



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Surprise Field Office  
PO Box 460  
Cedarville, CA 96104  
[www.ca.blm.gov/surprise](http://www.ca.blm.gov/surprise)

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

October 18, 2005

### **NOTICE OF FINAL DECISION** **FULL FORCE AND EFFECT**

#### **CAPTURE PLAN for the WALL CANYON EAST, NUT MOUNTAIN, and BITNER WILD HORSE MANAGEMENT AREAS**

CERTIFIED MAIL: 7160 3901 9842 8266 9852  
Return Receipt Requested

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

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-370-05-28, Capture Plan for the Wall Canyon East, Nut Mountain, and Bitner Wild Horse Herd Management Areas. This is 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

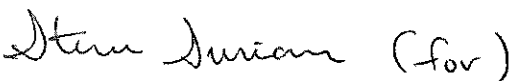
reasons why you are appealing. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file an Appeal and Petition for a Stay, the Petition for a Stay must accompany your Notice of Appeal and be in accordance with 43 CFR, Part 4, Subpart E and 43 CFR 4770.3 (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 Steve Surian of my staff at (530) 279-2712, or write to the above address.

Sincerely,

 (for)

Owen Billingsley  
Surprise Field Manager

Enclosure,

Decision Record/FONSI for EA-CA-370-05-28.

**FINDING OF NO SIGNIFICANT IMPACT  
and  
DECISION RECORD**

**Capture Plan for the  
Wall Canyon East, Nut Mountain and  
the Bitner Wild Horse Herd Management Areas  
Environmental Assessment  
CA-370-05-28**

Based on the analysis of potential environmental impacts contained in Environmental Assessment #CA-370-05-28, and considering the significance criteria in 40 CFR 1508.27, I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

**Rationale**

The Proposed Action and two alternatives were analyzed in Environmental Assessment #CA-370-05-28 (EA) dated September 2005.

I have chosen to implement the Proposed Action because this alternative would maintain wild horse herds at appropriate management levels, and 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.

The use of immuno-contraceptives or fertility control (Alternative #2) is not necessary for population control for herd management areas with relatively low Appropriate Management Levels. Consequently, the change in gather frequency or population growth is not expected to significantly differ Alternatives # 1 and #2 for the herds analyzed by the EA.

The No Action Alternative was not selected as it would not restore or maintain 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. This alternative therefore is not consistent with Land Health Standards, and Land Use Plan objectives.