

Spring Mtn.

G 6-14-02



UNITED STATES DEPARTMENT of the INTERIOR  
BUREAU OF LAND MANAGEMENT

Las Vegas District Office  
4701 N. Torrey Pines Drive  
Las Vegas, Nevada 89130

In Reply Refer To:  
4700  
(NV-052)

June 14, 2002

NOTICE OF FULL FORCE AND EFFECT DECISION  
SPRING MOUNTAINS COMPLEX (RED ROCK, WHEELER PASS, JOHNNIE, COLD CREEK  
TERRITORY) AND MUDDY MOUNTAINS HERD MANAGEMENT AREA  
EMERGENCY WILD HORSE AND BURRO GATHER AND REMOVAL

MANAGEMENT ACTION: The action is to remove approximately 310 horses and burros from the Spring Mountains Complex (Red Rock, Wheeler Pass, Johnnie, and Cold Creek Territory) and the Muddy Mountains Herd Management Area (HMA). The action would implement the Proposed Action of Environmental Assessment (NV-052-2002-126), Spring Mountains Complex and Muddy Mountains HMA, Removal Plan and Environmental Assessment, dated June 14, 2002.

BACKGROUND INFORMATION: Water and forage conditions in the HMAs encompassing the Spring Mountains Complex and the Muddy Mountains HMA has been closely monitored. The lack of precipitation during 2000-02 provided no recharge for the springs and limited forage production within these HMAs. Currently, springs are keeping up with the remaining animals present, however, it is expected that they will soon reduce in flow due to almost no precipitation in 2 years. Also, forage production did not occur in the 2001 season and currently, there is no green-up of herbaceous forage for the 2002 season in the majority of the HMAs. The wild horses are currently in poor to fair condition depending upon the location of the HMA. Utilization levels are mainly severe, with some areas of heavy use, and forage needed for the survival of animals currently present is very limited. As the forage and water supply decrease, horse and burro condition will further deteriorate making gather operations more difficult and detrimental to animal health

DECISION: Enclosed with this Decision Record is a Finding of No Significant Impact and the Environmental Assessment (NV-052-2002-126) that analyzes the impacts of removing wild horses and burros within the proposed gather areas. Given the information contained in these documents, it is my decision to gather approximately 380 horses and burros from the Spring Mountain Complex and Muddy Mountains HMA, and remove approximately 310.

METHODS: The method of capture will be to use a helicopter to herd the animals to portable wing

traps. The BLM will conduct the removal through a private contractor under the current requirements contract and supervised by a Contracting Officer's Representative. It is estimated that 4-5 trap locations will be required.

DATES: The action is scheduled to begin on June 22, 2002, and will likely be 7 days in duration.

LOCATION: The action will occur in the Spring Mountains Complex (Red Rock, Wheeler Pass, Johnnie, Cold Creek Territory) and the Muddy Mountains HMA.

AUTHORITY: The authority for this decision is contained in Sec. 3 (a) and (b) and Sec. 4 of the Wild Free Roaming Horse and Burro Act (P.L. 92-195), as amended, and Title 43 of the Code of Federal Regulations. The authority for the Full Force and Effect decision can be found at 43 CFR 4770.3(c) which states:


“The authorized officer may place in full force and effect decisions to remove wild horses or burros from public lands if removal is required by applicable law or to preserve or maintain a thriving ecological balance and multiple use relationship. Full force and effect decision shall take effect on the date specified, regardless of an appeal. Appeals and petitions for stay of decision shall be filed with the Interior Board of Land Appeals, as specified in the part.”

APPEALS: Within 30 days of receipt of this decision, you have the right to appeal to the board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an appeal and petition for a stay, the petition for a stay must accompany your notice of appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3(c). Copies of the Notice of Appeal and Petition for a Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Western Region, U.S. Department of the Interior, Federal Building, Suite 6201, 125 S. State Street, Salt Lake City, UT 84138-1180, and (3) Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV 89130. The original documents should be filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a 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.

ADDITIONAL INFORMATION: Contact Gary McFadden or Amy Torres of my staff, at (702) 515-5000 or write to the above address.

  
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John C. Jamrog  
Assistant Field Manager  
Recreation and Renewable Resources  
Bureau of Land Management  
Las Vegas Field Office

06/14/02  
\_\_\_\_\_  
Date

*concurring*

  
\_\_\_\_\_  
Steve Holdsambeck  
District Ranger  
USDA Forest Service  
Spring Mountains National Recreation Area

6/16/02  
\_\_\_\_\_  
Date

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

**SPRING MOUNTAINS COMPLEX (RED ROCK, WHEELER PASS, JOHNNIE, COLD  
CREEK TERRITORY) AND MUDDY MOUNTAINS HERD MANAGEMENT AREA  
EMERGENCY WILD HORSE AND BURRO GATHER AND REMOVAL  
BLM (NV-052-2002-126)**

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in Environmental Assessment BLM (NV-052-2002-126), 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

It is my decision to approve the emergency gather and removal of wild horses and burros from the Spring Mountains Complex (Red Rock, Wheeler Pass, Johnnie, and Cold Creek Territory) and the Muddy Mountains HMA, as described in the proposed action of BLM (NV-052-00-061). Each of the Standard Operating Procedures described in the proposed action will be followed.

Monitoring

The monitoring described in the proposed action of BLM (NV-052-00-061) is sufficient for the proposed action.

Rationale

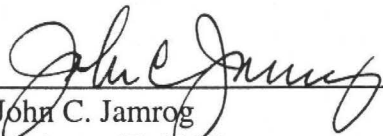
This action will allow for the gather of wild horses and burros in the Spring Mountains Complex and Muddy Mountains HMA. The lack of precipitation during 2000-02 has resulted in no recharge for the springs, and limited forage production within these HMAs/Territories, causing stress and possible starvation of the animals. The wild horses and burros are currently in poor to fair condition depending upon the location of the HMA. Utilization levels are mainly severe with some areas indicating heavy use, and forage needed for the survival of animals currently present is very limited. As the forage and water supply decrease, horse and burro condition will further deteriorate making gather operations more difficult and detrimental to animal health.

The Water Hauling Alternative was not selected because it is not feasible for the BLM to haul water to 380 wild horses and burros in remote locations and it does not address critical forage shortages.

The No Action Alternative was not selected because under this alternative, animals would be allowed to become severely stressed and perhaps, die of dehydration and a lack of forage. This alternative is not acceptable to the BLM nor most members of the public. The BLM recognizes that some members of the public advocate, "letting nature take its course." However allowing the death of horses and burros due to a lack of resources clearly indicates that an overpopulation of horses and burros exists relative to the carrying capacity of the habitat. The Wild Horse and


Burro Act of 1971 directs the BLM to "remove excess horses and burros in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area".

The proposed action is in conformance with the objectives of the Las Vegas Resource Management Plan and the General Management Plan for the Spring Mountains National Recreation Area and is consistent with Federal, State and local laws, regulations and plans to the maximum extent possible.

  
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John C. Jamrog  
Assistant Field Manager  
Recreation and Renewable Resources  
Bureau of Land Management  
Las Vegas Field Office

06/14/02  
Date

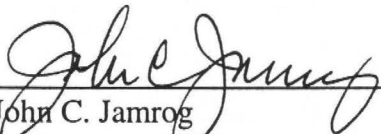
CONCERNING

  
\_\_\_\_\_  
Steve Holdsambeck  
District Ranger  
USDA Forest Service  
Spring Mountains National Recreation Area

6/16/02  
Date

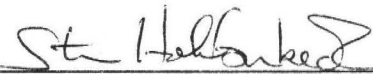
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Recreation and Renewable Resources  
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