

BUFFALO HILLS

CPW/H&B

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Form 1271-1b
(June 1992)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
OFFICIAL FILE COVER

Subject Code
4160/4400

93-460 A&J Decisions
IBLA #

File Title	PERIOD COVERED
APPEAL - N2-93-17 - COMMISSION FOR THE PRESERVATION FOR W/H & B - Buffalo Hills Allotment	From March 12, 1993
Cross References and Remarks:	To Indef.
<i>Office of Hearings + appeal</i>	RECORDS SCHEDULE CITATION
<i>703-235-3800 (Loretta)</i>	Bureau 4/21a2
<i>Judge Childs decided 95 appealed to board Jan/96</i>	General
<i>IBLA 703-235-3750 (Grace)</i>	DISPOSITION INFORMATION
<i>IBLA # 96-164 Appeal written</i>	Retain in local office 2 years after cutoff Years
	Transfer Date to Records Center
	Retain in Records Center Years
	Date for Offer to Archives
	DESTRUCTION DATE 26 years after cutoff

IMPORTANT

This file constitutes a part of the official records of the Bureau of Land Management and should not be separated or papers withdrawn without notifying the person in charge of the files.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Nevada State Office
850 Harvard Way
P.O. Box 12000
Reno, Nevada 89520-0006



IN REPLY REFER TO:

4160 4700
N2-93-14
N2-93-16
N2-93-17
(NV-931.1)

JUN 25 1993

MEMORANDUM

TO: Interior Board of Land Appeals

Attn: Office of Hearings and Appeals

From: State Director, Nevada

Subject: Transmittal of the Administrative Record and Answers to Appeal to the Wild Horse and Wildlife Portions of the Final Multiple Use Decision for the Buffalo Hills Allotment, by the Nevada Division of Wildlife (NDOW), Nevada Appeal No. N2-93-14, The Wild Horse Organized Assistance (WFOA), Nevada Appeal No. N2-93-16, and The Commission for the Preservation of Wild Horses and Burros (CPWH&B), Nevada Appeal No. N2-93-17

The subject appeals were previously transmitted to the Interior Board of Land Appeals via letter from the Winnemucca District Manager by memorandum dated June 2, 1993.

This letter transmits the administrative record and the Bureau of Land Management's responses to the Wild Horse and Burro Management and the Wildlife points of these appeals.

In addition to these appeals, the Livestock portion of this Multiple Use Decision was appealed by the same appellants, as well as an appeal from the Toiyabe Chapter of the Sierra Club (Nevada Appeal No. N2-93-15). These appeals are being forwarded to the Office of Hearings and Appeals, Salt Lake City, Utah consistent with 43 CFR 4.470.

I am requesting that these appeals be remanded to the Administrative Law Judge for the purpose of one consolidated factual hearing on all aspects of the appealed Final Multiple Use Decision on the Buffalo Hills Allotment.

David C. B. Roth

Acting

Attachments

Administrative Records for Appeal No. N2-93-14, 16, 17

**cc: Mr. Richard Heap, NDOW (w/attachments)
Cert. Return Receipt # P111846765
Ms. Dawn Lappin, WHOA (w/attachments)
Cert. Return Receipt # P111846764
Ms. Cathy Barcomb (w/attachments)
Cert. Return Receipt # P111846766
Regional Solicitor (w/attachments)
District Manager, Winnemucca (w/o attachments)**

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Winnemucca District Office
705 East Fourth Street
Winnemucca, Nevada 89445

JUN 02 1993 In reply refer to:
4160 (NV-026.1)

Memorandum

To: Office of the Secretary, Board of Land Appeals
From: District Manager, Winnemucca
Subject: Transmittal Of Grazing Appeals

Attached are three appeals originating from the Area Manager's (Sonoma-Gerlach Resource Area) Final Multiple Use Decision on the Buffalo Hills Allotment Re-evaluation. The appellants appealed the wild horse and wildlife portions of the decision, in addition to the livestock portion. We combined the wild horse and wildlife appeals into one appeal. The appellants and appeal numbers are:

<u>Appellant</u>	<u>Appeal Number</u>
Nevada Department of Wildlife	N2-93-14
Wild Horse Organized Assistance, Inc.	N2-93-16
Commission for the Preservation of Wild Horses	N2-93-17

The administrative record will be forwarded through the State Director.

Len Wankler

Attachments

cc: Nevada State Director (NV-930)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
GRAZING APPEAL TRANSMITTAL

TO:

State Director: NV-930

The appeal identified herein has been filed and is forwarded to you, together with copies of the pertinent District Office records, for action and transmittal to an Administrative Law Judge in accordance with 43 CFR 4.470.

- | | |
|--|----------|
| 1. Name(s) of appellant(s) | |
| Nevada Department of Wildlife (NDOW) | N2-93-14 |
| Sierra Club | N2-93-15 |
| Wild Horse Organized Assistance, Inc. (WHOA) | N2-93-16 |
| Commission for the Preservation of
Wild Horses (Commission) | N2-93-17 |

- | | |
|----------------------------|--|
| 2. Appeal was filed (date) | 3. Decision appealed from was served on appellant(s)
(date) |
| See attachment #1 | See attachment #1 |

- 4a. I do not recommend that a motion to dismiss the appeal be filed
- b. I recommend that motion to dismiss the appeal be filed. I am submitting my recommendations in a separate memorandum to you

5. Recommendations as to approximate time for hearing (specify week or month) 8/93
- | | |
|--------------------------|-------------------------------------|
| a. Preferred time * 8/10 | b. Alternative acceptable time 8/16 |
|--------------------------|-------------------------------------|

* If preferred time is more than 90 days hence, give reasons under "Remarks" item 8.

- | | |
|--|---|
| 6. Estimated time (in days) hearing will require | 7. Approximate number of other range users who may request to intervene |
| 4 | 0 |

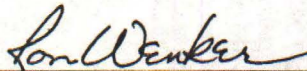
8. Remarks (See item 5 above; also include any other information helpful to the Administrative Law Judge in making his arrangements for the hearing; continue on reverse side, if necessary)

The appellants appealed the Buffalo Hills Final Multiple Use Decision dated 2/9/93. NDOW, WHOA and the Commission appealed the livestock, wild horse and wildlife sections of the decision. The Sierra Club appealed the livestock portion of the decision. The resource area is in the process of negotiating the appeals with NDOW, WHOA and the Commission.

Winnemucca (NV-020) District

5/25/93

(Date)



(Signature of Authorized Officer)

Copy to: Office of Hearings and Appeals, Salt Lake City, Utah
Director, (220) Washington, D.C.

Forward with this transmittal: (1) related grazing application(s); and (2) Authorized Officer's final decision on application(s) with evidence of service upon the applicant(s).

~~N2. 93 15~~
N2. 93 17

TABLE OF CONTENTS

Document Reference

- 1 Chronological Summary of Events Leading up to Buffalo Hills Re-evaluation Appeals and Responses.
- 2 BLM response to Comm. for Pres. of Wild Horses Appeal Points.
- 3 Buffalo Hills Carrying Capacity Calculations.
- 4 Comm. for the Preservation of Wild Horses Appeal Points.
- 5 Final Full Force and Effect Buffalo Hills Multiple Use Decision and Response to Affected Interest Appeal Points.
- 6 Protest Letter from Animal Protection Institute.
- 7 Protest Letter from Nevada Department Of Wildlife.
- 8 Protest Letter from Andrew Jackson (permittee).
- 9 Protest Letter from Sierra Club.
- 10 Proposed Full Force and Effect Buffalo Hills Multiple Use Decision.
- 11 Buffalo Hills Final Re-evaluation.
- 12 Nevada Department of Wildlife Comments on Draft Buffalo Hills Re-evaluation.
- 13 Commission for the Preservation of Wild Horses Comments on Draft Buffalo Hills Re-evaluation.
- 14 Sierra Club Comments on Draft Buffalo Hills Re-evaluation.
- 15 Draft Buffalo Hills Re-evaluation.

Documents On File At the Winnemucca District Office

Buffalo Hills Allotment Management Plan

Fox Mountain Habitat Management Plan

Sonoma-Gerlach MFP III.

Sonoma-Gerlach Grazing Environmental Impact Statement

Sonoma-Gerlach Rangeland Program Summary Update