



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Tonopah Field Station
1553 South Main Street
P.O. Box 911
Tonopah, Nevada 89049-0911



In Reply Refer To:
4100
NV065.06
JUL 29 2005

RECEIVED

AUG 1 - 2005

NOTICE OF FINAL DECISION
Setting Appropriate Management Level
Springdale 2 Allotment

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Dear interested Party:

We are issuing this decision to set the Appropriate Management Level (AML) for the portion of the Bullfrog Herd Management Area (HMA) within the Springdale 2 Allotment.

INTRODUCTION

The Springdale 2 Allotment encompasses 1466 acres in Nye County north of the town of Beatty, Nevada. The current lessee is allotted 24 Animal Unit Months (AUMs), or 2 cows, yearlong. Currently, the Springdale 2 Allotment has an initial herd size of 2 burros as shown in the Tonopah Resource Management Plan and Record of Decision (RMP) October 1997. The allotment is located within the Bullfrog HMA for wild horses and burros (Refer to Appendix II- Map).

BACKGROUND

The final decision is in conformance with the Wild Horse and Burro Objective from the 1997 Tonopah Resource Management Plan and Record of Decision, approved October 1997.

The Wild Horse and Burro objective (page 14) states "To manage wild horse and/or burro populations within Heard Management Areas at levels which will preserve and maintain a thriving natural ecological balance consistent with other multiple-use objectives."

The RMP has an Interim Herd Size (IHS) of 2 burros listed for the portion of the Bullfrog HMA in the Springdale 2 Allotment. Since 1996, the use pattern maps demonstrate that use has been decreasing and utilization levels have not been exceeded for the allotment. The existing situation is not impacting the resources.

FINAL DECISION

This final decision will set an AML for burros of 2 animals, or 24 animal unit months (AUMs) in the Springdale 2 Allotment in the Bullfrog HMA. The AML is based on historical census data, use pattern maps, and the initial herd size established in the Tonopah RMP. This number may be re-evaluated as part of the Montezuma Rangeland Health Assessment that will consider the neighboring Razorback and Montezuma Allotments' vegetation and monitoring data.

RATIONALE

Although Nevada BLM generally sets AML through a decision which allocates vegetation (forage) for livestock, wild horses and wildlife, this approach will not be used to set AML for the Springdale 2 Allotment portion of the Bullfrog HMA for the following reasons:

Since 1996, the use pattern maps demonstrate that use has been decreasing and utilization levels have been not been exceeded for the allotment.

A rangeland health assessment is not scheduled for the Montezuma, Razorback, and Springdale 2 Allotment until fiscal year (FY) 2006. This is too late to meet the national guidance to establish Appropriate Management levels (AMLs) for all herd management areas by FY 2005. Due to workload priorities, this assessment could not be scheduled sooner.

As a result, the BLM-Tonopah Field Station proposes to establish AML for the Springdale 2 Allotment portion of the Bullfrog HMA based on historic wild burro use (census/distribution/ground observation data) and use pattern mapping data.

Livestock grazing issues, wildlife issues and forage allocations in the Montezuma, Razorback, and Springdale 2 Allotments are outside the scope of this EA and will not be considered or analyzed herein. Issues not addressed in this environmental assessment will be addressed in the assessment process conducted by the Tonopah Field Station.

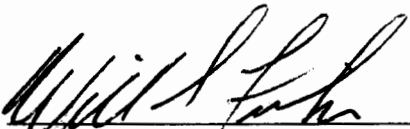
The rationale for this decision is based on an environmental assessment (NV065-2005-004) done pursuant to the National Environmental Policy Act (NEPA). The decision will meet the requirement of the setting of AML for the Springdale 2 in accordance with The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195). The Public Law states that the Department of the Interior must set appropriate management level (AML) in herd management areas (HMAs) for effective management of wild horses and burros to maintain a thriving natural ecological balance on public lands.

A
contained in "4710.4. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas."

APPEAL:

you are a member of the Wild Horse and Burro decision, you have the right to appeal to
concisely, as to why you think the decision is in error.

In addition, within 30 days or receipt of this decision you have a right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the enclosed form titled "Information on Taking Appeals to the Board of Land Appeals". The appellant has the burden of proof to demonstrate that a stay should be granted.



William S. Fisher
Assistant Field Manager, Tonopah

4 Enclosures

1. Appendix I- EA -NV065-2005-04 (11 pp) and FONSI/Decision Record (1 pp)
2. Appendix II – Map
3. Certificate of Service – List of Interested Parties (2 pp)
4. Form 1842-1 – Information on Taking appeals to the Board of Land Appeals

APPENDIX I

Environmental Assessment

EA # NV065-2005-004

&

Finding of No Significant Impacts

and

Decision Record



United States Department of the Interior

Bureau of Land Management

Battle Mountain Field Office

July 29, 2005

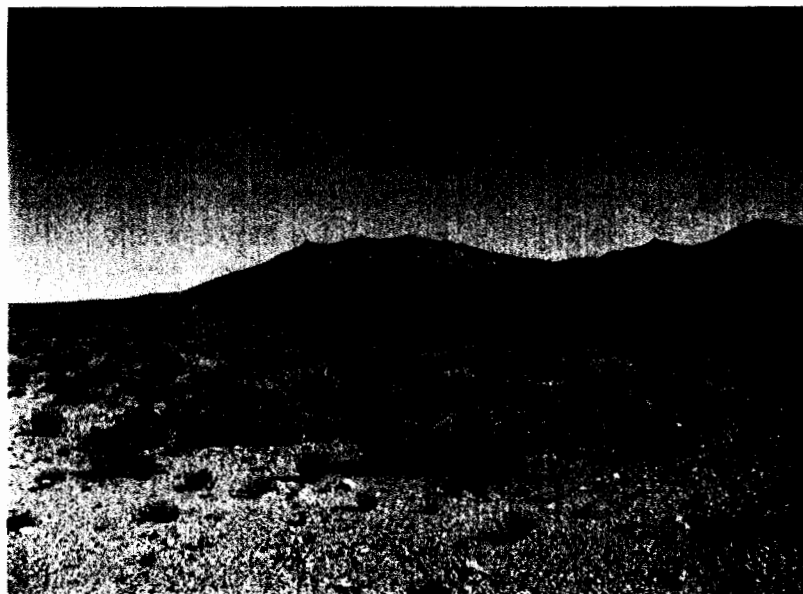


Tonopah Field Station
Bureau of Land Management
1553 S. Main Street
P.O. Box 911
Tonopah, NV 89049

Environmental Assessment

EA # NV065-2005-004

Setting Appropriate Management Level Evaluation Springdale 2 Allotment



1.0. INTRODUCTION/PURPOSE AND NEED

1.1 Introduction

The Springdale 2 Allotment is the district's smallest allotment. An initial herd size (IHS) of two burros for the area was set by the Tonopah Resource Management Plan (RMP); record of Decision approved October 1997.

Although Nevada generally sets AML through a decision which allocates vegetation (forage) for livestock, wild horses and wildlife, this approach will not be used to set AML for the Springdale 2 Allotment portion of the Bullfrog HMA at this time for the following reasons:

- An allotment assessment is not scheduled for the Springdale 2 Allotment portion of the Bullfrog HMA until fiscal year (FY) 2006, not timely enough to meet national guidance to establish AMLs for all herd management areas in fiscal year (FY) 2005. Due to other priorities, this assessment could not be scheduled sooner.
- Since 1996, the use pattern maps demonstrate that use has been decreasing and utilization levels have been not exceeded for the allotment.

The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195) states that the Department of the Interior must set AML all HMAs for effective management of wild horses and burros to maintain a thriving natural ecological balance on public lands. This environmental assessment (EA) is required to set AML for wild burros on this allotment so the BLM may determine AML for the entire Bullfrog HMA to effectively manage the animals within the HMA and conform to the Wild Free-Roaming Horse and Burro Act of 1971. Livestock grazing issues and wildlife issues/forage allocations in the Montezuma, Razorback, and Springdale 2 Allotments are outside the scope of this EA and will not be considered or analyzed herein. Issues not addressed in this environmental assessment will be addressed in assessment process conducted by the Tonopah Field Station.

1.2 Purpose and Need

The Bureau of Land Management (BLM)-Tonopah Field Station (TFS) proposes to establish AML for the Springdale 2 Allotment portion of the Bullfrog HMA based primarily on historic wild burro use (census/distribution/ground observation data) and use pattern mapping data.

1.3 Land Use Conformance Statement

The proposed action is in conformance with the Wild Horse and Burro Objective from the 1997 Tonopah Resource Management Plan and Record of Decision (RMP), approved October 1997.

The Wild Horse and Burro objective (page 14) states “To manage wild horse and/or burro populations within Herd Management Areas at levels which will preserve and maintain a thriving natural ecological balance consistent with other multiple-use objectives.”

1.4 Relationship to Statutes, Regulations, and Other Government Plans

Wild Free-Roaming Horse and Burro Act (PL 92-195 as amended): Section 3 (b) states “the Secretary maintains a current inventory of wild free-roaming horses and burros...[to] determine appropriate management levels.” Section 3 (a) states “the Secretary shall manage wild free-roaming horses and burros as components of the public lands...in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands.”

Title 43, Code Federal Regulations (CFR) §4710.3-1, states the “authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands...”

Title 43 CFR 4700.0-6 (a) that wild horses and burros be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.

2.0 PROPOSED ACTION AND ALTERNATIVE

2.1 Proposed Action

The proposed action would set an AML for burros of 2 animals, or 24 animal unit months (AUMs) in the Springdale 2 allotment in the Bullfrog HMA. The proposed AML is based on historical census data, use pattern maps, and the initial herd size established in the Tonopah RMP. This number may be re-evaluated as part of the Montezuma Rangeland Health Assessment that will consider the surrounding allotments’ vegetation and monitoring data.

The Springdale 2 Allotment encompasses 1466 acres in Nye County north of the town of Beatty, Nevada. The current lessee is allotted 24 Animal Unit Months (AUMs), or 2 cows, yearlong. Currently, the Springdale 2 allotment has an initial herd size of 2 burros as shown in the Tonopah Resource Management Plan and Record of Decision (RMP) October 1997. The allotment is located within the Bullfrog HMA for wild horses and burros (refer to Appendix II).

Although Nevada BLM generally sets AML through a decision which allocates vegetation (forage) for livestock, wild horses and wildlife, this approach will not be used to set AML for the Springdale 2 Allotment portion of the Bullfrog HMA for the following reason: An allotment assessment is not scheduled for the Montezuma, Razorback, and Springdale 2 Allotments until 2006; not timely enough to meet national guidance to establish AMLs for all herd management areas in fiscal year (FY) 2005. Due to other priorities, this assessment could not be scheduled sooner.

2.2 No Action Alternative

Under the no action alternative, the interim AML set for two burros would remain in effect and AML would not be determined for this area

3.0 AFFECTED ENVIRONMENT

3.1 Scoping and Issue Identification

A scoping letter was sent on September 15, 2005 to the “Interested Party” list for the Montezuma, Razorback and Springdale 2 Allotments. Comments were not received from any of the Interested Parties.

Resource concerns were scoped with resources specialists in the TFS. Resource issues identified as not present or affected by the proposed action are discussed below (see table below):

3.2 Proposed Action

3.2.1 General Setting

The landscape of the proposed action ranges from flat to hilly terrains. The Northern Mojave Desert precipitation is highly variable in season and amount. Droughts are a common and frequent occurrence in this part of the planning area. The principal vegetation is dominated by shadscale saltbrush (*Atriplex confertifolia*), spiny menodora (*Menodora spinescens*), Shockley’s goldenhead (*Acamptopappus shockleyi*), bud sagebrush (*Picrothamnus desertorum*) and black greasewood (*Sarcobatus vermiculatus*). There is a small community of inland saltgrass (*Distichlis spicata*) in Oasis Valley.

3.2.2 Critical Elements of the Human Environment

To comply with the National Environmental Policy Act (NEPA), the BLM is required to address specific elements of the environment that are subject to requirements specified in statute or regulation or by executive order (BLM 1988, BLM 1997). The following table outlines the 15 critical elements that must be addressed in all environmental assessments, as well as other resources deemed appropriate for evaluation by the BLM, and denotes if the Proposed Action or No Action Alternative affects those elements.

Critical Element	Present Yes/No	Affected Yes/No	Rationale
Air Quality	No	No	Proposed actions would have no effect on air quality
ACECs	No	No	No ACEC's exist in the area
Cultural- Paleontological Resources	Yes	No	No on the ground change would occur
Environmental Justice	No	No	There are no populations affected by the proposed action
Flood Plains	No	No	None exist in area
Invasive, Non Native Species	Yes	No	No on the ground change would occur
Migratory Birds	Yes	No	No on the ground change would occur
Native American Religious Concerns	No	No	No on the ground change would occur
Prime or Unique Farmlands	No	No	None exist in area
Endangered and Threatened Species (Plants)	No	No	None exist in area
Endangered and Threatened Species (Animals)	Yes	No	Present, but not affected
Wastes, Hazardous or Solids	No	No	Proposed action would not create hazardous or solid waste.
Water Quality	No	No	No on the ground change would occur
Wetlands and Riparian Zones	No	No	No on the ground change would occur
Wild and Scenic Rivers	No	No	None exist in area
Wilderness	No	No	None exist in area

Other resources of the human environment that have been considered for this (EA) are listed in the table below.

Other Resources	Present Yes/No	Affected Yes/No	Rationale
Forestry	No	No	None exist in area
Range Management	Yes	No	No on the ground change would occur
Land Use Authorization	No	No	No on the ground change would occur
Minerals	No	No	Proposed action would not involve mineral management
Recreation	Yes	No	No on the ground change would occur
Socio-Economic Values	Yes	No	Proposed action would not have socioeconomic impacts
Soils	Yes	No	No on the ground change would occur
Special Status Species	Yes	No	No on the ground change would occur
Vegetation	Yes	No	No on the ground change would occur
Visual Resources	Yes	No	Actions would not affect visual resources
Wild Horses and Burros	Yes	Yes	Wild burros would be affected. Analysis below
Wildlife	No	No	No on the ground change would occur

Bureau specialists have further determined that the resources identified as “Not Present” in the project area, are not affected by the Proposed Action and will not be further discussed in this EA.

3.3 Resources Present and Brought Forward for Analysis

3.3.1 Wild Horses and Burros

Wild horses do not live in the Springdale 2 Allotment; however, wild burros do live in the area. Based on historical census maps, burros have not been seen during census within the boundaries of the Springdale 2 Allotment. However, burros have been sited in the vicinity of the allotment. The burros may use the Springdale 2 Allotment, but they probably do not permanently reside in the area. Table 1.0 presents the census history for the entire Bullfrog HMA, not just the Springdale 2 Allotment.

Table 1.0 - Census History of the Bullfrog HMA

Census Date	Horses	Burros	Mules
April 2005		17	1
August 1994		432	1
September 1993	1	227	1
January 1992		94	
October 1991		130	
July 1991		83	
September 1990		276	
1986		47*	
1974	10	63	

*Only one third of the HMA was counted due to helicopter breakdown

Wild burros may be transient animals in the allotment as they tend to roam over large areas in search of forage and water. Because the Springdale 2 Allotment has a alkaline soil component, the associated vegetative community may provide seasonal forage for the burros. In May 2005, field personnel found evidence of a few burros on the inland saltgrass flats. In 1996, prior to the emergency gather in the Bullfrog HMA, field personnel noted slight to light use on key species in the Springdale 2 allotment. Since 1996, the use pattern maps demonstrate that use has been decreasing and utilization levels have been not exceeded for the allotment. In 2005, approximately 488 burros were removed and in 2006, approximately 416 burros were removed from Bullfrog HMA.

The BLM has gathered wild burros from the Bullfrog HMA three times in the past fifteen years; however, these animals did not come from the Springdale 2 portion of the HMA. Most of the animals came from the town of Beatty or from areas north and west of Beatty.

The current is allotted 24 AUMs, or 2 cows, yearlong. The allotment is located within the Bullfrog HMA for wild horses and burros (refer to Appendix II).

4.0 ENVIRONMENTAL CONSEQUENCES

This chapter describes the potential environmental consequences of the Proposed Action and the No Action Alternative. The Council on Environmental Quality (CEQ) regulations implementing the procedural provisions of NEPA (40 CFR 1500-1508) defines three types of impacts from a Proposed Action to be considered in the environmental analysis: Direct, indirect and cumulative. Direct effects are caused by the action and occur at the same time and same place. Indirect effects are caused by the action but take place later in time or farther removed in distance but are still reasonably foreseeable. Cumulative effects result from the incremental impact of the proposed action added to other past, present, and reasonably foreseeable

4.1 Proposed Action and No Action Alternative

4.1.1 Wild Horses and Burros

The Proposed Action would set the AML at two burros (24 AUMs) for the Springdale 2 allotment in the Bullfrog HMA. Use patterns would not be altered as the area is very small, no “on-the-ground” action would take place, and the numbers have not changed. The burros most likely do not reside in the area year round, but may pass through in their wanderings.

The No Action alternative would not set AML and leave the number as an IHS. The no-action alternative neither meets with land use plans nor upholds the requirements of the Wild Horse and Burro Act of 1971 and CFR 4710.3-1. No direct impacts to the wild burro population would occur. However, by not setting the AML, the district and state would be impacted by neither setting nor achieving AML throughout Nevada. If AML is not set, then the BLM cannot see that the wild burro herds are managed appropriately. If AML is not set, then the BLM cannot determine whether or not the HMA needs to be gathered. Therefore, the BLM cannot fulfill its mission to protect the resources for the long term.

4.2 Mitigating Measures

Excess burros would likely be removed when and if the AML is exceeded for the Springdale 2 Allotment.

4.3 Residual Impacted

There would not be direct impacts from the proposed action. The possible indirect impact would be when and if the AML is exceeded. Therefore, cumulative effect might be seen between the time the AML is exceeded and when the AML is restored to the correct burro AUMs.

4.4 Cumulative impacts

CEQ regulations state that the cumulative impact analysis should include the anticipated impacts to the environment resulting from "the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over time" (40 CFR.1508- 7).

Impacts of the proposed action and alternatives presented in this EA are assessed for cumulative impacts with other actions conducted in the region. Unless otherwise specified, the region of influence for each resource in the cumulative analysis is the same as the area defined in Chapter 3.

This analysis considers the effects of the proposed action, as evaluated in detail in Chapter 4, when combined with the effects of other past, present, and future actions in the affected region. Since the Proposed Action is the setting of AML for the Springdale 2 and involves no ground-disturbing activities, no direct impacts would occur that would; contribute to cumulative conditions in the affected area. Current or reasonably foreseeable actions that have been identified as described below.

The Proposed Action has been examined for cumulative effects to the project area and surroundings. Burro and livestock grazing use and recreation have occurred in the past and continue to be the dominant present activities. It is expected that Burro and livestock grazing use and increasing recreation opportunities would continue to dominate in the foreseeable future. The area would be withdrawn from mineral entry because of the proposed U.S. Department of Energy Yucca Mountain railroad project. Therefore, new mining activity would not occur in the foreseeable future. However, it is anticipated that the demand for sand and gravel would increase in the foreseeable future if the railroad project is build.

4.4.1 Wild Horses and Burros

Past, present, and reasonably foreseeable activities which would be expected to contribute to the cumulative impacts of implementing the proposed action consist of allowing the BLM to better manage the burro population in the Bullfrog HMA, including conducting census flights and gathers. The resources in the area would be better managed for the multiple-use goals of the BLM, including their long term use and productivity. Wild horse gathers would be initiated to ensure AMLs are met and the Allotment Objectives and Standards for Rangeland Health are attained.

An allotment assessment and subsequent environmental assessment to address livestock management and the attainment of Standards for Rangeland Health would be expected for the Springdale 2 Allotment which would be including the assessment area. The Tonopah Field Station is developing these documents. Livestock management within this allotment may change.

4.4.2 All resources values have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible as a result of the proposed action or alternatives.

4.5 Monitoring

The monitoring described in the Proposed Action is sufficient for this action.

5.0 PERSONS OR AGENCIES CONSULTED

Amy Dumas Wild Horse and Burro Specialist (preparer)
Rhen Etzelmiller Wildlife Biologist
Robert Perrin Outdoor Recreation Planner
Valerie Metscher Lead Rangeland Management Specialist/Vegetation Specialist
Marc A. Pointel Rangeland Management Specialist
Susan Rigby Archeologist
Dustin Rooks Rangeland Management Specialist/T&E Plants Specialist
Wendy Seley Realty Specialist
Angelica Ordaz Planning and Environmental Coordinator, Battle Mountain Field Office
Desna Young Planning and Environmental Coordinator, Carson City Field Office
Chris Worthington Planning and Environmental Coordinator, Battle Mountain Field Office

**FINDING OF NO SIGNIFICANT IMPACTS
AND
DECISION RECORD**

Environmental Assessment NV065-2005-004

**Setting Appropriate Management Level
Springdale 2 Allotment**

FINDING OF NO SIGNIFICANT IMPACTS: Based on the analysis of environmental assessment NV065-2005-004, I have determined that the Proposed Action will not have significant effect on the human environment; therefore, an environmental impact statement will not be prepared.

Decision: It is my decision to set Appropriate Management Level (AML) for the Springdale 2 allotment as follows:

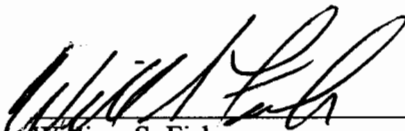
Allotment	Number of Burros	Animal Unit Months
Springdale 2	2	24

Monitoring

The Springdale 2 Allotment would be monitored to determine if the AML is within the limits of the Proposed Action.

RATIONALE

The Proposed Action would set the requirement of the setting of AML for the Springdale 2 in accordance with The Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195). The Public Law states that the Department of the Interior must set appropriate management level (AML) in herd management areas (HMAs) for effective management of wild horses and burros to maintain a thriving natural ecological balance on public lands.



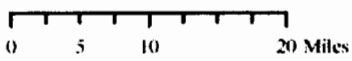
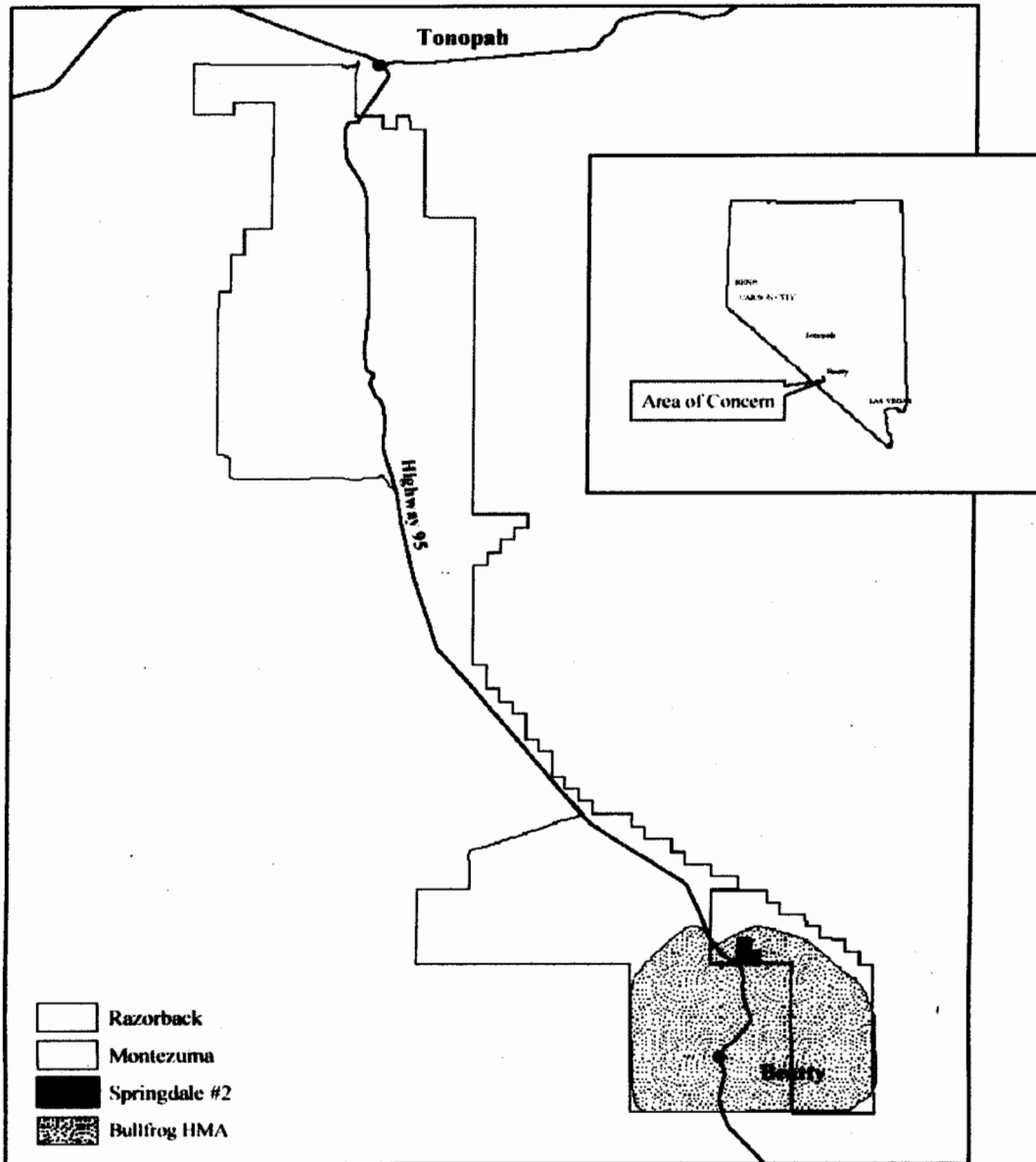
William S. Fisher
Assistant Field Manager, Tonopah

07/29/05

Date

APPENDIX II

Map 1 Springdale #2 Allotment in Relation to Bullfrog HMA and other grazing allotments



▼ No warranty is made by the Bureau of Land Management to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

CERTIFICATE OF SERVICE

Setting Appropriate Management Level
Springdale 2 Allotment

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

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

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

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

2. WHERE TO FILE ----- **U.S. Department of the Interior**
NOTICE OF APPEAL **Bureau of Land Management**
Tonopah Field Station
P.O. Box 911
1553 S. Main St.
Tonopah, NV 89049

SOLICITOR
ALSO COPY TO ----- **U.S. Department of the Interior**
Office of the Regional Solicitor
6201 Federal Building
125 S. State Street
Salt Lake City, UT 84138-1180

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

SOLICITOR
ALSO COPY TO ----- **U.S. Department of the Interior**
Office of the Regional Solicitor
6201 Federal Building
125 S. State Street
Salt Lake City, UT 84138-1180

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

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

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

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

AUTHORITY

The authority for this decision is contained in the following:

Wild Free-Roaming Horse and Burro Act of 1971, Section 3(b)(1) “the Secretary shall maintain a current inventory of wild free-roaming horses and burros on given areas of public lands. The purpose of such inventory shall be to... determine appropriate management levels of wild free-roaming horses and burros on these areas of the public lands...”

Sec. 3(a), Wild Free-Roaming Horse and Burro Act (P. L. 92-195) and Title 43 of the Code of Federal Regulations including, but not limited to the following:

§4700.0-6(a): “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.”

§4700.0-6(d): “In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.”

§4710.1: “Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant to part 1600 of this title.”

§4710.3-1: “Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in “4710.4. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas.”

APPEAL:

Within 30 days of receipt of the Wild Horse and Burro decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed, “Information on Taking Appeals to the Board of Land Appeals”. Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.