

Appendix L: Responses to Comments

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. State agencies that commented include the Arizona Farm Bureau and Arizona Game and Fish Department. Organizations included the American Wild Horse Campaign, Return to Freedom Wild Horse Conservation, Wild Horse and Burro Fund, International Society for the Protection of Mustangs and Burros, Desert Tortoise Council, In Defense of Animals, The Cloud Foundation, Arizona Sportsmen for Wildlife Conservation, Arizona Wildlife Federation, Grassroots Coalition, Native American Animal Rights Movement/Native Americans for Social Justice, and the Humane Society of the US.

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.

Although not required by regulation for an EA, an agency may respond to substantive and timely comments. Substantive comments: 1) question, with reasonable basis, the accuracy of information in the EIS or EA; 2) question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis; 3) present new information relevant to the analysis; 4) present reasonable alternatives other than those analyzed in the EIS or EA; and/or 4) cause changes or revisions in one or more of the alternatives (BLM 2008). All comments were reviewed, considered, and labelled according to the applicable section of the EA (refer to the table below). Comments and the BLM responses are described in Table 1 below. Comments are summarized and not verbatim as multiple comments from different commenters were similar or identical; minor spelling and grammar revisions have also been made. Modifications to the EA in response to comments are noted in the response tables below.

The BLM recognizes the personal values attributed to wild horses and burros, including those within the Black Mountain HMA. However, if a commenter did not provide specific data or information to assist the BLM in refining its EA analysis, the BLM has considered the comments but does not provide a response to all of them at this time in accordance with the BLM's National Environmental Policy Act Handbook H-1790-1 guidance found in section 6.9.2.

Table 1: Response to Comments Received on the *Black Mountain Herd Management Area Wild Burro Gather and Population Control Plan EA*

#	Topic/EA Section	Comment/Summary of Comment	BLM Response
1	General Opposition	Opposed to all removals of wild burros from the range. Forgo all wild burro removals in the Black Mountain HMA. Select the No Action Alternative. Cancel the document, revise the plan.	Thank you for your comments. In addition to being contrary to the law, the No Action Alternative would not meet the purpose and need for gather operations and for removal of excess wild burros. No changes to the EA have been made.
2	Support	General Support of the Proposed Action or other action alternatives.	Thank you for your comments. No changes to the EA have been made.
3	Purpose and Need	The BLM failed to prove there is an over population of burros.	<p>Refer to Section 1.1 of the EA. The Black Mountain HMA appropriate management level (AML) was established for this HMA at 478 wild burros, the current population estimate is in exceedance of this AML.</p> <p>BLM has used the most current data available to make the determination of excess animals as described in a recent court case ruling (<i>Friends of Animals vs. Silvey</i>, 353 F. Supp. 3rd 991, (D. Nev. 2018), aff'd, No. 18-17415 (9th Cir., July 2020)). No changes to the EA have been made.</p>
4	Purpose and Need	We all wonder: Where are the trial results, for the “pilot program” which isn’t supposed to be done until 2021? And why start these removals before publishing any results about this ‘trial’ using zona stat H on the burros? Only 115 to 165 burros were darted with PZP; this is, of course, insufficient to control the population! Why is BLM stopping at this number? Was this suggested by HSUS? Why wouldn’t more burros have been darted to bring the population more in line with the AML?	<p>The EA describing the PZP pilot project (EA DOI-BLM-AZ-C010-2016-0004) made clear that the activities of the pilot project would not limit other BLM wild burro management activities in the Black Mountain HMA. Section 3.2 of that document notes that, “If the Black Mountain HMA burro population exceeds the Appropriate Management Level set for the HMA, burro gathers would be proposed. The decision about that proposed action would be based on a separate NEPA document.”</p> <p>That pilot project is currently scheduled to be complete in August 2021. Preliminary data from the HSUS Pilot Project indicates that burros can be vaccinated successfully in a remote setting via darting, See section 2.7 of the EA. However, the results of the</p>

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			project upon completion will be released as soon as they become available. No law requires BLM to wait for that potentially informative study to be completed before the agency acts to remedy the serious overpopulation in the Black Mountain HMA. No changes to the EA have been made.
5	Purpose and Need	AML level is arbitrary, how was AML set, AML too low and must be increased, raise the AML.	Refer to Section 2.9.3 of the EA, Alternatives Considered but Eliminated. No changes to the EA have been made.
6	Purpose and Need	Population claims don't add up, estimate is inflated, arbitrary numbers are suspicious. Numbers are suspicious and should be investigated, action should be stopped until complete and accurate outside independent and unbiased outside source.	Section 1.1 in the EA refers to the 2014 aerial survey results and estimated population growth rates that comprise the source of the current estimated burro herd size in the HMA; this estimate is detailed in section 3.3.1, including Table 5. As EA Section 2.6 states, BLM will conduct another aerial population survey after the initial gather of approximately 1,000 burros, to obtain an updated herd size estimate. The annual growth in estimated herd size is explained in the EA, section 3.3.1 (i.e., see Table 5 and associated text). No changes to the EA have been made.
7	Purpose and Need	Challenge the statement in the BLM call for public comments that "wild burros have virtually no natural predators;" this claim is unsubstantiated. Mountain lion predation has been proven as a limiting factor on wild equid population growth (Kirkpatrick, Turner, & Wolf, 1991).	<p>Section 3.3.1 of the EA notes that burros have "...few natural predators..." and that "Across the desert southwest, mountain lions are thought to be the only predator that predate on wild burros with any frequency, but that frequency is thought to be low (reviewed in Douglas and Hurst 1993). Burros have been reported with claw marks from mountain lion attacks (Erick Lundgren, unpublished data), but the frequency of predation by lions has apparently not slowed down the burro herd growth rate in Black Mountain HMA in recent years. Therefore, it is not thought that mountain lion density is high enough in the Black Mountain HMA to cause substantial mortality in the burro herd."</p> <p>Based on the apparent growth of wild burro herd in the Black Mountain HMA (as substantiated by</p>

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			sequential population size estimates from aerial survey, and consistent with observations from other herds in the region), whatever level of mountain lion predation that does or does not take place is insufficient to limit wild burro herd sizes to levels near AML. No changes to the EA have been made.
8	Purpose and Need	<p>Wild burros should be protected as an endangered species under the Endangered Species Act (ESA) as they are basically the same as the African wild ass which is Critically Endangered and is basically the same interbreeding species as the wild burros found in the Black Mountain HMA.</p> <p>Wild burros should be protected under the National Historic Preservation Act (NHPA). Protect burros under the NHPA as they are important historic resources.</p> <p>Wild burros should be protected by making the area an area of critical environmental concern (ACEC).</p>	<p>These comments are outside the scope of the EA. No changes to the EA have been made.</p> <p>Wild burros are protected under the Wild Free-Roaming Horse and Burro Act of 1976 (WFRHBA), a federal mandate.</p> <p>These burros are not subject to protection under the Endangered Species Act. Such a designation would be made by the US Fish and Wildlife Service, not the BLM.</p> <p>Wild horses and burros do not qualify as a historic property type subject to the NHPA. The BLM manages wild horses and burros under FLPMA and the WFRHBA.</p> <p>ACECs are designated during the land use planning process, as are herd management area (HMA) boundaries. This area was designated as an HMA with specific management prescriptions described in the Kingman Resource Management Plan (BLM 1995).</p>
9	Alternatives	Suggest a reduction (removal) in cattle in order to achieve a TNEB while leaving the burros on the landscape.	Refer to Section 2.9.4 (Alternatives Considered but Eliminated) of the EA. No changes to the EA have been made.
10	Alternatives	To date, there has not been an adequate study of the effects of gelding burros and the skewing of sex ratios on natural behaviors of burros remaining on the range (Falk)	Refer to Appendix D which includes an analysis of literature examining reasonably predicted outcomes from castration, from including geldings as a portion of the herd, and from sex ratio skewing. In light of available evidence, there is no requirement that BLM conduct an on-range behavioral study of gelded jacks

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			<p>before using the method as a management tool. No alternative in this EA includes the gelding of all jack burros. Under Alternative B, the majority of jacks will remain intact.</p> <p>Also refer to Comment Response 32. No changes to the EA have been made.</p>
11	Alternatives	<p>BLM should adopt new technologies/methods for implementing its activities and incorporate them in the EA. For example, BLM should consider using drones to determine overall burro distribution and locate individual burros and groups to plan gathers rather than helicopters and vehicles. The last systematic aerial survey for burros was conducted in 2014; it covered about 75 percent of the HMA. Drone use provides several advantages over helicopter and land vehicle use such as efficiency and accuracy (e.g., several drones can survey different areas of the HMA simultaneously, thus reducing the likelihood of repeat counting or undercounting), economy (e.g., drones are less expensive to operate than helicopters), and less impact on the environment (e.g., reduced noise, greenhouse gas emissions, etc.). In addition, drones can be used to locate appropriate temporary gather sites and public observation sites with these same advantages. Increased survey accuracy conducted annually would result in increased accuracy in maintaining the burro AML and decreased impacts to tortoise habitats.</p>	<p>BLM is not aware of any studies that have demonstrated the capacity of unmanned aerial vehicles (UAVs, or drones) to lead to accurate estimates of burro herd size, including in an area as large or topographically varied as the Black Mountain HMA. There are a number of limitations. Drones available for civilian use generally have limited flight time. FAA regulations require line-of-sight control of drones. Optical systems are not generally as sensitive as human vision. Large HMAs require extensive flight time and large areas to be surveyed in the shortest possible time period, to limit animal movements during surveys (and prevent double counting). The accuracy of drone-based infrared sensors for horse surveys have not been validated in a wide variety of environmental circumstances. Costs can be prohibitive. In short, this technology holds promise, but does not appear to be currently ready for management use in obtaining accurate estimates of horse and burro herd sizes across the extremely large HMAs BLM administers.</p> <p>Should the use of drones become available for this purpose, BLM may consider the technology for future gathers and/or surveys/census. No changes to the EA have been made.</p>
12	Alternatives	<p>Revise designation of the BMHMA to protected wild burro range through amending the CRD districts RMP. Not outside of scope. Open more land for the burros and leave them alone. Burros as they are a national treasure and a tourist attraction which will benefit and stimulate small towns and communities in that area of Arizona</p>	<p>Refer to Section 2.9.6 of the EA, Alternatives Considered but Eliminated. No changes to the EA have been made.</p>

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13	Alternatives	EA should evaluate an alternative that incorporates protecting mountain lions to establish a true ecological balance within the HMA, which are natural predators of burros. Allowing continued hunting of mountain lions disallows the natural population regulation. Disclosure of the hunting program and associated numbers is necessary to allow further needed scientific feedback.	Predator control programs are managed by the USDA Wildlife Services, not the BLM. Additionally, wildlife population size of species including mountain lions is administered by the Arizona Game and Fish Department. The BLM has absolutely no authority over wildlife population control, issuance of hunting tags, or protection plans. Regardless of the size of the mountain lion population, there is no evidence supporting the theory that predation by mountain lions would be sufficient to maintain the burro population at AML. No changes to the EA have been made.
14	Alternatives	3.2.15 – Avian Predator Control: In Appendix F – Standard Operating Procedures for Gathers, the Contractor may be required to humanely euthanize burros in the field and to dispose of the carcasses as directed. Because carcasses can quickly attract scavengers that are predators of desert tortoises [e.g., coyotes (<i>Canis latrans</i>) and common ravens (<i>Corvus corax</i>) (Boarman 2002, Boarman 2003, Esque et al. 2010)], we request that disposal/removal of carcasses from the HMA occur as soon as possible to eliminate attracting these scavengers to areas with/near tortoises.	The project Contracting Officer’s Representative/ Project Inspector would determine whether removal of a carcass is possible and the appropriate methods in accordance with applicable laws. No changes to the EA have been made.
15	Alternatives	3.2.15 – Avian Predator Control: In Appendix F of the EA, BLM states, “5. When dust conditions occur within or adjacent to the gather site or holding facility, the Contractor shall be required to wet down the ground with water.” Any water pooling or forming puddles on the ground attracts common ravens because it provides a subsidized water source for them (Boarman 2002). Because common ravens are a predator of the desert tortoise, we request that the Standard Operating Procedures (SOPs) for Gathers and all other SOPs using water applied to the ground be amended to include that no standing water would result from implementation of these procedures within a few minutes of its application	Pooling of water from this action is not expected to occur in most cases, however the language in the SOP has been updated to include this recommendation. Refer to Appendix F, Section A.5.
16	Alternatives	“BLM would conduct all necessary clearances (archaeological, special status plant/animal species, etc.)” We request that BLM provide a description of the clearance methodology to be implemented for desert tortoises and the qualifications of those who would conduct the clearances.	The statement has been revised in Appendix F, Section E.2.

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17	Alternatives	3.2.32 - Weed Management: In the EA, we were unable to locate a commitment by BLM to use weed-free feed for burros or to use vehicles and equipment that are free of seeds or other plant propagules. To reduce the spread of invasive plant species (Executive Order 13112 and BLM Manual Section 1740-2 Integrated Vegetation Management), the EA should include mitigation measures that (1) all feed used for burros would be weed-free, and (2) all motorized and nonmotorized equipment employed in the capture and transportation of gathered animals should be free of seeds and other plant propagules to ensure these activities do not promote the spread of invasive plant species	No changes to the EA have been made. The SOPs in Appendix F, Section E.6 already incorporate these measures.
18	Alternatives	The use of fencing and guards in the problematic areas of Oatman, Bullhead City Parkway, and Highway 68 would keep these burros safe and save many lives. The idea of fencing and guards should be adapted into any proposed action.	This is outside of the scope of the analysis. No changes to the EA have been made. BLM actively collaborates with the Arizona Department of Transportation to reduce the risks that wild burros pose to motorists. While such work is outside the scope of this EA, BLM will continue to work with ADOT where appropriate to improve public safety concerns.
19	Alternatives	EA should instead evaluate an alternative that incorporates reducing the number of burros targeted for removal and making any removals smaller and incremental over time to facilitate adoptions and minimizes cost to tax payers of warehousing large numbers of burros in holding facilities. The BLM is spending enormous amounts of public money to warehouse wild horses and burros. Ashby says "Future efforts to manage Black Mountain wild burro herd numbers should include making any removals smaller...."	Refer to Proposed Action discussion in Chapter 2 of the EA. After the initial gather, relatively smaller gathers would occur after the herd is close to AML and fertility control treatments have been applied. No changes to the EA have been made.
20	Alternatives	Bait Trap Locations - bait trap locations should be set in areas outside of bighorn sheep core habitat, such as low topography areas where bighorn sheep are less frequent, and burros may be more concentrated. Similarly, the Arizona Game and Fish Department recommends that bait and/or traps sites avoid critical bighorn sheep waters and disturbance in proximity to lambing grounds.	Appendix F, Section E.3 has been updated to state that "Bait and/or traps sites would be placed to avoid critical bighorn sheep waters and lambing grounds."
21	Alternatives	Improved public observation should be considered and trap sites should not be located only on private lands. Additionally, real-time cameras with GPS should be installed on all helicopters used in roundup operations and video should be live streamed on the Internet.	Appendix G describes public observation protocols established for gather operations. Trap sites are not solely located on private lands. The established protocols are in place to ensure the safety of

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			<p>observers, burros, and those conducting gather operations.</p> <p>There are currently no requirements in the contract for the gather contractor to provide these services. The current helicopter drive trapping contract specifically states that "Under no circumstances will the public or any media or media equipment be allowed in or on the gather helicopter or on the trap or holding equipment." The public is welcome to attend the gather so long as the observation protocols designed to protect the safety of the public, the wild burros and BLM staff and contractors are followed. No changes to the EA have been made.</p>
22	Alternatives	Gathers should not be done during foaling season	See Appendix F, this is an SOP from a BLM Washington Office Instruction Memorandum No. 2010-183 which states that wild burros do not exhibit a specific foaling season. No changes to the EA have been made.
23	Alternatives	Request that the BLM modify Alternative A to clarify that fertility control agents will be used upfront and coupled with removals. BLM must develop a strategy to frontload the implementation of this 10-year plan (i.e., allocate resources with the greatest proportion applied during the beginning of the plan). Gather numbers will need to be higher initially to allow fertility control to catch up with the population (in other words, to implement fertility control alone, alongside current average removal numbers, or not at all until AML is achieved, would not lead to population balance and control because the number of foals born per year would still exceed the number of burros removed).	The timing for implementation of the proposed fertility controls as part of the action alternatives were designed to reduce excess handling and stresses to burros. BLM expects that the most cost-effective and humane approach to herd management will be to reduce the herd size further, to a level approaching AML, prior to conducting additional fertility control treatments. No changes to the EA have been made.
24	Alternatives	As currently written, it is not clear why the BLM would only treat 50% of the remaining jenny population rather than 90% in order to minimize the amount of time required and the number of animals that would need to be removed to achieve and maintain AML over the next 10 years. For that reason, the final EA should either adequately justify treating a relatively small proportion of the remaining jenny population or the plan should be revised so that the stated goal is to capture, treat and release 90% of the remaining jenny population.	BLM interprets this comment to mean, a request that BLM should treat 90% of the jennies that will remain after the herd has been reduced to AML and has been skewed to a 60/40 male to female sex ratio. If this interpretation is correct, then at AML, this would mean that the commenter advocates treating 90% of the 191 jennies at that time, rather than 100 of those 191 jennies, as is proposed.

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			<p>BLM does not expect it would be feasible or cost-effective to capture 90% of jennies in the 1.1-million-acre Black Mountain HMA. As stated in section 3.3.1 of the EA, successful application of Alternative A could lead to a 62% reduction in annual population growth. Assuming that the herd grows at 15% per year, that would be a reduction to approximately 6% per year. That is a level of reduced growth that would prolong the interval between gathers, without incurring excessive costs to attempt to capture difficult-to-catch burros in the more remote regions of the HMA. No changes to the EA have been made.</p>
25	Alternatives	<p>To minimize, to the greatest extent possible, any unnecessary risks to wild burro welfare associated with gather activities, we strongly recommend that the BLM focus primarily on the use of water and bait trapping for gathering wild burros – especially in the warm summer months when helicopter gathers pose inherent risks and water and bait traps may be most attractive to wild burros. The BLM should also restrict the use of helicopter-drive gathers to situations where water or bait trapping is not possible, and only conduct helicopter drive gathers in the winter and spring months when temperatures are cooler, wild burros are less susceptible to heat stress and dust exposure, and maximum effectiveness for fertility control vaccine application in equines can be achieved. Additionally, the BLM must strictly comply to its Comprehensive Animal Welfare Protocol (CAWP) to help ensure the humane treatment of these animals (page 24).</p>	<p>The EA Section 2.6, Management Actions Common to Alternatives A, B, C and D of the EA discusses the circumstances when different gather methods would be utilized. Also refer to the SOPs in Appendix F, Section A.2, regarding reducing stress due to temperatures. The CAWP guidelines will be followed. No changes to the EA have been made.</p>
26	Alternatives	<p>If a helicopter roundup is selected as part of the proposed action, as is the current case here, the BLM must consider, analyze, and implement humane standards as outlined in the Standard Operating Procedure.</p>	<p>Refer to Appendix F for SOPs. No changes to the EA have been made.</p>
27	Alternatives	<p>Consider the following alternative: Removals, if they occur, should be incremental over time (no more than 50 burros per year). This will better allow for placement of removed burros in adoptive homes (significantly reducing costs to taxpayers for holding of burros) and will be less disruptive to the wild population as a whole. This alternative should include managing this population at least at the AML of 478 burros, but ideally with a raised AML. The BLM must consider all information it</p>	<p>BLM estimates that the current herd size is over 2,200 burros. If herd growth rates are 15% per year, that implies that the herd is currently growing at over 300 animals per year. The incremental removal strategy of no more than 50 per year suggested here would not reduce the herd size in the short-term or long-term and</p>

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		has available about the need to keep burro herds at certain population levels in order to prevent adverse genetic harm to the population, including inbreeding.	<p>would not lead to achieving a thriving natural ecological balance on the range.</p> <p>Under the proposed action (Alternative A), relatively smaller gathers would occur after the herd is close to AML and fertility control treatments have been applied. No changes to the EA have been made.</p>
28	Alternatives	Comments regarding the burros outside the HMA and on private property being nuisance.	The proposed action and alternatives are not proposed as a nuisance gather. The purpose and need for the action is to remove excess burros within and outside the HMA to achieve AML. No changes to the EA have been made.
29	Alternatives	The EA failed to include the complete Herd Management Area Plan (HMAP) for the Black Mountain Herd	Refer to section 1.1 of EA, and Section 1.3 of EA. The guiding plans for the Black Mountain HMA are the Kingman RMP, LHFO RMP, Lake Mead Plans and BMEMP. No changes to the EA have been made.
30	Alternatives	Relocate any burros found outside of the Black Mountain HA/HMA back into the designated area instead of removing them.	Refer to EA, Sect. 2.9.7. No changes to the EA have been made.
31	Proposed Action	I strongly oppose the 10-year duration of this proposal because BLM is required to conduct further environmental analysis and public comment for future actions (e.g. roundups and management actions) and cannot rely on an outdated, 10-year old EA	<p>Under the proposed action, to meet the purpose and need of maintaining the wild burro population at AML, it is likely multiple gathers would need to occur. The proposal for a 10-year gather plan is consistent with BLM gather decisions in other states where BLM manages WHB. It is unlikely that BLM would be able to meet management goals with a single gather, so having a multiple-gather and treatment timeline is reasonable for meeting the purpose and need. The proposed actions are consistent with management at the minimum feasible level under the WFRHBA, as supported by various legal rulings. BLM's use of a single gather plan and a single environmental assessment to cover a period of years and a series of individual gather operations is not a departure from the agency's past practice, as determined by a Nevada district court and affirmed by the 9th Circuit (<i>Friends of Animals vs. Silvey</i>, 353 F. Supp. 3d 991 (D. Nev. 2018), aff'd, No. 18-17415</p>

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			(9th Cir., July 2, 2020). No changes to the EA have been made.
32	Proposed Action	Opposed to the use of PZP, PZP -22, Gonacon, castration, ovariectomy and other sterilizing drugs and procedures. These are in violation of Section 3a of the Wild Horse and Burro Act “minimum feasible level” of interference to be used on wild horses and burros. Birth control disrupts behavior and prevents natural breeding selection which is one of the keys to wildlife being wild. Oppose sex ratio skewing because it disrupts natural herd behavior, disrupts social dynamics, social organization, interferes with natural behaviors and causes unnecessary and unnatural stress to the burros. [The Act states burros] “shall be managed as self-sustaining populations” but these options put the burros in the category of experimentation, [using] unnatural procedures that skew natural sex ratios and prevent natural breeding selection.	The Wild Horse and Burro Act specifically allows for the use of fertility control and sterilization as management tool. A recent court ruling also supports the use of these management tools (<i>Friends of Animals vs. Silvey</i> , 353 F. Supp. 3d 991 (D. Nev. 2018), aff’d, No. 18-17415 (9th Cir., July 2020),). Senate Report 92-242 of the 92 nd Congress, June 25, 1971 explained that ‘minimal feasible level’ does not refer to gathers specifically, but originates from early congressional hearings and is meant to prevent wild horses and burros from being managed in “zoo like” settings on the public lands. An intensive management program of breeding, branding and physical care would destroy the very concept that the legislation (the WFRHBA) sought to preserve. In this context, it is clear that fertility control treatment that require a minimal level of handling but allow for wild horses and burros to continue otherwise to roam freely on the range are preferable to high rates of annual population growth and a need for frequent gathers. No changes to the EA have been made.
33	Affected Environment – Livestock Grazing	Sec 3.3.5 grazing inconsistency of 14 vs 16 allotments	The document has been revised to correct this error. The correct number is 16 allotments.
34	Affected Environment - Wildlife	In the Affected Environment section of the EA, BLM identifies only the Sonoran desert tortoise as occurring in the Black Mountain HMA and describes it as a “typical wildlife species” in the area. In Appendix I – Special Status Species, BLM reports, “the southern Black Mountains are a contact zone between the Sonoran and Mojave tortoise, although the Mojave lineage predominates.” We request that BLM clarify its information in the EA on the occurrence and abundance of Mojave and Sonoran desert tortoises in the Black Mountain HMA. Because of the occurrence of both species and their apparent niche separation, with <i>G. agassizii</i> generally occurring in alluvial fans and valley bottoms and <i>G.</i>	Additional text has been added to Section 3.3.4 of the EA to describe the tortoise species in the Black Mountain HMA.

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		<i>morafkai</i> occurring in foothills, hillside slopes, and more mountainous terrain (Edwards et al. 2015), information on the presence of both species should be included in the Affected Environment section of the EA.	
35	Environmental Impacts – Burros	The Black Mountain herd is one of the last large, genetically-healthy herds and represents approximately 20% of the BLM-managed wild burro population. Recommendation should be made on the genetic importance of the herd. “removing burros permanently from the range could jeopardize genetic health of the total population.” BLM “may need to assess whether the AMLs set for burros can sustain a genetically healthy total population.” (p. 268, NAS 2013)	BLM is obliged by law to manage the herd of wild burros in the Black Mountain HMA consistent with maintaining a thriving natural ecological balance and multiple uses on the landscape. As a result, BLM must reduce the population of burros in the HMA to a level that is at or close to AML. Refer to Section 3.3.1 of the EA; it is not expected that genetic health would be unduly impacted by the action alternatives. No changes to the EA have been made.
36	Environmental Impacts – Burros	EA fails to disclose the impacts of roundups on federally-protected burros, including capture, in holding and when sold or adopted, including risk of slaughter	Refer to section 3.3.1 of the EA for the detailed analysis of impacts to wild burros. No changes to the EA have been made.
37	Environmental Impacts – Burros	Opposes BLM statement: “burros can be more destructive to the range than cattle due to their differing digestive systems and grazing habits” is unscientific.	Statements in the EA related to this comment are based exclusively on peer-reviewed scientific literature. Text in EA section 3.3.1 includes the following: “Ruminants, especially cattle, must graze selectively, searching out digestible tissue (Olsen and Hansen 1977). As cecal digesters, burros are one of the least selective grazers in the West because they can consume high fiber foods and digest larger food fragments (Hanley and Hanley 1982, Beever 2003).” The scientific papers cited here and in the EA are fully disclosed in Appendix B, List of References. No changes to the EA have been made.
38	Environmental Impacts – Burros	Gelding - The release of geldings onto range would set precedence (significance criteria). The BLM has never before released geldings to the range as a population management strategy. Research on the impacts to the environment and to the burros of this action has not been completed. This untested action could set precedent for the management of wild burros in Arizona, and in other areas of the West.	The BLM has been gelding animals as part of off-range management for decades. BLM has already released geldings back to the range in several HMAs. BLM’s use of gelding as a management action for on-range management was recently upheld by a federal appeals court in two cases (<i>Friends of Animals vs. Silvey</i> , 353 F. Supp. 3d 991 (D. Nev. 2018), <i>aff’d</i> , No. 18-17415 (9th Cir., July 2020) and <i>American Wild</i>

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			<p><i>Horse Campaign vs. Bernhardt</i>, 963 F.3d 1001 (9th Cir. 2020)). BLM’s historical and present use of gelding was detailed in the administrative record for those cases. This EA includes an extensive literature review on the expected effects of gelding (Appendix D). Releasing geldings onto the range would not set precedent for any future BLM actions involving gelding. Any future BLM management action that includes gelding in a different HMA would be associated with required consideration, consistent with NEPA. No changes to the EA have been made.</p>
39	<p>Environmental Impacts – Recreation</p>	<p>Big game hunts occurring from November through February. In particular, the bighorn sheep hunt occurs within the project area during the month of December. The Arizona Game and Fish Department requests that any type of helicopter gathers or the administration of fertility controls, be conducted throughout the work week and centered away from the weekend days of Friday through Sunday when hunting activities would be at their highest. This would help ensure reduced conflict between hunters and management actions from the EA.</p>	<p>See Appendix F, Section B.2, SOP helicopter gathers avoid December; BLM would coordinate/notify AZGFD dates of any helicopter gathers. No changes to the EA have been made.</p>
40	<p>Environmental Impacts – Socioeconomics</p>	<p>Economic & Social Impacts of Proposed Action Must Be Analyzed and include the costs of gather operations, costs to ranchers for range improvement damages, private property damage, and costs for long-term holding of burros</p>	<p>Section 1.1 of the EA has been updated to acknowledge range improvement damages. Costs/Economics are not analyzed in detail, as the Wild Free Roaming Horses and Burros Act (WFRHBA) does not authorize a cost-based decision-making process if excess horses are present. “Proper range management dictates removal of horses before the herd size causes damage to the range land (<i>Animal Protection Inst. Of Am.</i>, 118 IBLA 75, *75 (Feb. 22, 1991)).” BLM has a responsibility per the WFRHBA to remove excess wild burros, ensuring the health of wild burros and the rangeland. In addition, as costs do not respond to the purpose and need (Section 1.2) of the EA they are not carried forward for analysis within the EA.</p> <p>Regarding the “social impacts” of the Proposed Action, BLM’s interpretation of NEPA guidance is</p>

#	Topic/EA Section	Comment/Summary of Comment	BLM Response
			<p>that social acceptability is not an issue requiring analysis. The BLM NEPA Handbook (2008) explains that BLM must analyze an issue identified through internal or external scoping if analysis is necessary to:</p> <ul style="list-style-type: none"> • make a reasoned choice among alternatives (That is, does it relate to how the proposed action or alternatives respond to the purpose and need?), or • determine the significance of effects.
41	Environmental Impacts – Vegetation	Removing 1,700 burros could lead to an increase in wildfires.	<p>BLM is not aware of any peer-reviewed scientific study that demonstrates a reduced wildfire hazard in connection to high wild burro herd sizes. If the commenter is implying that the current population of wild burros in the HMA is overgrazing plant biomass so much that wildfire spread would be limited, BLM is not aware of data to support that contention. However, it is reasonable to assume that if burros were overgrazing to such an extent, then that would also be expected to be causing extensive damage to other rangeland resources (including vegetation); such a level of overgrazing would be evidence that burros would be causing ecological degradation to a point not consistent with a natural ecological balance. No changes to the EA have been made.</p>
42	Environmental Impacts – Wildlife	<p>We request that BLM develop and implement mitigation measures that are appropriate for each species.</p> <p>To meet BLM’s criteria for locating these sites, most will likely occur in habitats for the Mojave desert tortoise and result in impacts to tortoises/tortoise habitats. We request that BLM implement measures to avoid, minimize, and rectify the impacts that will occur from its actions by adopting appropriate mitigation measures for the Mojave desert tortoise. Below is a list of the relevant mitigation measures (Desert Tortoise Council 2017) that BLM should implement when conducting burro gathering and/or removal activities in habitats for the Mojave desert tortoise in the Black Mountain HMA</p>	<p>Standard Operating Procedures (SOPs) and guidelines have been developed in coordination with AZGFD and would be implemented as part of any action alternative.</p> <p>Section 3.3.4 of the EA and Appendix J have been updated to provide clarification and to include desert tortoise mitigation in addition to the tortoise handling guidelines.</p>