

11/6/95

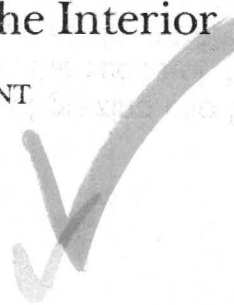


# United States Department of the Interior

TAKE PRIDE IN AMERICA  
IN REPLY REFER TO:

## BUREAU OF LAND MANAGEMENT

Carson City District Office  
1535 Hot Springs Rd., Ste. 300  
Carson City, NV 89706-0638



4130  
(NV - 3840)  
273024

### PROPOSED DECISION

Certified Z 430 114 001  
Return Receipt Requested

NOV 6 1995

Mapes Ranch Inc.  
Todd Swickard  
P.O. Box 50  
Standish, CA 96128

Dear Mr. Todd Swickard:

We received your request for an extension in the period of grazing use for your portion of the Constantia Allotment (03012). This request is within the scope of the conclusions and technical recommendations of the 1995 Constantia Allotment Evaluation. The evaluation recommended a change of your permitted use from winter (Nov. 1- Dec. 31) to a three year rest rotation system of winter (Nov.1- Feb. 28), winter/spring (Nov.1 to April 30) and rest. We are currently working on modifying the Constantia allotment grazing agreement.

Your request for extension is the same as past years request which were approved based on available forage and not exceeding utilization limits. Your request for 75 day extension past your normal use date is approved based on the below terms and conditions.

#### Permitted Use

#### 03012 Constantia Allotment

Pasture -	West of Rail Road	127 Cattle	11/01 to 12/31	45% P.L.	115 AUMs
	West of HWY 395	107 Cattle	11/01 to 12/30	50% P.L.	107 AUMs
	East of HWY 395	230 Cattle	11/01 to 12/30	91% P.L.	420 AUMs
			Total		642 AUMs

### Terms and Conditions

1. A field check will be made by the authorized officer during the last week of January to confirm if forage is available for an extension in the period of use.
2. Grazing utilization of key grass plants will not exceed Moderate (41-60%) use. When Moderate use is reached livestock will be moved to the next ungrazed pasture in the allotment, when all three pastures have been grazed cattle will be moved to private land.
3. Grazing use will not extend beyond March 15, 1996.
4. Actual Use report is due 15 days after the end of the grazing use.
5. All AUMs authorized in excess of the grazing preference and/or period of use extended beyond preference dates are authorized as temporary-non-renewable and does not constitute preference in the Constantia allotment.

This decision is in conformance with the Lahontan Resource Management Plan and Final Environmental Impact Statement, November 1984.

This is in accordance with **43 CFR 4110.3-1 (a)** "Additional forage temporarily available for livestock grazing use may be apportioned on a nonrenewable basis." and **4130.6-2** Nonrenewable grazing permits and leases. "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the areas, and the interested public prior to the issuance of nonrenewable grazing permits and leases.

#### Protest and Appeal Procedures:

Any applicant, permittee, lessee or other affected interest may protest the proposed decision under Sec. 43 CFR 4160.1, in person or in writing to the Authorized Officer, James M. Phillips, Lahontan Area Manager, 1535 Hot Springs Road Suite 300 Carson City, Nevada 89706-0638 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

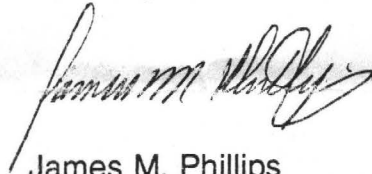
Should no protest be received this proposed decision shall constitute my final decision.

Any applicant, permittee, lessee or other **person whose interest is adversely affected by the final decision** may file an appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer as noted above within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error. Should you wish to file a motion for stay, the appellant shall show sufficient justification 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.

As noted above the petition for stay must be filed in the office of the authorized officer.

Sincerely Yours,



James M. Phillips  
Area Manager  
Lahontan Resource Area

cc:

National Mustang Association  
Craig Downer  
Ms. Kathy McCovey  
Ms. Rebecca Kunow  
Paula S. Askew  
Sierra Club - Toiyabe Chapter  
Regional Manager, Region I, Nevada Department of Wildlife  
Clearing House for the State of Nevada Division of Admin.  
Nevada Cattlemen's Association  
Resource Concepts, Inc.  
Commission for the Preservation of Wild Horses  
U.S. Fish and Wildlife Service  
USDA Natural Resource Conservation Service, Reno (SCS)  
USDA Natural Resource Conservation Service, Fallon (SCS)  
Elsie Dupree, Nevada Wildlife Federation  
Bobbi Royle  
Joe Dahl  
California Fish and Game



COMMISSION FOR THE  
PRESERVATION OF WILD HORSES

255 W. Moana Lane

Suite 207A

Reno, Nevada 89509

(702) 688-2626

November 17, 1995

Mr. James Phillips  
Lahontan Resource Area  
Bureau of Land Management  
1535 Hot Springs Rd, Suite 300  
Carson City, Nevada 89706-0638

Subject: Constantia Allotment - TNR

Dear Mr. Phillips:

Thank you for consulting the Nevada Commission for the Preservation of Wild Horses. A majority of the extended livestock use is within California. We see no problems associated with extending winter use in Nevada.

The request for livestock use appears to be consistent with the 1986 Livestock Agreement.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB  
Executive Director

TYPE-ERASE  
52% COTTON FIBER USA