United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Surprise Field Office
PO Box 460
Cedarville, CA 96104
www.ca.blm.gov/surprise

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

August 6, 2004

NOTICE OF FINAL DECISION
FULL FORCE AND EFFECT

FOX-HOG WILD HORSE MANAGEMENT AREA
CAPTURE PLAN

CERTIFIED MAIL: 7160 3901 9842 5676 8383
Return Receipt Requested

Dawn Lappin
Wild Horse Organized Assistance
PO Box 555
Reno, NV 89504

Dear Interested Party:

Full Force and Effect Decision

Enclosed for your review is my Decision Record/Finding of No Significant Impact for Environmental Assessment #CA-370-03-26, Fox-Hog Wild Horse Herd Management Area Capture Plan (also enclosed). This serves as my final decision for this action and is effective upon issuance, in accordance with 43 CFR 4770.3(c).

Authority

The authority for this decision is contained in Section 3(a) and (b) and in Section 4 of the Wild Free Roaming Horse and Burro Act (Public Law 92-195, as amended), and Title 43 CFR, Part 4700, Subpart 4720.

Appeals

Within 30 days of your receipt of this decision, you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR, Part 4, Subpart E and 43 CFR 4770.3 (a) and (c). Within 30 days after filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an Appeal and Petition for a Stay,

the Petition for a Stay must accompany your Notice of Appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3 (c). Copies of the Notice of Appeal and Petition for Stay must be submitted to (1) the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, (2) the Regional Solicitor's Office, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, room E-2753, Sacramento, CA 95825-1890, and (3) the Bureau of Land Management, Surprise Field Office, PO Box 460, Cedarville, CA 96104. The original documents should be 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 a stay of 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, &

4. Whether the public interest favors granting the stay.

FOR ADDITIONAL INFORMATION, please contact Tara de Valois of my staff at (530) 279-6101, or write to the above address.
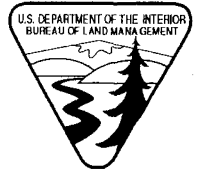
Sincerely,

Owen Billingsley
Surprise Field Office Manager

Enclosures

United States Department of the Interior

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August 6, 2004

DECISION RECORD/FONSI

Environmental Assessment #CA-370-03-26

FOX-HOG HERD MANAGEMENT AREA
CAPTURE PLAN

Decision

Based on all the information available to me, it is my decision to implement the Proposed Action of Environmental Assessment #CA-370-03-26. No additional mitigation measures were identified as a result of the environmental analysis.

Rationale

The Proposed Action and two alternatives were analyzed in Environmental Assessment #CA-370-03-26.

The No Action Alternative was not selected as it would not restore a thriving natural ecological balance. Available water would continue to be limited and season-long wild horse use in upland and riparian areas would continue to increase. As the wild horse population grew, damage to the rangeland resources would result.

I have chosen to implement the Proposed Action because this alternative would lead to restoration of a thriving natural ecological balance between wild horses and their habitat. Implementation of the Proposed Action is consistent with land use planning goals and objectives, and it is in accordance with applicable laws and regulations. In addition, the use of immuno-contraceptives will contribute to research in the field of wild horse fertility control. Ultimately, the use of fertility control will reduce the frequency of gathers needed to maintain wild horse herds at appropriate management levels. This will reduce the impacts to herd social structure that result from wild horse gathers, as well as the cost to the public to gather wild horses and maintain them in long-term holding facilities.
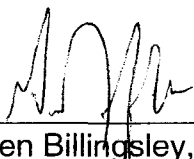
Discussion

Environmental Assessment #CA-370-03-26 was reviewed between June 1 and July 31. During that time, three comment letters were received.

One letter, from a state agency, stated that the Proposed Action was not in conflict with state plans, goals, or objectives.

A second letter, from a state agency, concerned water developments and beneficial uses. As the Proposed Action does not include any new water developments, nor does it propose to change any of the conditions or uses of existing public or private water developments, this letter suggests that the Proposed Action is not in conflict with the state agency's plans, goals, or objectives.

The third letter, from a state agency, was supportive of the Proposed Action. This letter also included suggestions for methods that could be used in the future to evaluate the Appropriate Management Level for the Fox-Hog HMA.

Based upon Environmental Assessment #CA-370-CA-26, the comments received regarding the EA, and the evaluation of criteria requiring preparation of an Environmental Impact Statement, I have determined that implementation of the Proposed Action of the Fox-Hog Herd Management Area Capture Plan would not result in any significant impacts on the quality of the human environment. Therefore, according to Section 102(2)(c) of NEPA, an Environmental Impact Statement is not required.

_____
acting for Owen Billingsley, Surprise Field Manager

8/6/04
Date