



Gold Butte

G 12-9-94

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Stateline Resource Area
4765 Vegas Drive
P.O. Box 26569
Las Vegas, Nevada 89126

IN REPLY REFER TO:

DEC 09 1994

4700
(NV-054)

CERTIFIED MAIL NO. 2525896
RETURN RECEIPT REQUESTED

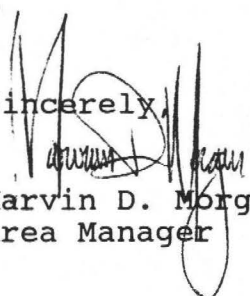
Dear Reader:

Please find enclosed a copy of the Final Gold Butte Gather Plan and the Environmental Assessment (EA) No. NV-054-94-102. Thank you for your comments to the draft documents if you submitted any. All comments were carefully reviewed and where appropriate were incorporated into the enclosed final documents.

The proposal to use the helicopter herding and net gunning methods to gather burros on BLM and NPS lands in the Gold Butte area will remain the same. The approximate start date for the contract is January 25, 1994.

Thank you for your interest in the Las Vegas District Wild Horse and Burro Program. If you have any questions, comments or need additional information please direct them to Gary McFadden, Las Vegas District Wild Horse and Burro Specialist, at the above address or at (702) 647-5000.

Sincerely,


Marvin D. Morgan
Area Manager

2 enclosures

1. Removal Plan
2. Environmental Assessment



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
LAS VEGAS DISTRICT OFFICE
4765 VEGAS DRIVE
P.O. BOX 26569
LAS VEGAS, NEVADA 89126

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NOTICE OF FINAL DECISION FULL FORCE AND EFFECT

GOLD BUTTE HERD MANAGEMENT GATHER

The Bureau of Land Management (BLM) Las Vegas District, Stateline Resource Area, is planning to remove excess wild burros from the Gold Butte Herd Management Area (HMA) and adjacent lands administered by National Park Service, Lake Mead National Recreation Area. The project area comprises approximately 176,868 acres (65 percent) of public Lands which are administered by the Bureau of Land Management, Las Vegas District and 96,900 acres (35 percent) Lake Mead National Recreation Area (LMNRA) lands which are administered by the National Park Service (NPS) for a total of 273,768 acres. The gather area is located approximately 35 to 50 miles south of Mesquite, Nevada in Eastern Clark County, 150 "road" miles east of Las Vegas, Nevada, and includes the Gold Butte Herd Management Area (HMA), in the Bureau of Land Management (BLM) Las Vegas District, Stateline Resource Area and the Lake Mead National Recreation Area, National Park Service. Management of the Bureau lands within the HMA are covered by the Tassi-Gold Butte Herd Management Area Plan (HMAP). The proposed action is consistent with the Stateline Management Framework Plan (MFP) and Record of Decision (ROD). It is also consistent with the management goals of the NPS in the LMNRA. This action is considered a part of long term management. (see Appendix I - Location Map).

The purpose of the action is to adjust the burro population in the Gold Butte HMA and to the AML of 98 in order to restore the range to a thriving natural ecological balance. Recent census data has shown a population of 538 burros in the Gold Butte area on BLM and NPS lands.

The gather will take place during Fiscal Year (FY) 95, and last approximately 8 weeks. The approximate start date for the gathering contract is January 25, 1994. The gather would be conducted in two phases. In the first phase, the burros would be gathered using the helicopter drive method to gather the most accessible animals. The second phase would involve the use of the net gun method to capture the animals which were missed and/or less accessible. Gathers will be conducted during FY 95 until AML is reached. Subsequent removals will be accomplished as needed on an intermittent basis to maintain AML.

In order to protect wild burro habitat within the HMA it is necessary to implement this removal immediately, through a Full Force and Effect decision. The Decision will be implemented at the time the project begins. The rationale for placing this decision in Full Force and Effect is as follows.

There are approximately 53,665 acres within the primary use area experiencing heavy to severe utilization levels with existing herd numbers. Current population levels are approximately six times higher than the level established to be appropriate for the resources available in the herd management area. Continued use of the resources at this level would contribute to the degradation of public lands. The removal of the burros to the appropriate management level of 98 would allow the resources to begin the recovery process of achieving a thriving natural ecological balance. Reduced competition among wildlife and burros for forage, water, cover and space would result in better conditions and healthier animals. Management of the wild burro population at AML will result in beneficial impacts on the resources.

If the no action alternative is implemented, environmental degradation would continue and expand beyond the approximately 53,665 acres experiencing heavy to severe use levels and downward observed apparent trend.

Pursuant to the provision of 43 CFR 4770.3 (c), this decision is placed in Full Force and Effect on the date specified, regardless of appeal.

Adversely affected parties may appeal this decision for the purpose of a hearing before the Interior Board of Land Appeals in accordance with 43 CFR 4770.3 (a) and 4.400. Appellants are allowed thirty days from the receipt of this decision to file such appeal with the Las Vegas District Manager at the above address. The appeal shall be in writing and shall state clearly why the appellant believes the decision is in error.

Sincerely



Gary Ryan
Acting District Manager

Enclosures (2)

- Environmental Assessment
- Gather Plan

**FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD
FULL FORCE AND EFFECT DECISION
Gold Butte Wild Burro Gather
EA-NV-054-94-102**

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in Environmental Assessment EA-NV-054-94-102, I have determined that the action will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared.

Decision

The Gold Butte Wild Burro Gather Environmental Assessment analyzed the effects of the proposed gather on the Gold Butte Herd Management Area. Any protests or appeals to the Bureau's decision to implement this action would not effect National Park Service, Lake Mead National Recreation Area's decision or ability to implement the action on NPS lands.

It is my decision to authorize the Gold Butte Wild Burro Gather, as described in the proposed action of EA NV-054-94-102.

Monitoring

Monitoring of the Gold Butte Wild Burro Gather will be conducted on site throughout all phases of the operations by the Project Inspector (PI); the PI's will be staff members from the Las Vegas District, BLM.

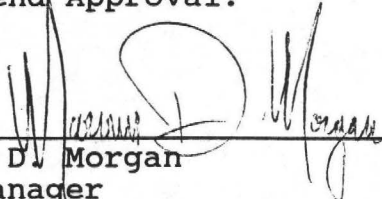
Rationale

The action will prevent further habitat degradation. Reduced competition among wildlife and burros for forage, water, cover, and living space would result in better condition animals, as well as higher survival and reproduction rates for each. Managing the wild burros within HMA boundaries at the optimum levels based on an analysis of monitoring studies will help maintain the ecological balance and multiple use relationship of the area.

Other alternatives, including the No Action Alternative, were considered but not selected. Management objectives could not be met in a timely and cost-effective manner by the other alternatives and severe impacts to the animals and their habitat would occur.

The proposed action is in conformance with the Stateline Management Framework Plan (MFP).

Recommend Approval:

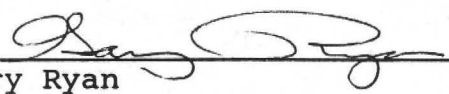


Marvin D. Morgan
Area Manager
Stateline Resource Area

12/9/94

Date

Approved:



Gary Ryan
Acting District Manager
Las Vegas District

12-9-94

Date

Decision
Does not
Restructure

EA
Does not
Restructure

No WUP

Consulted
DATE

ENVIRONMENTAL ASSESSMENT
for the
GOLD BUTTE WILD
BURRO GATHER

EA No. NV-054-94-102

Prepared by Shawna Woods
Wild Horse Specialist

Bureau of Land Management
Las Vegas District
Stateline Resource Area
Las Vegas, Nevada

BACKGROUND INFORMATION

I. Introduction

The Bureau of Land Management (BLM) Las Vegas District, Stateline Resource Area, is proposing to remove excess wild burros from the Gold Butte Herd Management Area (HMA) and adjacent lands administered by National Park Service, Lake Mead National Recreation Area. The proposed project area comprises approximately 65 percent Public Lands which are administered by the Bureau of Land Management, Las Vegas District and 35 percent Lake Mead National Recreation Area (LMNRA) lands which are administered by the National Park Service (NPS).

The proposed gather area is located approximately 35 to 50 miles south of Mesquite, Nevada in Eastern Clark County, 150 "road" miles east of Las Vegas, Nevada, and includes the Gold Butte Herd Management Area (HMA), in the Bureau of Land Management (BLM) Las Vegas District, Stateline Resource Area and the Lake Mead National Recreation Area, National Park Service. Management of the Bureau lands within the HMA are covered by the Tassi-Gold Butte Herd Management Area Plan (HMAP). The proposed action is consistent with the Stateline Management Framework Plan (MFP) and Record of Decision (ROD). It is also consistent with the management goals of the NPS in the LMNRA. This action is considered a part of long term management. (see Appendix I - Location Map).

II. Purpose and Need

What Decision?
The purpose of the proposed action is to remove excess wild burros from the Gold Butte HMA and NPS lands in order to restore the range to a thriving natural ecological balance and prevent further deterioration of the range threatened by an overpopulation of wild burros in and around the Gold Butte Herd Management Area (HMA).

In 1989 the Gold Butte Allotment Evaluation was completed to determine if the existing multiple uses were consistent with the goal to achieve a thriving ecological balance. The analysis of data collected from key areas, use pattern mapping, and herd census and distribution data from 1981 to 1989 determined that the AML for the Gold Butte HMA is 98 burros while maintaining an ecological balance among vegetation, wild burros, and wildlife. AML was established by the EA, Finding of No Significant Impacts and Decision Record process.

V. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

A. Proposed Action

The proposed action consists of gathering excess wild burros in the Gold Butte Herd Management Area (HMA) and NPS lands within the Lake Mead National Recreation area to attain the AML of 98 burros. Recent census data has shown a population of 538 burros in the Gold Butte area on BLM and NPS lands. The gather will be accomplished by using the helicopter drive method and the helicopter net gun method to capture the burros.

It is estimated that the helicopter drive method would require the use of five temporary traps with deflector wings encompassing approximately 1 acre each. The traps would be constructed on public lands and LMNRA lands in the primary use and critical habitat of the herd area. Temporary trap and corral sites would be selected by the contractor and approved by BLM. Access to the temporary trap/holding sites will be limited to existing roads by rubber tired vehicles. Temporary trap/holding sites would be located in previously disturbed areas. Each facility would be constructed from portable pipe panels. These traps would be moved as needed during the gathering operation and completely removed from the area after the contract is completed. A contracted helicopter and experienced wranglers would be used to drive and direct burros to each trap site in an efficient and careful manner. Hazards such as cliffs, fences, and old mine shafts would be scouted in advance and avoided. Existing roads and trails would be used. Burros would be transported by truck to a selected holding corral near the gather site. From the holding area the animals would be transported by the contractor in trucks to the selected processing facility, then shipped to distribution centers for adoption. Burros that might be held at a holding site in excess of 10 hours would have food and water provided.

The use of a net gun from a helicopter has proven successful in the capture of burros and other large wild animals. The net would be propelled over the animals, then workers would immobilize the animals by tying or hobbling the animals legs, and sling-loading the animal to one of the holding corrals located across Lake Mead, near Temple Bar, Arizona, or Echo Bay, Nevada. The burros would be hauled by the Bureau in stock trailers to the selected processing facility, then shipped to distribution centers for adoption. Burros that might be held at the holding site in excess of 10 hours would have food and water provided.

The gather is expected to take place through the issuance of a removal contract by the Bureau during FY 95, and last approximately 8 weeks. The approximate start date for the removal contract is January 25, 1994. The gather would be conducted in two phases. In the first phase, the burros would be gathered using the helicopter drive method to gather the most accessible animals. The second phase would involve the use of the net gun to capture the animals which were missed and/or less accessible.

Gathers will be conducted on an annual basis after F.Y. 1995 until AML is reached. Subsequent removals will be accomplished as needed on an intermittent basis to maintain AML.

Branded trespass burros or other claimed burros and their current year's foals would be impounded and held until trespass fees, gathering fees, and other associated costs as determined by the Stateline Area Manager are paid to the Bureau, before these animals would be turned over to the owner. Branded burros not claimed would be treated under the Nevada State estray laws.

In July of 1994, the grazing permit for the Gold Butte Allotment was transferred to The Nature Conservancy (TNC). An agreement was reached to allow the previous permittee to continue to graze his livestock for one year. TNC has given the previous permittee 30 days notice in which to remove the livestock. The 30 day notice will end approximately September 15, 1994. If the previous permittee fails to remove the livestock, the ownership will revert to TNC (as per the grazing agreement). Subsequently, TNC has signed an Agreement with the Nevada State Director to take nonuse on the allotment. Livestock remaining on the allotment may be removed as part of the proposed action if they are found. If this is the case, TNC will be notified for approval to remove the livestock using the net gun method and would be responsible for the expenses incurred. If TNC chooses not to utilize the net gunning method to remove the livestock, TNC would be responsible for utilizing another method to remove the livestock.

B. Special Project Stipulations

Helicopter Herding Method

The helicopter herding and gather operation would be evaluated according to compliance with the stipulations and standard operating procedures identified in the Nevada Wild Horse and Burro Gathering Contract (Contract number 1422-N651-C2-3066 and 3067).

Helicopter Net Gunning Method

The helicopter net gunning gather operation would be conducted under the OAS National Helicopter Contract. The following project stipulations would apply to the net gunning method and would be administered locally:

1. Foals and smaller animals will be transported in the sling or net separately to reduce the chance of injury and/or death. If it is necessary to transport two or more animals together, the smaller animals will be placed at the top of the load.
2. Radio communications will be available between the holding corral crew and helicopter pilot.
3. The holding corral/landing area will be free of flying objects (rocks, equipment, etc). to prevent injury to the animals and people.

In addition to the stipulations and standard operating procedures identified for the helicopter herding and helicopter net gunning methods the following stipulations would apply to both gathering methods:

Desert Tortoise

1. The contractor and all employees will be informed about the desert tortoise. This will include information provided by the BLM on the life history of the desert tortoise, its protected status, protocols for dealing with tortoises if and when they are encountered, and the definition of "take" via informational handout provided by the BLM. Each shall be advised of the potential impacts to desert tortoises and potential penalties eg. up to \$50,000 in fines and one year in prison, for taking a Federally protected species.

The contractor shall ensure that all personnel associated with the gather shall acknowledge receipt of the tortoise information through the signing of an acknowledgement for which shall be returned to the BLM upon completion of circulation to all employees.

2. Trap sites and holding corral locations and helicopter staging areas will be selected with the input of a BLM biologist to ensure that impacts to tortoise habitat are avoided.

3. Trap sites, holding corral and staging areas will be surveyed for desert tortoise and tortoise burrows before use by a BLM biologist. If an active tortoise burrow is located on the proposed site a new site will be selected.
4. To the extent possible, all traps, holding corrals and staging areas will be located in previously disturbed areas which are devoid of perennial vegetation and will be located adjacent to existing roads and trails.
5. To the extent possible, vehicular travel will be restricted to existing roads, trails and washes. If off-road vehicular travel is necessary, the route will be surveyed for the presence of desert tortoise before use.
6. Garbage and similar items will be placed in appropriate containers and not allowed to accumulate in order to discourage the attraction of ravens to the area.
7. If a desert tortoise should wander onto the trap, holding corral or staging area, all activities with the potential to harm the tortoise will cease until the tortoise moves out of harms way under its own volition.
8. No vehicular travel off-roads will occur.
9. Gathering operation will occur between 1 November and 28 February or 15 July and 15 August.

Helicopter Operations

1. Helicopter refueling within NPS boundaries will take place only at the Temple Bar airstrip or the Echo Bay airstrip.

B. Alternatives

Different methods of capturing wild burros are discussed in the removal plan and will be briefly discussed in the alternative section of this environmental assessment. Current economic and political constraints limit "technically feasible and reasonably available" alternatives which could be expected to attain the objectives of the proposed action. Alternatives I, II and IV will not be considered further due to the fact that they are not expected to attain the objectives or are not feasible.

Alternative I - Water Trapping Wild Burros

Water trapping wild burros, though easier on the animal than any other method, is not feasible due to the numerous livestock operator maintained spring water sources available to burros and the ready access to Lake Mead in the proposed gathering area. Therefore, this alternative will not be considered further.

Alternative II - Trapping Wild Burros by Running Them on Horseback

Capturing burros by running them on horseback is not considered to be a feasible alternative due to the high possibility of losing the burros after starting them toward the trap. Injuries to riders, domestic horses and burros are more likely. The cost factor shown from previous roundups using this method indicates that the costs are prohibitive. This alternative will, therefore, not be considered further.

Alternative III - No Action

Under the No Action alternative no gathering operations would be conducted; wild burros would not be gathered. Herd numbers would not be held at the levels developed through analysis of monitoring studies, use levels would remain at heavy to severe over large areas, vegetative communities would continue to lose species diversity, and environmental degradation would continue. Since this would be out of conformance with the land use plan (Clark County Record of Decision, 1984, Decision 9 (6)), this alternative is not a recommended action. However, the no action alternative will provide the reader a basis to evaluate the need and impacts of the proposed alternative.

Alternative IV - Other Management Options

The development of additional waters would not resolve the heavy to severe utilization levels within the primary use area. Numerous existing springs are available for use and many are currently being used by wild burros. Water availability is not a management issue or constraint for wild burros. With the easy access to Lake Mead and the abundant water present, the wild burros by free choice elect to concentrate in and use the primary use area even though springs are available throughout the HMA. Mockingbird, Maynard, Summit, Catclaw, Willow, Dead Horse, Cottonwood, New, Gann, and Cataract springs are just a few of the springs maintained by the livestock permittee available to and receiving minimal use by wild burros on Public Lands away from Lake Mead.

Herding or fencing the burros in areas where they would not naturally choose to go within an HMA would be in violation of the 1971 Wild Free-Roaming Horse and Burro Act. Therefore, this option will not be considered further.

VI. DESCRIPTION OF THE AFFECTED ENVIRONMENT

A complete description of the affected environment can be found in the Clark County Grazing EIS (1982). This document is on file at the BLM Las Vegas District Office. Certain elements of the affected environment, which are necessary for the understanding of the anticipated impacts, will be described in the environmental impacts section for the proposed action.

The terrain varies from gently sloping alluvial fans to mountainous, and the burros could be located at all elevations during the scheduled gather period.

The distribution and densities of the wild burros within the critical and/or primary use area is dependent upon the following factors in order of priority during the hot summer and fall months:

1. Water
2. Forage
3. Shade/Cover

The historic principal water source is Lake Mead and was the Colorado River channel prior to the construction of the Hoover Dam within the primary use area. The primary burro use area is within one-half to 9 aerial miles from the approximately 55 miles of Lake Mead waterfront available to the Gold Butte wild burro herd. Both BLM and LMNRA administered lands are utilized by the burros in this area with trailing between the two lands documented with monitoring data. Mockingbird, Maynard, Summit, Catclaw, Willow, Dead Horse, Cottonwood, New, Gann, and Cataract Springs are just a few of the springs available to and receiving use by wild burros on Public Lands away from Lake Mead. Currently, most of the developed springs are not being maintained. The grazing permittee (Nature Conservancy) has signed an agreement to take nonuse on the Gold Butte Allotment so there is no livestock use on the allotment. Until June of 1994, the springs were maintained by the livestock permittee - Gold Butte Ranch, Inc. The burros by choice elect to make primary use of Lake Mead water due to ease in access and abundance.

With water readily available and not limiting, shade plays the most important role during the hot months in determining the distribution and densities of wild burros in the primary use area. Census data indicates that most of the burro activity is located in the deeply dissected alluvial fans where shade is provided by the steep slopes of the drainage. The temperature in

the shade cast by a canyon wall can be as much as 20 degrees cooler than in the direct sun. Shade in the Mojave Desert Vegetative Community is essential for the wild burros to adequately regulate their body temperatures during summer temperatures of 100+ degrees. Most of the use on Public Lands occurs during the cooler months. Use on LMNRA occurs all year with most of the burros concentrating near the southern and southwestern areas near the lake during the hotter months.

Monitoring data analyzed in the Gold Butte Allotment Evaluation in 1988, sent out for public review in 1989, and supplemented with additional data collected in 1990, showed that the areas within the Gold Butte Herd Management Area with heavy to severe use levels are localized within the southern part of the HMA. This is within the primary use area identified in the Clark County Grazing EIS. A significant portion of this use can be attributed to wild burros, which graze yearlong. Based on monitoring data and field inspections since 1981, cattle use in the burro primary use area which is receiving heavy to severe use is evident with little to no use over most of the remaining area. This area is shown in Appendix I (Gold Butte Gather Area). Field inspections show that the southern most part of the primary use area is only accessible by boat or barge. Future capture activities in the area may be completed using a barge or helicopter sling-load.

Based on an evaluation of the available monitoring data, the AML for wild burros which results in a thriving natural ecological balance and avoids a deterioration of the range is 98.

Use pattern and burro movement data collected in March 1990 shows approximately 53,665 acres of the 120,495 acres of the critical and/or primary use area having heavy to severe utilization levels for the 1989 growing season. This equates to 46 percent of the area. The burro trails and dusting areas showed clear trailing back and forth between the BLM and LMNRA administered lands. The burros natural preference, due to the close proximity and ready access to drinking water from Lake Mead, is the reason for the size and shape of the critical and/or primary use area. Wild burro key area photo trend plots are established in the HMA and were read in 1981 and 1989 for 1981 and 1988 use levels.

Determination of key areas and establishment of trend and utilization studies will continue, following established procedures in the Nevada Range Monitoring Handbook. All utilization studies were conducted using the key forage plant method as recommended in the Monitoring Handbook. Refer to the Gold Butte Allotment Evaluation and Gold Butte HMAP for allowable use levels established for key management species.

Use pattern maps were completed for the HMA for the 1986, 1988, and 1989 growing seasons. These showed large areas with heavy and severe utilization levels in the wild burro critical and/or primary use area. Wild burro use is based on actual use data, aerial census data, field observations, and analysis of where the grazing use occurred.

The observed apparent trend of the area is downward with most of the heavy to severely grazed primary use area in low to mid seral stage (poor to fair range condition) based on professional judgement.

The most recent complete aerial census conducted in the Gold Butte HMA was in April of 1994. The mark-remark inventory indicated that approximately 538 wild burros are within the HMA. Of the 538 burros counted in the HMA, all were located in the critical and/or primary use area with most located in the areas of heavy to severe use. Gather operations would focus on removal of excess animals from the critical and primary use area. Substantial numbers of domestic livestock were also observed in the primary use area.

The range is classified as ephemeral range with grazing preference being the use area and not animal unit months or numbers of livestock (BLM manual 4110-1.22). Livestock use is authorized in the Gold Butte allotment only after a field inspection determines that adequate forage is present. The Supplemental Stateline Resource Management Plan proposes to change the range classification of the Gold Butte Allotment from ephemeral to perennial - ephemeral. This change is based on the results of the Range Reclassification survey data.

At current population levels and under the no action alternative, the ecological status of the HMA within the critical and/or primary use area will continue to deteriorate. Utilization levels increased significantly from 1981 to 1989. Use levels in 1981 for key areas 1, 2, and 4 averaged 70 percent with 79, 78, and 56 percent, respectively. In 1989, the average use level was severe with 90+ percent use on the key species white bursage. Use on white bursage was so severe that large stems were eaten and catclaw had branches removed and bark stripped. Cactus were noted dug up with the roots being eaten by hungry wild burros. The absence of palatable key grass species accounted for the heavy to severe use on the selected key species. Livestock drift to Lake Mead occurs in the part of the HMA.

The desert tortoise, a federally listed species, occurs within the proposed project area. No other federally listed plant or animal species are known to occur within the proposed project area. The poor digibility of the soils overall rates the proposed project area as poor desert tortoise burrowing habitat. Data indicates a correspondingly low tortoise density of less than 10 per square mile. Other special status species found in the HMA include Desert bighorn sheep (BLM sensitive), chuckwalla (category 2 candidate), Gila monster (category 3C candidate and State listed), logger head shrike (category 2 candidate), and California bear poppy (category 2 candidate and critically endangered by the State of Nevada).

VII. ENVIRONMENTAL IMPACTS

Impacts of the Proposed Action and the No Action Alternative

The following list of resources or values are not present or are not affected by the proposed action:

- Areas of Critical Environmental Concern (ACEC)
- Farm lands (prime or unique)
- Floodplains
- Native American Religious Concerns
- Wastes (hazardous or solid)
- Water quality (drinking/ground)
- Wild and scenic rivers
- Wilderness.
- Socio-Economic Values
- Paleontological

There would be minimal adverse impacts from the proposed action to threatened or endangered species (plants or animals). Over a long term basis, there would be positive impacts from the proposed action to threatened or endangered species, riparian areas, wilderness values, resource conditions, and wild burro herd health and survival.

Cultural Resources

Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies take into account the effects of their undertakings on historic properties. Efforts to evaluate and identify cultural resource properties for this project according to 36 CFR 800.4 will consist of Class III inventories (Nevada BLM Cultural Resource Guidelines 1989, revised 1990) by an archaeologist or District Archaeologist Technician for each trapping or holding pen. All cultural resources will be avoided. Consultation with the Nevada State Historic preservation Office (SHPO) concerning the methods and results of the inventory will be conducted in summary form on a yearly basis as described in the Programmatic Agreement of 1990 {2(a)(2)} signed by Nevada BLM, Nevada SHPO and the advisory Council on Historic Preservation. This procedure will conclude Section 106 consultation.

If trap and/or corral sites are located on NPS administered lands, a cultural clearance will be obtained through a NPS archaeologist.

The No Action Alternative would not have an impact on cultural resources.

Native American Notification

The Moapa Paiute Tribal Council was requested by certified letter dated October 3, 1994, to provide information concerning cultural sensitivity and any potential impacts under 36 CFR 800.4 (a)(1)(iii). Portions of the capture area are within the Gold Butte Traditional Lifeway Area. The tribe was informed that efforts would be taken to ensure avoidance of any known or identified cultural resources. Additional information was not submitted.

Threatened and Endangered Plants:

The species Ferocactus acanthodes var. lecontei has been recommended by the Northern Nevada Native Plant Society as a watch species. It is located in the Devils Cove area within the burro critical and/or primary use area. The California bear poppy (Arctomecon californica), a category 2 candidate plant species has been identified in the Gold Butte area. The proposed action would have long term beneficial impacts to the plant species as the reduction in burro numbers would reduce the current impacts on the soils. The PI will inspect each trap site and insure that traps and holding corrals avoid these plant species under the proposed action.

The No Action Alternative would have adverse impacts on threatened and endangered plants and their habitat, riparian habitat along the lake, wilderness values, other wildlife species, the wild burro herd health itself, and range conditions.

Threatened and Endangered Animals:

Much of the primary wild burro use area has a low density population of the federally listed threatened desert tortoise (Gopherus agassizii). The temporary corral sites of approximately one acre in size will be inspected by the PI and/or wildlife biologist and will be located in areas without desert tortoise. The tortoise survey will be conducted prior to the initiation of the gather. The trap/holding sites will be located in previously disturbed areas. No loss of habitat or incidental take of tortoise will occur as appropriate precautions will be taken during the capture.

On March 19, 1993, the U.S. Fish and Wildlife Service concurred that the proposed action was "not likely to adversely effect" the desert tortoise as long as the gather is conducted between 1

November and 28 February or 15 July to 15 August. Desert tortoise are primarily inactive at this time of year and are generally in their burrows due to unfavorable weather conditions. On February 8, 1994, critical habitat was designated for desert tortoise (FR Vol 59, No. 26, Tues, Feb 8, 1994). The Gold Butte - Pakoon, NV critical habitat unit overlaps the northern part of the HMA. However, no adverse modification of critical habitat will occur as most trapping activity will take place outside of critical habitat. Traps will be located in previously disturbed areas.

There are approximately 53,665 acres within the primary use area experiencing heavy to severe wild burro utilization levels with existing herd numbers. The removal of burros would reduce disturbance to the desert tortoise and its' habitat. Management of the wild burro population in a thriving ecological balance would have beneficial impacts on the desert tortoise by reducing utilization levels.

If the no action alternative is implemented, environmental degradation would continue and expand beyond the approximately 53,665 acres experiencing heavy to severe use levels and downward observed apparent trend. Since the area is in a low density desert tortoise habitat, this would affect the desert tortoise and its habitat in potential violation of the 1973 Endangered Species Act. Section 2(c) of the Act states, "Policy.-(1) It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act."

There are no identified mitigation measures for the desert tortoise and its habitat under the no action alternative.

Water and Riparian:

Most of the shore and adjacent washes to Lake Mead within the Gold Butte HMA show heavy to severe use. The Gold Butte Allotment Evaluation documents damage attributable to wild burros along the lake's border. Heavy trailing due to overpopulation has resulted in large numbers of frequently used dusting areas and trampling near the lake within the southeastern, southwestern and southern parts of the primary burro use area.

Reduced wild burro numbers under the proposed action would lessen effects from grazing and trampling on the lake shore and washes contributing to a more favorable riparian habitat. The reduced number of burros and the improvement in riparian habitat would have positive effects on the water quality and aquatic habitat for the springs and lake.

The no action alternative would allow heavy to severe grazing and trampling of riparian habitat to continue and expand along the lake and may cause irreparable environmental departure from the native plant community.

Wilderness Values

The Lime Canyon and Garrett Butte WSA's occur in the gather area. The use of aircraft for removing wild burros from within WSA's is consistent with the Interim Management Policy and Guidelines for Lands Under Wilderness Review (11/10/87), since it is considered as a non-impairing activity. The traps will be temporary structures approximately one acre in size with minimum site disturbance, no holding corrals will be established within the WSA's and motorized vehicles will be confined to existing roads and ways.

The no action alternative would expand the heavy to severe use areas and subsequent environmental degradation into the WSA's.

Recreation:

The Gold Butte Back Country Byway is located in the proposed gather area. The Byway would not be effected by the proposed action or the no action alternative.

Reports of damage to property by burros have been received. The removal and reduction in the number of burros would reduce the property damage as well as providing a cleaner environment for campers and recreationist. The beneficial impacts to the vegetation would improve the habitat and hunting for game species.

Social and Economic Values:

Positive management and maintenance of wild burro numbers at a viable herd level could meet the objectives of wild burro advocates under the proposed action. There would be an economic benefit to the private contractor who is hired to remove the excess wild burros.

Air Quality:

Short-term increases in transient dust levels caused by operation of ground vehicles and running burros would occur. Short-term impacts to air quality would also occur during gathering operations and handling of burros, resulting from helicopter and vehicle exhaust emissions. Long term beneficial impacts should occur with the reduction in the number of burros using the area.

Wild Burros:

A negative impact on wild burros would be expected during gathering and handling under the proposed action. This would result from traumatic effects of capturing, trapping, loading, and hauling the animals. The use of helicopters to drive-capture excess wild burros may result in orphaned foals and split bands, as well as injured burros. Incidents like these tend to be increased if the animals are pushed too hard. Net gunning may reduce the effects slightly because jennies and foals would not be separated as easily.

Death loss is not expected to exceed 2 percent of the burros captured at the trap site. Adhering to the special project stipulations and standard operating procedures will minimize the negative impacts from gathering, and help ensure humane treatment and safe handling of the wild burros during capture, care, temporary holding, and transportation to the BLM preparation facility.

Removal operations may disrupt band structure either temporarily or permanently and cause some stress to individuals. To a certain degree, the genetic pool (heterozygosity) will be lost from a small population as a result of removals. If removals are selective in any way, this loss of heterozygosity will be greatly increased.

Enough burros would remain to maintain a viable herd and provide for interaction between bands under the proposed action. Reduced competition among wildlife and burros for forage, water, cover, and living space would result in better condition animals, as well as higher survival and reproduction rates in each. Managing the wild burros within HMA boundaries at the optimum levels based on an analysis of monitoring studies will help maintain the ecological balance and multiple use relationship of the area also.

A great deal of biological information can be obtained from the gathered animals (sex and age ratios, parasites, diseases, etc.). By conducting the capture, completing a post capture census and collecting annual utilization and use pattern mapping data, it will help in establishing a long term herd population that is in balance with the ecosystem. All of this information would be useful in future wild burro management.

Under the no action alternative, the heavy to severe use levels would reduce the quality and quantity of forage for the burros and wildlife species in the area. The results would be reduced animal vigor and lower young survival due to starvation, and burro and wildlife habitat deterioration. Animal die-offs may occur during the hotter, less productive times of the year. There are no practical ways to mitigate these impacts under the no action alternative.

Soils:

Areas which presently exhibit soil erosion and compaction would be positively impacted because of the reduction of animals and decreased trampling effects. New trampling areas and resultant soil compaction would be created at the trap and holding corral sites by the large number of burros concentrated there under the proposed action. The impact would be minor since the impacted area would be small in relation to the gather area, gathering will occur over a short period of time and the trap/holding sites would be located in previously disturbed areas. The long term effect on the trap sites would be positive as a result of the reduced animal numbers.

Vehicular travel will be limited to existing roads and would not cause additional surface disturbance.

Vegetative cover has a direct influence on the wind and water erosion potential of soils. The reduction in burro numbers under the proposed action and the resultant reduction in vegetative utilization (especially in heavy and severe use areas) would increase plant cover and have both short and long-term beneficial impacts to the soils resource. These beneficial responses - less soil compaction and improved soil production potential - would be most important in heavy burro use areas.

The heavy to severe use levels in the primary use area would continue with the no action alternative. Soil erosion would be expected to increase due to the reduced vegetative cover and trailing in these areas. There are no ways to mitigate these impacts under this alternative.

Vegetation:

Under the proposed action, removal of wild burros will help prevent further deterioration of the range due to the wild burro overpopulation. By removing the excess wild burros, the remaining population will facilitate achieving a thriving ecological balance among wild burros, wildlife, and vegetation. The allotment specific objectives for vegetation, as stated in the Gold Butte Allotment Evaluation, will be closer to attainment through this and subsequent periodic removals of excess wild burros.

There would be a short-term negative impact to the vegetation within the trap sites and holding corrals, which would be approximately 1 acre each. The vegetation would be severely trampled by all the burros that would be concentrated at those locations. This would be a minor impact, however, since the impacted areas would be small in relation to the size of the gather area and would usually be located in active washes. Vegetative regeneration would be expected within two to three years depending on climatic conditions.

The management of wild burros in a thriving ecological balance would have a positive long-term impact on the vegetative community of the area. The ecological condition of the different plant communities would begin to improve after the gather. The shrub population would not be utilized in excess of 100 percent of current year's growth as is currently the case. The bark stripping on cat claw and the roots of cactus would be less likely targets for hungry wild burros. Production of these species would increase and more desirable herbaceous species would be able to re-vegetate to increase their percentage of composition within the vegetative community.

Decreased grazing pressure, especially during the spring, would slow downward trends in overall range condition and would improve the ecological balance and multiple use relationship of the area.

The amount of grasses naturally present in these vegetative communities is low and are the first plants to be selected by the wild burros. Big galleta, desert needlegrass and indian rice grass have been removed from even the highly productive sandy vegetative communities by excessive wild burro use and would not be allowed to re-vegetate under the no action alternative.

Wildlife:

A minor impact to wildlife is expected during the gather. Some animals could be temporarily frightened or displaced by the increased activity during the removal operation. The mule deer herd in the HMA is very small and is not likely to be affected. Capture operations will probably not be conducted in bighorn sheep habitat due to the rough and steep topography. There may be minor disruption of bighorn sheep due to the noise of the helicopter. The gather could begin immediately (one day) after the closing of desert bighorn sheep season to avoid conflicts with the hunting season. Other hunting seasons which may be temporarily disrupted by the helicopter activity in the area are:

| <u>Species</u> | <u>Hunting season</u> |
|---|---|
| Gamble's quail | 10/1/94 to 2/12/95 |
| Cottontail rabbit | 10/1/94 to 2/12/95 |
| Bobcat | 12/2/94 to 2/12/95 |
| Gray fox | 12/2/94 to 2/12/95 |
| Kit fox | 10/1/94 to 2/12/95 |
| Coyote, badger, weasel skunk, ring-tailed cats | Open season with prime season in November and December |

Helicopters have been observed to produce negative impacts on wildlife species - running and panic behavior in big game species, flight response in waterfowl, and frantic escape behavior in eagles and other raptors. Although the precise overall impacts of low-flying aircraft on wildlife are not known at the present time, caution will be exercised in using helicopters in wildlife concentration areas to minimize the impacts.

Under the proposed action, management of wild burro numbers should reduce competition for forage and result in a beneficial impact to the mule deer, big horn sheep, and other mammal, reptile, and avian populations. Reduced use on the shores of Lake Mead should benefit a large number of wildlife species but the actual benefits and to which species are not known for this EA.

Under the no action alternative, heavy to severe use levels would continue to occur resulting in possible direct competition with other animals using the habitat. The reduced cover due to excessive grazing may reduce potential shade available to small mammal, reptile and avian species dependent on shade during the hot times of the year. There are no practical ways to mitigate these impacts under the no action alternative.

Livestock Grazing:

The Gold Butte HMA lies within the Gold Butte and Azure Ridge Allotments. The Azure Ridge Allotment is administered by the Arizona Strip District Office and the Gold Butte Allotment is administered by the Las Vegas District Office. The proposed action will have no impact on the Azure Ridge Allotment, as the actual capture sites will not be in this allotment based on pre-capture site identification by the PI.

The removal of any livestock remaining in the area would have the same long term beneficial impacts identified for the removal of burros.

Both allotments are classified as ephemeral allotments. Grazing preference for ephemeral forage is expressed in terms of the allotment or area used and not in terms of AUM's (BLM Manual 4110-1.22). Under the ephemeral range rule, livestock use is adjusted to the annual capacity available from year to year. The ten year permits only specify the area of use since grazing use is authorized only upon the periodic availability of forage. Over 90 percent of the HMA is within the Gold Butte allotment.

Grazing on the LMNRA is permitted under an Interagency Agreement (CA-8360-72-01). However, the NPS has given a 2-year notice to the Nature Conservancy that NPS lands will be closed to livestock grazing effective in July 1996.

VIII. PROPOSED MITIGATING MEASURES

1. Wherever possible, gathering will avoid areas of high concentrations of mule deer and big horn sheep to prevent stressing these animals.

2. The temporary corral sites of approximately one acre in size will be inspected by the PI and/or wildlife biologist and will be located in areas without desert tortoise. The tortoise survey will be conducted prior to the initiation of the gather. The trap/holding sites will be located in previously disturbed areas when possible. No loss of habitat or incidental take of tortoise will occur as appropriate precautions will be taken during the capture.
3. The cultural resources clearance will be conducted prior to the initiation of the gather. The trap/holding sites will be located in previously disturbed areas. All cultural resources will be avoided. If trap and/or corral sites are located on NPS administered lands, a cultural clearance will be obtained through a NPS archaeologist.

IX. RESIDUAL IMPACTS

1. The remaining wild burros may continue to impact the heavy to severe use zones to a lesser degree after the capture. Some localized degradation of vegetative resources would be expected to occur.
2. In spite of the mitigating measures and careful and professional handling of the wild burros during the capture, there may be up to 2 percent of the burros injured or killed. This is significantly less than what would be expected under the no action alternative and its impacts on herd health.

X. SUGGESTED MONITORING

The PI will continuously monitor the gather operation to ensure that all conditions and stipulations in this EA are complied with. The project area will be cleaned up (trash and debris) prior to release of the Contractor. All the temporary traps and holding corrals will be removed by the Contractor within 30 days following contract completion.

The PI will conduct an aerial census, by helicopter, of the HMA immediately following the gather to determine whether the proper number of burros remains.

Additional aerial census (mark - remark method) will be conducted every 2 to 3 years thereafter (funding permitting) to monitor the growth of the herds. AML will be maintained by a planned gathering schedule every 2 to 3 years. Monitoring data will continue to be collected and periodically evaluated. If monitoring studies indicate a need to adjust the AML in accordance with resource conditions and capacity, adjustments (increases or decreases) will be made at that time.

Key area utilization and use pattern maps will be completed every year until the herd is determined to be in ecological balance with its habitat.

XI. CONSULTATION AND COORDINATION
Intensity of Public Interest

Nationally, the issue of wild burros on western public rangelands has been an intense controversy spanning many years and beginning prior to the passage of the Wild Horse and Burro Act in 1971. Wild burro preservationists are generally concerned with maintaining adequate habitat on public lands for maximum population levels of wild burros and viable herds.

Some ranchers who graze livestock on public lands view excess wild burros as competitive with livestock for forage and water. However, most ranchers and others support maintenance of viable herd numbers of wild burros.

Sportsmen and other wildlife interests also see excess burros as a competitive threat to wildlife populations and site competition for food, water, cover, and space as being detrimental.

Nevada is the home state of the wild horse protection movement fostered by the late Velma Johnston ("Wild Horse Annie"). In Nevada, ranching is a mainstay business in rural counties. The levels of public interest in wild burros are high in Nevada, both from the protection and removal viewpoints. The Bureau of Land Management in Nevada has been and is involved in wild horse and burro related court litigation.

Litigations have been brought by protectionist groups seeking to stop what they view as unwarranted wild horse and burro gathering. Recent litigations have been brought by private landowners, including livestock permittee's, many of whom have requested removal of wild horses from their private lands.

Since public interest is high and the wild burro program is of a controversial nature, public notification of the project has been given and public comments solicited for a period of 15 days through a preliminary EA and preliminary Gold Butte Capture Plan.

Coordination with affected parties has been on-going during the development of this proposal. Concerns and comments on the draft environmental assessment were received from three parties and have been incorporated, as appropriate, into the analysis.

The following groups had expressed an interest in the wild horse and burro program and received notification that the preliminary EA and Capture Plan were available for review upon request:

American Horse Protection Association
American Mustang and Burro Association
American Wild Mustang & Burro Foundation
International Society for the Protection of Wild Horses and Burros
Save the Mustangs
United States Wild Horse and Burro Foundation

A response was received not from these groups.

Copies of the preliminary and final EA and capture plan have been sent to the following persons, groups, and government agencies:

Animal Protection Institute
BLM, Kingman Resource Area, Kingman, Arizona
The Nature Conservancy, Gold Butte Grazing Permittee
Commission for the Preservation of Wild Horses
International Society for the Protection of Mustangs and Burros (Karen Sussman)
Moapa Band of Southern Paiutes
National Mustang Association
National Park Service, Lake Mead National Recreation Area
National Resource Defense Council
National Wild Horse Association
Nevada Department of Wildlife
Sierra Club
U.S. Forest Service Charleston Ranger District
U.S. Fish and Wildlife Service
U.S. Humane Society
Western Mustang & Burro Alliance
Wild Horse Organized Assistance

Reviewers:

| | |
|----------------|---|
| Donn Siebert | Supervisory Natural Resource Specialist, Stateline Resource Area (SRA) |
| Keith Myhrer | Archeologist, SRA |
| Jeannie Cole | Wildlife Biologist, SRA |
| Pete Crookston | Wildlife Biologist, SRA |
| Bob Bruno | Recreation Coordinator, SRA |
| Rick Waldrup | Wilderness Coordinator, SRA |
| Eddie Garner | Soil, Water and Air Specialist, SRA |
| Gary McFadden | LVDO Wild Horse and Burro Specialist |
| Dan Morgan | Stateline Resource Area Manager |
| Gary Ryan | Las Vegas Acting District Manager |

Prepared by:

Shawna Woods
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Stateline Resource Area

Dec 5, 1994
Date

Reviewed by:

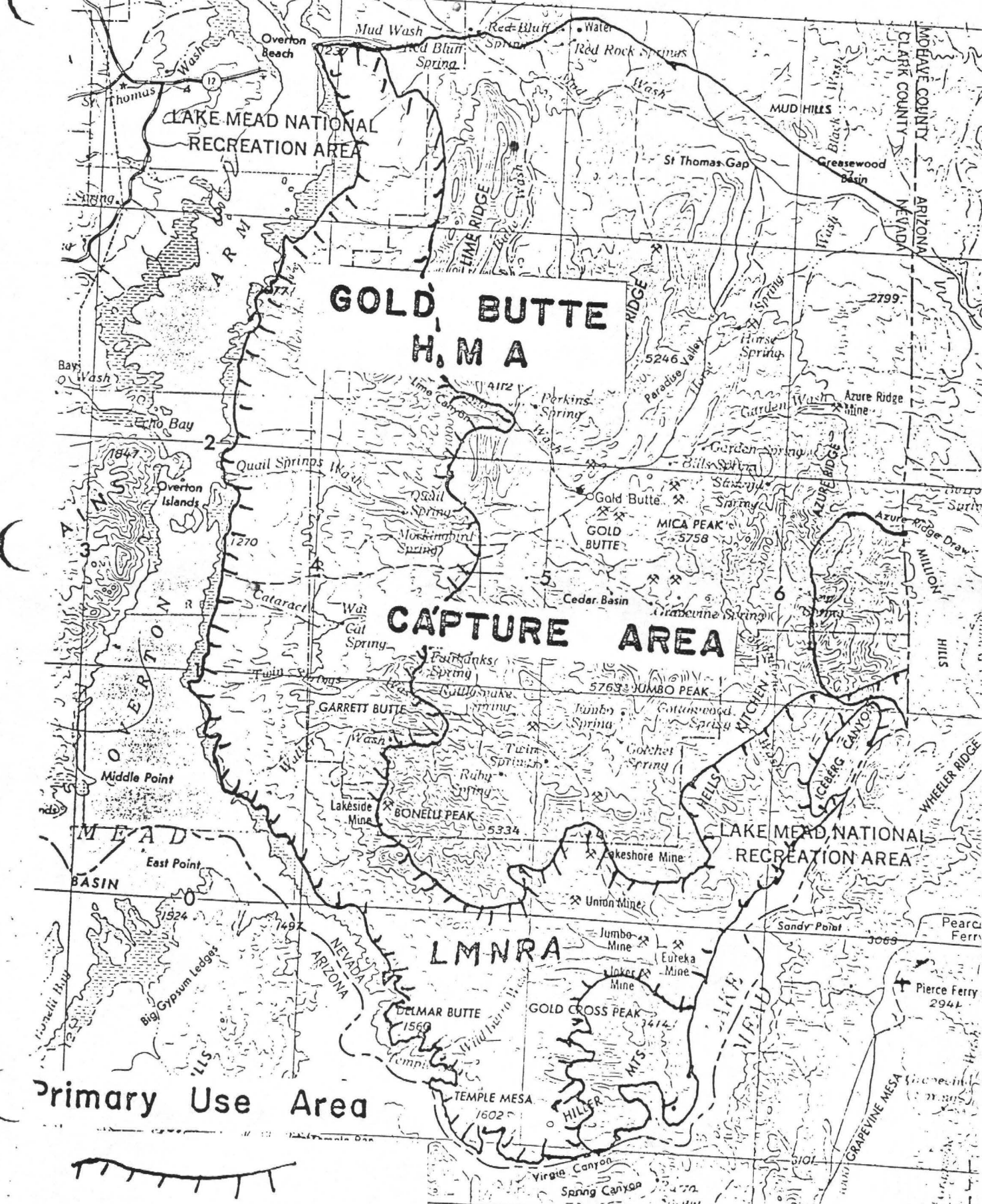
Gary McFadden
Gary McFadden
Wild Horse and Burro Specialist
Las Vegas District

12-7-94
Date

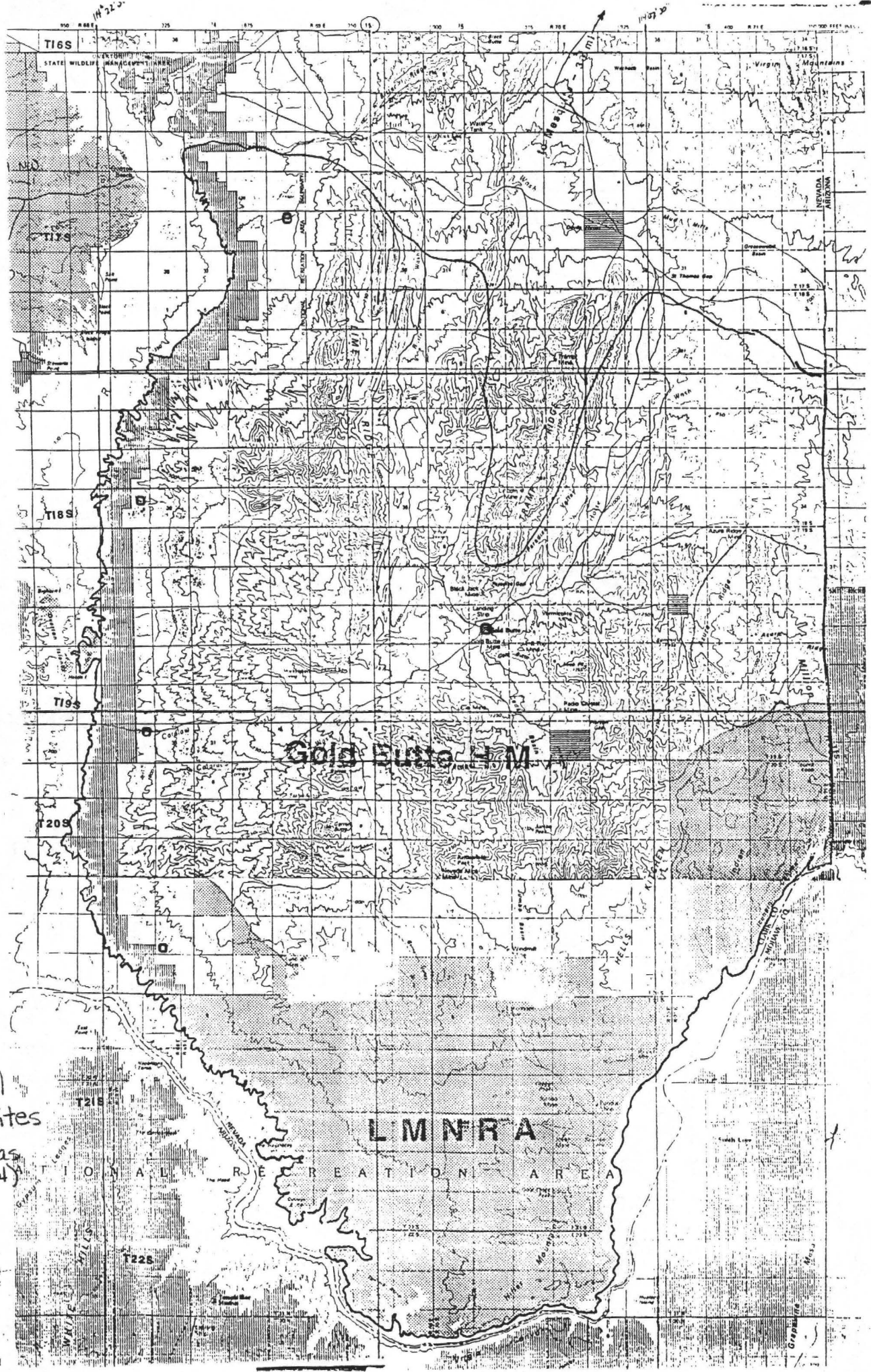
Jeff Steinmetz
Jeff Steinmetz
Environmental Coordinator
Stateline Resource Area

12-8-94
Date

APPENDIX I



Primary Use Area



Potential
 Trap Sites
 (revised as
 of 11-15-94)

Study Plots



WILD BURRO
GATHER PLAN FOR
GOLD BUTTE HERD MANAGEMENT AREA

Prepared by
Shawna Woods
Wild Horse and Burro Specialist

Bureau of Land Management
Las Vegas District
Stateline Resource Area
Las Vegas, Nevada

WILD BURRO REMOVAL PLAN FOR GOLD BUTTE HMA

Purpose and Authority

The purpose of the proposed action is to remove excess wild burros from the Gold Butte HMA and National Park Service (NPS) lands to reach the appropriate management level (AML) of 98 and to restore the range to a thriving natural ecological balance and prevent further deterioration of the range threatened by an overpopulation of wild burros in and around the Gold Butte Herd Management Area (HMA).

In 1989 the Gold Butte Allotment Evaluation was completed to determine if the existing multiple uses were consistent with the goal to achieve a thriving ecological balance. The analysis of data collected from key areas, use pattern mapping, and herd census and distribution from 1981 to 1989 determined that the AML for the Gold Butte HMA is 98 burros while maintaining an ecological balance among vegetation, wild burros, and wildlife.

Significant portions of the range are in deteriorated condition within the primary and/or critical wild burro use areas. The Gold Butte Allotment Evaluation was sent out for public review and comment in 1989 and is on file at the BLM Las Vegas District Office.

The proposed action involves gathers to correct and reverse degradation identified from analysis of rangeland monitoring data and the most recent census and distribution data obtained in April of 1994. The gather area includes approximately 96,890 acres of land administered by the National Park Service in the Lake Mead National Recreation Area and 176,878 acres of Public Lands administered by the Bureau of Land Management for a total of 273,768 acres.

The BLM conducted gathers in 1990 and 1993 from the HMA and NPS lands, but has not reduced the population to the AML and numbers have increased post gather. Gathers will be conducted on an annual basis after Fiscal Year (FY) 95 until AML is reached. Subsequent removals will be accomplished as needed on an intermittent basis to maintain AML.

The population adjustment is based on an analysis of monitoring data and census data. Helicopters will be used to capture the wild burros within the HMA and on NPS lands (see attached map and environmental assessment). This document outlines the process and the events involved with the wild burro roundup for the Gold Butte Wild Burro Gather. Included are the appropriate management level to be reached, the time and method of capture, and the handling and disposition of captured burros. Also outlined are the BLM personnel involved with the roundup, the Project Inspector (PI), the delegation of authority, the briefing of the contractor(s), and the pre-capture evaluation held prior to gathering operations.

Authority for this proposed action is contained in the Wild Horse and Burro Act of 1971 (Public Law 92-195) and regulations contained in Title 43 Code of Federal Regulations (CFR) 4720.1 and 4770.3(c).

Area of Concern

The proposed gather area is located approximately 35 to 50 miles south of Mesquite, Nevada, in Eastern Clark County, 150 "road" miles east of Las Vegas, Nevada and includes the Gold Butte Herd Management Area (HMA), in the Bureau of Land Management's Las Vegas District, Stateline Resource Area. Maps are enclosed to help locate the proposed gather area. Management for Bureau administered lands are covered by the Tassi-Gold Butte Herd Management Area Plan (HMAP) dated May 28, 1982. The proposed action is consistent with the Stateline Management Framework Plan (MFP) and Record of Decision (ROD). It is also consistent with the management goals of the NPS in the LMNRA. This action is considered a part of long term management.

Time and Method of Capture

The gather will be accomplished through issuance of gather contracts starting in FY 95. Gathering operations will last up to 8 weeks. It is expected that the gather will begin in January 1995 and continue into February of 1995. Gathers will be conducted until AML is reached and thereafter as needed to maintain AML. Based on data collected during field operations and from prior captures, foaling occurs year round. As a result, foals are present most of the year. The capture will be with a helicopter using the helicopter drive and net gun methods.

It is estimated that five trap locations will be required to accomplish the helicopter herding drive method. Each site will be selected by the PI after determining the animals habits and the topography of the area. Specific sites may be selected by the contractor with the PI's approval within this general preselected area. Trap sites will be located to cause as little injury to burros and as little damage to the area as possible. Sites will be located on or near existing roads or adjacent to Lake Mead and will receive cultural and threatened/endangered plant and animal clearances prior to construction. Additional trap sites may be required, as determined by the PI, to relieve stress to pregnant jennies, foals, and other burros caused by certain conditions at the time of the gather (i.e., heat, dust, rocky terrain, etc.).

The terrain in the gather area varies from gently sloping alluvial fans to rough and mountainous, and the burros could be located at all elevations during the scheduled gather period. It is expected that the animals will be located on the alluvial fans in close proximity to Lake Mead. There are few physical barriers and fences in the area, which the contractor will be instructed to avoid.

The net gun method will involve the use of a net to be propelled over the burros from the air. A ground crew will then hobble the burros, and prepare the animals for transport with a sling. The burros will be ferried across Lake Mead to a temporary holding facility, until a trailer load has been captured, then hauled to a BLM processing facility.

Other methods of capture will not be considered for various reasons. Water trapping wild burros, though easier on the animal, is not feasible due to the numerous existing water and spring sources available to burros and the ready access to Lake Mead. Capturing burros by running them on horseback is not feasible because it is too easy to lose the burros after starting them towards the trap, injuries to riders, saddle horses and burros are more likely to occur and the cost factor shown from previous roundups using this method indicates that the costs are prohibitive.

Administration of the Contract

Refer to the special project stipulations outlined under the proposed action in the attached Environmental Assessment NV-054-94-102.

Branded and Claimed Animals

A notice of intent to impound was issued on July 1, 1994, for a one year period and is currently in effect for the Stateline Resource Area, for Clark and Nye Counties.

The Nevada Department of Agriculture and the District Brand Inspector will receive copies of these notices, as well as the Notice of Public Sale if issued. The PI will contact the District Brand Inspector and make arrangements for dates and times when brand inspections will be needed.

Impounded privately owned animals will be handled in accordance with Bureau of Land Management, Nevada State Office Instruction Memorandum NV-84-116 and NV-85-416.

Destruction of Injured or Sick Animals

Any severely injured or seriously sick animal shall be destroyed in accordance with 43 CFR Subpart 4730.1. Animals shall be destroyed only when a definite act of mercy is needed to alleviate pain and suffering. The PI will have the primary responsibility for determining when an animal will be destroyed and will perform the actual destruction. The contractor will be permitted to destroy an animal only in the event the PI is not at the capture site or holding corrals, and there is an immediate need to alleviate pain and suffering of a severely injured animal.


Temporary Holding Facility

The holding facility may be on lands administered by the National Park Service. Holding facilities will not be on private lands unless an agreement is made between the contractor and the private landowner for use of private facilities. When private land is used, the contractor must guarantee BLM, and the public, access to the facilities and accept all liability for use of such facilities.

Responsibility

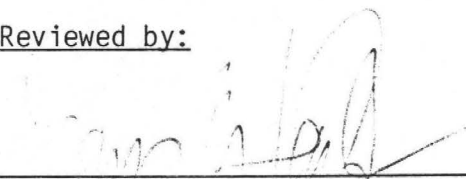
The District Manager and Stateline Resource Area Manager are responsible for maintaining and protecting the health and welfare of the wild burros. The PI will be on site during the capture activities to ensure the contractor's compliance with the contract stipulations. However, the Stateline Resource Area Manager and the Las Vegas District Manager are involved with guidance and input into this gather plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the District Manager, Area Manager, and PI.

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Stateline Resource Area

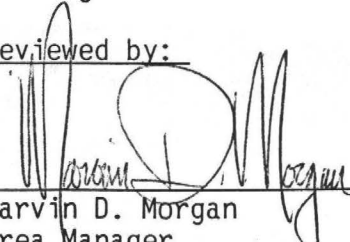
Dec. 9, 1994
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Reviewed by:


Gary McFadden
Wild Horse and Burro Specialist
Las Vegas District Office


12/4/94
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Reviewed by:


Marvin D. Morgan
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12-9-94
Date