

Mtwell La Plata 11/9/96



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Carson City District Office
1535 Hot Springs Road
Carson City, Nevada 89706-0638
PH: (702) 885-6100

IN REPLY REFER TO:

4130 CF
NV03480
273033

Mr. Ira H. Kent
13333 Stillwater Road
Fallon, NV 89406

JAN 9 1996

Notice of Proposed Area Manager's Decision

Dear Hammy:

We have received your application for a transfer to consolidate base property from the existing base to a smaller parcel, decrease the permitted use and change the season of use. The permitted use in this allotment has been from March 1 to Sept. 30 and from Nov. 10 to Feb. 28, 100% Federal Range (FR), 8700 animal unit months (AUMs). Your application is as follows:

667 cattle March 1 to February 28 100% FR 8000 AUMs

My proposed decision is as follows:

To approve the transfer as applied for, including the transfer of permitted use to the new base property.

To decrease the permitted use from 8700 AUMs to 8000 AUMs and change the season of use, based on your request. This will change the permitted use from:

725 cattle March 1 to Sept. 30 and Nov. 10 to Feb. 28 100% FR 8700 AUMs

to:

667 cattle March 1 to February 28 100% FR 8000 AUMs

To issue a ten year permit on the Mountain Well - La Plata Allotment:

667 cattle March 1, 1996 to February 28, 2005 100% FR 8000 AUMs

These 700 AUMs will be taken from the area south of Jobs Basin summit including Springer, Sheep Creek, Pete Canyon, Coyote Canyon, and the east Fork of East Lee Canyon, to Lincoln Peak. These will be taken off the Silver Range Ranch portion of the permitted use.

This is in accordance with 43 CFR:

4110.2-1(a)(1), which states: "The authorized officer shall find land or water owned or controlled by an applicant to be base property if: It is capable of serving as a base of operation for livestock grazing within a grazing district."

4110.3.3(a) Implementing changes in permitted use, which states in part: " After consultation, cooperation, and coordination... reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer."

4120.5-1 Cooperation in Management, which states: "The authorized officer shall, to the extent possible, cooperate with Federal, State, Indian tribal and local governmental entities, institutions, organizations, corporations, associations, and individuals to achieve the objectives of this part."

Any applicant, permittee, lessee or other affected interest may protest the proposed decision under Sec. 43 CFR 4140.1, in person or in writing to James M. Phillips, Lahontan Resource Area Manager, 1535 Hot Springs Road, Suite 300, Carson City, Nevada, 89706, 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 without further notice unless otherwise provided in the proposed decision.

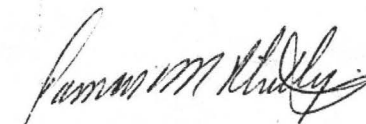
Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer as noted above within 30 days following receipt of the final decision, or 30 days after the 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 as noted above.



James M. Phillips
Area Manager
Lahontan Resource Area

cc:

National Mustang Assn.

Craig Downer

Kathy McCovey

Rebecca Kunow

Sierra Club - Toiyabe Chapter

Nevada Dept. of Wildlife - Region I

Clearinghouse for the State of Nevada

Nevada Cattlemen's Assn.

Resource Concepts, Inc.

Commission for the Preservation of Wild Horses

U.S. Fish and Wildlife Service

USDA Natural Resources Conservation Service - Reno

USDA Natural Resources Conservation Service - Fallon

Elsie Dupree

Bobbi Royle

Joe Dahl

1



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

255 W. Moana Lane
Suite 207A

Reno, Nevada 89509
(702) 688-2626

January 19, 1996

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

Subject: Mountain Well - La Plata 10 Year Permit

Dear Mr. Phillips:

Thank you for consulting the Commission for the Preservation of Wild Horses concerning the issuance of a grazing permit for Mountain Well - La Plata Allotment. This allotment received an allotment evaluation that determined a stocking rate and appropriate management level for wild horses. As agreed upon, the District was to conduct riparian functionality tests throughout the allotment.

Based upon the findings of these tests, federal regulations require immediate actions be taken to remedy any areas in need of protection. We assume that all riparian area were tested and results proved that all were in proper functioning condition. This information should be used as supportive environmental assessment for the decision.

If there is any misunderstanding or need to provide additional information to the Commission, please advise.

Sincerely,

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

CATHERINE BARCOMB
Executive Director