

7/26/93



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Carson City District Office  
1535 Hot Springs Rd., Ste. 300  
Carson City, NV 89706-0638

IN REPLY REFER TO:

4700  
(NV-03337)

JUL 26 1993

Dear Interested Party:

After careful consideration of the comments and a review of our land use planning objectives, our decision is to implement the proposed action contained in the draft plan with only one minor change. That change is an addition on Page 5 of the capture plan which states:

After the wild horses are released back into the HMA, the area will be flown by helicopter to ensure that no foals are orphaned. Any orphaned foals will be captured and transported to the Palomino Valley Corrals.

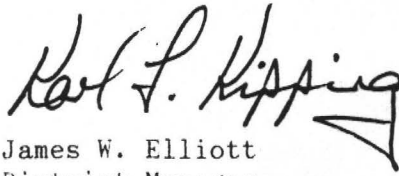
Page 5, as revised, is enclosed.

This decision is issued Full Force and Effect to allow for the immediate capture and subsequent release of wild horses within the Garfield Flat HMA. The Full Force and Effect determination is in accordance with the regulations 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 on 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 you have any questions or comments, please contact Jim Gianola or Richard Jacobsen at (702) 885-6000.

Sincerely,



James W. Elliott  
**Associate** District Manager

3 Enclosures

1. Record of Decision
2. Revised Page 5, Garfield Flat Capture Plan
3. Form 1842-1

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD

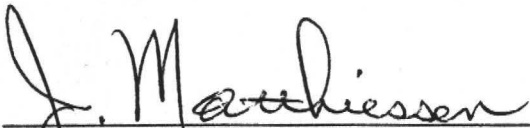
EA No. NV-030-93031

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

Rationale for Decision: The decision to implement the capture, marking and release of wild horses is in compliance with both the Walker RMP and the Strategic Plan for the Management of Wild Horses and Burros and would not adversely impact any of the resources in the Garfield Flat HMA or the Garfield Flat Allotment. Knowledge gained from this action will help to better manage wild horses in the future.

Decision: Based on the EA and FONSI, the decision is to capture, mark and release wild horses within the Garfield Flat HMA.

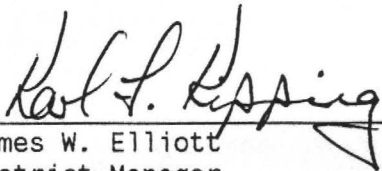
Recommend Approval:



John Matthiessen  
Area Manager  
Walker Resource Area

JUL 26 1993

Approved:



James W. Elliott  
District Manager  
Carson City District

JUL 26 1993

**Associate**

12. When refueling, the helicopter shall remain a distance of at least 1,000 feet or more from animals, vehicles (other than fuel truck), and personnel not involved in refueling.
13. Proposed trap sites and holding facilities will be inventoried prior to construction in order to avoid those areas where cultural resources exist.
14. After the wild horses are released back into the HMA, the area will be flown by helicopter to ensure that no foals are orphaned. Any orphaned foals will be captured and transported to the Palomino Valley Corrals.

V. Disposition of Removed Animals

It is anticipated that no animals will be removed. All captured animals will be released back into the HMA. Studs will be released first, dry mares second and mares with foals will be released last.

Impounded, privately-owned animals will be processed as outlined in the Bureau of Land Management, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

VI. Responsibility

The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. To ensure the contractor's compliance with the contract stipulations, the COR and PIs, all from the Carson City District, will be on site. The health and welfare of the animals is the overriding concern of the District Manager, Area Manager, COR and PIs.

The COR and/or PI will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be through issuance of written instructions to the contractor, stop work orders and default procedures should the contractor not perform work according to the stipulations.

Prior to issuance of the "Notice to Proceed" to the contractor, the COR and PIs will inspect the equipment to be used during the contract, to insure the equipment meets or exceeds the standards contained in the contract stipulations. Prior (less than 20 days) to the start of the contract and constantly during the course of the contract the COR and/or PIs will evaluate the conditions which may cause undue stress to the animals. The factors considered will include animal condition, prevailing temperatures, drought conditions, soil conditions, topography, animal distribution.