

**Full Force and Effect Decision Jackson Mountains Wild Horse Gather Plan
Environmental Assessment
DOI-BLM-NV-W030-2012-0005-EA**

INTRODUCTION

The Jackson Mountain Herd Management Area (HMA) is located within the administrative boundaries of the Bureau of Land Management (BLM), Black Rock Field Office (BRFO) in Humboldt County, Nevada, north and west of Winnemucca. Based on an aerial direct count population inventory of the Jackson Mountain Herd Management Area (HMA) and immediately adjacent areas conducted in April 2012, the BRFO has determined that there are excess wild horses present within and outside the boundaries of the HMA. A total of 834 wild horses were counted within the proposed gather areas in April 2012. The BLM estimates that, at the time the proposed gather operation is implemented, the population within the area will be approximately 930 wild horses, which includes the 2012 foal crop.

The appropriate management level (AML) range established for the Jackson Mountains HMA is 130-217 wild horses. Based on current inventory data, the current population of wild horses within the HMA is approximately 738 adult wild horses and approximately 96 foals. The estimated foal crop for 2012 would increase the total population to approximately 930 total wild horses. The estimated total population is expected to exceed the low-range of AML by 800 wild horses and the high-range of AML by 713 wild horses. Therefore, the BRFO proposes to conduct an initial gather in order to remove approximately 630 excess wild horses and to implement a long term management strategy to reach and maintain AML over a period of ten years (Proposed Action).

The proposed gather area includes the HMA and immediately adjacent non-HMA areas and encompasses approximately 775,000 acres, of which approximately 286,000 acres (public and private) are within the designated HMA and 489,000 acres are outside the HMA. The entire gather area is approximately 60 miles long and 35 miles wide. A portion of the gather area is located within the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA).

The proposed gather would begin in June 2012 and take approximately 20 days to complete. The gather operations were originally scheduled to begin in July 2012; however, the lack of spring vegetation growth, minimal residual vegetation from the previous year's forage crop and reduced water at springs and other natural water sources has resulted in declining wild horse health conditions. BLM has been hauling water to some areas of the HMA where emergency conditions have been emerging over the past weeks and where an emergency situation now exists. As water hauling efforts were initiated most wild horses in the area moved away for several weeks, after which time only a portion of the wild horses returned to the area. Those animals returning to the area were observed to have declined in body condition from the time when they moved away due to human presence. Current monitoring shows a reduction of wild horse body condition and overall health for wild horses within the gather area. Although helicopter gathers generally are not conducted before July 1st, this does not apply if emergency conditions exist, as is the case in the Jackson Mountain HMA where an emergency exists in the

south west portion of the gather area and where an immediate removal of excess wild horses is necessary to protect wild horse health. Based on the wild horses' negative response to human presence during water hauling efforts, water trapping in this case would be ineffective and possibly detrimental to animal health. The intent is to initiate the emergency gather immediately, before wild horse health is further compromised, given the existing emergency conditions and declining body condition of wild horses documented within the HMA. Once the gather begins, the entire gather area would be gathered to minimize movement of wild horses and to reduce stress from competition for severely limited resources and multiple gather attempts.

Although it is likely there will be an increased number of pregnant mares and young foals in June versus July 1, the overall benefits of gathering and removing wild horses before July 1, the original proposed start date, is to limit the probability of individual animal deaths due to extremely poor body condition related to poor nutrition and limited water consumption opportunities, which disproportionately affects mares and foals. In order to preserve the overall health of mares and foals specifically, an early gather would provide an opportunity to transition the animals to adequate feed at temporary and short term holding while their bodies are still capable of recovering from their currently depleted body condition. If the gather were to be delayed to July 1, after conditions have further deteriorated, body condition would continue to decrease and the probability of death loss to pregnant and nursing mares would increase, also increasing the probability of orphaning foals and spontaneous abortions. Although there may be some possibility of incidence of orphan foals and/or spontaneous abortions during gather operations that begin in June, an earlier gather would mean the ability to offer proper nutrition by feeding hay and providing water to mares and foals at temporary and short term holding, thereby increasing the chances of survival for mares and foals that are currently competing for extremely limited resources, including forage and water, and are exhibiting declining body condition.

The proposed action includes a phased-in management strategy to remove excess wild horses, implement fertility control, and adjust sex ratios to 60% male population of the herd over several gathers. The use of water/bait trapping may be used in this phased management strategy as a supplementary gather technique to assist in bringing the herd population to within established AML range.

Due to drought conditions within the Winnemucca District (WD) and BRFO, I issued a drought letter in February 2012 to all livestock permittee's and interested publics within the WD and sought their voluntary efforts to adjust their livestock operations based on drought. Grazing permittee's within the HMA have voluntarily reduced livestock numbers, delayed turnout and removed livestock earlier than normal from pastures/use areas because of a lack of forage and water and impacts of excess wild horses in and outside of the HMA. In turn, the south west portion of the HMA and/or of the Jackson Mountain Allotment will have changes to the permitted livestock starting in the fall/winter of 2012/2013. A separate livestock grazing agreement/decision will be issued to the permittee within the next couple of months prior to permitted livestock use in this use area.

Compliance/Conformance

I have determined that the Proposed Action is in conformance with:

All applicable regulations at 43 CFR (Code of Federal Regulations) § 4700 and policies, as well with the 1971 Wild Free Roaming Horses and Burros Act. More specifically, this action is designed to remove excess wild horses consistent with the following regulation:

43 CFR § 4720.1: “*Upon examination of current information and a determination that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately...*”

The *Paradise-Denio Resource Area Management Framework Plan (MFP)* approved July 9, 1982.

The wild horse and burro section of the Paradise-Denio ROD, July 1982, *Plan and Implementation* consists of the integration of the Proposed Actions and the Livestock Reduction/Maximizing Wild Horses and Burros Alternative with the following modifications:

4. Wild horse and burro herds will be maintained in the areas described in the Livestock Reduction/Maximizing Wild Horse and Burro Alternative. However, numbers will be determined by the following criteria: Existing/current WH&B numbers (as of July 1, 1982) will be used as a starting point for monitoring purposes except where one of the following exists:
 - a. Numbers are established by adequate and supportable resource data.
 - b. Numbers are established through the CRMP process as documented in CRMP recommendations and agreed to by the District Manager.
 - c. Numbers are established by formal signed agreement between affected interests.
 - d. Numbers are established through previously developed interim capture/management plans. Plans are still supportable by parties consulted in the original plan. EA’s (EAR’s) were prepared and are still valid.
 - e. Numbers are established by court order.

The following is Wild Horse and Burro Objective 1 from the Paradise-Denio MFP, 1982:

- **WHB-1:** Maintain wild horses and burros on public lands, where there was wild horse or burro use as of December 15, 1971, and maintain a natural ecological balance on the public lands.

The Proposed Action is also in conformance with the July 2004 ROD for the *Black Rock Desert High Rock Canyon Emigrant Trails NCA Resource Management Plan (RMP)*. Applicable decisions are:

- **WHB-1:** Retain referenced HMA (Jackson Mountains) and manage wild horse or burro populations consistent with plan objectives.
- **WHB-5:** Horses and burros will be gathered from HMAs to maintain horses and burros within the AML as funding permits. Aircraft will continue to be used for the management and, when necessary, removal of wild horses and burros. Gather activities will be scheduled to avoid high visitor use periods whenever possible.
- **WHB-6:** Gathers in Wilderness will continue to be conducted by herding the animals by helicopter or on horseback to temporary corrals, generally located outside of Wilderness. No landing of aircraft will occur in Wilderness Areas except for emergency purposes, and no motorized vehicles will be used in Wilderness in association with the gather operations unless such use was consistent with the minimum tool requirement for management of Wilderness.

The Proposed Action is consistent with the plans and policies of neighboring local, county, state, tribal and federal governments to the greatest extent practical. Under the Proposed Action, no federal, state, or local law, or requirement imposed for the protection of the environment will be threatened or violated.

The Proposed Action is in conformance with the Standards and Guidelines for Management of Wild Horses and Burros of the Sierra Front-Northwest Great Basin Area.

DECISION

Based on the Jackson Mountains Wild Horse Gather Plan Environmental Assessment (EA), DOI-BLM-NV-W030-2012-0005-EA, and the attached Finding of No Significant Impact (FONSI), it is my decision to implement the Proposed Action as described in the EA, as modified (from the proposed action described in the April 2012 Preliminary Environmental Assessment) to provide for an initial gather beginning in June due to emergency conditions, and that does not include the release of any geldings as a component of the action to be implemented (hereafter referred to as “Modified Proposed Action”). This initial gather will not include the use of water/bait trapping due to the wild horses’ negative response to human presence during water hauling efforts which indicated water trapping would be ineffective and possibly detrimental to animal health.

This Decision constitutes my final decision to gather and remove excess wild horses from within the Jackson Mountains HMA and to remove wild horses from non-HMA areas to which wild horses from the HMA have moved due to population pressures, and to manage the public lands within the gather area for a thriving natural ecological balance (TNEB).

Due to the escalating situation with respect to a lack of water and forage in portions of the HMA that BLM has been closely monitoring, leading to the need to haul water to prevent animal suffering and death, and a documentation over the past months of quickly declining body conditions of those wild horses within the Jackson Mountains HMA and associated areas, an

immediate emergency removal of wild horses from the south-west portion of the HMA is necessary and will be initiated beginning in early June, after which the first phase of the gather of excess wild horses from the remainder of the HMA and non-HMA areas will proceed.

Additional measures and Agency Expectations for this emergency gather are included as an attachment to this Decision for the humane treatment and protection of the wild horses and young foals. And to ensure safe and humane handling of all gathered wild horses.

Subsequent gathers to implement the phased-in management approach of reaching and maintaining AML will be conducted as described in the EA under the Modified Proposed Action, Alternative A. A Notice of Proposed Action will be issued 30 days in advance for subsequent gathers occurring within the Wilderness area. Wilderness policy requires a minimum of 30 days advance except for emergency activities within Wilderness areas, including emergency horse gathers.

Pursuant to Title 43 of the Code of Federal Regulations at 4770.3(c), this decision is effective immediately.

Rationale

Upon analyzing the impacts of the Modified Proposed Action, and following issuance of the EA for public review, I have determined that the Modified Proposed Action will not have a significant impact to the human environment, and that an Environmental Impact Statement is not required. Refer to the attached FONSI.

Removal of excess wild horses from the gather area is necessary to achieve a TNEB between wild horse populations, wildlife, livestock, vegetation, and the available water as mandated under Section 3(b) (2) of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) and consistent with section 302(b) of the Federal Land Policy and Management Act of 1976. An emergency gather of wild horses from portions of the gather area is also necessary to prevent unnecessary death of individual wild horses that are being currently impacted by a lack of forage and water due to drought conditions.

The Modified Proposed Action will prioritize removal of excess wild horses from those areas where emergency conditions exist or are emerging, and will use a phased-in approach in the remainder of the gather area to reach and maintain AML over a ten year period by removing excess animals, implementing fertility control and adjusting sex ratios over several gathers.

The gather will:

- Promote vegetative health by preventing over utilization and/or use by wild horses during critical growth periods for perennial grasses in the upland, wetland and stream bank riparian habitats associated with the Jackson Mountains HMA;

- Decrease resource competition for space, forage and water among wild horses, wildlife, and livestock;
- Although impacts would still occur through wild horse and livestock grazing, removal of wild horses will contribute to improved vegetation density, increased plant vigor, seed production, seedling establishment, and forage production over current conditions by reducing grazing pressures caused by excess wild horse numbers; and
- Slow wild horse population growth rates through implementation of the phased-in gather and fertility control treatment and sex ratio modification which could extend the amount of time between gathers to remove excess horses as required under the WFRHBA of 1971.
- Preserve the health and wellbeing of those animals removed from the range as well as the wild horse that will remain within the Jackson Mountains HMA.

Through the phased management approach, fertility control treatments and modification of sex ratios of released animals will slow population growth, reduce the number of animals needing to be removed through future gathers, decrease the number of excess wild horses placed in short or long term holding or offered for adoption or sale over the next ten years, and potentially increase the time period before another gather is necessary. The phased removal of excess wild horses from the gather area will ease pressure on short-term and long-term holding facilities that may have insufficient capacity to handle all of the excess wild horses if removed in a single gather, and will also provide a greater likelihood that a sufficient gather efficiency can be achieved to apply fertility controls to a larger segment of the wild horse population that remains post-gather.

Managing wild horses at the established AML will also maintain genetic health, long-term viability, and future reproductive success of mares within the herd. Reduced growth rates and lower population sizes will also allow for improvements to range condition, with long-term benefits to wild horse habitat quality, and will allow BLM to manage wild horses at a level that will ensure a TNEB.

The action is in compliance with the *Wild Free-Roaming Horses and Burros Act of 1971* (WFRHBA) by achieving the established AML, restoring a TNEB and preventing degradation of rangeland resources resulting from an overpopulation of wild horses. This assessment is based on factors including, but not limited to the following rationale:

- Based on the population inventory completed April 2012, the population of wild horses is approximately 740 adult animals; with the expected 2012 foal crop this equates to approximately 930 horses, which is 800 wild horses in excess of the low range of AML or 713 wild horses in excess of the high range of AML.
- Once wild horse populations are at low AML and are being managed within the AML range, BLM will be able to collect the resource monitoring data necessary to determine if wild horses are causing impacts that lead to non-attainment of Resource Advisory Committee (RAC) Standards for Rangeland Health in the allotments within the HMA, requiring downward adjustments to the AML or whether an upward adjustment to AML can be made while still maintaining rangeland health;

- Wild horses have moved onto public lands that fall outside of designated HMA boundaries, indicating the presence of excess wild horses as they search for additional habitat outside the HMA. Under regulations at 43 CFR § 4710.4, BLM is required to manage wild horses within their HMAs and to remove wild horses that take up residence outside of HMA boundaries.
- Water is a limited resource within the Jackson Mountains HMA and becomes a limiting factor when wild horse populations exceed high range AML. There are several hundred very small springs and seeps in the HMA that are ephemeral and dependent on yearly precipitation, available water is unreliable and often unavailable as springs/seeps recharge from past years of drought. Range improvements are present in the HMA but most are dependent on variable spring flows.

The following constitutes the rationale for making this decision effective upon issuance:

a) Necessity of Prompt Emergency Removal of Excess Wild Horses

Due to the escalation of forage and water scarcity and drought conditions within portions of the Jackson Mountains HMA and associated areas an immediate (emergency) removal has become imperative. Immediate removal of wild horses from the south west portion of the gather area and the concurrent removal of wild horses from the remaining portions will prevent harm to the wild horse population within the Jackson Mountains and protect at-risk wild horses from potential suffering or death. The lack of spring vegetation growth, minimal residual vegetation from the previous year's forage crop and reduced spring flows and natural water sources are reflected in the Jackson Mountains wild horses as can be observed in the reduction of body condition and overall health as documented by current monitoring data. Once the emergency gather begins in the southern portion of the gather area, the gather will continue into the entire gather area that was originally scheduled to be gathered beginning on July 1 to minimize movement of wild horses and to reduce stress from competition for severely limited resources and multiple gather attempts. Although it is likely there will be an increased number of pregnant mares and younger foals gathered prior to July 1, the overall benefits of immediately gathering and removing wild horses before July 1 outweighs those impacts. Initiating the gather prior to July 1 is necessary to limit the probability of death loss that disproportionately impacts pregnant mares and foals that are more prone to suffering extremely poor health related to poor nutrition and limited water consumption opportunities. In order to preserve the overall health of mares and foals specifically, a gather prior to the originally scheduled start date of July 1 would provide an opportunity to transition the animals to adequate feed while their bodies are still capable of recovering from a poor state of health. If the gather were to be delayed until July 1, already declining body condition would continue to decrease and the probability of death loss to pregnant and nursing mares would increase, along with the probability of orphaning foals whose mares might not survive until a later gather.

b) Potential Damage to Rangeland and Riparian Resources

Wild Horse population and resource monitoring data shows that current wild horse populations are exceeding the range's ability to sustain them over the long-term. Wild horses are now residing outside the HMA as more wild horses compete for limited forage, space and water resources. Resource damage is occurring and will continue without immediate action. Riparian areas are receiving heavy utilization and trampling impacts.

I selected implementation of the Modified Proposed Action over the Alternatives B & C for the following reason:

There is a need to immediately remove excess wild horses prior to July 1 due to emergency conditions that have developed in certain portions of the gather areas, to prevent suffering and death of individual animals that are showing declining body condition due to a lack of forage and water; and there is a greater opportunity to decrease the annual growth rate and reduce the necessity for, and frequency of, future gathers through the phased-in gather approach for removing excess wild horses and applying fertility control treatments over the next 10 years.

I selected implementation of the Modified Proposed Action over the No Action for the following reason (EA at Chapter 4 Wild Horses):

Under the No Action alternative, AML will not be achieved within the HMA and wild horses will not be removed from areas outside of the boundaries of designated HMA, which removal is mandated by the WFRHBA. There will be no active management to control the size of the wild horse population at this time. Wild horse populations will continue to increase at an average rate of 20-27% per year. Without a gather and removal now, the wild horse population in the HMA will exceed 2,445 horses within 5 years and 8,075 horses within 10 years based on population annual reproduction rate estimates of 27% recruitment. These population levels will continue to exceed the carrying capacity of the range. The No Action alternative would also allow the emergency conditions to continue to escalate, resulting in the death of individual wild horses, with a disproportionate impact on the health and well-being of mares and foals.

The AML for the HMA represents the population range at which a TNEB can be maintained and the level at which multiple uses of the public lands can occur without deterioration of the rangeland. Allowing the wild horse population to increase even further in excess of AML would result in greater competition for limited waters and forage resources among wild horses and with other multiple uses and would result in the death of individual wild horses in those portions of the gather area that are experiencing emergency conditions due to lack of adequate forage and water. Excessive utilization, trampling, and trailing by wild horses would degrade the vegetation, prevent improvement of range that is already in less than desirable or degraded condition, would

degrade currently healthy rangelands, and would not allow for sufficient availability of forage and water especially during drought years or severe winters for either wild horses or other ungulates.

In accordance with 43 CFR §4720.1, upon examination of current information, I have determined that an excess of wild horses also exists outside the HMA boundaries, and that the excess animals should be immediately removed. I have also determined that immediate action is necessary to address emergency conditions that have emerged within the HMA and to reduce the wild horse population within the Jackson Mountains HMA to low-range AML to maintain or improve rangeland resources and to achieve a TNEB.

Public Involvement

Preliminary EA

The Preliminary Jackson Mountains Wild Horse Gather Plan EA # DOI-BLM-NV-W030-2012-0005-EA was sent to the interested public list for the gather area on April 18, 2012, for a review and comment period that ended May 18, 2012. This list included seventy-six (76) individuals, organizations, County officials, State and Federal Agencies, and Tribes. Among these was the Nevada State Clearinghouse which made the preliminary EA available for review by thirty-seven Nevada State Agencies. The preliminary EA and associated documents were posted on the Winnemucca District website, and the Nevada State Office issued a news release notifying the general public of the availability of the document for review through BLM's external website. The news release was issued to a list of over 75 media sources in Nevada and California as well as Nevada Congressional representatives.

In excess of 6,000 comments were received from individuals, organizations, and agencies. The vast majority of these comments were one of two form letters. All comment letters were reviewed and considered, and were summarized into approximately 359 unique comments. Substantive comments were utilized to finalize the EA as appropriate. Substantive comments are categorized and summarized in The Response to Comments Table attached to this Decision.

Although BLM's review of public comments did not indicate that substantive changes to the conclusions presented in the preliminary EA were warranted, they did lead to changes throughout the document to better explain and clarify BLM's analysis in response to comments, which resulted in a more comprehensive and complete document. As a result, the reader should be more informed regarding the proposal and its effects. In addition, the Proposed Action has been modified to begin in June 2012 due to emergency conditions resulting from a continuing lack of forage and water availability within the south-west portion of the gather area that has necessitated water hauling and documentation of declining wild horse body condition, and to also eliminate the release of any geldings into the Jackson Mountain HMA from the proposed gather.

Native American Consultation

Tribe	Date Preliminary EA was Mailed	Dates of Consultation Meetings
Summit Lake Paiute Tribe	April 18, 2012	April 21, 2012 & May 19, 2012
Winnemucca Indian Colony	April 18, 2012	
Pyramid Lake Paiute Tribe	April 18, 2012	May 31, 2012
Fort McDermitt Paiute-Shoshone Tribe	April 18, 2012	March 19, 2012

Consultation meetings were held with the Summit Lake Paiute Tribe, Ft. McDermitt Tribe, and the Pyramid Lake Tribe.

Consultation and Coordination in Development of Preliminary EA

On-going consultation with Resource Advisory Councils (RACs), the Nevada Department of Wildlife, U.S. Fish and Wildlife Service, livestock operators and others, underscores the need for BLM to maintain wild horse populations within AML.

A Notice of Proposed Action (NOPA) was sent to Wilderness Interested Publics mailing list on April 17, 2012. The Friends of Nevada Wilderness wrote in support of the Proposed Action as described in the NOPA.

Issues identified in the EA at Chapter 1 were identified as a result of consultation and coordination relative to BLM’s management of wild horses in the planning area.

Public hearings are held annually on a state-wide basis regarding the use of motorized vehicles in the management of wild horses (or burros) (inventory, gather operations, and transport). During these meetings, the public is given the opportunity to present new information and to voice any concerns or opinions regarding the use of motorized vehicles in the management of wild horses and burros. The Carson City District Office held the 2012 Nevada state-wide hearing on May 29, 2012.

The BLM has been gathering excess wild horses and burros from public lands since 1975, and has been using helicopters for such gathers since the late 1970’s. Refer to Appendix A of the Jackson Mountain Wild Horse Gather Environmental Assessment for information about methods that are utilized to reduce injury or stress to wild horses and burros during gathers. Since 2004, BLM Nevada has gathered over 40,000 excess animals. Of these, gather related mortality has averaged 0.5%, which is very low when handling wild animals. Another 0.6% of the animals captured were humanely euthanized due to pre-existing conditions and in accordance with BLM policy. This data confirms that appropriate use of helicopters and motorized vehicles are a safe, humane, effective and practical means for gathering and removing excess wild horses and burros from the range. BLM policy prohibits the gathering of wild horses with a helicopter (unless under emergency conditions) during the period of March 1 to June 30 which includes and covers the six weeks that precede and follow the peak of foaling (mid-April to mid-May). This decision

authorizes a helicopter gather beginning in June 2012 because the emergency conditions that have emerged in the gather area pose a greater threat of mortality for pregnant mares and newborn foals.

AUTHORITY

The authority for this decision is contained in Section 3(b)(2) of the 1971 Free-Roaming Wild Horses and Burros Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700.

43 C.F.R. §4700.0-6 Policy

- (a) Wild horse and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
- (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;
- (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

43 C.F.R. §4710.4 Constraints on Management

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

43 C.F.R. §4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animal immediately in the following order.

- (a) Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title;
- (b) Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely gathered and made available for private maintenance in accordance with subpart 4750 of this title; and
- (c) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this part.¹

¹ Congress has prohibited the use of appropriated funds to destroy healthy excess wild horses or burros in FY 2012. It is also contrary to BLM policy to destroy healthy excess animals and therefore, the BLM is not implementing this portion of the CFRs. Future changes to BLM policy would not occur without opportunity for public involvement

43 C.F.R. §4740.1 Use of Motor Vehicles or Air-Craft

(a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses or burros for capture or destruction. All such use shall be conducted in a humane manner.

(b) Before using helicopters or motor vehicles in the management of wild horses or burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

43 C.F.R. §4770.3 Administrative Remedies

(a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR, part 4.

(b) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

(c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from the public or private lands in the situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

APPEAL PROVISIONS

Within 30 days of receipt of this wild horse decision, you have the right to appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed, "Information on Taking Appeals to the Board of Land Appeals." Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days of receipt of this decision you have a right to file a petition for a stay (suspension) of the decision *together* with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the enclosed form titled "Information on Taking Appeals to the Board of Land Appeals." The appellant has the burden of proof to demonstrate that a stay should be granted.

and comment.

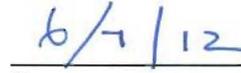
A petition for a stay of decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied;
- 2) The likelihood of the appellant's success 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.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.401 (c) (2)).



Gene Seidlitz
District Manager
Winnemucca District



Date

Attachments

RESPONSE TO COMMENTS

Jackson Mountains Wild Horse and Burro Gather Plan Preliminary Environmental Assessment
 Environmental Assessment, DOI-BLM-NV-W030-2012-0005-EA

The Jackson Mountains Wild Horse and Burro Gather Plan Preliminary Environmental Assessment, DOI-BLM-NV-W030-2012-0005-EA was made available to interested individuals, agencies and groups for a public review and comment period that opened April 18, 2012 and closed May 18, 2012. More than 6,000 comment submissions were received; more than 5,800 of those submissions were form letters from animal advocacy groups. Approximately 90 comments were received after the comment closing period of May 18, 2012. All comment letters were reviewed and considered. Substantive comments were utilized to finalize the EA as appropriate. BLM responses to all comments received before May 18, 2012 are identified in the table below.

Comments received were organized into the following general categories. Similar comments were summarized.

Summarized Comment	BLM Response
GENERALLY SUPPORTIVE	
Supports all efforts to bring this population of wild horses into AML.	Comment noted
Supports efforts at managing wild horses within the AML and supports BLM’s preferred alternative of a phased-in gather and population growth control.	Comment noted
Your proposed action will only serve to enhance the wilderness and special habitat values of the wilderness areas impacted.	Comment noted
ALTERNATIVES	
Use of PZP	
Use PZP fertility control instead of helicopter gathers. This would be more cost effective.	The use of PZP is addressed as part of the Proposed Action. Under the WFRHBA "If the Secretary concludes that an overpopulation exists and that "action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels." The suggested alternative does not meet the requirements identified in

Summarized Comment	BLM Response
	Section 1.4 of the EA or the requirements of the WFRHBA. The economic model referred to in this comment is the intellectual property of the developer and is currently being reviewed by the National Academy of Sciences.
Dart all mares with one year version of PZP.	This is addressed in Section 2.2 of the EA under Field Darting PZP Treatment. "This alternative was dismissed from detailed study for the following reasons: (1) the size of the area is too large to use this method; (2) the number and phenotypic characteristics of horses (130-217 wild horses) in the HMA makes it unrealistic to be able to clearly identify all mares targeted for treatment; (3) the area is too remote and access too limited.(4) limited ability to approach the target horses. The logistics of implementing this method in tandem with bait and/or water trapping is also impractical for the reasons listed above.
Use of PZP should be discontinued until breeding status (mustang population of 500 individuals) and genetic diversity have been established; PZP is not best fertility control measure.	Genetic data is collected during gather operation and sent out for independent analysis. AML cannot be adjusted cannot be made through a wild horse gather decision. This is addressed in this EA under section 2.2 Alternatives Considered but not Analyzed in Detail. Raising the Appropriate Management Levels for Wild Horses.
Defer Gather Until Fall	
<p>Delay gather until fall when PZP can be applied and vaccinate a sufficient number of mares to significantly reduce population growth in the HMA.</p> <p>BLM should delay gather until fall. The PEA does not analyze delay of gather in fall. Gathering in summer makes no operational or fiscal sense. Foals would be more mature and PZP would have higher efficiency.</p>	This is a phased gather and PZP will be applied during the periods when it is most effective as described in 2.1.2 Alternative A Proposed Action: "The subsequent follow-up phases of the gather activities would be conducted in a manner consistent with those described for the initial summer 2012 gather but would be conducted during the period of November through February which is identified as the period of maximum effectiveness of fertility control application."
Population Controls	
Insufficient disclosure of impacts of gelding on stallions.	Gelding component of proposed action has been removed.

Summarized Comment	BLM Response
Gelding is contrary to the Wild Horse and Burro Act and this component would not mitigate range damage.	
Properly implement a fertility control program using non-hormonal, reversible fertility control application. Delay the roundup until late fall, when PZP can be applied, and by vaccinating enough mares to significantly reduce population growth in this HMA.	Does not meet the Purpose and Need as described in Section 1.4 of the EA and is addressed as part of Alternative D the No Action Alternative. This alternative would also be inconsistent with the WFRHBA, which directs the Secretary to immediately remove excess wild horses.
The PEA fails to provide scientific justification for the plan to return horses to the range in a 60- 40 male/female sex ratio – including analysis of the impacts on wild horse behavior, welfare and reproduction. The PEA fails to provide any research or data on the impacts to the range, individual horses, wild horse herds as a whole on the impact of skewing sex ratios.	Sex skewing is addressed in as part of Appendix G of the EA and as part of the Proposed Action. Impacts of skewing sex ration are address in section 4.17.
Skewing of sex ratio and gelding are inconsistent with the directive to “maintain free roaming behavior of wild horses and burros” set forth in both The Black Rock Desert High Rock Canyon Emigrant Trails National Conservation Area, Associated Wilderness and Other Contiguous Lands Resource Management Plan and the Paradise-Denio Management Framework Plan.	Comment Noted. Gelding component has been removed.
Gather area actually composed of two separate horse populations that individually are not large enough for a non-breeding component.	Comment Noted. Gelding component has been removed.
Consideration of higher ratio of skewing gender in population.	Comment Noted. Current WH&B policy recommends not skewing sex ratios to greater than 70%:30 % in favor of males.
Methods of Trapping	
Bait/water trapping would be a preferable alternative to helicopter gathers, a more effective gathering technique, and more cost effective	Addressed in Section 2.2 Use of Bait and/or Water Trapping "This alternative was dismissed from detailed study as a primary or sole gather method for the following reasons: ..."
Use of helicopters are contrary to the Wild Free Roaming Horse	Addressed in Section 2.2 under Use of alternative capture

Summarized Comment	BLM Response
and Burro Act, should not be used, bait/water trapping would be better.	techniques instead of helicopter and capture of excess wild horses.
Other Alternatives	
Remove livestock / proportional removal of livestock.	Out of scope of this document. Livestock grazing can only be reduced or eliminated if BLM follows regulations at 43 CFR § 4100 and must be consistent with multiple use allocations set forth in the land-use plan. Forage allocations are addressed at the planning level.
Develop ecotourism to improve local economy.	Comment noted.
Send horses to horse sanctuary.	Comment noted.
Conduct selective gather, removing only ‘adoptable’ horses and leaving older horses.	Addressed in section 2.2 under “Make on-the-ground and individualized excess wild horse determination prior to removal.”
Move horses to better habitat; this may be more cost effective than helicopter roundup.	Under the WFRHBA horses must be managed in the areas they were identified as occupying when the Act was passed. Cost models submitted with some comments are intellectual property of the developer and are currently being reviewed by the National Academy of Sciences.
Install guzzlers for horses / haul water to horses.	BLM is currently hauling water in the HMA. This does not meet the Purpose and Need for Action described in 1.4 of the EA and is addressed as part of Alternative D the No Action Alternative. This is also addressed in 5.2 under Wild Horses "If necessary BLM would provide water for wild horse populations until wild horse populations are within AML or in periods of critical need."
Leave the horses alone.	This does not meet the Purpose and Need for Action described in 1.4 of the EA and is addressed as part of Alternative D the No Action Alternative. "This alternative would also be inconsistent with the WFRHBA, which directs the Secretary to immediately remove excess wild horses.
DATA	
Lack of data to support current conditions and/or wild horses are the casual factors for current rangeland conditions.	BLM staff has obtained monitoring and photographic evidence showing degradation of rangeland conditions and declining wild horse health.

Summarized Comment	BLM Response
Collection and use of genetic data.	<p>This issue is addressed as part of the Proposed Action. Hair samples would be collected during the proposed gather and sent to Dr. E. Gus Cothran at Texas A&M University for genetics analysis to determine current genetic health of the population. Following analysis of samples collected in 2012, if necessary, the Winnemucca District would work with Dr. Gus Cothran's recommendations to develop plans to maintain and further improve genetic health.</p> <p>Genetic data is collected during gather operation and sent out for independent analysis. The BLM does have a guidance on how and when to increase genetics in a herd. This is located in the BLM Wild Horse and Burro Handbook. These recommendations are outside the scope of this document.</p>
DEFINITIONS	
Definition of "core breeding population"	The core breeding population referred to the number of animals left that were reproductively viable in the HMA when the gelding component was still under consideration. The gelding component has been removed.
EMERGENCY NATURE	
Concern about the condition of the horses themselves. Many of our members enjoy observing wild horses and burros in the wild but we have concerns when the numbers are too high and the horses are in poor condition. With increasing temperatures as a result of global climate change we worry about the health of increasing number of horses in this already very arid region. We do not want to see them starve to death.	Comment noted.
Plan does not outline potential drought emergency with removals in May/June. Data does not support claim of emergency situation.	The 'emerging situation' was identified in section 4.17.1 "Summer 2012 is proposed for this gather as dry conditions currently being experienced within the Winnemucca District are likely to exacerbate potential water and forage shortages."

Summarized Comment	BLM Response
	<p>At the time the preliminary EA was released, conditions in the HMA were considered to be escalating and a gather on or after July 1 was being considered as the BLM was anticipating receiving average precipitation. Since the release of the preliminary EA drought conditions have worsened. Monitoring data obtained since the preliminary EA was released is demonstrative of declining animal conditions.</p> <p>The determination of the "emergency situation" is based on the ongoing monitoring of the HMA and the lack of precipitation in the region. This is supported by the NOAA drought assessment and observation made by BLM staff in the field. BLM is currently hauling water to the HMA as a result.</p> <p>According to NOAA the District is classified as being in a "Severe Drought." The Winnemucca District receives the majority of its annual precipitation between the months of November thru December and March thru May. It is well documented that this was a very dry winter in Northern Nevada with precipitation well below normal. The District was hopeful that it would receive above normal precipitation during the March thru May time frame. It would have been premature to declare an "emergency situation" until the district had a reasonable expectation that "emerging" situation was going to be elevated by rains received during this period. The effects of gather operation are addressed in 4.17.1 Capturing Wild Horses. "Indirect individual impacts are those impacts which occur to individual wild horses after the initial stress event, and may include spontaneous abortions in mares, and increased social displacement and conflict in stallions."</p>
BLM declaring emergency for horses based on lack of water and	Livestock use has been reduced in the southern portion of the

Summarized Comment	BLM Response
forage, yet allows livestock to remain on range and mining companies	HMA and removed from areas of critical concern (ie around Trail Springs). See section 3.3.2.
IMPACTS TO WILDLIFE	
Studies show (Pryor Mountain) little to no dietary overlap between Rocky Mountain bighorn sheep and wild horses. Analysis in 2007 shows no competition for resources with sage grouse.	<p>It is difficult to use studies conducted in the Pryor Mountains as a surrogate for the Jackson Mountains. The Pryor Mountains have a completely different ecosystem. The horses are more use to human interactions and are more approachable than the horses in the Jackson Mountains. Studies by the National Academy of Sciences on Wild Free Roaming Horses and Burros in 1982 have concluded that on " severely degraded ranges, diets of different species tend to converge, and competition is possible".</p> <p>Water resources are limited in the HMA due to the drought condition. The condition on the range found in 2007 is significantly different from what is being experienced at this time.</p>
RANGELAND MANAGEMENT AND LIVESTOCK GRAZING	
Livestock grazing has been an historic problem in the Jackson Mountains HMA. Despite claims that horse removal is necessary, the BLM is maintaining current livestock use. What are the impacts to the range based on livestock.	<p>Livestock grazing can only be reduced or eliminated if BLM follows regulations at 43 CFR § 4100 and must be consistent with multiple use allocations set forth in the land-use plan. Such changes to livestock grazing cannot be made through a wild horse gather decision, and are only possible if BLM first revises the land-use plans to allocate livestock forage to wild horses and to eliminate or reduce livestock grazing.</p> <p>Livestock use has been reduced in the southern portion of the HMA and removed from areas of critical concern (ie around Trail Springs). See section 3.3.2.</p> <p>Impacts based on livestock use are analyzed under separate NEPA documents, such as those prepared for forage allocation in land use plans or for grazing permit renewals.</p>

Summarized Comment	BLM Response
POPULATION	
Establishment of AML and disproportionate AML vs AUMs.	Out of scope of this document. This action is not setting or adjusting AML or AUMs. Livestock grazing can only be reduced or eliminated if BLM follows regulations at 43 CFR § 4100 and must be consistent with multiple use allocations set forth in the land-use plan. Such changes to livestock grazing cannot be made through a wild horse gather decision, and are only possible if BLM first revises the land-use plans to allocate livestock forage to wild horses and to eliminate or reduce livestock grazing.
Methodology used to calculate population. Conflict of interest between the aircraft contractor used for the census and the gather.	In a report issued by the Government Accountability Office to the Chairman of the Report to the Chairman, Committee on Natural Resources, House of Representatives in October of 2008 they concluded that "Nineteen of the 26 field officials we surveyed used the direct-count method for their most recent gathers. This method, according to researchers, consistently undercounts animals and does not provide a statistical range of population estimates." The Direct Count Method was used for the census of this HMA. A different aircraft company was used when this census was conducted then the one scheduled to do the gather.
TIMING OF GATHER	
Lack of analysis of impacts of conducting gather during summer and impacts to foals during an emergency gather. Helicopter gather in June 1 violates policy.	<p>Addressed in 4.17.1 Wild Horse Response to Handling. "During an emergency gather it is likely there will be an increased number of pregnant mares and younger foals gathered during this time, the overall benefits of gathering and removing wild horses before July 1 is to limit the probability of death loss due to extremely poor health related to poor nutrition and limited water consumption opportunities..."</p> <p>BLM IM # 2010-183 says "The peak of foaling for wild horse herds on public lands in the West falls within about a two week period, from mid-April to mid-May. It is the BLM's policy to prohibit the use of helicopters to assist in the capture of wild</p>

Summarized Comment	BLM Response
	horses the six weeks before and the six weeks that follow the peak of foaling. Therefore, the use of helicopters to capture wild horses is prohibited from March 1 until June 30, unless an emergency situation occurs."

PHOTOGRAPHS OF WILD HORSES TAKEN WITHIN THE JACKSON MOUNTAIN HMA
April 29, 2012 through May 29, 2012



Trail Spring (top and bottom) 4/29/12



PHOTOGRAPHS OF WILD HORSES TAKEN WITHIN THE JACKSON MOUNTAIN HMA
April 29, 2012 through May 29, 2012



PHOTOGRAPHS OF WILD HORSES TAKEN WITHIN THE JACKSON MOUNTAIN HMA
April 29, 2012 through May 29, 2012



Jackson Mountain Gather

June 7, 2012

Agency Expectations

To Ensure Safe and Humane Handling of All Gathered Wild Horses

Based on the Bureau of Land Management's (BLM) experience with previous wild horse/burro gathers and the need to adapt some gather practices to specific local conditions, the following information will be discussed with all gather personnel before gather operations begin. This discussion will serve as a reminder that the humane handling of wild horses and burros (WH/B) during gather operation is always a primary concern. The Contracting Officer's Technical Representative (COTR) will address any actions or issues that seem inhumane promptly and within contract specifications. Some guidelines include the following:

1. The helicopter will not be operated in a manner where internal or external forces could cause it to come into contact with an animal. Hovering by the helicopter over the WH/B is acceptable so long as there is no risk of contact.
2. Handling aids (including body position, voice, flags, paddles, electric prods will be used in a manner that is consistent with domestic livestock handling procedures. Flags and paddles will be used as signaling and noise making devices first with only light contact of the flag or paddle end allowed. Animals will not be whipped or beaten.
3. Flagging and paddles will be used strategically to guard against desensitizing the WH/B.
4. Kicking or hitting of WH/B is not acceptable.
5. Electric prods (hotshots) will not be used routinely on WH/B. Electric prods will only be used to shock animals, not to tap or hit animals. Electric prods will not be applied to sensitive areas such as the face, head, genitals or anus. Electric prods may only be used when WH/B or human safety is in jeopardy or other handling aids have been tried and are not working.
6. Gates and doors will not be deliberately slammed or shut on WH/B. Gates can be used to push WH/B but will not be used in a manner that may catch legs.
7. Pursuing single WH/B should be a rare event and not standard practice. Only the COTR will identify and request the contractor to pursue single WH/B.
8. The contractor will make every effort to ensure that foals are not left behind or orphaned in the field. If a foal has to be dropped from a group being brought to the trap because it is getting too tired or cannot keep up for any reason, the contractor/pilot will document the location of the foal and the description of the mare to facilitate "pairing-up" at temporary holding. In this case, the contractor will provide trucks/trailers and saddle

horses for the retrieval of the young foal(s), and transport the foal(s) to the gather site or temporary holding. The method of capture will be authorized or requested by the COTR.

9. If during the gather any wild horses being brought in by helicopter (including foals or horses that may be aged, lame, injured or otherwise appear weak or debilitated) appear to be having difficulty keeping up with the group being brought in, the contractor will slow down to accommodate the individuals having difficulty, pause to allow those animals to rest before proceeding, drop those individuals from the group or drop the entire group. It is expected that animals may be tired, sweaty and breathing hard on arrival at a trap, but they will not be brought in by the helicopter in a manner that results in exhaustion, collapse or distress.
10. The need to rope specific WH/B will be determined by the COTR on a case by case basis. The COTR will identify what WH/B need to be roped.
11. While gathering, there may be WH/B which escape or evade the gather site while being moved with the helicopter. In these cases there may be multiple attempts to recapture and push the WH/B to the gather site. In these instances, animal condition and fatigue will be evaluated on a case by case basis to determine the number of attempts that can be made to capture/recapture. Animals will not be pursued to a point of exhaustion.
12. Any foals that are not weaned and have been maintained with their mares at the gather temporary holding corral will be transported to the BLM preparation facilities as soon as practical. Mares with dependent foals will be separated from other animals and moved to a designated mare/foal pen until they can be shipped to the BLM preparation facility.
13. All sorting, loading, or unloading of WH/B will be performed during daylight hours.
14. Screening on panels will be provided where loading operations occur as a visual barrier and to block holes, gaps, or openings where WH/B could attempt to escape or be injured.
15. As determined by the COTR, appropriate dust control measures will be implemented as noted in the gather contract.
16. When possible, the contractor will have the trailer floor at ground level to ease the loading of WH/B at the gather site.
17. If the pilot is moving WH/B and observes an animal that is clearly injured or suffering, the animal should be left on the range and its location noted. The BLM COTR or Project Inspector with APHIS veterinary assistance if necessary will then go to the area to determine the condition of the WH/B and the appropriate actions necessary to address the welfare of the animal including euthanasia if needed.
18. All gather personnel; including contractors will be monitored for fatigue.

19. Injuries that required veterinary examination or treatment, deaths, and spontaneous abortions that may occur will be noted in gather reports and statistics kept by the COTR.
20. At the discretion of the COR, if an wild horse or foal is injured during gather operations, gather operations may be temporarily suspended if necessary to provide care for the animal and safe transportation to the temporary holding corrals or BLM preparation facility as indicated.
21. The contractor, per the gather contract, shall provide animals held in the gather corrals and/or holding facilities with a continuous supply of fresh clean water at a minimum rate of 10 gallons per animal per day. Animals held for 10 hours or more in the gather corrals or holding facilities shall be provided good quality hay (grass hay) at a rate of not less than two pounds of hay per 100 pounds of estimated body weight per day. Hay will be distributed around the pens such that each animal can eat at one time without overcrowding.
22. When extreme environmental conditions exist (temperature) during this gather, the overall health and well-being of the animals will be monitored and the COR will adjust gather operations as necessary to protect the animals from climatic and gather related health issues. There may be days when gather operations cease based on temperatures.
23. The success of gathering and safely and humanely caring for or handling WH/B will be based on contractor and BLM staff's patience, expertise and experience.
24. The IC, COR and contractor will ensure that the distance animals are brought to the gather site is based on the terrain, environmental conditions, and animal health. With foals, pregnant mares, or horses that are weakened by body condition, age or poor health the appropriate trailing/gather distance will be determined on a case by case basis considering the weakest or smallest animal in the group and the range and environmental conditions present. The maximum gather distance will depend on the specific animal and environmental conditions on the day of the gather, and direct dialogue with the pilot/contractor and COR/PI will take place for each 'run' to provide important information as to numbers, number of foals, locations distance and/or overall animal and/or environmental conditions. Ten miles will typically be the upper limit for gather distances under normal conditions. Under the current conditions anticipated in the southern part of the Jackson Mountains (young foals and animals potentially weakened by drought) 5-7 miles will be the goal for the upper limit. The trap locations will be moved closer to horse locations as much as possible to ensure the humane treatment of the animals.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL	A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).	
2. WHERE TO FILE NOTICE OF APPEAL	US Dept of the Interior Bureau of Land Management 5100 E Winnemucca Blvd Winnemucca NV 89445	And US Dept of the Interior Office of Hearings & Appeals Interior Board of Land Appeals 801 N Quincy St MS 300-QC Arlington VA 22203
WITH COPY TO SOLICITOR	US Dept of the Interior Office of the Solicitor Pacific Southwest Region 2800 Cottage Way Rm E-2753 Sacramento CA 95825-1890	
3. STATEMENT OF REASONS	Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).	
WITH COPY TO	US Dept of the Interior Office of the Solicitor Pacific Southwest Region 2800 Cottage Way Rm E-2753 Sacramento CA 95825-1890	And US Dept of the Interior Bureau of Land Management 5100 E Winnemucca Blvd Winnemucca NV 89445
4. ADVERSE PARTIES	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.	
5. PROOF OF SERVICE	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).	
6. REQUEST FOR STAY	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) 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. Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal 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.	

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.
