



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

MAY 15 1992

L 5/15/92
TAKE
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AMERICA

IN REPLY REFER TO:

4100
(NV-240)

CERTIFIED MAIL NO. P477570445
RETURN RECEIPT REQUESTED

Ms. Cathy Barcomb
Commission for the Preservation
of Wild Horses and Burros
Stewart Facility
Capitol Complex
Carson City, NV 89710

Dear Ms. Barcomb:

Enclosed is a copy of a decision dated May 11, 1992, addressed to Mr. Dan Russell. The decision vacates the Multiple Use Grazing decision dated November 22, 1991, that was issued for grazing management on the Paiute Meadows allotment. My decision of May 11, 1992, also declares the Livestock Use Agreement between Mr. Russell and the Bureau of Land Management dated November 22, 1991, as null and void.

In addition to the consultation meetings held with the interested parties and the State Director on January 7 and January 14, 1992, my staff and I have held a general meeting with interested parties on February 19, 1992, to discuss issues about the evaluation process. Along with these meetings, I invited interested parties to a meeting on March 10, 1992, to discuss Paiute Meadows.

My staff is currently working with the staff from the Sonoma-Gerlach Resource Area to define the alternatives that are available for management of the aquatic and vegetative habitats while still maintaining multiple use of those resources by wildlife, wild horses and livestock.

It is my intention to send to you a copy of the alternatives that are developed for your comment and review. Once your comments have been received,

I will review them and determine if another consultation meeting is necessary before I develop a management action for the Paiute Meadows allotment.

If you have any questions, please do not hesitate to call.

Sincerely yours,


Area Manager
Paradise-Denio Resource Area

cc Certified copies to:

Sierra Club P477558727
Nevada Dept. of Wildlife-Fallon P477570435
Nevada Department of Wildlife-Winnemucca P477570436
Natural Resources Defense Council P477570437
Wilderness Society P477570438
U.S. Fish and Wildlife Service P477570439
Nevada Land Action Association P477570440
Craig C. Downer P477570441
Animal Protection Institute P477570442
John Marvel P477570443
Humboldt County Board of Commissioners P477570444
Nevada Commission for the Preservation of Wild Horses P477570445
Wild Horse Organized Assistance P477570446
American Horse Protection Association P477570447
Humane Society of the United States P477570448
C. Jean Richards P477570449
Thomas Van Horne P477570450
Western Range Service P477570451
Alan Schroeder, Atty at Law P477570452
Nevada Farm Bureau P477570453
William C. Cummings P477570454



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IN REPLY REFER TO:

4160
(NV-240)

MAY 1 1 1992

CERTIFIED MAIL NO. P477558725
RETURN RECEIPT REQUESTED

NOTICE OF PROPOSED DECISION PAIUTE MEADOWS ALLOTMENT

Dan Russell
P.O. Box 339
Folsom, CA 95630

Dear Mr. Russell:

In November of 1991, the Paradise-Denio Resource Area completed a grazing evaluation of the Paiute Meadows allotment. After consultation with you and Western Range Service, you and I agreed to a Livestock Use Agreement for the Grazing Management on the Paiute Meadows allotment. The Livestock Use Agreement was implemented by a Multiple Use Grazing decision issued on November 22, 1991.

The Multiple Use decision was appealed by the Nevada Department of Wildlife, the Toiyabe Chapter of the Sierra Club, Natural Resources Defense Council, Wild Horse Organized Assistance, the Nevada Commission for the Preservation of Wild Horses, the American Horse Protection Association, Inc. and the Humane Society of the United States.

A series of meetings was held in January and February of 1992 with the appellants to discuss their points of appeal. As a result of these discussions, the American Horse Protection Association, the Humane Society of the United States, Wild Horse Organized Assistance and the Nevada Commission for the Preservation of Wild Horses agreed to withdraw their appeals regarding the wild horse gather plan based on the points outlined below:

1. BLM will not reduce the Black Rock East herd below 200 during the gathering planned to begin in February;
2. Following the gathering, the Paiute Meadows allotment multiple use decision dated November 22, 1991, will be vacated;
3. Consultation among affected interests will be undertaken regarding the Paiute Meadows allotment/Black Rock East HMA in anticipation of a new proposed multiple use decision. There is an understanding that a multiple use decision process for the Soldier Meadows/Black Rock West HMA will also begin this spring, and that planning for the two Black Rock HMAs will be coordinated in recognition of the migration of horses between the two herd areas and other relationships;

4. In the event further wild horse removals are proposed for the two herd areas, gather plans and Environmental Analysis will be prepared and issued along with the proposed multiple use decisions;

5. Following the protest period on draft decisions, final decisions will be issued. These will be appealable administratively.

The State Director, Bureau of Land Management, Nevada, agreed to these points for withdrawal. The American Horse Protection Association, the Humane Society of the United States, Wild Horse Organized Assistance, and the Nevada Commission for the Preservation of Wild Horses all withdrew their appeals for the gather of wild horses on Paiute Meadows allotment.

The Bureau of Land Management then requested to the Office of Hearings and Appeals and to the Interior Board of Land Appeals to remand the decision back to the Paradise-Denio Resource Area for further consideration.

The Paradise-Denio Resource Area received notice on March 27, 1992, from the Office of Hearings and Appeals that the appeals filed by the Nevada Department of Wildlife, Natural Resources Defense Council and the Sierra Club had been set aside and the decision remanded to the Resource Area for further consideration.

The Paradise-Denio Resource Area received notice on April 28, 1992, from the Interior Board of Land Appeals that the appeals filed by the American Horse Protection Association, the Humane Society of the United States, Wild Horse Organized Assistance, and the Nevada Commission for the Preservation of Wild Horses were dismissed in part and set aside in part and remanded along with the decision to the Resource Area for further consideration.

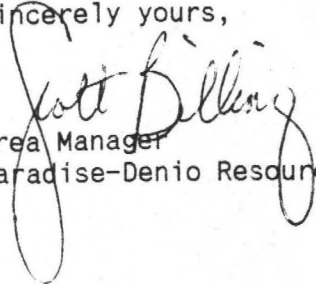
Therefore, it is my proposed decision to vacate the Multiple Use Decision for the Paiute Meadows allotment dated November 22, 1991. In vacating this decision, the Livestock Use Agreement signed between the permittee of the Paiute Meadows allotment and the Bureau of Land Management dated November 22, 1991, is termed null and void.

The Paradise-Denio Resource Area will keep interested parties informed of times and dates in which the other provisions of the agreement, signed by the State Director, will occur.

If you wish to protest this decision in accordance with 43 CFR 4160.2, you are allowed fifteen (15) days from receipt of this notice within which to file such protest with the Paradise-Denio Resource Area Manager, Bureau of Land Management, Winnemucca District, 705 E. 4th Street, Winnemucca, NV 89445.

In the absence of a protest within the time allowed in accordance with 43 CFR 4160.3(a) the above proposed decision shall constitute my final decision. Should this notice become the final decision and if you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.4 and 4.470, you are allowed thirty (30) days from receipt of this notice within which to file such appeal with the Paradise-Denio Resource Area Manager, Bureau of Land Management, at the above address. An appeal should specify the reasons, clearly and concisely, as to why you think the decision is in error.

Sincerely yours,


Area Manager
Paradise-Denio Resource Area

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