

NEWARK A110T M 11/10/93



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

Hearings Division
6432 Federal Building
Salt Lake City, Utah 84138
(Phone: 801-524-5344)

November 10, 1993

RUSSELL RANCHES,	:	IBLA 92-569 (N 4-92-5)
	:	
Appellant	:	Appeal from the Area
	:	Manager's Final Multiple
v.	:	Use Decision (Wild Horse)
	:	dated April 13, 1992, Egan
BUREAU OF LAND MANAGEMENT.	:	Resource Area, Ely
	:	District, Nevada
Respondent	:	

PROCEEDING DISMISSED

The parties to the above case have filed stipulation to withdraw the above captioned appeal and to remand the matter to respondent upon terms and conditions set forth in said stipulation, a copy of which is attached hereto.

Said stipulation is approved and this matter is remanded to the Bureau of Land Management pursuant to the terms and conditions thereof.

This case is DISMISSED.

Dated: November 10, 1993

Ramon M. Child
Administrative Law Judge

third year until a new decision is issued.

Monitoring data used for determining wild horse use after cattle are removed from winterfat areas will be collected by BLM personnel prior to livestock return 11/1.

- 2) The 869 cattle preference for the North Diamond Use Area will be retained with a 4/1 - 5/15 season of use. There will be no additional AUMs issued for cattle use after 5/15 on the North Diamond Use Area.
- 3) The Bureau will accelerate the range improvement coordinated planning process to complete the following fences to facilitate grazing distribution on the Newark Allotment by FY 1995:
 - a. Diamond Drift Fence
 - b. Diamond Bench Fence
 - c. Newark/Strawberry Allotment Boundary Fence
 - d. Water Canyon Fence
- 4) The permittee will use only Tollhouse Canyon for livestock trailing between the Ely and Battle Mountain Districts.
- 5) The Bureau is committed to achieving and maintaining Appropriate Management Levels (AML) of wild horses in the Newark Allotment within the constraints of the Wild Horse Program. Upon settlement of the Newark Grazing Decision the Bureau's intent is to issue removal plans in the Buck and Bald HMA as Full Force and Effect.
- 6) South Newark will remain a cattle use area. The stocking level will be set at 100 c/c pairs with a season of use of 11/1-4/1 (552 AUMs). Use on the South Newark Use Area will be based on the following stipulations:
 - 1) Livestock use will begin in the eastern portion of the use area and will progress towards the west, using water haul sites as management tools for distribution.

Three water sites will be established. One will be located at T. 18 N., R. 57 E., sec. 27 SWSW; the other two may be located within the following parameters, T. 18 N., R. 57 E., sections 35, 36 or T. 18 N., R. 58 E. sec 31.

- 2) The permittee will provide a full time rider in the South Newark Use Area while it is being used for cattle grazing.

General Provisions

- 1) It is the intent of the parties that this agreement is binding upon and shall inure to any successor in interest pending a new decision if any.

- 2) This agreement is a voluntary settlement of a contested decision and the act of entering into this agreement shall not be interpreted in the future to be an admission by the permittee that the monitoring data giving rise to the decision is sufficient, nor that the conclusions drawn therefrom are justified.

Nov 3, 1993

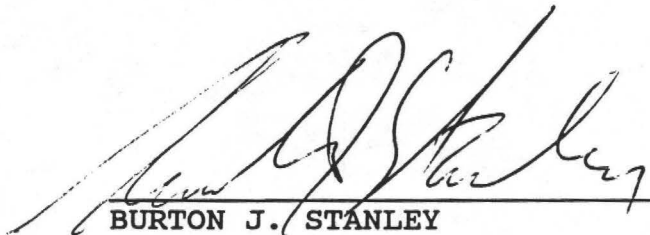
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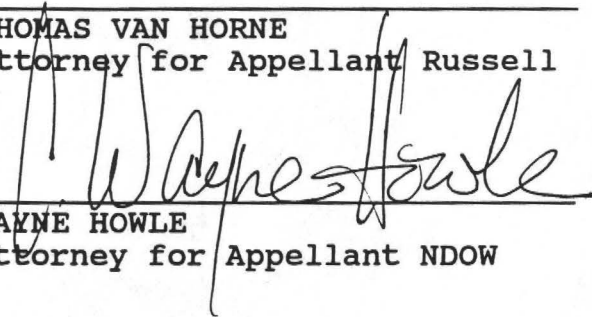
Date



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Attorney for Appellant NDOW