

G 9/24/97

United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Carson City District Office
5665 Morgan Mill Rd.
Carson City, Nevada 89701
PH: (702) 885-6000

IN REPLY REFER TO:
1060
(NV-03200)

SEP 24 1997

Dear Interested Party:

Enclosed is the Marietta Herd Management Area (HMA) Removal Plan and Finding of No Significant Impact / Decision Record which implements the Plan. During the last week of June, 3 burros were hit and killed on HWY 95 near Mina, Nevada. Following this incident the burros were herded back to the HMA and have since returned to the area around Mina. Immediate removal of these wild burros is necessary to prevent the loss of more burros on HWY 95 and to remove a public safety hazard. This action will also bring the Bureau into compliance with existing laws and regulations, notably; 43 CFR § 4720.4 - "Management of wild horses and burros shall be undertaken with the objective of limiting the animal's distribution herd areas".

Pursuant to the provisions of 43 CFR § 4770.3(3), this decision is placed in full force and effect on the date signed and will remain in full force and effect until modified or revoked by the Interior Board of Land Appeals upon an appeal taken from this decision. This decision placed in full force and effect on this date may be considered as the final decision of the Department of the Interior pursuant to the provisions of 5 USC 704 and subject to judicial review in accordance therewith.

This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations in the attached Form 1842-1.

If you wish to file a petition (pursuant to regulation 43 § CFR 4.21(b), 58 FR 4939,4942-43 (Jan. 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must be submitted directly to Interior Board of Land Appeals, 4015 Wilson Boulevard, Arlington, Va 22203 at the same time the original documents are filed with this office and the Regional Solicitor.

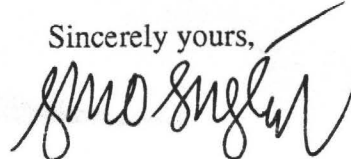
If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for stay of a decision pending appeals shall show sufficient justification based on the following standards:

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

(4) Whether the public interest favors granting the stay.

For questions or comments, please contact Richard Jacobsen or Jim Gianola of my staff at 885-6000.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John O. Singlaub". The signature is written in a cursive style with a prominent initial "J" and "S".

John O. Singlaub
District Manager

2 Enclosures:

1. Removal Plan and FONSI/Decision Record
2. Form 1842-1

MARIETTA WILD BURRO REMOVAL PLAN
1997

I. Purpose and Authority

The proposed action will remove wild burros which have established themselves permanently outside of the Marietta Herd Management Area (HMA). These wild burros are in the vicinity of US HWY 95 and have become a public safety concern. Recently three burros were killed on the highway therefore this action is also for the safety and welfare of the wild burros. The Wild Horse and Burro Act of 1971 (Public Law 92-195, Sec. 3(b) and Sec. 9) and 43 CFR § 4710.4 provide the authority for the proposed action.

II. Area of Concern

The area of concern is outside of the Marietta HMA. The location of the area is shown on the attached Map 1.

III. Numbers of Wild Burros

Based on the most recent census conducted in August of 1997, there are at least 32 wild burros outside of the HMA.

IV. Methods for Removal and Safety

The methods employed during this capture operation will be herding burros with a helicopter or on horseback to a trap built with portable panels. Bureau employees will conduct the gathering operation. The following procedures will be followed during the gather to ensure the welfare, safety and humane treatment of wild burros, and that wild burros are removed from proper areas.

A. Roundup Procedures within Gather Area:

Animal concentration, terrain, physical barriers and weather conditions will all be considered when selecting trap sites. All wild burros will be removed from areas outside of the HMA. It is estimated that a minimum of 32 wild burros will need to be removed.

B. Motorized Equipment

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 Authorized Officer shall consider the condition of the animals, weather conditions, types of vehicles, distance to be transported, and other factors when planning for the movement of captured animals. The Authorized Officer shall provide for any brand inspection or other inspection services required for the captured animals.

C. Trapping and Care

All capture attempts of wild burros shall be accomplished by the utilization of a helicopter or saddlehorse. A minimum of one saddle horse shall be immediately available at the trap site to accomplish roping if necessary. Under no circumstances shall animals be tied down for more than one hour.

The helicopter shall be used in such a manner that bands of burros will remain together. Foals shall not be left behind.

The rate of movement and distance the animals travel shall not exceed limitations set by the Authorized Officer who will consider terrain, physical barriers, weather, condition of the animals and other factors.

It is estimated that several trap locations will be required to accomplish the work. All trap locations and holding facilities must be approved by the Authorized Office prior to construction. All traps and holding facilities not located on public lands must have prior written approval of the landowner.

All traps, wings and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner.

Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize injury due to fighting and trampling.

V. Disposition of Removed Animals

All wild burros will be sent to Palomino Valley Wild Horse and Burro Placement Center (PVC) to be processed for adoption.

VI. Responsibility

The District Manager is responsible for maintaining and protecting the health and welfare of the wild burros. Also, the ADM, Renewable Resources and the Carson City District Manager are very involved with guidance and input into this removal plan.

VII. Time Frame

It is anticipated that this removal will occur during October or November of 1997. The probability of continual movement and establishment of burros outside the HMA will require additional removals in the future. Therefore, this plan will remain in effect indefinitely.

ENVIRONMENTAL ASSESSMENT

Marietta Wild Burro Removal

A. INTRODUCTION

Purpose

The purpose of this action is to remove wild burros that have established a permanent home range outside of the Marietta Herd Management Area (HMA). These wild burros are in the vicinity of US HWY 95 and have become a public safety concern. Recently three burros have been killed on the highway therefore this action is also for the safety and welfare of the wild burros.

Relationship to Other Environmental Documents

This EA is tiered to the Walker Resource Management Plan (RMP) and Environmental Impact Statement (EIS) which analyzed the general ecological impacts of managing rangelands in the Walker Resource Area under a program including the monitoring and adjustment of wild burros. This EA is a project specific refinement of the RMP/EIS focused in the management of wild burros in the Marietta HMA. These documents are available for public review at the Carson City District Office.

Relationship to Statutes, Regulations, or Other Plans

Both the Code of Federal Regulations (43 CFR § 4710.4) and the Wild Horse and Burro Act of 1971, state that wild burros shall be maintained within HMA'S.

B. PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action is to remove wild burros from outside the Marietta HMA with the use of a helicopter and/or saddle horses. The wild burros would be herded into traps constructed of portable steel panels. Bureau personnel will conduct the gather. A minimum of 32 wild burros are proposed for removal. The adoptable animals would be placed into the Bureau's Adoption Program.

Alternatives

Alternative No. 1

Conduct the removal operation through the use of water traps. Traps consisting of portable panels would be constructed around water sources and the burros captured when coming to water.

No Action Alternative

The no action alternative is to not implement the removal plan.

C. Affected Environment

The affected environment is described in the Walker RMP/EIS.

D. Environmental Impacts

1. Proposed Action

a. Impacts on Vegetation

The removal of the wild burro population would allow plant species such as Indian Ricegrass (Oryzopsis hymenoides) and Galleta Grass (Hilaria jamesii) to increase in quantity and improve their vigor.

Small localized areas (less than 1/2 acre) within the vicinity of traps and holding facilities would receive trampling and possible loss of vegetation. Overall, the vegetative resource would improve due to the reduction in grazing pressure.

b. Impacts on Wild burros

The wild burros would be removed from an area where there is a very serious hazard from high speed vehicles.

Some stress to the burros would be associated with the helicopter or horseback herding operations, however, after adoption, the burros would become accustomed to captivity and most would receive proper care.

c. Impacts on Wildlife

Removing wild burros would have only a positive impact on wildlife. The removal of wild burros would improve vegetative condition, thus increasing the amount of forage and cover available for wildlife. The absence of wild burros would also mean more water and space would be available for wildlife.

d. Other Impacts

The proposed action would not adversely impact air quality, areas of critical environmental concern, cultural resources, recreation, farmlands, floodplains, Native American religious concerns, threatened and endangered species, wastes, water quality, wetlands and riparian zones, wild and scenic rivers or wilderness.

No impacts would occur to cultural resources as proposed trap sites and holding facilities would be surveyed prior to construction to avoid disturbance of these areas.

2. Alternative No. 1 - Water Trapping

This method of capture is initially the least injurious and stressful to the wild burros, however, once captured, the level of impact is identical to those discussed in the proposed action. Water trapping is most successful when burros are to be removed from isolated areas served by 2 or less water sources which is not the case in this situation. When the above described scenario occurs, this would be the preferred form of removal.

3. Alternative No. 2 - No Action

The "no action" alternative would result in no wild burros being removed. The animals would not undergo stress related to capture, handling and transportation.

The population would continue to expand adversely impacting public safety on HWY 95. Wild burros would continue to be killed on the highway.

E. Coordination and Consultation

This EA has been sent to the following persons, groups and government agencies in order to solicit comments:

- American Bashkir Curley Register, % Mrs. Sunny Martin, P.O. Box 453, Ely, NV 89301
- American Horse Protection Assn., 1000 29th St. NW, Suite T100, Washington, D.C. 2007
- American Mustang and Burro Association, P.O. Box 788, Lincoln, CA 95648
- Animal Protection Institute, P.O. Box 22505, Sacramento, CA 95822
- Nevada State Clearinghouse Coordinator, Division of Administration, Capitol Complex, Carson City, NV 89710
- Craig C. Downer, P.O. Box 456, Minden, NV 89423
- Dan Keiserman, 5160 S. Eastern Avenue, Suite E, Las Vegas, NV 89119
- Edie Wilson, 917A Village Drive East, North Brunswick, NJ 08902

- Fund for Animals, 200 West 57th St., New York, NY 10019
- ISPMB, Karen A. Sussman, 6212 E. Sweetwater Ave., Scottsdale, AZ 85254
- Joanne Hardesty, P.O. Box 5219, Salton City, CA 92275
- Julie Ann Bolt, P.O. Box 752, Minden, NV 89423
- Kathy McCovey - Mantor, 905 Ironwood Rd., Reno, NV 89510-9707
- Michael Kirk, D.V.M., P.O. Box 5896, Reno, NV 89513
- Mineral County Public Lands Advisory Board, P. O. Box 1450 Hawthorne, NV 89415
- National Mustang Association, Inc. P.O. Box 42, Newcastle, UT 84756
- Nevada Commission for the Preservation of Wild Horses, 1105 Terminal Way, Suite 209, Reno, NV 89502
- Nevada Humane Society, % Mr. Mark McGuire, P.O. Box KIND, Sparks, NV 89431
- Paul Clifford, Museum of Natural History, One Wade Oval, Univ. Circle, Cleveland, OH 44106
- Paula S. Askew, 2995 White Pine, Carson City, NV 89704
- Rebecca Kunow, 3548 Shawnee, Carson City, NV 89701
- Roberta Royle, 25 Lewer Creek Rd., Carson City, NV 89704
- Sharon Crook, 3801 La Pasada, Las Vegas, NV 89102
- Steven Fulstone, 31 Rivers Road, Smith, NV 89403
- The Mule Deer Foundation, 1005 Terminal Way, Suite 110, Reno, NV 89502
- Tony Tipton; Robert Eddy; Pat Hanigan, P.O. Box 113, Mina, NV 89422
- U.S. Fish and Wildlife Service, ATTN: Bob Hallock, 4600 Kietzke, Bldg. C., Reno, NV 89502
- U.S. Humane Society, 2100 "L" Street NW, Washington, D.C. 20037
- Vanessa Kelling, P.O. Box 30, Shingletown, C A 96088
- Wild Horse Organized Assistance, P.O. Box 555, Reno, NV 89504

F. Signatures

Prepared by:



Richard Jacobsen
Wild Horse & Burro Specialist
Division of Renewable Resources

9-4-97
Date

Reviewed by:

Jim Gianola
Jim Gianola
Range Coordinator
Division of Renewable Resources

9-4-97
Date

David Loomis
David Loomis
Environmental Planner
District Manager Staff

9-4-97
Date

VI. FINDING OF NO SIGNIFICANT IMPACT AND DECISION REPORT

Decision: Implement the Marietta Removal Plan. The major action in the subject plan is removing wild burros from outside the Marietta HMA. The plan will guide the Bureau's actions throughout the course of the gather.


Finding of No Significant Impacts: Based on the analysis of potential environmental impacts contained in the environmental assessment, impacts are not expected to be significant and an environmental impact statement is not required.

Unavoidable impacts in the form of injuries to the burros may occur during the removal process. Some stress to the burros would be associated with the capture operations, however, after adoption the burros become accustomed to captivity. Because the loss of animals due to accidents is low, the impacts involved in the capture operation are not significant.

Rationale for Decision: The decision to implement this Removal Plan is in conformance with the Walker RMP/EIS. This action will remove wild burros from outside the HMA in accordance with 43 CFR § 4710.4

This action will not adversely impact air quality, ACECs, cultural resources, farmlands, floodplains, Native American religious concerns, T&E species, water quality, wetlands and riparian zones, wild and scenic rivers or wilderness.

Recommend Approval

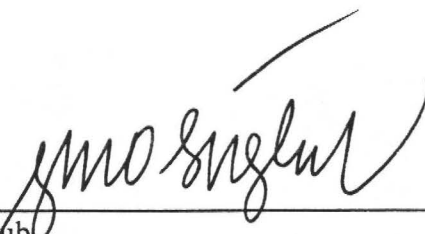


John Matthiessen
Assistant District Manager
Renewable Resources

SEP. 08 1997

Date

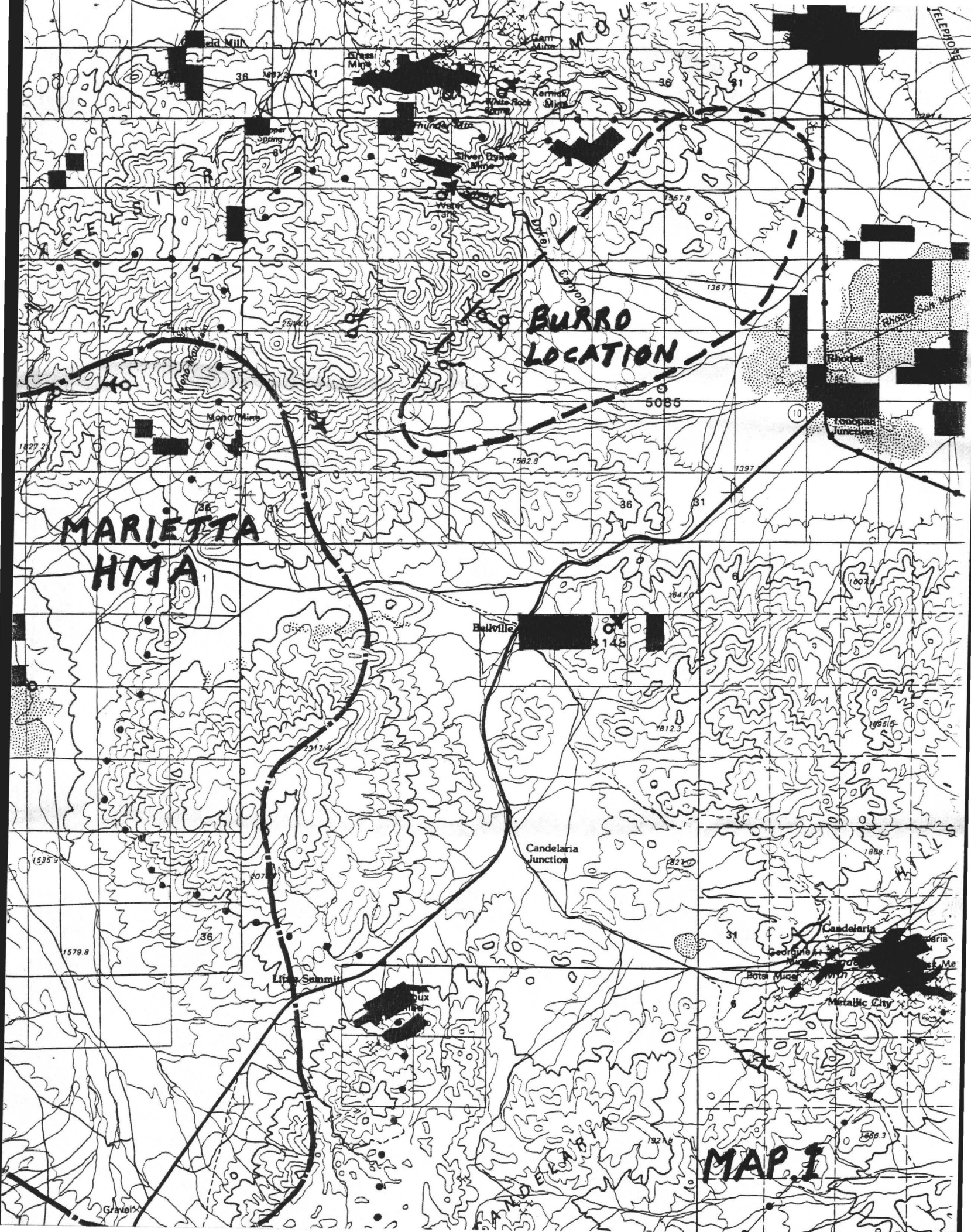
Approved:



John O. Signlaub
District Manager
Carson City District

9-23-97

Date



**BURRO
LOCATION**

**MARIETTA
HMA**

MAP I

TELEPHONE

HAND
ELABOR