



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Battle Mountain Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
<http://www.nv.blm.gov>



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In Reply Refer To:
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DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Dear Fish Creek Interested Public:

This letter serves as notification of my full force and effect decision to gather up to 100 horses from the Lucky C and Arambel Allotments due to the absence of any viable water sources. The Coils Creek Slough, a major water source for the Arambel and Lucky C Allotment has dried up rendering this water source a mudhole. Recent observations by BLM wild horse and burro specialists have determined that the horses are demonstrating traits of dehydration including sunken hips and uncharacteristic wild horse behavior. Uncharacteristic behavior includes kneeling to drink, compaction of the intestinal tract due to ingestion of mud, and lethargic reaction. This action is consistent with Washington D.C. Instruction Memorandum No. 2004-151 *Establishment/Adjustment of Appropriate Management Levels, and Managing Planned Escalating Problem and Emergency Gathers.*

REMOVAL DECISION:

In accordance with 43 CFR 4770.3 (c), this constitutes my final decision to gather wild horses within the Lucky C and Arambel Allotments and is placed in full force and effect.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4. If an appeal is taken, your appeal must be filed with the Bureau of Land Management, 50 Bastian Rd., Battle Mountain, Nevada, 89820, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, and to the Office of the Solicitor, U.S. Department of the Interior, Suite 6201, Federal Bldg., 125 South State St., Salt Lake City, UT 84138, at the same time the original documents are filed with this office.

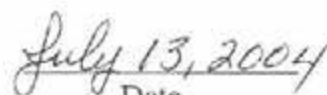
If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of a decision pending appeal shall show sufficient justification based on the following rules:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success of 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 concerning this decision, please contact Shawna Richardson at the above address or call (775) 635-4181.


John Winnepenninkx
Assistant Field Manager, Renewable Resources
Battle Mountain Field Office


Date