



**United States Department of the Interior**  
**Bureau of Land Management**  
**Carson City Field Office**  
5665 Morgan Mill Road  
Carson City, Nevada 89701  
(775) 885-6000  
<http://www.nv.blm.gov>

In Reply Refer To:  
4700  
(NV-032)

**NOV 23 2005**

Dear Interested Public:

Enclosed is the Decision Record/Finding of No Significant Impact (FONSI) for the Dogskin HMAP Update and EA issued by the Carson City Field Office. We received two responses to the draft plan and EA which were sent out for public review and comment on September 13, 2005. The comment period ended on October 21, 2005.

In summary the Department of Wildlife asked us to consider removing all of the horses from this HMA if it could not support a viable population. However, as outlined in the HMAP we feel that a viable population can be maintained through periodic introductions of horses from other HMA's, these introductions could be accomplished by young males wandering into this HMA from neighboring HMA's or through releases by the BLM. Robert Marshall also echoed the same opinion as the Department of Wildlife and in addition added that if horses must be maintained in this HMA that the males be gelded to control reproduction and that if an animal dies replace it with another gelding or female. While this action would be fiscally prudent we do not believe that it would be in keeping with the spirit of the Act or Regulations.

No substantive changes were made to the draft. A clarification was added, the estimated 100 horses included horses that had expanded to areas outside of the HMA. Also the groups contacted list was updated to reflect the current contact list.

After careful consideration of the comments received and a review of our land use planning objectives, our decision is to implement the proposed actions contained in the draft plan.

If you have any questions, please contact John Axtell at (775) 885-6146.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel L. Jacquet". The signature is fluid and cursive, with a large initial "D" and a stylized "J".

Daniel L. Jacquet  
Assistant Manager, Renewable resources  
Carson City Field Office

2 Enclosures:

1. Dogskin HMAP/ Capture Plan Update, EA, and Finding of No Significant Impact/Decision Record (4pp.)
2. Form 1842-1, Information on Taking Appeals to the Board of Land Appeals (2pp.)

## **VII. Finding of No Significant Impact and Decision Record**

Decision: Implement the Dogskin Mountain HMAP and Capture Plan Update as identified in the Proposed Action and using the Procedures detailed in Appendix 4. The subject plan directs management actions for the Dogskin Mountain HMA. The major actions in the subject plan include limiting vegetation utilization to 55%, providing habitat for wild horses and wildlife, outlining studies to assure that Land Use Plan objectives are being met, removing excess wild horses and maintaining and improving riparian areas. The selected alternative is the proposed action, which contains the above mentioned features.

Finding of No Significant Impacts: Based on the analysis of potential environmental impacts contained in the environmental assessment, impacts are not expected to be significant and an environmental impact statement is not required.

Rational for decision: The Carson City Consolidated Resource Management Plan stated that Herd Management Area Plans would guide the management of wild horses through the determination of proper horse use levels. By maintaining the population of wild horses between 10 and 15 individuals the vegetation utilization levels would be maintained at sustainable levels ( $\leq 55\%$  use). This action is not significant because a population of wild horses would be maintained within the HMA and the vegetation, wildlife and livestock would not be adversely impacted.

Unavoidable impacts in the form of injuries to the horses may occur during the removal process. Death loss is not expected to exceed 1% of the horses captured at the trap site. Some stress to the horses would be associated with the capture operations, however, after adoption the horses become accustomed to captivity. Because the loss of animals due to accidents is low the impacts involved in the capture operation are not significant.

We received two comments to the Draft Dogskin Mountain HMAP and Capture Plan. One commenter stated that if a viable population of horses could not be maintained then the ALM should be set to zero and the other commenter suggested that only mares and geldings be maintained within the HMA to eliminate the need for gathers and to facilitate maintenance of the AML. However, as outlined in the HMAP we feel that a viable population can be maintained through periodic introductions of horses from other HMA's, these introductions could be accomplished by young males wandering into this HMA from neighboring HMA's or through releases by the BLM. We feel that managing only mares and geldings within the HMA would not be in keeping with the spirit of the Act or regulations.

The decision to implement the Dogskin Mountain HMAP and Capture Plan Update is in conformance with the Carson City Field Office Consolidated Resource Management Plan, and this action would restore the range to a thriving ecological balance and prevent a deterioration of the

range, as analyzed in the subject EA, in accordance with Sec. 3(b) of the Wild Free-Roaming Horses and Burros Act, as amended, 16 U.S.C. 1333(b) (1989). This would result in reduced soil erosion and improve the physical condition of wild horses.

The proposed actions would not adversely impact air quality, ACECs, cultural resources, farmlands, floodplains, Native American religious concerns, T&E species, wastes, water quality, wetlands and riparian zones, wild and scenic rivers, migratory birds or wildernesses.

Under authority provided in 43 CFR 4770.3 (c) the capture portion of this plan is effective upon issuance to allow for the immediate removal of excess wild horses from the Dogskin HMA to reach the established Appropriate Management Level (AML). Immediate removal of wild horses in excess of the AML is necessary to restore the range to a thriving natural ecological balance and to avert the imminent overgrazing caused by excess wild horses within the HMA.

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4, Subpart E. If an appeal is taken, you must follow the procedures outlined in the enclosed form 1842-1, Information of Taking Appeals to the Board of Land Appeals. Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's Office listed in Item 3 on Form 1842-1. Please provide this office with a copy of your Statement of Reasons. Copies of your Appeal and the Statement of Reasons must also be served upon any parties adversely affected by this decision the Appellant has the burden of showing that the decision appealed from is in error.

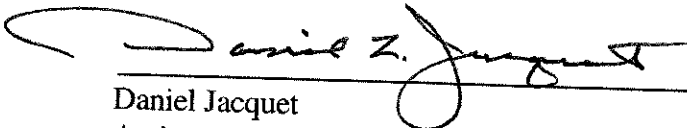
If the appellant wishes to file a petition (request) (pursuant to 43 CFR 4.21) for a Stay (suspension) of the effectiveness of this Decision during the time that the appeal is being reviewed by the Interior Board of Land Appeals, the Petition for Stay must accompany the Notice of Appeal. A petition for a Stay is required to show sufficient justification based on the standards for obtaining a Stay. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to the appropriate Office of the Solicitor (see 43 CFR 4.413). If the appellant requests a Stay, the appellant has the burden of proof to demonstrate that a Stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, 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.

Approved by:



Daniel Z. Jacquet

Daniel Jacquet  
Assistant Manager, Renewable Resources  
Carson City Field Office

11/23/05  
Date

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE 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, file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE .....  
NOTICE OF APPEAL

SOLICITOR  
ALSO COPY TO .....

**DEPARTMENT OF THE INTERIOR  
REGIONAL SOLICITOR  
2800 COTTAGE WAY, STE. E2753  
SACRAMENTO, CA 95825**

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 the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, 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.

SOLICITOR  
ALSO COPY TO .....

**DEPARTMENT OF THE INTERIOR  
REGIONAL SOLICITOR  
2800 COTTAGE WAY, STE. E2753  
SACRAMENTO, CA 95825**

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). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from the decisions of the Director (WO-100)

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 the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

*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 Sec. 4.401(a))