



United States Department of the Interior



OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS

4015 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22203

IN REPLY REFER TO:

APR 6 1992

IBLA 92-186, 92-187, 92-188	:	N2-92-03, N2-92-04, N2-92-07
	:	
NEVADA COMMISSION FOR THE	:	Wild Horses
PRESERVATION OF WILD HORSES <u>ET AL.</u>	:	
	:	IBLA 92-186, 92-187
	:	
	:	Dismissed in Part, Decision Set
	:	Aside and Remanded in Part
	:	
	:	IBLA 92-188 Dismissed

ORDER

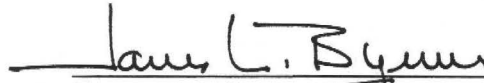
The Nevada Commission for the Preservation of Wild Horses (IBLA 92-186); the Wild Horse Organized Assistance (IBLA 92-187); the American Horse Protection Association and the Humane Society of the United States (IBLA 92-188) (collectively, appellants) appealed from a decision of the Area Manager, Paradise-Denio Resource Area, Bureau of Land Management (BLM), dated November 22, 1991. By this decision, BLM gave Daniel Russell, grazing permittee, notice of full force and effect of its final multiple use decision for the Paiute Meadows Allotment and Black Rock East Wild Horse Herd Management Area. BLM decided to reduce numbers of wild horses and livestock and establish a deferred grazing system for livestock. The Nevada Commission for the Preservation of Wild Horses and the Wild Horse Organized Assistance filed statements of reasons objecting to the procedures BLM followed when it issued its decision and to the planned reduction in the numbers of wild horses. The American Horse Protection Association and the Humane Society of the United States requested and were granted an extension of time to February 5, 1992, in which to file their statement of reasons. On February 3, 1992, BLM filed a motion to place the decision in full force and effect.

On February 5, 1992, the American Horse Protection Association and the Humane Society of the United States moved to withdraw their appeal (IBLA 92-188) and stated that they agree that "a removal of wild horses may proceed." The other appellants have filed motions to dismiss that portion of their appeals regarding capture of wild horses "in the Paiute Meadows Allotment." On March 10, 1992, BLM moved to have the November 22, 1991, decision set aside and remanded for further consideration, presumably withdrawing its previous motion for full force and effect.

IBLA 92-186, etc.

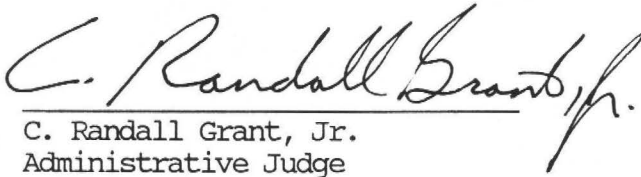
No opposition to these motions for withdrawal or partial dismissal, or to have the November 22, 1991, decision set aside and remanded has been filed and there is no apparent overriding public interest that would warrant denial of the motions.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal of the American Horse Protection Association and the Humane Society of the United States (IBLA 92-188) is dismissed, the appeals of the Nevada Commission for the Preservation of Wild Horses (IBLA 92-186) and the Wild Horse Organized Assistance (IBLA 92-187) are dismissed, in part, to the degree they relate to the Paiute Meadows Allotment, and the remaining part of BLM's November 22, 1991, decision is set aside and remanded to BLM.



James L. Byrnes
Administrative Judge

I concur:



C. Randall Grant, Jr.
Administrative Judge

APPEARANCES:

Russell J. Gaspar, Esq.
Hanna, Gaspar & Osborne
2550 M Street, NW., Suite 375
Washington, D.C. 20037

Catherine Barcomb, Executive Director
Nevada Commission for the Preservation of Wild Horses
Stewart Facility
Capitol Complex
Carson City, Nevada 89710

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

Burton J. Stanley, Esq.
Office of the Regional Solicitor
U.S. Department of the Interior
2800 Cottage Way, Rm. E-2753
Sacramento, California 95825

cc: William A. Molini, Director
Nevada Department of Wildlife
1100 Valley Road
Reno, Nevada 89520-0022

Johanna H. Wald, Esq.
Natural Resources Defense Council, Inc.
71 Stevenson St., Ste. 1825
San Francisco, California 94105

A. Alan Schroeder, Esq.
447 W. Myrtle
Boise, Idaho 83701

Thomas S. Van Horne, Esq.
708 Tenth St., #250
Sacramento, California 95814