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# United States Department of the Interior

## OFFICE OF HEARINGS AND APPEALS

Interior Board of Land Appeals  
4015 Wilson Boulevard  
Arlington, Virginia 22203

JAN 16 1996

IN REPLY REFER TO:

IBLA 96-4	:	NV-030-95-05
96-5	:	NV-030-95-06
	:	
WILD HORSE ORGANIZED ASSISTANCE	:	
COMMISSION FOR THE PRESERVATION OF	:	Final Multiple Use Decision
WILD HORSES	:	
	:	Appeals Dismissed

### ORDER

On August 18, 1995, the District Manager, Carson City District, Nevada, Bureau of Land Management (BLM), issued a Final Multiple Use Decision (FMUD) involving, inter alia, the management of wild horses in the Pine Nut Herd Management Area (HMA) and livestock grazing on nine allotments, which are situated partially or entirely within the HMA.

In separate letters dated September 19, 1995, Wild Horse Organized Assistance (WHOA) and the Commission for the Preservation of Wild Horses (Commission) notified BLM of their "intent" to appeal the FMUD. Each expressed an interest in meeting with BLM to discuss their concerns.

BLM construed the letters to be appeals; assigned them appeal numbers NV-030-95-05 (WHOA) and NV-030-95-06 (the Commission); and, on September 29, 1995, transferred the appeals to both the Hearings Division and this Board. See 43 CFR 4160.4; 43 CFR 4770.3(a); Animal Protection Institute of America, 118 IBLA 345, 348 (1991). We do not know the status of any proceedings in the Hearings Division involving the appeals.

When an appeal of the wild horse portion of an FMUD is pending before this Board, and there is also pending before the Hearings Division an appeal from the grazing portion of the same FMUD, the Board has held that it will refer the wild horse appeal to the Hearing Division for consolidation with the grazing appeal. APIA, 118 IBLA at 348. However, in this case, the appeals before the Board must be dismissed.

Even though the letters from WHOA and the Commission were couched in terms of providing BLM notice of their intent to appeal, they did, in fact, express their concern with BLM's decision. Thus, BLM properly considered them to be appeals.

On December 4, 1995, BLM filed further documentation with the Board showing that BLM met with WHOA and the Commission on October 10, 1995, and that as a result of that meeting, by letter to BLM dated November 2, 1995, the Commission withdrew its "Notice of Intent to Appeal." Accordingly, the Commission's appeal, docketed with the Board as IBLA 96-5, is dismissed.

WHOA's appeal, docketed as IBLA 96-4, is also dismissed. In accordance with 43 CFR 4.412(a), WHOA was required to file a statement of

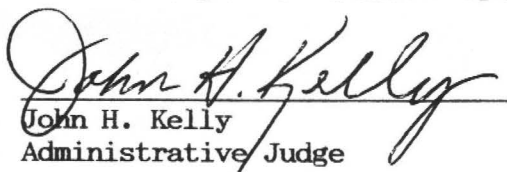
reasons for appeal with the Board within 30 days after filing its appeal with BLM. To date, no statement has been filed and no explanation has been given for the failure to file. In such circumstances, the Board will dismiss the appeal. See Robert L. True, 101 IBLA 320, 324 (1988). 1/

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, IBLA 96-4 and IBLA 96-5 are dismissed.



Bruce R. Harris  
Deputy Chief Administrative Judge

I concur:



John H. Kelly  
Administrative Judge

1/ The Commission's appeal, had it not been withdrawn, would have been subject to dismissal for the same reason.

APPEARANCES:

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