

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

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**Project Lead:** John Axtell

**Field Office:** Stillwater Field Office

**Lead Office:** Stillwater Field Office

**Case File/Project Number:** N/A

**NEPA NUMBER:** DOI-BLM-NV-C010-2017-0030-DNA

**Project Name:** Marietta Area Bait and Water Gather

**Applicant Name:** BLM

**Project Location:** Mineral County Nevada, south of the Excelsior Mountains near the old Marietta town site including Teels Marsh; and Hwy 95 and State Routes 359 and 360 corridors. T 3 N through T 9 N; R 29 E through R 35 E.

**A. Description of the Proposed Action and any applicable mitigation measures:**

On December 5, 2011, BLM issued a decision to gather 151 excess wild horses and burros from within and outside the Marietta Wild Burro Range (MWBR) using a helicopter gather as the primary gather mechanism, supplemented by bait and water trapping. The gather operations authorized for the MWBR in the 2011 decision were delayed in anticipation of funding availability, but have not been implemented to-date due to insufficient funding and resource availability. Today, the wild horse and burro population has further increased, causing adverse resource impacts due to overpopulation – both within and outside the MSBR – and posing public safety risks from vehicular collisions with burros on public highways and roads.

In order to address the continued and expanded presence of excess wild horses and burros within and outside the MWBR, the Proposed Action is to conduct a bait and water trap gather operation to gather and remove approximately 125 excess wild burros from within and outside the Marietta Wild Burro Range (MWBR) and as many of the 48 wild horses from within the MWBR as can be trapped. Capacity at holding corrals will only allow for a combined total of 125 burros and horses to be removed during this gather which is less than the 151 animals authorized in the 2011 decision. Priority will be given to removal of horses from areas inside the MWBR and to removal of burros outside of the HMA, especially those along Highway U.S. 95, and State Routes 359 and 360 as discussed in Section 1.1 Purpose and Need of the proposed action in the *Garfield Flat and Marietta Herd Management Area Gather Plan Environmental Assessment* (EA) (DOI-BLM-NV-C010-2011-0529-EA) December 5, 2011. Depending on animal distribution it is anticipated that four to seven temporary trap sites would be utilized for the gather and one temporary holding corral, though it is possible more trap sites will be used. Cultural resources would be avoided through standard measures outlined in the *State Protocol Agreement between The Bureau of Land Management, Nevada and The Nevada State Historic Preservation Officer for Implementing the National Historic Preservation Act* (Revised 2014). All applicable mitigation measures identified in the 2011 EA for wild horse and burro gather operations would be implemented.

Bait and water traps would be set in a high probability areas for capturing excess wild burros and horses residing within the area, and at the most effective time periods, time is required for the animals to acclimate to the trap and/or decide to access the water/bait.

Trapping involves setting up portable panels around an existing water source or in an area actively used by wild burros or horses, or around a pre-set water or bait source. The portable panels would be set up to allow wild burros or horses to go freely in and out of the corral until they have adjusted to it. When the animals fully adapt to the corral, it is fitted with a gate system. The acclimation of the animals creates a low stress trapping method. During this acclimation period the animals would experience some stress due to the panels being setup and perceived access restriction to the water/bait source.

When actively trapping animals, the trap would be staffed or checked on a daily basis by either BLM personnel or authorized contractor staff. Animals would be either removed immediately or fed and watered for up to several days prior to transport to a holding facility. Existing roads would be used to access the trap sites.

Gathering excess animals using bait/water trapping could occur at any time of the year and traps would remain in place until the target number of animals are removed. Generally, bait/water trapping is most effective when a specific resource is limited, such as water during the summer months. For example, in some areas, a group of animals may congregate at a given watering site during the summer because few perennial water resources are available nearby. Under those circumstances, water trapping could be a useful means of reducing the number of animals at a given location, which can also relieve the resource pressure caused by too many animals. As the proposed bait and/or water trapping in this area is a low stress approach to gathering wild burros or horses, such trapping can continue into the foaling season without harming the mares or foals.

## **Background**

The Carson City District Marietta Wild Burro Range (MWBR) has an appropriate management level (AML) range of 78 to 104 burros, and manages for no horses. The AML was set through a Multiple Use Decision (1998) for the MWBR at a level designed to maintain the wild burro population at a level commensurate with the capability of the MWBR to produce forage grasses. Management of burros at the AML level would sustain grazing by burros, Bighorn sheep and pronghorn and therefore maintain a natural ecological balance that would avoid degradation of the range. There is no domestic livestock grazing in the MWBR. The AML was set as a range of 78 to 104 burros so the population could be reduced during gathers to the low range of AML, which would allow for an interval of four to five years before the wild burro population reaches or exceeds the high end of AML.

Current wild burro and wild horse population impacts in the MWBR have reduced the native bunch grasses which they rely on for forage, forcing the animals to consume lower quality native brush species. Though Riparian Functionality has not been completed for the springs within the MWBR, many if not most appear to be non-functional, which adversely affects spring flow and stability and many native species of wildlife that depend on these riparian areas, for their habitat needs. Spring snails, a sensitive BLM species have very specific habitat requirements and are

present within two of the springs impacted by the excess numbers of wild burros and horses within the MWBR.

Due to overgrazing by the excess numbers of wild burros and wild horses within the MWBR, many of the desirable native grass plants have disappeared. With limited habitat resources remaining within MWBR due to over population and overgrazing, an increasing number of burros are leaving the range in search of forage in areas not managed for burros. Excess burros have also become nuisance animals in the town of Mina and pose public safety concerns along Hwy 95, State Routes 359 and 360 where they have been involved in vehicular accidents that threaten the safety of motorists and wild burros. Since April 2015, BLM has received reports from the Nevada Highway Patrol and State Brand Inspector that 28 burros associated with the MWBR were killed in vehicle accidents. The Highway Patrol Officers have stated that these numbers are likely to undercount actual collisions since semi-trucks rarely report collisions with burros.

Because of the excess numbers of burros and limited water sources, burros and horses frequently congregate at natural springs within the MWBR. This negatively impacts the Bighorn sheep that come down from the Excelsior Mountains and adjacent ranges to the west utilizing these springs during the dry season since they will not access springs if horses or burros are nearby. Pronghorn will also avoid use of springs if more than a few horses or burros are present.

The last helicopter gather occurred in 1987, when 94 burros were removed from the MWBR. Since that gather, there have been five limited removals of nuisance burros that have occurred along the highways near Mina totaling 45 burros. The CCDO has received numerous reports regarding vehicular accidents involving wild burros as well as reports of private property concerns. The most recent helicopter inventory of MWBR occurred in November 2015 and resulted in a population estimation of 265 burros, of which 132 were located outside of the MWBR. In addition, 37 wild horses, which most likely originated from Garfield HMA or Tonopah, were counted within the MWBR. These horses compete with the burros for the limited forage and water resources. The current population estimate is 341 wild burros inside and outside of the MWBR and 48 wild horses inside the MWBR based on natural reproduction rates.

During gather operations, motorized vehicles will remain on existing routes. Off-road use of motorized vehicles on public lands will not be authorized.

**Mitigation measure.** When actively trapping wild burros and horses, the trap would be staffed or checked on a daily basis by either BLM personnel or authorized contractor personnel. Horses and burros would be removed immediately or transferred to the temporary holding corral and fed and watered for several days prior to transport to a holding facility. Existing routes would be used to access the trap sites. All animals will be handled in accordance to IM 2013-059, Comprehensive Animal Welfare policy (<https://www.blm.gov/policy/im-2015-151-0>).

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

This action is in conformance with the Carson City Field Office Consolidated Resource Management Plan under the following sections:

- WHB-1, objective 1: “Protect, manage, and control wild horses and burros on public lands as an integral part of the public land’s ecosystem.”

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

*Garfield Flat and Marietta Herd Management Area Gather Plan Environmental Assessment* (EA) (DOI-BLM-NV-C010-2011-0529-EA), Finding of No Significant Impact and Decision Record approved on December 5, 2011. These documents are hereby incorporated by reference.

**D. NEPA Adequacy Criteria**

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

Yes. The proposed action is a feature of and substantially similar to actions analyzed within the existing NEPA document listed above. The Garfield Flat and Marietta Herd Management Area Gather Plan EA specifically analyzed alternatives for, and impacts of, removing excess wild burros and horses to bring populations back within the established AML range in order to achieve and maintain a thriving natural ecological balance between wild burros, horses and other multiple use as required under Section 1333(a) of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) and Section 301 (b) of the Federal Land Policy and Management Act of 1976. The present action’s methods, and the disturbances associated with gathering and removing excess wild burros and horses, are similar to the proposed action. The proposed gather location is in the same geographic area inside and outside of the MWBR.

The 2011 EA analyzed the removal of a total of 151 excess animals from within and outside the MWBR, which included 85 excess wild horses and 66 excess wild burros, in order to leave approximately 78 burros inside the MMWBR (at the low end of AML). Today, the wild burro population has grown to an estimated population of 341 wild burros. Although the removal of 125 burros is higher than the 2011 planned removal of 66 burros, the total number of animals (horses and burros) that would be removed from within and outside of the MWBR would be less than the 151 excess animals authorized in the 2011 EA. Due to the population increase over the last six years, the proposed action would only achieve a reduction of 36 percent of the total burro population. This is less than the reduction of 46 percent of the total population authorized in the Decision Record for the EA. As with the no action alternative analyzed in the 2011 EA, this removal would not achieve the final AML objectives for the MWBR but would relieve some pressure off of limited resources (forage plants, riparian areas, and water sources) and address public safety and private property concerns caused by the over population of wild burros and horses.

At the national level, gather removals are based on national priorities and budget for gather operations. The national program also needs to consider budget concerns regarding long-term care of excess un-adopted wild horses that have been moved to off range pastures.



The current estimated wild horse population within the MWBR is lower than the 2011 census possibly due to the recent drought, lack of adequate forage and overpopulation. During the 2014 census approximately 10% of the horses seen were in very poor condition. Any horse that is captured within the MWBR would be removed consistent with the proposed action in the 2011 EA and 2011 Decision. Horses would not be captured outside of the HMA because the 2011 E.A did not address horses outside of the MWBR.

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

Yes, the range of alternatives analyzed in the existing NEPA document remains appropriate to the proposed action. The 2011 EA analyzed helicopter gather techniques as the primary gather method and bait and water methods as a secondary technique. Based on observations of areas where animals are congregated and the capacity to remove only 125 total animals, which is a lower percentage of the total population than considered in the EA, the BLM believes that this number of animals can be captured successfully without the need for a helicopter gather.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, range- land health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action.** Spring snails have been identified at two springs where burros concentrate. If water trapping is elected at these springs the trap would be designed in a way which would not concentrate burros in stretches inhabited by spring snails. This may be accomplished by erecting the portable panels in such a way that a water trough is placed away from the active flows with a gate separating the section with the trough from the flowing water. Once burros are captured within the trap they would quickly be moved to the area away from flowing water and the gate closed separating them from the flowing water which is habitat for spring snails. These mitigation measures would assure that spring snails and there habitat are not adversely impacted by gather operations. Since wild burros and horses degrade spring snail habitat a reduction in wild burro and horse population would result in increased habitat and habitat quality for spring snails and other wildlife species requiring clean flowing water.

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

The direct, indirect, and cumulative effects of this action would be similar to those described in Chapter 4, Sections 4.2.1 and 4.4 of the EA for the proposed action and alternatives.

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

Yes. On September 26, 2011 the BLM provided a 30-day public comment period on the *Garfield Flat and Marietta Herd Management Area Gather Plan Environmental Assessment* (EA) (DOI-BLM-NV-C010-2011-0529-EA). A dear reader notification letter was sent to individuals, organizations, and agencies on the project mailing list, including the Nevada State Clearinghouse. The comment period closed on October 26, 2011. A summary of the comments

received on the 2011 EA can be found in Appendix I of the Final EA. On December 5, 2011 the BLM signed a Finding of No Significant Impact and Decision Record, which is hereby incorporated by reference.

#### E. Persons/Agencies/BLM Staff Consulted


<u>Name</u>	<u>Title</u>	<u>Initials &amp; Date</u>
Linda Appel/ <del>Mark Mazza</del> Stacy Sylvester	Rangeland Management Specialist	MM 6/29/17
Mark Mazza	Rangeland Management Specialist/ Weeds Coordinator	mm 6/29/17
Melanie Cota	Wildlife Biologist	MC 6/29/17
Melanie Hornsby	Outdoor Recreation Planner	MMH 6/29/17
Christine McCollum	Archaeologist	CLM 6/29/17
Angelica Rose	Planning & Environmental Coordinator	ARR 6/29/17
Ken Depaoli	Geologist	KD 6-29-17
Dave Schroeder	Environmental Protection Specialist	CS 6-29-17
	Lands and Realty	CS 6-29-17
Michelle Stropky	Hydrologist	MS 06/29/17
Keith Barker	Fire Ecologist	KB 06/29/17

Note: Refer to the EA for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

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

  
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Signature of Project Lead

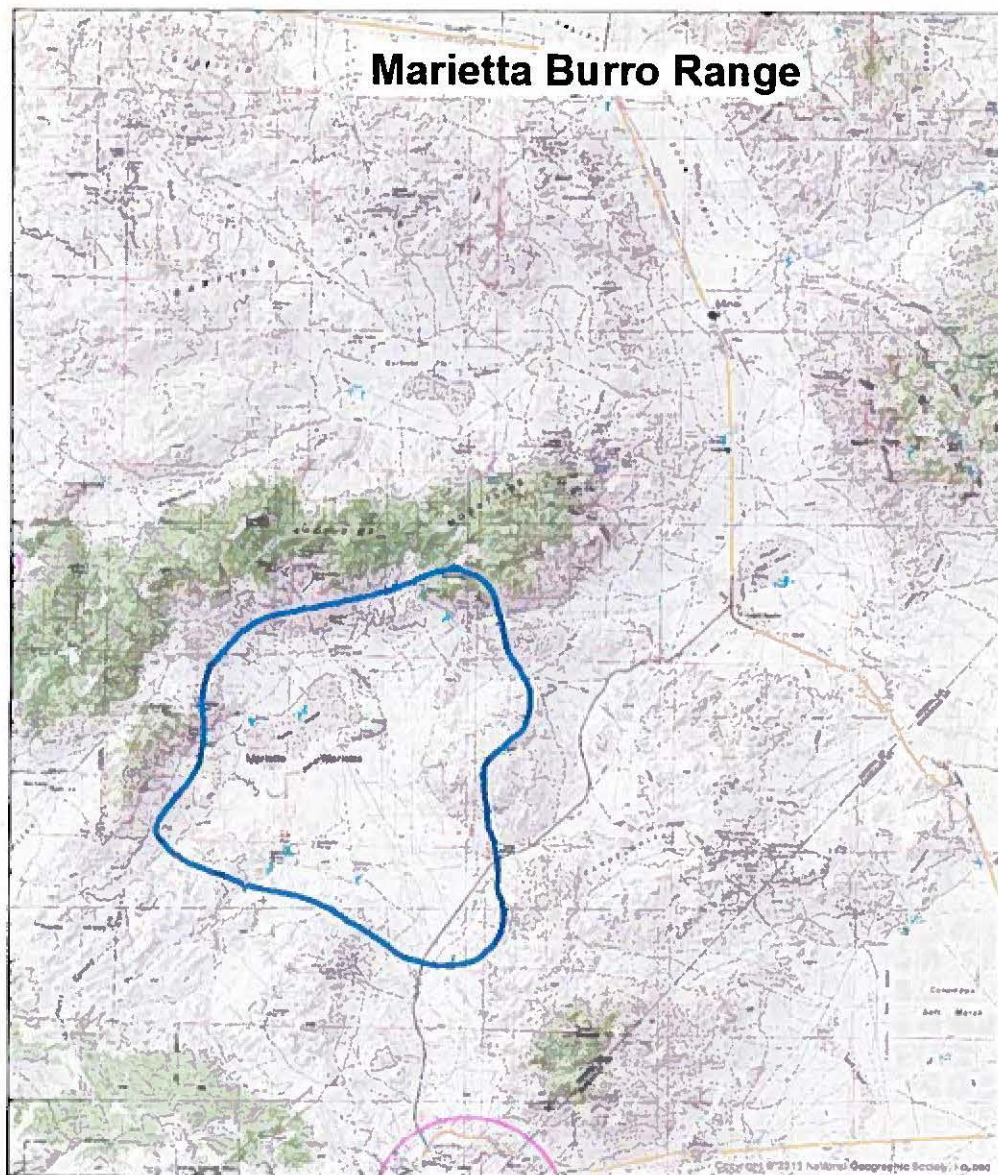
  
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Signature of NEPA Coordinator

  
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Kenneth Collum  
Field Manager  
Stillwater Field Office

Date 6/28/17


Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. See attached Decision Record for appeal information.





# **Marietta Burro Range**

## **Legend**

 Herd Management Area



## **Vicinity Map**

Cornish City District    Project Area



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