



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130-2301
<http://www.nv.blm.gov>



In Reply Refer To:
4700(NV052)

Dear Interested Public:

Enclosed is a copy of the Decision Record and Finding of No Significant Impact (DR/FONSI) for the Lake Mead Complex Final Gather Plan Environmental Assessment (EA) NV-052-2007-69. The Proposed Action (Alternative A) is approved for implementation. Under this alternative, approximately 195 burros residing on lands administered by the National Park Service (NPS) will be captured and removed. About 5 wild horses remaining on lands administered by BLM will also be removed from the Muddy Mountains HMA; these animals are currently in poor condition and at risk of death by starvation.

Several changes were made in the EA in response to public and internal review of the preliminary Environmental Assessment. A copy of the Final EA is enclosed for information. The Final EA and DR/FONSI are also posted at <http://www.blm.gov/nv/st/en/fo/lvfo.html>.

The selected alternative is approved for implementation upon the date of my signature below in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3(c). This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. Should you wish to appeal this decision, please refer to the enclosed Decision Record/Finding of No Significant Impact and Form 1842-1, for procedures relative to filing an appeal and/or petition for stay.

Background Information

The Bureau of Land Management (BLM) Las Vegas Field Office (LVFO) is proposing to remove approximately 195 wild burros and about 5 horses from the Lake Mead Complex (LMC) on/after March 14, 2007.

The LMC is located in southern Nevada in Clark County. The BLM Las Vegas Field Office and National Park Service have joint administrative responsibilities for wild burro management within these public lands. Also proposed is removing any remaining horses from public lands in the Muddy Mountains HMA in order to achieve the Appropriate Management Level (AML) and prevent their suffering or death by starvation.

Population monitoring of wild burros within the Lake Mead Complex indicates that approximately 195 wild burros are residing on National Park Service-administered lands outside the established El Dorado Mountains, Gold Butte and Muddy Mountains Herd Management

Area boundaries. The animals have moved outside the established herd management area boundaries in search of food and water due to overpopulation of burros within the affected HMAs. The National Park Service is not required to manage for burros under the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA). Under the April 2005 Memorandum of Understanding (MOU) between the National Park Service (NPS) and Bureau of Land Management (BLM), the NPS (in consultation and coordination with BLM) determines when burro removals within the National Recreation Area (NRA) are needed. In accordance with the MOU, the NPS has requested removal of about 195 resident burros from the Lake Mead National Recreation Area. These burros have become a nuisance and are currently impacting vegetation, wildlife and riparian habitat, and recreation values within the NRA.

The removal of the few remaining wild horses from public lands within the Muddy Mountains HMA is needed to achieve the previously established appropriate management level (AML) of 0 horses and 0 burros and to prevent their suffering or death by starvation; these animals are currently in poor body condition represented by a Henneke condition class 2.

Summary of Public Involvement

An initial scoping letter was sent to 52 individuals, groups and agencies on July 3, 2006. Interested parties were invited to identify any concerns, data or information regarding the BLM LVFO's proposal to remove excess horses/burros within the Lake Mead Complex in about January 2007. Comments were received from 19 parties during this period. The LVFO also conducted scoping meetings with the Nevada Department of Wildlife (NDOW) and the NPS. For a detailed summary of the comments received and how BLM used those comments in preparing the preliminary environmental assessment, please refer to the EA (Appendix IV).

The preliminary EA was mailed on November 21, 2006 to 36 individuals, groups and agencies for a 30 day review and comment period. Thirteen (13) individuals, groups and agencies reviewed and provided comment on the above referenced document. BLM's response to the comments received and how BLM used the comments in finalizing the EA is summarized in the EA (Appendix V).

Additional Information

Contact Jerrie Bertola of my staff at (702) 515-5024 for additional information, or write the above address.

Karla D. Norris, Assistant Field Manager

Date



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In Reply Refer To:
4700 (NV052)

LAKE MEAD COMPLEX FINAL GATHER PLAN ENVIRONMENTAL ASSESSMENT EA # NV-052-2007-69

DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT

INTRODUCTION

The Bureau of Land Management (BLM) Las Vegas Field Office proposes to capture and remove excess wild horses and burros within Lake Mead Complex (LMC). The LMC is located in south-central Nevada in Clark, County and includes the El Dorado Mountains, Muddy Mountains and Gold Butte HMAs. The BLM Las Vegas Field Office and National Park Service have joint administrative responsibilities for wild burro management within these public lands. The current estimated population is 229 burros and 5 wild horses. The Appropriate Management Level (AML) for the LMC is a range of 22-98 burros within the Gold Butte Herd Management Area (HMA). AMLs for the El Dorado Mountains and Muddy Mountains HMAs is "0" wild horses and "0" burros.

BLM has prepared an environmental assessment (EA) for the Lake Mead Complex Final Gather Plan Environmental Assessment (NV-052-2007-69) in order to assess the impacts associated with the proposed removal. The Proposed Action (Alternative A) is to capture and remove approximately 195 burros residing on National Park Service administered lands within the LMC. Approximately 34 burros are currently living inside the Gold Butte HMA boundary and will not be gathered. About 5 wild horses remaining on lands administered by BLM will also be removed from the Muddy Mountains HMA; these animals are currently in poor condition and at risk of death by starvation.

One additional alternative was considered in detail in the environmental assessment, Alternative B – No Action Alternative (Defer Population Control). Under the No Action Alternative, a gather to remove approximately 195 resident wild burros from NPS-administered lands adjacent to public lands within the Lake Mead Complex would not take place in March 2007, nor would any remaining wild horses on the Muddy Mountains HMA be captured or removed. There would be no active management to control the size of the wild horse and burro populations at this time. However, existing management including monitoring would continue.

An initial scoping letter was sent to 52 individuals, groups and agencies on July 3, 2006. Interested parties were invited to identify any concerns, data or information regarding the BLM LVFO's proposal to remove excess horses/burros within the Lake Mead Complex in about January 2007. Comments were received from 19 parties during this period. The LVFO also conducted scoping meetings with the Nevada Department of Wildlife (NDOW) and the NPS. For a detailed summary of the comments received and how BLM used those comments in preparing the preliminary environmental assessment, please refer to the EA (Appendix IV).

The preliminary EA was mailed on November 21, 2006 to 36 individuals, groups and agencies for a 30 day review and comment period. Thirteen (13) individuals, groups and agencies reviewed and provided comment on the above referenced document. BLM's response to the comments received and how BLM used the comments in finalizing the EA is summarized in the EA (Appendix V).

DECISION

It is my decision to implement the Proposed Action, as described in the EA for the Lake Mead Complex Final Gather Plan Environmental Assessment (NV-052-2007-69).

Under this alternative, 195 excess burros currently residing on National Park Service lands outside established herd management area (HMA) boundaries would be removed consistent with 43 CFR 4710.4 which states: "*Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas.*" About 5 remaining horses within the Muddy Mountains HMA and at risk of death by starvation would also be captured and removed.

RATIONALE

BLM has determined that excess burros are present within the Lake Mead Complex. The animals have moved outside the established herd management area boundaries in search of food and water due to overpopulation of burros within the affected HMAs and have become residents of land managed by the National Park Service at Lake Mead National Recreation Area. Immediate removal of the excess animals is needed to achieve a thriving natural ecological balance between burro populations, wildlife, and vegetation; to make progress towards attainment of Mojave-Southern Great Basin Resource Advisory Council rangeland health standards rangeland health standards; to protect the range from the deterioration associated with overpopulation of burros; and to achieve the AML for the Lake Mead Complex. Removal of the excess animals is also needed to bring their number into balance with the productivity of their habitat.

Removing excess burros to within the AML range of 22-98 burros for the Gold Butte HMA would help to assure adequate forage is available to maintain remaining burros in a healthy condition during the foreseeable future. Competition between burros and wildlife for the limited forage available should be reduced. Removal of the excess burros will also help provide for stabilization of the burned areas within the Gold Butte HMA, promote natural vegetation recovery and should limit the potential for burros to move outside the HMA boundary.

By removing excess burros to a number within the range of the AML, the burro population would be allowed to grow slowly over the next four to five years to the upper limit of the AML range, with no need for further removals in the interim anticipated. Reducing the number of burros from about 229 currently to 34 animals will help to reduce grazing pressure from burros in the areas affected by the Tramp and Fork Fires within the Gold Butte HMA.

Implementation of No Action Alternative would result in no active management to control the size of the burro population at this time. This alternative was not selected for implementation because without immediate removal of excess burros, the competition between wildlife and burros for the available forage is expected to increase as the population grows from 229 burros at the present time to 275 burros following the 2007 foaling season. Moreover, burros are residing outside the HMA boundaries on NPS-administered lands contrary to 43 CFR 4710.4 which states: *“Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas.”* and the Las Vegas RMP Record of Decision (ROD) states in WHB 2 f. *“Wild horses and burros will be removed when animals are residing on lands outside the Herd Management Area or when the Appropriate Management Level is exceeded.”*

As burro numbers increase over the next 4 year period from 229 currently to an estimated 475 animals by 2010 in the absence of active management, the risk for individual burros to suffer from starvation due to lack of forage is high. Additionally, the number of burros residing outside HMA boundaries would also be expected to more than double. Finally, utilization of limited forage resources would be expected to increase from heavy to severe and the opportunity to reduce grazing pressure to promote post-fire vegetation recovery within the Tramp and Fork Fire areas of the Gold Butte HMA would be foregone.

AUTHORITY

The authority for this decision is contained in Section 3(b) (2) of the 1971 Free-Roaming Wild Horses and Burros Act and Section 302(b) of the Federal Land Policy and Management Act of 1976. The action is also needed to meet the intent of Promulgated Federal Regulations at Title 43 CFR 4700.0-6 (a) which states: *“Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat (emphasis added).”*

RIGHT OF APPEAL

Within 30 days of receipt, you have the right of appeal to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations in 43 CFR Part 4. If an appeal is made, you must follow the procedures outlined in the enclosed form 1842-1, “Information on Taking Appeals to the Board of Land Appeals.” Within 30 days after your appeal, you are required to provide a copy to the Regional Solicitors Office as noted on item 3 of said form. In addition, provide the Las Vegas Field Office with a copy of your Statement of Reasons at the following address: **Karla Norris, Assistant Field Manager, Las Vegas Field Office, Bureau of Land Management, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130-2301.** Copies of your Appeal and Statement of Reasons must also be served upon any parties adversely affected by this decision. The appellant has the burden of showing that the decision being

appealed is in error. The appeal shall state the reasons, clearly and concisely, why the appellant thinks this decision is in error.

In addition, within 30 days of receipt of this decision, you have the right to file a petition for stay of this decision. Should a party wish to file a petition for a stay, you must file for the stay within the 30 day period allowed for an appeal. The appellant has the burden of proof to demonstrate that a stay should be granted. In accordance with 43 CFR 4.21(b) (1), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above the petition for stay must be filed in the office of the authorized officer.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts in the EA for the Lake Mead Complex Final Gather Plan Environmental Assessment (NV-052-2007-69), I have determined that the Proposed Action will not have a significant effect on the human environment. Therefore, the preparation of an environmental impact statement is not required for compliance with the National Environmental Policy Act of 1969.

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

Context: The affected region is limited to the eastern portion of Clark County. The gather has been planned with input from interested parties through public comment.

Intensity: There is no evidence that the severity of impacts is significant.

1. The action is expected meet BLM's objective for wild horse and burro management of maintaining a thriving natural ecological balance consistent with other resource needs.
2. The proposed action has no effect on public health or safety.
3. The proposed action has no potential to affect unique characteristics such as historic or cultural resources. No adverse impacts to the Gold Butte ACEC Part A or Part B, Gold Butte Townsite ACEC, Devils Throat ACEC, Piute/Eldorado Valley Desert Conservation Areas, Lime Canyon Wilderness Area, Jumbo Springs Wilderness Area, Muddy Mountains Wilderness Area, and Million Hill Wilderness Study Area are anticipated. There are no wild and scenic rivers, or ecologically critical areas present in the areas. Maintenance of appropriate numbers of burros is expected to help make progress in meeting objectives for improved riparian, wetland, aquatic and terrestrial habitat.

4. The effects of the proposed action on the quality of the human environment are not considered to be highly controversial, and effects of the gather are well known and understood.
5. Possible effects on the human environment are not highly uncertain, and do not involve unique or unknown risks.
6. The action is compatible with future consideration of actions required to improve wild horse and burro management in conjunction with meeting objectives for wildlife habitat in the herd management area.
7. The proposed action is not related to other actions with individually insignificant but cumulatively significant impacts.
8. The proposed action has no potential to adversely affect properties listed or eligible for listing in the National Register of Historic Places, and would not cause loss or destruction of significant scientific, cultural, or historical resources.
9. The proposed action is not likely to adversely affect the Federally threatened desert tortoise, and would have no effect on any other threatened or endangered species or habitat determined to be critical under the Endangered Species Act.
10. The proposed action does not threaten to violate any Federal, State, or local law or requirements imposed for the protection of the environment.

APPROVAL

The LMC wild horse and burro gather is approved for implementation effective upon the date of my signature below in accordance with Title 43 of the Code of Federal Regulations (CFR) at 4770.3(c). It may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4 (refer to attached Form 1842-1).

Karla D. Norris
Assistant Field Manager

DATE