

**DECISION RECORD**  
**Black Mountain Herd Management Area Wild**  
**Burro Gather and Population Control Plan**  
**MOHAVE COUNTY, ARIZONA**

**Environmental Assessment**  
**DOI-BLM-AZ-C010-2019-0030-EA**

**INTRODUCTION/BACKGROUND:**

The Bureau of Land Management, Kingman Field Office (BLM) has analyzed the potential impacts of several wild burro management alternatives for the Black Mountain Herd Management Area (HMA) in Mohave County, Arizona. The Black Mountain HMA is located in northwestern Arizona and occupies the western third of Mohave County. The area parallels the eastern shoreline of the Colorado River for approximately 80 miles, from Hoover Dam on the north end to Interstate 40 on the south end. The Black Mountain HMA is the largest HMA in Arizona, with about one million acres of Mojave Desert scrub and Grand Canyon Desert scrub. The HMA spans just over 1 million acres (including 567,063 acres of BLM-administered lands and 165,005 acres of National Park Service administered lands) within Mohave County, Arizona

Management of wild burros in the Black Mountain HMA is guided by the Kingman Resource Management Plan (RMP), 1995, the Black Mountain Ecosystem Management Plan (BMEMP), 1996, and the Lake Mead NRA Final Environmental Impact Statement Burro Management, February 1995 (referred to throughout the document as the Lake Mead NRA Burro Management Plan).

The BMEMP set the AML for the Black Mountain HMA at 478 wild burros. The AML is defined as the number of adult wild burros that can be sustained within a designated HMA to achieve and maintain a thriving natural ecological balance (TNEB) in keeping with the multiple-use and sustained yield management of the area. The Black Mountain HMA AML was established at a level that would maintain healthy wild burros and meet vegetation objectives over the long-term (BLM 1996).

Based on current information, the BLM has determined that there are approximately 1,727 wild burros above AML within the Black Mountain HMA. These excess wild burros need to be removed in order to achieve a TNEB and prevent further degradation of rangeland resources.

The environmental assessment (EA) analyzed the potential direct, indirect, and cumulative environmental impacts of five alternatives. The alternatives included: Seven other alternatives were considered, but not analyzed in detail (refer to Chapter 2 of the EA)

**PUBLIC INVOLVEMENT:**

The Black Mountain Herd Management Area Wild Burro Gather and Population Control Plan Environmental Assessment (EA), DOI-BLM-AZ-C010-2019-0030-EA, was posted for public review on the project ePlanning site for a 30-day period from March 2, 2020 through April 1, 2020. Comments received after the official end of the comment period were also considered.

Comment letters were received from 91 individuals, Federal agencies, State agencies, and non-governmental organizations by email, fax or mail. A copy of the press release announcing the beginning of the public comment period was mailed to 10 individuals, organizations and agencies on March 2, 2020. Emails of the press release were also sent that day to 37 individuals, organizations, and agencies. The Colorado River District, Kingman Field Office published a news release on March 2, 2020 that was sent to media outlets listed on the BLM Arizona State Office media list. Potentially affected or interested tribes were sent letters that included a description of the proposed project, a map of the project location, and an invitation for comments or feedback regarding the project. These tribes are listed in Chapter 5 of the Final EA and comments received were categorized and responded to as applicable in Appendix L.

#### **LAND USE PLAN CONFORMANCE:**

The proposed action and other action alternatives are in conformance with the Kingman RMP (BLM 1995) and the Lake Havasu Field Office RMP (BLM 2007), as required by regulations found in Title 43 of the Code of Federal Regulations (CFR), section 1610.5-3(a). The action alternatives also conform to management direction in the BMEMP and Lake Mead NRA Burro Management Plan. Specific decisions from the Kingman RMP and the other plans are outlined in Section 1.3 of the EA.

#### **AUTHORITY:**

The authority for this Decision is contained in Section 1333 (a) of the 1971 Free-Roaming Wild Horse and Burro Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700.

#### **RATIONALE:**

Upon analyzing the impacts of the Proposed Action and other Alternatives, and following issuance of the EA for public review and, I have determined that implementing Alternative A, the Proposed Action Alternative as described in Chapter 2 of the EA, with incorporated standard operating procedures (found in the numerous EA appendices) will not have a significant impact to the human environment and that an EIS is not required. The rationale in the attached FONSI supports this decision. This decision is consistent with the 1995 Kingman RMP, as amended.

As determined by an interdisciplinary team analysis (contained in D01-BLM- AZ-C010-2019-0030-EA), excess wild burros are present within the Black Mountain Herd Management Area (HMA) and need to be removed to restore a thriving natural ecological balance. The current estimated population of 2,205 wild burros is 361% of the Appropriate Management Level (AML) established through prior BLM decisions. In addition, analysis of ongoing monitoring data indicates that yearlong grazing use by wild burros is degrading rangeland health through heavy and severe utilization levels in localized areas. In addition to degradation of the rangeland and lack of forage, the wild burros are also competing heavily with native wildlife which also depend on these areas for forage and water. The current population of wild burros is in excess of the established AML of 478 that is authorized within the HMA. In order to allow for recovery and upward trends in rangeland health, protect wildlife habitat, ensure long term health and success of the wild burro population and prevent widespread starvation and death of individual animals due to lack of forage during future seasons, gathers must be conducted to remove excess wild burros.

The gather is necessary to remove excess wild burros and to bring the wild burro population to the established AML range in order to achieve and maintain a thriving natural ecological balance between wild burros and other multiple uses as required under Section 1333(a) of the 1971 Wild Free Roaming Horse and Burro Act (WFRHBA) and Section 302(b) of the Federal Land Policy and Management Act of 1976.

The BLM is required to manage multiple uses to avoid degradation of public rangelands. The removal of excess wild burros is necessary to protect rangeland resources from deterioration or impacts associated with the current overpopulation of wild burros within the Black Mountain HMA. This action will help reduce the population size to the established AML of 478 head and implement fertility controls to reduce the rate of population growth and need for additional gathers.

Leaving excess wild horses on the range under the No Action Alternative would not comply with the WFRHBA or applicable regulations and Bureau policy, nor will it comply with the 1995 Kingman RMP. The No Action Alternative will allow continued deterioration of rangeland resources, including vegetative, soil and riparian resources, and could potentially result in the irreversible loss of native vegetative communities. Wild burros will continue to relocate in increasing numbers to areas outside the HMA boundaries due to competition for limited water, forage and space within the HMA, adversely impacting public and private land resources not designated for wild burro management. The No Action Alternative also increases the likelihood of emergency conditions to occur which is expected to lead to the death or suffering of individual animals or to an emergency gather in order to prevent suffering or death due to insufficient forage or water.

#### **DECISION:**

After reviewing all the facts and considering public comments on the EA, it is my decision to implement the Proposed Action (Alternative A) as described in the Final Environmental Assessment for the Black Mountain Herd Management Area Wild Burro Gather and Population Control Plan (DOI-BLM-AZ-C010-2019-0030-EA), and provided in summary below.

Implementation of this decision will:

- Gather and remove approximately 1,000 wild burros beginning in late 2020/early 2021, reducing the herd size to an estimated 1,205 adult burros. After this initial gather BLM would conduct an aerial survey, to obtain an updated population estimate. This population estimate would be used to determine the number of excess wild burros that still need to be removed. BLM expects to gather and remove approximately 727 wild burros after the completion of the survey (unless the population estimate shows a different result) for a total of approximately 1,727 animals (not including the foals eligible to be weaned 6 months or older from the 2019/2020 foal crop) from the Black Mountain HMA to get to the established AML of 478 adult burros.
- The BLM would utilize all approved gather methods, including bait trapping, helicopter drive trapping, and roping if necessary, to gather wild burros. The BLM would follow the Standard Operating Procedures (SOPs) found in Appendix F, Appendix G, and BLM Handbook 4700-1 Wild Horses and Burros Management Handbook. Gather methods would be determined on a case-by-case basis depending on access, time of year, funding,

personnel availability and the difficulty of gathering the burros (due to terrain, weather, water and forage availability, and/or number of burros to be gathered).

- Promote the improvement of rangeland resources within the Black Mountain HMA, including wild burro range and wildlife habitat, by allowing rangeland health to improve and avoiding negative impacts to rangeland resources from an overpopulation of wild burros. This will ensure that significant progress towards maintaining the Standards for Rangeland Health occurs and ensure healthy populations of wild burros are maintained in a thriving ecological balance for generations.
- Allow for the use of fertility control vaccines on jennies to help reduce the population growth rate. The BLM would gather up to 100 of the 191 remaining female burros (or approximately 50%) and administer fertility control vaccines using the most current approved formula., and
- Adjust sex ratios of burros released back to the range to reduce population growth. Once AML is reached, BLM would maintain approximately 287 males and 191 females in the HMA to achieve a 60/40 male to female sex ratio.

The BLM would conduct subsequent maintenance gathers as necessary over the 10-year period to remove additional wild burros to maintain the population at AML. BLM would continue to implement the fertility control components of the Alternative A by adjusting the population to maintain the 60/40 sex ratio in the HMA and treat or booster 100 (or approximately 50%) of the female burros remaining in the HMA with a fertility control vaccine. The target removal numbers for follow-up gathers, fertility treatments, and sex ratio adjustments would be adjusted based on periodic monitoring and population inventories for the Black Mountain HMA. The combination of these actions is intended to lower the population growth rate within the HMA in order to extend the intervals between removals. Standard operating procedures would be employed for all aspects.

This decision is effective immediately pursuant to 43 CFR 4770.3(c).

**ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES:**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1.

**APPROVING OFFICIAL:**

/s/Amanda M. Dodson, authenticated by A. Rose

Amanda M. Dodson  
Field Manager  
Kingman Field Office

August 4, 2020

Date

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

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

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

- 
- |                                 |   |
|---------------------------------|---|
| <b>1. NOTICE OF APPEAL.....</b> | A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). |
|---------------------------------|---|
- 
- |                              |  |
|------------------------------|--|
| <b>2. WHERE TO FILE</b>      | BUREAU OF LAND MANAGEMENT<br>KINGMAN FIELD OFFICE  |
| NOTICE OF APPEAL.....        | 2755 MISSION BLVD.<br>KINGMAN, AZ 86401  |
| WITH COPY TO<br>SOLICITOR... | FIELD SOLICITOR, US DEPARTMENT OF THE INTEIOR<br>SANDRA DAY O'CONNOR, US COURTHOUSE SUITE 404<br>401 WEST WASHINGTON STREET, SPC 44<br>PHOENIX, ARIZONA 85003-2151 |
- 
- |                                |   |
|--------------------------------|---|
| <b>3. STATEMENT OF REASONS</b> | Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). |
| WITH COPY TO<br>SOLICITOR..... | FIELD SOLICITOR, US DEPARTMENT OF THE INTEIOR<br>SANDRA DAY O'CONNOR, US COURTHOUSE SUITE 404<br>401 WEST WASHINGTON STREET, SPC 44<br>PHOENIX, ARIZONA 85003-2151  |
- 
- |                                |   |
|--------------------------------|---|
| <b>4. ADVERSE PARTIES.....</b> | Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). |
|--------------------------------|---|
- 
- |                                 |  |
|---------------------------------|--|
| <b>5. PROOF OF SERVICE.....</b> | Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)). |
|---------------------------------|--|
- 
- |                                 |   |
|---------------------------------|---|
| <b>6. REQUEST FOR STAY.....</b> | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21 ). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. |
|---------------------------------|---|

**Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal 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.

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

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401 (a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

**43 CFR SUBPART 1821-GENERAL INFORMATION**

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION: Alaska State Office ----- Alaska

Arizona State Office ----- Arizona

California State Office----- California

Colorado State Office -----Colorado

Eastern States Office -----Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River

Idaho State Office ----- Idaho

Montana State Office -----Montana, North Dakota and South Dakota

Nevada State Office ----- Nevada

New Mexico State Office ----New Mexico, Kansas, Oklahoma and Texas

Oregon State Office ----- Oregon and Washington

Utah State Office----- Utah

Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.