



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Nevada State Office

P.O. Box 12000 (1340 Financial Blvd)

Reno, Nevada 89520-0006

<http://www.nv.blm.gov>



In Reply Refer To:
4700 (NV-930)

OCT 24 2006

Cindy McDonald
3605 Silver Sand Court
N. Las Vegas, Nevada 89032

Dear Ms. McDonald:

Enclosed are the documents you requested which establish the appropriate management level (AML) of wild horses and burros for the Johnnie, Muddy Mountains and Wheeler Pass herd management areas (HMAs). Included is the Decision Record/Finding of No Significant Impact (FONSI), the environmental assessment (EA), and the herd management area evaluation.

Thank you for your interest in Nevada's wild horse and burro program. I hope the above information is helpful. Please let me know if you have any additional questions.

Sincerely,

Margaret L. Jensen
Deputy State Director,
Natural Resources, Lands and Planning

Enclosures

cc:
NV-050

1000

1000

1000

800S + S 720

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000



United States Department of the Interior

RECEIVED
BUR. OF LAND MANAGEMENT
NEVADA STATE OFFICE

06 OCT 19 AM 9:00
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130-2301
<http://www.blm.gov>



In Reply Refer To:
4700
(NV052)

DEC 1 5 2003

Dear Interested Public:

Enclosed is a copy of the Decision Record and Finding of No Significant Impact (DR/FONSI) for the Johnnie, Muddy Mountains and Wheeler Pass Herd Management Areas Final Environmental Assessment for Establishment of Appropriate Management Levels. The Proposed Action (Alternative A) is approved for implementation.

Minor changes were made to the Preliminary Environmental Assessment as a result of public comments. Refer to Attachment 1 for a summary of the changes made. A copy of the Final EA, with the changes incorporated, 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

An appropriate management level (AML) for wild horses has not previously been set for the Johnnie, Muddy Mountains and Wheeler Pass Herd Management Areas (HIMAs). Establishing an AML for wild horses and burros for the three HIMAs is needed to conform with the 1971 Wild Free-Roaming Horse and Burro Act (Public Law 92-195), which requires that an AML for wild horses and burros be determined and that wild horses and burros be managed in a manner that is designed to achieve and maintain a thriving natural ecological balance.

The Code of Federal Regulations (43 CFR 4700.0-6(a)) further requires that wild horses and burros be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat. In determining an AML for the wild horses in designated HIMAs, the regulations require the authorized officer to consider the animal's habitat requirements and their relationship with other uses of the public and adjacent private lands (43 CFR 4710.3-1). The regulations also require the animals' distribution to be limited to herd areas that existed in 1971 (43 CFR 4710.4 and 4710.2).

The attached Decision Record establishes the AML for the three HIMAs based on in-depth analysis of monitoring data such as grazing utilization, trend in range condition, actual use, and other factors.

Summary of Public Involvement

A scoping letter was sent to interested public requesting information and alternatives relative to establishing AML for the three HMAs on February 10, 2005. Six response letters were received with the respondents requesting to be kept informed or remain on the interested parties list. No recommendations, data, information or comments were received in response to BLM's scoping letter.

The Johnnie, Muddy Mountains, and Wheeler Pass Wild Horse and Burro Herd Management Areas (HMA) Evaluation, and Johnnie, Muddy Mountains, and Wheeler Pass Herd Management Areas Preliminary Environmental Assessment (EA) for Establishment of Appropriate Management Levels (AML) was sent to the interested public for review on September 22, 2005. The evaluation analyzed data collected within the Johnnie, Muddy Mountains, and Wheeler Pass HMAs, and was used to establish AML for each HMA. A thirty day comment period was provided for the interested public to submit and provide comments or alternatives.

One comment letter was received in response to the Preliminary EA and HMA Evaluation from the Nevada Department of Wildlife (NDOW) Southern Region. BLM's response to the Department's comments follows.

Bureau's Response to Public Comments

1. We find the Bureau does not appropriately apply the Mojave-Southern Great Basin Resource Advisory Council's Standards and Guidelines (RAC Standards and Guidelines) regarding the management of wild horses and burros. *RAC 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. RAC 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.*

Response

The Mojave-Southern Great Basin RAC Standard 4 states: *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.* Implementation of the AML's as outlined in the Proposed Action is fully consistent with RAC Standard 4 and is expected to result in viable and sustainable wild horse and burro herds and to maintain a healthy ecological balance among wild horse and burro populations, wildlife and vegetation (no livestock grazing is currently authorized for any of the affected HMAs). Refer to Herd Management Areas Evaluation (page 37-41) and the PEA (page 13-27) for additional information.

Although the NDOW has misquoted RAC Guideline 4.2, we agree the wording in the Final EA (page 5) should be corrected as follows: *AML's 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.* Having made

this correction, however, we find we have carefully analyzed the four primary habitat components: space, water, forage and cover. Based on our analysis, we conclude the AMLs proposed for implementation on the Johnnie, Muddy and Wheeler Pass HMAs are reflective of the dry conditions inherent to the Mojave Desert environment and will not conflict with making significant progress toward achieving rangeland health standards for soils, ecological components, or diversity of habitat and biota. Further, we find RAC Guideline 4.2 provides the Bureau with discretion to evaluate the basic habitat components, to determine the most limiting factor(s), and to establish a management level of wild horses and burros, which on balance given available forage, cover, space and water, will result in making significant progress toward achievement of rangeland health standards. Refer to the Herd Management Area Evaluation (pages 22-41) and the PEA (pages 13-27).

Interim estimated AMLs for the two HMAs were set in the Las Vegas Resource Management Plan (RMP) in October 1998. These contrast with the proposed AMLs and estimated actual populations as follows:

HMA	Interim Estimated AMLs		Proposed AMLs		Estimated Current Populations	
	Horses	Burros	Horses	Burros	Horses	Burros
Johnnie	50	75	0	54-108	56	298
Muddy Mtn	0	50	0	0	5	7
Wheeler Pass	To be managed by FS		47-66	20-35	275	82

As can be seen from the above data, the Bureau is proposing to manage for significantly fewer wild horses and burros than presently exist on the three HMAs. Establishing an AML will allow the Bureau the opportunity to move forward with gather and removal of the excess wild horses and burros and to monitor and evaluate resource conditions over the next 5-10 year period to determine if any further adjustments to AML are needed/appropriate.

Relative to RAC Guideline 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.* We find preparation of Herd Management Plans is outside the scope of the Bureau's analysis to set AML for the three affected HMAs. The current analysis is confined to establishing appropriate management levels for the Johnnie, Muddy and Wheeler Pass HMAs (refer to PEA, page 5, Decision to be Made). Once AML is set, the Bureau will move forward with scheduling removals of any excess animals, and will monitor resource conditions over the next five to ten year period to determine if further adjustments in AMLs for the three HMAs are needed.

2. Since the water data and analysis is absent and the calculated AUMs are misleading averages and inconsistently applied, the summary and conclusions of the Bureau's PEA are not valid for the Johnnie and Wheeler Pass HMAs.