



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS INTERIOR BOARD OF LAND APPEALS

4015 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22203

m 11/30/94



IN REPLY REFER TO:

NOV 30 1994

SENT CERTIFIED

IBLA 94-387, 94-388, 94-622	:	N2-94-12 <u>et al.</u>
	:	
WILD HORSE ORGANIZED	:	Multiple Use Decision
ASSISTANCE <u>ET AL.</u>	:	
	:	Referred to Hearings Division

ORDER

On January 24, 1994, the Area Manager, Sonoma-Gerlach Resource Area, Nevada, Bureau of Land Management (BLM), issued a "Notice of Full Force and Effect Multiple Use Decision" with respect to the Soldier Meadows grazing allotment. BLM allocated the total carrying capacity of the allotment, determined so as to achieve desired multiple use objectives, between livestock and wild horses and burros. BLM decreased the amount of the permittee's scheduled grazing use in any year and fundamentally altered the seasons and patterns of use within the various pastures in the allotment. BLM also established appropriate management levels for wild horses and burros for those portions of three herd management areas that encompass the allotment. Finally, BLM provided for continuing management of wildlife use pursuant to the land-use plan.

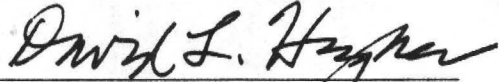
Appeals from the January 1994 BLM decision were filed timely by the Wild Horse Organized Assistance (WFOA) (N2-94-15), the Nevada Commission for the Preservation of Wild Horses (NCPWH) (N2-94-12), and the Nevada Department of Wildlife (NDOW) (N2-94-17). The three appeals were docketed by the Board as IBLA 94-387 (WFOA), IBLA 94-388 (NCPWH), and IBLA 94-622 (NDOW). Appellants challenge BLM's decision on the basis that it failed to properly allocate forage to wild horses and wildlife.

By memorandum dated June 30, 1994, the Board was advised by the Acting District Manager, Winnemucca District, Nevada, BLM, that R. C. Roberts, the permittee of the Soldier Meadows allotment, had appealed the "Livestock portion" of the January 1994 BLM decision and the appeal was being transmitted to the Hearings Division, Office of Hearings and Appeals, in Salt Lake City, Utah. Such transmittal was for assignment of the case to an Administrative Law Judge for purposes of a hearing and decision. The Acting District Manager requested that the three appeals pending before the Board be consolidated with the permittee's appeal (N2-94-14). None of the appellants before us has opposed that request.

The instant appeals together with the appeal transmitted to the Hearings Division all involve the same underlying question regarding the proper allocation of forage within the Soldier Meadows allotment among livestock, wild horses, and wildlife. It is therefore appropriate to refer the present appeals for consolidation with the appeal filed by the permittee. See Animal Protection Institute of America, 118 IBLA 345, 348

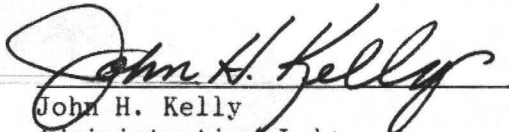
(1991). The Administrative Law Judge will resolve all of the questions presented by the various appeals.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the above-mentioned cases are referred to the Hearings Division for consolidation with N2-94-14.



David L. Hughes
Administrative Judge

I concur:



John H. Kelly
Administrative Judge