



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

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Salt Lake City, Utah 84138  
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GENERAL  
CARSON CITY, NEVADA

12-76-96

December 20, 1996

COMMISSION FOR THE  
PRESERVATION OF WILD HORSES,

Appellant

v.

BUREAU OF LAND MANAGEMENT,

Respondent

: IBLA 94-386 (N2-94-6)

:  
: Appeal from the Wild Horse Portion of  
: the Area Manager's Full Force and Effect  
: Decision dated January 19, 1994,  
: Sonoma-Gerlach Resource Area,  
: Winnemucca District, Nevada

.....  
WILD HORSE ORGANIZED  
ASSISTANCE,

Appellant

v.

BUREAU OF LAND MANAGEMENT,

Respondent

: IBLA 94-385 (N2-94-7)

:  
: Appeal from the Wild Horse Portion of  
: the Area Manager's Full Force and Effect  
: Decision dated January 19, 1994,  
: Sonoma-Gerlach Resource Area,  
: Winnemucca District, Nevada

**Proceedings Dismissed**

The Commission for the Preservation of Wild Horses (CPWH), Wild Horse Organized Assistance (WHOA), and the Bureau of Land Management (BLM) have submitted a joint Stipulation and Withdrawal of Appeal dated December 10, 1996, which covers Dockets IBLA 94-386 (NV-02-94-06) and IBLA 94-385 (NV-02-94-07). Based upon the withdrawal of these appeals set out in that Stipulation, both of the referenced dockets are hereby dismissed.

James H. Heffernan  
Administrative Law Judge

Soldier Meadow

Oct 28, 96

File

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 5 Attorneys for Nevada Division of  
 Wildlife, Appellant  
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7  
 8 **UNITED STATES DEPARTMENT OF THE INTERIOR**  
**OFFICE OF HEARINGS AND APPEALS**  
**HEARINGS DIVISION**

9 NEVADA DIVISION OF  
 WILDLIFE, : NV-02-94-17  
 10 : IBLA 94-622  
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Appellant,

v.

BUREAU OF LAND MANAGEMENT,  
 Respondent

16 WILD HORSE : NV 020-93-11  
 ORGANIZED ASSISTANCE, : IBLA 94-387  
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Appellant,

v.

BUREAU OF LAND MANAGEMENT,  
 Respondent

**STIPULATION AND WITHDRAWAL OF APPEAL**

23 The Nevada Division of Wildlife (NDOW) is an agency of the State of Nevada, whose duty  
 24 it is to ensure the preservation, protection, management and restoration of wildlife within the State  
 25 of Nevada. Wild Horse Organized Assistance (WHOA) is a private organization dedicated to the  
 26 preservation of wild horses. Subject to the following conditions, NDOW and WHOA hereby  
 27 withdraw their appeals from the decision in the Soldier Meadows Allotment, in case nos.

Office of the Attorney General  
 198 S. Carson Street  
 Carson City, Nevada 89710

1 NV-02-94-17/IBLA 94-622 and NV-020-93-11/IBLA 94-387.

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

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

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

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

21 Desired Stocking Rate computations for the Soldier Meadows Final Multiple Use  
22 Decision will be presented concurrently with the Paiute Meadows Final Multiple Use  
23 Decision in a new or amended allotment evaluation no later than 1999. Computations and  
24 assumptions will be disclosed and will be consistent with established procedures found in  
25 BLM Manual *Rangeland Monitoring Analysis, Interpretation, and Evaluation, Technical*  
26 *Reference 4400-7*.

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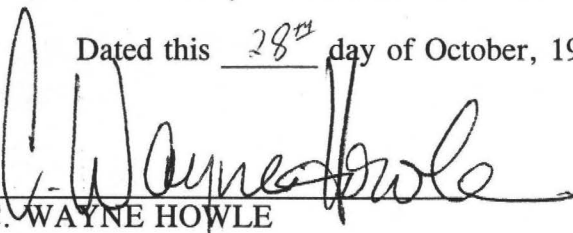
The following procedures will be applied:


1. All available rangeland monitoring and actual use data will be applied.
2. Riparian habitats will be considered Key Management Areas.
3. 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 Soldier Meadows 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.

Dated this 28<sup>th</sup> day of October, 1996.

  
C. WAYNE HOWLE  
Attorney for NDQW

  
FRANK WILSON  
Attorney for Respondents

  
DAWN LAPPIN  
Representative for WHOA

CERTIFICATE OF SERVICE

The original of the foregoing "Stipulation and Withdrawal of Appeal" was sent via Certified Mail-Return Receipt Requested, on October 28 1996, to:

Office of Hearings and Appeals  
Hearings Division  
6432 Federal Building  
Salt Lake City, UT 84138

Copies of the foregoing "Stipulation and Withdrawal of Appeal" was sent via Certified Mail-Return Receipt Requested, on October 28, 1996, to:

William A. Molini  
Administrator  
Nevada Division of Wildlife  
Department of Conservation & Natural Resources  
P.O. Box 10678  
Reno, Nevada 89520-0022

Dawn Lappin  
Wild Horse Organized Assistance  
P.O. Box 555  
Reno, Nevada 89504

Catherine Barcomb  
Executive Director  
Commission for the Preservation of Wild Horses  
255 West Moana, Suite 207A  
Reno, Nevada 89509

R.C. Roberts  
801 A Street  
San Rafael, California 94901

I certify that the foregoing is true under penalty of perjury.

Executed this 28th day of October, 1996 at Sacramento, California.



Barbara L. Johnson

\* NDOW Appeal

WINN 10/1996  
Soldier 1 (2)  
Oct 1996

**ORDER**

**A. BINDING OBJECTIVES**

The objectives set forth in the Sonoma-Gerlach MFP III Decisions and Soldier Meadows Multiple Use Decision (1993) are commitments binding upon the BLM. Decisions establishing appropriate management levels for wild horses and stocking rates for livestock must be consistent with achieving these objectives.

**B. MONITORING**

Monitoring is an obligation of the BLM and its duty to determine the achievement of 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 Soldier Meadows Allotment in a manner which will ensure early detection of effects which will result in non-attainment of wildlife habitat, riparian and range objectives.

Specifically, BLM shall monitor fish and wildlife habitat within the Soldier Meadows Allotment. 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 mortality data throughout the allotment.

**C. ADJUSTMENT IN USE**

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

Desired Stocking Rate computations for the Soldier Meadows Final Multiple Use Decision will be presented in the allotment evaluation or environmental assessment no later than 1998. Computations and assumptions will be consistent with established procedures found in BLM Manual Rangeland Monitoring Analysis, Interpretation, and Evaluation, Technical Reference 4400-7.

Concurrent with Private Meadows →

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 weight averaged or yield indexed in pastures with Key Management Areas. Management actions will be based upon Key Management Areas.

4. If it is determined that any Key Management Area is not properly functioning or functioning at risk, the BLM shall take appropriate action no later than the start of the next grazing season.

5. Allocation of forage must consider proportional adjustments based upon actual use and the established ungulate specific objectives established over the duration of the next evaluation.

D. RANGE IMPROVEMENT PROJECTS.

AMP Projects

