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Wild Horses & Nevada Division of Wildlife, Appellants

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

NEVADA DIVISION OF : N2-92-10 and IBLA 93-88  
WILDLIFE (NDOW), & COMMISSION :  
FOR THE PRESERVATION OF :  
WILD HORSES (CPWH) :  
: :  
Appellants :  
: :  
v. :  
: :  
BUREAU OF LAND MANAGEMENT, :  
: :  
Respondent :

**ORDER**

Pursuant to the stipulation of the parties, Nevada Division of Wildlife (hereinafter "NDOW"), the Nevada Commission for the Preservation of Wild Horses (hereinafter "Commission"), and the Bureau of Land Management ("BLM"):

IT IS HEREBY ORDERED as follows:

STATEMENT OF FACTS

A. NDOW is an agency of the State of Nevada, whose duty it is to ensure the preservation, protection, management and restoration of wildlife within the State of Nevada. The COMMISSION is a commission of the State of Nevada, whose duty it is to ensure the preservation and management of wild horses within the State of Nevada.

B. On May 10, 1993, NDOW and May 12, 1993, the COMMISSION filed appeals N2-03-9 and N2-93-10, respectively, from the Final Full Force and Effect Multiple Use Decision for the Paiute Meadows Allotment, dated April 12, 1993. The bases for these appeals were and are that (1) allotment specific objectives were not applied, thereby allowing for resource damage; (2) carrying capacities were determined improperly and contrary to the land use plan; (3) forage was not properly allocated; and (4) full force and effect was applied in a manner that would not protect natural resources.

### ORDER

- A. **BINDING OBJECTIVES.** The Paradise-Denio land use plan MFP III Decisions established<sup>ing</sup> the criteria for the Final Paiute Meadows Multiple Use Decision (1993) are commitments binding upon the BLM. Decisions setting appropriate management levels for wild horses and stocking rates for livestock must be consistent with these short term objectives.
- B. **MONITORING.** Monitoring is an essential part of BLM's obligation and duty to determine the achievement of short term objectives set forth in paragraph A above. The BLM therefore shall monitor the actual use of livestock and wild horses and their impacts on the vegetative resources of the Paiute Meadows Allotment in a manner which will ensure early detection of effects which will result in nonattainment of wildlife habitat, riparian and range objectives.

Specifically the BLM shall monitor fish and wildlife habitat within the Paiute Meadows Allotment. The BLM will continue to collect utilization data on stream bank and wetland meadow riparian habitats. Wild horse census data will include accurate population estimates, distribution, annual recruitment rates,

age composition and annual mortality data throughout the allotment.

- C. ADJUSTMENT IN USE. Part of BLM's effort to achieve the objectives set forth in paragraph A above is the adjustment of active livestock grazing use and appropriate management levels for wild horses when the evaluation of monitoring data indicates an adjustment is necessary to achieve allotment specific objectives within a reasonable time.

Desired Stocking Rate computations for the Paiute Meadows Multiple Use Decision will be presented in the allotment evaluation or environmental assessment to be completed no later than 1998. Summer pasture stocking rates are to be determined by procedures found in Bureau of Land Management Manual *Rangeland Monitoring Analysis, Interpretation, and Evaluation*, Technical Reference 4400-7.

The following procedures will be applied:

1. All available rangeland monitoring and actual use data will be applied.
2. Riparian habitats will be considered Key Management Areas.
3. Use pattern mapping data will not be weight averaged or yield indexed in a manner which compromises or dilutes Key Management Area Yobserved utilization or objectives.
4. Allocation of forage must consider proportional adjustments based upon actual use during the duration of the evaluation.

The livestock season of use on summer pastures will be based upon monitoring data and range science. The provision of the Final Multiple Use Decision shortening the livestock grazing season of use to July ~~15~~<sup>17</sup> will be

implemented.

D. **RANGE IMPROVEMENT PROJECTS**. Riparian enclosure projects will be constructed in a timely manner as funding will allow. Interim adjustments in carrying capacities and season of use will be taken to assure that resource damage will be prevented. ~~The following projects are scheduled:~~

~~Burnt Springs~~

Bartlett Creek

DATED this \_\_\_\_ day of \_\_\_\_\_, 1995.

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C. WAYNE HOWLE  
Attorney for NDOW and Commission

\_\_\_\_\_  
JOHN R. PAYNE  
Attorney for Respondents

\_\_\_\_\_  
DAWN LAPPIN  
Representative for WHOA

**ORDER**

IT IS SO ORDERED THIS \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
ADMINISTRATIVE LAW JUDGE