

2006-131



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Winnemucca Field Office  
5100 East Winnemucca Boulevard  
Winnemucca, Nevada 89445  
<http://www.nv.blm.gov>



In Reply Refer To:  
4700 (NV-022.44)

**RECEIVED**

**OCT 31 2005**

CERTIFIED MAIL NO. 7004 1350 0002 9700 5522  
RETURN RECEIPT REQUESTED

NOV 01 2005

DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE DIRECTOR  
BUDGET AND PLANNING DIVISION

Nevada State Clearinghouse  
209 E Musser St Room 200  
Carson City, NV 89701-4298

Dear Interested Public:

Enclosed is a copy of the Decision Record and Finding of No Significant Impact (DR/FONSI) for the Blue Wing Complex Wild Horse and Burro Gather and Environmental Assessment (NV-020-05-EA-22) and a copy of the DR/FONSI for the McGee Mountain Wild Burro Capture Plan (NV-020-05-EA-23).

The Proposed Action (Alternative 1) is approved for implementation as it is stated in the Blue Wing Complex EA. Pursuant to Title 43 of the Code of Federal Regulations (CFR) at 4770.3(c) the Blue Wing Complex Wild Horse and Burro gather is approved for implementation upon the date of my signature below. Gather operations will begin on November 1, 2005. Appeal procedures can be found on the enclosed form (Form 1842-1).

The Proposed Action (Alternative 1) is approved for implementation as it is stated in the McGee Mountain EA. Pursuant to Title 43 of the Code of Federal Regulations (CFR) at 4770.3(c) the McGee Mountain Wild Burro gather is approved for implementation upon the date of my signature below. Gather operations may begin as soon as December 1, 2005, if funding is available. Appeal procedures can be found on the enclosed form (Form 1842-1).

### **Background Information – Blue Wing Complex**

Appropriate Management Levels (AMLs) have been established for all six Herd Management Areas (HMAs) within the Blue Wing Complex gather area. The Sonoma-Gerlach Land Use Plan (LUP), signed July 9, 1982, established the three Herd Areas (HAs) in the Complex as horse free areas.

Current census data indicates horses in the complex are more than double the high range of AML and burros are almost six times the high range of AML. There are also numerous horses in the HAs where they are not authorized per the LUP. In accordance with 43 CFR 4720.1, "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 animals immediately...”

### **Summary of Public Involvement – Blue Wing Complex**

The Preliminary Blue Wing Complex Gather Plan/EA was provided to the public for review on September 29, 2005. The comment period ended October 29, 2005. Comments were received from Barbara Warner, Secretary, Marion County Humane Society, Kentucky.

### **Responses to Public Comments – Blue Wing Complex**

1. An objection was raised to the implementation of the Proposed Action or Alternative 2 in favor of Alternative 3, the No Action Alternative.

All studies done on wild horses indicate that without the application of PZP and cyclic gathers, their populations could, and have been seen to grow from about 15% to 30% annually. The population model used for this gather indicated that without a gather and PZP application the population could be close to 9,000 animals in 10 years: far more than the range is capable of supporting (see page 11 of the EA-2.2.3). With the application of PZP in concurrence with cyclic gathers the length between gathers will lengthen causing less stress to the wild horses on the range.

2. Concern was expressed that we planned to remove 459 wild horses from a total population of 642 and to return only 183 wild horses to the range of which 137 mares would be treated with PZP.

As stated in 2.2.1 of the EA on page 11, the combined low to high range of Appropriate Management Level (AML) for the Blue Wing Complex HMAs is 333 to 553 wild horses. A census was done in early October after the Preliminary EA was mailed out, which indicates we have a total wild horse population of 1204 horses within the Blue Wing Complex. The proposed action is to capture 90% of the horses off the HMAs where they are authorized and capture 100% of the equines off the HAs and areas where they are not authorized or were not present when the 1971 Wild Free-Roaming Horse and Burro Act was passed (P.L. 92-195). Approximately 251 horses will be returned to the range of which approximately 188 wild mares will be treated with PZP.

3. One comment expressed concern that using PZP on mares would disturb their normal estrus cycle, skew their sex ratio, and disrupt their age structure.

There is no evidence that the application of PZP changes the mares' estrus cycles. PZP is not 100% effective (see Appendix C in the EA); there will be a few foals born the first year after application and progressively more born the next two years until the effects of the drug totally wears off. The sex ratio within family bands is not skewed and the age structure is preserved as some mares will foal each year.

4. The primary use of the public lands in regard to wild horses was brought into question.

The BLM manages the public land for multiple-use as mandated in the 1976 Federal Land Policy and Management Act. Wild equines are only one of those uses, along with livestock grazing, wildlife habitat management, recreation, and mining. According to 43 CFR 4710.3-1, "Herd management areas shall be established for the maintenance of wild horse and burro herds...the authorized officer shall consider the appropriate management levels for the herd... (and) the relationships with other uses of the public and adjacent private lands..." 43 CFR 4710.3-2 indicates, "Herd management areas *may* also be designated as wild horse or burro ranges to be managed principally, but *not* necessarily exclusively, for wild horse or burro herds." There are three wild horse or burro ranges managed by the BLM that are principally for wild equines: the Pryor Mountains Wild Horse Range, the Nevada Wild Horse Range (at Nellis Air Force Base), and the Marietta Wild Burro Range.

### **Background Information – McGee Mountain HMA**

Appropriate Management Level (AML) has been established for the McGee Mountain HMA. The Paradise Denio Management Framework Plan was issued on July 9, 1982 and guides public land management activities within the McGee Mountain HMA.

Current ground observations indicate burros in the complex are more than double the high range of AML. In accordance with 43 CFR 4720.1, "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 animals immediately..."

### **Summary of Public Involvement – McGee Mountain HMA**

The Preliminary McGee Mountain Gather Plan/EA was provided to the public for review on September 29, 2005. The comment period ended October 29, 2005. Comments were received from Barry Breslow, Director, International Society for the Protection of Mustangs and Burros, California.

### **Responses to Public Comments – McGee Mountain HMA**

1. A recommendation was made to implement Alternative 2, Gather to High Range AML instead of the Proposed Action, Gather to Low Range AML based on a discussion of genetic viability.

Blood sampling and herd monitoring will continue to occur to insure a healthy, self-sustaining burro population is maintained in the McGee Mountain HMA. In addition, some movement of burros from inside/outside the area is expected.

2. Concern was expressed regarding the use of a helicopter to gather wild burros.

On-site BLM personnel will ensure the contractor follows the Standard Operating Procedures (see Appendix A in the EA) to ensure the humane treatment of animals during the gather.

Section 404 of the Federal Land Policy and Management Act of 1976 states the Secretary of the Interior may use or contract for the use of helicopters or motor vehicles, the latter

for the purpose of transporting captured animals. That law also calls for humane procedures and public meetings on the use of helicopters and motor vehicles in wild horse and burro management.

An annual hearing was conducted at the Nevada State BLM Office in Reno last May to solicit public comments regarding the use of helicopters and motorized vehicles in the management of wild horses and burros on BLM lands according to the Wild Free-Roaming Horse and Burro Act of 1971, as amended, Section 9, 43 Code of Federal Regulation 4740.1(b).

### **Appeal Information**

If you wish to appeal this decision, appeal procedures can be found at the end of the DR/FONSI with an *Information On Taking Appeals To The Interior Board Of Appeals* (Form 1842-1), attached. If you appeal, your appeal must be filed with the Bureau of Land Management at the following address:

Arlan G. Hiner  
Assistant Field Manager, Renewable Resources  
Bureau of Land Management  
Winnemucca Field Office  
5100 East Winnemucca Blvd.  
Winnemucca, NV 89445

Your appeal must be filed within thirty (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 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to 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.

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  
801 North Quincy Street (MS 300-QC)  
Arlington, VA 22203

and to the appropriate office of the Solicitor:

Field Solicitor  
U.S. Department of the Interior  
6201 Federal Building  
125 South State Street  
Salt Lake City, UT 84138-1180

at the same time the original documents are filed with this office.

Enclosed is a compact disk (CD) with the approved Blue Wing Complex Capture Plan/EA and McGee Mountain Capture Plan/EA in Portable Document Format (.pdf) format which can be viewed on a home computer. Hard copies are also available for your convenience at the Winnemucca Field Office. If you have any questions or require further information, please contact Glenna Eckel or Arlan Hiner at (775) 623-1500.

Sincerely,



Arlan G. Hiner  
Assistant Field Manager, Renewable Resources

4 Enclosures

1. DR/FONSI Blue Wing Complex Capture Plan and Environmental Assessment (3 pp)
2. DR/FONSI McGee Mountain Capture Plan and Environmental Assessment (2 pp)
3. *Information On Taking Appeals To The Interior Board Of Appeals*, Form 1842-1 (2 pp)
4. CD- Blue Wing Complex EA\_051030.pdf (52 pp); McGee\_Mtn\_EA\_051030.pdf (25 pp)

**DECISION RECORD (DR)  
AND  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**Blue Wing Complex  
Capture Plan and Environmental Assessment  
NV-020-05-EA-22**

**Decision**

It is my final decision to select Alternative I, the Proposed Action, as described in the Blue Wing Complex Wild Horse and Burros Capture, Removal, and Fertility Control Plan and Environmental Assessment (EA), EA NV-020-05-EA-22.

The Proposed Action is to “Gather to Low Range Appropriate Management Level (AML) with Fertility Control.” Approximately 1,122 wild horses and 479 burros would be gathered, about 871 horses and 451 burros removed, and about 251 horses and 28 burros released back into their respective HMAs. In addition, about 188 breeding age mares selected for release, would be treated with Porcine zona pellucidae (PZP), a fertility control vaccine. (Jennies would not be treated with PZP.) Standard Operating Procedures (SOPs) for use of the PZP vaccine would be followed as described in Appendix B of the EA. The post gather wild horse and burro populations would represent the low range AML in each HMA. Excess wild horses and burros would be transported to the National Wild Horse and Burro Adoption Preparation Center at Palomino Valley.

The Proposed Action incorporates all the “Actions in Common” as identified in the EA which include: gather operations will be conducted in accordance with Standard Operating Procedures (SOPs), as described in Appendix A of the EA; adherence to the National Selective Removal Policy will be followed to the extent possible; and, the collection of blood samples (for genetic evaluation) and other demographic data by HMA will occur. SOP stipulations include BLM conducting all necessary inventories (such as archaeological and T&E) prior to setting up gather traps or temporary holding facilities. Existing trap sites fall outside Wilderness Study Area (WSA) boundaries. Any additional trap sites would be located outside WSA boundaries or on identified roads (ways) within WSAs. Trap sites and holding facility locations will be provided to James D. Morefield, Botanist for the Nevada Natural Heritage Program.

This decision constitutes my final decision to gather and remove excess wild horses and burros from within and outside the boundaries of the Blue Wing Complex HMAs. Pursuant to Title 43 of the Code of Federal Regulations at 4770.3(c), the Blue Wing Complex gather is approved for implementation beginning November 1, 2005.

**Rationale**

After a review of the potential impacts of the alternatives analyzed in the EA, the

selection and implementation of the Proposed Action would result in the greatest potential to achieve a thriving natural ecological balance and multiple-use relationship. It would insure healthy wild horse and burro populations within the Blue Wing Complex HMAs. Population modeling indicates that the Proposed Action would reduce the overall average growth rate of the wild horse population (burros are not modeled) to about 14.9 percent. HMA populations are maintained between the high and low AML range. Removal and fertility control treatments are scheduled when the wild horse and burro populations reach the high range AML. It is estimated that implementation of the Proposed Action will result in fewer horses being removed from the range in ten years, versus Alternative II which does not include fertility control. This reduction is due to the consistently reduced growth rate over time as affected by repeated fertility control treatments.

Wild horse and burro population estimates and observations along with analysis of vegetative monitoring data from the 2003 and 2004 field seasons demonstrate an excess of wild horses in the Blue Wing Complex. Current population censuses and ground observations indicate there are approximately 1,204 head of wild horses and 506 head of wild burros present in the Blue Wing/Seven Troughs Allotment, both inside and outside of HMAs. The established low to high range AML for wild horses is 333 to 553 head and 55 to 90 head for wild burros. Current wild horse populations are more than double the high AML and current burro populations are almost six times the high burro AML. Prolonged drought, light to heavy (severe near limited water sources) utilization, reduced forage production (cheat grass conversion, recent fires, weed infestations), and inadequate body condition levels could cause a large loss of wild horses and wildlife this winter.

Horses observed in the field range from thin to moderate. Lactating mares, older animals, and growing juveniles display thinner body conditions than do dry mares and bachelor band studs. Lack of a snow pack (mild winter) this year could allow horses to remove much of the residual plant material affecting potential vegetative production this spring and thus could cause an emergency situation. Conversely, a heavy snow pack (severe winter) this year could cause a high mortality rate because the amount of forage available would not sustain current wild horse numbers and many horses and burros would perish.

Implementation of the Proposed Action would restore wild horse and burro herd numbers to levels consistent with AML. It includes the removal of about 385 horses and about 235 burros from outside the HMAs, from HMAs where burros are not authorized in the Blue Wing Complex, and from associated allotments where equines are not authorized. Applying fertility control measures as part of the Proposed Action will slow the reproductive rate of mares returned to the HMAs, resulting in fewer animals removed from the range over time. This would decrease long-term holding and adoption costs associated with excess animals. Decreased forage demands on drought-stressed resources should result in improved wild horse body conditions. Lower horse densities and slower rates of population growth would allow vegetative resources, riparian areas, and other natural resources recovery time from forage utilization, water usage, and hoof

impacts.

Livestock use has remained relatively constant and is in compliance with the permitted grazing system. Cattle alternate range use from the north Blue Wing/Seven Troughs Allotment to the south of the allotment and back again on an annual basis. Sheep utilize the Seven Troughs area in the winter only. The proposed capture and removal is needed at this time to reduce wild horse and burro grazing impacts and utilization levels. This action would balance wild horse and burro use with other multiple-uses and with the productive capacity of the habitat. It would improve the health of remaining wild horse and burro populations as authorized under Section 3(b) (2) of the 1971 Free-Roaming Wild Horses and Burros Act and section 302(b) of the Federal Land Policy and Management Act of 1976.

The Proposed Action is in conformance with the wild horse and burro objectives in the 1982 Sonoma-Gerlach Resource Area Management Framework Plan. Based on the environmental analysis, it is determined that this action would not result in any undue or unnecessary environmental degradation of the public lands and is consistent with federal, state, and local laws, regulations and plans.

#### **Finding of No Significant Impact**

Based on the analysis of potential environmental impacts contained in EA NV-020-05-EA 22, I have determined that implementation of the Proposed Action will not have a significant effect on the human environment. Therefore, in accordance with Section 102(2)(C) of the National Environmental Policy Act, the preparation of an environmental impact statement is not required for the following reasons:

- 1) Sensitive resource values will not be adversely impacted from implementation of the Proposed Action;
- 2) There will be no adverse affect on threatened or endangered, or Nevada State sensitive species;
- 3) The gather will not adversely affect or cause a destruction of significant scientific, cultural, or historic resources;
- 4) The Proposed Action will not adversely affect public health or safety. The gather and its potential effects on the human environment are not highly uncertain and do not involve unique or unknown risks.

  
Arlan G. Hiner

Assistant Field Manager, Renewable Resources  
Winnemucca Field Office

10-31-05  
Date

**DECISION RECORD (DR)  
AND  
FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**McGee Mountain  
Capture Plan and Environmental Assessment  
NV-020-05-23**

**Decision**

It is my decision to select Alternative I, the Proposed Action, as described in the McGee Mountain Wild Burro Capture Plan and Environmental Assessment (EA), EA NV-020-05-23.

The Proposed Action is "Gather to Low Range Appropriate Management Level (AML)." The Proposed Action would be to gather approximately 90 wild burros, remove about 75 burros, and release about 15 burros back into the HMA. The post gather wild burro populations would represent the low range AML in the HMA. Excess wild burros would be transported to the National Wild Horse and Burro Center at Palomino Valley.

The Proposed Action incorporates all the "Actions in Common" as identified in the EA which include: gather operations will be conducted in accordance with Standard Operating Procedures (SOPs), described in Appendix A of the EA, and the collection of blood samples (for genetic evaluation) and other demographic data will occur. SOP stipulations include BLM conducting all necessary inventories (such as archaeological and T&E) prior to setting up gather traps or temporary holding facilities.

This decision constitutes my final decision to gather and remove excess wild burros from within and outside the boundaries of the McGee Mountain HMA. Pursuant to Title 43 of the Code of Federal Regulations at 4770.3(c), the McGee Mountain gather is approved for implementation beginning December 1, 2005.

**Rationale**

After a review of the potential impacts of the alternatives analyzed in the EA, the selection and implementation of the Proposed Action would result in the greatest potential to achieve a thriving natural ecological balance and multiple-use relationship, and insure healthy wild burro population within the McGee Mountain HMA.

Wild burro population estimates and analysis of vegetative and burro observation monitoring data from the 2004 and 2005 field seasons demonstrate an excess of wild burros in the McGee Mountain HMA. Current population estimates are approximately 100 head. The low range of AML is 25 head and the high range is 41 head. Current populations are over double the high AML and four times the low AML. Prolonged drought, light to heavy (severe near limited water sources) utilization and reduced forage production (cheat grass conversion, weed infestations) could cause a loss of wild burros and wildlife this winter.

Implementation of the Proposed Action would restore wild burro herd numbers to levels consistent with AML, and includes the removal of about forty burros outside the HMA.


This gather was scheduled for last winter, but had to be postponed due to a lack of funding. Over-utilization and resource damage is occurring and is likely to continue to occur without immediate action. Livestock use has remained relatively constant and is in compliance with permitted grazing systems that have provided periodic rest and deferment of key range sites from livestock. The proposed capture and removal is needed at this time to reduce wild burro grazing impacts and utilization levels. This action would balance wild burro use with other multiple-uses and with the productive capacity of the habitat; and, would improve the health of remaining wild burro populations as authorized under Section 3(b) (2) of the 1971 Free-Roaming Wild Horses and Burros Act and section 302(b) of the Federal Land Policy and Management Act of 1976.

The Proposed Action is in conformance with the wild horse objectives in the 1982 Paradise-Denio Resource Area Management Framework Plan. Based on the environmental analysis, it is determined that this action would not result in any undue or unnecessary environmental degradation of the public lands and is consistent with federal, state, and local laws, regulations and plans.

#### **Finding of No Significant Impact**

Based on the analysis of potential environmental impacts contained in EA NV-020-05-23, I have determined that implementation of the Proposed Action will not have a significant effect on the human environment. Therefore, in accordance with Section 102(2)(C) of the National Environmental Policy Act, the preparation of an environmental impact statement is not required for the following reasons:

- 1) Sensitive resource values will not be adversely impacted from implementation of the Proposed Action;
- 2) There will be no adverse affect on threatened or endangered, or Nevada State sensitive species;
- 3) The gather will not adversely affect or cause a destruction of significant scientific, cultural, or historic resources;
- 4) The Proposed Action will not adversely affect public health or safety. The gather and its potential effects on the human environment are not highly uncertain and do not involve unique or unknown risks.

  
Arlan G. Hiner  
Assistant Field Manager, Renewable Resources  
Winnemucca Field Office

10-31-05  
Date

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**..... Within 30 days after the date of publication of a decision in the FEDERAL REGISTER, a person not served with a decision must transmit a Notice of Appeal to the office where it is required to be filed. You may state your reasons why you are appealing, if you desire.
- 
- 2. WHERE TO FILE**
- NOTICE OF APPEAL**..... Bureau of Land Management, Winnemucca Field Office, 5100 East Winnemucca Blvd., Winnemucca, NV 89445
- WITH COPY TO SOLICITOR**... Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, 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 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary
- WITH COPY TO SOLICITOR**...
- 
- 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 (see 43 CFR Sec. 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 (see CFR Sec. 4.401(c)(2)).
- 
- 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 (see 43 CFR 4.21). If you wish to file a petition pursuant to 43 CFR 4.21 or 43 CFR 2804.1 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. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal 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 (see 43 CFR Sec. 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 likelihood of the appellant's success on the merits, (2) the likelihood of immediate and irreparable harm if the stay is not granted, (3) the relative harm to the parties if the stay is granted or denied, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 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 (see 43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

(continued on next page)

### 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--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--Kansas, New Mexico, 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.

Sec. 1821.11 *During what hours may I file an application?* You may file applications or other documents or inspect official records during BLM office hours. Each BLM office will prominently display a notice of the hours during which that particular office will be open. Except for offices which are open periodically, for example, every Wednesday or the 3rd Wednesday of the month, all offices will be open Monday through Friday, excluding Federal holidays, at least from 9 a.m. to 3 p.m., local time.

Sec. 1821.12 *Are these the only regulations that will apply to my application or other required document?* No. These general regulations are supplemented by specific program regulations. You should consult the regulations applying to the specific program.

Sec. 1821.13 *What if the specific program regulations conflict with these regulations?* If there is a conflict, the specific program regulations will govern and the conflicting portion of these regulations will not apply.

### 43 CFR SUBPART 1822--FILING A DOCUMENT WITH BLM

Sec. 1822.10 *How should my name appear on applications and other required documents that I submit to BLM?* Your legal name and current address should appear on your application and other required documents.

Sec. 1822.11 *What must I do to make an official filing with BLM?* You must file your application and any other required documents during regular office hours at the appropriate BLM office having jurisdiction over the lands or records involved. You must file any document with BLM through

personal delivery or by mailing via the United States Postal Service or other delivery service, except for those applications that may be filed electronically under Sec. 1822.13, unless a more specific regulation or law specifies the mode of delivery. The date of mailing is not the date of filing.

Sec. 1822.12 *Where do I file my application or other required documents?*

You should file your application or other required documents at the BLM office having jurisdiction over the lands or records involved. The specific BLM office where you are to file your application is usually referenced in the BLM regulations which pertain to the filing you are making. If the regulations do not name the specific office, or if you have questions as to where you should file your application or other required documents, contact your local BLM office for information and we will tell you which BLM office to file your application.

Sec. 1822.13 *May I file electronically?* For certain types of applications, BLM will accept your electronic filing if an original signature is not required. If BLM requires your signature, you must file your application or document by delivery or by mailing. If you have any questions regarding which types of applications can be electronically filed, you should check with the BLM office where you intend to file your application. When you file an application electronically, it will not be considered filed until BLM receives it.

Sec. 1822.14 *What if I try to file a required document on the last day of the stated period for filing, but the BLM office where it is to be filed is officially closed all day?* BLM considers the document timely filed if we receive it in the office on the next day it is officially open.

Sec. 1822.15 *If I miss filing a required document or payment within the specified period, can BLM consider it timely filed anyway?* BLM may consider it timely filed if: (a) The law does not prohibit BLM from doing so; (b) No other BLM regulation prohibits doing so; and (c) No intervening third party interests or rights have been created or established during the intervening period.

Sec. 1822.16 *Where do I file an application that involves lands under the jurisdiction of more than one BLM State Office?* You may file your application with any BLM State Office having jurisdiction over the subject lands. You should consult the regulations of the particular BLM resource program involved for more specific information.

Sec. 1822.17 *When are documents considered filed simultaneously?*

(a) BLM considers two or more documents simultaneously filed when: (1) They are received at the appropriate BLM office on the same day and time; or (2) They are filed in conjunction with an order that specifies that documents received by the appropriate office during a specified period of time will be considered as simultaneously filed.

(b) An application or document that arrives at the BLM office where it is to be filed when the office is closed for the entire day will be considered as filed on the day and hour the office next officially opens.

(c) Nothing in this provision will deny any preference right granted by applicable law or regulation or validate a document which is invalid under applicable law or regulation.

Sec. 1822.18 *How does BLM decide in which order to accept documents that are simultaneously filed?* BLM makes this decision by a drawing open to the public.