



# United States Department of the Interior

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In Reply Refer To:  
4110 (NV060)

**MAR 25 2008**

## **PUBLIC CONSULTATION TRANSFER OF GRAZING PREFERENCE FROM JAMES P. AND ROBERT ITHURRALDE AND COTTONWOOD LAND AND LIVESTOCK, LLC TO GARY SNOW LIVESTOCK AND GRAIN**

Dear Interested Public:

Gary Snow of Gary Snow Livestock and Grain submitted an application to transfer the grazing preference along with an application for a term grazing permit for the Ruby Hill and Arambel Allotments on February 27<sup>th</sup>, 2008 and March 17<sup>th</sup>, 2008 respectively. Mr. Snow has leased the base property associated with the Ruby Hill Allotment from James P. and Robert Ithurralde for a period of three (3) years commencing May 1<sup>st</sup>, 2008. Likewise, Mr. Snow has leased the base property associated with the Arambel Allotment from Cottonwood Land and Livestock, LLC for a period of three (3) years commencing February 14<sup>th</sup>, 2008.

The Ruby Hill Allotment borders the west side of the town of Eureka, Nevada and runs both to the north and south (see attached Maps 1&2). The Arambel Allotment borders the west boundary of the Ruby Hill Allotment approximately five miles west of Eureka, Nevada (see attached Maps 1&2). The grazing preference for both the Ruby Hill and Arambel Allotments would be transferred to Mr. Snow with no changes to the existing preference and Terms & Conditions that were established in the Fish Creek Complex Final Multiple Use Decision dated September 27<sup>th</sup>, 2004 (a copy of the final decision can be requested at the above address).

Through this transfer, the following grazing preference along with terms and conditions would be specified on the grazing permit to be issued to Mr. Snow:

## Terms & Conditions: Ruby Hill Allotment

Allotment	Dates	Kind	Number	AUM's
Ruby Hill	05/01-09/30	Sheep	1005	1011

1. Sheep camps will be placed a minimum of one-quarter (1/4) mile from all permanent water.
2. Sheep camps will be moved every five days. No two (2) sheep camps will camp in the same area in a grazing season.
3. New bed grounds will be used every night. Bed grounds will be a minimum of one-quarter (1/4) mile from previous bed grounds, permanent water sources, and from riparian-wetland and aspen.
4. In addition to continuing to haul water to current water haul locations, the permittee will be required to establish new water haul sites in areas previously receiving slight and/or light use as determined by the BLM in order to improve livestock distribution. The permittee will be required to herd sheep throughout the Ruby Hill Allotment to utilize areas that have received slight and/or light use. If it is determined that utilization objectives are being met in any area, the permittee will be required to move sheep to other areas of the allotment that have not been grazed.
5. The permittee will be required to meet with BLM prior to each grazing year in order to determine an annual grazing plan that would ensure appropriate use throughout the allotment.
6. The permittee will be allowed five days flexibility prior to and following the scheduled use dates to move livestock.
7. No "double harvesting" will occur within the pasture or use area. For example, the permittee will not be allowed to graze cattle in the spring of the grazing year then also graze in the fall of the same grazing year.
8. When utilization levels reach specified objectives in any use area or pasture the permittee will be required to remove livestock from that area, use may continue if livestock are kept in areas containing available forage. If livestock cannot be kept in proper areas, livestock removal will be required. The AUMs authorized for a use area or pasture, that are not utilized, will not be used in other rotating use areas or pastures.
9. The season of use in the Ruby Hill Allotment may be temporarily modified from the grazing management system at the discretion of the authorized officer on an annual basis if monitoring data indicates that changes are necessary to meet multiple use objectives and Standards for Rangeland Health.

**Terms & Conditions: Arambel Allotment**

<b>Allotment</b>	<b>Dates</b>	<b>Kind</b>	<b>Number</b>	<b>AUM's</b>
Arambel	05/01-10/31	Sheep	950	1149
Arambel ( 4-Corners Seeding)	04/15-05/15	Sheep	983	200

1. Sheep camps will be placed a minimum of one-quarter (1/4) mile from all permanent water.
2. Sheep camps will be moved every five days. No two (2) sheep camps will camp in the same area in a grazing season.
3. New bed grounds will be used every night. Bed grounds will be a minimum of one-quarter (1/4) mile from previous bed grounds, permanent water sources, and from riparian-wetland and aspen.
4. In addition to continuing to haul water to current water haul locations, the permittee will be required to establish new water haul sites in areas previously receiving slight and/or light use as determined by the BLM in order to improve livestock distribution. The permittee will be required to herd sheep throughout the Arambel Allotment to utilize areas that have received slight and/or light use. If it is determined that utilization objectives are being met in any area, the permittee will be required to move sheep to other areas of the allotment that have not been grazed.
5. The permittee will be required to meet with BLM prior to each grazing year in order to determine an annual grazing plan that would ensure appropriate use throughout the allotment.
6. The permittee will be allowed five days flexibility prior to and following the scheduled use dates to move livestock.
7. No "double harvesting" will occur within the Arambel Allotment. For example, the permittee will not be allowed to graze cattle in the spring of the grazing year then also graze in the fall of the same grazing year.
8. When utilization levels reach specified objectives in any use area or pasture the permittee will be required to remove livestock from that area, use may continue if livestock are kept in areas containing available forage. If livestock cannot be kept in proper areas, livestock removal will be required. The AUMs authorized for a use area or pasture, that are not utilized, will not be used in other rotating use areas or pastures.
9. The season of use in each pasture may be temporarily modified from the grazing management system at the discretion of the authorized officer on an annual basis if monitoring data indicates that changes are necessary to meet multiple use objectives and Standards for Rangeland Health.

### **Annual Authorization Terms & Conditions in Common to Both Allotments**

1. Grazing use shall be in accordance with the Ruby Hill and Arambel portions of the Fish Creek Complex Final Multiple Use Decision date September 27, 2004.
2. The permittee would be required to meet with the BLM prior to each grazing year in order to determine if any temporary changes in permitted use are required either at the request of the permittee or at the discretion of the BLM based on monitoring data collected during the previous year.
3. The period of use in any use area may be temporarily modified on an annual basis if monitoring data indicates that changes are appropriate to achieve the terms and conditions for grazing use and meet allotment specific objectives and the Standards for Rangeland Health. Temporary annual changes in grazing use that may be authorized will be considered if the use is within the intent of the grazing permit as described in 4130.4(b).

### **Administrative Terms & Conditions in Common to Both Allotments**

1. In accordance with 43 CFR 4130.8-1(F): Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but no to exceed \$250.00. Payment made later than 15 days after the due date, shall include the appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR Sec. 4140.1 (B) (1) and shall result in action by the authorized officer under 43 CFR Secs. 4150.1 and 4160.1-2
2. In accordance with 43 CFR 4130.3-2(D): Actual use information for each pasture will be submitted to the authorized officer within 15 days of completing grazing use as specified on the grazing permit and/or grazing licenses.
3. In accordance with 43 CFR 4120.3-1(A): All 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.
4. In accordance with 43 CFR 4130.3-2(C): In order to improve livestock and rangeland management on the public lands, all salt and/or mineral supplements will not be placed within ¼ mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision.
5. In accordance with 43 CFR 4130.3-2(H): All grazing permittees shall provide reasonable access across private and/or leased lands to the Bureau of Land Management for the orderly management and protection of the public lands.
6. In accordance with 43 CFR 4130.3-3: The authorized officer may modify terms and conditions of the permit or lease when the active use or related management plan are not meeting the Land Use Plan, Allotment Management Plan or other activity plan, or provisions of subpart 4180 RAC Standards and Guidelines.

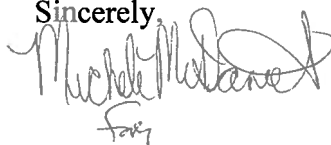
7. Pursuant to 43 CFR 10.4(G): The holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4(C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified by the authorized officer.
8. In accordance with 43 CFR 4130.3-1(B): All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease.

Before a transfer can be completed and a new term grazing permit issued, the Battle Mountain Field Office (BMFO) is required to consult, cooperate, and coordinate with interested public and comply with the National Environmental Policy Act (NEPA). A Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) will be completed for the issuance of a new term permit. The DNA will be tiered to the Fish Creek Complex Evaluation and Rangeland Health Assessment Environmental Assessment NV062-EA04-69. The Fish Creek Complex Evaluation and Rangeland Health Assessment Environmental Assessment analyzed impacts of the grazing management decision which was proposed and finalized in 2004. Following the comment period, a proposed grazing decision that would authorize a three-year grazing permit will be issued in accordance with 43 CFR 4160. The transfer must be approved and a grazing permit would be issued prior to livestock turnout. If Mr. Snow renews the base property leases after the 3-year period, the BMFO would renew the permit for the term of the subsequent lease without further consultation with the interested public as long as terms and conditions of the permit were not modified.

In accordance with 43 CFR 4130.2(b), the interested public is being asked to provide written comments within 15 days of the date of this letter. Following the comment period, the authorized officer will consider any comments that are received prior to the issuance of a proposed grazing decision for the transfer and authorization of a new term permit to Mr. Snow.

If you have any questions, please contact Tom Darrington, Rangeland Management Specialist at (775) 635-4058. If you would prefer to discuss this matter in person, please call to set up an appointment so that we may respond to any questions you may have.

Sincerely,



DOUGLAS W. FURTADO  
Assistant Field Manager  
Renewable Resources

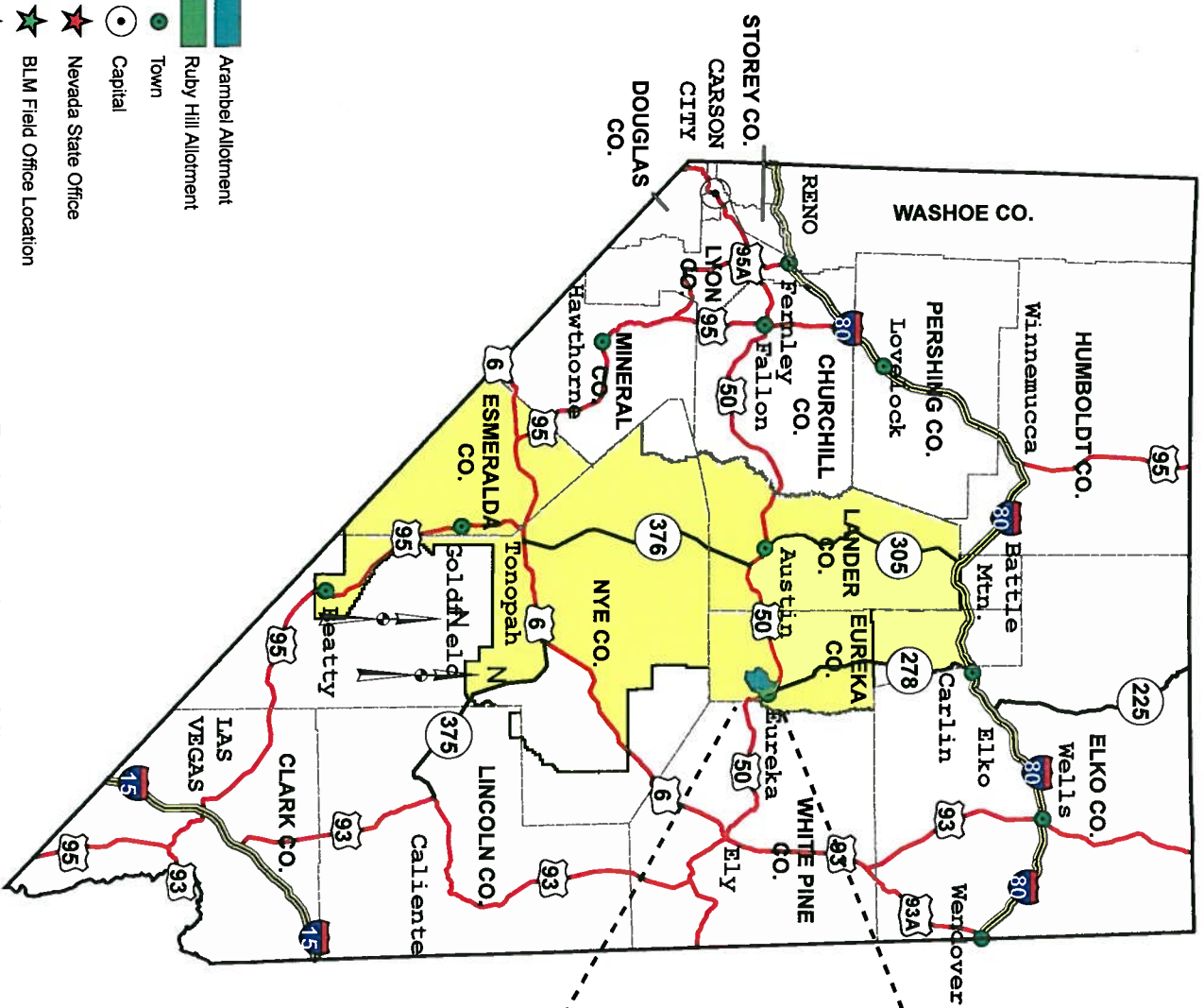
Enclosures

cc: Interested Public

American Horse Protection Assoc.  
Animal Welfare Institute, D.J. Schubert  
Chad & Rosie Bliss  
Center for Biological Diversity, Paul J. Spitler  
Vicki J. Cohen  
Cottonwood Land and Livestock, Tom Belaustegi  
Eureka County Commissioners  
Eureka County Dept. of Natural Resources Jim Baumann  
Eureka County Dept. of Natural Resources Ken Conley  
Eureka County Dept. of Natural Resources Leo Damele  
Eureka County Dept. of Natural Resources John Overton  
Eureka County Dept. of Natural Resources Judy Overton  
Eureka County Dept. of Natural Resources Carl Slagowski  
Eureka County Dept. of Natural Resources Jerry Todd  
Thomas Gardner  
James Ithurrealde  
General Moly, Inc, Michael K. Branstetter  
Larralde Sheep Co., Martin Larralde  
Cindy MacDonald  
Mandy McNitt  
National Mustang Association  
Natural Resources Advisory Commission, Jim Baumann, Chairman  
Nevada Cattlemens Association, Meghan Wereley  
Nevada Commission for Preservation of Wild Horses Cathy Barcomb  
Nevada Department of Wildlife, Mike Podborny  
Nevada Department of Wildlife, Dave Pulliam, Habitat Chief  
Nevada Department of Wildlife, Eastern Region, Steve Foree, Supervisory Habitat Biologist  
Nevada Department of Wildlife, Southern Region, D. Bradford Hardenbrook  
Nevada Dept of Agriculture, Jim Connelley, State Brand Inspector  
Nevada State Clearing House, Krista Coulter  
Nye County Commissioners  
Pam Scutt  
U.S. Fish and Wildlife Service  
Western Watersheds Project Katie Fite, Biodiversity Director  
Wild Horse Spirit, Ltd., Bobbi Royle  
Wild Horses Organized Assistance, Dawn Lappin  
Yomba Shoshone Tribe Environmental Department, Teresa M. Beck

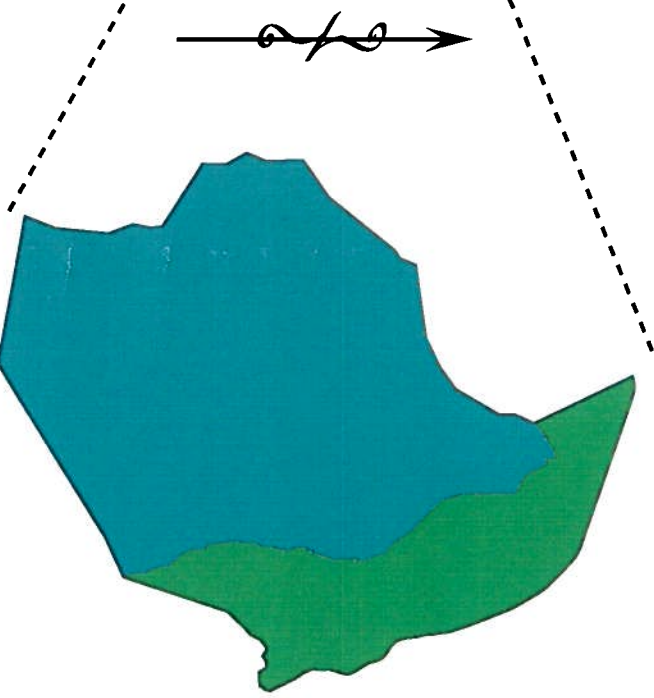
# **ATTACHMENTS**

# Map 1: Arambel / Ruby Hill



- Arambel Allotment
- Ruby Hill Allotment
- Town
- Capital
- Nevada State Office
- BLM Field Office Location
- BLM Field Station Location
- Battle Mountain District Boundary

Battle Mountain Field Office  
 50 Bastian Road  
 Battle Mountain, Nevada 89820



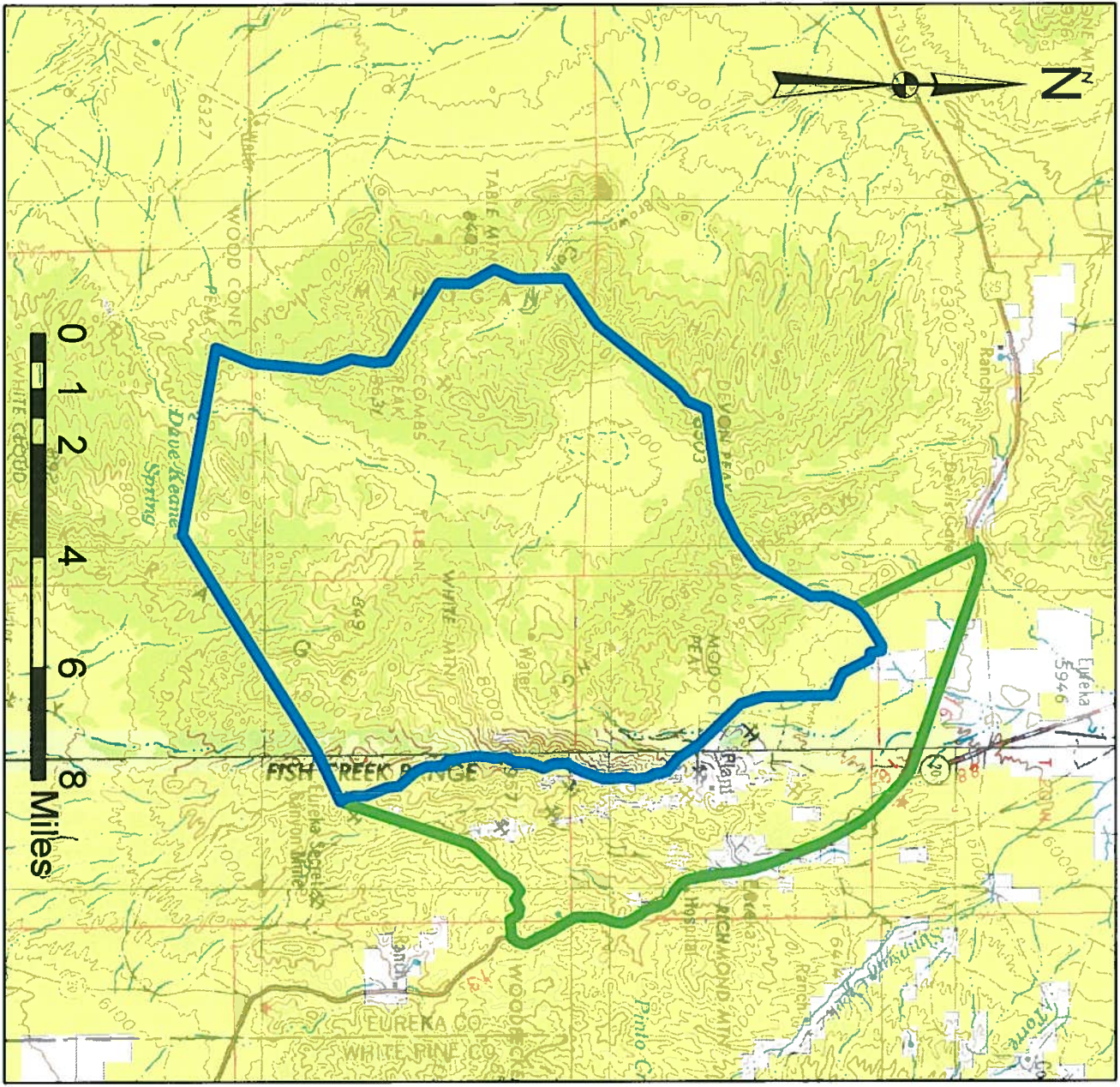
no scale

Data is published in the North American Datum 1983 (NAD 83), UTM, Zone 11N, meters, December 2007, BMFO BLM



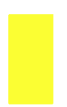

"No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data."



# Map 2: Arambel / Ruby Hill



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<b>Legend</b>	
<b>Allotment Name</b>	
	ARAMBEL
	RUBY HILL
<b>Land Owner Status</b>	
	BLM
	Private

Data is published in the North American Datum 1983 (NAD 83), UTM, Zone 11N, meters, December 2007, BMFO BLM.

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