efforts to restrict the animals from private property have failed.

WHB-2-f. Wild horses and burros will be removed when animals are residing on lands outside the HMA or when the appropriate management level is exceeded.

WHB-2-g. Construct underpasses or other structures within highway rights-of-way to allow sage passage of wild horses and burros. Appropriate locations will be determined by BLM and the Nevada Department of Transportation in coordination with affected interests.

APPENDIX B

Mojave Southern Great Basin Resource Advisory Council

Rangeland Health Standards and Guidelines

Preamble

Standard 1. Soils:

Watershed soils and streambanks should have adequate stability to resist accelerated erosion, maintain soil productivity, and sustain the hydrologic cycle.

Soil Indicators:

- Ground cover (vegetation, litter, rock, bare ground);
- Surfaces (eg. biological crusts, pavement); and,
- Compaction/infiltration.

Riparian soil indicators:

- Streambank stability.

All of the above indicators are appropriate to the potential of the ecological site.

Guidelines:

- 1.1 Upland management practices should maintain or promote adequate vegetative ground cover to achieve the standards.
- 1.2 Riparian-wetland management practices should maintain or promote sufficient residual vegetation to maintain, improve, or restore functions such as stream flow energy dissipation, sediment capture, groundwater recharge, and streambank stability.
- 1.3 When wild horse and burro herd management practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.
- 1.4 Wild horse and burro herd management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

Standard 2. Ecosystem Components:

Watersheds should possess the necessary ecological components to achieve State water quality criteria, maintain ecological processes, and sustain appropriate uses.

Riparian and wetlands vegetation should have structural and species diversity characteristic of the stage of stream channel succession in order to provide forage and cover, capture sediment, and capture, retain, and safely release water (watershed function).

Upland Indicators:

- Canopy and ground cover, including litter, live vegetation, biological crust, and rock appropriate to the potential of the ecological site.
- Ecological processes are adequate for the vegetative communities.

Riparian Indicators:

- Streamside riparian areas are functioning properly when adequate vegetation, large woody debris, or rock is present to dissipate stream energy associated with high water flows.
- Elements indicating proper functioning condition such as avoiding accelerating erosion, capturing sediment, and providing for groundwater recharge and release are determined by the following measurements as appropriate to the site characteristics:
 - Width/depth ratio.
 - Channel roughness.
 - Sinuosity of stream channel.
 - Bank stability.
 - Vegetative cover (amount, spacing, life form); and
 - Other cover (large woody debris, rock).
- Natural springs, seeps, and marsh areas are functioning properly when adequate vegetation is present to facilitate water retention, filtering, and release as indicated by plant species and cover appropriate to the site characteristics.

Water Quality Indicators:

- Chemical, physical, and biological constituents do not exceed State water quality standards.

Guidelines:

- 2.1 Management practices should maintain or promote appropriate stream channel morphology and structure consistent with the watershed.
- 2.2 Watershed management practices should maintain, restore or enhance water quality and flow rate to support desired ecological conditions.
- 2.3 Management practices should maintain or promote the physical and biological conditions necessary for achieving surface characteristics and desired natural plant community.
- 2.4 Wild horse and burro herd management practices will consider both economic and physical environment and will address all multiple uses including but not limited to: recreation, minerals, cultural resources, wildlife, domestic livestock, community economics, Areas of Critical Environmental Concern, and designated wilderness and wilderness study areas.
- 2.5 New facilities should be located away from riparian and wetland areas if existing facilities conflict with achieving or maintaining riparian and wetland functions. Existing facilities will be used in a way that does not conflict with achieving or maintaining riparian and wetland functions or they will be relocated or modified when necessary to mitigate adverse impacts on riparian and wetland functions.
- 2.6 Subject to all valid existing rights, the design of spring and seep developments shall include provisions to maintain or promote ecological functions and processes.

- 2.7 When proper wild horse and burro herd management is not likely to restore areas of low infiltration or permeability, land management practices may be designed and implemented where appropriate. When setting herd management levels on ephemeral rangeland watersheds, reliable estimates of production of drought conditions should be used to avoid adverse effects on perennial species and ecosystem processes and retain a desired minimum level of annual growth or residue remaining.
- 2.8 Wild horse and burro herd management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

Standard 3. Habitat and Biota:

Habitats and watersheds should sustain a level of biodiversity appropriate for the area and conducive to appropriate uses. Habitats of special status species should be able to sustain viable populations of those species.

Habitat Indicators:

- Vegetation composition (relative abundance of species);
- Vegetation structure (life forms, cover, height, and age classes);
- Vegetation distribution (patchiness, corridors);
- Vegetation productivity; and
- Vegetation nutritional value.

Wildlife Indicators:

- Escape terrain;
- Relative abundance;
- Composition;
- Distribution;
- Nutritional value; and
- Edge-patch snags.

The above Indicators shall be applies to the potential of the ecological site.

Guidelines:

- 3.1 Mosaics of plant and animal communities that foster diverse and productive ecosystems should be maintained or achieved.
- 3.2 Management practices should emphasize native species except when others would serve better for attaining desired plant communities.
- 3.3 Wild horse and burro herd management practices should provide for growth, reproduction, and seedling establishment of those plant species needed to reach long-term land use plan objectives. Measurements of ecological conditions, trend and utilization will be in accordance with techniques identified in the Nevada Rangeland Monitoring Handbook.
- 3.4 Wild horse and burro herd management practices should be planned and implemented to provide for integrated use by domestic livestock and wildlife.

- 3.5 Wild horse and burro herd management practices will promote the conservation, restoration and maintenance of habitat for special status species.
- 3.6 Wild horse and burro herd management practices will be designed to protect fragile ecosystems of limited distribution and size that support unique sensitive/endemic species or communities. Where these practices are not successful, herd levels will be reduced or eliminated from these areas.
- 3.7 When wild horse and burro herd management practices alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.
- 3.8 Vegetation manipulation treatments may be implemented to improve native plant communities, consistent with appropriate land use plans, in areas where identified standards cannot be achieved through wild horse and burro herd management practices alone. Fire is the preferred vegetation manipulation practice on areas historically adapted to fire; treatment of native vegetation with herbicides or through mechanical means will be used only when other management techniques are not effective.
- 3.9 Wild horse and burro herd management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

Standard 4. Wild Horse and Burro Standard:

Wild horses and burros within Herd Management Areas should be managed for herd viability and sustainability. Herd Management Areas should be managed to maintain a healthy ecological balance among wild horse and/or burro populations, wildlife, livestock and vegetation.

Herd health indicators:

- General horse and/or burro appearance: problems are often apparent and can be easily identified by just looking at the herd.
- Crippled or injured horses and/or burros: excessive injuries can indicate problems.

Herd demographics indicators:

- Size of bands: a band with one stud or jack, one mare or jenny, and one foal indicates a problem. An oversized band also indicates there is a problem. Band sizes of 5-10 animals with one dominant stud per band is a good indicator.
- Size of Bachelor Bands: Large bachelor bands in the immediate vicinity of other bands could indicate potential problems.

Herd viability indicators:

- Heavy trailing into water sources may indicate a significant problem with forage availability or water distribution. Animals may be traveling considerable distances to obtain water or forage.
- Waiting for water. When available water becomes so scarce that a waiting line develops, horses and burros are in trouble.
- Availability of water. Address legal and/or climatic considerations. Situations exist where WH&B are present only because they currently have access to water, which they could be legally deprived of under Nevada water laws. Situations exist where existing

WH&B populations are dependent upon water hauling. If water hauling were to cease, these animals would die within a matter of days.

- Depleted forage near all available water sources. Adequate water, and forage adjacent to water sources, are essential.

Guidelines:

- 4.1 Wild horse and burro populations in HMAs should not exceed AML.
- 4.2 AMLs should be set to reflect the carrying capacity of the land in dry conditions based upon the most limiting factor: living space, water or forage. Management levels will not conflict with achieving or maintaining standards for soils, ecological components, or diversity of habitat and biota.
- 4.3 Interaction with herds should be minimized. Intrusive gathers should remove sufficient numbers of animals to ensure a period between gathers that reflects national wild horse and burro management strategies. Non-intrusive gathers such as water trapping can be done on an “as needed” basis.
- 4.4 Herd Management Plans should be made with the best predictive information available. When emergency actions occur, the Herd Management Plan should be re-evaluated.
- 4.5 Viable sex and age distribution should be a long-term goal of any wild horse and burro herd management plan. Sex and age distribution of the herd should be addressed when (after) AML is reached.
- 4.6 When wild horse and burro herd management alone are not likely to restore areas, land management practices may be designed and implemented where appropriate.
- 4.7 Wild horse and burro herd management practices should address improvement beyond this standard, significant progress toward achieving standards, time necessary for recovery, and time necessary for predicting trends.

APPENDIX C

Current Standard Operating Procedures (Gather Operation)

Gathers would be conducted by utilizing contractors from the Wild Horse and Burro Gathers-Western States Contract, or BLM personnel. The following procedures for gathering and handling wild horses and burros would apply whether a contractor or BLM personnel conduct a gather. For helicopter gathers conducted by BLM personnel, gather operations will be conducted in conformance with the *Wild Horse and Burro Aviation Management Handbook* (March 2000).

Prior to any gathering operation, the BLM will provide for a pre-capture evaluation of existing conditions in the gather area(s). The evaluation will include animal conditions, prevailing temperatures, drought conditions, soil conditions, road conditions, and a topographic map with wilderness boundaries, the location of fences, other physical barriers, and acceptable trap locations in relation to animal distribution. The evaluation will determine whether the proposed activities will necessitate the presence of a veterinarian during operations. If it is determined that capture operations necessitate the services of a veterinarian, one would be obtained before the capture would proceed. The contractor will be apprised of all conditions and will be given instructions regarding the capture and handling of animals to ensure their health and welfare is protected.

Trap sites and temporary holding sites will be located to reduce the likelihood of undue injury and stress to the animals, and to minimize potential damage to the natural resources of the area. These sites would be located on or near existing roads.

The primary capture methods used in the performance of gather operations include:

1. Helicopter Drive Trapping. This capture method involves utilizing a helicopter to herd wild horses and burros into a temporary trap.
2. Helicopter Assisted Roping. This capture method involves utilizing a helicopter to herd wild horses or burros to ropers.
3. Bait Trapping. This capture method involves utilizing bait (water or feed) to lure wild horses and burros into a temporary trap.

The following procedures and stipulations will be followed to ensure the welfare, safety and humane treatment of wild horses and burros in accordance with the provisions of 43 CFR 4700.

A. Capture Methods used in the Performance of Gather Contract Operations

1. The primary concern of the contractor is the safe and humane handling of all animals captured. All capture attempts shall incorporate the following:

All trap and holding facilities locations must be approved by the Contracting Officer's Representative (COR) and/or the Project Inspector (PI) prior to construction. The Contractor may also be required to change or move trap locations as determined by the COR/PI. All traps and holding facilities not located on public land must have prior written approval of the landowner.

2. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.
3. All traps, wings, and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the following:
 - a. Traps and holding facilities shall be constructed of portable panels, the top of which shall not be less than 72 inches high for horses and 60 inches for burros, and the bottom rail of which shall not be more than 12 inches from ground level. All traps and holding facilities shall be oval or round in design.
 - b. All loading chute sides shall be a minimum of 6 feet high and shall be fully covered, plywood, metal without holes.
 - c. All runways shall be a minimum of 30 feet long and a minimum of 6 feet high for horses, and 5 feet high for burros, and shall be covered with plywood, burlap, plastic snow fence or like material a minimum of 1 foot to 5 feet above ground level for burros and 1 foot to 6 feet for horses. The location of the government furnished portable fly chute to restrain, age, or provide additional care for the animals shall be placed in the runway in a manner as instructed by or in concurrence with the COR/PI.
 - d. All crowding pens including the gates leading to the runways shall be covered with a material which prevents the animals from seeing out (plywood, burlap, plastic snow fence, etc.) and shall be covered a minimum of 1 foot to 5 feet above ground level for burros and 2 feet to 6 feet for horses.
 - e. All pens and runways used for the movement and handling of animals shall be connected with hinged self-locking gates.
4. No modification of existing fences will be made without authorization from the COR/PI. The Contractor shall be responsible for restoration of any fence modification that he has made.
5. When dust conditions occur within or adjacent to the trap or holding facility, the Contractor shall be required to wet down the ground with water.
6. Alternate pens, within the holding facility shall be furnished by the Contractor to separate mares or jennies with small foals, sick and injured animals, and estrays from the other animals. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government will require that animals be restrained for determining an animal's age, sex, or other necessary procedures. In these instances, a portable restraining chute may be necessary and will be provided by the government. Alternate pens shall be furnished by the Contractor to hold animals if the specific gathering requires that animals be released back into the capture area(s). In areas requiring one or more satellite traps, and where a centralized holding facility is utilized, the contractor may be required to provide additional holding pens to segregate animals transported from remote locations so they may be returned to their traditional ranges. Either segregation or temporary marking and later segregation will be at the discretion of the COR.
7. The Contractor shall provide animals held in the traps and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per

day. Animals held for 10 hours or more in the traps or holding facilities shall be provided good quality hay at the rate of not less than two pounds of hay per 100 pounds of estimated body weight per day. An animal that is held at a temporary holding facility after 5:00 p.m. and on through the night, is defined as a horse/burro feed day. An animal that is held for only a portion of a day and is shipped or released does not constitute a feed day.

8. It is the responsibility of the Contractor to provide security to prevent loss, injury or death of captured animals until delivery to final destination.
9. The Contractor shall restrain sick or injured animals if treatment is necessary. The COR/PI will determine if injured animals must be destroyed and provide for destruction of such animals. The Contractor may be required to humanely euthanize animals in the field and to dispose of the carcasses as directed by the COR/PI.
10. Animals shall be transported to final destination from temporary holding facilities within 24 hours after capture unless prior approval is granted by the COR/PI for unusual circumstances. Animals to be released back into the HMA following gather operations may be held up to 21 days or as directed by the COR/PI. Animals shall not be held in traps and/or temporary holding facilities on days when there is no work being conducted except as specified by the COR/PI. The Contractor shall schedule shipments of animals to arrive at final destination between 7:00 a.m. and 4:00 p.m. No shipments shall be scheduled

to arrive at final destination on Sunday and Federal holidays, unless prior approval has been obtained by the COR. Animals shall not be allowed to remain standing on trucks while not in transport for a combined period of greater than three (3) hours. Animals that are to be released back into the capture area may need to be transported back to the original trap site. This determination will be at the discretion of the COR.

B. CAPTURE METHODS THAT MAY BE USED IN THE PERFORMANCE OF A GATHER

1. Capture attempts may be accomplished by utilizing bait (feed or water) to lure animals into a temporary trap. If the contractor selects this method the following applies:
 - a. Finger gates shall not be constructed of materials such as "T" posts, sharpened willows, etc., that may be injurious to animals.
 - b. All trigger and/or trip gate devices must be approved by the COR/PI prior to capture of animals.
 - c. Traps shall be checked a minimum of once every 10 hours.
2. Capture attempts may be accomplished by utilizing a helicopter to drive animals into a temporary trap. If the contractor selects this method the following applies:
 - a. A minimum of two saddle-horses shall be immediately available at the trap site to accomplish roping if necessary. Roping shall be done as determined by the COR/PI. Under no circumstances shall animals be tied down for more than one hour.
 - b. The contractor shall assure that foals shall not be left behind, and orphaned.

3. Capture attempts may be accomplished by utilizing a helicopter to drive animals to ropers. If the contractor with the approval of the COR/PI selects this method the following applies:
 - a. Under no circumstances shall animals be tied down for more than one hour.
 - b. The contractor shall assure that foals shall not be left behind, or orphaned.
 - c. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors.

C. USE OF MOTORIZED EQUIPMENT

1. All motorized equipment employed in the transportation of captured animals shall comply with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. The Contractor shall provide the COR/PI with a current safety inspection (less than one year old) for all motorized equipment and tractor-trailers used to transport animals to final destination.
2. All motorized equipment, tractor-trailers, and stock trailers shall be in good repair, of adequate rated capacity, and operated to ensure that captured animals are transported without undue risk or injury.
3. Only tractor-trailers or stock trailers with a covered top shall be allowed for transporting animals from trap site(s) to temporary holding facilities, and from temporary holding facilities to final destination(s). Sides or stock racks of all trailers used for transporting animals shall be a minimum height of 6 feet 6 inches from the floor. Single deck tractor-trailers 40 feet or longer shall have two (2) partition gates providing three (3) compartments within the trailer to separate animals. Tractor-trailers less than 40 feet shall have at least one partition gate providing two (2) compartments within the trailer to separate the animals. Compartments in all tractor-trailers shall be of equal size plus or minus 10 percent. Each partition shall be a minimum of 6 feet high and shall have a minimum 5-foot wide swinging gate. The use of double deck tractor-trailers is unacceptable and shall not be allowed.
4. All tractor-trailers used to transport animals to final destination(s) shall be equipped with at least one (1) door at the rear end of the trailer that is capable of sliding either horizontally or vertically. The rear door(s) of tractor-trailers and stock trailers must be capable of opening the full width of the trailer. Panels facing the inside of all trailers must be free of sharp edges or holes that could cause injury to the animals. The material facing the inside of all trailers must be strong enough so that the animals cannot push their hooves through the side. Final approval of tractor-trailers and stock trailers used to transport animals shall be held by the COR/PI.
5. Floors of tractor-trailers, stock trailers and loading chutes shall be covered and maintained with wood shavings to prevent the animals from slipping.

6. Animals to be loaded and transported in any trailer shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. The following minimum square feet per animal shall be allowed in all trailers:

- 11 square feet per adult horse (1.4 linear foot in an 8 foot wide trailer);
- 8 square feet per adult burro (1.0 linear foot in an 8 foot wide trailer);
- 6 square feet per horse foal (.75 linear foot in an 8 foot wide trailer);
- 4 square feet per burro foal (.50 linear feet in an 8 foot wide trailer).

7. The COR/PI shall consider the condition and size of the animals, weather conditions, distance to be transported, or other factors when planning for the movement of captured animals. The COR/PI shall provide for any brand and/or inspection services required for the captured animals.
8. If the COR/PI determines that dust conditions are such that the animals could be endangered during transportation, the Contractor will be instructed to adjust speed.

D. SAFETY AND COMMUNICATIONS

1. The Contractor shall have the means to communicate with the COR/PI and all contractor personnel engaged in the capture of wild horses and burros utilizing a VHF/FM Transceiver or VHF/FM portable Two-Way radio. If communications are ineffective, the government will take steps necessary to protect the welfare of the animals.
 - a. The proper operation, service and maintenance of all contractor furnished property is the responsibility of the Contractor. The BLM reserves the right to remove from service any contractor personnel or contractor furnished equipment which, in the opinion of the contracting officer or COR/PI violate contract rules, are unsafe or otherwise unsatisfactory. In this event, the Contractor will be notified in writing to furnish replacement personnel or equipment within 48 hours of notification. All such replacements must be approved in advance of operation by the Contracting Officer or his/her representative.
 - b. The Contractor shall obtain the necessary FCC licenses for the radio system
 - c. All accidents occurring during the performance of any task order shall be immediately reported to the COR/PI.
2. Should the contractor choose to utilize a helicopter the following will apply:
 - a. The Contractor must operate in compliance with Federal Aviation Regulations, Part 91. Pilots provided by the Contractor shall comply with the Contractor's Federal Aviation Certificates, applicable regulations of the State in which the gather is located.
 - b. Fueling operations shall not take place within 1,000 feet of animals.

G. SITE CLEARANCES

Personnel working at gather sites will be advised of the illegality of collecting artifacts. Prior to setting up a trap or temporary holding facility, BLM will conduct all necessary clearances (archaeological, T&E, etc). All proposed site(s) must be inspected by a government archaeologist. Once archaeological clearance has been obtained, the trap or temporary holding facility may be set up. Said clearance shall be arranged for by the COR, PI, or other BLM employees.

Gather sites and temporary holding facilities would not be constructed on wetlands or riparian zones.

H. ANIMAL CHARACTERISTICS AND BEHAVIOR

Releases of wild horses would be near available water. If the area is new to them, a short-term adjustment period may be required while the wild horses become familiar with the new area.

I. PUBLIC PARTICIPATION

Opportunities for public viewing (i.e. media, interested public) of gather operations will be made available to the extent possible; however, the primary consideration will be to protect the health and welfare of the animals being gathered. The public must adhere to guidance from the on site BLM representative. It is BLM policy that the public will not be allowed to come into direct contact with wild horses or burros being held in BLM facilities. Only authorized BLM personnel or contractors may enter the corrals or directly handle the animals. The general public may not enter the corrals or directly handle the animals at anytime or for any reason during BLM operations.

J. RESPONSIBILITY AND LINES OF COMMUNICATION

Las Vegas Field Office - Contracting Officer's Representative (COR) /Project Inspector (PI): Wild Horse & Burro Specialist

The COR and PI have the direct responsibility to ensure the Contractor's compliance with the contract stipulations. The Las Vegas Assistant Field Manager for Recreation and Renewable and the Las Vegas Field Manager will take an active role to ensure the appropriate lines of communication are established between the field, Field Office, State Office, National Program Office, PVC Corral and Ridgecrest Corral offices. All employees involved in the gathering operations will keep the best interests of the animals at the forefront at all times.

All publicity, formal public contact and inquiries will be handled through the Assistant Field Manager for Renewable Resources. This individual will be the primary contact and will coordinate the contract with the BLM Corrals to ensure animals are being transported from the capture site in a safe and humane manner and are arriving in good condition.

The contract specifications require humane treatment and care of the animals during removal operations. These specifications are designed to minimize the risk of injury and death during and after capture of the animals. The specifications will be vigorously enforced.

Should the Contractor show negligence and/or not perform according to contract stipulations, he will be issued written instructions, stop work orders, or defaulted.

APPENDIX D

Current Euthanasia Policy

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

October 20, 2005

In Reply Refer To:
4730/4700 (WO-260) P

EMS TRANSMISSION 11/03/2005
Instruction Memorandum No. 2006-023
Expires: 09/30/2007

To: All Field Officials (except Alaska)
From: Assistant Director, Renewable Resources and Planning
Subject: Euthanasia of Wild Horses and Burros

Program Area: Wild Horses and Burros

Purpose: This policy identifies requirements for euthanasia of wild horses and burros.

Policy/Action: A Bureau of Land Management (BLM) authorized officer may authorize the euthanasia of a wild horse or burro in field situations (includes free-roaming horses and burros encountered during gather operations) as well as short- and long-term wild horse and burro holding facilities with any of the following conditions:

- (1) Displays a hopeless prognosis for life;
- (2) suffers from a chronic or incurable disease, injury or serious physical defect; (includes severe tooth loss or wear, severe club feet, and other severe acquired or congenital abnormalities)
- (3) would require continuous treatment for the relief of pain and suffering in a domestic setting;
- (4) is incapable of maintaining a Henneke body condition score greater than two, in its present environment;
- (5) has an acute or chronic injury, physical defect or lameness that would not allow the animal to live and interact with other horses, keep up with its peers or exhibit behaviors which may be considered essential for an acceptable quality of life constantly or for the foreseeable future;
- (6) suffers from an acute or chronic infectious disease where State or Federal animal health officials order the humane destruction of the animal as a disease control measure.

Euthanasia in field situations (includes on the range and during gathers):

There are three circumstances where the authority for euthanasia would be applied in a field situation:

(A) If an animal suffers from a condition as described in 1-6 above that causes acute pain or suffering and immediate euthanasia would be an act of mercy, the authorized officer has the authority and the obligation to promptly euthanize the animal. If the animal is euthanized during a gather operation, the authorized officer will describe the animal's condition and report the action using the gather report in the comment section that summarizes gather operations (See attachment 1). If the euthanasia is performed during routine monitoring, the Field Manager will be notified of the incident as soon as practical after returning from the field.

(B) Older wild horses and burros encountered during gather operations should be released if, in the opinion of the authorized officer, the criteria described in 1-6 above for euthanasia do not apply, but the animals would not tolerate the stress of transportation, adoption preparation, or holding and may survive if returned to the range. This may include older animals with significant tooth wear or tooth loss that have a Henneke body condition score greater than two. However, if the authorized officer has inspected the animal's teeth and feels the animal's quality of life will suffer and include health problems due to dental abnormalities, significant tooth wear or tooth loss; the animal should be euthanized as an act of mercy.

(C) If an animal suffers from any of the conditions listed in 1-6 above, but is not in acute pain, the authorized officer has the authority to euthanize the animal in a humane manner. The authorized officer will prepare a written statement documenting the action taken and notify the Field Manager and State Office Wild Horse and Burro (WH&B) Program Lead. If available, consultation and advice from a veterinarian is recommended, especially where significant numbers of wild horses or burros are involved.

If, for humane or other reasons, the need for euthanasia of an unusually large number of animals during a gather operation is anticipated, the euthanasia procedures should be identified in the pre-gather planning process. When pre-gather planning identifies an increased likelihood that animals may need to be euthanized, plans should be made for an APHIS veterinarian to visit the gather site and consult with the authorized officer on euthanasia decisions.

In all cases, the final responsibility and decision regarding euthanasia of a wild horse or burro rests solely with the authorized officer (43 CFR 4730). Euthanasia will be carried out following the procedures described in the 4730 manual.

Euthanasia at short-term holding facilities:

Under ideal circumstances, horses would not arrive at preparation or other facilities that hold horses for any length of time with conditions that require euthanasia. However, problems can develop during or be exacerbated by handling, transportation or captivity. In these situations the authority for euthanasia would be applied:

(A) If an animal suffers from a traumatic injury or other condition as described in 1-6 above that causes acute pain or suffering and immediate euthanasia would be an act of mercy, the authorized officer has the authority and the obligation to promptly euthanize the animal. A veterinarian should be consulted if possible.

(B) If in the opinion of the authorized officer and a veterinarian, older wild horses and burros in short-term holding facilities cannot tolerate the stress of transportation, adoption preparation, or long-term holding they should be euthanized. However, if the authorized officer has inspected the animal and feels the animal's quality of life will not suffer, and the animal could live a healthy life in long-term holding, the animal should be shipped to a long-term holding facility.

(C) It is recommended that consultation with a veterinarian is obtained prior to euthanasia. If an animal suffers from any of the conditions listed in 1-6 above, but is not in acute pain, the authorized officer has the authority to euthanize the animal in a humane manner. Situations where acute suffering of the animal is not involved could include a physical defect or deformity that would adversely impact the quality of life of the animal if placed in the adoption program or on long-term holding. The authorized officer will ensure that there is a report from a veterinarian describing the condition of the animal that was euthanized. These records will be maintained by the holding facility.

If, for humane reasons, the need for the euthanasia of a large number of animals is anticipated, the euthanasia procedures should be identified to the WH&B State Lead or the National Program Office (NPO) when appropriate. A report that summarizes the condition, circumstances and number of animals involved must be obtained from a veterinarian who has examined the animals and sent to the WH&B State Lead and the NPO.

In all cases, final decisions regarding euthanasia of a wild horse or burro rest solely with the authorized officer (43 CFR 4730). Euthanasia will be carried out following the procedures described in the 4750-1 Handbook.

Euthanasia at long-term holding facilities:

This portion of the policy covers additional euthanasia conditions that are related to long-term holding facilities and includes existing facilities and any that may be added in the future.

At long-term holding facilities the authority for euthanasia would be applied:

(A) If an animal suffers from a traumatic injury or other condition as described in 1-6 above that causes acute pain or suffering and immediate euthanasia would be an act of mercy, the authorized officer has the authority and the obligation to promptly euthanize the animal.

(B) If an animal suffers from any of the conditions listed in 1-6 above, but is not in acute pain, the authorized officer has the authority and obligation to euthanize the animal in a humane and timely manner. In situations where acute suffering of the animal is not involved, it is recommended that a consultation with a veterinarian is obtained prior to

euthanasia. The authorized officer will ensure that there is a report from a veterinarian describing the condition of the animal that was euthanized. These records will be maintained by the authorized officer.

The following action plan will be followed for animals at long-term holding facilities:

The WH&B Specialist who is the Project Inspector and the contractor will evaluate all horses and their body condition throughout the year. Once a year a formal evaluation as well as a formal count of all horses at long-term holding facilities will be conducted. The action plan for the formal evaluation is as follows:

1. All animals will be inspected by field observation to evaluate body condition and identify animals that may need to be euthanized to prevent a slow death due to deterioration of condition as a result of aging. This evaluation will be based on the Henneke body condition scoring system. The evaluation team will consist of a BLM WH&B Specialist and a veterinarian not involved with regular clinical work or contract work at the long-term holding facilities. The evaluations will be conducted in the fall (September through November) to identify horses with body condition scores of 3 or less. Each member of the team will complete an individual rating sheet for animals that rate a category 3 or less. In the event that there is not agreement between the ratings, an average of the 2 scores will be used and final decisions will be up to the BLM authorized officer.
2. Animals that are rated less than a body condition score of 3 will be euthanized in the field soon after the evaluation by the authorized officer or their designated representative. The horses that rate a score 3 will remain in the field and should be re-evaluated by the contractor and WH&B Specialist that is the Project Inspector, for that contract, in 60 days to see if their condition is improving, staying the same or declining. Those that are declining in condition should be euthanized soon after the second evaluation.
3. The euthanasia process that will be used is a firearm. The authorized officer or their designated representative will carry out the process. Field euthanasia does not require the gathering of the animals, which would result in increased stress and may cause unnecessary injury to other horses on the facility.
4. Documentation for each animal euthanized will include sex, color, and freeze/hip brand (if readable). Copies of all documentation will be given to the contractor and retained by BLM.
5. Arrangements for carcass disposal for euthanized animal(s) will be in accordance with applicable state and county regulations.

In all cases, the final decisions regarding euthanasia of a wild horse or burro for humane reasons rests solely with the authorized officer (43 CFR 4730). Euthanasia will be carried out following the procedures described in the 4750-1 Handbook.

Timeframe: This action is effective from the date of approval through September 30, 2007.

Budget Impact: Implementation of these actions would not result in additional expenditures over present policies.

Manual/Handbook Sections Affected: No manual or handbook sections are affected.

Background: The authority for euthanasia of wild horses or burros is provided by the Wild Free-Roaming Horse and Burro Act of 1971, Section 3(b)(2)(A) 43 CFR4730.1 and BLM Manual 4730-Destruction of Wild Horses and Burros and Disposal of their Remains.

Decisions to euthanize require an evaluation of individual horses that suffer due to injury, physical defect, chronic or incurable disease, severe tooth loss or old age. The animal's ability to survive the stress of removal and/or their probability of surviving on the range if released, transportation to a BLM facility and to adoption or long-term holding should be determined. The long term care of these animals requires periodic evaluation of their condition to prevent long-term suffering. These evaluations will, at times, result in decisions that will require the euthanasia of horses or burros if this is the most humane course of action.

Coordination: This document was coordinated with the Wild Horse and Burro Specialists in each affected state, the National Program Office and Wild Horse and Burro Advisory Board.

Contact: Questions regarding this memorandum should be directed to Lili Thomas, Wild Horse and Burro Specialist, Wild Horse and Burro National Program Office, at (775) 861-6457.

Signed by:
Thomas H. Dyer
Deputy Assistant Director

Authenticated by:
Robert M. Williams
Policy and Records Group, WO-560

APPENDIX E

Current Selective Removal Criteria Policy

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

August 10, 2005

In Reply Refer To:
4710 (WO 260) P
Ref: IM 2004-138
IM 2004-151

EMS TRANSMISSION 08/16/2005
Instruction Memorandum No. 2005-206
Expires: 09/30/2006

To: All Field Officials (except Alaska)
From: Assistant Director, Renewable Resources and Planning
Subject: Gather Policy & Selective Removal Criteria

Program Area: Wild Horse and Burro Program

Purpose: This Instruction Memorandum (IM) establishes gather policy and selective removal criteria for wild horses and burros.

A. Gather Requirements

1. Appropriate Management Level Achievement (AML)
Periodic removals will be planned and conducted to achieve and maintain AML and be consistent with AML establishment and removal decisions. Removals below AML may be warranted when a gather is being conducted as an “emergency gather” as defined in I.M. 2004-151 or where significant rationale is presented to justify a reduction below AML.
2. National Environmental Policy Act (NEPA) Analysis and Decision
A current NEPA analysis and gather plan is required. This NEPA analysis and determination to remove excess animals must include and be supported by the following elements required by case law and the Public Rangelands Improvement Act (1978): vegetative utilization and trend, actual use, climatic data and current census. Along with standard components, the NEPA analysis must also contain the following:
 - a. Results of population modeling that forecast impacts to the Herd Management Area’s (HMA’s) population resulting from removals and fertility control treatments.

- b. The desired post-gather on-the-range population number, age structure and sex ratio for the managed population.
 - c. Fertility control will be considered in all Gather Plan/NEPA documents (IM No. 2004-138) and will be addressed in the population model analysis. A “do not apply” decision will be justified in the rationale.
 - d. The collection of blood samples for development of genetic baseline data.
3. Where removals are necessary to achieve or maintain thriving natural ecological balance, all decisions shall be issued full force and effect under the authority of 43 CFR § 4770.3(c).
 4. All gathers that have been approved by Washington Office (WO) through the annual work plan process and that are listed on the National Gather Schedule may proceed without further approval. Changes to the gather schedule involving increased removal numbers for listed gathers, adding new gathers, or substituting gathers require approval by WO-260. Requests for such gathers will be submitted using Attachment 1 to WO-260, Reno National Program Office (NPO), for review and approval by the WO-260 Group Manager.

No WO approval is required for the removal of up to 10 nuisance animals per instance unless a national contractor conducts the removal.

5. A gather and removal report (Attachment 2) is required for each wild horse and burro gather. Partial completion reports shall be filed periodically (every 2 to 5 days) during large lengthy gathers. A final report for all gathers will be submitted to the State WH&B Lead and WO-260, NPO, within ten days of gather completion.

B. Selective Removal Requirements

The selective removal criteria described below applies to all excess wild horses removed from the range. These criteria are not applicable to wild burros.

When gathers are conducted emphasis will be placed on the removal of younger more adoptable animals. However, the long-term welfare of wild horse herds is critical and it is imperative that close attention be given to the post-gather on-the-range herd sex ratio and age structure to assure a healthy sustainable population.

Animals with conditions that may prevent adoption should be released to the range if herd health will not be compromised or harmed. Example conditions are disease, congenital or genetic defects, physical defect due to previous injury, and recent but not life threatening injury.

1. Age Criteria: Wild Horses will be removed in the following priority order:

- a). Age Class - Five Years and Younger

Wild horses five years of age and younger should be the first priority for removal and placement into the national adoption program.

b). Age Class - Six to Fifteen Years Old

Wild horses six to fifteen years of age should be removed last and only if management goals and objectives for the herd cannot be achieved through the removal of younger animals.

Animals encountered during gather operations should be released if, in the opinion of the Authorized Officer, they may not tolerate the stress of transportation, preparation and holding but would survive if released. Older animals in acceptable body condition with significant tooth loss and/or excessive tooth wear should also be released. Some situations, such as removals from private land, total removals, or emergency situations require exceptions to this.

c). Age Class Sixteen Years and Older

Wild horses aged sixteen years and older should not be removed from the range unless specific exceptions prevent them from being turned back and left on the range.

C. Potential Exceptions to Selective Removal Requirements

1. Nuisance animals
2. Animals outside of an HMA
3. Land use plan or activity plan identifies certain characteristics that are to be selectively managed for in a particular HMA (Examples: Spanish characteristics, Bashkir "Curly" or others).
4. Total removals required by law or land use plan decisions
5. Court ordered gathers
6. Emergency gathers (see IM 2004-151)
7. Removal of wild horses treated with fertility control PZP. Specific instructions are outlined in IM 2004-138 in regards to removal of these animals.

Timeframe: The wild horse and burro gather and selective removal requirements identified in this IM are effective immediately and will expire on September 30, 2006.

Budget Impact: Once AML is attained, it will cost approximately \$1.7 million in additional gather costs annually to implement the selective removal policy. This action, on an annual basis, will avoid removal of about 1,500 unadoptable animals (older than five years) that would cost about \$10 million to maintain in captivity over their lifetime.

This policy will achieve significant cost savings by minimizing the numbers of less adoptable animals removed prior to the achievement of AML and making the removal of older animals negligible in future years.

Background: The 1992 Strategic plan for the WH&B program defined criteria for limiting the age classes of animals removed so that only the most adoptable animals were removed. The

selective removal criteria from Fiscal Years 1992 through 1995 allowed the removal of animals five years of age and younger. In 1996, because of drought conditions in many western states, the selective removal policy was changed to allow for the removal of animals nine years of age and younger. In 2002, the removal policy was modified to allow for prioritized age specific removals: 1st priority remove five years of age and younger animals, 2nd priority 10 years and older and last priority animals aged six to nine years if AML could not be achieved.

This selective removal policy provides for the long-term welfare of on the range populations, emphasizes the removal of the most adoptable younger animals to maintain and achieve AML and directs that older horses less able to stand the rigors of capture, preparation, and transportation stay on the range.

Manual/Handbook Sections Affected: The gather and selective removal requirements do not change or affect any section of any manual or handbook.

Coordination: Varying policies on selective removal have been in place and coordinated with field staffs since the early 1990's. The revised policy was developed by the WO, circulated to field offices for review and comment, and presented to the National Wild Horse and Burro Advisory Board. In addition, the concept of selective removal was part of the FY 2001 Strategy to Achieve Healthy Lands and Viable Herds; The Restoration of Threatened Watersheds Initiative that was widely communicated to Congress and the general public.

Contact: Questions concerning this policy should be directed to Dean Bolstad in the Wild Horse and Burro National Program Office, at (775) 861-6611.

Signed by:
Laura Ceperley
Acting Assistant Director
Renewable Resources and Planning

Authenticated by:
Barbara J. Brown
Policy & Records Group, WO-560

2 Attachments

- 1 - Request to Gather Memo (1 p)
- 2 - Gather and Removal Report (1 p)

APPENDIX F

List of Interested Individuals, Groups and Agencies Contacted

Mary Sue Kunz	Robert Wiemer	Charlie Day
Conni Canaday	Ed Dodrill	Tedi Gable
Judy Wrangler	Sandee Stoeckle	Dee Ellen Grubbs
Janel Brookshire	Jesse Paxton	John M. Martin Jr.
Christine Brehm	Micki Jay	Elnoma Reeves
Janet Byer	Julie Spear	Norman & Barbara Wolin
Karen R. Deckert	Shari Warren	Rick & Wendy Cicerelle
Pamela Vilkin	Pam Passman	Budd-Falen Law Offices
Ellis Greene	Maria J. Duvall	Town of Pahrump Public Lands
Danny Riddle	Laurie Howard	Assemblywoman Kirkpatrick
Craig Bernard	Chris Burhoe	Goodsprings Town Council
Maggie Frederici	Grace Robman	Heidi Abrams & Joie Gomez
Tommy Kurse	Carol Hunt	Barbara Hampton-Bash
Andrew Mebmann	Bruce Julander	Linda McCollum
Brian Haynes	Jerry Reynoldson	Red Rock Country Club

Lake Mead National Recreation Area
National Wild Horse Association
Nevada Department of Wildlife
State of Nevada Commission for the Preservation of Wild Horses
State of Nevada Department of Administration
Wild Horse Organized Assistance
Wild Horse Sanctuary

APPENDIX G

Summary of Comments Received During Public Scoping and How BLM Used These Comments in Preparing the Preliminary Environmental Assessment

No.	Name	Comment	BLM Response
1	Fraternity of the Desert Bighorn	The Fraternity support's the Bureau's gathering of wild horses and burros in the Las Vegas District. We believe the action is necessary to achieve goals for habitat preservation, native wildlife and the horses.	This comment is addressed in Issues 1 & 3 of the EA.
2	Billie Young	The unusual impacts in southern Nevada must be factored into horse and burro management.	This issue is outside the scope of this analysis. Appropriate management levels of horses and burros within the affected HMAs were previously decided; an opportunity for administrative review of those decisions was provided at the time the decisions were issued.
3	Billie Young Cindy MacDonald	The use of contraception should be considered.	This comment is incorporated in alternatives considered but dismissed from detailed analysis and addressed in the EA, page 17.
4	Billie Young Cindy MacDonald	Dedicated WH&B positions remain unfilled even though the one LVFO WH&B Specialist is overwhelmed in duties.	This issue is outside the scope of this analysis. Staffing is an administrative issue internal to BLM.
5	Billie Young	By providing WH&B educational and awareness programs at Red Rock, the benefits would be immense.	This issue is outside the scope of this analysis which is limited to the need to achieve and maintain AML within the affected HMAs. However, BLM is currently working with our partners on several education/outreach opportunities and adoption opportunities.
6	Billie Young	Showcasing our local animals should be an intended part of any local gather. Also a correctional center training program should be implemented.	This issue is outside the scope of this analysis. However, BLM is working with partners to sponsor an adoption in Las Vegas on June 23, 2007.
7	Billie Young	I do not support the presented gather as written; long-range management plans that include contraceptives, mitigation of urban impacts, educational programs and adoptions are crucial components.	Refer to BLM's response to Comments 2, 3, 5 and 6 above.
8	Cindy MacDonald	There are discrepancies in reported AMLs for the Muddy Mountains HMAs.	AML was re-established for the Muddy Mountains HMA in FY2006. Refer to the EA, page 14 for more information.
9	Cindy MacDonald	BLM has set the AML for the El Dorado Mountains HMA as 0, yet animals are living there. There are 5 horses in the Muddy Mountains, yet this is considered excessive and they too are proposed for removal.	This comment is incorporated in Issue 1.

No.	Name	Comment	BLM Response
10	Cindy MacDonald Elnoma Reeves Shanda Schutler Dave Schutler Mikki Bailey B. Cunningham Barbara Warner H. and M. Lane	Another area of concern for the public is the financial cost of these round-ups, containment, and fertility control.	This issue is outside the scope of this analysis. When a determination is made that excess wild horses or burros exists, Section 3(b) (2) of the 1971 WFRHBA requires their immediate removal.
11	Cindy MacDonald Shanda Schutler Dave Schutler Mikki Bailey B. Cunningham Barbara Warner H. and M. Lane	A significant cause for concern is reports of horses and burros recently rounded up being sold at livestock auctions before ever reaching containment areas.	This issue is outside the scope of this analysis. The Bureau of Land Management does not sell any wild horses or burros to slaughterhouses or to "killer agents". In enforcing the 1971 WFRHBA, BLM continues to work with law enforcement authorities to investigate and prosecute all those who violate this landmark law. The BLM encourages those who are interested in providing good homes to wild horses or burros to visit our Website (www.wildhorseandburro.blm.gov) for information.
12	Cindy MacDonald	BLM often removes more animals than they say will.	This issue is outside the scope of this analysis. BLM's proposed gather and removal numbers are based on population census following procedures recommended by the National Academy of Sciences (1980). These procedures estimate the number of wild horses and burros present within the affected HMAs. Refer to the Journal of Wildlife Management 55(4):641-648 (1991) for more information.
13	Cindy MacDonald	BLM has zeroed out 1/3 of our legally established herd areas; what I haven't seen is management " <i>devoted principally but not exclusively to their welfare.</i> "	This issue is outside the scope of this environmental analysis. Refer to BLM's response to Comment 2 above. Also refer to the EA, page 5.
14	Division of Sate Land	Support the above referenced document as written.	This comment is incorporated in Issue 1.
15	Nevada Department of Wildlife	The Department agrees with the stated need for the proposed removals of wild horses and burros down to the lower limits of the AML for the respective HMAs. Following the gathers, periodic vegetation monitoring to measure progress will be important.	This comment is incorporated in Issue 1 and 3.
16	Elnoma Reeves Connie Brady	During a roundup these terrified animals are run hard over rough terrain leaving them open to injury, illness, even death.	This comment is incorporated and addressed in Issue 2. Also refer to EA, page 15.
17	Shanda Schutler Dave Schutler Mikki Bailey B. Cunningham Barbara Warner H. and M. Lane	I strongly advocate a humane management program that is not based on removal.	This comment is one of many incorporated in Issue 1 and is also addressed in the EA, page 15
18	Tedi Gable Karen Deckert	My concern and question is to where will these horses and burros be taken to.	This comment is incorporated in Issue 2.

APPENDIX H

Summary of Comments Received Following 30-Day Review of the Preliminary EA and How BLM Used These Comments in Preparing the Preliminary Environmental Assessment

No.	Name	Comment	BLM Response
1	Barbara Warner	We strongly oppose the removal of burros from the Lake Mead Complex. They are not doing anything to harm the ecology of the area or anything else. There is no proof that burros harm desert tortoises. We favor Alternative B, the No Action alternative.	This comment is addressed in Issue 1. The Proposed Action would result in removing about 195 resident burros from NPS administered lands adjacent to BLM administered herd management areas. Under the 1971WFRHBA, the NPS is not required to manage for horses and burros. However, under 43 CFR 4710.4, BLM is required to manage horses and burros with the objective of limiting the animals' distribution to herd areas. Refer to the EA, page 2.
2	Barbara Warner Constance Sweitzer	The National Park Service must let a pipeline be laid from the Park to BLM land so the burros have water.	This issue is outside the scope of this analysis which is limited to the need to remove resident burros from NPS administered lands which lie outside BLM administered herd management areas. Also refer to the EA, page 7.
3	Barbara Warner	Burros have been in the area for over 100 years and are now part of a healthy biodiverse ecosystem. They have co-existed with all the other species and are not impacting other wildlife forage.	Please refer to BLM's response to Comment 1 above.
4	Barbara Warner Constance Sweitzer Cindy MacDonald	Helicopter roundups will cause injuries and possible deaths to the burros and are stressful and cruel.	This comment is one of many incorporated into Issue 2. Concerns about stressing or killing burros as a result of the capture operations are discussed in the EA, page 15. Helicopter assisted capture operations have proven to be a safe, effective and humane method of capturing horses and burros, although as discussed in the EA, mortality to individuals from capture operations does occur in one half to one percent of horses and burros in a given gather.
5	Lucy Krakowiak Constance Sweitzer	Solutions other than costly and inhumane round-ups need to be implemented. I protest this waste of tax dollars and mismanagement of our natural resources.	Please refer to BLM's response to Comment 1 above.
6	Lucy Krakowiak	Self-stabilizing herds, using restored ecosystems including predators and fertility control methods reflect the true intent of the Act.	This comment is incorporated in Issue 2. The final EA also includes a discussion regarding the alternatives of natural predation and fertility control (refers to EA, page 8).

No.	Name	Comment	BLM Response
7	Craig Downer Miriam Carnahan Laura and Carl Pivonka	This is an absolutely outrageous plan by which you abrogate your responsibility to defend the rights of wild equids and shamelessly promote big game interests in their place even within legal herd areas – already cut in half in your determination of HMAs. You are leaving over 5000 acres of legal herd area per wild equid in the complex. This amounts to the practical elimination of this return native genus to mere token levels where the equids presence is so low and nonviable, subject to inbreeding and chance die-out.	This comment is incorporated in Issue 1. Also, please refer to BLM’s response to Comment 1 above.
8	State Historic Preservation Office	Support the document as written.	This comment is one of many incorporated into Issue 1.
9	David Hesse	It has been brought to my attention that you are planning to remove wild burros from their congressionally mandated HMA. I strongly urge you to reconsider this travesty of justice to one of our country’s endangered species.	This comment is incorporated into Issue 1. Also, please refer to BLM’s response to Comment 1 above
10	Carolyn Healy	Some of us in North Georgia dedicate a fair amount of our time to seeing that these wild animals survive, if not thrive, and it doubly undercuts our efforts to have legislation on the table like this.	We are unclear as to the legislation on the table you reference. To our knowledge, there is no pending legislation which would relate to BLM’s horse and burro management responsibilities in southern Nevada. However, BLM is proposing to remove burros residing on lands administered by the NPS. Please refer to BLM’s response to Comment 1 above for additional information.
11	Kathleen Hayden	The proposed plan to remove wild equids from the Lake Mead Complex is premature until NHPA Section 106 compliance has been completed. Removal of herds from their native herd areas ceases to contribute to biodiversity. The National Preservation Act mandated preservation of our natural, cultural and historic resources as a living part of today’s communities.	Please refer to BLM’s response to Comment 1 above. Also, the BLM has complied with Section 106 for the project, taking into account the nature of effects to historic properties relating to removal. Biodiversity is not a matter related to the National Historic Preservation Act (NHPA) or Section 106 compliance. Herds are preserved in this habitat since some animals will remain.
12	Kathleen Hayden	Please provide to me the sound science that determines this herd area cannot support viable genetic herds; also provide what restoration and recovery plan has been prepared to rehabilitate the area to a healthy range; also provide what alternatives are included in the management plan to restore these equids to the wild on similar ranges.	This issue is outside the scope of this environmental analysis. Appropriate management levels of horses and burros within the affected HMAs were previously decided; an opportunity for administrative review of those decisions was provided.
13	America’s Wild Horse Advocates	Gathers are not an acceptable substitute for proper long term management. In a well thought out management strategy, gathers are limited and should only be used under specified conditions.	This comment is one of many incorporated in Issue 1 and 3.

No.	Name	Comment	BLM Response
14	America's Wild Horse Advocates Cindy MacDonald	An offer by volunteers to bait trap the five physically depleted and ailing horses was made during the spring of 2004 and BLM did not take volunteers up on their offer and take any steps to aid these animals. Appendix III: Euthanasia Policy provides evidence of your intention to dispose of these animals instead of rescuing them. Gathering by helicopter will stress these animals and is cruel and inhumane.	This comment is incorporated in Issue 2. Also refer to the EA, page 15.
15	America's Wild Horse Advocates	BLM has not acknowledged the historic value of our herds, nor addressed their significance in our past, present or future. BLM has failed to develop any management plan incorporating the importance of wild horses and burros to our nation's history or to the enrichment of our lives.	This issue is outside the scope of this environmental analysis which is limited to removing resident burros from National Park Service lands which lie outside BLM administered herd management areas. This action is consistent with the 1998 Las Vegas Resource Management Plan (WHB-2-f) which states: <i>"Wild horses and burros will be removed when animals residing on lands outside the Herd Management Area or when the Appropriate Management Level is exceeded."</i>
16	America's Wild Horse Advocates Cindy MacDonald	Each HMA has individual census and appropriate management level (AML) numbers that are not displayed, nor appropriately addressed in your EA or land use plans.	The final EA includes a table which identifies the AML for each HMA, and the current census numbers for each. Refer to the EA, page 15.
17	Nevada Department of Wildlife	We recommend BLM remove the number of burros to the lower end point of the existing AML range for the Gold Butte HMA (i.e. 22-98 burros); since there is no opportunity for fertility control measures, numbers will exceed AML within a short period of time if they are not reduced to the lower limit.	This comment is incorporated in Issue 1 and 3.
18	Nevada Department of Wildlife	Also, the AML for the Gold Butte HMA has not been adjusted to reflect the significant changes in vegetation and forage resources resulting from the Tramp and Fork Fires of 2005. An additional recommendation is for the Bureau to perform proactive vegetation monitoring and adjust the AML for the Gold Butte HMA as indicated by monitoring results.	This issue is outside the scope of the current analysis; however, 132 burros were removed from the Gold Butte HMA in March 2006 in response to the Tramp and Fork Fires. BLM will be collecting data which would lead to re-evaluating the AML for the Gold Butte HMA over the next few years. A reevaluation is tentatively scheduled for completion in FY2009 and the BLM LVFO will be consulting with NDOW throughout the re-evaluation process.

No.	Name	Comment	BLM Response
19	Cindy MacDonald	With respect to the Gold Butte HMA (which was gathered less than a year ago), it is my opinion that no excess burros exist on the range, the gather will eliminate horses and burros completely from the complex, the LVFO is demonstrating poor rangeland management and malfeasance and the gathering the area excessively constitutes undue harassment of the animals as well as unnecessary taxpayer expense. How does regathering now constitute minimum feasible management? What data has been collected since the area was gathered a year ago? What impact did the fires have on the burro habitat?	This comment is incorporated in Issues 1 and 2.
20	Cindy MacDonald	The AML of the Gold Butte HMA should be 40-98 not 22-98 head, to allow for a 40% removal policy not a 60% removal policy.	This issue is outside the scope of this analysis as discussed in BLM's response to Comment 12 above. The AML range for the Gold Butte HMA was previously decided and allows for scheduled gathers at extended intervals (minimal frequency). The current population range will be reevaluated as part of the AML re-evaluation process for Gold Butte tentatively scheduled for FY2009
21	Cindy MacDonald	There is a significant difference between the acreage BLM has established for management in HMAs vs. the original herd areas decreed by Congress for the protection of wild horses and burros on public lands. What years and what documents established the HMAs vs. the HAs?	This issue is outside the scope of this analysis. BLM herd management areas were previously decided in the 1998 Las Vegas Resource Management Plan. These decisions remain in effect.
22	Cindy MacDonald	Page 4 states that burros have been residing outside areas identified for management; are these animals residing in their legally designated herd areas?	This comment is incorporated in Issue 1. Also, please refer to BLM's response to Comment 21 above.
23	Cindy MacDonald	Please provide a detailed description of the roles and responsibilities of the BLM and Park Service with respect to the horses and burros in the complex.	The roles and responsibilities of BLM and the Park Service with respect to horse and burro management are summarized in the EA, page 2.
24	Cindy MacDonald	How far back has use outside the HMA boundaries been documented?	Burro use outside the HMA boundaries has been noted for several years according to Ross Haley, National Park Service.
25	Cindy MacDonald	Why did BLM and NPS enter into an agreement to allow for incidental use and how much use is classified as incidental?	This comment is outside the scope of this environmental analysis. The agreement between BLM and NPS is an administrative issue internal to both agencies.
26	Cindy MacDonald	Why isn't the Park Service required to manage horses and burros? BLM and NPS need to come up with a real solution that honors their contract with America that preserves, protects, enhances, and promotes all the resources of our public lands and leaves jurisdictional power struggles behind.	This comment is outside the scope of this environmental analysis. In the 1971 WFRHBA, the Congress of the United States limited the management of horses and burros to public lands managed by the Bureau of Land Management and the United States Forest Service.
27	Cindy MacDonald	What happened to the burro numbers on the Muddy Mtns between 2005 and 2006?	Please refer to the EA, page 14 for this information.

No.	Name	Comment	BLM Response
28	Cindy MacDonald	The number of burros reported for Gold Butte between 2004 and 2006 doesn't add up.	Please refer to the EA, pages 14-15 for this information.
29	Cindy MacDonald	Relative to the Muddy Mountains draft wilderness management plan, why are impacts related to big horn sheep water development acceptable and impacts from horses and burros unacceptable?	This issue is outside the scope of this environmental analysis. The issue was previously decided. Refer to the AML evaluation completed for the Muddy Mountains in 2006 which re-established the AML from 29 horses in the 1998 Las Vegas RMP to 0 horses and 0 burros based on lack of forage, water, and inability to sustain a viable population of horses or burros based on the available habitat. Also refer to the EA, pages 14-15.
30	Cindy MacDonald	Why isn't BLM considering alternatives such as water development or hauling water to the animals? Why are water developments allowed for big horn sheep and not for wild horses or burros?	The final EA includes a discussion regarding the alternatives of water development or water hauling (refer to EA, page 6).
31	Cindy MacDonald	BLM is indirectly circumventing 43 CFR 4770.1 (Prohibited Acts...selling or attempting to sell, directly or indirectly, a wild horse or burro or its remains) with the new Sale Authority (Congressional Amendment).	This issue is outside the scope of this environmental analysis. Under a December 2004 amendment to the 1971 wild horse law, animals over 10 years old -- as well as those passed over for adoption at least three times -- are eligible for sale, in which the title of ownership passes immediately from the Federal government to the buyer. The Bureau of Land Management does not sell any wild horses or burros to slaughterhouses or to "killer agents" and makes every effort to ensure animals are placed in good homes or are humanely cared for in short or long term holding facilities.
32	Cindy MacDonald	Is BLM eliminating wild horse and burro habitat for exclusive use of big game to generate millions of dollars in hunting revenue for the State?	This comment is one of many incorporated in Issue 1.
33	Cindy MacDonald	Why has BLM decided that 20-98 burros is balanced multiple use of resources when big horn sheep are being managed for a population of 500? The fact that the big horn population is well established and thriving shows that burro populations being reported in the EA are not impacting their growth or health.	This issue is outside the scope of this analysis. Please refer to BLM's response to Comments 12 and 20 above.
34	Cindy MacDonald	Please describe the relative impacts of burros as compared to big horn sheep and OHV use on soils, vegetation, and riparian resources within the project area.	This comment is incorporated in Issue 3. Also, please refer to BLM's response to Comment 1 above