

12-20-95



COMMISSION FOR THE  
PRESERVATION OF WILD HORSES

255 W. Moana Lane  
Suite 207A  
Reno, Nevada 89509  
(702) 688-2626

MEMORANDUM

TO: Wayne Howle, D.A.G.

FROM: Cathy Barcomb, Executive Director <sup>CB</sup>

SUBJECT: Buffalo Hills and Willow Ranch Appeals

Date: December 20, 1995

I am in receipt of a fax from Roy Leach regarding the Willow Ranch appeal. I support his recommendations and would request that these points be conveyed to John Payne the Solicitor for the Bureau of Land Management. We are not requesting any more than the Bureau should already be doing. I realize that horses will not be affected by this decision but the habitat on the allotment will be affected. If AUM's were so drastically increased from the LUP shouldn't horses have shared in that increase? Our concern is for the habitat and how the decision was reached by the District. I agree that our issues are better argued in other areas so would like to settle out of court on Willow Ranch Allotment appeal with the Bureau. With the transfer of ownership of permits the Bureau should and must take that opportunity to implement fifth year cuts in the interest of protecting the habitat.

Also, please file an appeal for the Nevada Wild Horse Commission to the ALJ's adverse Decision on Buffalo Hills. I believe this will escalate the appeal to IBLA. Please advise us as to the best course of action to take in this matter.

If you have any questions or need further information, please don't hesitate to call either myself or Roy Leach. Thank you

To: Wayne Howle

Subject: Willow Creek Allotment Appeal N6-94-21

From: Leach

The Commission filed a notice of intent to appeal the Willow Creek Multiple Use Decision of May 18, 1994. Commission appeal points are the following:

- \* LUP initial livestock active preference was 2,924 AUMs and not total preference of 5,370 AUMs.

- \* LUP forage allocation proportions are binding to MUD.

- \* Weight averaging utilization data compromises the carrying capacity for the allotment.

In review of the MUD and allotment evaluation the following issues can be contested:

Carrying capacity computations are flawed. (1) all use pattern mapping data was weight averaged. (2) Actual livestock use was not used - total preference. (3) Allocations were used by "demand" or total preference.

Adjustments to total preference were phased over five years.

In the interest of making mutual agreements or settlement:

- \* Fifth year adjustment should have been implemented in the transfer of the Russell Permit.

- \* Allotment specific objectives are better than the LUP objectives. New permit terms or objectives could be included with an enforcement provisions.

- \* A new MUD could be issued after several years.

Reasons to dismiss appeal:

- \* The MUD does not affect wild horses. Horse numbers were not adjusted because 16 horses inhabitant a pasture where objectives are being met.

- \* A formal appeal was not filed with IBLA.

- \* The Commission's argument is better suited to the Railroad Pass MUD - appeal.