

Department of the Interior
Bureau of Land Management
Attn: George Meckfessel
Planning and Environmental Coordinator
Needles Field Office
1303 South Highway 95
Needles, CA 92363

| | |
|-----------------|-----------------|
| DOCKET | |
| 07-AFC-5 | |
| DATE | <u>02/08/10</u> |
| RECD. | <u>08/04/10</u> |

February 8, 2010

**RE: DRAFT IVANPAH SOLAR ELECTRIC SYSTEM ENVIRONMENTAL IMPACT
STATEMENT AND DRAFT CALIFORNIA DESERT CONSERVATION AREA PLAN
AMENDMENT**

Dear Public Stewards:

Please accept my comments and input into the public record regarding the Draft Ivanpah Solar Electric System Environmental Impact Statement and Draft California Desert Conservation Area Plan as well as included attachments.

I am also requesting that I be placed on the Interested Party List for any future publications, meetings or notices concerning this proposal.

Thank you for the opportunity to participate in the management of our Nation's irreplaceable resources.

Sincerely,

Cindy MacDonald
3605 Silver Sand Court
North Las Vegas, NV 89032
sacredintent@cox.net

BACKGROUND

The current proposal is to install a Solar Power Plant within the Clark Mountain Herd Area, a Congressional dedicated habitat set aside for the preservation and protection of wild burros “where presently found” in 1971 after the passage of the Wild Free Roaming Horse & Burro Act.

The Clark Mountain burros historic Herd Area was originally designated as 233,370 acres. Through BLM land use decisions and HMA designation, only 75,349 acres were deemed suitable for long-term management, a loss of 158,021 acres of habitat.

The Clark Mountain burros were one of the oldest and most unique wild burro herds in America. Living in relative isolation for four centuries, their genetic tests revealed the herd had a “high proportion of rare variants” based on genetic tests performed by leading geneticists Dr. Gus Cothrane at the behest of the National Wild Horse & Burro Program on wild herds across the West.

In 1994, with the passage of the California Desert Protection Act (CDPA), the burros only perennial water source was transferred to National Park Service (NPS) through the creation of the Mojave National Preserve. NPS then issued a General Management Plan declaring a zero burro management policy for the Clark Mountain wild burros.

On September 20, 2005, California Senator Feinstein, author of the California Desert Protection Act, issued a letter to then Secretary of the Interior Gale Norton, which stated, “...*a population of wild burros should be maintained within the Mojave National Preserve’s boundaries*” and “*I want to be on record as expressing my support for maintaining a viable and self-sustaining population of these wild burros in the Mojave National Preserve and I oppose any efforts to remove such a population.*” (See Attachment I)

No records can be found to determine if BLM initiated consultation with NPS in order to develop a Memorandum of Understanding (MOU) so that both agencies may fulfill their respective mission statements and agency objectives or that NPS ever considered the request of Senator Feinstein to implement management plans to preserve and protect the Clark Mountain wild burros found within the Mojave National Preserve.

In 2002, BLM signed the Record of Decision for the Northern and Eastern Mojave Desert Management Plan (NEMO), an amendment to the 1980 Bureau of Land Management California Desert Conservation Area (CDCA) Plan.

During the planning process of NEMO, five Alternatives were analyzed within the Draft Environmental Impact Statement, four of which continued to manage federally protected wild burros as per PL 92-195, the Wild Free-Roaming Horse and Burro Act (WFRHBA) including the Preferred Alternative.

Also included within the Alternative analyzed were upward adjustments of wild burro AML in the Clark Mountain Herd Management Area, supplying alternative water sources on public lands, modifying existing HMA boundaries to preserve and protect both wild burros and desert tortoise and initiating a five year carrying capacity range analysis.

One other Herd Management Area was also analyzed within the NEMO planning process, that being the Chicago Valley HMA. Prior to BLM issuing the NEMO ROD, the Appropriate Management Level for wild horses was 28 and wild burros was 28 in the Chicago Valley HMA.

Only two management actions were analyzed within the Alternatives presented for the Chicago Valley HMA, these being, No Action, with continued management as set forth in the CDCA and a second Alternative that proposed to reduce AMLs of wild horses from 28 to 12 and reducing AMLs for wild burros from 28 to 0.

The Alternatives presented within the NEMO DEIS indicate a wide variety of management options and mitigation measures were at BLMs disposal in order to continue to be in conformance with federal laws mandating wild horses and burros preservation and protection in self-sustaining herds on public lands administered by the BLM as per the WFRHWA.

Additionally, BLM regulations regarding land use plans require conformance with existing laws such as the WFRHBA within their existing framework; failure for land use plans to conform with pre-existing laws nullifies the decisions issued by agencies overseeing these plans.

Despite these facts and without sufficient legal authority to do so, BLM CHOOSE to completely eliminate all federally protected wild burros from Congressionally dedicated and federally designated critical habitat set aside on public lands deemed necessary to insure their preservation and protection.

On August 5th, 2009, in Colorado Wild Horse and Burro Coalition, Inc. vs. Secretary Salazar (See Attachment II), a Memorandum Opinion was issued by Judge Collyer, which stated,

“For reasons explained herein, the Court finds that BLM’s decision to remove the West Douglas herd exceeds the scope of authority that Congress delegated to it in the Wild Horse Act”.

“Under the Administrative Procedure Act (“APA”), 5 U.S.C. § 551 et. seq., “[a]gency action made reviewable by statute and final agency action for which there is no other adequate remedy in court are subject to judicial review.” Id § 704. The APA provides that the reviewing court shall “hold unlawful and set aside agency action....found to be....in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” Id § 706(2)(C).

“Congress delegated to the Secretary of Agriculture and the Secretary of the Interior jurisdiction over all wild free-roaming horses and burros “for the purpose of management and protection in accordance with the provisions of this chapter.” *Id* § 1333(a).”

“The term “range” is defined as “the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands.” 16 U.S.C. § 1332(c).”

“Congress stipulated five conditions upon which the animals “shall lose their status as wild free-roaming horses or burros and shall no longer be considered as falling within the purview of this chapter.” *Id.* § 1333(d).”

“Defendants assert that implicit in BLM’s authority to “manage” wild free-roaming horses and burros in § 1333(a) is the discretion to remove the very animals that Congress intended to protect in the Wild Horse Act.”

“The Court declines to afford BLM’s interpretation deference. *E.g., Am. Horse Prot. Ass’n, Inc. v. Watt*, 694 F.2d 1310, 1319 (D.C. Cir. 1982) (noting that under the Wild Horse Act “the Secretary’s discretion remains bounded” and that “[h]is orders are subject to review and may be overturned if his action is arbitrary”).”

“For the following reasons, the Court finds that Congress clearly intended to protect non-excess wild free-roaming horses and burros from removal, and that BLM’s removal authority is limited to those wild free-roaming horses and burros that it determines to be “excess animals” within the meaning of the Wild Horse Act.”

“It would be anomalous to infer that by authorizing the custodian of the wild free roaming horses and burros to “manage” them, Congress intended to permit the animals’ custodian to subvert the primary policy of the statute by capturing and removing from the wild the very animals that Congress sought to protect *from* being captured and removed from the wild.”

“In light of the statute’s purpose to protect wild free-roaming horses and burros, the Court finds that the only plausible inference to be drawn from the omission of any procedure for removing non-excess animals is that Congress did not intend for BLM’s management authority to be so broad.”

“A prerequisite to removal under the Wild Horse Act is that BLM first determine that an overpopulation exists and that the wild free-roaming horses and burros slated for removal are “excess animals.”

The Secretary of the Interior and BLM had overstepped their authority by issuing “zero AMLs” for federally protected habitat and herds by declaring every animal in the Clark Mountain Herd Area as “excessive” with no data to support the issuance of the 2002 NEMO ROD. The Wild Free-Roaming Horse & Burro Act provides no authority to issue a “zero AML” and/or remove all or any “non-excessive” wild horses and burros from federally designated Herd Areas.

This ruling is especially pertinent to BLM managed lands that have issued zero AMLs for wild burro herds such as the Clark Mountain and Chicago Valley Herd Areas as a federal court has deemed the BLMs decision of a “zero” population for animals that Congress and federal law obviously intended to protect within their federally designated and protected habitat is being done without the appropriate federal authority to issue such a decision or implement such an action.

Therefore, though the 2002 NEMO decision had 4 out of 5 alternatives that were capable being in conformance with the Wild Free-Roaming Horse and Burro Act by providing mitigation measures to preserve and protect them in balance with other uses. BLM demonstrated an abusive of authority and discretion by arbitrarily choosing an Alternative to issue “zero” AMLs for the Clark Mountain burros, even though lawful Alternatives were available.

A land use plan arbitrarily and capriciously authorized “zero” wild burros even though Alternatives presented in the NEMO Amendment indicated that there were mitigation measures available to BLM to utilize to find an appropriate number of wild populations that could exist in a thriving natural ecological balance with other uses. BLM used no data to support this decision and therefore, the land use plan must be revisited and amended to incorporate, or should I say, re-incorporate the original intent and foundation of federal law requiring the Secretary of the Interior to exercise their discretion in ways that both preserve and protect these irreplaceable resources for the benefit and future enjoyment of the American public within the thriving natural ecological balance and multiple use relationship for public lands.

The test as to appropriate wild horse population levels is whether such levels will achieve and maintain a thriving ecological balance on the public lands. Nowhere in the law or regulations is the BLM required to maintain any specific number of animals or to maintain populations in the number of animals existing at any particular time *Dahl v. Clark, supra*, at 595. A determination that removal is warranted must be based on research and analysis, and on monitoring programs, which include studies of grazing utilization, trends in range conditions, actual use, and climactic factors. Michael Blake, *supra*: Animal Protection Institute of America 109 IBLA 112, 120 (1989); see Craig C. Downer, 111 IBLA 339 (1989) (emphasis added)

Furthermore, BLM records of rangeland health surveys prior to 2002 indicated no rangeland deterioration was noted at the prior AMLs within the Clark Mountain HMA, then established at 44 wild burros. Also, no current data or rangeland surveys prior to the 2002 NEMO amendment and decision were conducted or utilized in support of this decision.

In the Environmental Assessment (CA-690-EA04-27) issued by the Needles Field Office, the BLM attempted to imply that the total elimination of all wild burros within the Clark Mountain Herd Area was required to conform to initiate measures for protection and necessary for the recovery of the Desert Tortoise within the Ivanpah area.

With respect to noted impacts by wild burros to desert tortoise, no data, viable information or studies were done within the Clark Mountain area regarding either their impacts to rangeland health or their effects on desert tortoise whatsoever.

In 2005, U.S Geological Survey (USGS) issued a report titled, “Threats to Desert Tortoise Populations: A Critical Review of the Literature”. Only one paragraph was included regarding wild horses and/or burros impacts on the threatened desert tortoise found on page 57. Here is the exact conclusion presented by USGS within that analysis; *“Wild burro and tortoise ranges overlap in some places, but the overlap is quite low in the West Mojave. No published studies were found that investigated the impact burros or horses (neither of which are native to North America) have on tortoise populations. The primary effect is likely to be habitat alteration through soil compaction and vegetation change. Burro populations are probably not extensive enough in most areas to pose a major threat to tortoise populations, but this is speculative.”*

As it clearly states, USGS could find NO PUBLISHED STUDIES TO SUPPORT WILD BURROS POSE A THREAT TO DESERT TORTOISE! Additionally, even the scant suggestions of what their impacts might be was determined as speculative only.

In JSTOR: Conservation Biology, Vol. 15, No. 4 (August 2001) pp. 1091-1101, “Effects of Grazing on the Demography and Growth of the Texas Tortoise” author Richard T. Kazmaier presented the abstract of the study as, *“Our data were consistent with a general model of tortoise biogeography and tolerance of disturbance which suggests that Texas tortoises are tolerant to intermediate levels of disturbance. Generalities about the effect of cattle grazing on the four North American tortoises should be avoided unless they can be placed in the context of grazing regime, precipitation, habitat quality and tortoise requirements.”*

On November 30th, 2007, U.S. Fish & Wildlife issued an “Amendment to the Biological Opinion for the California Desert Conservation Area Plan [West Mojave Plan] (6840(P) CA-063.50) (1-8-03-F-58) on the Desert Tortoise within the Mojave desert and Clark Mountain area. This new information needs to be evaluated and included in a new Herd Management Area Plan and appropriate management level amendment.

For example, USFWS allowed percentages of annual “incidental take” within the livestock allotments located within or near the Clark Mountain wild burro Herd Area and Desert Tortoise Habitat. Excerpts from the Memorandum include:

Pg. 10

“No data exist on the frequency at which cattle may trample desert tortoise. We are aware of two instances where trampling by cattle definitely killed desert tortoises and an additional

occurrence where trampling by cattle was the likely cause of death. Boarman (2002) notes the "paucity of documentation" of desert tortoise being killed by livestock and observes that "sheep and cattle may not step on (desert) tortoise because they are very cautious of stepping on uneven ground (rocks, bushes, etc.) for fear of losing their footing".

On page 13, USFWS goes on to add, *"Similar to livestock grazing, horses will likely avoid stepping on desert tortoises...."*

This determination most likely applies equally to wild burro herds, who have been noted to be much more observant and aware of the surrounding environment than domestic livestock or even horses due to their historic and continued use in high, steep and treacherous terrain based on their impeccable footing in these environments.

No records can be found of any number of desert tortoise found affected by wild burro herds living within the Clark Mountain Herd Area. The DOI, USFWS or BLM provided no evaluation to determine if wild burro herds affect would conform to similar "incidental take" allowed percentages as has been allowed with livestock grazing in order to preserve and protect their populations and habitat, either before or after issuing the "zero AML" decision or since the updated report came out.

USFWS also stated on page 17 that, *"...the incidental take statement contained in the 1990 biological opinion is no longer valid."*

Obviously, no scientific data exists to support the DOI/BLMs contention that issuing a zero AML for the Clark Mountain wild burros was necessary in order to protect Desert Tortoise occurring in the area.

On June 1, 2009, California State Wild Horse and Burro Lead Amy Dumas reported a remaining population of approximately 60 wild burros within the Clark Mountain area (per.com. via email).

On August 25, 2009, Laura Cunningham, a Desert Ecologist and member of Basin and Range Watch issued a statement of range conditions in the Ivanpah Valley in the vicinity of the Clark Mountain Herd Area based on surveys conducted in the area between February 11 and August 12, 2009. (See Attachment III)

Ms. Cunningham noted that in areas with signs of wild burros such as visual observations, burro tracks or dung, only one out of ten grass bunches appeared to be utilized with both browsing and trampling of ground appearing light. Also noted were heavy trampling and evident overgrazing in the area along I-15 in the lower valley around a corral and old water tank-trough. No burro signs were seen in this part of the surveyed area.

Based on Ms. Cunninghams expertise as a Desert Ecologist and her direct observations of impacts by both cattle and wild burros occurring in the areas surveyed, she issued the independent recommendation that the cattle allotment should be retired due to apparently heavy use in places while wild burros should continue to be allowed.

This independent analysis re-affirms the consistently demonstrated evidence and data that a wild burro herd of approximately 60 animals in their Congressionally dedicated habitat known as the Clark Mountain Herd Area poses no threats to rangeland health values, risks no deterioration of the range associated with overpopulation of wild burros or even makes significant enough impacts to ecosystem health that may pose even a potential threat to the Desert Tortoise populations in the area.

According to the NEMO ROD, BLM stated that, *"The implementation of the NEMO Plan amendments will be monitored to ensure that management actions follow prescribed directives. Plan evaluation compares the status of the resources (as determined by field assessments) with the goals and objectives. Some maturation of projects is needed before results can be discerned. About half the plan decisions will be evaluated in five years and the remainder in 10 years. With the information generated by this evaluation, managers can objectively adjust or adapt management programs as needed."*

"The processes of monitoring, evaluation and adaptive management share the goal of improving effectiveness and permitting dynamic responses to increased knowledge and a changing landscape. The process itself will not remain static and will be periodically evaluated to ascertain if the monitoring questions and standards are still relevant, and the program would be adjusted as appropriate. Some field monitoring items may be discontinued and others added as knowledge and issues change."

By the standards set forth in the NEMO ROD, BLM must go back and fix the fatally flawed management plans that issued a decision to "manage" for zero wild burros in the Clark Mountain Herd Area as this decision exceeded their authority and has no legal support or basis.

A federal court has explicitly determined that land use plan decisions issued by BLM that attempt to authorize a population goal of "zero" by declaring any animal in their protected habitat as "excess" without providing proper documentation that determine how they reached this conclusion, such as has been issued for the Clark Mountain or Chicago Valley wild burros, is unsupported by, and in violation of, current federal law and exceeds the authority granted to the Secretary of the Interior by Congress.

Removals of wild burro populations to conform to a fatally flawed land use plan to achieve the illegal number of zero must be remedied via appropriate land use plan amendments, current population inventory, rangeland health data and related issues to determine the appropriate amount of wild burros to be protected and preserved within their federally designated habitat.

In 2008, a Summary of Conclusions from a document titled, Wild Horses and Burros, was prepared by Robert Dover regarding the joint analysis between BLM and the Energy Commission regarding the impacts of the proposed Ivanpah Electric Generating System. This document can be found online at:

http://www.energy.ca.gov/2008publications/CEC-700-2008013/FSA/27_Ivanpah%20Horses%20and%20Burros.pdf

Within it, it clearly states that the remaining wild burros in the Clark Mountain Herd Area are to be protected from harassment or injury by the provisions of the Wild Free-Roaming Horse & Burro Act. The document continues with various analysis and mitigation measures to be put forth to accomplish this aim.

As such, it is apparent the whole of the law is still applicable to the wild burros remaining in the Clark Mountain area and any actions are subject to conformance with that law.

With specific respect to the Clark Mountain Herd Area and the handful of remaining Clark Mountain burros still under pending removal orders issued by the Needles Field Office Record of Decision and Finding of No Significant Impact, CA-690-EA04-27, any attempt to remove these remaining burros via any method, whether through helicopters, other motorized vehicles or alternative methods will be in violation of federal law.

ADDITIONAL CONSIDERATIONS

The proposal as written is BAD POLICY AND MANAGEMENT OF PUBLIC RESOURCES!!!!

The water usage is way too high and will create more problems than it solves. Water is becoming increasingly important and scarce in the Southwest and too much of this precious resource will be wasted and irretrievable through activities such as plate washing and dust control.

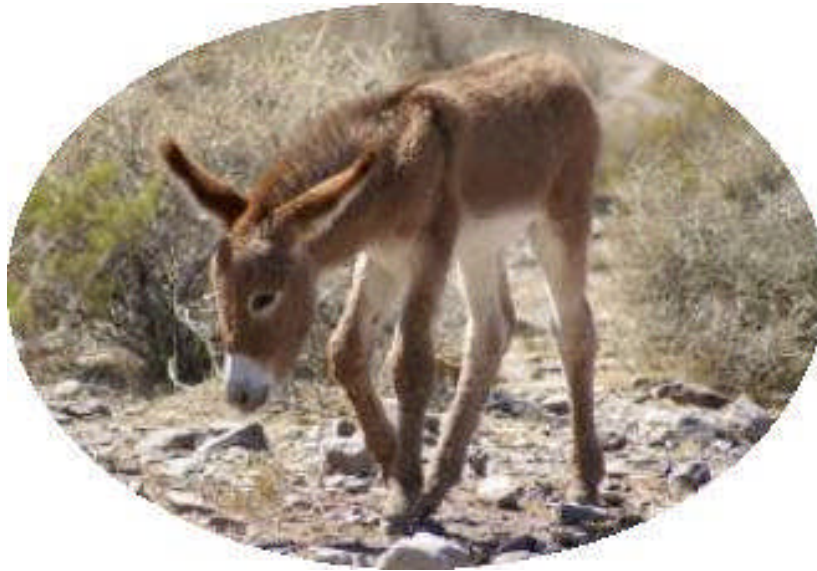
The damage to the desert ecosystem through grading of the soil is unacceptable as is the life-long use of herbicides on the desert floor – especially in light of the fact that this will be occurring in environmental proximity to the Ivanpah Desert Tortoise ACEC.

The DT relocation plan is also wholly unacceptable as these are a Threatened Species that demand appropriate management to protect them from extinction. The recent Fort Irwin mortality rates of translocated tortoises are a clear indication that this “tool” is wholly unacceptable for species preservation of the DT’s.

A truly sustainable plan must begin in already developed areas such as Las Vegas, where solar panels can be utilized in already industrialized areas. Solar plates can be placed directly on existing structures and directly fed into existing power grids; no water required, no additional ROWs, no destroying of soil leading to massive erosion and dust pollution(I LIVE HERE AND KNOW WHAT THESE DUST STORMS ARE LIKE WHEN THE WIND PICKS UP!) no total ecosystem annihilation, no impacts to the Threatened Desert Tortoise – it's a no brainer!

Destroying more of our environment and wasting our resources for the benefit of corporate control and corporate profits must stop. This is NOT GREEN ALTERNATIVES! This is more of the same old school mentality that has led our Nation to the current crisis this proposal is supposedly attempting to compensate for!

Wild Burros
of the
American West



*A Critical Analysis of the National Status of
Wild Burros on Public Lands*
2006

C.R. MacDonald

Wild Burros of the American West

2006 National Burro Status

A Critical Analysis of the Current Status of Wild Burros on Public Lands

Research & Statistics compiled by

C.R. MacDonald

© February 2007 – All Rights Reserved

In the Decision Record and Finding of No Significant Impacts for the Clark Mountain Herd Area wild burro removals, Fiscal Years 2007-2012, CA-690-EA0427, the United States Department of the Interior, through the Bureau of Land Management, Needles Resource Area, issued the following statement on page seventeen regarding their consideration of the current status of burros in the American West:

“Removal of a small population of burros from a small herd management area would not significantly affect the larger landscape of the American West or the maintenance and management of populations of wild horses and burros symbolic of the historic American West.”

Based on this assertion, the current status of wild burro herds on public lands is examined, on both the State and National levels, in order to either validate or refute this claim.

Additionally, other relevant factors within the Clark Mountain Herd Area are provided for comparison, perspective and due consideration.

The majority of information concerning wild burro habitat, acreage, populations and management levels were taken from the Bureau of Land Management's Fiscal Year 2006 Herd Statistics Report available on their National Web Page for Wild Horses and Burros. Additional information provided by Bureau of Land Management personnel, Field Agents, Field Managers and the Bureau of Land Management's website for the State of Arizona's current or pending Resource Management Plans.

The current National status of burros within the United States of America and the management strategies employed by the Bureau of Land Management, as of February 2007, indicate that decisions regarding burro use on public lands are having significant impacts to burro habitat, current burro populations and self-sustaining, viable herds on both local and National levels.

Wild burro herds are currently dispersed through Arizona, California, Nevada, Oregon and Utah with 26 herds still remaining within the United States. Of these 26 herds, only 5 have been issued allowable management levels that can be considered genetically viable or capable of reproduction with no threat of inbreeding, and 11 herds have been issued levels that are commonly acknowledged as non-genetically viable populations.

The total acres of all habitats allocated for wild burro use throughout the West is currently reported at 5,619,884 acres. This is not exclusive habitat either, with much of this acreage mixed with large wild horse numbers.

Reported habitat loss for wild burros, either through the Bureau of Land Managements Fiscal Year 2006 Herd Statistics, recent or pending land use plans, and BLM personnel, totaled 5,071,112 acres or almost 50% of their entire range.

By way of comparison, in 1994 by court issued order, the United States Fish & Wildlife Service reserved 6.4 million acres as critical habitat for the preservation and protection of the Desert Tortoise (*Gopherus agassizii*), currently listed as a Threatened Species. (1)

The available habitat issued for wild burros is now close to one million acres less than awarded the Threatened desert tortoise. Both species receive federal protection, share similar habitats and acreage, and are also predominately found within the same regions of Arizona, California, Nevada and Utah.

Though both are federally protected species, the current management of each is notably different.

The Desert Tortoise management, preservation and protection falls under the 1973 Endangered Species Act, which requires that *all* federal and state agencies overseeing wildlife and land-use resources must consider and coordinate management activities to ensure proper protections and habitat preservation in the issuance of their decisions.

Conversely, wild burros are only given minimal protection from the Bureau of Land Management and are often a source of contention from competing or conflicting goals and objectives within the respective federal agencies and their jurisdictions.

While Congress gave the Secretary of the Interior and the Secretary of Agriculture mandates to direct and oversee wild horse and burro preservation and protection across the West, the current segregating and competing agencies policies, and the Secretaries refusals to mitigate these conflicts, is resulting in much less protection or consideration for the wild burros of the West than if they were being protected and managed under the Endangered Species Act requirements.

Because of the notably different management approaches, mandates, and directives, the desert tortoise habitat has been listed as an Area of Critical Environmental Concern while wild burro habitat, now with less available range than the desert tortoise, is not being remotely considered for similar decisions or declarations.

As for other comparisons, the Bureau of Land Management has a Nationally combined allowable management level (AML) issued for wild burro use within the West of 2,956 animals. However, upon scrutiny of the actual population numbers and remaining wild burro herds, it was determined that some of the AML's listed were invalid due to a complete absence of wild burro populations or recent and pending reductions. Therefore the actual National AML, or allowable management level, is considered at 2,695 for wild burro use, a difference of 261 wild burros.

The desert tortoise population, both past and current, is a highly elusive figure. Neither the United States Fish and Wild Life Service (USFWS), California Department of Fish and Game (CDFG), Nevada Department of Wildlife (NDOW), as well as a multitude of articles and documents, report actual or estimated desert tortoise populations. The only exception and source found at the time of researching desert tortoise data and statistics that supplied relevant information regarding their projected population status was Nature Serve Website (2).

The desert tortoise individual population numbers was cited under Global Data as 10,000 to 1,000,000 and their status is listed as "Apparently Secure."

The following population information was also provided:

"The total population estimates range from 93,000 individuals (NDOW 1985) to several hundred thousand. However, the lower figure is too conservative. For example, on the 76,800-ha Ironwood Forest National Monument in Arizona, distance sampling methods produced an estimate of 17,997 tortoises (150 mm carapace length or larger) on the monument (Averill-Murray and Averill-Murray 2005)."

While BLM targets a National management strategy for wild burros at 2,695 head, the following management strategy for Desert Tortoise Recovery is listed as:

"Major protection units (critical habitat blocks or Desert Wildlife Management Areas, DWMA) should be capable of supporting metapopulations of 50,000 adults, according to some Minimum Viable Population (MVP) models (USFWS 1994). A population viability analysis by Brussard (1992) concluded that preserves or management areas should be large enough to support 20,000 adults. By genetic criteria alone a minimal adult population would require 5,000 adults (assuming an effective population size of 0.1 or 500) for continued viability (see Gilpin's model in USFWS 1994)."

These population units, also called “recovery units”, were outlined in this excerpt by Kristin H. Berry for the Bureau of Land Management and the Desert Tortoise Recovery Plan. (3)

“Drawing from concepts outlined in the federal Endangered Species Act, the recovery team used a strategy of protecting evolutionarily significant population units and their associated ecosystems. The six population units, called “recovery units,” were identified using published and unpublished data on genetic variability, morphology, and behavior patterns of populations as well as ecosystem types. Boundaries of the six units closely approximate major ecosystem boundaries in the Mojave and Colorado deserts. The goal is to reach a target (where possible) of 50,000 breeding adult tortoises for each recovery unit.”

This population management strategy is targeted to ensure population and genetic viability for continued future survival and the stated goal is at least 300,000 adult desert tortoise within the six recovery units.

As for wild burros and the current strategy and management of genetically viable herds, of the 26 remaining wild burro herds, the National Program Office’s records indicate that 11 of these herds have been issued AML’s that fall below the accepted standard of 50 or less animals to prevent inbreeding, and only 6 herds have been issued an AML of over 150 which meets the current genetic criteria to support sustainable populations. (4)

Of the 6 herds with genetically viable AML’s, records indicate that one of these herds, located in the Bullfrog Herd Management Area (NV), is only supporting a current population of 49 burros and records dating back to 1997 indicate that wild burro populations within the Bullfrog HMA have never exceeded more than 50 burros. Therefore, the value of including this burro herd for genetically viable statistics is questionable at best.

The remaining 5 genetically viable wild burro herds all currently reside within the State of Arizona, who incidentally, manages the largest wild burro populations in the West. Despite the highest levels of wild burro use noted on public lands, the desert tortoise population of Arizona is the only state where the desert tortoise habitat and populations are classified as “Apparently Secure”.(5)

Yet the National Program Office reported for Arizona in 2005 and 2006, a static wild burro population with no reproductive or removal rates, which also corresponded identically to the AML’s issued for each of the HMA’s. The lack of reported information about the burros populations make a full examination of their current status difficult.

However, over the last few years, the State of Arizona has been scoping and planning a variety of new land use and resource management plans for many of the herd areas and wild burro ranges. In many instances, these were able to provide up-to-date information on the current or pending status of the remaining populations.

These include the Yuma Draft Resource Management Plan, currently accepting public comments on the draft land use plans until March 15, 2007 and the Lake Havasu Resource Management Plan-Proposed Resource Management Plan and Final Environmental Impact Statement which is expected to issue a Final Record of Decision in May 2007 and the Aqua Fria National Monument/Bradshaw-Harquahala RMP.

In these current proposals, significant impacts to wild burro habitat are noted.

The Lake Havasu RMP's proposed actions re-draw boundaries of the Alamo, Havasu-AZ and Havasu-CA herd management areas which results in 103,712 acres of habitat being lost, as well as reducing the allowable population levels of wild burros by 86 animals..

All alternatives will also eliminate the Little Harquahala Herd Area from any future wild burro use and habitat (though there is no known current population within the HA) as well as removing any wild burros outside the new herd management area boundaries, even if they are still within the original Herd Area territory. Wild burros will also be removed from all areas that are near roadways, with BLM sighting safety issues as a top priority.

It is interesting to note that during the public comment period of the Lake Havasu Draft RMP, a comment was submitted regarding the need to reduce auto accidents caused by free-range cattle:

"Last year at least 20 dead cows littered the roadside. Serious accidents and injuries occurred from hitting the free ranging cattle"

BLM's response to these public concerns was:

"The State of Arizona is an open-range state. As new roads are improved through grazing allotments, the public needs to be aware that livestock may be present and should use caution."

The Yuma Draft RMP proposes in 4 out of 5 alternatives to reduce available wild burro habitat by 80,100 acres. Much of the current access to water sources would be removed due to proposed land disposals (primarily along the Colorado River) and restricting or closing access to forage, water, and cover. Expected long-term adverse impacts from the implementation of these proposals include the permanent removal of an estimated 200 wild horses and burros from a significant portion of the Herd Management Areas.

Though the Yuma Draft RMP proposes in all alternatives to mitigate loss of water access by providing fenced access routes or developing new water sources, similar land use plans that initially projected viable alternatives to the removal of these crucial habitat requirements, later were renegotiated in subsequent land use plan amendments or Memorandums of Understandings, or the agency now controlling the resources refused to renew the initial agreements once they had expired.

Often times, this has been the results of inter-agency conflicts refusing to manage for wild horses and burros. Once legal protection mandates required by BLM were transferred to other agencies, the rights of wild horses and burros on public lands were no longer considered valid. This was the case with the California Clark Mountain wild burros; National Park Service refused to renew the initial agreement for wild burros to access the water source they had been utilizing for the last two-hundred years.

Other recent land-use plans include the Agua Fria National Monument/Bradshaw-Harquahala Draft RMP which proposes to permanently eliminate the Harquahala Herd Area from any future wild burro use, a reduction of wild burro habitat by 126,254 acres as well as the Tassi-Gold Butte Herd Area which was zeroed out and eliminates an additional 103,072 Herd Area acres.

Overall habitat loss in the State of Arizona, either through current or recent proposals and decisions, is estimated at almost 1.5 million acres.

Maps of the current or proposed land use plans indicate that a vast majority of the Arizona HMA's contain restricted riparian access and habitat restrictions due to areas of critical environmental concern, habitat devoted to endangered, threatened or sensitive species, wilderness study areas, wildlife refuges, livestock allotments and/or military installations.

Oregon currently has only one HMA with a non-gentially viable AML of 25 wild burros, while Utah has two HMA's, neither with an AML issued for wild burro use over 100.

Nevada has 14 HMA's that manage for wild burros, but only 3 with an AML over 100. This includes the Bullfrog HMA previously discussed but was dismissed for statistical inclusion due to insignificant populations, as well as the Marrietta HMA, the only "Range" in the United States devoted principally for wild burro use.

In California, there are now only 3 remaining wild burro herds, none with genetically viable populations or AML's. The entire combined AML's issued by the Bureau of Land Management for all wild burros in the State of California is merely 345 animals. Their current available habitat is barely one million acres with over three million acres being completely eliminated from use, or seventy-five percent of their former range, and 2 of the remaining 3 herds have been confined to less than three hundred thousand acres of habitat.

At the time of passage of the California Desert Conservation Area Plan (1980) there were 19 recognized Herd Management Areas that could be managed for burros and 14 were officially designated for that purpose within the Conservation Area alone. The combined AML's totaled 2,747 wild burros and their available habitat was 3,500,465 acres.

Though wild burros are a "federally protected species", it would be extremely challenging to find a species of wildlife with a reported population of 345 remaining animals (or less) that was not listed on the National Endangered Species list or the California Endangered Species list. (See Attachment 1)

In the State of California, additional protection is also granted for wild burros through the California Fish & Game Code, Code 4600, which states:

“It is unlawful to kill, wound, capture, or have in possession any undomesticated burro. An undomesticated burro is a wild burro or a burro which has not been tamed or domesticated for a period of three years after its capture. The fact that a burro was killed, wounded, or captured on publicly owned land, or on land owned by a person other than the person who killed, wounded, or captured the burro is prima facie evidence that the burro was an undomesticated burro at the time it was killed, wounded, or captured.”

“Neither the commission nor any other department or agency has any power to modify the provisions of this section by any order, rule, or regulation.”

Yet today, despite mandates on both state and federal levels granting wild burros and their habitat protective status, a lack of enforcement or compliance, as well as the cumulative impacts of land-use planning decisions issued by the BLM and other agencies, the wild burros of California are now facing the brink of extinction.

The impetus for the examination of the current status of wild burros on public lands was the decision issued in January 2007 by the BLM Needles Field Office (CA) to remove one of the last remaining herds within the State, the Clark Mountain burros.

At the request of BLM, over the last several years Dr. Gus Cothran, a leader in the field of equine genetics, has been conducting genetic tests on the wild burro herds of the West in order to help determine valuable information for proper management levels, focusing on genetic viability, herd characteristics, and herd history.

According to these reports, the DNA tests and genetic analysis done on the Clark Mountain burros revealed their genetic markers and make up contained the most genetically unique qualities of all the remaining burro herds in the United States. This is most likely due to the isolated nature of the herd within the Clark Mountain region for the last two-hundred years.

The BLM estimated the current population of this genetically unique and distinct population segment was 150 wild burros when they issued the final decision to eliminate them, despite the evidence stated within their own reports asserting their uniqueness.

One of the significant factors in the decision to remove the Clark Mountain Burros is their purported threat to desert tortoises and their habitat. Yet threats attributed to desert tortoise decline and their habitat are wide and varied. One citing states (6):

*“Declines have been due to habitat loss and degradation (through livestock grazing, invasion of exotic annuals, especially red brome grass which fuels local fires [e.g., Esque et al. 2003]), energy and mineral development, ORV use, road traffic collisions with tortoises, trail construction, disease, vandalism (illegal shooting), and collecting. Livestock and feral burros **may** compete for food in **some areas** (Oldemeyer 1994, USFWS 1994).” (Emphasis added)*

Yet, the Arizona wild burro population levels provide no validation for this assertion or their effects on the desert tortoise or their habitat, but in fact, seem to refute this claim. Also, as previously stated, the Clark Mountain burros have inhabited the region for over two hundred years with no significant adverse impacts to the desert tortoise populations or their habitat.

Additionally, in an article published by Robert C. Stebbins, Professor Emeritus, Department of Integrative Biology, Berkeley, CA, he states that the major threats to desert tortoise are mainly caused by humans.(7)

“The threats to the tortoise, and wildlife nearly everywhere, are caused mainly by human activities, dismemberment of habitats, species extinction, increasing pollution, and the spread of disease and pests.”

The impacts of wild burro grazing to desert tortoise populations and habitats are also questionable in that the following statement was cited by USFWS at the Nature Serve Website, desert tortoise data, Management Programs (8):

“TNC has been active in acquiring and retiring grazing privileges on BLM-administered lands that include high-quality tortoise habitat.”

*”See End. Sp. Tech. Bull., Sept./Dec. 1991, for information on BLM's proposed licensing of livestock use on public land in tortoise habitat in southern Nevada; one prescription (for 726,390 ha) restricts grazing from March 1 to June 14, in order to reduce trampling and forage competition, whereas the other prescription (for 557,085 ha) includes no seasonal restriction on grazing (**USFWS issued a no-jeopardy biological opinion**).” (Emphasis added)*

Equally of concern is studies and testimonies citing the Bureau of Land Management issuing findings and decisions on rangeland health factors not based on objective reasoning or scientific data.

The Government Accounting Office (GAO) released a report in 1990 (GAO/RCED-90-110) as a response to Congressional concerns about BLM's management and administrations of rangeland health status and wild horses and burros on public lands.(9)

In this report, the GAO testified that:

“GAO found that existing information is insufficient to determine how many wild horses the range can support, the extent of degradation caused by wild horses, or consequently the number of wild horses that should appropriately be removed from individual herd areas.”

“BLM could not provide GAO with any information demonstrating that federal rangeland conditions have significantly improved because of wild horse removals.”

“As we further testified, BLM has been more concerned with the immediate needs of livestock interests or budget reductions than with ensuring the long-term health of the range. We further stated that a fundamental change in the agency’s management approach and orientation is necessary if substantive progress is to be made.”

“Reasonably current carrying capacity data are, however, frequently not available within the BLM. As we reported in our June 1988 report on range conditions, carrying capacities have not been assessed for 30 percent of BLM grazing allotments in over 20 years. Another 11 percent of the carrying capacity assessments are between 10 and 20 years old. The value of information this old is questionable.”

“Despite lack of adequate data on the number of wild horses the land can support, BLM has proceeded with removing horses.”

“For example, BLM’s Nevada State Office concluded that available data were not adequate to justify removing wild horses; however, in both instances BLM’s responsible district and resource area offices chose not to revise their plans to remove horses in their areas. In contrast, BLM has frequently used the lack of detailed carrying capacity and range monitoring data to explain why it has not taken action to reduce widely recognized overgrazing by domestic livestock.”

“In June 1989, the Board ruled that in the absence of evidence that wild horse removals would result in a thriving ecological balance or avoid further deterioration of the range, a wild horse level “established purely for administrative reasons because it was the level of wild horse use at a particular point in time cannot be justified under the statute.”

“Without accurate and reasonably up-to-date carrying capacity data, BLM has based its removal decisions on either (1) the desire to achieve perceived historic population levels or (2) recommendations from BLM advisory groups largely comprised of livestock permittees. The first basis was set aside by the Interior Board of Land Appeals as being contrary to the requirements of the wild horse act. The second basis is, at a minimum, not consistent with balanced stewardship of range resources and reinforces the image of undue deference to livestock interests that we have discussed in previous reports and testimonies.”

While the GAO report may not be considered “reasonably current” regarding the administrations and policies of the BLM, recent information released in 2006 indicates that their management and public reporting may have further degenerated.

The source of controversy is the newly approved “Grazing Regulations” issued by BLM in July 2006. While many articles have been published regarding this subject, and at least one interview is noted as being broadcast from PBS/ News Hour with Jim Lehrer (8/10/06), the following is an excerpt from an article published on the Union of Concerned Scientists website under, Reports and Research/Grazing Regulations Include Doctored Environmental Analysis (10):

“Bureau of Land Management (BLM) officials compromised the integrity of a BLM study by removing scientific concerns about the effects newly relaxed grazing regulations would have on public lands.”

“Erick Campbell and Bill Brookes are both recently retired scientists, each with more than 30 years experience at the BLM. Campbell, a biologist, authored the section of the BLM study on the impacts of the rule change on wildlife and endangered species, while Brookes, a hydrologist, evaluated the impact on water resources. Both characterized the edits as an attempt to suppress scientific information. Campbell termed the matter “a whitewash” and “a crime.” “They took all of our science and reversed it 180 degrees,” he said. Brookes agreed, adding, “Everything I wrote was totally rewritten and watered down.”

These reports provide evidence which suggests BLM’s assertions regarding rangeland health, status, and trends, including impacts by wild horses and burros, may be compromised and disputable.

So far, examinations and analysis have been made regarding the current population status of wild burros on public lands, both locally and Nationally, their available habitat and the loss of it, their genetic viability and self-sustaining populations, management strategies and protection, rangeland impacts, and comparisons and data regarding wildlife, specifically, the Threatened desert tortoise.

One additional factor that must also be examined for critical analysis of wild burros on public lands and their future survival is the noted competition of forage, water and similar habitat requirements with all species of bighorn sheep.

A significant amount of wild burro habitat has been lost due to various land use decisions and aggressive involvement in these decisions by bighorn enthusiasts. While wild burro populations and habitat have been steadily declining, bighorn habitat and populations are at an all-time high.

One such example is the Muddy Mountains HMA located in Nevada. The original Herd Area acreage of 187,310 acres was cut to the Herd Management Area of 78,581 acres through the land use planning process. (11)

Then wildlife water developments were installed for bighorn sheep which resulted in turning their seasonal habitat into a year-round habitat and creating the second largest hunt unit in the State of Nevada.

In December 2005, the decision was issued by the Las Vegas Field Office to zero out the Muddy Mountain HMA for all wild burro use, citing a lack of water as the most significant factor. At the same time this decision was issued, the bighorn population for this area was estimated at approximately 265 head with the potential population estimate of 505 based on forage supply.(12)

There are two bighorn sheep habitats located in the Clark Mountain area and managing for bighorn sheep was a significant factor in the final decision to remove all of the Clark Mountain burros. The burros only spring source was fenced for exclusive use by the bighorn in the area and this effectively eliminated the most crucial and critical habitat requirement of all: water. Additional water sources, called guzzlers, have been installed throughout the Clark Mountain range but are not considered as available for wild burro use.

In the 2003 Desert Bighorn Council Transactions: Volume 47: Status of Bighorn Sheep in California, a population survey completed in 2004, cited the estimated Clark bighorn sheep population at a range of 25-50, with the Kingston-Mesquite range estimated at 51-100, and the total population range for the Central North Mojave at 178 to 350.(13)

According to the population estimates provided in 2004, the total State of California adult bighorn sheep population ranged from 3,383 to 5,500 at the time of the surveys.(14)

As for Nevada, the Fraternity of the Desert Bighorn website home page published an article titled Nevada Bighorn History, which states (15):

“Nevada is home to three subspecies of native bighorn sheep found in North America. Nevada Division of Wildlife surveys indicate that there are now over 7,000 bighorn sheep within the state’s borders. The Nelson Desert Bighorn Sheep number over 5,300 animals. They occupy the Mojave Desert and Great basin Desert regions of central and southern Nevada.”

In Arizona, the Department for Fish and Game reported an estimated population of Desert Bighorn for 2006 at 4,500 adults. (16)

In Oregon’s 2003-2004 Big Game Statistics, published by Oregon’s Department of Fish and Wildlife, the estimated statewide population for adult bighorn sheep was cited at 3,700 for the California bighorn and 600 for the Rocky Mountain bighorn.(17)

The most current information available, reported in 1991, stated that global populations for all bighorn sheep species was estimated at a total meta-population of 70,840: Rocky Mountain-37,969, California-9,816 and Desert-23,055. (18)

When viewed in comparison with wild burro herd populations and their respective allowable management levels, the State of California has a minimum population of bighorn estimated at 3,383 adults compared to 345 or less for wild burros. Each of the States cited in this analysis have a bighorn population that exceeds the entire National AML currently established and being implemented for wild burro use.

The overall BLM management strategy being implemented for wild burro populations might also be receiving undue influence from supporters of big game species, such as The Arizona Desert Bighorn Sheep Society, which states on its website home page that it has eight established goals.(19)

Goal #5 is listed as: *“the reduction of feral burro populations in bighorn sheep habitat.”*

It also states:

“The Society has provided the funds for a large number of these projects (water developments), and volunteers from the Society have provided the bulk of the physical labor. For thus reason, the Society has aggressively supported the Arizona Game and Fish Department, the Bureau of Land Management, and the U.S. Fish and Wildlife Service in the bighorn sheep transplant programs.”

“To date, 1,066 sheep have been successfully transplanted. The transplants have established viable populations in ten mountain ranges that had no bighorn prior to these transplants. In addition, they have supplemented remnant bighorn populations in many other locations, restoring vitality to those herds and allowing them to expand both their ranges and numbers. Some desert bighorn sheep have been relocated to Colorado, New Mexico, Utah, and Texas in exchange for Rocky Mountain bighorns and pronghorn antelope.”

There is also the issue of revenue to be considered. Whether it is coming from grants to fund continuing research and studies, hunting tags and license fees, auctions for big game tags, or funds for projects, the financial impacts and revenue generated from the various elements associated with this form of “wildlife” is both significant and substantial.

In a 1996 study and report titled, The Economic Importance of Hunting-Economic Data on Hunting in the U.S. and California (20), a wide range of figures is supplied as to the importance and significant contributions made directly and indirectly through hunting and related expenditures.

Some of the figures reported are:

- It creates more than 700,000 jobs nationwide. New studies now show that annual spending by America's 14 million hunters amounts to \$22.1 billion. By comparison, and if hypothetically ranked as a "corporation," that revenue figure would put hunting in thirty-fifth place on the Fortune 500 list of America's largest businesses, right between J.C. Penney and United Parcel Service.
- Created a nationwide economic impact of about \$61 billion and created household income (salaries and wages) totaling \$416.1 billion, which is roughly equivalent to 25 percent of America's entire military payroll.
- Added \$1.4 billion to state tax revenues, or nearly 1 percent of all annual state tax revenues combined.
- Contributed \$1.7 billion in federal income taxes, which equates to almost half of the entire federal budget for commerce.
- The 1996 Economic Impacts for All Hunting in CA:

Retail Sales: \$982,097,906 Multiplier Effect: \$2,100,374,184

Earnings: \$618,208,449 Jobs: 26,802 Sales Tax: \$59,844,553

State Income Tax: \$6,688,258 Federal Income Tax: \$66,398,026

Additionally, the following figures were cited for auctions of bighorn sheep hunting tags in March 2005, reported on Oregon's Department of Fish and Wildlife website (21):

“SALEM – Oregon's bighorn sheep hunting tag was among the big winners at the Foundation for North American Wild Sheep's (FNAWS) annual convention in San Antonio, TX, last weekend, where it auctioned for \$130,000.”

*“The convention is held and attended by hunters and other wild sheep enthusiasts. The auction of state, provincial and Mexican bighorn sheep tags raises money for wild sheep conservation. **Ninety percent of the money from auction tags sold at the FNAWS convention is returned to the wildlife agencies for wild sheep management, herd restoration and research.** FNAWS keeps 10 percent of the money generated. In Oregon, this money is used for transplanting bighorns to suitable habitat, research, habitat improvement, water developments and for other management activities.”(Emphasis added)*

“Hunters paid more than \$2 million for 20 auction bighorn tags. A number of tags set records for the price received this year. Oregon's previous high was \$110,000, in 1994. Arizona's bighorn tag brought the highest price of \$199,000, and New Mexico's tag earned \$177,800 for the tag to hunt Desert or Rocky Mountain bighorn sheep.”

Table 1 illustrates the kind of revenue generated from these auctions. While the figures cited are exclusively for bighorn sheep tags, tags are auctioned off for a variety of species, including Elk, Pronghorn Antelope, and Deer, as well as “hunting combination tags”.

On February 7, 2006 John Carlson, Jr., Executive Director, Fish and Game Commission approved the following issuance of bighorn tags in the State of California. (22)

All tags proposed for issuance in 2006/2007 are either identical to tags issued in 2005/2006 or increased. The Clark/Kingston Mountain Ranges increased from 1 in 2005/2006 to 2 in the 2006/2007 Hunting Season.

Zone 1 – Marble Mountains: 4,
Zone 2 - Kelso Peak/Old Dad Mountains: 4
Zone 3 – Clark/Kingston Mountain Ranges: 2
Zone 4 – Orocopia Mountains: 0
Zone 5 – San Geronio Wilderness: 1
Zone 6 – Sheep Hole Mountains: 2
Zone 7 – White Mountains: 3
Open Zone Fund-Raising Tags: 2

Table 1

National FNAWS Convention, San Antonio, Texas, 2005

| No. | Auction Tag | Bid Price |
|------------|--|------------------|
| 1. | Baja Sur, Mexico Vizcaino Biosphere—(Desert BHS) | \$52,000 |
| 2. | Oregon—(California/Rocky Mountain BHS) | \$130,000 |
| 3. | Utah—(Desert BHS) | \$56,000 |
| 4. | Washington—(California BHS) | \$45,000 |
| 5. | Texas—(Desert, Elephant Mountain BHS) | \$72,000 |
| 6. | B.C.—(California/Rocky Mountain/Dallas/Stones) | \$150,000 |
| 7. | Mexico, Tiburon—(Desert BHS) | \$85,000 |
| 8. | Montana—(Rocky Mountain BHS) | \$160,000 |
| 9. | Baja Sur, Mexico Vizcaino Biosphere (Desert BHS) | \$66,000 |
| 10. | Utah—(Rocky Mountain BHS) | \$70,000 |
| 11. | Navaho—(Desert BHS) | \$36,000 |
| 12. | Texas—(Desert BHS) | \$87,500 |
| 13. | California—(Desert BHS) | \$75,000 |
| 14. | Nevada—(Desert BHS) | \$72,500 |
| 15. | New Mexico—(Desert/Rocky Mountain BHS) | \$177,500 |
| 16. | Colorado—(Rocky Mountain BHS) | \$65,000 |
| 17. | Arizona—(Rocky Mountain/Desert BHS) | \$199,000 |
| 18. | Idaho—(California/Rocky Mountain BHS) | \$180,000 |
| 19. | Wyoming—(Rocky Mountain BHS) | \$37,500 |
| 20. | Alberta—(Rocky Mountain BHS) | \$180,000 |
| 21. | Tiburon—(Desert BHS) | \$100,000 |
| 22. | Carmen Island, Mexico—(Desert BHS) | \$90,000 |
| 23. | 2 nd Carmen Island, Mexico—(Desert BHS) | \$100,000 |
| | | \$2,286,000.00 |

In conclusion, available data and statistics do not support or substantiate the Bureau of Land Managements' assertion that:

“Removal of a small population of burros from a small herd management area would not significantly affect the larger landscape of the American West or the maintenance and management of populations of wild horses and burros symbolic of the historic American West.”

With reported loss of nationwide habitat equaling 5,071,112 million acres, almost 50% of their range, only five genetically viable herds remaining, and being aggressively targeted for population reductions in order to increase habitat for high demand, high dollar hunting tags in a multi-billion dollar hunting industry, the fate of wild burro herds in America looks dubious indeed.

Despite their federally protected status, evidence points to the cumulative impacts of management strategies that have, and will result in the ultimate extinction of wild burro herds throughout the American West.

“Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands”

The Wild Free-Roaming Horses And Burro Act of 1971 (Public Law 92-195)

REFERENCES

- (1) **Planet Earth.org** http://banwaste.enviroweb.org/html/tortoise_fact_sheet.html
CRITICAL HABITAT FOR THE THREATENED DESERT TORTOISE OR NUCLEAR WASTE DUMP
by Philip M. Klasky. Philip M. Klasky is a writer, teacher and co-director of the Bay Area Nuclear Waste Coalition.
- (2) **Nature Serve** www.natureserve.org
Nature Serve states in their Credits/Acknowledgement section that their website was developed with the support of the U.S. Geological Survey “as part of the National Biological Information Infrastructure in an effort to improve online access to data and information about the biological resources of the United States”. It is hoped that this will be considered a credible source of information. Last updated: October 2006
- (3) **Tortoise Tracks** www.tortoise-tracks.org/publications/berry2.html
Desert Tortoise Preserve Committee Proceedings: Conservation, Restoration, and Management of Tortoises and Turtles-An International Conference, pp. 430-440 © 1997 by the New York Turtle and Tortoise Society
The Desert Tortoise Recovery Plan, An Ambitious Effort to Conserve Biodiversity in the Mojave and Colorado Deserts of the United States, by Kristin H. Berry, U.S. Department of the Interior, Bureau of Land Management, 6221 Box Springs Blvd., Riverside, CA 92507-0714, USA
Current Agency: U.S. Geological Survey, Biological Resources Division (same address)
- (4) **American Wild Horse Preservation Campaign** www.wildhorsepreservation.com
Article: Management Toward Extinction, Courtesy of Wild Horse and Burro Freedom Alliance.
Genetic Viability number is based on a research conducted by Dr. Gus Cothran, Director of the Equine Blood Typing Research Laboratory at the University of Kentucky. Based on DNA analysis, Dr. Cothran now believes that the minimum wild horse and burro herd size is 150-200 animals.
From American Wild Horse Preservation Campaign Website,
- (5) **Nature Serve** www.natureserve.org, Distribution Map.
- (6) **Nature Serve** www.natureserve.org
- (7) **Planet Earth.org** http://banwaste.enviroweb.org/html/stebbins_96.html
The Desert Tortoise by Robert C. Stebbins, Professor Emeritus, Department of Integrative Biology, Berkeley, CA.
- (8) **Nature Serve** www.natureserve.org
- (9) **American Wild Horse Preservation Campaign** www.wildhorsepreservation.com
Rangeland Management: Improvements Needed in Federal Wild Horse Program
(GAO/RCED-90-110, Aug. 20, 1990). <http://archive.gao.gov/d23t8/142041.pdf>
- (10) **Union of Concerned Scientists** <http://www.ucsusa.org>
Reports and Research/Grazing Regulations Include Doctored Environmental Analysis
http://www.ucsusa.org/scientific_integrity/interference/cattle-grazing.html
- (11) **Bureau of Land Management/Las Vegas Field Office:**
Johnnie, Muddy Mountains, and Wheeler Pass Herd Management Areas Environmental Assessment for Establishment of Appropriate Management Levels.
- (12) **Nevada Department of Wildlife-** 2005/2006 Big Game Status Report

- (13) **2003 DESERT BIGHORN COUNCIL TRANSACTIONS: VOLUME 47:**
Status of Bighorn Sheep in California
http://nature.berkeley.edu/BrasharesLab/documents/epps_StatusReport2005.pdf
- (14) **2003 DESERT BIGHORN COUNCIL TRANSACTIONS: VOLUME 47:**
Status of Bighorn Sheep in California, Based on information supplied on pg. 23, Table 2.
http://nature.berkeley.edu/BrasharesLab/documents/epps_StatusReport2005.pdf
- (15) **Fraternity of the Desert Big Horn** www.desertbighorn.com
Home Page/Nevada Bighorn History
- (16) **Arizona Department of Fish and Game** www.azgfd.gov
- (17) **Oregon Department of Wildlife Website-** www.dfw.state.or.us/news/2005/march/007.asp
March 2005
- (18) **Nature Serve** www.natureserve.org
- (19) **Arizona Desert Bighorn Sheep Society** www.adbss.org
- (20) **California Department of Fish and Game** www.dfg.ca.gov
<http://www.dfg.ca.gov/hunting/econ.hunting.html>
These 1996 spending figures were derived from the latest United States Fish and Wildlife Service (USFWS) National Survey of Fishing, Hunting, and Wildlife Associated Recreation, conducted every five years in conjunction with the U.S. Census Bureau. Economic analysts for the International Association of Fish and Wildlife Agencies (IAFWA; through Southwick Associates, a resource-economics consulting firm). This web page was developed from the report of the same title for the IAFWA through the U.S. Fish and Wildlife Service under Cooperative Grant Agreement No. 14-48-98210-97-G047 using Federal Aid in Wildlife Restoration administration funds.
- (21) **Oregon Department of Wildlife Website-** www.dfw.state.or.us/news/2005/march/007.asp March 2005
- (22) **TITLE 14. Fish and Game Commission, Notice of Proposed Changes in Regulations**, Feb. 2006,
John Carlson, Jr., Executive Director, Fish and Game Commission

Attachment 1

Though wild burros are a federally protected species, significant and relevant protections afforded every other living species are neither considered nor applied to wild horse and burro herds and populations.

The following excerpts were taken from the 1973 Endangered Species Act and are provided for comparison purposes regarding treatment and levels of federal protection.

The Endangered Species Act, SEC. 2 (a), FINDINGS states:

- (1) various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation;
- (2) other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction;
- (3) these species of fish, wildlife, and plants are of aesthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people;
- (4) the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to-

SEC. 2 (c) POLICY states:

- (1) It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.
- (2) It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.

SEC. 3, DEFINITIONS states:

- (1) The term “alternative courses of action” means all alternatives and thus is not limited to original project objectives and agency jurisdiction.

(C) Except in those circumstances determined by the Secretary, critical habitat shall not include the entire geographical area which can be occupied by the threatened or endangered species.

- (6) The term “endangered species” means any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.
- (8) The term “fish or wildlife” means any member of the animal kingdom, including without limitation any mammal, fish, bird....
- (15) The term “species” includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species or vertebrate fish or wildlife which interbreeds when mature.
- (18) The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.
- (19) The term “threatened species” means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Determination of Endangered Species and Threatened Species, SEC. 4 (a), GENERAL:

(1) The Secretary shall by regulation and promulgated in accordance with subsection (b) determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (A) the present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) overutilization for commercial, recreational, scientific, or educational purposes;
- (C) disease or predation;
- (D) the inadequacy of existing regulatory mechanisms;
- (E) other natural or manmade factors affecting its continued existence.

(e) SIMILARITY OF APPEARANCE CASES:

The Secretary may, by regulation of commerce or taking, and to the extent he deems advisable, treat any species as an endangered species or threatened species even though it is not listed pursuant to section 4 of this ACT if he finds-

- (A) such species so closely resembles in appearance, at the point in question, a species which has been listed pursuant to such section that enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species;
- (B) the effect of this substantial difficulty is an additional threat to an endangered or threatened species;

Attachment 2

2006 National Burro Herds - Genetic Viability

- A Viable burro herd is based on current populations or AML's established at 150 or more burros. Those highlighted in yellow meet this criteria.
- A Non-Viable Herd is recognized as populations or AML's that fall below 50 and these are highlighted in red.
- For populations between 50-150, multiple factors within the specific Herds and habitat determine the strength of the genetic viability.

| <u>HERD/HMA</u> | <u>AML</u> |
|-------------------------|------------|
| AZ- Alamo | 160 |
| AZ- Big Sandy | 139 |
| AZ- Black Mts. | 478 |
| AZ- Cibola – Trigo | 165 |
| AZ- Havasu | 166 |
| AZ- Lake Pleasant | 208 |
| CA- Chemehuevi | 108 |
| CA- Chocolate-Mule Mts. | 121 |
| CA- Twin Peaks | 116 |
| NV- Blue Wing | 28 |
| NV- Bullfrog* | 185 |
| NV- Gold Butte | 98 |
| NV- Goldfield | 50 |
| NV- Hickson | 45 |
| NV- Johnnie | 108 |
| NV- Lava Beds | 16 |
| NV- Marrietta | 104 |
| NV- McGee Mts. | 41 |
| NV- Montezuma Peak | 10 |
| NV- Red Rock- | 49 |
| NV- Seven Troughs | 46 |
| NV- Warm Springs Canyon | 24 |
| NV- Wheeler Pass | 35 |
| OR- Warm Springs | 25 |
| UT- Canyon Lands | 100 |
| UT- Sinbad | 70 |

**While reporting a genetically viable AML, records indicate populations have not exceeded 50 wild burros since 1997.

Attachment 3

NATIONAL BURRO HERD STATISTICS

As of February 2006

Actual Burro Herds: 26

Viable Burro Herds*: 5

Actual AML: 2, 695

Nationally Reported AML: 2, 956

Difference Between Reported AML & Actual AML: 261

Total Habitat Utilized For Burro Use: 5, 619, 884 acres

Total Burro Habitat Eliminated From Use: 5, 071, 112 acres**

| State | Available Habitat | Unavailable Habitat | AML | # Herds | Genetically Viable Herds | Non-Genetically Viable Herds |
|--------------|------------------------------|--------------------------------|---------------|--------------------|-------------------------------------|---|
| AZ | 2, 020, 772 | 1, 495, 377 | 1, 316 | 6 | 5 | 0 |
| CA | 1, 030, 714 | 3, 102, 785 | 345 | 3 | 0 | 0 |
| NV | 1, 750, 646 | 472, 950 | 839 | 14 | 0 | 10 |
| UT | 318, 298 | - 0 - | 170 | 2 | 0 | 0 |
| OR | 499, 454 | - 0 - | 25 | 1 | 0 | 1 |
| | 5, 619, 884 | 5, 071, 112 | 2, 695 | 26 | 5 | 11 |

*Genetic Viability number is based on a research conducted by Dr. Gus Cothran, Director of the Equine Blood Typing Research Laboratory at the University of Kentucky. Based on DNA analysis, Dr. Cothran now believes that the minimum wild horse herd size is 150-200 animals. A Non-Genetically Viable Herd is recognized as populations under 50 as incapable of being self-sustaining. For populations between 50-150, multiple factors within the specific Herds and habitat determine the strength of the genetic viability.

**Total habitat eliminated from use was determined by combining the following factors; acreage transfers or difference between HMA acreage and HA acreage, and pending proposals in Arizona. Once HMA boundaries have been determined, populations residing outside of them, regardless of whether they are still in the existing HA boundaries, are scheduled for removal. Also, all acreage that listed a Zero AML for burro use.

Attachment 4

ARIZONA BURRO HERD STATISTICS

As of February 2006
State Summary Statistics

Actual Burro Herds: 6
Actual Burro AML: 1,316
Total Habitat Utilized For Burro Use: 2,020,772 acres
Total Burro Habitat Eliminated From Use: 1,495,377 acres
Possible Burro Habitat – Herd Area - 38,738 acres

Arizona Herd Management Areas For Burro Herds

There are significant discrepancies being reported for wild burro herds between the National Program Office (NPO) and the State of Arizona. While both reported statistics are analyzed, Arizona's recent or pending Resource Management Plans* are recognized as the most current data available.

HABITAT STATUS

| HMA | NPO HA ACREAGE | HMA ACREAGE* | HABITAT LOSS |
|-------------------------------|---------------------------|-------------------------|-------------------------|
| Alamo | 341,044 | 189,237 | -151,807 |
| Big Sandy | 243,905 | 243,905 | - 0 - |
| Black Mts. | 1,094,309 | 1,006,781 | -87,528 |
| Cibola-Trigo | 1,027,901 | 184,800 | -843,101 |
| Havasu | 410,313 | 292,589 | -117,724 |
| Lake Pleasant | 103,460 | 103,460 | - 0 - |
| Little Harquahala Mts. | 65,891 | - 0 - | -65,891 |
| Harquahala | 126,254 | - 0 - | -126,254 |
| Painted Rocks | 38,738 | - 0 - | - 0 - |
| Tassi-Gold Butte | 103,072 | - 0 - | -103,072 |
| | 3,554,887 | 2,020,772 | -1,495,377 |

*Current or Pending.

The Little Harquahala Mountains Herd Area and Harquahala Herd Area are currently proposed for no management and will therefore be eliminated from any further future WH&B use. The Little Harquahala HA has not had any reported wild burro populations in several years. The Tassi-Gold Butte Herd Area has been zeroed out for wild burro use for decades but only recently received funding to implement removals.

Arizona National Program Office Statistics

| HMA | HA ACREAGE | HMA ACREAGE | UNAVAILABLE HABITAT | BURRO AML | ACRES P/BURRO |
|---------------|---------------|----------------|------------------------|--------------|------------------|
| Alamo | 341,044 | 341,044 | - 0 - | 200 | 1,705 |
| Big Sandy | 243,905 | 243,905 | - 0 - | 139 | 1,754 |
| Black Mts. | 1,094,309 | 1,006,781 | 87,528 | 478 | 2,106 |
| Cibola-Trigo* | 1,027,901 | 918,938 | 108,963 | 165 | 3,224 |
| Havasus | 410,313 | 386,692 | 23,621 | 170 | 2,274 |
| Lake Pleasant | 103,460 | 103,460 | - 0 - | 208 | 497. |
| | 3,220,932 | 3,000,820 | 220,038 | 1,360 | |

*This is mutual wild horse and burro habitat. Acres p/burro is calculated using combined AMLs (WH-120).

State of Arizona Burro Statistics

| HMA | HA ACRES | HMA ACRES | RMP ACRES | HABITAT LOSS | AML | RMP AML | ACRES P/BURRO |
|---------------|-------------|--------------|--------------|-----------------|-------|------------|------------------|
| Alamo* | N/A | 277,017 | 189,237 | -87,780 | 200 | 160 | 1,182 |
| Big Sandy | 243,905 | 243,905 | N/A | - 0 - | 139 | 139 | 1,754 |
| Black Mts. | 1,094,309 | 1,006,781 | N/A | -87,528 | 478 | 478 | 2,106 |
| Cibola-Trigo* | 264,900 | 264,900 | 184,800 | -80,100 | 165** | 165** | 586 |
| Havasus* | N/A | 308,521 | 292,589 | -15,932 | 170 | 166 | 1,762 |
| Lake Pleasant | 103,460 | 103,460 | N/A | - 0 - | 208 | 208 | 497. |
| | 1,706,574 | 2,204,584 | 666,626 | 271,340 | 1,360 | 1,316 | |

* Resource Management Plans: Yuma Draft Resource Management Plans, Lake Havasu Resource Management Plan and Final Environmental Impact Statement, Aqua Fria National Monument/Bradshaw-Harquahala Draft Resource Management Plan/Draft Environmental Impact Statement. Where no new State statistics were available, the National Program Offices statistics were still utilized.

**This is mutual wild horse and burro habitat. Acres p/burro calculated using combined AMLs (WH-150).

With regards to the Havasu HMA, there is some confusion around the current and proposed AML. According to the Lake Havasu RMP, there are two management areas within the HMA; Havasu-AZ and Havasu-CA. The current proposal states that Havasu-AZ AML is 170 while the Havasu-CA is 150. This equals a combined AML of 320 but the NPO records indicate only an AML of 170 for the entire HMA. According to the RMP, the Havasu-CA AML of 150 will be eliminated through the merging of this portion of the HMA with the CA Chemehuevi HMA, whose current AML is 108. The proposed management action of merging this portion of the Havasu HMA with the CA Chemehuevi will produce a single HMA, Chemehuevi, with an AML 108 versus the 258 being implemented through the individual HMA's before merging.

Attachment 5

CALIFORNIA BURRO HERD STATISTICS

As of February 2006 State Summary Statistics

Actual Burro Herds: 3
Actual Burro AML: 345
Total Habitat Utilized For Burro Use: 1, 030, 714 acres
(BLM HMA Acres: 914, 283 Other HMA Acres: 139, 010)
Total Burro Habitat Eliminated From Use: 3, 102,785 acres
Exclusive Burro Habitat Remaining: 272, 642 acres
Possible Burro Habitat – Herd Area - 295, 911* acres

* Unable to access current WH&B and habitat status for this Herd Area Only acreage.

The National Program Office reports a statewide AML of 453 Burros. Yet two HMA's, Lee Flat and Piper Mountains, while authorized for burro use with a combined AML of 97 burros, report zero populations, effectively eliminating them for inclusion in both habitat and use. Additionally, a BLM employee states that the National Program Office has yet to update and incorporate decisions that have removed the Waucoba-Hunter Mountains HMA from wild burro use, further reducing statewide AML by 11.

California Herd Management Areas For Burro Herds

| HMA | HA ACREAGE | HMA ACREAGE | UNAVAILABLE HABITAT | BURRO AML | ACRES P/BURRO |
|----------------------------|-----------------------|------------------------|--------------------------------|----------------------|--------------------------|
| Chemehuevi | 409, 193 | 113, 481 | 295, 712 | 108 | 1, 467 |
| Chocolate-Mule Mts. | 595, 856 | 159, 161 | 436, 695 | 121 | 1, 315 |
| Lee Flat | 135, 509 | 73, 248 | 135, 509* | 15 | N/A |
| Piper Mts.** | 104, 334 | 96, 188 | 104, 334* | 82 | N/A |
| Twin Peaks** | 758, 072 | 758, 072 | - 0 - | 116 | 867 |
| Waucoba-Hunter Mts. | 470, 239 | 22, 579 | 470, 239 | 11 | N/A |
| | 2, 473, 203 | 1, 222, 729 | 1, 442, 489 | 453*** | |

*Includes transferred acreage: Lee Flat: 47,161 Piper Mts: 7,742 Waucoba-Hunter Mts: 424, 868

**This is mutual wild horse and burro habitat. Acres p/ burro is calculated using combined WH&B AMLs.

***Difference between Nationally reported AML of 453 and actual HMA AML's: 108 Burros.

Herd Areas With No Reported WH&B Populations*

| HERD AREA | ORIGINAL TOTAL ACREAGE | ACRES TRANSFERRED | REMAINING ACREAGE |
|--------------------------|-------------------------------|--------------------------|--------------------------|
| Cima Dome | 93, 201 | 93, 201 | NONE |
| Coyote Canyon | 21, 135 | - 0 - | 21, 135 |
| Granite-Providence Mts. | 192,742 | 186, 481 | 6, 261 |
| Kramer | 14, 024 | - 0 - | 14, 024 |
| Lava Beds | 179, 245 | 177, 600 | 1, 645 |
| Morongo | 38, 536 | - 0 - | 38, 536 |
| Sand Springs-Last Chance | 240, 580 | 198, 812 | 41,768 |
| Shaffer Mts. | 36, 868 | - 0 - | 36, 868 |
| Slate Range** | 512, 962 | 21, 387 | 491, 575 |
| Tuledad | 5, 304 | - 0 - | 5, 304 |
| Woods-Hackberry | 56, 544 | 56, 544 | NONE |
| | 1, 391, 141 | 734, 025 | 657, 116 |

*Unable to access current WH&B and habitat status for some Herd Area Only acreage. Therefore it is unclear as to the extent of available or non-available habitat remaining. Consequently, it was not included in summary statistics.

** The Slate Range comprises 491, 575 acres of the “Herd Area Only” acreage. However, The 2006 National Gather Schedule Final reports an AML of 0 for wild horse and burro use within the Slate Range Herd Area and a current reported population of 66 burros. Therefore, all Slate Range acreage has been included in Habitat Eliminated From Use statistics.

Herd Areas With Reported Burro Populations

| HERD AREA | ORIGINAL TOTAL ACREAGE | ACRES TRANSFERRED | REMAINING ACREAGE |
|------------------|-------------------------------|--------------------------|--------------------------|
| Clark Mts.* | 233, 370 | 37, 376 | 195, 994 |
| Dead Mts. | 42, 758 | - 0 - | 42, 758 |
| Panamint | 414, 699 | 201, 326 | 213, 373 |
| Piute Mts. | 39, 780 | - 0 - | 39, 780 |
| | 730, 607 | 238, 702 | 491, 905 |

*The Clark Mountain Herd Area reports a Zero AML for burro use and cannot be currently included as available burro habitat. All Clark Herd Area acreage has been added to the Habitat Eliminated From Use statistics. Total combined remaining “Herd Area Only” acreage that *may* provide burro habitat: 295, 911 acres.

Attachment 6

NEVADA BURRO HERD STATISTICS

As of February 2006
State Summary Statistics

Actual Burro Herds: 14
Actual AML: 839
Total Habitat Utilized For Burro Use: 1, 750, 646 acres
Total Burro Habitat Eliminated From Use: 472, 950 acres.

The National Program Office reports a statewide AML of 948 Burros. Yet three HMA's, Gold Mountain, Silver Peak and Stone Wall, though authorized for burro use with a combined AML of 109 burros, report zero populations, effectively eliminating them for inclusion in both habitat and use.

Nevada Herd Management Areas For Burro Herds

| HMA | HA ACREAGE | HMA ACREAGE | UNAVAILABLE HABITAT | BURRO AML | ACRES P/BURRO |
|---------------------|---------------|----------------|------------------------|--------------|------------------|
| Blue Wing Mts. | 17, 854 | 17, 854 | - 0 - | 28 | 637 |
| Bullfrog | 157, 203 | 151, 777 | 5, 426 | 185 | 820 |
| Gold Butte | 271, 210 | 178, 443 | 92, 767 | 98 | 1, 820 |
| Gold Mt.** | 107, 638 | 107, 638 | - 0 - | 78 | 1, 379 |
| Goldfield* | 63, 352 | 62, 367 | 985 | 50 | 356 |
| Hickson | 63, 334 | 63, 334 | - 0 - | 45 | 1, 407 |
| Johnnie | 179, 380 | 179, 380 | - 0 - | 108 | 1, 660 |
| Lava Beds* | 232, 999 | 232, 948 | 51 | 16 | 1, 420 |
| Marietta | 66, 056 | 66, 056 | - 0 - | 104 | 635 |
| McGee Mt. | 41, 112 | 41, 112 | - 0 - | 41 | 1, 002 |
| Montezuma Peak* | 77, 930 | 77, 930 | - 0 - | 10 | 499 |
| Red Rock* | 161, 972 | 161, 972 | - 0 - | 49 | 2, 131 |
| Seven Troughs* | 148, 883 | 148, 862 | 21 | 46 | 736 |
| Silver Peak** | 242, 174 | 242, 174 | - 0 - | 6 | 4, 036 |
| Stone Wall** | 23, 888 | 23, 888 | - 0 - | 25 | 318 |
| WarmSprings Canyon* | 91, 707 | 91, 707 | - 0 - | 24 | 460 |
| Wheeler Pass* | 276, 904 | 276, 904 | - 0 - | 35 | 2, 741 . |
| | 2, 223, 596 | 2, 124, 346 | 99, 250 | 948 | |

*This is mutual wild horse and burro habitat. Acres per burro are calculated using combined WH&B AMLs. Exclusive viable burro habitat acreage is 697, 956 acres.

Goldfield HMA reports a wild horse AML of 125 (Estimated population: 4 horses and 17 burros)

Lava Beds HMA reports a wild horse AML of 148. (Estimated population: 89 horses and 16 burros)

Montezuma Peak reports a wild horse AML of 146 (Estimated population: 21 horses and 22 burros)

Red Rock reports a wild horse AML of 27 (Estimated population: 12 horses and 130 burros)

Seven Troughs reports a wild horse AML of 156 (Estimated population: 94 horses and 42 burros)

Warm Springs Canyon reports a wild horse AML of 175 (Estimated population: 121 horses and 19 burros)

Wheeler Pass reports a wild horse AML of 66 (Estimated population: 25 wild horses and 60 burros)

**Gold Mt. reports Burro AML of 78 but zero population, therefore it has been eliminated from available burro habitat and AML.

Silver Peak has been zeroed out for wild horses and burro use (NV-065-EA06-149). Despite a reported Burro AML of 6 in 2006, BLM revised the AML to zero due to an appeal filed by the Nevada Department of Wildlife, therefore it has been eliminated from available burro habitat and AML.

Stone Wall reports wild horse AML of 50 and burro AML of 25 but zero population, therefore it has been eliminated from available habitat and AML.

Unable to access current WH&B and habitat status for Herd Area Only acreage, therefore it is unclear as to the extent of available or non-available habitat remaining. Only HMA statistics were used. There is currently no listing for any known burro populations within the HA's.

Attachment 7

OREGON BURRO HERD STATISTICS

**As of February 2006
State Summary Statistics**

**Actual Burro Herds: 1
Actual Burro AML: 25
Total Habitat Utilized For Burro Use: 499,454 acres
Total Burro Habitat Eliminated From Use: None**

Oregon Herd Management Areas For Burro Herds

| HMA | HA ACREAGE | HMA ACREAGE | UNAVAILABLE HABITAT | BURRO AML | ACRES P/BURRO |
|----------------------|-----------------------|------------------------|--------------------------------|----------------------|--------------------------|
| Warm Springs* | 499,454 | 499,454 | - 0 - | 25 | 2,200 . |
| | 499,454 | 499,454 | - 0 - | 25 | |

*This is mutual wild horse and burro habitat. Acres per burro is calculated using combined WH&B AMLs.
Warm Springs HMA reports a wild horse AML of 202 (Estimated population: 271 horses and 15 burros).

Unable to access current WH&B and habitat status for Herd Area Only acreage. Therefore it is unclear as to the extent of available or non-available habitat. Consequently, it was not included in summary statistics. No burro populations are reported within the HA's.

Attachment 8

UTAH BURRO HERD STATISTICS

As of February 2006
State Summary Statistics

Actual Burro Herds: 2
Actual Burro AML: 170
Total Habitat Utilized For Burro Use: 318, 298 acres
Total Burro Habitat Eliminated From Use: None

Utah Herd Management Areas For Burro Herds

| <u>HMA</u> | <u>HA</u> <u>ACREAGE</u> | <u>HMA</u> <u>ACREAGE</u> | <u>UNAVAILABLE</u> <u>HABITAT</u> | <u>BURRO</u> <u>AML</u> | <u>ACRES</u> <u>P/BURRO</u> |
|--------------|-----------------------------|------------------------------|--------------------------------------|----------------------------|--------------------------------|
| Canyon Lands | 87, 701 | 87, 701 | - 0 - | 100 | 877 |
| Sinbad | 230, 597 | 230, 597 | - 0 - | 70 | 3, 294 . |
| | 318, 298 | 318, 298 | - 0 - | 170 | |

Unable to access current WH&B and habitat status for Herd Area Only acreage. Therefore it is unclear as to the extent of available or non-available habitat. Consequently, it was not included in summary statistics. No burro populations are reported within the HA's.