



# 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>



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In Reply Refer To:  
4700  
(NV052)

February 24, 2006

DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE DIRECTOR  
BUDGET AND PLANNING DIVISION

Dear Interested Public:

Enclosed is a copy of the Decision Record and Finding of No Significant Impact (DR/FONSI) for the Gold Butte Herd Management Area Emergency Gather Final Environmental Assessment. The Proposed Action (Alternative A) is approved for implementation.

No changes were made to the Preliminary Environmental Assessment (EA) as a result of public comments. The Preliminary EA is considered Final. A copy of the Final EA is available upon request.

This decision is subject to administrative review 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 136 wild burros from the Gold Butte Herd Management Area (HMA) impacted by the Tramp and Fork Fires. The gather is proposed to start in late February 2006.

Higher than average precipitation during the winter of 2004-05 promoted abundant growth of native shrubs, forbs and grasses as well as heavy growth of non-native, invasive annual plant species, especially those in the genus *Bromus*, leading to the above mentioned fires. The Southern Nevada Complex Fires were ignited by dry lightning storms and burned approximately 740,000 acres from June 22, 2005 to July 10, 2005. Of the total areas burned, 142,904 acres are on lands managed by the Las Vegas Field Office. The Tramp and Fork Fires burned approximately forty-seven percent of the Gold Butte HMA.

The Gold Butte HMA is located in south-central 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.

The appropriate management level (AML) for the Gold Butte HMA was established in 1991 as a population range of 22-98 burros. Appropriate Management Level (AML) is defined as the number of wild horses or burros that can be sustained within a designated HMA which achieves and maintains a thriving natural ecological balance keeping with the multiple-use management

concept for the area. The AML for the Gold Butte HMA was based on in-depth analysis and monitoring data and established through the issuance of a BLM decision.

The current population of burros was estimated based on aerial census conducted November 30 and December 1, 2005. The current estimated burro population is seven times the low point of the population range, or 22 burros.

As a result of the Tramp and Fork Fires, forage availability for burros is limited. Heavy use of forage near available water and competition between wild burros and wildlife for limited forage and water has increased. While burros are currently in good condition, the current population is at a level that is expected to lead to increasing competition between burros and wildlife for the available forage or to increase the likelihood that burros will migrate off the HMA onto adjoining National Park Service lands. Removal of burros to the low point of the AML range, or 22 animals, would provide for stabilization of burned area and promote progress towards attainment of rangeland health standards. It would also provide adequate forage and water to sustain remaining burros in a healthy condition, and would minimize competition between burros and wildlife for limited forage as native rangelands recover from the two fires.

### **Summary of Public Involvement**

An initial scoping meeting and open house was held on October 5, 2005 at the Las Vegas Field Office. Approximately forty-five individuals attended this meeting. A public comment period of thirty days was established. Two letters were received during the 30 day comment period in reference to the Gold Butte HMA. Both comments were supportive of removal of burros to some degree, and placement of the burros into the adoption program. This feeling was also supported during the October 5, 2005 Open House for the Gold Butte HMA. A 30 day public comment period was established for the preliminary EA and four comment letters were received. One letter was received that did not support a gather of any kind, two letters supportive of the gather and one said that it had no comment. The following parties commented on the EA:

- Ellis Greene
- Ed Dodrill
- Micki Jay

### **Bureau's Response to Public Comments**

#### **1. Capture techniques are cruel and frightening.**

##### Response

As discussed in the EA (Page 6), water and/or bait trapping were considered as compared to helicopter drive-trapping or helicopter-roping from horseback methods. However, this method is extremely time and labor intensive, requiring daily monitoring, often over several weeks to effectively capture/remove the animals. Helicopter drive-trapping or helicopter-roping from horseback are expected to be more cost-effective given the number of animals proposed for removal and the size and complexity of the affected area.

Prior to the passage of the 1971 Act, mustangers used fixed wing aircraft to roundup wild horses and burros with none of the controls we have today. Since the passage of the 1971 Act, as amended, all capture and handling activities are conducted in accordance with established Standard Operating Procedures (SOPs) (refer to EA-Appendix I). The use of helicopters and motorized vehicles has proven to be a safe, effective and practical means for the gather and removal of excess wild horses and burros from the range. Also refer to 43 CFR 4740.

- 2. We believe the vegetation will recover naturally without removing any burros. Also, why did you aim for leaving 22 burros post-gather rather than some other number?**

Response

Fires within the Mojave Desert ecosystem in the past have been relatively uncommon, and the Mojave Desert did not evolve with fire as part of the natural process. The vegetation communities within the Gold Butte HMA are not easily restored due to the type of vegetation and the low annual amount of precipitation received in the area. The reduced amount of grazing pressure by removing the burros to 22 animals will allow for a greater opportunity for natural recovery of the native vegetation as the immature plants are not grazed before the root base is developed to allow for carbohydrates to be stored. As stated on page 2 of the EA the AML range for the Gold Butte HMA is 22-98 burros. By removing to the lower limit of AML reduced grazing pressure is expected to allow for the natural recovery to occur.

- 3. To remove enough burros to bring the area within predetermined management levels is commendable.**

Response

Thank you.

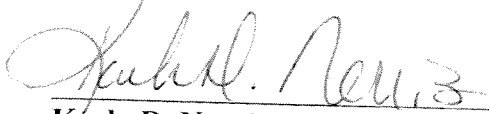
- 4. Why doesn't the EA address management methods such as controlling the number of males or birth control?**

Response

The Bureau has not focused on birth control for burros at the present time because burro populations generally grow at a much slower rate than wild horse populations (only 10-15% per year for burros and often 20% or more for wild horses). Also, there is a ready adoption market for burros so the Bureau does not have usually have a backlog of burros in long term holding facilities as compared to wild horses. Lastly, although the Bureau has done some fertility control research on males, it takes only one male with viable sperm to impregnate a large number of females and under the wild and free-roaming conditions we try to maintain for these animals, it would be impossible to assure every male burro has been caught and treated.

**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  
Recreation and Renewable Resources**



**Date**



# United States Department of the Interior

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In Reply Refer To:  
4700  
(NV052)

February 24, 2006

## **GOLD BUTTE HERD MANAGEMENT AREA GATHER PLAN ENVIRONMENTAL ASSESSMENT EA # NV-052-06-49**

### **DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACT**

#### **INTRODUCTION**

The Bureau of Land Management (BLM) Las Vegas Field Office proposes the emergency gathering of burros within Gold Butte Burro Herd Management Areas (HMA) and surrounding areas. The Gold Butte HMA is located in south-central 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. The current estimated population of burros is estimated 158 animals. The Appropriate Management Level (AML) for the HMA is a range of 22-98 burros.

BLM has prepared an environmental assessment (EA) for the Gold Butte Herd Management Area Gather Plan (NV-052-06-49). The Proposed Action is to capture and remove approximately 136 burros within the Gold Butte HMA. Approximately 158 burros are currently living in the affected area based on current census data, and the BLM would attempt to capture and remove the burros to the lower limit of the appropriate management level (AML) of 22 burros.

An initial scoping meeting and open house was held on October 5, 2005 at the Las Vegas Field Office. Approximately forty-five individuals attended this meeting. A public comment period of thirty days was established. Two letters were received during the 30 day comment period in reference to the Gold Butte HMA. Both comments supported removal of burros to some degree, and placement of the burros into the adoption program. Additionally, a 30 day comment period was established to comment on the EA. Four letters were received during that 30 day comment period.

#### **DECISION**

It is my decision to implement the Proposed Action, as described in the EA for the Gold Butte Herd Management Area Gather Plan (NV-052-06-49).

## **RATIONALE**

BLM has determined that excess burros are present within the Gold Butte HMA. Immediate removal of the excess animals is needed to achieve a thriving natural ecological balance between wild horse populations, wildlife, and vegetation; to make progress towards attainment of Mojave-Southern Great Basin Resource Advisory Council rangeland health standards rangeland health standards; and to protect the range from the deterioration associated with overpopulation of burros. Removal of the excess animals is also needed to bring their number into balance with the productivity of their habitat.

Removing burros to the lower limit of the AML range would help to assure adequate forage is available to maintain remaining burros in a healthy condition during the foreseeable future. Potential competition between burros and wildlife should be reduced as should the risk for suffering of individual burros due to the lack of forage. Removal of the excess burros will also help provide for stabilization of the burned areas, promote natural vegetation recovery and should limit the potential of burros moving outside the HMA boundary.

By removing burros to the lower limit of the AML, the population would be allowed to grow slowly over the next three to four years to the higher limit of the AML, with no need for further removals in the interim anticipated. Reducing the number of burros from about 158 to 22 animals will help to reduce grazing pressure from burros in the areas affected by the Tramp and Fork Fires.

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, and the risk for individual burros to suffer from lack of forage is high. Additionally, utilization of forage would be expected to increase from heavy to severe and the opportunity to reduce grazing pressure on these areas in an effort to promote post-fire vegetation recovery would be foregone.

## **FINDING OF NO SIGNIFICANT IMPACT**

Based on the analysis of potential environmental impacts in the EA for the Gold Butte Herd Management Area Gather Plan (NV-052-06-49), 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 and an Open House.

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

1. The action is expected meet BLM's objective for 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, Lime Canyon Wilderness Area, Jumbo Springs 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 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.

#### **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 taken, 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 D. 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.

## **APPROVAL**

The Gold Butte emergency 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  
Recreation and Renewable Resources



DATE

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
*AND*
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES *MUST* BE FOLLOWED**

1. NOTICE OF APPEAL ----- Within 30 days, file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE -----  
NOTICE OF APPEAL

**Bureau of Land Management  
Nevada State Office  
P.O. Box 12000 (1340 Financial Blvd.)  
Reno, Nevada 89520-0006**

SOLICITOR  
ALSO COPY TO -----

**Regional Solicitor  
Pacific Southwest Region  
U.S. Department of the Interior  
2800 Cottage Way  
Sacramento, California 95825**

3. STATEMENT OF REASONS ---- Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR  
ALSO COPY TO -----

**Regional Solicitor  
Pacific Southwest Region  
U.S. Department of the Interior  
2800 Cottage Way  
Sacramento, California 95825**

4. ADVERSE PARTIES ----- Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose **must** be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from the decisions of the Director (WO-100).

5. PROOF OF SERVICE ----- Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

*Unless these procedures are followed, your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.*

**NOTE:** *A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a)).*

**SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING**

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10:00 a.m. to 4:00 p.m., standard time or daylight savings time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

\*\*\*\*\*

See 43 CFR 4.21 for appeal general provisions.