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Lake Mead Complex Final Gather Plan: Environmental Assessment

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**United States Department of the Interior
Bureau of Land Management
Las Vegas Field Office**



March 2007

**Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, NV 89130**

**Lake Mead Complex
Final Gather Plan
Environmental Assessment
NV-052-2007-69**



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Introduction

Background Information

This Environmental Assessment (EA) has been prepared by the Bureau of Land Management (BLM) Las Vegas Field Office (LVFO) to analyze the environmental effects of a gather to remove approximately 195 resident wild burros from National Park Service-administered lands adjacent to the El Dorado Mountains, Gold Butte and Muddy Mountains Herd Management Areas (HMAs) within the Lake Mead Complex (LMC) in March 2007. The LMC is located in southern Nevada in Clark County. The BLM Las Vegas Field Office and National Park Service coordinate management activities for wild burros on these public lands within their individual administrative responsibilities through a Memorandum of Understanding in place since 1994. 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. Refer to Maps 1-2 for a map of the affected area (page 42-43).

The EA contains the site-specific analysis of potential impacts that could result with the implementation of a proposed action or alternatives to the proposed action. The EA ensures compliance with the National Environmental Policy Act (NEPA); it analyzes information to determine 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 action will not result in environmental impacts that significantly affect the quality of the human environment.

Purpose and Need

Need for Action

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 manages burros on NPS administered lands under the 1995 Lake Mead National Recreation Area Burro Management Plan and EIS. The 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) does not apply to NPS administered lands. Lake Mead NRA determines when burro removals within the NRA are needed, and retains all decision making authority related to burro management on NPS administered lands. To implement the 1995 Lake Mead NRA Burro Management Plan, and to ensure that NPS actions on NPS lands do not compromise BLM capabilities and management options for animals that move back and forth across agency boundaries, in 1994 a Memorandum of Understanding (MOU) between the National Park Service (NPS) and Bureau of Land Management (BLM) was developed which is still in place and last reaffirmed in April of 2005. Under the MOU, the NPS (in consultation and coordination with BLM) determines when burro removals within the National Recreation Area (NRA) are needed. Removals may be conducted by contractors to the NPS and/or the BLM, or by BLM staff, under removal and capture plans developed by the NPS or BLM. In accordance with the MOU, the NPS has requested BLM assistance in the 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.

NEPA compliance related to removals from NPS administered lands is covered within the 1995 Lake Mead NRA Burro Management Plan and associated EIS. This Environmental Assessment analyzes 1) whether the proposed action and alternatives will achieve and maintain appropriate management levels of wild horses and burros on BLM administered lands while achieving the NPS request for assistance in

removing wild burros residing outside of HMAs on NPS administered lands; 2) what are the potential impacts to wild horses and burros, as well as other elements of the human environment, from potential capture, removal and handling operations; and 3) what are the current impacts to natural resources, recreation values and native wildlife from overpopulation of wild horses and burros within the HMAs; and 4) what effect will achieving and maintaining AML have on resources within the Lake Mead Complex of lands?

The removal of the few remaining wild horses from BLM administered 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.

The Proposed Action is needed at this time to in order to remove excess animals, return the area to AML, and achieve a thriving natural ecological balance between wild burro populations, wildlife, and vegetation; to make significant progress towards attainment of Mojave-Southern Great Basin Resource Advisory Council Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations; and to protect the range from the deterioration associated with overpopulation of wild burros as authorized under Section 3(b) (2) of the 1971 WFRHBA and Section 302(b) of the Federal Land Policy and Management Act of 1976. The proposed action is also needed to comply with 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).”

Conformance with Existing Land Use Plans

The action alternatives are in conformance with the Las Vegas Resource Management Plan and Final Environmental Impact Statement (RMP) (October 1998). 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.*” The action alternatives on NPS administered lands are within conformance of the published 1995 Lake Mead NRA Burro Management Plan.

Conformance with Rangeland Health Standards and Guidelines

The action alternatives are also consistent with Guideline 4.1 of the Mojave/Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations which states: “*Wild horse and burro population levels in HMAs should not exceed AML*”, as well as Guideline 4.2 which states: “*... Management levels will not conflict with achieving or maintaining standards for soils, ecological components, or diversity of habitat and biota.*”

Relationship to Statutes, Regulations or Other Plans

Public lands administered by BLM are managed under the Federal Land Policy and Management Act of 1976 (FLPMA). The FLPMA emphasizes that the public lands are to be managed to protect the quality of scenic, ecological, environmental, and archeological values; to preserve and protect public lands in their natural condition; to provide feed and habitat for wildlife and livestock; and to provide for outdoor recreation. The FLPMA also stresses harmonious and coordinated management of the resources without permanent impairment of the environment.

Under the Proposed Action alternative in this EA, no federal, state, or local law, or requirement imposed for the protection of the environment will be threatened or violated. The action alternatives are in conformance with all applicable regulations at 43 CFR (Code of Federal Regulations) 4700 and policies, as well with the Wild Free Roaming Horses and Burros Act of 1971. More specifically, this action is

designed to remove excess burros residing outside established herd management area boundaries 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.*”

The Proposed Action is also consistent with the 1994 Lake Mead Burro Management Plan developed by the NPS.

Decision to Be Made

The authorized officer will select the population control method(s) to be implemented to achieve and maintain the established AMLs for HMAs within the Lake Mead Complex and to prevent further deterioration of the range resulting from the overpopulation of wild burros which has led to the animals residing outside HMA boundaries on NPS-administered lands within the LMC. The Proposed Action does not establish any precedence for future actions with significant effects and does not represent a decision in principle about future considerations. All future wild horse and burro actions would be subject to the same environmental assessment standards as well as an independent decision making process.

Scoping and Issue Identification

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 this environmental assessment, please refer to the EA (Appendix IV).

The following issues were identified as a result of public and internal scoping and will be used in this EA to analyze the alternatives:

1. Will the Proposed Action and alternatives to the Proposed Action achieve and maintain the appropriate management levels of wild horses and burros and remove wild burros residing outside HMA boundaries on NPS-administered lands?
2. What are the potential impacts to wild horses and burros, as well as other elements of the human environment, from potential capture, removal and handling operations?
3. What are the current impacts to natural resources, recreation values and native wildlife resulting from overpopulation of wild horses and burros? What effect will achieving and maintaining AML have on these resources?

Issues Not Addressed in this EA

The scope of this environmental analysis is limited to the need to remove excess horses and burros from the El Dorado Mountains, Gold Butte and Muddy Mountains HMA within the LMC in order to achieve and maintain the AMLs and prevent further range deterioration associated with the current overpopulation. Several of the comments received in response to public scoping were outside the scope of this environmental analysis. They include:

- Concerns about BLM staffing or budgetary impacts are outside the scope of this analysis. These are administrative issues internal to BLM. When a determination is made that excess wild horses and burros exists, Section 3(b) (2) of the 1971 WFRHBA requires their immediate removal.

- Concerns that herd management area (HMA) boundaries be extended to the original herd area (HA) boundaries are also outside the scope of this analysis. HMA boundaries were designated in the 1998 Las Vegas Resource Management Plan (RMP) and an opportunity for administrative review of the designations was provided at that time. These decisions remain in effect.
- Comments that the National Park Service should manage for horses and burros are also outside the scope of this analysis. Prescriptions for burro management within Lake Mead NRA administered lands have been established through the 1995 Lake Mead NRA Burro Management Plan and EIS. Under the 1971 WFRHBA, the Secretaries of Interior and Agriculture are required to protect and manage horses and burros on public lands managed by the Bureau of Land Management and Forest Service. The WFRHBA does not apply to NPS administered lands. Further, a federal court ruling in 1978 (Roaring Springs v. Andrus, 77-330) requires BLM to remove horses and burros off other land-ownerships upon landowner request. Additionally, the Interior Board of Land Appeals has addressed this issue (118 IBLA 24) as follows: “In Craig C. Downer, 111 IBLA at 342-43, we affirmed a decision to remove horses from an area outside an HMA because such action was consistent with 43 CFR 4710.4. That regulation sets forth the following constraint on wild horse management: ‘*Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas*’. (Emphasis added.) The regulations define ‘herd area’ as ‘the geographic area identified as having been used by a herd as its habitat in 1971.
- Comments that BLM is violating the 1971 WFRHBA by not managing HMAs principally for wild horses and burros are outside the scope of this analysis. While 43 CFR 4710.3-2 provides for the designation of HMAs as wild horse or burro ranges to be managed principally, but not necessarily exclusively, for wild horse and burro herds, no additional HMAs were designated as wild horse or burro ranges in the 1998 Las Vegas RMP (the LVFO currently manages one national Wild Horse Range, the Nevada Wild Horse Range, or Nellis). This decision remains in effect. Refer to the Las Vegas RMP Record of Decision (ROD) WHB-1-f. which states: “*No new wild horse or burro ranges will be recommended for approval by the Director.*”
- Comments suggesting an adoption be held concurrent with the proposed gather or that public awareness/outreach programs be implemented are outside the scope of this analysis. These are administrative actions internal to BLM. However, BLM is currently working on a number of education/outreach and adoption opportunities and is also working toward sponsorship of an adoption event on June 23, 2007 in Las Vegas in partnership with interested groups/individuals. In the interim, BLM is asking anyone interested in adopting a Lake Mead Complex wild horse or burro and who also meets BLM’s adoption and facilities requirements to mail a completed adoption application to the BLM Las Vegas Field Office, Attn: Jerrie Bertola.

Proposed Action and Alternatives

This section of the EA describes the Proposed Action and alternatives, including any that were considered but eliminated from detailed analysis. Alternatives analyzed in detail include the following:

- Alternative A – Proposed Action
- Alternative B – No Action Alternative (Defer Population Control)

The Proposed Action alternative was developed to meet the purpose and need (i.e. achieve and maintain AML and prevent further range deterioration associated with the current overpopulation) and in response to the issues identified during scoping. Although the No Action does not comply with the 1971

WFRHBA (as amended), nor meet the purpose and need for action, it is included as a basis for comparison with the Proposed Action.

Descriptions of Alternatives Considered in Detail

Alternative A -- Proposed Action

The Proposed Action is to capture and remove approximately 195 resident wild burros from NPS-administered lands adjacent to the El Dorado Mountains, Gold Butte and Muddy Mountains HMAs within the Lake Mead Complex. Multiple capture sites (traps) would be used to capture burros from the Complex and whenever possible, capture sites would be located in previously disturbed areas. The primary capture techniques would be the helicopter-drive trapping method and/or helicopter-roping from horseback. Also proposed is capture and removal of the approximately five remaining wild horses within the Muddy Mountains HMA; the use of a trigger or finger bait trap would be the primary capture technique used for these animals. All capture and handling activities (including capture site selections) would be conducted in accordance with Standard Operating Procedures (SOPs) described in Appendix II. Captured animals would be transported to BLM holding facilities such as Ridgecrest or Kingman where they would be prepared for adoption or short or long-term holding.

Alternative B - No Action Alternative

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.

The No Action Alternative would violate the Wild Free-Roaming Horses and Burros Act (WFRHBA), federal regulations and Bureau policy. The 1971 WFRHBA mandates the BLM to prevent the range from deterioration associated with overpopulation, and preserve and maintain a thriving natural ecological balance and multiple use relationships in that area. The No Action Alternative would not meet prescriptions set within the 1995 Lake Mead NRA Burro Management Plan. In addition, the No Action Alternative would not comply with the Mojave/Southern Great Basin RAC Standards and Guidelines for Rangeland Health and Healthy Wild Horse and Burro Populations.

Alternatives Considered but Dismissed from Detailed Analysis

Bait or Water Trapping

Excess burros within the Lake Mead Complex on National Park Service lands are accessible primarily by air (helicopter) or water (boat). Due to the area's remote location, bait or water trapping the excess burros would be much more expensive and time consuming than under the Proposed Action. This is because a number of traps would need to be placed and moved via helicopter or boat over a period of several months. Access by boat and/or helicopter would also be needed on a daily basis to allow personnel to place bait and check the traps. While bait and/or water trapping can be a cost-effective capture method when animals located in areas accessible by road or for small numbers of animals, this alternative was not considered in detail in this environmental assessment due to the area's remote location, the large number of animals proposed for capture, and the associated time and expense which would exceed BLM's current available funding.

Supplemental Feeding

Providing supplemental feed (hay) does not meet the definition of minimum feasible management and is inconsistent with current law, regulation and policy. In addition, a practical means to provide adequate

hay is not available for burros currently residing on NPS-administered lands along Lake Mead as the primary access to the majority of these animals is by boat or helicopter. Moreover, feeding the burros would encourage them to remain along Lake Mead, which is outside their HMAs and is currently impacting vegetation, water, riparian, wildlife habitat, and recreation/aesthetic values. Feeding hay not certified as weed-free (a ready supply of certified weed-free hay is not reasonably available) also has potential to introduce noxious weeds where they are not presently found.

Developing Additional Water Locations

Development of additional water for wild horses or burros would require BLM to obtain the necessary water rights through the Nevada State Engineer. Ground-water resources in the Las Vegas Valley have been over-appropriated for many decades and the basin is for all practical purposes closed to new water rights applications. Additionally, previous water rights applications filed by BLM for the purpose of providing additional water for wild horses and burros were protested by the Nevada Department of Wildlife; any additional applications for water rights would be expected to be similarly protested. Finally, Wild Horse Organized Assistance has filed an appeal with the Interior Board of Land Appeals (IBLA) relative to BLM's September 3, 2004 AML decision for wild horses within the Red Rock HMA which included BLM's proposal to develop additional water sources. Development of additional water is one of the points under appeal to IBLA. Proposing additional water developments at this time is expected to result in additional appeals; however, additional water development could be considered in the future pending IBLA's decision relative to WHOA's appeal.

Restoration of Native Vegetation

During the past five years, wildfires have impacted approximately 70,000 acres of rangeland vegetation on public lands within the LMC. Of this, restoration activities have been implemented on 40 acres, with the balance dependent primarily on natural recovery, as well as future plantings of small shrubs. Maintaining horse or burro numbers at the lower level of the AML range is a primary management prescription to facilitate restoration or natural recovery following wildfire.

Restoration activities completed during the past few years for smaller project areas (1-40 acres for the most part) within the Mojave Desert ecosystem have averaged approximately \$6,500.00 per acre to complete. At this estimated per-acre cost, restoration of the nearly 70,000 acres damaged by wildfire within the Gold Butte HMA would be expected to exceed \$450 million dollars. Even if funding were available, the outcome of restoration activities is uncertain due to the dominance of red brome, an invasive annual grass, and Sahara mustard, an invasive broadleaf plant, both of which readily out-compete native species. Additionally, the harsh Mojave Desert environment often receives less than 5 inches of precipitation; as a result, a practical and effective means of restoring rangeland damaged by overpopulation of grazing animals or wildfire has not been found for the Mojave Desert. Therefore, this alternative was not considered in detail in this analysis. However, BLM is currently experimenting with techniques to restore areas damaged by wildfires and to refine methods for desert restoration. These methods could be used in the future for HMAs within and outside the LMC. For the foreseeable future, the most effective/efficient and affordable option to assure long-term use by wild horses and burros is to maintain native rangelands in a healthy condition by managing wild horse and burro numbers within established AMLs.

Apply Fertility Control to Burros

Currently adoption demand for burros exceeds supply. Additionally, the use of Porca Zona Pellucidiae (PZP) is not yet approved for use in burros. Therefore, this option was not considered in detail.

Predators as a Population Control Method

Predators such as mountain lions will prey on wild equids. However, monitoring indicates the population of burros within the LMC grows at a rate of about 20% per year. This annual rate of growth indicates predator populations within the LMC are not sufficient to effectively slow burro population growth. Further, wildlife management is the responsibility of the Nevada Department of Wildlife; BLM does not have the authority to manage predators within the State of Nevada. Therefore, this alternative was not considered in detail.

Description of the Affected Environment and Environmental Consequences

This section of the environmental assessment briefly discusses the relevant components of the human environment which would be either affected or potentially affected by the Proposed Action and alternatives (refer to Table 1 and 2 below). Direct impacts are those that result from the management actions while indirect impacts are those that exist once the management action has occurred.

Table 1: Critical Elements Checklist

CRITICAL ELEMENTS	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 in disturbed sites and no 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 specialist and wildlife biologist will be consulted as to where trap site location can be placed without causing conflicts to the ACEC 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	YES	NO	A number of known cultural resources exist within the LMC that would be avoided during the gather. Trap sites and holding facilities located in areas that have not been surveyed would be surveyed before the gather begins to prevent any effects to cultural resources.
Environmental Justice	NO	NO	The proposed action or alternatives would have either no or negligible effect on minority or low-income populations.
Floodplains	NO	NO	Resource not present.
Waste (Hazardous or Solid)	NO	NO	Not present.
Noxious Weeds	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.
Native American Religious Concerns	YES	NO	There are no known Native American concerns.
Migratory Birds	YES	NO	Discussed below under wildlife.

Prime or Unique Farmlands	NO	NO	Resource not present.
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 zone would improve as grazing pressure would be decreased.
T&E Species	YES	MAY	Discussed below under wildlife.
Water Quality	NO	NO	Resource not present.
Wild and Scenic Rivers	NO	NO	Resource not present.

Table 2: Other Resources Checklist

OTHER RESOURCES	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 Authorizations	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 Resources	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 Resources	YES	NO	No visual impacts would occur because this action is temporary.
Wild Horse 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 LMC. 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.

General Description of the Affected Environment

The LMC ranges in elevation from approximately 630 feet above sea level (asl) to approximately 5,700 feet asl. The area lies to the north and west of Lake Mead, and north and west of Lake Mojave within Clark County, Nevada and includes approximately 270,270 acres of public lands administered by BLM and 1.5 million acres of the Lake Mead National Recreation Area and administered by the National Park Service.

The Lake Mead National Recreation Area (NRA) was established in 1964 and is managed by the National Park Service under the National Park Service Organic Act of 1916 et seq., and the Lake Mead NRA Organic Act of 1964. Under this legislation, the NPS is required to conserve the NRA's scenic, natural, cultural, and wildlife resources, and to provide for public enjoyment of these resources in such a manner as to leave them unimpaired for the enjoyment of future generations.

In 1971 with the passage of the WFRHBA, the Secretary of Interior (or Agriculture) was required to protect and manage horses and burros on public lands administered by the Bureau of Land Management (or the Forest Service) within their known territorial limits. Following the passage of the 1971 WFRHBA, BLM delineated three herd areas (the El Dorado Mountains, Gold Butte and Muddy Mountains) comprising a total of 553,743 acres, of which only 266,972 acres (48%) was BLM.

Through land use planning (the 1998 Las Vegas RMP), a total of 273,645 acres was designated herd management areas suitable for long-term management of wild horses and burros. Of this, 260,091 acres was BLM (95%) and 13,554 acres (5%) is other landownership. The remainder of the original herd area acreage (280,192 acres) was designated as unsuitable for long-term sustained horse and burro use.

Although the NPS is not required to manage burros, the agency recognized that burros inhabit lands managed by BLM which adjoin the Lake Mead NRA. In recognition of a mutual desire to work cooperatively in the management of burros in the area, a Memorandum of Understanding was first developed between BLM and NPS in 1994. Amendment 2 to the MOU was approved in April 2005. Under the MOU, the NPS developed the 1995 Lake Mead Burro Management Plan which established burro utilization prescriptions, including areas of zero burro use, for the recreation area. The NPS, in consultation and coordination with BLM, determines when burro removals within the NRA are necessary. Removal of burros is completed in accordance with approved removal plans developed by NRA and/or BLM personnel and all removals are done in a safe and humane manner to prevent injury and minimize stress or the potential for heat exhaustion to the burros. Under the MOU, burros captured within the recreation area are placed in BLM's adoption program. An annual coordination meeting is held annually to determine capture priorities and evaluate the program. At the September 7, 2006 meeting, the NPS identified the need to remove resident burros from NPS-administered lands within the NRA.

No livestock grazing is authorized within the affected HMAs; livestock grazing has not been authorized since the mid to late 1990s.

Wildlife, Threatened and Endangered Species, Special Status Species and Migratory Birds

Affected Environment

The mosaic of plant communities and topographic features found on the LMC supports a wide variety of wildlife species that use the habitats within the LMC for resting, courtship, foraging, travel, supplies of food and water, thermal protection, escape cover and reproduction.

Species specific surveys were not conducted for common wildlife within the LMC. For a complete list of wildlife species that are typically found within this type of habitat please refer to Appendix I. Numerous avian fauna, bats, reptilian, amphibian, invertebrates and other wildlife species are present within the LMC. For a list of species found within the Las Vegas Field Office jurisdiction, which includes the El Dorado Mountains, Gold Butte, and Muddy Mountains HMAs, please refer to the Las Vegas RMP/FEIS dated October 1998.

Threatened and Endangered Species are species that are either federally listed as threatened or endangered, or are species that are being proposed for listing. There is also the historic category of candidate species that have been proposed for special consideration before the passage of the Endangered Species Act.

The desert tortoise (*Gopherus agassizii*), is known to occur within the LMC. The Mojave population of desert tortoise was listed as threatened in 1990, and has the potential to occur with creosote bush scrub, creosote bursage complex, mixed scrub, and salt desert scrub. The desert tortoise primarily forages on annual wild flowers and native desert grasses. There is designated critical habitat for the desert tortoise within the El Dorado Mountains and the Gold Butte HMAs. Both ACECs were established in the Las Vegas RMP in 1998 and are known as the Piute/Eldorado ACEC and Gold Butte ACEC. The desert tortoise is widely distributed below 1,500 meters in elevation, in association with Mojave Desert scrub, particularly in creosote-bursage communities. The bald eagle is also known to be found in portions of the LMC. The bald eagle winters around Lake Mead and may forage areas around Lake Mead in the winter.

Another listing for special status species is the BLM sensitive category. These may be species that are listed or proposed for listing by a state or county in a category that implies potential endangerment or extinction. This is above and beyond those species listed as threatened and endangered by the US Fish & Wildlife Service. The BLM is mandated to protect and manage threatened, endangered, candidate, proposed, and sensitive plant species and their habitat. The BLM is also required to protect and manage sensitive species jointly identified with the appropriate state agency.

Some of the BLM sensitive wildlife species (not including federally listed species known to occur within the LMC: phainopepla (*Phainopepla nitens*), western burrowing owl (*Athene cunicularia*) and desert bighorn sheep (*Ovis canadensis nelsoni*). Phainopepla may occur throughout the LMC within ephemeral washes and upland scrub areas supporting catclaw acacia plants. Burrowing owls may also occur throughout the disposal area, within the same habitats as desert tortoises. The western burrowing owl maybe found in the open, dry, Mojave Desert shrub plant community that can be found throughout the LMC. This species commonly nests in abandoned kit fox, badger, or tortoise burrows and spends much of it's time on the ground or on low perches such as fence posts or dirt mounds. Bighorn sheep are found in the LMC and use some of the same areas as the burros.

Most birds are protected by the Migratory Bird Treaty Act of 1918 and subsequent amendments (16 U.S.C. 703-711), that makes it unlawful to take, kill, or possess migratory birds. A list of those protected birds can be found in 50 CFR 10.13. Surveys for migratory birds, other than special status species, were not conducted in support of this document. Migratory birds that are known to associate with the creosote-bursage scrub plant community include the horned lark, common raven, black-throated sparrow, phainopepla, and the burrowing owl.

Raptors, birds of prey, occur and breed throughout the area and are not protected under the ESA and are not species of concern. These raptors, however, are protected by the federal government under the Migratory Bird Treaty Act and by the State of Nevada. Raptors include all vultures, hawks, kites, eagles,

ospreys, falcons, and owls. Since these birds occupy high trophic levels of the food chain, they are regarded as sensitive indicators of ecosystem stability and health.

Environmental Consequences

Alternative A – Proposed Action

Under the Proposed Action, approximately 195 burros would be removed from NPS-administered lands adjacent to the El Dorado Mountains, Gold Butte and Muddy Mountains HMAs within the Lake Mead Complex. Under the Lake Mead Burro Management Plan, these areas are managed for incidental use by burros only (watering). Many of these areas are managed for specific wildlife species; burros are competing with those species for the available forage and water. Removal of about 195 burros would result in reduced competition between wild burros and wildlife for the available forage and water resources as soon as the gather is completed. Disturbance associated with burros along stream bank riparian habitat and adjacent upland habitat would also be reduced over the present. Wildlife adjacent to trap sites would be temporarily displaced during capture operations by increased activity of trap setup, helicopters and vehicle traffic.

The Proposed Action would benefit the threatened desert tortoise (*Gopherus agassizii*) in both the short and long term by decreasing competition for herbaceous vegetation and reducing potential impacts to desert tortoise from trampling. The gather would occur within desert tortoise habitat ranging from very low to low density. No new habitat disturbance is authorized for this event. For these reasons this project is exempt from tortoise mitigation fees. The gather would take place during the active period for desert tortoise (March 1 through October 30). All traps will be located outside tortoise critical habitat and would be constructed and operated under the direction and guidance of a wildlife biologist to avoid potential conflicts with the desert tortoise.

Alternative B - No Action (Defer Population Control)

Under Alternative B, no removal of wild horses or burros would occur in March 2007. As a result, wildlife would not be temporarily displaced or disturbed due to capture operations under the No Action Alternative. However, the population of wild burros would be expected to grow from an estimated 229 at the present time to about 275 following the 2007 foaling season. This would result in increased competition for water or vegetation resources and as competition intensifies, would also have potential to lead to increased stress or dislocation of native wildlife species, or possible death of individual animals. Additionally, competition between burros and wildlife species for the new growth important for making and storing carbohydrates and promoting long-term vegetation recovery could delay or impact vegetation recovery. This would encourage non-native or invasive plants to become established, resulting in deteriorated habitat conditions for native wildlife over the longer term.

Vegetation and Soils

Affected Environment

A variety of vegetation and soil types are found within the LMC, including communities dominated by 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. Physical weathering processes are more common 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 of longer duration 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 processes.

The LMC primarily consists of sites dominated by desert shrubs with low percentages of perennial herbaceous plants. Short-lived ephemeral-type forbs and grasses may be periodically abundant when favorable climatic conditions result in “desert bloom”. Joshua trees, Spanish daggers and other cactus and succulents are also common. Burros forage on the following key grass and browse species: galleta grass, Indian ricegrass, stipa species, white bursage, winterfat and spiny menodora.

The vegetation communities of the Gold Butte HMA have been affected by the Fork and Tramp Fires, which occurred in 2005 within the boundaries of the HMA. Because of these fires, 47% of the HMA has recently burned, reducing the amount of available forage for the burros. Since the 2005 fires, those areas are currently recovering naturally. Additionally, some of the recovery is due to seeding and restoration work occurring within the boundaries of the Gold Butte HMA. 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.

Currently the approximate 195 burros that are residing outside the HMA boundaries are grazing on vegetation that was not identified for use by burros. This is resulting in excessive use of the vegetation on the lands managed by the National Park Service.

Environmental Consequences

Alternative A – Proposed Action

Under the Proposed Action, approximately 195 wild burros would be removed from lands managed by NPS and from outside BLM HMA boundaries. As a result, the vegetation available for use by native wildlife and for recreation/aesthetics would increase.

The direct impacts to vegetation with implementation of the Proposed Action could include disturbance of native vegetation immediately in and around temporary trap sites and holding and processing facilities. Direct impacts could result from vehicle traffic or hoof action of penned burros, and could be locally severe in the immediate vicinity of the corrals or holding facilities. Generally, these activity sites would be small (less than one half acre) in size. Since most trap sites and holding facilities would be re-used during recurring 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 logistical support equipment. This would generally be adjacent to or on roads, pullouts, water haul sites, or other flat spots that have been previously disturbed. By adhering to these Standard Operating Procedures (SOPs), adverse impacts to soils would be minimized.

Alternative B – No Action

Under the No Action Alternative, burros would remain on lands managed by NPS and outside HMA boundaries. Direct impacts to vegetation such as excessive grazing would increase as burro populations grow from 229 animals to about 275 animals following the 2007 foaling season. While the severe localized trampling associated with trap sites would not occur, as burro populations continue to grow, utilization of existing vegetation resources would increase and surface and rill erosion as a result of reduced vegetation cover would be expected. Over the longer term, increased burro use throughout the

LMC would be expected to adversely impact soils and vegetation health, especially around the water locations.

Wild Horses & Burros

Affected Environment

The Lake Mead Complex includes the El Dorado Mountains, Gold Butte and Muddy Mountains HMAs and adjacent NPS-administered lands within the Lake Mead NRA. The appropriate management level (AML) for the El Dorado Mountains HMA was established as 0 horses and 0 burros in the 1998 Las Vegas RMP; the HMA contains 15,031 acres of public land and has insufficient food and water to manage for a healthy, self-sustaining and genetically diverse population of burros over the long-term. The AML for the Gold Butte HMA was established as a population range of 22-98 burros in 1991 based on in-depth analysis of resource monitoring data and issuance of a BLM decision. The AML for the Muddy Mountains HMA was established as 0 horses and 0 burros in FY2006 following in-depth analysis of resource monitoring data and issuance of a BLM decision (refer to EA# NV-052-2005-399). This analysis found the Muddy Mountains HMA (which comprises 75,856 acres of public land) lacks the forage and water necessary to sustain a healthy, self-sustaining and genetically diverse population of horses or burros over the long term. Key limiting factors for horses or burros on the Muddy Mountains HMA include the lack of sufficient food and water to maintain a healthy, self-sustaining population of wild horses and burros.

During the past five years, several gathers have been completed to remove excess horses and burros. Most recently, an emergency removal of 132 burros from the Gold Butte HMA was completed in March 2006 in response to the summer 2005 Tramp and Fork Fires which destroyed approximately 70,000 acres (47%) of the available habitat. The post-gather population was estimated at 36 burros, residing north of Catclaw Wash. BLM Arizona also removed approximately 103 burros from NPS-administered lands within the Lake Mead NRA (outside the Gold Butte and Muddy Mountains HMAs) in 2004 and 2006. The majority of the wild horses were gathered from the Muddy Mountains HMA in 1996 when an emergency gather was completed. A total of 16 wild horses were removed from the HMA due to drought conditions and the body condition of the wild horses. In the summer of 2002, an additional 9 wild horses were gathered and removed again due to drought conditions and body condition score (BCS). During that gather one wild horse was reported at a BCS of 4 and the remaining wild horses were in BCS 1 and 2.

A population census was completed in December 2006. The current condition of the burros is a BCS 4 or good condition. Approximately 195 burros are solely relying on vegetation and water located outside the HMAs boundaries. Additionally, 34 burros are relying on BLM vegetation and water and only using Lake Mead incidentally as allowed in the Lake Mead Burro Management Plan.

An estimated 5 wild horses remain in the Muddy Mountains HMA; these animals are currently in poor body condition (BCS 2) and are at risk of suffering from death or starvation due to lack of forage. The Muddy Mountains wild horses were not captured during the 2002 emergency gather, which was completed due to extreme drought conditions; they rely primarily on Bitter Springs for water. Table 3 below summarizes the established AMLs for horses and burros on the affected HMAs as well as the current estimated populations and proposed removal numbers for each.

Table 3. Lake Mead Complex: AMLs vs. Estimated Populations, and Proposed Removal Numbers

HMA	AML		Current Estimated Population		
	Horses	Burros	Within the HMA	Outside the HMA	Estimated Removal No.
El Dorado	0	0	0	14 B	14 B
Gold Butte	0	22-98	34 B	104 B	104 B
Muddy Mountains	0	0	5 H	77 B	77 B
Total	0	22-98	39	195 B	5 H/195 B

Based on population census, the annual growth rate for burros within the LMC is approximately 20% with year-round foaling. Dominant colors are gray, brown, black and maltese (gray with black mask).

By maintaining population levels within the established AMLs, BLM will have an opportunity to complete resource monitoring over the next 1-5 year period in order to determine whether or not the established AMLs need to be adjusted (either up or down, as indicated by resource monitoring results). A re-evaluation of the AML for the Gold Butte HMA is tentatively planned for fiscal year 2009; the re-evaluation process would provide for public review of any proposed changes in the AML range and for administrative review of BLM's final decision.

Environmental Consequences

Alternative A – Proposed Action

Under the Proposed Action, burros residing on NPS-administered lands outside established herd management areas would be removed in March 2007. Following the March 2007 removal, BLM would continue to manage burros north of Catclaw Wash within the Gold Butte HMA boundary and the established AML range of 22-98 burros (the current estimated burro population is listed in Table 3 above). This action would remove excess burros from the range so as to achieve appropriate management levels and restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation.

Under the Proposed Action, the few remaining wild horses within the Muddy Mountains HMA would be captured through use of a trigger bait trap. This capture method would be the least stressful for the few remaining animals already in weakened condition (Henneke BCS 2). Depending on the animal's condition at the time of capture, they would be placed with the National Wild Horse Association for temporary care until their condition improves and then made available for adoption or transported to the designated BLM holding facility and prepared for adoption or long-term holding.

Gathering burros and wild horses causes impacts to individual animals. These impacts may occur as a result of the stress associated with the gather, capture, processing, and transportation of animals. The intensity of these impacts varies by individual and is indicated by behaviors ranging from nervous agitation to physical distress. Mortality to individuals from this impact is infrequent but does occur in one half to one percent of burros and wild horses captured in a given gather. Other impacts to individual burros and wild horses include separation of members of individual bands of burros or wild horses and removal of animals from the population. Impacts to social structure typically dissipate within a short time following the capture as the herd re-groups.

Indirect impacts can occur to burros after the initial stress event, and may include increased social displacement or increased conflict between animals. These impacts are known to occur intermittently during burro or wild horse gather operations. Traumatic injuries may occur, and typically involve biting and/or kicking bruises, which don't break the skin. The occurrence of spontaneous abortion events among jennies or mares following capture is very rare.

Alternative B – No Action

Under the No Action Alternative, excess burros and the few remaining wild horses would not be removed. As a result, neither the burros nor few remaining horses would be subject to any individual direct or indirect impacts as described in the action alternatives. The current estimated population of 229 burros within the LMC would continue to use areas outside the HMA boundaries on lands administered by the NPS, and populations within the LMC would continue at levels that exceed appropriate management levels. The wild burro population would be expected to grow from an estimated 229 animals at the present time to about 275 following the 2007 foaling season and to double within 4 years. As a result, excessive use of key forage species would continue to occur, and competition with native wildlife for limited food and water would continue to increase. Over time, the excessive use would further impact rangeland health, resulting in loss of some or all of the remaining perennial vegetation; this would result in a corresponding reduction in the quality of riparian and wildlife habitat, and decreased recreation/aesthetic values. Additionally, it is anticipated that the body condition and health of the few remaining wild horses within the Muddy Mountains HMA would continue to suffer or die from starvation.

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 that are analyzed are maintaining rangeland health and proper management of burros and wild horses within the established boundaries of an HMA.

Past

Herd Areas were identified in 1971 as areas occupied by wild horses and burros. Herd Management Areas (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 planning with the development of Resource Management Plans and Grazing Environmental Impact Statements.

Gathering of the LMC on a regular basis has never happened; but a number of emergency or nuisance removals have occurred over the years. Approximately 25 horses and 1,706 burros have been removed for the LMC. The most recent removals are discussed in the EA, page 14.

Present

Today the LMC has an estimated population of 5 wild horses and 229 burros. Current BLM policy is to remove excess animals immediately (or as soon as possible) once a determination of excess animals has been made. Program goals have expanded beyond establishing a “*thriving natural ecological balance*” (by setting appropriate management levels (AML)) for individual herds to achieving and maintaining healthy, viable, vigorous and stable populations.

Current mandates prohibit the destruction of healthy animals that are determined to be excess. Only sick, lame, or dangerous animals may be euthanized and destruction is no longer used as a population control method. A recent amendment to the 1971 WFRHBA allows the sale of excess wild horses and burros that are over 10 years in age or have been offered successfully for adoption three times. Some of the animals removed as a result of the Proposed Action could be over age 10 and eligible for sale under the new authority. However, BLM makes every effort to place animals eligible for sale in good homes and does not sell any animals to slaughterhouses or “killer agents”.

Public interest in the welfare and management of wild horses is currently higher than it has ever been. Many different personal values pertaining to wild horse and burro management form current perceptions. Wild horses and burros may be viewed as nuisances or as living symbols of the pioneer spirit.

The focus of wild horse and burro management has also expanded to place more emphasis on achieving rangeland health as measured by Resource Advisory Council (RAC) Standards. The Mojave Southern Great Basin RAC developed standards and guidelines for rangeland health and healthy wild horse and burro populations within the Las Vegas District.

The Proposed Action considered in this environmental assessment would result in achieving the AML for wild horses and burros in the LMC in the short term. 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 vegetation condition would be expected, which would benefit both wildlife and burro populations within the LMC over the short term. Over the long term, continuing to maintain burro populations within the AML range would further benefit all users and the resources they depend on for forage and water.

AML for wild horses and burros would not be achieved over the short term with implementation of the No Action Alternative (Alternative B). Population numbers would continue to exceed AML, and competition between wild burros and other users for vegetation and water resources would increase. Vegetation conditions would continue to deteriorate and the health of the remaining horses on the Muddy Mountains HMA would be expected to suffer or die from starvation.

Reasonably Foreseeable Future Actions

No further amendments to the 1971 WFRHBA are currently anticipated which would have potential to change the way 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 burro population within the Gold Butte HMA would be expected to reach the upper limit of the AML (or 98 animals) in about 2013. At that time, another gather would be necessary, and it is projected that approximately 85 burros would be proposed for removal at that time. Under the No Action Alternative, the population of burros within the LMC 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 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 LMC would be analyzed in an appropriate environmental document following site specific planning. Future project planning would also include public involvement.

Summary of Past, Present, and Reasonably Foreseeable Future Actions

The area affected by the Proposed Action includes the El Dorado Mountains, Gold Butte, and Muddy Mountains HMAs as well as the surrounding lands managed by the National Park Service at Lake Mead National Recreation Area. Past, proposed and reasonably foreseeable actions that may impact the LMC burro herds and the few remaining wild horses could include past, proposed and future horse and burro gathers. Over time, as burro populations are maintained within the AML range and within the boundary of the Gold Butte HMA, a thriving natural ecological balance between burro populations and other users would also be achieved and maintained.

Other reasonably foreseeable actions within the affected area may include wildfire, mining, recreational activities, range improvements, population census, and monitoring. The BLM would continue to conduct the necessary monitoring to periodically evaluate the effects of grazing use by burros and wildlife. Furthermore, it would be determined if progress is being made in the attainment of Standards for Rangeland Health. Monitoring would be in accordance with BLM policy as outlined in the *Nevada Rangeland Monitoring Handbook* and other BLM technical references.

Cumulative beneficial effects from the Proposed Action are expected, and would include continued improvement of the range condition, which in turn positively impacts wildlife and burro populations. Additionally, forage availability and quality is maintained and improved.

Under the No Action Alternative, burro populations would continue to increase, resulting in continuing impacts to the wildlife and vegetation from excessive use by burros outside HMA boundaries. The No Action alternative would also put the few remaining wild horses within the Muddy Mountains HMA at a greater risk of suffering or death by starvation. Direct cumulative impacts of the No Action Alternative, coupled with the impacts from past, present, and reasonably foreseeable actions, would preclude any improvement to the health of vegetative communities and the ecological condition of range as a whole. As a result, the No Action Alternative coupled with many of the past, present, and reasonably foreseeable actions would hinder success in attaining RMP objectives and Standards for Rangeland Health and healthy horse and burro populations.

Mitigation Measures and Suggested Monitoring

The LMC would continue to be monitored post-gather. Data would be collected which would assist BLM and NPS in determining whether existing AMLs are appropriate or need future adjustment (either up or down). Data collected would include observations of animal health and condition, climate (precipitation), grazing utilization and animal distribution, population census, range condition and trend, among other items.

Proven mitigation and monitoring are incorporated into the Proposed Action through standard operating procedures (SOP) which have been developed over time. These SOPs (Appendix II) represent the "best methods" for reducing impacts associated with gathering, handling, transporting and collecting herd data. Additional mitigation regarding wild horse and burro gathers within desert Tortoise habitat will also be adhered to.

Consultation and Coordination

Public hearings are held annually on a state-wide basis regarding the use of helicopters and motorized vehicles to capture wild horses or burros. During these meetings, the public is given the opportunity to present new information and to voice any concerns regarding the use of these methods to capture wild horses or burros. The Nevada State BLM Office held a meeting on May 18, 2006; only one comment was received during this hearing from the National Mustang Association (NMA) supporting the use of motorized vehicles in the management of wild horses and burros. NMA commended BLM in Utah and Nevada for the professional manner in which helicopters are used.

The following individuals, groups and agencies were notified of the proposed action by letter dated July 3, 2006, requesting any concerns, data or information BLM should consider in preparing the preliminary EA. For a detailed summary of the public comments received and how BLM used those comments in preparing this environmental assessment, refer to Appendix IV.

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

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

The preliminary EA was mailed to the following individuals, groups and agencies for a 30-day review and comment period on November 21, 2006. For a detailed summary of the public comments received and how BLM used those comments in finalizing this environmental assessment, refer to Appendix V.

Conni Canaday	Bob & Janet Byer	Tedi Gable
Karen R. Deckert	Marty Teller	Red Rock Country Club
Keith Rogers	Trudy Lawrence	John Morgan
Debbie Hines	Judith A. Leavitt	Maggie Brown
Lori Owens	Cindy MacDonald	Paul Calahan
Barbara Warner	Billie Young	Connie Brady
Mr. & Mrs. Schulter	Barbara Cunningham	Mikki J. Bailey
Harlan & Marie Lane	Shari Warren	Flora Woratschek
Melody Hendry	Janet Rhea Little	Christine Brehm
Mary Blake	Laurie Howard	Robert Wiemer

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

List of Preparers

Jerrie Bertola	Wild Horse and Burro
Susie Stokke	Wild Horse and Burro, Nevada State BLM Office
Christina Lund	Vegetation
Marc Maynard	Wildlife/T&E/Special Status Species
Mark Slaughter	Wildlife/T&E/Special Status Species
Susanne Rowe	Archaeology and Cultural Resources
Michael N. Johnson	Planning and Environmental Coordination
Jeff Steinmetz	Planning and Environmental Coordination
Karla D. Norris	Assistant Field Manager

APPENDIX I**Common wildlife species located with the Lake Mead Complex**

black-tailed jackrabbit (*Lepus californicus*)
desert pocket mouse (*Chaetodipus penicillatus*)
Merriam's kangaroo rat (*Dipodomys meriami*)
greater road runner (*Geococcyx californianus*)
horned lark (*Eremophila alpestris*)
common raven (*Corvus corax*)
black-throated sparrow (*Amphispiza bilineata*)
side blotched lizard (*Uta stansburiana*)
western whiptail lizard (*Cnemidophorus tigris*)
Mojave green rattlesnake (*Crotalus scutulatus*)
banded Gila monster (*Heloderma suspectum cinetum*)
desert bighorn sheep (*Ovis canadensis nelsoni*)
mule deer (*Odocoileus hemionus*)
mountain lion (*Felis concolor*)
coyote (*Canis latrans*)
bobcat (*Felis rufus*)
civet cat (*Bassariscus astutus*)
kit fox (*Vulpes macrotus*)
gray fox (*Urocyon cinereoargenteus*)
badger (*Taxidea taxus*)
peregrine falcon (*Falco pergrinus*)
northern goshawk (*Accipiter gentiles*)
golden eagle (*Aquila chrysaetos*)

APPENDIX II

STANDARD OPERATING PROCEDURES

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 which 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 so as to minimize, to the extent possible, injury due to fighting and trampling. Under normal conditions, the government will require that animals be restrained for the purpose of 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 be in compliance 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 so as 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 which 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/Project Inspector

Jerrie Bertola

The Contracting Officer's Representatives (CORs) and the project inspectors (PIs) 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, Kingman 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 III
Euthansia 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 CFR 4730.1 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

1 Attachment

1 – Name of HMA Gather and Removal Report (2 pp)

APPENDIX IV
Lake Mead Complex

**Detailed Summary of Public Comments Received in Response to Scoping and How BLM
Used the Comments in Preparing the Preliminary EA**

A scoping letter was mailed on July 3, 2006 to 52 individuals, groups and agencies requesting any data, concerns or information regarding the BLM LVFO's proposal to remove excess wild horses and burros from the Lake Mead Complex in approximately January 2007. Nineteen (19) 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 preparing the preliminary EA is summarized below.

Comment No.	Name	Comment	How Comment Was Used
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 and 3 in 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.
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 State Lands	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 V
Lake Mead Complex

Detailed Summary of Public Comments Received in Response to Review of the Preliminary EA and How BLM Used the Comments in Finalizing the EA

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 below.

Comment No.	Name	Comment	How Comment Was Used
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 burros 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	Please refer to BLM's response to Comment 1 above.

		waste of tax dollars and mis-management of our natural resources.	
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).
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 non-viable, 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	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

		biodiversity. The National Preservation Act mandated preservation of our natural, cultural and historic resources as a living part of today's communities.	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.
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	Each HMA has individual census and appropriate management level (AML)	The final EA includes a table which identifies the AML for each HMA, and the current census numbers for each. Refer to

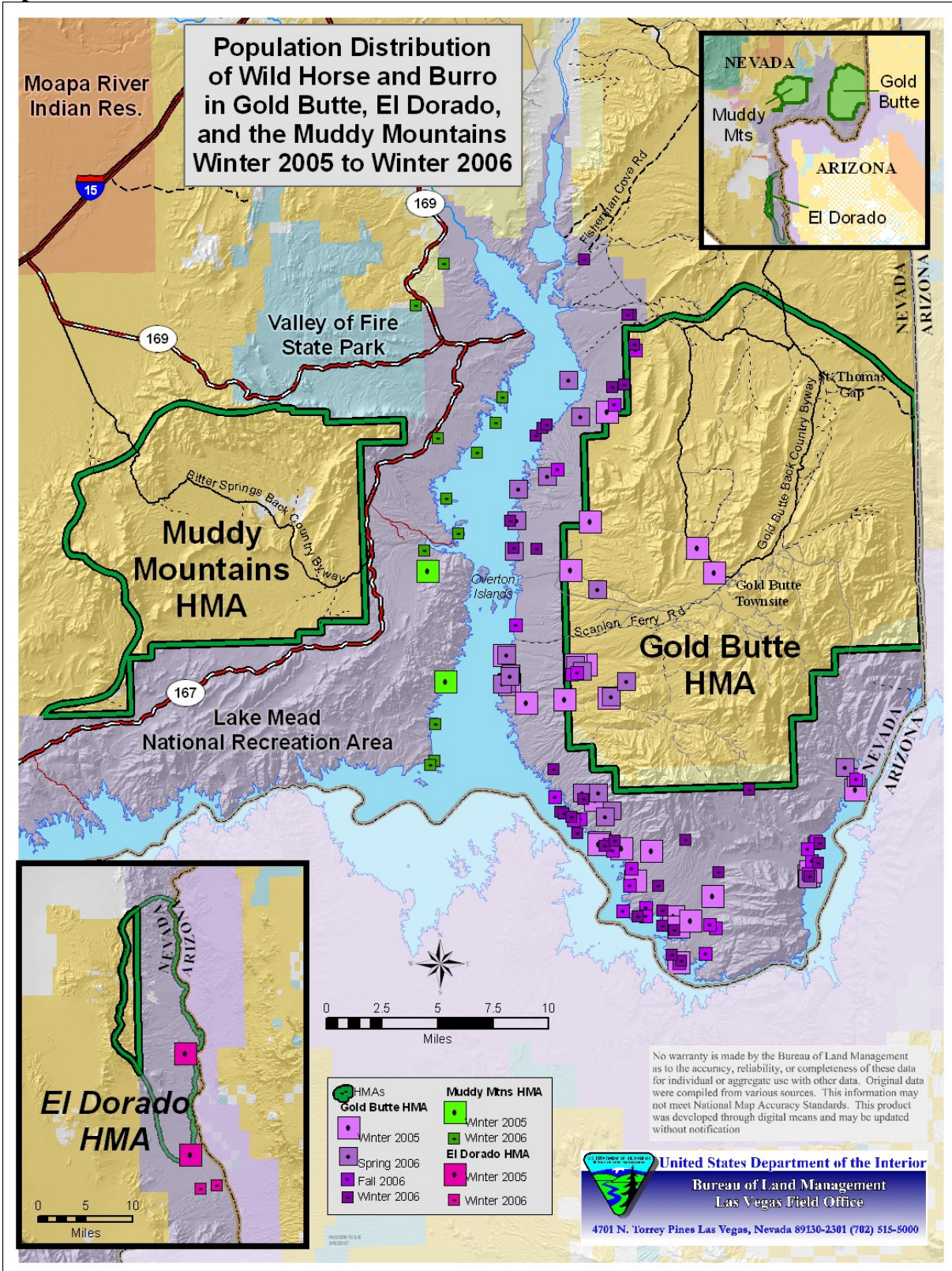
	Cindy MacDonald	numbers that are not displayed, nor appropriately addressed in your EA or land use plans.	the EA, page 15.
17	Nevada Department of Wildlife	We recommend BLM remove the number of burros to the lower end point of the existing AML range for the Gold Butte HMA (i.e. 22-98 burros); since there 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 re-evaluation is tentatively scheduled for completion in FY2009 and the BLM LVFO will be consulting with NDOW throughout the re-evaluation process.
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 re-evaluated 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.
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	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

		acceptable and impacts from horses and burros unacceptable?	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.

MAPS
Lake Mead Complex

Map 1



Map 2

