



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

3-2-93
TAKE PRIDE IN AMERICA
IN REPLY REFER TO:

MAR 02 1993

4130, 4160
(NV-024.14)

CERTIFIED MAIL NO. P374309849
RETURN RECEIPT REQUESTED

PROPOSED MULTIPLE USE DECISION PAIUTE MEADOWS ALLOTMENT

Gail & Bill Phillips
P.O. Box 2991
Winnemucca, NV 89446

Dear Mr. and Mrs. Phillips:

The record of Decision of the Paradise-Denio Environmental Impact Statement was issued on 09/18/81. The Paradise-Denio Management Framework Plan was issued on 07/09/82. These documents guide the management of public lands within the Paradise-Denio Resource Area and more specifically within the Paiute Meadows Allotment. Monitoring data has been collected on this allotment and in accordance with Bureau policy and regulations, this data has been evaluated in order to determine progress in meeting management objectives for the Paiute Meadows Allotment and to determine if management adjustments may be necessary to meet the management objectives.

On July 3, 1991, an allotment evaluation was sent to you for your review and comment. On November 5, 1992, a second allotment evaluation was sent to you for your review and comment.

The following are the multiple use management objectives under which grazing on the Paiute Meadows Allotment will be monitored and evaluated.

1. Short Term

- a) The objective for utilization of key streambank riparian plant species (CAREX, JUNCUS, SALIX, POTR5, ROWO, POA spp.) on Paiute, Battle and Bartlett Creeks is 30%. Utilization data will be collected at the end of the grazing period.

- b) The objective for utilization of key plant species (CAREX, JUNCUS and POA spp.) in wetland riparian habitats is 50%. Utilization data will be collected at the end of the grazing period.
- c) The objective for utilization of key plant species (STTH, AGSP, FEID, ELCI, POA, ORHY, AMAL, PUTR, SYMPH, EPHEDRA, EULA) in upland habitats is 50%. Utilization data will be collected at the end of the grazing period.

2. Long Term

- a) Manage, maintain, or improve public rangeland conditions to provide forage on a sustained yield basis for big game, with an initial forage demand of 1,838 AUMs for mule deer, 307 AUMs for pronghorn, and 180 AUMs for bighorn sheep.
 - 1) Improve to or maintain 2,134 acres in Black Rock DY-13, 41,678 acres in Black Rock DW-10, and 45,856 acres in Black Rock DS-6 in good or excellent mule deer habitat condition.
 - 2) Improve to or maintain 45,965 acres in Black Rock PS-15 in good pronghorn habitat condition. Improve to or maintain 35,274 acres in Black Rock PY-14, 2,623 acres in Leonard Creek PW-17, and 31,466 acres in Paiute Creek PW-16 in fair or good pronghorn habitat condition.
 - 3) Improve to or maintain 69,939 acres in Black Rock BY-15 in good to excellent bighorn sheep habitat condition.
- b) Improve public rangeland conditions to provide forage on a sustained yield basis for livestock, with a stocking level of 7,827 AUMs.
- c) Improve range condition from poor to fair on 161,158 acres and from fair to good on 15,938 acres.
- d) Maintain and improve the free-roaming behavior of wild horses by protecting and enhancing their home ranges.

1) Manage, maintain, or improve public rangeland conditions to provide 1488 AUMs of forage on a sustained yield basis for wild horses.

2) Maintain and improve wild horse habitat by assuring free access to water.

Ecological status will be used to redefine/quantify the following five objectives where applicable.

- e) Improve to or maintain 86 acres of ceanothus habitat types in good condition.
- f) Improve to or maintain 345 acres of mahogany habitat types in good condition.
- g) Improve to or maintain 188 acres of aspen habitat types in good condition.
- h) Improve to or maintain 529 acres of riparian and meadow habitat types in good condition.
- i) Improve to or maintain 15 acres of serviceberry, 82 acres of bitterbrush, 55 acres of ephedra, and 112 acres of winterfat vegetation types in good condition.
- j) Improve to and maintain stream habitat conditions from the 1988 levels of 43% on Paiute Creek, 58% on Battle Creek, and 50% on Bartlett Creek to an overall optimum of 60% or above.
 - 1) Streambank cover 60% or above.
 - 2) Streambank stability 60% or above.
 - 3) Maximum summer water temperatures below 70° F.
 - 4) Sedimentation below 10%.
- k) Protect sage grouse strutting grounds and brooding areas. Maintain the big sagebrush sites within two miles of active strutting grounds in mid to late seral stage with a minimum of 30% shrub composition by weight or 30% canopy cover.
- l) Improve to and maintain the water quality of Paiute, Battle and Bartlett Creeks to the State criteria set for the following beneficial uses: livestock drinking water, cold water aquatic life, wading (water contact recreation), and wildlife propagation.

Based upon the evaluation of monitoring data for the Paiute Meadows Allotment, consultation with the permittee and other affected interests, recommendations from my staff, and the Paiute Meadows Allotment final evaluation dated February 25, 1993, it is my proposed decision to:

CARRYING CAPACITY

Designate the carrying capacity for livestock and wild horses as 4,666 AUMs. Of this total, 3,178 AUMs are designated for livestock and 1,488 AUMs are designated for wild horses.

The Paiute Meadows Allotment is divided into two use areas, North of Paiute Creek and South of Paiute Creek. The carrying capacity for livestock and wild horses in the North Paiute use area is 2634 AUMs and 2032 AUMs in the South Paiute use area.

The livestock operation will be licensed according to available forage left after wild horse allocations. The difference in AUMs between the permittee's active preference and the active use will be held in non-use for conservation purposes.

RATIONALE:

This carrying capacity was derived from monitoring data collected on the allotment from 1987 through 1990. Monitoring data has indicated that vegetative objectives are not being achieved in both the North Paiute and the South Paiute use areas of the allotment. Therefore, an adjustment is needed in the authorized use by livestock and the wild horse population size to achieve a thriving natural ecological balance within the allotment.

WILDLIFE MANAGEMENT DECISION

Based upon the final evaluation of monitoring data for the Paiute Meadows Allotment, consultation with the permittee and other affected interests, and recommendations from my staff, it is my proposed decision for wildlife to:

1. Continue with the reasonable numbers as outlined in the Land Use Plan (LUP).
2. Recommend to the Nevada Department of Wildlife and the U.S. Fish and Wildlife Service that the North Fork of Battle Creek be designated as a stream for the recovery of Lahontan cutthroat trout.
3. Construct corridor fencing on the North Fork of Battle Creek within the Paiute Meadows Allotment, due to riparian/aquatic conditions which did not meet management objectives.

RATIONALE:

The analysis of monitoring data indicates that the multiple-use objectives for the Paiute Meadows Allotment are not being met. The analysis of utilization and use pattern mapping determined that livestock and wild horses were the primary factors inhibiting achievement of the multiple-use objectives in the allotment. Analysis of the existing management of wildlife indicates that wildlife populations in the Paiute Meadows Allotment are not contributing to the failure in meeting the multiple-use objectives. Therefore, a change in the existing wildlife populations or the existing wildlife management within the Paiute Meadows Allotment is not warranted. Reasonable numbers for wildlife will remain as follows:

Mule Deer
1838 AUMs

Pronghorn Antelope
307 AUMs

Bighorn Sheep
180 AUMs

The North Fork of Battle Creek is the most desirable stream within the allotment to be managed for recovery of Lahontan cutthroat trout based on the following:

The entire Battle Creek watershed lies within the Paiute Meadows Allotment and nearly all of the North Fork of Battle Creek (about 6 miles) lies within public lands.

There is no existing fishery in the Battle Creek drainage. There would be no fish eradication costs associated with the introduction of cutthroat trout into the North Fork of Battle Creek.

The existing stream habitat condition for the North Fork of Battle Creek is highly recoverable. The 1992 stream habitat conditions indicate that the North Fork of Battle Creek could be recovered more rapidly than Bartlett Creek.

With good to excellent stream habitat potential, lack of an existing fishery, nearly 100 percent public land ownership, and absence of mining activities, the North Fork of Battle Creek lends itself for the recovery of Lahontan cutthroat trout.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent part:

1725.3-3(b) "Management of public lands for fish and wildlife development and utilization involves the protection, regulated use, and development of habitat on public lands and waters to obtain a sustained yield of fish and wildlife and provision and maintenance of public access to fish and wildlife resources."

If you wish to protest this wildlife management 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 East Fourth St. Winnemucca, NV 89445. Subsequent to the fifteen day protest period, a final decision will be issued which will provide opportunity for appeal in accordance with 43 CFR 4160.4 and 43 CFR 4.470.

WILD HORSE MANAGEMENT DECISION

Based on the final evaluation of the monitoring data for the Paiute Meadows Allotment, consultation with the permittee and affected interests and recommendations of my staff, my proposed decision for wild horses is to:

1. Combine the Black Rock Range East Herd Management Area (HMA) and the Black Rock Range West HMA with a combined appropriate management level (AML) of 247 adult horses. The AML will be managed within the range of 204 to 290 adult wild horses. The combined HMA will be called the Black Rock Mountain HMA.
2. Schedule a removal for the fall of 1993 to reduce the population of horses to the Appropriate Management Level if funding is available for such gather.

RATIONALE:

Removals have occasionally been conducted on the Black Rock Range East HMA and not the Black Rock Range West HMA, creating a niche in the habitat, which is filled in by migrating horses, making retention of the population at, or close to, a manageable number impossible.

Census and distribution data show a heavy migration pattern between the HMAs from Slumgullion and Paiute Creek southward. These natural tendencies for the animals to distribute through both HMAs/allotments should result in approximately 124 animals utilizing the Black Rock Range East HMA year round. This estimate is based on historical distribution and census data that indicates that the proportional distribution of wild horses between the two HMAs is approximately 50% in the West HMA and 50% in the East HMA. This would result in a total of 1,488 AUMs used by wild horses in the Paiute Meadows Allotment (approximately 636 AUMs in the north and 852 AUMs south of Paiute Creek).

AUTHORITY: The authority for this decision is contained in Sec. 3(a) and (b) of the Wild-Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4700.0-6(a) "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

HMA not in the south

til if not removing then, Aum's available for summer weststock?

- show me

4710.4 "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management areas plans."

4720.1 "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

4770.3(c) "The authorized officer may place in full force and effect decisions to remove wild horses or burros from public or private lands if removal is required by applicable law or to preserve or maintain a thriving ecological balance and multiple use relationship. Full force and effect decisions shall take effect on the date specified, regardless of an appeal. Appeals and petitions for stay of decisions shall be filed with the Interior Board of Land Appeals as specified in this part."

If you wish to protest this decision for wild horse management, in accordance with 43 CFR you are allowed fifteen (15) days from receipt of this notice within which to file such protest with the Paradise-Denio Area Manager, Bureau of Land Management, Winnemucca District, 705 East Fourth St., Winnemucca, NV 89445. Subsequent to the fifteen day protest period a final decision will be issued which will provide opportunity for appeal in accordance with 43 CFR 4160.4 and 43 CFR 4.470. Consideration is being given to place the final decision in Full Force and Effect.

LIVESTOCK DECISION

Based upon the final evaluation of monitoring data for the Paiute Meadows Allotment, consultation with the permittee and other affected interests and recommendations from my staff, it is my proposed decision for livestock to:

1. Change the management:

FROM (Description of existing use)

A. Grazing Preference (AUMs)

| | |
|-------------------------|-------|
| 1. Total preference | 9,932 |
| 2. Suspended preference | 2,105 |
| 3. Active preference | 7,827 |
| Active Use | 4,350 |
| Non-Use | 3,477 |

The active use for the Paiute Meadows Allotment during 1990 was adjusted to 4350 AUMs in conjunction with the transfer of grazing preference to Dan Russell dated 01/05/90.

B. Season of Use

Summer and Fall Use
05/01 to 11/05

C. Kind and Class of Livestock - Cattle, Cow/Calf

D. Percent Federal Range - 97%

E. Grazing System

The active preference during the evaluation period was 7,827 AUMs from 1983 until 1990. In accordance with the transfer of grazing preference to Dan Russell on January 5, 1990, the active use was adjusted to 4,350 AUMs, with 3,477 AUMs in non-use.

From 1988 to 1992, grazing use was authorized north of Paiute Creek with herding practices designed to control livestock drift into the area south of Paiute Creek.

TO: GRAZING SYSTEM TO BE IMPLEMENTED

A. Grazing Preference Status (AUMs)

| | |
|-------------------------|--------------|
| 1. Total preference | 9,932 |
| 2. Suspended preference | 6,754 |
| 3. Active preference | 3,178 |
| Active Use | 1,998 |
| Non-Use | 1,180 |

B. Season of Use

Spring and Early Summer Use
03/15 to 07/15

C. Kind and Class of Livestock - Cattle, Cow/Calf

D. Percent Federal Range - 97%

E. Grazing System

The grazing system listed below is for the next evaluation period.

North Paiute Use Area

| | | | |
|----------------|----------------|-----------|--|
| Low Elevation | | | |
| 509 cattle | 03/15 to 05/15 | 1006 AUMs | |
| High Elevation | | | |
| 509 cattle | 05/16 to 07/15 | 992 AUMs | |

Use will begin in the lower elevations east of the Leonard Creek Road. This area would include all the lower foothills and alluvial fans along the eastern portion of the allotment north of Paiute Creek that fall below 1550 meters in elevation.

Livestock use of the higher elevations will be deferred until after May 01 by salting and herding practices. The high elevation use area would include Paiute Creek above the drift fence and higher country above 1550 meters in elevation.

All livestock will be removed from the allotment prior to July 15 of each year. Winter use by livestock will not be authorized due to direct conflicts with wildlife and wild horse use of the area during winter months.

Russel has never complied B4, who will monitor

South Paiute Use Area

As identified in the February 25, 1993 allotment evaluation for Paiute Meadows, the use area south of Paiute Creek is lacking in grass species due to excessive use by wild horses and livestock and the past six years of drought conditions. Livestock use will not be authorized in this area until the following specific criteria are met as determined by the District Soil Scientist and the range staff in the Paradise-Denio Resource Area.

Criteria

Utilizing the 1992 Ecological Site Inventory data collected in this allotment, three key range sites were selected from the soil mapping units that represented the majority of the use area. The range sites selected were ones that would respond to changes in management and represent various elevations. The following is a description of the range sites:

South Slope 12-16 P.Z. 023XY016NV ARVA2/AGSP
Soil Map Unit 177 write-up number DJ 60

Clay Slopes 8-12 P.Z. 023XY037NV ARTEM/AGSP
Soil Map Unit 965 write-up number DJ 62 correlated with DJ 80

Sandy 5-8 P.Z. 027XY009NV ORHY/STCO4
Soil Map Unit 378 write-up number DJ 27 correlated with DJ 10

Criteria for Resuming Livestock Grazing

023XY016NV Increase AGSP from 15% present by weight to 35% by weight.

023XY037NV Increase AGSP from 0% present by weight to 15% by weight.

Increase STTH2 from 0% present by weight to 5% by weight.

027XY009NV Increase ORHY from 6% present by weight to 15% by weight.

Increase STCO4 from 0% present by weight to 5% by weight.

The control sites (clipped plots) will be compared in the future with the ocular sites to determine progress. The first monitoring is scheduled for 1995.

The active use will be phased in using the following schedule:

| <u>Year</u> | <u>Total Preference</u> | <u>Suspended Preference</u> | <u>Active Preference</u> | <u>Active Use</u> | <u>Non-use</u> |
|-------------|-------------------------|-----------------------------|--------------------------|-------------------|----------------|
| 1993 | 9932 | 6754 | 3178 | 2054 | 1124 |
| 1995 | 9932 | 6754 | 3178 | 2293 | 885 |
| 1997 | 9932 | 6754 | 3178 | 1998 | 1180 |

1993 Grazing Schedule
North Paiute

| | | | |
|----------------|------------|----------------|-----------|
| Low Elevation | 700 cattle | 04/15 to 05/15 | 692 AUMs |
| High Elevation | 700 cattle | 05/16 to 07/15 | 1362 AUMs |

1994 Grazing Schedule
North Paiute

| | | | |
|----------------|------------|----------------|-----------|
| Low Elevation | 660 cattle | 03/15 to 05/15 | 1304 AUMs |
| High Elevation | 660 cattle | 05/16 to 07/15 | 1284 AUMs |

By additional AUM's are committed, use should be calculated

This decision changes the season of use for livestock and establishes the Appropriate Management Level for wild horses. The grazing schedule has been shortened for the 1993 grazing year due to the high population of horses using the North Paiute Use Area and the process of finalizing the decision for the Paiute Meadows Allotment.

Therefore, there is a greater decrease in the Active Use for 1993 than 1994. In 1994, with the proposed reduction in the wild horse population the permittee will be authorized a longer season of use.

Livestock numbers will be recalculated after evaluating the 1993 and 1994 monitoring data.

Terms and Conditions:

Herding/salting practices are required and should be designed so that livestock drift does not occur into use areas not scheduled for use.

Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, meadows, riparian habitats or aspen stands.

You are required to perform normal maintenance on the range improvements as per your signed cooperative agreements prior to turning out.

Your certified actual use report by pasture is due 15 days after the end of the authorized grazing period.

2. Reconstruct the existing Soldier Meadows/Paiute Meadows drift fence from the Pine Forest Allotment south and extend the fence to Burnt Springs with offset gates at major horse trails.
3. Removal of the fence from the Paiute Seeding.

RATIONALE:

What about 91-92
This carrying capacity was derived from monitoring data collected on the allotment from 1987 through 1990. Monitoring data has indicated that vegetative objectives are not being achieved in both the North Paiute and the South Paiute use areas of the allotment. Therefore, an adjustment is needed in the authorized use by livestock and the wild horse population size to achieve the thriving natural ecological balance of the allotment.

In addition, long term stream habitat objectives have not been met in the North Paiute use area. Previous to the transfer of the grazing preference to the current permittee, and authorization of 56% of the grazing permit, improvement in stream habitats was noted. A reduction in the season of use for livestock is necessary to ensure continued growth of riparian vegetation and improvement towards long term streambank riparian habitat conditions in the absence of riparian habitat fences. The reduction in active use combined with the season of use will ensure that progress.

When monitoring indicates the vegetation has recovered south of Paiute Creek the permittee will be authorized to activate those AUMs placed in non-use before adjustments will be made to the wild horse AML.

The reconstruction and extension of the Soldier Meadows/Paiute Meadows drift fence would stop livestock drift from Paiute Meadows into Coleman, Snow, Summer Camp and Mahogany Creek areas of the Soldier Meadows Allotment. The extension of the drift fence would run through the North Black Rock Wilderness Study Area (WSA NV-020-622). All surveys, designs, and environmental assessments will be coordinated with interested parties.

A solid fence, as opposed to "gap" fencing, would ensure that the livestock drift would be stopped. Wild horses would create trails around the "gap" fencing which the cattle would then follow.

Distribution data shows that when horse populations are within an acceptable level, the concentration of horses are on the southern end of the Paiute Meadows allotment where most of the migration occurs, therefore, conflicts with wild horse migration and fencing north of Burnt Springs will be minimized.

The Paiute Seeding area is in poor to fair condition following over 10 years of use without adequate fencing. Wild horses and wildlife populations rely upon the existing reservoir in the seeding for water during the summer months and it becomes a critical water source for them during drought years.

Therefore, removal of the Paiute Seeding boundary fence would benefit both wildlife and wild horses.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4100.0-8 "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4110.3 "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4110.3-2(b) "When monitoring shows active use is causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity as determined through monitoring, the authorized officer shall reduce active use if necessary to maintain or improve rangeland productivity, unless the authorized officer determines a change in management practices would achieve the management objectives."

4110.3-2(c) "Where active use is reduced it shall be held in suspension or in non-use for conservation/protection purposes, until the authorized officer determines that active use may resume."

4110.3-3(a) "Changes in active use in excess of 10 percent shall be implemented over a 5-year period, unless after consultation with the affected permittees or lessees and other affected interests, an agreement is reached to implement the increase or decrease in less than 5 years."

4110.3-3(b) "After consultation, coordination, and cooperation, suspensions of preference shall be implemented through a documented agreement or by decision. If data acceptable to the authorized officer are available, an initial reduction shall be taken on the effective date of the agreement or decision and the balance taken in the third and fifth years following that effective date, except as provided in 4110.3-3(a). If data acceptable to the authorized officer to support an initial reduction are not available, additional data will be collected through monitoring. Adjustments based on the additional data shall be implemented by agreement or decision that will initiate the 5-year implementation period."

4110.3-3(c) "When the authorized officer determines that the soil, vegetation, or other resources on the public lands require temporary protection because of conditions such as drought, fire, flood, or insect infestation, after consultation with affected interests, actions shall be taken to close allotments or portions of allotments to grazing by any kind of livestock or to modify grazing use. Notices of closure and decisions requiring modification of authorized grazing use shall be issued as final decisions which are placed in full force and effect under 4160.3(c)."

4130.6-1(a) "The authorized officer shall specify the kind and number livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary under 4110.3, 4110.3-1 and 4110.3-2."

4130.6-2 "The authorized officer may specify in grazing permits and leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

4160.3(c) "...The authorized officer may place the final decision in full force and effect in an emergency to stop resource deterioration. Full force and effect decisions shall take effect on the date specified, regardless of an appeal."

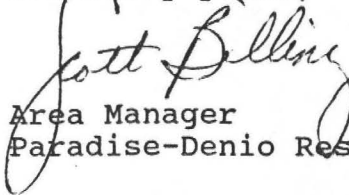
If you wish to protest this decision for livestock management, in accordance with 43 CFR 4160.2 you are allowed fifteen (15) days from receipt of this notice within which to file such protest with the Paradise-Denio Resource Area Manager, Bureau of Land Management, Winnemucca District, 705 E. 4th Street, Winnemucca, NV 89445. Subsequent to the fifteen day protest period a final decision will be issued which will provide opportunity for appeal in accordance with 43 CFR 4160.4 and 43 CFR 4.470. Consideration is being given to place the final decision in Full Force and Effect.

FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Paradise-Denio Resource Area will continue to monitor the Paiute Meadows Allotment. The monitoring data will continue to be collected in the future to provide the necessary information for subsequent evaluations. These evaluations are necessary to determine if the allotment specific objectives are being met under the new grazing management strategy. In addition, these subsequent evaluations will determine if adjustments are required to meet the established allotment specific objectives.

The Paiute Meadows Allotment is scheduled to be reevaluated in 1994.

Sincerely yours,



Area Manager
Paradise-Denio Resource Area

cc: NRDC
Sierra Club
Craig Downer
Wilderness Society
NV Outdoor Recreation Assoc.
Desert Bighorn Council
Dept. of Wildlife - Fallon
John Marvel
Nevada Land Action Assoc.
Daniel and Sammie Ugalde
Thomas Van Horne
Andy Johas
NV Farm Bureau
Dept. of Wildlife - Winnemucca
Humboldt County Commissioners
Western Farm & Ranch Service
Lyman Youngberg
Dan Russell
Dave Cassinelli
R.C. Roberts
USFWS
Trout Unlimited
WHOA
Animal Protection Institute
Commission for the Preservation of WH
Int'l Society for the Protection of WH&B
American Horse Protection Assoc.
Humane Society of the US
Claudia Richards
William Cummings



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

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March 17, 1993

Scott Billing, Area Manager
Paradise Denio Resource Area
BLM-Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

RE: Paiute Meadows Final Allotment Evaluation Summary and the
Proposed Multiple Use Decision

Dear Mr. Billing,

Thank you for the opportunity to review and comment on the
Paiute Meadows Final Allotment Evaluation Summary and the Proposed
Multiple Use Decision.

First, we must commend your District on recognizing the need
for adjustments in the use on Paiute Meadows considering the
conditions there and the need for improvement of the habitat for
all users. We applaud the coordination between the two Resource
Areas on this one herd area.

We received the document on March 4, 1993, and are protesting
parts of this document within the 15 day protest period allowed us
according to 43 CFR.

Our reasons for protest are as follows:

1) For wild horses, wildlife, and livestock, you have stated that
"This carrying capacity was derived from monitoring data collected
on the allotment from 1987 through 1990." Your data from those
years indicated that vegetative objectives were not being achieved.
In fact, in 1990, you reported 1% of the allotment in heavy to
severe condition. This was prior to Mr. Russell taking possession
of the allotment. Mr. Russell took over in 1990, by 1992 your data
indicated the allotment went from 1% to 49% severely degraded.

Why are you only analyzing data up to 1990? The allotment was
not that severely damaged prior to that date. You are making use
determinations for this 1993 and 1993 grazing seasons based on data
prior to the permit transfer to Mr. Russell. We wonder what the
evaluation would say if you include the 1991 and 1992 severely
degraded and overuse years combined with the drought conditions?
Please provide that data in your final document for inclusion in
evaluating the current carrying capacity of the allotment.

Scott Billing, Area Manager
March 17, 1993
Page 2

2) Wild horses are scheduled for removal (subject to available funding), in the fall of 1993. Currently with the population of approximately 351 wild horses in Black Rock East, in addition to the permitted turnout of 2,054 AUM's of livestock prior to that removal, how will you still stay within the carrying capacity of the range. How will you provide for the additional AUM's necessary for the current population of 351 wild horses (4,212 AUM's), with the 2,054 scheduled AUM's necessary for livestock?

3) We have one last question, on page 70, you responded to our question of evaluating both areas saying that "The Soldier Meadows allotment re-evaluation has been sent out for public comment." In checking with Tom Seley today (March 17, 1993), he notified me that Soldier Meadows will not be available until around September 30, 1993. How can your Resource Area staff evaluate data that the Sonoma Gerlach staff has yet to evaluate themselves?

If you have any questions, or would care to discuss this further with us, we would welcome the opportunity to meet with you to go over our concerns with you prior to issuance of the final.

Most Sincerely,

CATHERINE BARCOMB
Executive Director

3-16-93



SIERRA CLUB

Toiyabe Chapter — Nevada and Eastern California
P.O. Box 8096, Reno, Nevada 89507

March 16, 1993

Scott Billings, Manager
BLM/Paradise-Denio Resource Area
705 E. 4th St.
Winnemucca, NV 89445

VIA FAX
623-1503

Dear Manager Billings,

On behalf of the Toiyabe Chapter of the Sierra Club and the Natural Resources Defense Council, I am hereby formally protesting the proposed multiple use decision on Paiute Meadows Allotment, dated Mar. 8, 1993. While we support and applaud the BLM's apparent intention to improve management of this allotment through this decision, we believe the decision, as written, will not achieve the BLM's objectives nor adequately address our continuing concerns about the chronic mismanagement of this allotment.

The proposed decision is in error for the following reasons:

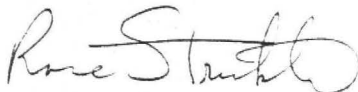
1. Without putting this decision in full force and effect, the BLM cannot effectively make any changes in livestock numbers or practices. While the 1991 decision was issued full force and effect in order to remove excess wild horses from this allotment, the proposed 1993 decision to protect the allotment from excessive livestock numbers and grazing practices which are damaging the environment is equally qualified to be full force and effect, and thereby implementable, whether appealed or not. Otherwise, the decision is a sham. If appealed, it will result in no on-the-ground improvements in resource conditions, no changes in livestock numbers or grazing practices, and continuing damage to public lands and resources by excessive ungulates

6. While we can support the concept of closing the So. Paiute use area to livestock grazing until this area - devastated by drought and excessive numbers of cattle and wild horses over the last two years - has recovered, we do not find any documentation in the proposed decision that the criteria for resuming livestock grazing have any scientific basis as a measure of satisfactory vegetation recovery. Will achievement of all of the 5 criteria result in good or excellent condition range? Is partial achievement or, euphemistically, "progress towards achieving" these vegetation objectives good enough to trigger BLM permission for grazing resumption? Exactly how will monitoring occur to evaluate whether vegetation objectives have been met?

7. We object to the use of utilization "limits" as mere "targets" and not firm levels on which to change poor grazing practices or overgrazing. We question whether monitoring at the end of the grazing period will be sufficient to establish which ungulate is using the forage, especially if livestock use is ended before the grazing period is over. Please explain.

In conclusion, while we are pleased to see some progress being made on paper toward resolving chronic grazing management problems in the Paiute Meadows Allotment, we cannot support the proposed decision, because it makes no meaningful changes on-the-ground.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rose Strickland".

Rose Strickland, Chair
Public Lands Committee



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

Stewart Facility
Capitol Complex
Carson City, Nevada 89710
(702) 687-5589

COMMISSIONERS

Dan Keiserman.
Las Vegas, Nevada
Michael Kirk, D.V.M.,
Reno, Nevada *Chairman*
Paula S. Askew
Carson City, Nevada
Steven Fulstone
Smith Valley, Nevada
Dawn Lappin
Reno, Nevada

May 12, 1993

Scott Billing, Area Manager
Paradise-Denio Resource Area
BLM-Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

RE: Appeal of Final Full Force and Effect Multiple Use Decision
Paiute Meadows Allotment

Dear Mr. Billing,

Thank you for the opportunity to review and comment on the Final Full Force and Effect Multiple Use Decision for the Paiute Meadows Allotment.

The Commission formally appeals this decision for the following reasons:

Overallocation of the habitat which is in violation of BLM Regulations and management policies.

We are appealing the issuance of a livestock license with livestock AUMs in addition to the horses that are currently using the allotment. As was one of our protest points in the draft, Wild horses are scheduled for removal (subject to available funding), in the fall of 1993. Currently with the population of approximately 351 wild horses in Black Rock East, in addition to the permitted turnout of 2,500 AUMs of livestock prior to that removal, you will not stay within the carrying capacity of the range. You cannot provide for the additional AUMs necessary for the current population of 351 wild horses (4,212 AUMs), with the 2,500 scheduled AUMs necessary for livestock.? Your answer was that "Changes in active use in excess of 10% shall be implemented over a five year period..." That doesn't answer our question of how you will prevent resource damage. You are issuing this decision full force and effect against horses to protect the resource but are intentionally overallocating the resource by licensing maximum livestock use prior to the scheduled removal of wild horses.

Setting the AML for the new "Black Rock Mountain HMA" is arbitrary and capricious.

The wild horse information presented in your decision and the

Scott Billing, Area Manager
May 12, 1993
Page 2

information presented in the Soldier Meadows draft decision are contrary to each other. The determination of AML must be set under the same criteria and objectives. We fully agree with combining the two areas to create one HMA with a combined AML as was agreed to in the agreement signed by ourselves and the Nevada State Director Billy Templeton. However the combined AML of 186 wild horses is arbitrary in that the carrying capacity for Black Rock East is calculated at 50% utilization for upland grasses whereas Black Rock West is calculated at 60% utilization. There is no monitoring data to substantiate this decision.

You have also taken AUMs away from wild horses only to replace them with livestock use. Page 7 of your decision, "The reduction in the wild horse AML, resulted in an additional 372 AUMs available for livestock on the Paiute Meadows Allotment." This is an arbitrary decision on your part. The Paiute Meadows wild horses have not received the protection and management of their habitat to sustain a healthy, viable population. It is arbitrary, in light of the monitoring data, to allocate wild horse use at 8%, livestock use at 92%, and wildlife at 0%, and then call this multiple use!

The carrying capacities of the Final Decision will cause resource damage and not result in a thriving ecological balance.

Carrying capacities for the Black Rock Range Herd have not be established by manager decisions. The Draft Soldier Meadows Allotment Evaluation presented carrying capacity computations with different assumptions than the Final Paiute Meadows Allotment Evaluation. These different assumptions make significant differences in the carrying capacities and proportional allocation of available forage for wild horses and livestock. The Soldier Meadows Multiple Use Decision is pending.

All carrying capacity computation for the Paiute Meadows and Soldier Meadows Allotments do not establish stocking rates or appropriate management levels for livestock and wild horses, respectively, that will meet all Short Term Objectives. Specifically, Sonoma-Gerlach Resource Area computation for Soldier Meadows Allotment assumes 60% desired utilization while Paradise-Denio Resource Area computations for Paiute Meadows Allotment assumes 50% desired utilization. Neither Resource area computation considers the 30% utilization rate for key stream bank riparian vegetation found in both allotments specific Short Term Objectives. Therefore, the Winnemucca District is not being consistent in carrying capacity computations and are not managing for stream bank riparian habitats in either Resource Area affecting the Black Rock Range.

The District's assumptions that the land use plan initial livestock stocking rates and wild horse numbers were at carrying capacities and in proper proportion in 1982, is not correct. Numbers expressed in the land use plan were to initiate monitoring to make adjustment, if necessary, to meet multiple use and

Scott Billing, Area Manager
May 12, 1993
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sustained yield mandates of FLMPA. The Final Decisions's rationale to allocate available forage to livestock and wild horses in the proportions found in the land use plan is not based upon monitoring data presented in the Paiute Meadows Allotment Evaluation.

Use of Full Force and Effect is not equitable to Wild Horses.

Full Force and Effect is to stop resource damage and allow the Bureau of Land Management greater discretion to meet immediate resource needs. This regulatory discretion allows necessary actions for resource protection and exemption from regulations requiring livestock reductions of greater than 10% be phased in over five years. While we may agree with the immediate reduction of wild horses necessary to stop resource damage, the Final Decision merely replaces horses with livestock in the North Pasture. Monitoring data and recommendations from your range conservationist in 1992 showed that the livestock stocking rates and seasons of use for the North Pasture will exceed Short Term Objectives.

Finally, the Commission, supports the arguments of the Department of Wildlife as follows, and wishes these appeal points to be included in addition to our points of appeal:

The Final Decision modifies allotment specific objectives essential in determining stocking rates and appropriate management levels for livestock and wild horses, respectively.

The Short Term Objective is amended to read "Utilization data will be collected at the end of the grazing period." After-the-fact monitoring has allowed for livestock to exceed the allowable use levels of key species within key management areas. These limitations on vegetation are the basis for the protection or restoration of critical fish and wildlife habitats. It is our position as well as that of the Department of Wildlife, Natural Resource Defense Council, Sierra Club, and Fish and Wildlife Service that these limitations are not mere "targets"; but attainable, measurable and meaningful parameters to manage public lands.

The issue of setting allotment specific objectives and meeting these objectives annually has been debated with the Paradise-Denio Resource Area since 1988. This issue is found in the appeals of the Department and Natural Resource Defense Council pertaining to the original 13 livestock agreements issued in 1988. The Department has directly addressed the attempt to modify Short Term Objectives found in the draft Bullhead Allotment Evaluation. The U.S. Fish and Wildlife Service addressed this issue in their comments to the draft Little Owyhee Allotment Evaluation.

Mid-season monitoring of the Paiute Meadows Allotment was accomplished by the Paradise-Denio Resource Area on July 6-9, 1992, by range conservationist, Ms. Abbie Josie. According to your

Scott Billing, Area Manager
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Carrying capacities were computed improperly and not in accordance to Bureau of Land Management procedures.

Technical Manual 4400-7 does not allow for average/weighted average utilization data for pastures that do not have uniform production or use. Use pattern mapping data collected in all years on all pastures show production and use to be non-uniform.

Short Term Objectives for stream bank riparian vegetation allows only 30% use of key species. Average/weighted averaging used in the Paiute Meadows Allotment Evaluation's carrying capacity computations assumed 50% as a desired utilization level. The Final Decision authorizes between 2,154 to 2,686 AUMs of Active Use in the North Pasture from March 15 to August 18 and allowing adjustments to be phased in over the next five years. Present monitoring data shows that at these levels of livestock use, under identical terms and conditions of past grazing authorizations, will result in exceeding the Short Term Objectives and carrying capacity of the North Pasture of the Paiute Meadows Allotment.

Wild horse appropriate management levels for the Black Rock Range Herd have not been established. Carrying capacity computations found in the Final Paiute Meadows Allotment Evaluation and Draft Soldier Meadows Allotment Evaluation are different. Present Monitoring data indicate wild horse use of wetland riparian habitat can exceed the Short Term Objective. Therefore, it is important that wild horse and livestock carrying capacities be determined properly and consistent to the protection of the resource.

Available forage was not allocated appropriately to range users or wildlife.

The Final Paiute Meadows Allotment Evaluation makes the improper assumption that the actual numbers for wildlife, active preference for livestock and wild horses, cited in the 1982 land use plan, were at carrying capacity for the allotment. These Scott

Billing, Area Manager
May 12, 1993
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Since carrying capacity computations resulted in stocking levels known not to meet Short Term Objectives, the allocation of all available forage to livestock and wild horses is arbitrary. As previously stated, wetland meadows and stream bank riparian habitat will be grazed heavily and not provide forage or cover for wildlife species. No forage was allocated to wildlife.

The use of Full Force and Effect

The Winnemucca District used Full Force and Effect to endorse the November 19, 1991, Livestock Agreement with Mr. Dan Russell, permittee. This livestock agreement modified the allotment specific objectives now found in this Final Decision. In spite of this action in previous decisions, the Final Decision further endorses this vacated livestock agreement.

As previously stated in this appeal, the Resource Area's failure to recognize Short Term Objectives or proper utilization levels for key species of riparian habitats in previous grazing authorizations has resulted in exceeding the carrying capacity of the allotment.

Use of Full Force and Effect is to stop resource damage with a significant action. Where Full Force and Effect may be appropriate to reduce wild horses, its application to livestock management will maintain management practices known to cause resource damage.

If you have any questions, please feel free to call. Also, if you would care to discuss our concerns at a meeting we would welcome the opportunity.

Sincerely,

CATHERINE BARCOMB
Executive Director

W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504
(702) 851-4817

BOARD OF TRUSTEES

DAVID R. BELDING
JACK C. McELWEE
GORDON W. HARRIS

In Memoriam

LOUISE C. HARRISON
VELMA B. JOHNSTON, "Wild Horse Annie"
GERTRUDE BRONN

May 12, 1993

Scott Billing, Area Manager
Paradise-Denio Resource Area
BLM-Winnemucca District Office
705 East 4th Street
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Use of Full Force and Effect is to stop resource damage with a significant action. Where Full Force and Effect may be appropriate to reduce wild horses, its application to livestock management will maintain management practices known to cause resource damage.

Intentional overallocation of the habitat.

Document 4130, 4160 (NV-024.14), April 14, 1993

Page 4, Paragraphs 1-4, under Carrying Capacity. Although we gravely question your estimated carrying capacity given the use of weighted averaging, you state there are 4666 AUMs for livestock and wild horses combined, 3550 AUMs for livestock, and 1116 AUMs for wild horses. South Paiute is closed to grazing so that leaves 2634 AUMs TOTAL available for livestock and wild horses in North Paiute.

Paragraph 3 states "livestock operators will be licensed according to available forage left after wild horse allocation. Assuming no wild horses moved south, and assuming 351 wild horses are present after the last capture that equates to 4212 AUMs (351 x 12), of forage REQUIRED FOR ONLY WILD HORSES, further by telephone conversation with the Winnemucca District on 5/12/93, that 110 AUMs, 2170 AUMs and 230 AUMs respectively of livestock use has already been authorized for a total of 2,500 AUMs. Yet paragraph 2, page 4, states that only 2634 AUMs are available for both livestock and wild horses.

We are assuming again that page 12 of the same document

wherein it states tha an additional 540 cattle to the tune of 1894 AUMs are to be licensed from June 1 to September 18 at the higher elevation. Your District states that 2500 AUMs have already been licensed and you are within 134 AUMs of all the AUMs available, without any to wild horses or wildlife! How does the District propose to license another 1894 AUMs come June? If in fact those AUMs have already been given out in advance of June 1, then you are in violation of Full Force and Effect Multiple Use Decision.

WHOA challenges that you have not only overallocated the forage resource, as was indicated by the condition of the wild horses recently removed, but that you are doing it again, with full knowledge that your own field people have warned against. You are again threatening the wild horse habitat and the health of the herd. Yet you state on page 14, that due to a wild horse additional AUM reduction you will be able to increase livestock in the Paiute Meadows Allotment. If indeed you cannot separate the offending animals use, then reduction as well as increases shall be proportionate.

If you have any questions, please feel free to call. Also, if you would care to discuss our concerns at a meeting we would welcome the opportunity.

Sincerely,

DAWN Y. LAPPIN
Director

CATHY BARCOMB

- WILD Horse can etc, etc,

RI 5-10-93



STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022
(702) 688-1500
Fax (702) 688-1595

BOB MILLER
Governor

WILLIAM A. MOLINI
Director

May 10, 1993

Mr. Scott Billings
Paradise-Denio Resource Area
Bureau of Land Management
705 East Fourth Street
Winnemucca, Nevada 89445

RE: Appeal - Final Full Force and Effect Multiple Use Decision -
Paiute Meadows Allotment

Dear Scott:

As an affected interest by definition in 43 CFR 4100.0-5, the Nevada Department of Wildlife hereby appeals the Final Full Force and Effect Multiple Use Decision - Paiute Meadows Allotment. Pursuant to 43 CFR Section 4.470 (a), the following represents the required statement as to why this decision is in error:

The Final Decision modifies allotment specific objectives essential in determining stocking rates and appropriate management levels for livestock and wild horses, respectively.

The Short Term Objective is amended to read: "Utilization data will be collected at the end of the grazing period." After-the-fact monitoring has allowed for livestock to exceed the allowable use levels of key species within key management areas. These limitations on vegetation are the basis for the protection or restoration of critical fish and wildlife habitats. It is the position of the Department of Wildlife, Natural Resource Defense Council, Sierra Club and Fish and Wildlife Service that these limitations are not mere "targets", but attainable, measurable and meaningful parameters to manage public lands.

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Mr. Scott Billings
May 10, 1993
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Use of Full Force and Effect is intended to stop resource damage by implementing a significant action for improvement. While Full Force and Effect may be appropriate to reduce wild horses, its application to livestock management, in this case, will maintain management practices known to cause resource damage.

Sincerely,

William A. Molini

William A. Molini
Director

REL:rl
CC: Habitat, Reno
Jim Jeffress
Jim French

422-93

UNITED STATES DEPARTMENT OF INTERIOR

OFFICE OF HEARINGS & APPEALS

HEARINGS DIVISION

IRV & SANDY BROWN, successor in interest to William C. Cummings and Daniel Russell

Appellant,

vs.

BUREAU OF LAND MANAGEMENT,

Respondent.

)
)
)
) No. N2-93-08
)
) Appeal from the Area
) Manager's Final Decision
) dated April 12, 1993,
) Paradise-Denio Resource,
) Area, Winnemucca Dist.,
) Nevada

NEVADA DIVISION OF WILDLIFE,

Appellant,

vs.

BUREAU OF LAND MANAGEMENT,

Respondent.

)
)
) No. N2-93-09
)
) Appeal from the Area
) Manager's Final Decision
) dated April 12, 1993,
) Paradise-Denio Resource,
) Area, Winnemucca Dist.,
) Nevada

THE COMM. FOR THE PRESERVATION OF WILD HORSES AND BURROS,

Appellant,

vs.

BUREAU OF LAND MANAGEMENT,

Respondent.

)
)
) No. N2-93-10
)
) Appeal from the Area
) Manager's Final Decision
) dated April 12, 1993,
) Paradise-Denio Resource,
) Area, Winnemucca Dist.,
) Nevada

WILD HORSE ORGANIZED ASSISTANCE,

Appellant,

vs.

BUREAU OF LAND MANAGEMENT,

Respondent.

)
)
) No. N2-93-11
)
) Appeal from the Area
) Manager's Final Decision
) dated April 12, 1993,
) Paradise-Denio Resource,
) Area, Winnemucca Dist.,
) Nevada

COPY

| | |
|----------------------------|----------------------------|
| IRV & SANDY BROWN, |) |
| |) No. N2-95-? |
| Appellant, |) |
| |) Appeal from the Area |
| vs. |) Manager's Decision |
| |) dated Feb. 6, 1995, |
| BUREAU OF LAND MANAGEMENT, |) Paradise-Denio Resource, |
| |) Area, Winnemucca Dist., |
| Respondent. |) Nevada |
| |) |

MOTION FOR SUBSTITUTION

AND

MOTION TO CONSOLIDATE

AND

MOTION TO CONTINUE

IRV & SANDY BROWN move to substitute themselves as appellant for William C. Cummings and Daniel Russell in N2-93-8, consolidate for hearing the above-entitled causes, and move to continue the hearing for the above-entitled causes until after July 1, 1995.

These motions are based upon 43 CFR 4.470(c), and 43 CFR 4.452-3(a).

MOTION FOR SUBSTITUTION

Irv & Sandy Brown are the real party in interest to William C. Cummings and Daniel Russell, because in the summer 1994, Irv and Sandy Brown purchased the base property for the grazing preference to the Paiute Meadows Allotment.

Wherefore, the Hearings Division should grant Irv & Sandy Brown's motion for substitution as the appellants in N2-93-8.

MOTION TO CONSOLIDATE

The above noted appellants filed separate appeals to the Decision dated April 12, 1993 which involved one allotment, i.e.

Paiute Meadows Allotment. In addition, appellant, Irv & Sandy Brown, filed an appeal to the Decision dated February 6, 1995 which involved the same allotment.

The issues raised and involved in each of the appeals are common. The general focus of each of the appeals relates to the grazing capacity, season of use, grazing system, fencing, terms & conditions, wildlife, and wild horses.

Wherefore, the Hearings Division should grant Irv & Sandy Brown's motion to consolidate. The motion to consolidate is consistent with the language and purpose of 43 CFR 4.470(c), and more importantly, would fulfil the goals of judicial administration and judicial economy; judicial administration in that consolidation of the appeals will avoid potentially inconsistent decisions being issued by the Hearings Division; judicial economy in that consolidation of the appeals will only result in 1 hearing instead of 5 hearings.

MOTION TO CONTINUE

In the summer, 1994, Irv & Sandy Brown purchased the base property for the grazing preference within the Paiute Meadows Allotment. However, respondent did not officially approve the transfer of the base property and grazing preference until February 6, 1995 via a decision.

The decision dated February 6, 1995 approved the transfer of the base property and grazing preference, but also, essentially approved the provisions and terms of the pending decision dated April 12, 1993. The Browns contest such new decision.

Irv & Sandy Brown need additional time to prepare for a hearing on this new decision, as well as the old decision.

In addition, it would be appropriate and reasonable to consolidate the appeal of the new decision with the appeals of the old decision and it is unlikely that a new notice of hearings can be completed in such a short time period. Good cause thereby exists to continue the pending hearing.

Wherefore, the Hearings Division should grant Irv & Sandy Brown's motion to continue the hearing until after July 1, 1995.

DESIGNATION OF REPRESENTATIVES

Said moving party designates themselves as their representative in all aspects of these proceedings. Said moving party directs the other appellants, the Department, and its offices and agents to serve their representative in all aspects of these proceedings and authorizes their representative to bind said moving party in all aspects of these proceedings.

Respectfully submitted this 8th day of March, 1995.



IRVIN E. BROWN
P.O. Box 478
Winnemucca, NV 89446

CERTIFICATE OF FILING & SERVICE: 43 CFR 4.401

I certify that on this date, I transmitted the foregoing document to the office in which filing is required before the end of the period in which it was required to be filed, and I did so by depositing with the United States Postal Service at Boise, Idaho an envelope containing the original said document, with postage for first class mail addressed to said office, as follows:

Office of Hearings & Appeals
Hearings Division
6432 Federal Building
Salt Lake City, Utah 84138

and I did so by depositing with the United States Postal Service at Boise, Idaho an envelope containing a copy of said document, with postage for first class mail addressed to said office, as follows:

William A. Molini
Director - NDOW
P.O. Box 10678
Reno, Nevada 89520-0022

WHOA
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Reno, NV 89504

Comm. for the Pre. of Wild Horses
Stewart Facility
Capitol Complex
Carson City, NV 89710

USDI - Office of the Regional Solicitor
2800 Cottage Way, Room E-2753
Sacramento, California 95825-1890

Dated this 8th day of March, 1995.



IRVIN E. BROWN