



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

4160  
(NV-026.14)

January 19, 1994

CERTIFIED MAIL NO. P111849982  
RETURN RECEIPT REQUESTED

### NOTICE OF FINAL FULL FORCE AND EFFECT MULTIPLE USE DECISION LEADVILLE ALLOTMENT

Doane Western Company  
ATTN: Scott McKinley  
4969 E. McKinley #202  
Fresno, CA 93727

Dear Mr. McKinley:

On December 6, 1993, the Leadville Re-evaluation and Proposed Full Force and Effect Multiple Use Decision was mailed to all affected interests. In addition to Doane Western's protest, we received protests from the Commission for the Preservation of Wild Horses and Wild Horse Organized Assistance stating reasons why the proposed decision was thought to be in error. Protest points are briefly summarized below along with my response to each point.

#### Doane Western Co. (for Connecticut General) points of protest

1. The 1988 Leadville Rangeland Monitoring Evaluation sets the MFP Decision 1982 at 248 horses (2,976 AUMs).

#### Response:

To clarify the issue, neither the 1988 Leadville Rangeland Monitoring Evaluation, nor the MFP established an AML. The MFP established an initial stocking level of wild horses to monitor against. The 1988 document established the amount of forage livestock could use on an annual basis and reiterated wild horse numbers from the MFP. Wild horses were never considered in the forage calculations. The 1993 Proposed Multiple Use Decision established the total carrying capacity for both livestock and wild horses.

2. The migration of wild horses within the Calico Mountains HMA is not adequately quantified. Despite surveys, the population increases since 1988 can not be solely isolated to new births.

Response:

Distribution flights conducted during the evaluation period were designed to determine the seasonal movement of wild horses within the HMA, not to determine the amount of immigration/emigration between allotments. The net population increase in horses within the allotment from the 1989 to the 1992 census is 17% per year. The net annual rate of increase in population during the evaluation period was probably higher than 11% due to the open winters which allowed for a higher survival rate of foals into the yearling class, and decreased death loss of older horses. A combination of increased survival of foals/decreased death loss of older horses, and limited migration is the most reasonable explanation for the population increases experienced during the evaluation period.

3. The date of 2014 to achieve the Leadville Proposed MUD objectives are not consistent with the reality created from use the last six years. Only after sustained multiple year use from all combined users could an analysis be concluded that is meaningful.

Paragraph 4 of the December 6, 1993, notice of proposed decision accurately reflects why objectives are not being met. The livestock were controlled, wildlife remained static and the wild horses exceeded expected use of the range. Had the AUMs of use from all sources been inline with the 1988 objectives a more accurate determination of objectives could have been realized.

However, the contention that the permittee is to shoulder this definitive and permanent reduction in active preference is not acceptable as the permittee is most receptive in working hand-in-hand with all government agencies to achieve the multiple use of the permit.

Response:

We realize livestock did not consistently graze the allotment during the re-evaluation period. In order to establish an appropriate management level for wild horses the available forage base for wild horses and livestock had to be established. To document the total forage base BLM used the best monitoring data available; which happened to be the two years of wild horse use.

4. The riparian, aspen woodland, and mountain mahogany thicket areas need to be further discussed. How would a permittee know what is expected if after two evaluations the statements become repetitive with little discussion or direction?

Little or no communication has been forthcoming regarding expectations for maintenance of permittee owned livestock watering facilities. To my knowledge the permittee has not been asked to address any remedial improvement work.

Response:

It is the responsibility of the permittee to know and understand the conditions attached to the annual authorizations to graze on public lands. The Final Multiple Use Decision, on page 12, lists management actions the permittee is required to implement that address upland, riparian, meadows, and shrub/trees utilization levels.

The permittee is required, in the existing permit and this final decision, to maintain the various watering and fence projects that were installed to benefit livestock production and improve livestock distribution.

These two situations are symptoms of a permittee not grazing every year and a lack of consistency with BLM staff knowledgeable of the allotment. These shortcomings were identified in the re-evaluation and brought forward to the Proposed Decision so they would not be overlooked in the future.

Commission/WHOA points of protest

1. Appendix 6 of the Soldier Meadows Allotment Re-evaluation uses 60% as the Desired Utilization for its carrying capacity computation. Appendix 1 of the Leadville Allotment Re-evaluation uses 50% utilization as the Desired Utilization for its carrying capacity computation. These allotments are to have uniform allotment utilization limits and computations must be made with consistent assumptions to manage as a component of the Calico HMA.

Response:

The authorized officer determined that resource conditions and potentials differed substantially between the two allotments. Based on that difference the authorized officer determined that Soldier Meadows Allotment resource objectives could be achieved if there was 60% utilization by February 28, but resource objectives for the Leadville Allotment could not be obtained if utilization levels exceeded 50% by February 28.

2. The Proposed Decision is to set a carrying capacity that will meet all allotment objectives and protect natural resources. The capture and release of unadoptable horses to a level above the carrying capacity will cause over utilization of vegetation of key habitats. Delaying wild horse and livestock adjustments for a minimum of three years is contrary to existing federal regulations that prohibit management actions causing significant resource damage.

Response:

Based on previous captures and the estimated herd age structure, wild horse numbers should be at AML after the 1994 winter gather. In addition, BLM will implement a 50% utilization criteria as a management action. This means livestock will be moved to another part of the pasture, to another pasture, or removed from the allotment when combined use reaches 50%. The livestock numbers reduction will be implemented at once and not phased in over 5 years.

3. The Proposed Decision endorses the broad policy to leave unadoptable horses within the herd area. The sex and age composition of the surviving horses is critical to the longevity and genetic viability of the herd. Data collected in 1993 indicate that the Calico Herd suffered a 43% die off last winter. The recruitment rate was measured at only eight percent. Depending upon the surviving herd's age composition, the Proposed Decision's re-structuring of this herd could jeopardize the herd within two or three years. Implementation of this broad policy that effects the sex ratio and age structure of this herd requires an environmental assessment.

Response:

The Sonoma-Gerlach Resource Area as part of the BLM is required to follow current BLM policies, such as the "Strategic Plan for the Management of Wild Horses and Burros on Public Lands". Returning unadoptable animals due to age requirements (6 yrs and older) does not equate to undesirable animals remaining. An EA (FY94 NV-020-4-09) completed on 1/18/94 states: "The social structure may be affected which could lead to a decreased foaling and recruitment rate for the first year following removal as bands reorganized. However, the recruitment rate may increase after this due to a stabilization of social structure, and improved body condition of mares through reduced competition for forage. By releasing horses six years of age and older, the base genetic makeup of the herds should remain intact within the HMAs." The Strategic Plan for the Management of Wild Horses and Burros on Public Lands documented that the basic gene pool of each herd will remain intact. Until wild horse numbers are stabilized for the long term, the BLM can not accurately ascertain the effects on herd viability, genetics, sex ratios, and age structures in this EA.

4. The Proposed Decision restructures the Calico Wild Horse Herd. This action was not assessed by any NEPA document that assesses genetic data, age structure data, or herd longevity to assure its viability.

Response:

See the response to Commission/WHOA #3.

I have considered the proposed decision in light of these protest points and on the basis of monitoring data, the CCC process, and interdisciplinary team recommendations. My final decision is as follows:

#### ALLOTMENT WIDE MULTIPLE USE OBJECTIVES

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

##### I. Short Term Objectives

- A. Utilization of key plant species in riparian habitat shall not exceed 50%. (WL-1.10)
- B. Utilization of key plant species in upland habitats shall not exceed 50% except where adjusted by an approved activity plan. (WL-1.7 & 1.9)

II. Long Term Objectives

- A. Requantify long term objective #1. From: Improve to and maintain 424 acres of riparian and meadow habitat types in good condition. (WL-1.10)

To: Identify the location(s) and total acres of meadow and riparian habitat within the allotment, and develop a Desired Plant Community objective.

- B. Requantify long term objective #3. From: Improve to or maintain 72 acres of mtn. mahogany thicket and 70 acres of aspen woodland habitat in good condition. (WL-1.9)

To: Identify the location(s) and total acres of mtn. mahogany and aspen woodland sites, and establish age class structure objectives.

III. Desired Plant Community Objectives

Desired plant community (DPC) objectives were based on an ecological site inventory conducted in 1990. Key Management Areas were selected by reviewing ecological site inventory data, use pattern mapping data, distance to available water, wild horse distribution and wildlife habitat areas.

The following Key Management Area locations and objectives have been identified in each pasture. The Ecological Site Description lists the major plant species and their percent composition by weight that may make up the desired plant community shown in the long term objective for each Key Management Area. Final site selection will be made by an inter-disciplinary team and affected interests. The long term DPC objective percentages may need to be slightly adjusted once key management areas are established.

- A. Smokey Field

Short Term

On Ecological Site 024XY005NV (Loamy 8-10" P.Z.) within site write up area (SWA) R018, transect 3, maintain the frequency of key species for two grazing cycles (2002).

Quantify this objective once the initial trend study is established.

Long Term

Manage for the following percent composition by weight.

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	6%	12%	55%
Forbs	0%	0%	5%
Shrubs	94%	88%	40%

Increase Sihy and Poa++ from 6 to 12% by weight. If Sth2 is found an objective will be developed for it. Sagebrush will be maintained at or above 30% by weight to provide for wildlife requirements.

This objective should be achieved by 2014.

**Rationale:** The area has been identified as a use area for livestock and wild horses. It is not located within identified wildlife habitat, but does lie between antelope winter habitat AW-1 and AW-7, and is adjacent to potential bighorn sheep yearlong habitat BY-6.

B. Lower Field

Short Term

On Ecological Site 023XY037NV (Clay Slopes 8-12" P.Z.) within site write up area (SWA) R028, transect 2, maintain the frequency of key species for two grazing cycles (2002).

Quantify this objective once the initial trend study is established.

Long Term

Manage for the following percent composition by weight.

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	24%	46%	70%
Forbs	2%	5%	10%
Shrubs	74%	49%	20%

Increase Sth2 and Agsp from 10 to 15% by weight. Sagebrush will be maintained at or above 30% by weight to provide for wildlife requirements.

This objective should be achieved by 2014.

**Rationale:** The area has been identified as a use area for livestock and wild horses. The area is within antelope summer habitat AS-6, and potential bighorn sheep yearlong habitat BY-5.

C. Leadville Field

Short Term

On Ecological Site 023XY007NV (Loamy 14-16" P.Z.) within site write up area (SWA) R046, transect 2, maintain the frequency of key species for two grazing cycles (2002).

Quantify this objective once the initial trend study is established.

Long Term

Manage for the following percent composition by weight.

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	59%	60%	60%
Forbs	0%	5%	10%
Shrubs	41%	35%	30%

Maintain Feid at 50% and increase Agsp from 2 to 5% by weight. Sagebrush will be maintained at or above 30% by weight to provide for wildlife requirements.

This objective should be achieved by 2014.

**Rationale:** The area has been identified as a use area for livestock and wild horses. The area is within antelope winter habitat AW-8, bighorn sheep yearlong habitat BY-2, is adjacent to deer winter habitat DW-6, and is one mile west of an identified sage grouse brooding habitat area.

D. Swingle Field

Short Term

On Ecological Site 023XY007NV (Loamy 14-16" P.Z.) within site write up area (SWA) R038, transect 1, maintain the frequency of key species for two grazing cycles (2002).

Quantify this objective once the initial trend study is established.

Long Term

Manage for the following percent composition by weight.

Percent Composition By Weight			
Lifeform	Existing	Desired	Potential
Perennial Grasses	45%	55%	60%
Forbs	5%	5%	10%
Shrubs	50%	40%	30%

Increase or maintain Feid at 35%. Sagebrush will be maintained at or above 30% by weight to provide for wildlife requirements.

This objective should be achieved by 2014.

Rationale: The area has been identified as a use area for livestock and wild horses. The area is within antelope winter habitat AW-6.

Carrying Capacity

The combined carrying capacity for livestock and wild horses to achieve these objectives is 2803 AUMs:

Livestock	1291 AUMs
Wild Horses	1512 AUMs

The carrying capacity between livestock and wild horses was based on the LUP ratios in accordance with MFP Decisions - Range 1.1, Wild Horse and Burros 1.1.



LIVESTOCK MANAGEMENT DECISION

Based upon the evaluation of monitoring data for the Leadville Allotment, consultation with the permittee, and other affected interests it is my decision to change the livestock management:

From:

1. Grazing Preference (AUMs)
  - a. Total Preference 4570
  - b. Suspended Preference 2003
  - c. Active Preference 2567
  - d. Not Scheduled
  - e. Exchange of Use
  - f. Scheduled Use 2003
2. Season of Use 4/1 - 10/31
3. Number and Class of Livestock 367, cow/calf
4. Percent Federal Range 100%

To:

1. Grazing Preference (AUMs)
  - a. Total Preference 4570
  - b. Suspended Preference 3279
  - c. Active Preference 1291
  - d. Not Scheduled
  - e. Exchange of Use
  - f. Scheduled Use 1291
2. Season of Use 5/1 - 10/15
3. Number and Class of Livestock 235, cow/calf
4. Percent Federal Range 100%

Livestock will be reduced to 1291 AUMs in the 1994 grazing season.

## GRAZING SYSTEM

Change the existing livestock grazing system.

From:

Pastures				
Year	Smokey	Lower	Leadville	Swingle
1	6/15 - 10/31	4/1 - 10/31	Rest	7/15 - 10/31
2	4/1 - 10/31	Rest	7/15 - 10/31	6/15 - 10/31
3	Rest	7/15 - 10/31	6/15 - 10/31	4/1 - 10/31
4	7/15 - 10/31	6/15 - 10/31	4/1 - 10/31	Rest

To:

Pastures				
Year	Smokey	Lower	Leadville	Swingle
1	5/1 - 6/30	7/1 - 8/20	8/21 - 10/15	Rest
2	7/1 - 8/20	8/21 - 10/15	Rest	5/1 - 6/30
3	8/21 - 10/15	Rest	5/1 - 6/30	7/1 - 8/20
4	Rest	5/1 - 6/30	7/1 - 8/20	8/21 - 10/15

Rationale:

The length of the livestock use period is changed from 7 months to 5.5 months. The early use pasture will not be grazed for the entire season and will be rested the year prior to scheduled spring use. This system will allow plants to reach seedripe or close to it (7/1) in three out of four years, allowing for seed production and seedling establishment. Riparian areas would receive no livestock use or would have time for re-growth three out of four years. Maintenance and improvement of riparian and upland habitat, improvement of the ecological condition, and greater livestock management will result with the adoption of this system.

### LIVESTOCK DECISION ACTIONS

- 1) Evaluate the condition of existing water developments in conjunction with the permittee by 1994.
- 2) Analyze the District water inventory by 1995 and determine if there are additional water sources that can be developed to help in the achievement of objectives.

- 3) Conduct a re-evaluation in 2002 analyzing Resource Objectives developed from the ecological site inventory to determine if desired plant community objectives are being met.
- 4) Conduct a re-evaluation in 2014 to determine if long term desired plant community objectives have been achieved.
- 5) Analyze short term utilization objectives after one complete cycle of the grazing system to determine if any adjustments are needed.

#### TERMS AND CONDITIONS

The below mentioned terms and conditions will be incorporated into the term permit and the annual authorization via the grazing bill:

Grazing use will be in accordance with this grazing decision.

Livestock will be limited to 50% utilization in each pasture at key areas (or as determined through use pattern mapping). When utilization objectives are met, livestock will be moved to the next scheduled pasture or removed from the allotment.

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

The permittees will be required to perform normal maintenance on the range projects for which they have been assigned maintenance responsibility.

Actual use will be submitted by November 1 each year.

Permittees will be required to perform necessary riding and herding to insure compliance with the livestock decision actions.

The term permit will run from 1994 to 2002 or the length of two grazing cycles.

## AUTHORITY

The authority for this decision is contained in Title 43 of the Code of Federal Regulations; pertinent citations are cited:

- 4100.0-8 Land use plans - 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 resources 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 Changes in grazing preference status - 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.
- 4120.3-1(a) Conditions for range improvements - Range improvements shall be installed, used, maintained, and/or modified on the public lands, or removed from these lands, in a manner consistent with multiple-use management.
- 4130.6-1(a) Mandatory terms and conditions - The authorized officer shall specify the kind and number of 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.
- 4130.6-2 Other terms and conditions - The authorized officer may specify in grazing permits or 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 ....
- 4130.6-3 Modification - Following careful and considered consultation, cooperation and coordination with the lessees, permittees, and other affected interests, the authorized officer may modify terms and conditions of the lease or permit if monitoring data show that present grazing use is not meeting the land use plan or management objectives.

WILD HORSE MANAGEMENT DECISION

Based on the evaluation of the monitoring data for the Leadville Allotment, consultation with the permittee, and affected interests my decision for wild horses is:

WILD HORSE OBJECTIVES

Allotment specific objectives for Wild Horses on the Leadville Allotment are:

Maintain and improve the free-roaming behavior of wild horses by:

- (a) protecting their home ranges.
- (b) assuring free access to water.

WILD HORSE APPROPRIATE MANAGEMENT LEVEL

The following wild horse AML is based on monitoring and should result in a natural ecological balance for the Leadville portion of the Calico Herd Management Area:

<u>HMA</u>	<u>AML</u>	<u>AUMs</u>
Calico Mountains	126*	1512

Once AML is reached the wild horse population will be maintained within the following range in order to ensure that the carrying capacity is not exceeded. This range is based on gathering horses every three years. If the gathering cycle changes, the lower management range of wild horse numbers may be adjusted.

<u>HMA</u>	<u>75% of AML to AML</u>	<u>AUMs</u>
Calico Mountains	95 to 126*	1140 to 1512

- \* Only 34% of the Calico Mountains HMA is contained within the Leadville Allotment. The number of horses shown above is for the Leadville Allotment.

WILD HORSE DECISION ACTIONS

- A. To realize the benefit of the rest treatment it is necessary that wild horse use not exceed 20% utilization on key species by July 15 in the rest pastures. If use exceeds 20%, the AML for wild horses will be adjusted so that this management criteria can be met.

The 20% utilization limit on key species by July 15 will limit use sufficiently so that the key species will be able to reach seed ripe and receive the benefits of a rest treatment. This allows the plants to gain vigor through building of carbohydrate reserves and allows seed production and dispersal for reproduction. If wild horse use is not limited in the rest pastures then benefits of a rest rotation grazing system will not be realized and the plant communities will not maintain or improve in condition.

- B. Prevent the wild horse population from exceeding AML in order to keep utilization levels within established limits to achieve a Thriving Natural Ecological Balance and to provide for a healthy and thriving wild horse population. The stocking rate for livestock and establishment of an AML for wild horses is based on calculations from monitoring

studies. If numbers of either animal were to exceed the calculated carrying capacity it would not be possible to meet utilization goals and to maintain or improve the condition of plant communities thereby not providing for a Thriving Natural Ecological Balance.

To accomplish this goal it is necessary to calculate the number of wild horses to be removed based on the cycle of gathers. Presently, BLM is planning to gather HMAs every three years as set by the Wild Horse and Burro Strategic Plan. Based on this gather cycle and using existing information on herd recruitment from reproduction, the number to gather would be calculated so that the horses would be at AML when the next gather occurred three years later.

If the cycle of horse gathers is changed from three years, then the lower number of wild horses would be adjusted to fit the gather cycle so that numbers do not exceed AML before a scheduled gather date.

- C. Limit the amount of utilization by horses to 60% in all pastures by the end of the winter use period (February 28).

RATIONALE: During the evaluation period the wild horse population exceeded the initial LUP stocking level of 2976 AUMs by 25% to 100%. Wild horses have made disproportionate use of the forage resource during the evaluation period. During the winter months heavy use zones by wild horses expanded so that just prior to active growth, heavy use dominated, leaving very little carry over forage from the previous year.

#### AUTHORITY

The authority for this decision is contained in Sec. 3(a), 3(b)(1), and 3(b)(2) 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:

- 4700.0-6(a) Policy - Wild horses and burros shall be managed as self-sustaining populations of health animals in balance with other uses and the productive capacity of their habitat.
- 4710.3-1 Herd management areas - ...In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4.
- 4710.4 Constraints on Management - 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 Removal of Excess Animals from Public Lands - 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...

### WILDLIFE MANAGEMENT DECISION

Based on the evaluation of monitoring data for the Leadville Allotment, consultation with the permittee, and other affected interests, it is my decision to continue with the wildlife management as it presently exists.

#### WILDLIFE OBJECTIVES

The allotment specific objectives for wildlife habitat on the Leadville Allotment are:

Protect sage grouse strutting grounds and brooding habitat and improve nesting and wintering habitat by:

(WL-1.11)

- a) Following NDOW's guideline for Vegetal Control Programs in Sage Grouse Habitat in Nevada.
- b) Maintain sagebrush canopy at 30% in sage grouse nesting areas where sagebrush does not exceed three (3) feet in height.

Fox Mountain Habitat Management Plan objectives and actions that have not been modified in the re-evaluation have been retained (pages 25-26 of the re-evaluation).

**RATIONALE:** Analysis of the existing management and monitoring of wildlife and wildlife habitat indicates that wildlife populations are not significantly contributing to the failure in meeting the 1988 allotment agreement objectives.

#### FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Sonoma-Gerlach Resource Area will continue to monitor the Leadville Allotment. Monitoring data will continue to be collected in the future to provide the necessary information to determine if the allotment specific objectives are being met under the new grazing management strategy. Subsequent evaluations will determine if adjustments are required to meet the established allotment specific objectives.

The Leadville Allotment is scheduled to be re-evaluated in 2002. Short term utilization objectives will be analyzed after one complete grazing cycle.

## DECISION STATEMENT

This Final Full Force and Effect Decision shall take effect January 19, 1994 and is issued in accordance with:

43 CFR 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 (emphasis added)"

The rationale to implement the decision Full Force and Effect are:

- Livestock and wild horse numbers will exceed the allotment total carrying capacity unless total numbers are adjusted as outlined in the Multiple Use Decision.
- Based on use pattern mapping conducted during the evaluation period, when livestock did use the allotment, combined horse and livestock use on riparian and meadow habitat exceeded the 50% utilization level. This 50% utilization level would be met if livestock numbers were adjusted to the recommended level and management actions implemented.

### Livestock Appeal Rights

If you wish to appeal this livestock management decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.4, you are allowed thirty (30) days from receipt of this notice within which to file such appeal with:

Sonoma-Gerlach Resource Area Manager  
Bureau of Land Management, Winnemucca District  
705 East 4th Street  
Winnemucca, NV 89445

The appeal shall state the reasons, clearly and concisely, as to why you think the Full Force and Effect Decision is in error.

### Wild Horse Appeal Rights

If you wish to appeal this wild horse management decision it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR, Part 4. If an appeal is taken, your appeal must be filed with the Bureau of Land Management,

Sonoma-Gerlach Resource Area Manager  
Bureau of Land Management, Winnemucca District  
705 East 4th Street  
Winnemucca, NV 89445

within thirty (30) days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.



If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to the:

Interior Board of Land Appeals  
Office of Hearings and Appeals  
4015 Wilson Boulevard  
Arlington, VA 22203

and to the appropriate Office of the Solicitor:

Office of the Regional Solicitor  
Department of Interior  
2800 Cottage Way, Room 2753  
Sacramento, CA 95825

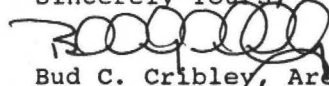
at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions regarding this decision, please contact Tom Seley or Rich Adams at (702) 623-1500.

Sincerely Yours,



Bud C. Cribley, Area Manager  
Sonoma-Gerlach Resource Area

Certified copies:

Nevada Division of Wildlife P11849983  
Wild Horse Organized Assistance P11849984  
Commission for the Preservation of Wild Horses P219921498  
Sierra Club P219921499  
Humane Society of the U.S. P219921500  
Int. Society for the Protection of Mustangs and Burros P219921501  
Animal Protection Institute P219921502