

**Worksheet**  
**Determination of NEPA Adequacy (DNA)**  
U.S. Department of the Interior  
Bureau of Land Management

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OFFICE: Winnemucca District

TRACKING NUMBER: DOI-BLM-NV-W000-2015-0004-DNA

CASEFILE/PROJECT NUMBER: 43 CFR 4700

PROPOSED ACTION TITLE/TYPE McGee Mountain HMA Water and Bait Trap  
Gather DNA

LOCATION/LEGAL DESCRIPTION T 45N, R 28E; T 44N R 28E; T 44N, R 27E;  
T 43N, R 27E; T 42N, R 27E Sections 1-12

APPLICANT (if any): BLM

**A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures.**

**Background**

Immediate removal of excess wild burros from public lands and adjacent private land outside the McGee Mountain Herd Management Area (HMA) is needed for protection of the animals and the rangeland resources as well as to resolve private property impacts. Up to 125 excess wild burros would be removed from the gather area in order to help prevent an emergency situation that could result in suffering or possible death due to current extreme drought conditions on the range and to minimize degradation of resources on private and public lands. Removals would bring the population close to the Appropriate Management Level (AML) range of 25-41 wild burros.

Historically and especially due to the current prolonged extreme drought, the population of wild burros have frequently left the boundaries of the McGee Mountain HMA, in search of forage and water as the catchment reservoirs within the HMA have not filled up with enough water to support the wild burros through the summer months. There are no naturally occurring water sources within the HMA boundaries. This movement has caused increased pressure on salt grass meadows in the lower elevations and on private hay meadows. BLM received a letter from a private land owner on May 7, 2015 requesting that BLM remove the wild burros from the private lands as soon as possible, along with numerous phone calls in 2014 and 2015 with similar requests. BLM received a second letter on May 18, 2015 from a separate landowner, requesting the removal of wild burros from other private lands as well. The letters describe the private property damage caused by the excess wild burros and the increased numbers of wild burros that

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are searching for water and forage outside of the HMA and causing impacts on private lands as well as to the native rangelands that are already in depleted rangeland health as a result of drought. The current range conditions in the McGee Mountain HMA show heavy utilization on the perennial grass understory, the bud sage component is senescing, and the wild burros are expanding their search for forage and water to private lands in the vicinity of the HMA.

The McGee Mountain HMA is located in Humboldt County, Nevada, west of Denio. The McGee Mountain HMA consists of approximately 41,100 total acres, but the gather area is approximately 47,000 acres of private and public lands outside of the HMA that is not managed for wild burros. The gather area is intended to target those wild burros that are leaving the HMA boundary in search of forage and water as there are no naturally occurring water sources within the boundary.

As identified in the WD Drought EA, the current situation makes it necessary to gather and remove or relocate excess wild burros where they are causing adverse impacts to site specific riparian areas or other areas of resource concern (such as upland areas with limited forage) within the McGee Mountain HMA Gather Area in order to restore a thriving natural ecological balance, protect public lands outside the HMA, and to resolve impacts and damage to private property. The current estimated population of 146 wild burros is 356% of the AML established through prior BLM decisions. Analysis of ongoing monitoring data shows that wild burros are degrading rangeland health as evidenced by heavy and severe utilization levels, impacts from heavy trailing, trampling of riparian areas, damage to private property, and increased erosion levels. Furthermore, the drought conditions that began in 2012 and have continued into 2015, have substantially reduced forage and water available to wild burros resulting in the potential for wild burro suffering or death due to inadequate food and water, particularly in the low elevation winter range. The perennial key forage species (Indian Ricegrass, Bottle Brush Squirreltail, Salt Grass, and Bud Sagebrush) exhibited little growth in 2014 and 2015, and perennial grasses did not grow in many locations. Heavy and severe utilization levels due to an overpopulation of wild burros have further compounded the issue. This lack of precipitation and overgrazing by wild burros has also impacted rangelands beyond the boundaries of the HMA as wild burros have moved outside the HMA in their search for sources of forage and water. With the coming summer, wild burros are expected to continue to further impact the public rangeland as well as private property.

The 2015 growing season has resulted in some shrub growth on the bud sagebrush, but the herbaceous species have shown very little growth or plant vigor. Fall rain and limited winter snows have had little impact in the ongoing drought conditions. Plants throughout the Alder Creek Allotment pastures that the wild burros are utilizing currently (Bog Hot, Gridley Lake, McGee Mountain, and Fenced Federal pastures) continue to show signs of drought stress and are being impacted by overgrazing by wild burros. Plants throughout the Knott Creek Allotment pastures that the wild burros are utilizing currently (Lower Knott Creek North, Lower Knott Creek South, Idaho Canyon, and West Spring) also show signs of drought stress and impacts due to overgrazing use by wild burros. This could prolong the time needed for the plants to recover and could lead to decreased plant vigor, and an increase in the native plants'

susceptibility to non-native invasive plant encroachment and establishment throughout wild burro winter use areas within the HMAs.

The June 18, 2015 U.S. Drought Monitor report, one of the tools utilized by BLM, indicates the McGee Mountain is experiencing extreme drought conditions. (<http://droughtmonitor.unl.edu/Home/StateDroughtMonitor.aspx?NV>).

### **Proposed Action**

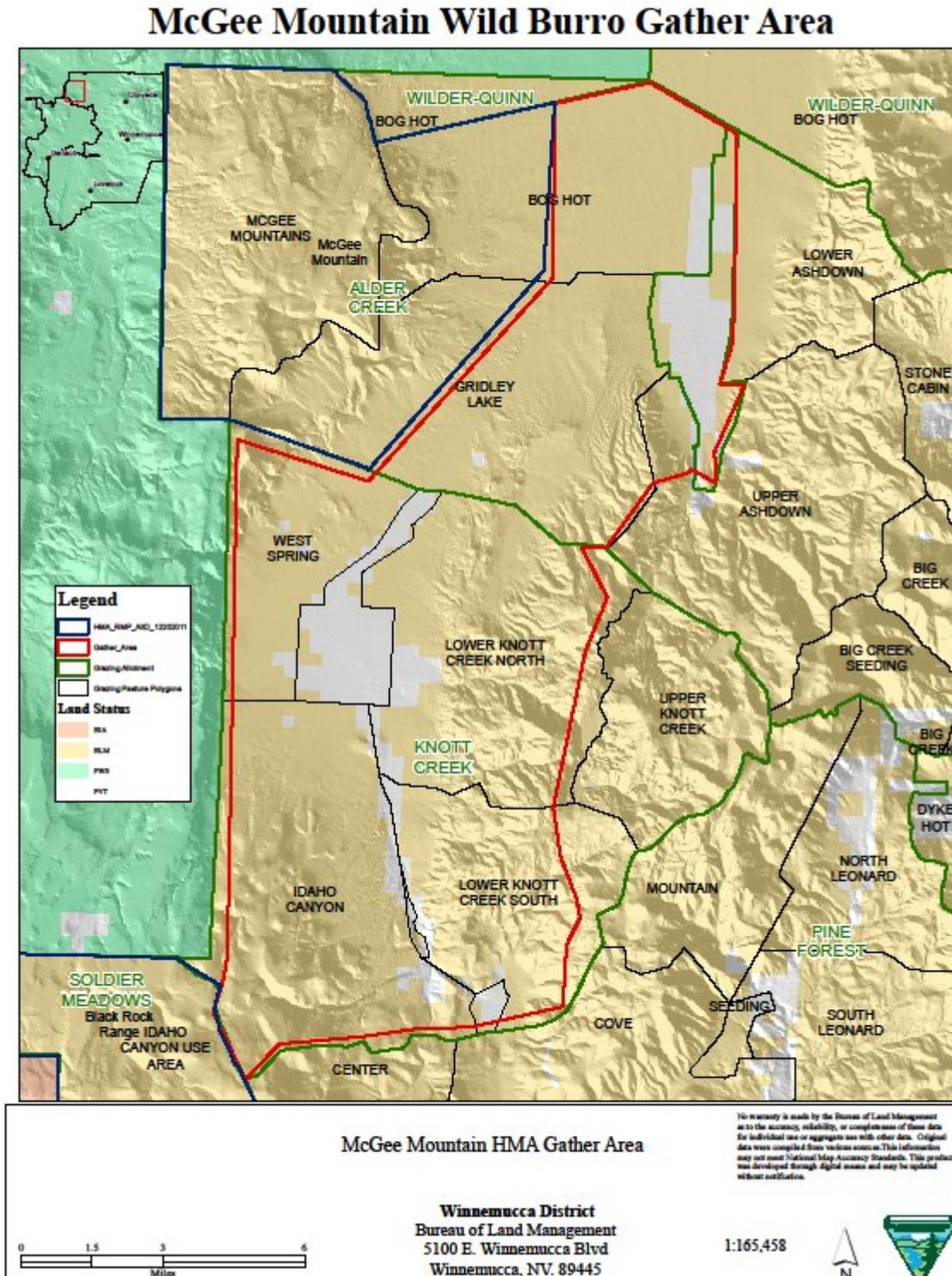
The Winnemucca District (WD) Humboldt River Field Office (HRFO) proposes to conduct a water/bait trap gather to remove from the gather area excess wild burros that have moved onto private property as well as public lands outside the HMA that are not managed for wild burro use. These wild burros have moved outside the HMA in their search for adequate forage and water due to the current drought, thereby causing damage to agricultural fields, fences, and private and public water sources. The purpose of this gather is to address private land damage and public rangeland damage near wells and springs outside of the HMA boundaries. Letters from private landowners state that wild burros have frequently been seen on the private land, as well as on public land outside of the HMA. Removal of excess wild burros outside of the HMA will decrease the pressure to resources on the private property and damage to the public and private land.

The gather area includes various wells and springs on BLM administered land, and water troughs on private lands, which are all located outside of the HMA boundaries. The gather area is approximately 18 miles long and 4 miles wide (See Figure 1). This gather would begin as soon as July 20, 2015 and continue for approximately 4 months or until movement of burros outside the HMA and onto lands not identified for their management subsides.

The wild burros in the gather area would be gathered using water and bait traps. The water/bait trap method would have a steel panel trap constructed around water troughs and springs that are frequently visited by wild burros outside of the HMA. The occasional roping from horseback could also be used when deemed necessary and as a last resort. Slow herding by horseback into the trap may also be utilized if the animals are wary of the trap and hesitant to enter on their own accord. Multiple trap sites would be used to gather wild burros from outside HMA boundaries with some sites being on private land.

The gather would remove excess wild burros from areas most affected by excess animals and from private lands being damaged by wild burros. For drought related gathers, gate cut removals are the primary method employed to limit additional stress on wild burros within a defined gather area. Wild burros would be gathered and removed regardless of age. Given the drought conditions and need to remove excess wild burros that are going outside the HMA and onto private lands, very few or no animals would be returned to the HMA and no population controls would be implemented. When appropriate, animals exhibiting superior condition and health may be returned to the HMA.

Figure 1. McGee Mountain Wild Burro Gather Area



The removal of excess wild burros during the continuing drought is a Drought Response Action (DRA) analyzed in the (Winnemucca District (WD) Drought Response Plan Environmental Assessment (EA), May 2013. DRA design measures that would be implemented are consistent with the Wild Horse and Burro measures listed on pp. 10-11 of the WD Drought Response Plan EA and are listed here for reference:

- An interdisciplinary team would review all planned DRAs. Implemented DRAs would be reviewed and monitored on a yearly basis to determine if the DRAs are appropriate or if a different DRA or suite of DRAs is more suitable;
- BLM would not bar or prevent traditional practitioners from gaining access to existing and known medical/edible plant locations, and other culturally important sites. Any temporary fences constructed would be designed in a manner that would allow access at all current access points (e.g., trails, roads, etc.);
- Implementation of proposed DRAs would be coordinated with BLM archaeologists; those with the potential to adversely affect cultural resources would be identified. The presence of significant cultural resources would be determined at that time and all such resources would be avoided with an appropriate buffer in compliance with the NHPA, and the Nevada State Protocol Agreement between the BLM, Nevada and the Nevada State Historic Preservation Office (SHPO). In rare instances where avoidance is impractical, further NEPA evaluation will be necessary;
- Prior to implementing DRAs, an evaluation and potential inventory would be completed and identified paleontological resources would be avoided;
- Implementation of all DRAs would be coordinated with a BLM wildlife biologist to determine special requirements that need to be implemented for specific plant and animal species or their habitat (e.g., flight diverters, nesting surveys, etc.);
- Temporary fencing, water hauling and temporary above ground pipelines would not be placed within an ACEC, Wilderness or Wilderness Study Areas. Fencing may be used to restrict livestock and wild horses and burros from the ACEC. Temporary water hauls or above ground pipelines may be utilized to draw livestock and wild horses and burros away from an ACEC, Wilderness or Wilderness Study Area to reduce impacts during drought;
- Native American consultation is ongoing with this document. The proposed action would be implemented based on this EA. However, tribes would be provided further input at the time of implementation. Since the BLM must attempt to limit, reduce, or possibly eliminate any negative impacts to Native American traditional/cultural/spiritual sites, activities and resources, consultation with Native American tribes would occur through the decision process prior to the implementation of any actions. The amount of time for further consultation would be dependent upon the urgency of the situation;

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- Water haul sites and their supply routes, temporary fencing, and above ground pipelines would be evaluated for the known or potential existence of BLM sensitive plant species to avoid impacts associated with vehicular traffic and livestock grazing (e.g., soil compaction and trampling). Preferred water sources for water augmentation would be wells. Additional water sources would be coordinated with the water right holder to prevent water usage from LCT occupied and recovery streams and from water sources with other special status species (i.e., spring snails);
- Precautions would be taken prior to setting up trap sites and holding facilities to avoid areas where noxious weeds, invasive or non-native species exist to lessen the chance of spread. The Contracting Officers Representative (COR), Project Inspector (PI), or other qualified specialist would examine proposed holding facilities and traps sites prior to construction to determine if noxious weeds were present. If noxious weeds were found, a different location would be selected. Areas disturbed specifically by gather operations would be monitored, re-vegetated (if appropriate), and treated for potential new infestations of non-native invasive plants as a result of gather operations;
- Previously disturbed areas, such as gravel pits, would be selected as temporary trap sites and holding facilities when feasible. Areas disturbed specifically by gather operations would be monitored, re-vegetated (if appropriate), and treated for potential new infestations of non-native invasive plants as a result of gather operations.

No fences or water hauling are proposed. There are no ACECs, Wilderness or WSAs associated with the proposed action.

Proposed removal numbers (up to 125 wild burros) within the gather area are based on the assessment of forage, climate, water, rangeland health and the use of the range by wild burros. The immediate health and welfare of the wild burros would be one of the overarching goals of this drought gather as the animals' condition could further deteriorate because of the lack of forage and water due to continuing extreme drought conditions, and continued or increased damage to private land would result if excess wild burros are not gathered. A summary of the data and rationale for the number of wild burros to be removed would be documented in the decision and issued prior to a gather commencing.

The need for this proposed action is to prevent the unnecessary suffering of individual wild burros in areas affected by extreme drought conditions, and to prevent further private land damage. The private land owners have requested that the BLM remove wild burros from the private agricultural fields (as provided at 43 CFR § 4720.2-1) as the wild burros are causing damage to private property. This action will also ensure that wild burro management during drought does not irreparably damage the public range outside of the HMA or compromise the Winnemucca District's ability to meet the fundamentals

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of rangeland health as mandated by management plans and policies brought forward in sections 1.2 and 1.3 of WD Drought Response Plan EA, May 2013.

The proposed action is also consistent with the BLM's obligation under Section 3, as amended, of the Wild-Free-Roaming Horse and Burro Act of 1971 (WFRHBA). Section 3 of the WFRHBA requires the BLM to remove excess wild burros when it determines that an overpopulation exists and that the excess burros need to be removed. BLM is also required to manage wild horses within their HMAs and to remove wild horses that take up residence outside of HMA boundaries (as provided at 43 CFR § 4710.4). Monitoring and professional observations further indicate that current conditions could rapidly escalate into an emergency situation such that excess wild burros would also need to be removed to prevent the unnecessary suffering and death of individual wild burros.

The appropriate management level (AML) range for wild burros is 25-41 animals, whereas the May 2015 population estimate for wild burros in the McGee Mountain HMA is 146 animals (without the 2015 foal crop), as shown in the table below:

Name of HMA	May 2015 Wild Burro Population Estimate	Appropriate Management Level for Wild Burros	
		High	Low
McGee Mountain	146	41	25

Based on BLM's wild burro monitoring flights in July 2014, and range conditions, the Black Rock Field Office has determined that there are a substantial number of excess wild burros present outside the boundaries of the HMA. Within the proposed gather area there are approximately 125 wild burros, which is three times the high end of AML. It is recognized that not all animals are observed during population surveys and it is likely that at least ten (10) to twenty (20) percent of the wild burros were not observed or counted during the July 2014 flights.

The May 2015 estimate exceeds the total high range for the AML by 105 wild burros for the HMA. Of these excess wild burros, approximately 85% are permanently residing in the gather area. The wild burros have left the HMA in search of water, as the more reliable water sources are all located outside of the HMA. The removal of excess wild burros outside the HMA will decrease the pressure and damage to both private land and the BLM administered rangelands occurring as a result of the presence of large groups of wild burros.

Drought Response Triggers (DRTs) as described in the May 2013 WD Drought Response Plan EA are thresholds associated with vegetation and water resources that indicate the need for a site-specific drought response. DRTs for the McGee Mountain gather area were used to assess the need to activate DRAs and gather wild burros.

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Even during non-drought years, available water is very limited throughout the HMA as there are no naturally occurring water sources, only a few small catchment reservoirs. There appear to be a limited number of main water sources being utilized by the wild burros. Some water sources are located on BLM administered lands outside the HMA boundaries and others are livestock water troughs located on private land. Observations from the July 2014 flight showed that at least 40 wild burros were drinking from the troughs on private land.

Aerial and ground surveys indicate that water and forage resources are at risk of becoming depleted and are not sufficient to provide for the number of wild burros and wildlife within the area. Rain events in April and May 2015 filled some reservoirs but with the excess number of wild burros, current extreme drought conditions and hot temperatures persisting within the HMA and surrounding area, it is anticipated that these waters will soon dry up. Most of the water that may still be available is pumped from wells which are turned on and off at the discretion of the livestock permittee who holds the water rights associated with the wells. Other available waters are natural springs located outside of the HMA that may have limited or no water given the current drought conditions.

Wild burros are concentrating near limited available water sources, including on private lands, resulting in competition for diminished water supplies, causing negative impacts to drought-impacted vegetation and leading to degraded range conditions on public lands both inside and outside the HMA.

Current monitoring and professional judgment show some deterioration in current wild burro body condition (Henneke 3 and 3.5). Dust pneumonia and other health complications associated with excessive dust due to over-utilization of vegetation around watering sources is becoming a growing concern. Water sources located within the proposed gather area have heavy trailing coming into them from the direction of the HMA, indicating that wild burros from the HMA may be exhausting their only shared water resources. As use of limited water sources increases due to less available water within the HMA and surrounding area, the observed trailing routes to the water sources in the HMA will become powder-like and the likelihood for animals to develop dust pneumonia will increase. As the drought conditions continue and the available water declines, the body condition of the wild burros within the gather area could further deteriorate and individual animal mortality is expected if no action is taken to remove excess wild burros from the most impacted areas.

Permitted and billed livestock use on the Alder Creek Allotment is depicted in Tables 1 and 2 and indicates that permittees have reduced their grazing use to less than 70% of their permitted numbers.

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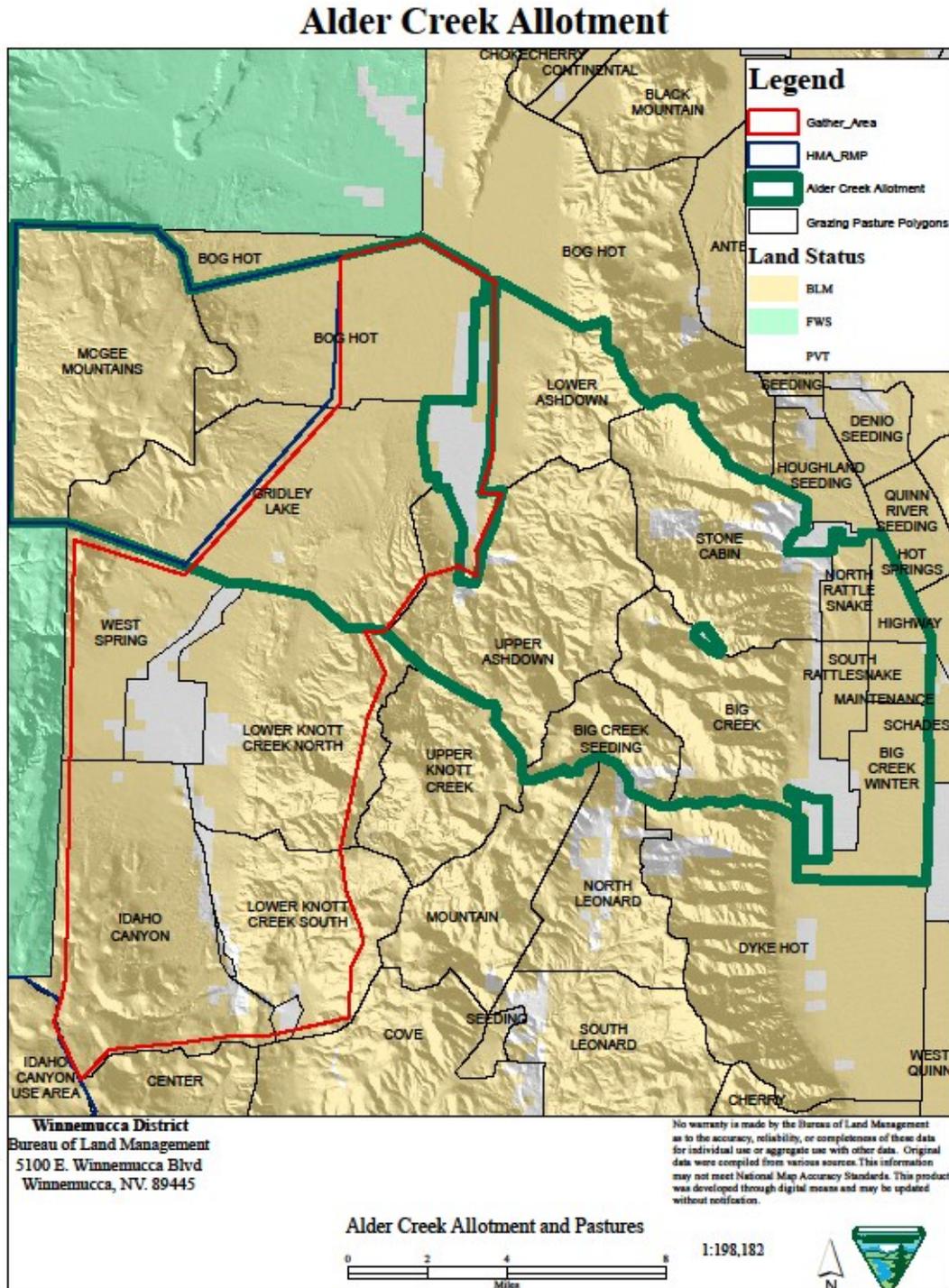
**Table 1.** Permitted Livestock Use on Alder Creek Allotment

<b>Allotment</b>	<b>Pasture</b>	<b>Cattle Numbers</b>	<b>Dates</b>	<b>AUMs</b>
Alder Creek 0051	Gridley Lake	340	4/1 - 5/31	682
Alder Creek 0051	McGee Mountain	308	10/1 – 12/15	770
Alder Creek 0051	Bog Hot	308	10/1 – 2/28	1529
Alder Creek 0051	Fenced Federal	52	4/1 – 5/31	104

**Table 2.** Livestock Billed Use on Alder Creek Allotment

<b>Year</b>	<b>Pasture</b>	<b>Cattle Numbers</b>	<b>Dates</b>	<b>AUMs</b>
2012	Gridley Lake	340	4/1 – 5/31	682
2012	McGee Mountain	No Use	No Use	No Use
2012	Bog Hot	308	10/1 – 2/28	1529
2012	Fenced Federal	52	4/1 – 5/31	104
2013	Gridley Lake	340	4/1 – 5/31	682
2013	McGee Mountain	308	10/1 – 12/15	770
2013	Bog Hot	308	1/15 – 2/28	456
2013	Fenced Federal	52	4/1 – 5/31	104
2014	Gridley Lake	150	4/1 – 5/31	301
2014	McGee Mountain	300	10/15 – 12/15	612
2014	Bog Hot	200	10/15 – 12/15	408
2014	Fenced Federal	52	4/1 – 5/1	53

Figure 2. Alder Creek Allotment and Pastures



Permitted and Billed livestock use on the Knott Creek Allotment is depicted in Tables 3 and 4 and shows that permittees have taken significant amounts of non-use since the beginning of the drought in 2012.

**Table 3. Permitted Livestock Use on Knott Creek Allotment**

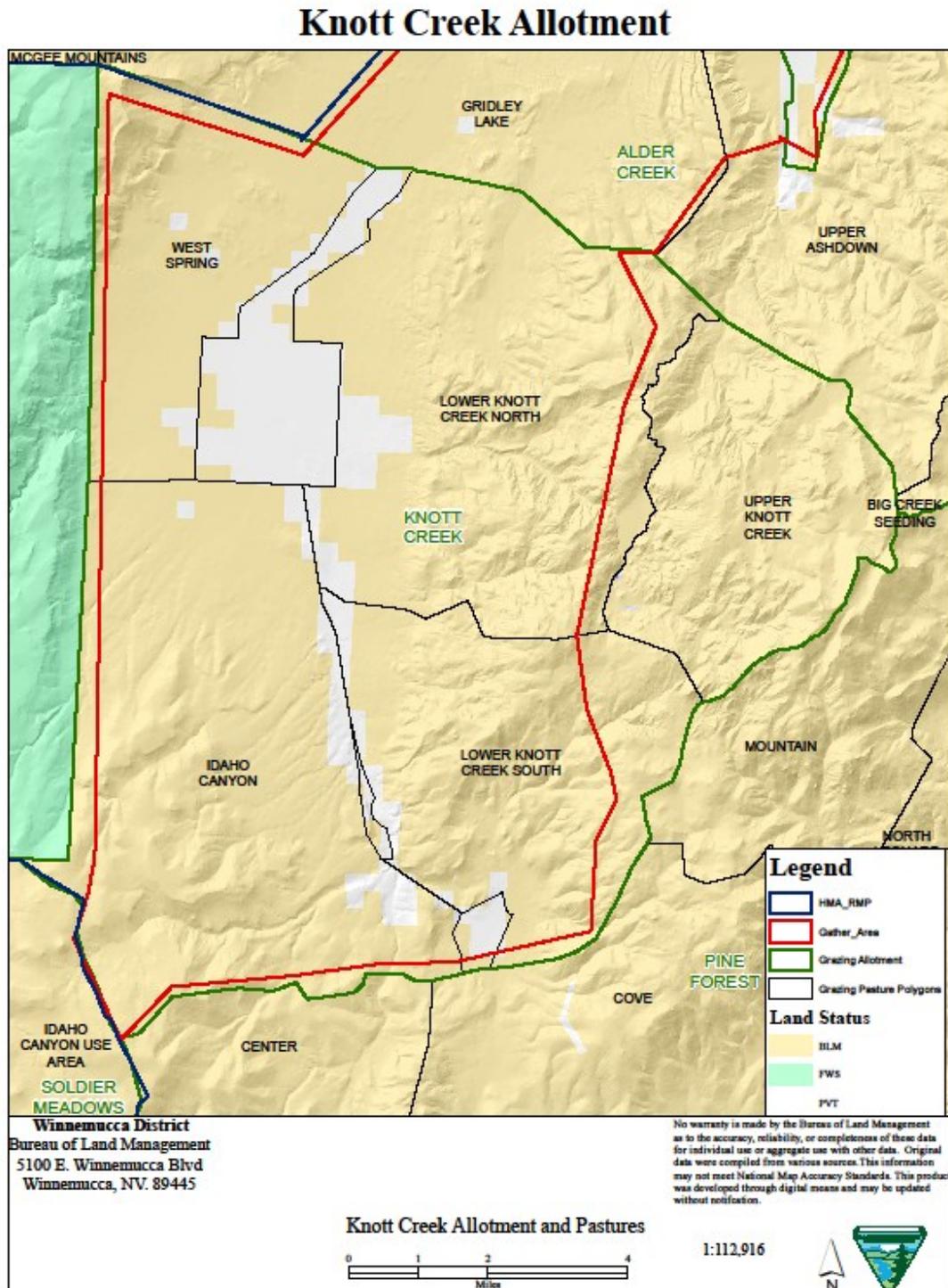
Allotment	Pasture	Cattle Numbers	Dates	AUMs
Knott Creek		826	3/1 – 9/30	5811

**Table 4. Billed Livestock Use on Knott Creek Allotment**

Year	Pasture	Cattle Numbers	Dates	AUMs
2012	Lower Knott Creek North	0	NA	0
2012	Lower Knott Creek South	0	NA	0
2012	Idaho Canyon	118	4/30 – 10/30	791
2013	Lower Knott Creek North	0	NA	0
2013	Lower Knott Creek South	0	NA	0
2013	Idaho Canyon	119	4/16 – 10/30	775
2013	West Spring	59	4/29 – 10/30	359
2014	Lower Knott Creek North	300	4/23 – 7/10	779
2014	Lower Knott Creek South	300	4/23 – 7/10	779
2014	Idaho Canyon	250	4/23 – 10/1	1331
2015	Lower Knott Creek North	600	3/1 – 4/11	631
2015	Lower Knott Creek South	Not Yet Billed	Not Yet Billed	Not Yet Billed
2015	Idaho Canyon	826	4/12 – 7/6	2335

No use was applied for or billed for in the West Spring Pasture in 2012 and 2014. BLM will determine based on professional judgment and monitoring standards whether cattle can be turned out on the West Spring Pasture in 2015.

Figure 3. Knott Creek Allotment and Pastures



## **B. Land Use Plan (LUP) Conformance**

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

Winnemucca District Resource Management Plan (RMP)Date Approved: May 22, 2015

WHB 1: Administer HMAs to support healthy populations and achieve land health standards for WHB where a Thriving and Natural Ecological Balance (TNEB) and multiple-use relationship can be achieved and maintained.

WHB 3: Ensure WHB have safe, unencumbered access to water within HMAs.

WHB 5: Maintain Appropriate Management Levels within HMAs.

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

May 2013 Winnemucca District Drought Response Plan Environmental Assessment DOI-BLM-NV-W000-2013-0001-EA and Finding of No Significant Impact (FONSI) dated May 30, 2013.

September 2011 Tri-State-Calico Complex Wild Horse and Burro Gather Plan EA DOI-BLM-NV-W030-2011-0002-EA, FONSI 9/19/2011, Decision Record 9/19/2011.

## **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes. The proposed action is an integral feature of the proposed action in the Winnemucca District Drought Response Plan EA.

Drought Response Actions (DRA) are selected on a case-by-case basis using site-specific monitoring data collected as outlined in the Drought Decision Management Plan. The following DRAs can be used either separately or in combination to ensure the welfare of wild horses and burros on public lands administered by the BLM during drought.

- Temporary Water Hauls

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- Within HMA Wild Horse and Burro Relocation
- Wild Horse and Burro Removal
  - Bait and/or Water Trapping
  - Helicopter Capture

This project falls within the same assessment area used in the Tri-State-Calico Complex Wild Horse and Burro Gather Plan EA. DOI-BLM-NV-W030-2011-0002-EA

**2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes. Aside from the proposed action, two other alternatives were analyzed in the Winnemucca District Drought Response Plan EA (Grazing Closure and No Action) and one alternative was considered but eliminated from detailed analysis (Supplemental Feeding of Livestock and Wild Horses and Burros). The alternatives analyzed are adequate to address the private and public land issues resulting from the overpopulation by water and bait trapping the wild burros and removing them from the range to reduce pressure and damage to private land and public rangeland resources. The lack of forage and water in the HMA has led to the wild burros moving outside the boundaries of the HMA onto public and private lands in search of forage and water.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes. The existing analysis is valid in light of 2015 monitoring data, professional judgment and Drought Response Triggers.

In April 2010, the U.S. Fish and Wildlife Service (FWS) determined that the Greater sage-grouse warranted protection under the Endangered Species Act (ESA), but that listing the species was precluded by the need to address other, higher-priority species first. The FWS Greater sage-grouse decision placed the species on the candidate list for future regulatory action. Because of a court-ordered settlement, the FWS has until 2015 to make a final determination on the listing the Greater sage-grouse under the ESA. BLM has developed draft guidance for the protection of sage-grouse priority habitats. BLM WO IM 2012-043, IM 2012-044, and NV IM 2015-017 provide guidance on how the BLM is to protect Greater sage-grouse priority habitat. Additionally, in June 2015, the proposed BLM and Forest Service Nevada and Northern California Greater Sage-Grouse Proposed Land Use Plan and Final Environmental Impact Statement was released. The Proposed Plan, in part, includes management actions relating to free-roaming equid management so that Greater sage-grouse habitat objectives are met.

The analyses conducted in the existing NEPA documents are still valid because impacts to Greater sage-grouse habitat were analyzed and there is no new information or circumstances that require further analysis. The proposed action is also consistent with BLM guidance for protection of Greater sage-grouse priority habitat.

For the existing analysis, refer to the Threatened and Endangered Species section (Drought EA 3.3H) for impacts to those BLM sensitive species with federal Candidate designation.

DRAs having the same or similar impacts on the resource have been analyzed together. Those DRAs that could not be categorically grouped are analyzed individually.

Impacts to BLM sensitive fauna associated with the implementation of the DRAs described under the proposed action are the same or similar to those disclosed in the Wildlife section (Drought EA 3.3X). Impacts to sensitive plants due to the implementation of DRAs are the same or similar to those disclosed in the Wildlife section (Drought EA 3.3X) and further discussed below.

Four of the WD BLM sensitive insect species: Mattoni's blue (*Euphilotes pallescens mattonii*), Rice's blue (*Euphilotes pallescens ricei*), Great Basin small blue (*Philotiella speciosa septentrionalis*), and bleached sandhill skipper (*Polites sabuleti sinemaculata*) appear to rely upon specific plants during certain phases of their lifecycle. Mattoni's blue, Rice's blue, and Great Basin small blue, appear to favor *Eriogonum* and *Oxytheca* species in the Polygonaceae family to lay eggs and feed upon both as larvae and adults. Although not explicitly associated with the *Eriogonum* sensitive species listed above, the removal or degradation of these plant species could impact these species' reproductive success.

The Bleached sandhill skipper is known to occur at only one location in the WD. Saltgrass (*Distichlis spicata*) probably serves as the larval host plant and adults have been observed consuming nectar from flowers in the Asteraceae family.

Impacts to BLM sensitive flora associated with the implementation of the DRAs described under the proposed action are the same or sufficiently similar to those impacts on vegetation disclosed in the Wildlife section of the WD Drought EA.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes. The direct, indirect and cumulative effects are essentially the same as those analyzed in the Winnemucca District Drought Response Plan EA.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

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Yes. The preliminary Winnemucca Drought Response Plan EA was sent out to the Interested Public for review and comment. Comments were reviewed and considered in the final EA and FONSI.

DRAs are to be implemented through the issuance of full force and effect decisions pursuant to 43 CFR §§ 4770.3(c) after consultation with or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the state having lands or responsible for managing resources within the area.

Due to the urgent need to implement the DRA (i.e., removal of approximately 125 excess wild burros), coordination and consultation has been conducted to the degree possible given the short time frame in which to take action. Contact with the private land owners has been ongoing including phone calls, and face-to-face meetings.

Native American Consultation

Consultation letters were sent out in relation to the WD Drought EA to the following tribes on December 26, 2012: the Battle Mountain Band, the Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute-Shoshone Tribe, the Lovelock Paiute Tribe, the Pyramid Lake Paiute Tribe, the Reno-Sparks Indian Colony, and the Summit Lake Paiute Tribe. Consultation meetings on this proposal were held with the Ft. McDermitt tribe January 22<sup>nd</sup> and the Summit Lake Paiute tribe on January 18, 2013. No concerns were brought forward in these meetings.

Government-to-government consultation with the Summit Lake Paiute Tribe specific to the McGee Mountain Water and Bait Trap occurred on May 16, 2015. The tribe was concerned that the burros were only being removed to allow cattle grazing in the area. The tribe was informed that the burros are being removed since they are outside the HMA, and further, the permittees have taken voluntary reductions in the number of cows they are grazing.

Letters specific to this gather event were sent to Fort McDermitt Paiute Tribe and Burns Paiute Tribe on July 2, 2015.

**E. Persons/Agencies/BLM Staff Consulted (See Attached Page)**

**Conclusion** *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements under NEPA.

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/S/ Garrett Swisher  
Signature of Project Lead: Garrett Swisher

/S/ Lynn Ricci  
Signature of NEPA Coordinator: Lynn Ricci

/S/ Victor Lozano 7/29/15  
Signature of the Responsible Official: Victor Lozano Date

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the decision or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and any program-specific regulations.