

7-25-00



United States Department of the Interior

RECEIVED  
D. G. H. B.  
DIRECTOR

BUREAU OF LAND MANAGEMENT JUL 27 AM 11:43

Surprise Field Office  
P.O. Box 460  
602 Cressler Street  
Cedarville, CA 96104  
(530)279-6101 - (530)279-2171 FAX

July 25, 2000

\* Should have been assessing data on the last 7 years  
In Reply Refer To:  
4700 (CA-370) P

1993 comm. appealed

overutilization on riparian  
blamed his not livestock at all  
180 hrs down to 30  
they didn't have liability assessments

CERTIFIED MAIL: #P 971 468 379  
RETURN RECEIPT REQUESTED

Cathy Barcomb  
Commission for the Preservation of Wild Horses  
123 West Nye Lane, Suite 248  
Carson City, NV 89706

Dear Cathy:

Enclosed is the approved final Capture Plan/Environmental Assessment and Decision Record/Finding of No Significant Impact for the Wall Canyon, Nut Mountain and High Rock Herd Management Areas.

This action constitutes my final decision for the approval of the proposed action as analyzed in the Environmental Assessment and to implement the Wall Canyon, Nut Mountain and High Rock Herd Management Areas gather (EA No. 370-00-13).

This decision is issued Full Force and Effect to allow for the immediate removal of excess wild horses from the Wall Canyon, Nut Mountain and High Rock Herd Management Areas to reach the Appropriate Management Levels established in 1993. Immediate removal of wild horses is necessary to restore the range to a thriving natural ecological valance and to avert imminent damage to the range resource. The full force and effect determination is in accordance with the regulations at 43 CFR 4770.3(c).

Within 30 days from receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, in accordance with the regulations at 43 CFR, Part 4, Subpart E. You are required to provide a Statement of Reasons to the Interior Board of Land Appeals and a copy to the Regional Solicitor's Office, Pacific Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890. Please provide this office a copy of your appeal and Statement of Reasons. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay (suspension) of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your appeal and be in accordance with 43 CFR 4.21. Copies of the notice of appeal and petition for a stay must ve submitted to the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, and to the Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890, at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for stay of a decision pending appeals 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.

If you have any questions regarding this final decision, please contact Rob Jeffers at: (530) 279-6101.

Sincerely,

A handwritten signature in black ink that reads "Susan T. Stokke". The signature is written in a cursive style with a large, sweeping initial "S".

Susan T. Stokke  
Surprise Field Manager

Enclosures