

m 11-12-96



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OFFICE OF THE ATTORNEY GENERAL

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November 12, 1996

Dawn Lappin
Wild Horse Organized Assistance
P.O. Box 555
Reno, NV 89505

RE: CPWH, WHOA v. BLM
NV-02-94-06/IBLA 94-386, NV-02-94-07

Dear Dawn:

Enclosed is the Stipulation and Withdrawal of Appeal in the Leadville Allotment matter. Please review the Stipulation. Once you have completed your review, please sign the stipulation and forward it to John Payne for signature and filing. We have enclosed a pre-addressed, stamped envelope for forwarding to Mr. Payne.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at your convenience.

Sincerely,

FRANKIE SUE DEL PAPA
Attorney General

By: _____

C. Wayne Howle
Deputy Attorney General
Conservation & Natural Resources
(702) 687-4449

CWH/avh
cc: Cathy Barcomb
John Payne
Enclosure: as stated

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5 Attorneys for Commission for
Preservation of Wild Horses, Appellant
6

7 **UNITED STATES DEPARTMENT OF THE INTERIOR**
8 **OFFICE OF HEARINGS AND APPEALS**
HEARINGS DIVISION

9 COMMISSION FOR THE : NV-02-94-06
10 PRESERVATION OF : IBLA 94-386
11 WILD HORSES :
:

11 Appellant :
:

12 v. :
:

13 BUREAU OF LAND MANAGEMENT, :
:

14 Respondent :
:

15 :
16 WILD HORSE ORGANIZED :
ASSISTANCE, : NV-02-94-07

17 Appellant, :
:

18 v. :
:

19 BUREAU OF LAND MANAGEMENT, :
:

20 Respondent :
21

21 **STIPULATION AND WITHDRAWAL OF APPEAL**

22 The Commission for the Preservation of Wild Horses (CPWH) is an agency of the State of
23 Nevada, whose duty it is to promote the preservation, protection, and management of wild horses
24 within the State of Nevada. Wild Horse Organized Assistance (WHOA) is a private organization
25 dedicated to the preservation of wild horses. Subject to the following conditions, CPWH and
26 WHOA hereby withdraw their appeals from the decision in the Leadville Allotment, in case nos.
27 NV-02-94-06 and NV-02-94-07:

1 A. **BINDING OBJECTIVES.** The objectives set forth in the Sonoma-Gerlach MFP III
2 Decisions and Leadville Multiple Use Decision (1993) are commitments binding upon the
3 BLM. Decisions establishing appropriate management levels for wild horses and stocking
4 rates for livestock must be consistent with achieving these objectives.

5 B. **MONITORING.** BLM is obligated to monitor in order to determine whether the objectives
6 identified in paragraph A above are being met. The BLM therefore shall monitor the actual
7 use of livestock and wild horses and their impacts on the vegetative resources of the
8 Leadville Allotment in a manner which will ensure early detection of nonattainment of
9 wildlife habitat, riparian and range objectives.

10 Specifically BLM shall monitor fish and wildlife habitat within the Leadville
11 Allotment. BLM will continue to collect utilization data on stream bank and wetland
12 meadow riparian habitats. Depending upon available funding and other statewide priorities,
13 BLM has committed to collect wild horse monitoring data which includes accurate
14 population estimates, distribution, annual recruitment rates, and age composition data
15 throughout the allotment.

16 C. **ADJUSTMENTS IN USE.** Part of BLM's efforts to achieve the objectives set forth in
17 paragraph A above is the adjustment of active livestock grazing use and appropriate
18 management levels for wild horse herds when monitoring data indicates adjustments are
19 necessary to achieve allotment-specific objectives within a reasonable time.

20 Desired Stocking Rate computations for the Leadville Final Multiple Use Decision
21 will be presented in an allotment evaluation or environmental analysis no later than 2002.
22 Computations and assumptions will be disclosed and will be consistent with established
23 procedures found in BLM Manual *Rangeland Monitoring Analysis,*
24 *Interpretation, and Evaluation, Technical Reference 4400-7.*

25 The following procedures will be applied:

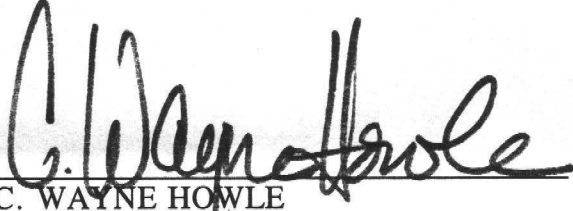
- 26 1. All available rangeland monitoring and actual use data will be applied.
27 2. Representative riparian habitats will be considered Key Management Areas.

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- 3. Where observed utilization of Key Management Areas does not meet objectives, an appropriate management treatment shall be applied to assure that the Key Management Area objective will be met.
- 4. The BLM shall take appropriate action as soon as practicable, but not later than the start of the next grazing season, upon a determination that the existing grazing practices or levels of grazing use on public lands are significant factors in failing to achieve an approved standard of the North Western Great Basin Resource Advisory Council.
- 5. Allocation of forage must consider proportional adjustments based upon actual use and the ungulate-specific utilization objectives established by the evaluation.

D. NOTICE OF GATHERS. BLM agrees to follow the policy set forth in IM 95-87 regarding public review of wild horse gather plans. Specifically, BLM agrees that the 30-day comment and appeal periods will only be waived when immediate action is required due to sudden and unforeseen animal or habitat conditions. Even if the comment or appeal periods are waived, BLM agrees to provide as much advance notice as possible once it decides to implement an emergency gather in any of the HMA's that overlap the Leadville Allotment.

E. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties. This Agreement shall become effective on the date on which the case is ordered dismissed by the Administrative Law Judge.


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Attorney for Commission

JOHN PAYNE
Attorney for Respondents

DAWN LAPPIN
Representative for WHOA

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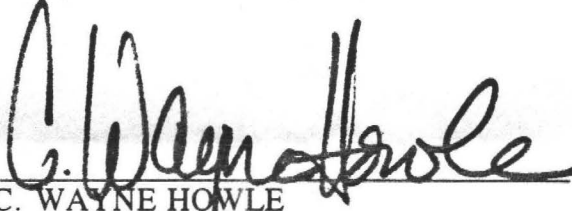
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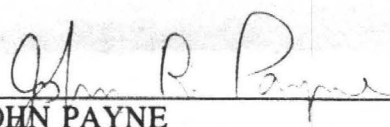
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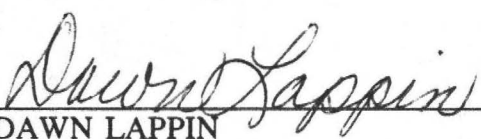
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