



# United States Department of the Interior



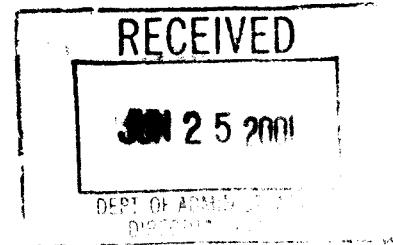
6-21-01

## BUREAU OF LAND MANAGEMENT

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In Reply Refer To:  
4700 (CA-370) P

June 21, 2001



CERTIFIED MAIL NO.: 7106 4575 1292 3954 0589  
Return Receipt Requested

Nevada State Clearinghouse  
Division of Administration  
Capitol Complex  
Carson City, NV 89702

### **Full Force And Effect Decision**

#### **Gathering of Wild Horses in the High Rock Herd Management Area**

Dear Sir:

#### **Background**

On June 11, 2001, EA No. CA-370- 01-07 was mailed to interested parties for public comment. Comments were requested by July 5, 2001. The EA proposes establishment of an appropriate management level (AML) and removal of excess wild horses on the Little High Rock Home Range of the High Rock Herd Management Area. The proposed AML was based on riparian conditions and lack of adequate water for excess animals on the Home Range. This Home Range was scheduled to be gathered in July or August, 2001.

On May 22, 2001, all HMAs in the Surprise Resource Area were censused. In the Little High Rock Home Range, it was noted that water was limited but still available for wild horses. An inspection conducted on June 18, 2001, revealed that water sources are almost completely dry at this time.

#### **Decision**

As discussed above, it is my decision to gather wild horses from the Little High Rock Home Range of the High Rock HMA commencing on or about June 25, 2001. Animals will be removed to approximately 48 head as described in the Proposed Action in EA No. CA-370-01-07. My decision does not establish the appropriate management level for the Little High Rock Home Range of the High Rock HMA. The establishment of a final AML in this area will be based on the analysis completed in

the above referenced environmental assessment, in consultation with all interested publics. However, in order to lessen the potential risk to the herd resulting from severe drought conditions, I am electing to move forward with a gather at this time.

Animals gathered will be transported to the Litchfield Wild Horse and Burro Holding Facility, where they will be immediately inspected by a veterinarian. Animals in excess of the 48 wild horses left remaining on the Home Range will be prepared for adoption or sent to sanctuaries, depending on age and condition.

The removal is planned to begin on approximately June 25, 2001, and it falls within the time period normally associated with foaling, generally identified as March 1 through June 30. As a result, the following mitigation measures will be followed:

- 1) Extra care shall be taken to insure young foals are not unduly stressed during the gather operation. Every effort shall be made to insure foals are paired back with their mothers. In the case a foal is not paired back, it will be bottle fed by BLM and/or volunteers until an adopter is found.
- 2) Gathering operations will be limited to that time of day when temperatures are not hot (<90 degrees).
- 3) All animals arriving at the Litchfield Facility will be inspected immediately by a veterinarian. If it is determined that there are any problems with the condition of captured animals, gathering operations will be adjusted, as necessary, to mitigate these problems.

### **Rationale**

Northeast California and Northwestern Nevada is currently experiencing severe drought conditions. The 2000-2001 winter period has been the driest on record (since 1895).

Associated with the ongoing drought, a severe shortage of water in the Little High Rock Home Range of the High Rock HMA has been identified. Because of severe drought conditions, it is necessary to conduct the removal as soon as possible. If the gather is delayed until the initially scheduled period, the animals may be in too poor of a condition to gather. This action is necessary to avoid, what appears to be, a very real potential for animals dying in the area.

### **Full Force and Effect Decision**

This decision is issued Full Force and Effect to allow for the immediate removal of wild horses from the Little High Rock Home Range of the High Rock Herd Management Area. 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

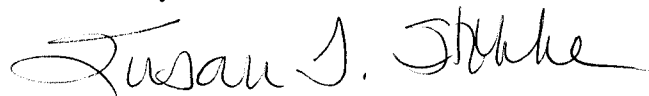
Office, Pacific Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890. Please provide this office a copy of your appeal and Statement of Reasons. The appellant has the burden of showing that the decision appealed from is in error.

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 be 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.

Sincerely,

A handwritten signature in cursive script that reads "Susan T. Stokke". The signature is written in black ink and is positioned above the printed name.

Susan T. Stokke  
Surprise Field Manager