



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

50 Freeport Boulevard, No. 2
Sparks, Nevada 89431
(702) 359-8768

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Reno, Nevada

April 28, 1994

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

SUBJECT: Protest - PMUD - Jackson Mountain Allotment

Dear Mr. Billing,

Thank you for the opportunity to review and comment on the Final Jackson Mountain Allotment Evaluation.

The Nevada Commission for the Preservation of Wild Horses has a long standing interest and concern for the Jackson Mountain Wild Horse Herd. Issues and concerns brought to your attention in our comments and discussions on June 16, 1993, January 14, 1994, and January 31, 1994 regarding the Draft Jackson Mountain Allotment Evaluation have not been adequately addressed or considered in the Proposed Multiple Use Decision - Jackson Mountain - April 15, 1994. We encourage the District to reconsider this decision based upon the following:

THE FINAL DECISION SHOULD BE FULL FORCE AND EFFECT

Riparian vegetation is critical habitat for wild horses. Overgrazing caused by livestock and wild horses have exceeded the allotment's short term objectives or allowable use levels for key riparian species. Use pattern mapping data collected in 1988 and 1992, found heavy and severe utilization of wetland meadows and stream bank riparian habitat. Therefore, we recommend that emergency criteria be applied for full force and effect decisions adjusting both livestock and wild horses without bias.

As stated in the Proposed Decision, livestock reductions and adjustments in season of use are subject to administrative appeal. These appeals are likely to sustain status quo livestock management practices for the following three years as wild horse gather plans are implemented under full force and effect decisions.

Scott Billing, Area Manager
April 28, 1994
Page 2

THE FINAL DECISION IS ARBITRARY AND BIASED AGAINST WILD HORSES

Use pattern mapping data could not distinguish wild horse use from livestock use. This data established the carrying capacity for this allotment. Allocation of available forage must be proportional to livestock, wild horses, and wildlife and supported by sound rationale. The Final Decision allocated foraged based upon the proportions of the initial livestock stocking rate and wild horse populations found in the 1982 land use plan. The initial numbers were not a carrying capacity nor at a thriving natural ecological balance.

Monitoring data is the basis for all multiple use decisions. Actual use data for livestock and wild horses collected for the allotment evaluation are the best data available to support the multiple use decision. Since livestock contributed 73 percent of the use, it is reasonable that livestock should bear the same percentage of the necessary reduction to meet carrying capacity of the allotment.

THE FINAL DECISION IMPLEMENTS CONFLICTING FEDERAL REGULATIONS

The Final Decision is issued under the authority of Title 43 of the Code of Federal Regulations. According to the Final Decision page 13, 43 CFR 4130.6-1(a) states: "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." The Final Decision implements 43 CFR 411000.3-3 that requires any change in active use greater than 10 percent shall be implemented over a five year period. The Final Decision admits that stocking rates will overgraze key riparian habitat and exceed the carrying capacity of the allotment.

The Commission encourages the District to fully consider our points of protest concerning the Proposed Multiple Use Decision prior to issuing the final decision.

Sincerely



CATHERINE BARCOMB
Executive Director

W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504



... a note from

Dawn Y. Lappin

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DAWN Y. LAPPIN
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