



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Winnemucca District Office  
5100 E. Winnemucca Blvd.  
Winnemucca, Nevada 89445  
<http://www.blm.gov/nv>

In Reply Refer To:  
4720 (NVW0300)

## DECISION

### **McGee Mountain HMA Water/Bait Gather Winnemucca District Drought Response Plan DOI-BLM-NV-W000-2013-0001-EA**

## INTRODUCTION

The Bureau of Land Management (BLM) Winnemucca District, Humboldt River Field Office (HRFO) will be conducting wild burro gathers using water/bait trapping over a four month period to remove localized groups of excess wild burros outside of the boundaries of the McGee Mountain Herd Management Area (HMA) on both BLM administered and private land beginning in late July 2015.

Due to the current prolonged extreme drought conditions, large numbers of wild burros have moved outside the boundaries of the McGee Mountain HMA in search of forage and water. 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 boundaries of the HMA. This movement of wild burros onto lands outside the HMA has caused increased pressure on saltgrass meadows in the lower elevations and on private hay meadows. On May 7, 2015, and May 18, 2015 BLM received letters from private landowners requesting the BLM remove the wild burros from the private ground as soon as possible; many phone call requests to remove wild burros from private lands have also been received in 2014 and 2015. The letters describe the private property damage caused by the excess wild burros and the increased numbers of wild burros that are searching for water and forage on private lands. The current range conditions in the McGee Mountain HMA shows heavy utilization attributable to wild burros on perennial grass understories, the bud sagebrush component is senescing, and the wild burros are expanding their search for forage and water to the private land and rangelands outside of the HMA.

On May 30, 2013 the Winnemucca District Drought Response Plan Environmental Assessment (EA) DOI-BLM-NV-W000-2013-0001-EA (WD Drought EA) was made available to the interested public for a 30 day comment period. All comments were reviewed and considered prior to completion of the WD Drought EA. The EA and associated documents can be viewed at <https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=35505&dctmId=0b0003e880457b36>.

The McGee Mountain HMA is located approximately 100 miles northwest of Winnemucca, Nevada, and 15 miles west of Denio, Nevada, within Humboldt County. The Black Rock Field Office (BRFO) is the lead office for preparation of the McGee Mountain HMA Water/Bait Gather DNA, planning, and implementation of the gather.

The current estimated population for the McGee Mountain HMA is 146 wild burros, not including 2015 foals, based off of a USGS population modeling report dated May 5, 2015. The Appropriate Management Level (AML) range for the McGee Mountain HMA gather area is 25-41 wild burros.

Table 1 below displays the Appropriate Management Levels (AMLs) for the McGee Mountain HMA Gather Area.

**Table 1. Summary of Wild Burro Population Information**

HMA	AML	Current Population Estimate
McGee Mountain	25-41	146

The AML is defined as the number of wild horses or burros that can be sustained within a designated HMA which achieves and maintains a thriving natural ecological balance in keeping with the multiple-use management concept for the area. The AML for the McGee Mountain HMA was established through land use plans and Final Multiple Use Decisions following a public decision making process that provided opportunity for input and comment by members of the interested public. The AML was established following the collection, analysis, and interpretation of monitoring data, which included precipitation, use pattern mapping, trend, production, census/inventory, and carrying capacity analysis.

The upper levels of AML established for the McGee Mountain HMA represent the maximum population for which a thriving natural ecological balance and multiple use relationship on the public lands can be maintained. The lower level represents the number of animals that should remain in the HMAs following a wild burro gather in order to allow for a periodic gather cycle. “Proper range management dictates removal of burros before the herd size causes damage to the range land. Thus, the optimum number of burros is somewhere below the number that would cause resource damage” (118 IBLA 75).

The McGee Mountain HMA Gather Area was last gathered in January 2012, when a total of 131 wild burros were removed in association with the Tri-State-Calico Complex Wild Horse and Burro Gather. An estimated 45 burros remained on the HMA post gather.

The BLM will be implementing the following Drought Response Action (DRA) as detailed under the proposed action in the WD Drought EA.

#### ***DRA: Wild Horse and Burro Removal***

A drought gather would be employed as a last resort and would only occur if the following conditions apply:

- 1) It is determined that drought conditions have resulted in insufficient amounts of forage and/or water to support the existing population of wild horses and/or burros within a HMA.
- 2) All other feasible DRAs have been exhausted and removal is needed for immediate protection of wild horses and burros and rangeland resources.

Pursuant to 43 CFR §4710.5, areas of allotment(s) that overlap with the HMA(s) would be temporarily closed to livestock grazing if necessary to protect the health of wild horses and burros or their habitat.

If a drought gather is implemented, wild horses and/or burros would be removed from the range at varying levels in order to prevent suffering and death due to drought conditions on the range and to minimize degradation of resources affected by drought as well as impacts to private lands.

The following DRAs would be used either separately or in combination:

### **Bait or Water Trapping**

When feasible and appropriate, bait and/or water trapping would be considered to capture wild horses or burros that need to be removed from the range in response to drought. Bait or water trapping may be selected unless the following circumstances apply:

- The number of water sources results in wild horses and/or burros being too dispersed;
- The location of water sources are too remote and restrict access for trap set up and animal removal;
- The area lies within a wilderness or wilderness study area;
- The urgency of animal removal (i.e. significant decline in animal body condition, death of animals) requires immediate action and utilization of alternate removal methods;
- The number of animals needing to be removed is in excess of bait or water trapping capabilities; or
- The animals needing to be removed are too wary of human activities and presence and an attempt to water or bait trap would cause suffering and potential death to wild horses or burros due to their own hesitation to enter a trap.

Bait and/or water trapping requires many days and weeks to remove a substantial number of animals from an area. This option could be employed where small numbers of animals need to be removed, where it is deemed that the geography and resources of the HMA would ensure success, or in combination with helicopter gathers.

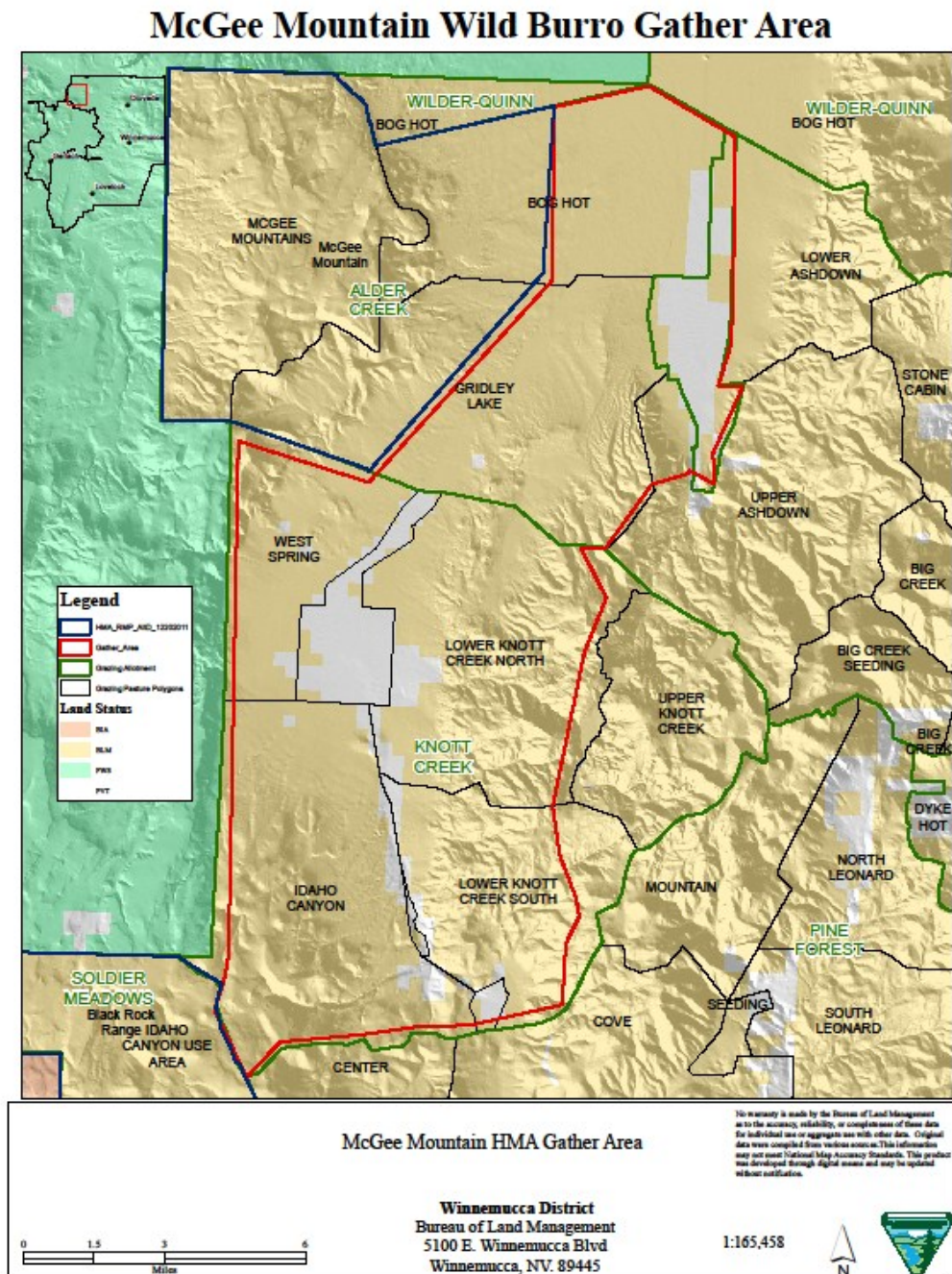
### **DECISION**

It is my Decision to select and implement the DRA for removal of excess wild burros as described under the proposed action in the WD Drought EA (DOI-BLM-NV-W000-2013-0001-

EA). This decision is further informed by the McGee Mountain HMA Water and Bait Trap DNA (DOI-BLM-NV-W000-2015-0004-DNA).

This Decision constitutes my Final Decision to gather and remove up to 125 excess wild burros from outside the boundaries of the McGee Mountain HMA and on adjacent private lands to which wild burros have moved due to population pressures, limited forage and no naturally occurring water sources within the HMA boundary, and to manage the public lands within the gather area for a thriving natural ecological balance. Removals would not result in reduction of the population below the AML range of 25-41 wild burros unless emergency conditions develop during the gather period that threaten the health of the remaining wild burros or the long-term recovery of rangeland resources. Potential gather locations will be located on private land, and BLM administered land outside of the HMA boundaries.

Figure 1. McGee Mountain HMA Gather Area



Water/bait trapping to remove wild burros from site specific areas would be conducted periodically over a four month period following the date of this decision based on available funding and holding space as well as other National priorities. The majority of the wild burros will be trapped on private land; other potential trap sites will be located on BLM administered

land outside of the McGee Mountain HMA. Pursuant to Title 43 of the Code of Federal Regulations (CFR) §4770.3(c), this decision is effective immediately.

**RATIONALE:**

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. The gather is also necessary 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 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.

Based on the analysis of potential environmental impacts detailed in the WD Drought EA, it was determined that the impacts associated with the Proposed Action are not significant. This is documented in the attached Finding of No Significant Impact (FONSI).

Based on the McGee Mountain HMA Water and Bait Trap DNA there are no potential impacts that were not already discussed in the WD Drought EA.

Monitoring Information:

The perennial key forage species (Indian ricegrass, Bottle Brush squirreltail, Saltgrass, 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 forage and water. With the summer heat, wild burros are expected to continue to further impact public rangeland as well as private property.

The 2015 growing season has resulted in some shrub growth on the bud sage, 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 (Bog Hot, Gridley Lake, McGee Mountain, and Fenced Federal) that the wild burros are utilizing currently continue to show signs of drought stress and are being impacted by overgrazing use by wild burros. The same issues have been documented in the Knott Creek Allotment pastures (Lower Knott Creek North, Lower Knott Creek South, Idaho Canyon, and West Spring) utilized 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 HMA.

In addition to degradation of rangeland and lack of forage, the wild burros are also competing heavily with native wildlife including Greater sage-grouse (*Centrocercus urophasianus*), pronghorn (*Antilocapra americana*), and mule deer (*Odocoileus hemionus*) that also depend on these areas for forage. The gather area encompasses Preliminary Priority Habitat (PPH), Preliminary General Habitat (PGH), and Mapped Habitat for sage-grouse, as shown in the attached map. The current population of wild burros is above the level determined to result in a thriving natural ecological balance. Removal of excess wild burros that have moved outside of the HMA is necessary in order to allow for drought recovery and upward trends in rangeland health, to protect important wildlife habitat, ensure long term health and success of wild burros, and to prevent starvation and death of individual animals due to lack of forage and water.

- In recent years, large numbers of wild burros have moved outside the boundaries of the McGee Mountain HMA as there are no naturally occurring water sources within the boundaries; due to the prolonged drought the catchment reservoirs have not filled up with enough water to support the wild burros through the summer months. This has caused increased pressure on saltgrass meadows in the lower elevations and on private hay meadows. Letters were received on May 7, 2015, and May 18, 2015 requesting the BLM to remove all the wild burros from private lands as soon as possible. The letters describe the private property damage and the increased numbers of wild burros outside the HMA that are searching for water and forage as the native rangelands have become depleted. Water is a limited resource within the McGee Mountain HMA Gather Area and becomes a limiting factor when wild burro populations exceed the high range of AML.

#### Removal Needs:

The gather is needed to remove excess wild burros and to reduce the wild burro impacts that have been documented to specific riparian, upland, and private property areas.

The action will:

- Help reduce pressure on site specific riparian and upland rangeland resources outside of the HMA;
- Protect areas not managed for wild burros from the deterioration associated with the wild burro overpopulation;
- Allow BLM to manage for a thriving natural ecological balance and multiple use relationship on public lands consistent with the provisions of Section 1333(a) of the Wild Free-Roaming Burros and Burros Act of 1971 (WFRHBA); and
- Manage for wild burros within the HMA by removing excess wild burros that have moved onto lands that are not managed for wild burros.

#### Implementation of the DRA will:

- Conduct targeted removals of excess wild burros outside of the HMA that are impacting site specific upland, riparian, and private land areas;
- Promote vegetative health by preventing over utilization and/or use by wild burros during critical growth periods during the extended period of drought for perennial grasses in site



specific upland, wetland and stream bank riparian habitats associated with the McGee Mountain HMA Gather Area;

- Remove excess wild burros that are residing outside of the McGee Mountain HMA in areas that are not designated for wild burro management;
- Trapping is a low stress and largely passive capture method that is not expected to have harmful effects to jennies and/or foals; and
- Promote the improvement of wild burro habitat within the McGee Mountain HMA Gather Area by allowing rangeland health to improve and by avoiding impacts from an overpopulation of wild burros. This will result in significant progress towards attainment of Standards for Rangeland Health and ensure healthy populations of wild burros for generations to come.

#### Prevention of emergency situation:

The population within the McGee Mountain HMA Gather Area is in excess of the established AML range. The AML range represents the number of wild burros that achieves and maintains a thriving natural ecological balance consistent with other multiple-uses. The HMA is 356% above the established high end of the AML range and 584% above the established low end of the AML range. Monitoring data confirms that the current over-population of wild burros is adversely impacting rangeland resources and is in excess of the amount of forage and water needed to maintain healthy herds.

The Great Basin of Nevada is arid with precipitation levels in the valleys of 6-8", reaching 12-16" in the high elevations. Drought occurs an average of 4 out of every 10 years, which substantially reduces forage and water sources important for wild horses and burros, wildlife, and domestic livestock. Serious drought conditions continue to be experienced throughout Nevada in 2015. Throughout the McGee Mountain HMA Gather Area drought is expected to persist or intensify according to the June 18, 2015 U.S. Seasonal Drought Outlook.

The McGee Mountain HMA Gather Area has been experiencing severe and extreme drought with little to no growth of perennial grasses and shrubs since 2012. Within the McGee Mountain HMA Gather Area, water sources are limited to ephemeral water catchments that already have or are drying up. An overpopulation of wild burros compounded by extreme drought conditions limiting the available water sources has resulted in high concentrations of wild burros on the remaining waters and on private land, placing even greater pressure on these limited waters. Outside the HMA large numbers of excess wild burros stay at water sources waiting for the small sources to recharge so that they can continue drinking, hesitant to leave even when approached by humans.

Forage in the low- and mid- elevations is also extremely limited and has experienced heavy and severe grazing use by wild burros. As a result, there is very little forage left in these areas to support the current over-population of wild burros through the summer.

Failure to timely gather and remove excess wild burros outside of the HMA could result in further declines in wild burro body condition, suffering, and possible death due to starvation from lack of adequate nutritious forage and water. Foals and jennies would be expected to be the



most affected. Delays in removal of excess animals could cause further damage to private property caused by wild burros searching for forage and water. Failure to proactively gather the wild burros could result in the need to conduct an emergency gather of thin, weakened animals. Experience has shown that gathers involving animals in depleted health (thin, weak) can result in higher death loss of the wild burros during the gather as well as in short term holding facilities as their bodies are so badly malnourished that they are less able to acclimate to feed.

If conditions degrade this far, wildlife suffer as well, as forage needed for their survival has been consumed. Pronghorn, mule deer and other wildlife would likely experience death and poor reproduction. Impacts to the resources may take many years to be reversed, and many areas of range resources could be damaged irreversibly by the time an emergency is declared. Allowing conditions to degrade to the point that there is a need for an emergency wild burro gather does not promote long term animal health or rangeland health and is not consistent with the WFRHBA, regulations or humane treatment mandates.

#### Necessity of Prompt Removal of Excess Wild Burros

The current population of approximately 146 wild burros exceeds the AML range established through prior planning level and Land Use Plan Decisions. Through analysis of monitoring and inventory data and other documented factors, BLM has determined that wild burros continue to impact upland, riparian, and private land areas within the McGee Mountain HMA Gather Area and need to be removed in order to restore a thriving natural ecological balance, protect animal health, allow for range resource recovery from severe/extreme drought, prevent further degradation, and allow for recovery of rangeland health. The WFRHBA requires the BLM to remove excess wild burros from the range. The implementing regulations and other policy support the need to remove excess wild burros from the range. To delay a gather would not be consistent with existing law, resource stewardship responsibilities, or humane management of wild burros on the public lands.

One letter from a private land owner states that 50 wild burros have frequently been seen on his private land. The wild burros have been causing damage to agricultural fields as well as to private fences and water troughs. A second letter from a private land owner has also described damage to the agricultural fields and fences on his private land. The removal of excess wild burros will decrease the pressure to the private lands and damage to private property.

#### Potential Damage to Rangeland and Riparian Resources

The rangeland and riparian resources within the McGee Mountain HMA Gather Area are detailed in monitoring reports. Due to the inherent low precipitation levels, poorly developed soils and frequency of drought, native plant communities are easily degraded by overuse by grazing animals, especially during drought years.

Much of the habitat within the McGee Mountain HMA Gather Area is characterized by a lack of key perennial grass species and in many cases key grass species that are important forage for wild burros are missing completely due to historical overuse. Many upland areas have been heavily impacted by wild burros and perennial herbaceous plants have undergone early

senescence due to the ongoing drought. Riparian areas and springs within the McGee Mountain HMA Gather Area have been heavily and severely impacted by wild burros, especially during summer months when waters are extremely limited, increasing the level of use of remaining waters and private land. Heavy and concentrated use by wild burros has degraded many of the riparian areas within the Gather Area. Resource Advisory Council (RAC) Standards for Rangeland Health are not being met and wild burros have been identified as causal factors. Monitoring has documented heavy and severe use of forage by wild burros, trampling of riparian areas, and severe trailing to waters. Monitoring has also indicated that as the population of wild burros has increased, so has the frequency and severity of documented impacts.

Substantial improvement to degraded rangeland will require many years to attain and will require proper management of grazing animals – including wild burros -- in these areas so that rangeland health continues to improve and improvements are not reversed. Changes to livestock management have been and will continue to be made following Rangeland Health Assessments and separate grazing decisions. A reduction in livestock grazing within the Gather Area has already occurred due to voluntary non-use during the drought. Reducing wild burro populations by removing excess wild burros near site specific upland, riparian, and private land areas is essential in order to foster improvement of the rangeland health within the McGee Mountain HMA and Gather Area.

Completing the proposed gather will help reduce further degradation and reduce negative trends by eliminating heavy and severe use levels, reduce the severity of trailing, soil disturbance, and hoof action. Delaying this gather would result in continued severe impacts to the upland and riparian resources through excessive utilization, trailing, and trampling, irreparably deteriorating the health of these sensitive desert ecosystems and precluding rangeland health improvements and recovery that could otherwise occur.

In accordance with 43 CFR § 4720.1, upon examination of current information, I have determined that an excess of wild burros exists, that wild burros are on private property, and that the excess animals should be immediately removed. I have also determined that immediate action is necessary to protect wild burro health, reduce rangeland degradation caused by an overpopulation of wild burros, reduce impacts to private lands, and to promote a thriving natural ecological balance. Delaying a gather could result in current conditions evolving into an emergency situation that could lead to the death of individual animals and the potential for irreparable loss of native vegetative communities as a result of overgrazing use.

## PUBLIC INVOLVEMENT

On May 30, 2014 the WDO released the WD Drought EA to individuals, agencies and organizations on the interested public list for the Winnemucca District and issued a news release informing the public of the opportunity to submit comments and recommendations for the completion of the WD Drought EA. Comments received were considered in preparation of the Preliminary WD Drought EA.

On May 30, 2014 the Preliminary WD Drought EA was made available to the public for a 30 day comment period. The Preliminary EA was also made available to the Nevada State

Clearinghouse which made the notification letter and EA available for review by over 50 different local, county, state, and federal agencies from around the state. The Preliminary EA was posted on the Winnemucca District website and NEPA Register.

All comments were reviewed in the preparation of the Final WD Drought EA. These comments were summarized within the Final EA. Comments ranged from questions seeking additional information or clarification to comments for or against the Drought Response Actions. Some additions were made to the EA for clarification purposes; however, no substantial modifications were made to the EA as a result of the comments received.

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 cattle they are grazing.

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

## **AUTHORITY**

The authority for this decision is contained in Section 1333(a) of the WFRHBA, Section 302 (a) and (b) of the Federal Land Policy and Management Act (FLPMA) of 1976, the Public Rangelands Improvement Act (PRIA) of 1978 (Pub. L. 95-514, Sec. 4) and at 43 CFR § 4700.

### **43 CFR § 4700.0-6 Policy.**

- (a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
- (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;
- (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

### **43 CFR § 4710.4 Constraints on Management**

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

### **43 CFR § 4720.1 Removal of excess animals from public lands**

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately in the following order.

- (a) Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title; (b) Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title; and
- (c) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this part<sup>1</sup>

#### **43 CFR § 4740.1 Use of motor vehicles or aircraft**

(a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses and burros for capture or destruction. All such use shall be conducted in a humane manner.

(b) Before using helicopters or motor vehicles in the management of wild horses and burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

#### **43 CFR § 4770.3 Administrative Remedies**

(a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR, part 4.

(c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

**43 USC Sec. 1901(4):** Continue the policy of protecting wild free-roaming horses and burros from capture, branding, harassment, or death, while at the same time facilitating the removal and disposal of excess wild free-roaming horses and burros which pose a threat to themselves and their habitat and to other rangeland values.

**42 USC Sec. 1732(b):** In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.

## **APPEAL PROVISIONS**

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1. The Bureau of Land Management is currently not implementing this portion of the CFRs. Future decisions regarding this option would not occur before public involvement and comment. Healthy wild burros that are not adopted are transported to long term holding pastures or are sold (with limitations) to private individuals, but are not sold to slaughter nor euthanized.

Within 30 days of receipt of this wild horse and burro decision, you have the right to appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR Part 4. If an appeal is taken, you must follow the procedures outlined in the enclosed, “Information on Taking Appeals to the Interior Board of Land Appeals.” Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days of receipt of this decision you have a right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43 CFR § 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the enclosed form 1842-1 titled “Information on Taking Appeals to the Interior Board of Land Appeals.” The appellant has the burden of proof to demonstrate that a stay should be granted.

A petition for a stay of the 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.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR § 4.401 (c) (2)).

Sincerely,

/s/ Victor Lozano  
Victor Lozano  
Acting Manager,  
Humboldt River Field Office

7/29/2015  
Date

Attachments:

Greater Sage Grouse Habitat Map  
March 13, 2015 Monitoring Memo  
Photos  
FONSI WD Drought EA

Cc:

Alder Creek Ranch LLC Attn: Buck Johnson  
Denise Bolbol  
Department of Administration  
Friends of Nevada Wilderness  
Humboldt County Commissioners  
James Shepherd  
Knott Creek Ranch Attn: Kim Summers  
NDOW-Fallon  
NDOW-Reno Attn: Mark Freese  
NDOW-Winnemucca  
Nevada Cattlemen's Association  
Resource Concepts Inc.  
The Cloud Foundation  
US Fish and Wildlife Office  
Western Watershed Project  
Wild Horse Education  
Wildlands Defense

## McGee Sage Grouse Habitat

