

**U.S. Department of the Interior
Bureau of Land Management**

**Bullfrog Herd Management Area Plan/Gather Plan
Environmental Assessment**

DOI-BLM-NV-B020-2024-0046-EA

Decision Record

May 2025

U.S. Department of the Interior
Bureau of Land Management
Battle Mountain District
Tonopah Field Office
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Introduction

Under the National Environmental Policy Act (NEPA¹), the Bureau of Land Management (BLM) prepared the Bullfrog Herd Management Area Plan and Gather Plan Environmental Assessment (EA), DOI-BLM-NV-B020-2024-0046-EA, to disclose and analyze the environmental effects of the Proposed Action and alternatives, which consist of establishing a Herd Management Area Plan (HMAP) (Appendix E) and gathering and removing excess wild burros from within and outside the Bullfrog Herd Management Area (HMA). The EA analyzes associated impacts with management activities and removals to reach and maintain the Appropriate Management Level (AML) within the HMA and is consistent with BLM's management responsibilities under the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA).

The BLM Tonopah Field Office (TFO) has determined that excess wild burros are present within and outside the boundary of the Bullfrog HMA and that removal of these wild burros to low AML is necessary to achieve a thriving natural ecological balance. The AML for the Bullfrog HMA is 58-91 wild burros, and the estimated wild burro population as of March 2025 is 1,167 wild burros.

Public Involvement

The Bullfrog Herd Management Area Management Evaluation Report was made available to interested individuals, agencies and groups for a 30-day public review and scoping period that opened on September 17 and closed on October 21, 2024. BLM notified interested parties by letter and by News Release. Scoping comments were received from approximately 2,000 individuals (primarily as form letters) or organizations, and agencies. Many of these comments contained overlapping issues/concerns which were consolidated into 20 distinct topics.

The Bullfrog Herd Management Area Plan and Gather Environmental Assessment was made available to the public for a 30-day comment period from February 20 to March 24, 2025. BLM notified interested parties by letter and by news release. BLM received input from approximately 1,189 individuals through a signed petition with the Cloud Foundation, and several individuals independent of the petition. In addition, comments were received from Return to Freedom, Wild Horse Education, the Cloud Foundation, Beatty Town Advisory Board, Beatty General Improvement District, SpayVac for Wildlife Inc., and Friends of Animals.

A detailed summary of the comments received, and BLM's responses can be found in Appendix J, while changes made to the final EA are discussed in Section 8 of the EA. The EA is available on the National NEPA Register web page at: <https://eplanning.blm.gov/eplanning-ui/project/2034193/610>. Hard copies are available at the Tonopah Field Office, 1553 South Main Street in Tonopah, Nevada.

¹ Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The Bureau of Land Management verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The [bureau] has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 C.F.R. Parts 1500–1508, as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.

Land Use Plan Conformance

The Proposed Action is in conformance with the 1997 Tonopah RMP as follows:

Objective: To manage wild horse and/or burro populations within Herd Management Areas at levels which will preserve and maintain a TNEB consistent with other multiple-use objectives (page 14).

1. Continue the following management determinations:
 - a. Manage wild horses and/or burros in 16 HMAs listed in Table 3 of the RMP.
 - b. Manage wild horses and/or burros at AML or interim herd size (IHS) for each HMA outlined in Table 3. Future herd size or AMLs within each HMA will be adjusted as determined through short-term and long-term monitoring data methods as outlined in the Nevada Rangeland Monitoring Handbook and BLM Technical References.
2. When the AML is exceeded, remove excess wild horses and/or burros to a point which may allow up to three years of population increase before again reaching the AML.

Within the 1997 Tonopah RMP the definition of AML is given as *"the maximum number of wild horses and/or burros to be managed within a herd management area and has been set through monitoring and evaluation or court order"* (page 15).

AUTHORITY

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

RATIONALE

Upon analyzing the impacts of the Proposed Action and Alternative, and following issuance of the EA for public review, I have determined that implementing the Proposed Action, with incorporated standard operating procedures and environmental protection measures described in the EA, will not have a significant impact to the human environment and that an environmental impact statement is not required as set forth in the attached Finding of No Significant Impact.

The Herd Management Area Plan and associated gather plan is necessary to remove excess wild burros and bring the wild burro population back to within the established AML range in order to achieve a thriving natural ecological balance between wild burros, wildlife, vegetation and the available water as required under Section 3(b)(2) of the 1971 Wild Free-Roaming Horses and Burros Act and Section 302(b) of the Federal Land Policy and Management Act of 1976.

Leaving excess wild burros on the public land under the No Action Alternative would not comply with the WFRHBA or applicable regulations and Bureau policy, nor would it comply with the Tonopah RMP, and the Mojave-Southern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (1997) for Rangeland Health and Healthy Wild Horse and Burro Populations. The No Action Alternative would allow deterioration of rangeland resources, including vegetative, soil and riparian resources, and could potentially result in the irreversible loss of native vegetative communities and habitat for threatened wildlife species. Under the No Action Alternative, the wild burro population would be expected to increase. The increased herbivory and impacts of this increasing population could be expected to reduce fine fuels in the short term, however, in the long term it could be anticipated that it would lead to a reduction of native understory species and an increase in non-native invasive species. The fire regime could be expected to shift to a more frequent and intense fire regime in which non-native invasive species such as cheatgrass may be favored, with those species growing in both frequency and spatial distribution. Hazardous fuels reduction and habitat improvement projects would continue to avoid areas that are over AML resulting in less active improvement of the landscape.

Additionally, with an increasing population of wild burros, animals would continue to relocate in increasing numbers to areas outside the HMA boundary due to competition for limited water and forage within the HMA, adversely impacting public land resources not designated for wild burro management. Human-burro conflicts would continue or likely increase along the Highway 95 corridor and in the city limits of Beatty, NV. These conditions would also increase the likelihood of emergency conditions arising, leading to the suffering or death of individual animals due to insufficient forage or water, or to an emergency gather.

The BLM is required to manage multiple uses to avoid continued degradation of the rangelands, and removal of excess wild burros is necessary to protect rangeland resources from further deterioration or impacts associated with the current overpopulation of wild burros within the Bullfrog HMA. Current monitoring results for the Bullfrog HMA do not indicate that increasing, evaluating, or revising the AML is warranted at this time. Local sentiment and monitoring data confirm the need to remove excess wild burros above the current AML to reverse downward trends, promote improvement of rangeland health, reduce human burro interactions, and ensure safety and health of wild burros. The current AML for the Bullfrog HMA was established in the 2007 FMUD issued following completion of a Rangeland Health Evaluation (RHE) for the Montezuma Allotment Complex. AML for the Bullfrog HMA was calculated from Ecological Site Inventory production data at 58 to 91 wild burros. The estimated number of burros in the herd associated with the Bullfrog HMA, as of March 2025, is at least 1,197 adults, with approximately 40% of those being within the Bullfrog HMA and approximately 60% outside the HMA boundaries. The spring 2025 values are based on the most recent aerial survey of the area, which was conducted in April 2024 and used simultaneous double-observer methods for data recording (Griffin et al. 2020) and analysis (Lubow 2020, Crabb 2025a), and projections of annual herd growth since then. This 2025 adult burro total is more than 20 times the low range of AML for the Bullfrog HMA, and more than 13 times the high range of AML.

A total of 19 wild horses were estimated to be present in areas near but outside of Bullfrog HMA boundaries, based on observations in the same 2024 aerial surveys (Crabb 2025b). Assuming a 20% wild horse annual population growth rate, there may be approximately 21 wild horses in the project area as of April 2025. The Bullfrog HMA is only managed for an AML of 58-91 wild burros, so all these wild horses are excess animals that could be subject to removal as well.

DECISION

Based on the analysis in the Bullfrog Herd Management Area Plan and Gather Plan Environmental Assessment, DOI-BLM-NV-B020-2024-0046-EA, with the identified Best Management Practices, design features, and mitigation measures as defined in Chapter 2 and appendices of the EA document, it is my decision to adopt the Proposed Action and approve both the Bullfrog Herd Management Area Plan and the Gather Plan. This management decision is effective immediately pursuant to 43 CFR 4770.3(c).

Under this decision, and as analyzed as the Proposed Action, the TFO will:

- Adopt and implement the HMAP with a management strategy which would include several population growth suppression methods.
- Immediately gather and remove excess animals in order to reach low AML as expeditiously as possible through an initial gather, and if necessary, a follow-up gather or gathers, in order to achieve and maintain the population within AML range. Follow-up gathers to remove excess animals to achieve low AML shall be conducted as promptly as

appropriate to allow sufficient time for the animals to provide for a safe, efficient, and effective follow-up gather operation.

- Use water/bait trapping as a preferred mechanism to capture excess wild burros in circumstances where this approach is a feasible method to assist in achieving the low range of AML.

These actions, as outlined above, will allow BLM to achieve management goals and objectives of attaining a herd size that is at or within AML, to reduce wild burro population growth rates, and to obtain a thriving natural ecological balance on the range as required under the WFRHBA.

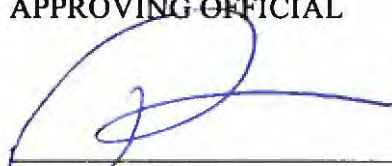
This decision is effective immediately pursuant to 43 CFR 4770.3(c).

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

MAY 27 2025



Perry B. Wickham
Tonopah Field Manager

Attachment:
Form 1842-1