



United States Department of the Interior

Bureau of Land Management

Carson City Field Office

5665 Morgan Mill Road

Carson City, Nevada 89701

(775) 885-6000

<http://www.nv.blm.gov>

In Reply Refer To:

4700

(NV-032)

Dear Interested Public:

AUG 02 2004

We did not receive any comments to the draft Garfield Herd Management Area Plan/Capture Plan and Environmental Assessment (HMAP/EA). The final plan is unchanged from the draft and is available from this office upon request. Please find the enclosed Finding of No Significant Impact and Decision Record for the plan.

Sincerely,

Daniel L. Jacquet
Assistant Manager, Renewable resources
Carson City Field Office

1 Enclosures:

1. Garfield HMAP Finding of No Significant Impact/Decision Record (3pp.)
2. Information on taking appeals to the Board of Land Appeals (2pp)

RECEIVED

AUG 03 2004

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

VII. Finding of No Significant Impact and Decision Record

Decision: Implement the Garfield Flat HMAP and Capture Plan as identified in the Proposed Action and using the Procedures detailed in Appendix 4. The subject plan directs management actions for the Garfield Flat HMA. The major actions in the subject plan include limiting vegetation utilization to 55%, providing habitat for wild horses and wildlife, outlining studies to assure that Land Use Plan objectives are being met, removing excess wild horses and maintaining and improving riparian areas. The selected alternative is the proposed action, which contains the above mentioned features.

Finding of No Significant Impacts: Based on the analysis of potential environmental impacts contained in the environmental assessment, impacts are not expected to be significant and an environmental impact statement is not required.

Rational for decision: The Carson City Consolidated Resource Management Plan stated that Herd Management Area Plans would guide the management of wild horses through the determination of proper horse use levels. By maintaining the population of wild horses between 83 and 125 individuals the vegetation utilization levels would be maintained at sustainable levels ($\leq 55\%$ use). This action is not significant because a population of wild horses would be maintained within the HMA and the vegetation, wildlife and livestock would not be adversely impacted.

Unavoidable impacts in the form of injuries to the horses may occur during the removal process. Death loss is not expected to exceed 1% of the horses captured at the trap site. Some stress to the horses would be associated with the capture operations however, after adoption the horses become accustomed to captivity. Because the loss of animals due to accidents is low the impacts involved in the capture operation are not significant.

The decision to implement the Garfield Flat HMAP and Capture Plan is in conformance with the Carson City Field Office Consolidated Resource Management Plan, and would restore the range to a thriving ecological balance and prevent a deterioration of the range, as analyzed in the subject EA, in accordance with Sec. 3(b) of the Wild Free-Roaming Horses and Burros Act, as amended, 16 U.S.C. 1333(b) (1989). This would result in reduced soil erosion and improve the physical condition of wild horses.

The proposed actions would not adversely impact air quality, ACECs, cultural resources, farmlands, floodplains, Native American religious concerns, T&E species, wastes, water quality, wetlands and riparian zones, wild and scenic rivers, migratory birds or wilderness areas.

The capture portion of this plan is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Garfield HMA to reach the established Appropriate Management Level (AML). Immediate removal of wild horses in excess of the AML is necessary to restore the range to a thriving natural ecological balance and to avert the imminent overgrazing caused by excess wild horses within the HMA. The Full Force and Effect determination is in accordance with the regulation at 43 CFR 4770.3(c).

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4, Subpart E. If an appeal is taken, you must follow the procedures outlined in the enclosed form 1842-1, Information of Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on Form 1842-1. Please provide this office with a copy of your Statement of Reasons. Copies of your Appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision the Appellant has the burden of showing that the decision appealed from is in error.

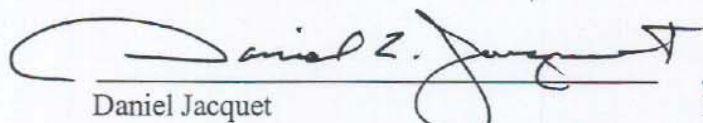
If the appellant wishes to file a petition (request) (pursuant to 43 CFR 4.21) for a Stay (suspension) of the effectiveness of this Decision during the time that the appeal is being reviewed by the Interior Board of Land Appeals, the Petition for Stay must accompany the Notice of Appeal. A petition for a Stay is required to show sufficient justification based on the standards for obtaining a Stay. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to the appropriate Office of the Solicitor (see 43 CFR 4.413). If the appellant requests a Stay, the appellant has the burden of proof to demonstrate that a Stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Approved by:



Daniel Jacquet
Assistant Manager, Renewable Resources
Carson City Field Office

Date 8/2/04

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days, file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE Bureau of Land Management
NOTICE OF APPEAL 5665 Morgan Mill Road
Carson City, NV 89701

SOLICITOR Regional Solicitor
ALSO COPY TO Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Suite E2753
Sacramento, CA 95825

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR Regional Solicitor
ALSO COPY TO Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Suite E2753
Sacramento, CA 95825

4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from the decisions of the Director (WO-100)

5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed, your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: *A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))*

SUBPART 1821.2—OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10:00 a.m. to 4:00 p.m., standard time or daylight savings time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

See 43 CFR 4.21 for appeal general provisions.