



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

Certified Mail - Return Receipt Requested

MAR 24 1995

R. Jerry Kelly
P.O. Box 885
Lovelock, NV 89419

Notice of Proposed Decision

Dear Mr. Kelly:

The Interior Board of Land Appeals Decision (IBLA 91-451) dated October 31, 1994, instructed the Carson City District, Bureau of Land Management to award the grazing preference for the Boyer Ranch Allotment to you as the preferred applicant.

The grazing preference is shown below:

<u>Allotment Name</u>	<u>Number</u>	<u>Period of Use</u>	<u>%FR</u>	<u>AUMs</u>
Boyer Ranch	03006	05/01 to 02/28	100	1790

On January 20, 1995, we received your completed application for this preference.

Therefore, it is my Proposed Decision to award the grazing preference for the Boyer Ranch Allotment to you as instructed by the above decision. The preference is as follows:

<u>Allotment Name</u>	<u>Number</u>	<u>Period of Use</u>	<u>%FR</u>	<u>AUMs</u>
Boyer Ranch	03006	05/01 to 02/28	100	1790

Authorized use on the allotment will be as specified in the following Terms and Conditions:

Terms and Conditions

1. Your certified actual use report is required to be submitted within 15 days from the end of the grazing period.
2. Properly maintain all range improvements in good working order and in an aesthetic state.
3. The method of grazing will be as follows:

Definitions: 1. The Low Pasture and High Pasture division is approximately the 4000 foot elevation line (see attached map).

2. The Low Pasture is divided into two areas, North and South. The division is at Tamarisk Spring Corral, T. 24N., R. 35E., section 36 (see attached map).

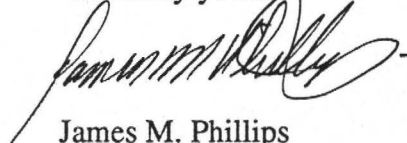
- A. Odd years, begin grazing on May 1. Cattle will be turned out on the north end of the Low Pasture, (north of Tamarisk Spring). All cattle must remain in the Low Pasture and not be allowed to graze the High Pasture until June 30.
- B. Even years, begin grazing on May 1. Cattle will be turned out on the south end of the Low Pasture, (south of Tamarisk Spring). All cattle must remain in the Low Pasture and not be allowed to graze the High Pasture until June 30. This alternate use will act to defer the use of vegetation to maintain range health.
- C. Every year, beginning no sooner than July 1, cattle will be authorized to use the High Pasture until utilization levels reach 55% or until September 30, whichever is reached first. If utilization levels reach 55% prior to September 30, cattle will return to the Low Pasture (best area) .
- D. Every year, beginning October 1 and until utilization levels reach 60% or until February 28, which ever occurs first, cattle will use the best area of the entire low pasture. All cattle must be removed from the allotment by February 28, or when utilization reaches 60% in the Low Pasture.

No grazing use will be authorized in the Cottonwood Creek Canyon area, this area lies between the upper and lower drift fences (see attached map for locations). Cattle may be trailed through this area but no overnight use or grazing is permitted. Gates must remain closed during the authorized use period on the allotment.

If you wish to protest this proposed decision in accordance with 43 CFR 4160.2, you are allowed fifteen (15) days from receipt of this notice with which to file such a protest with the Area Manager, Bureau of Land Management, 1535 Hot Springs Road, Suite 300, Carson City, Nevada, 89706. A protest may be made either in person or in writing, and must specify, clearly and concisely, the reasons why you believe the proposed decision is in error. If a protest is filed within the time allowed, the protest statement of reasons and other pertinent information will be considered, and a final decision will be issued with a right of appeal (43 CFR 4160.3).

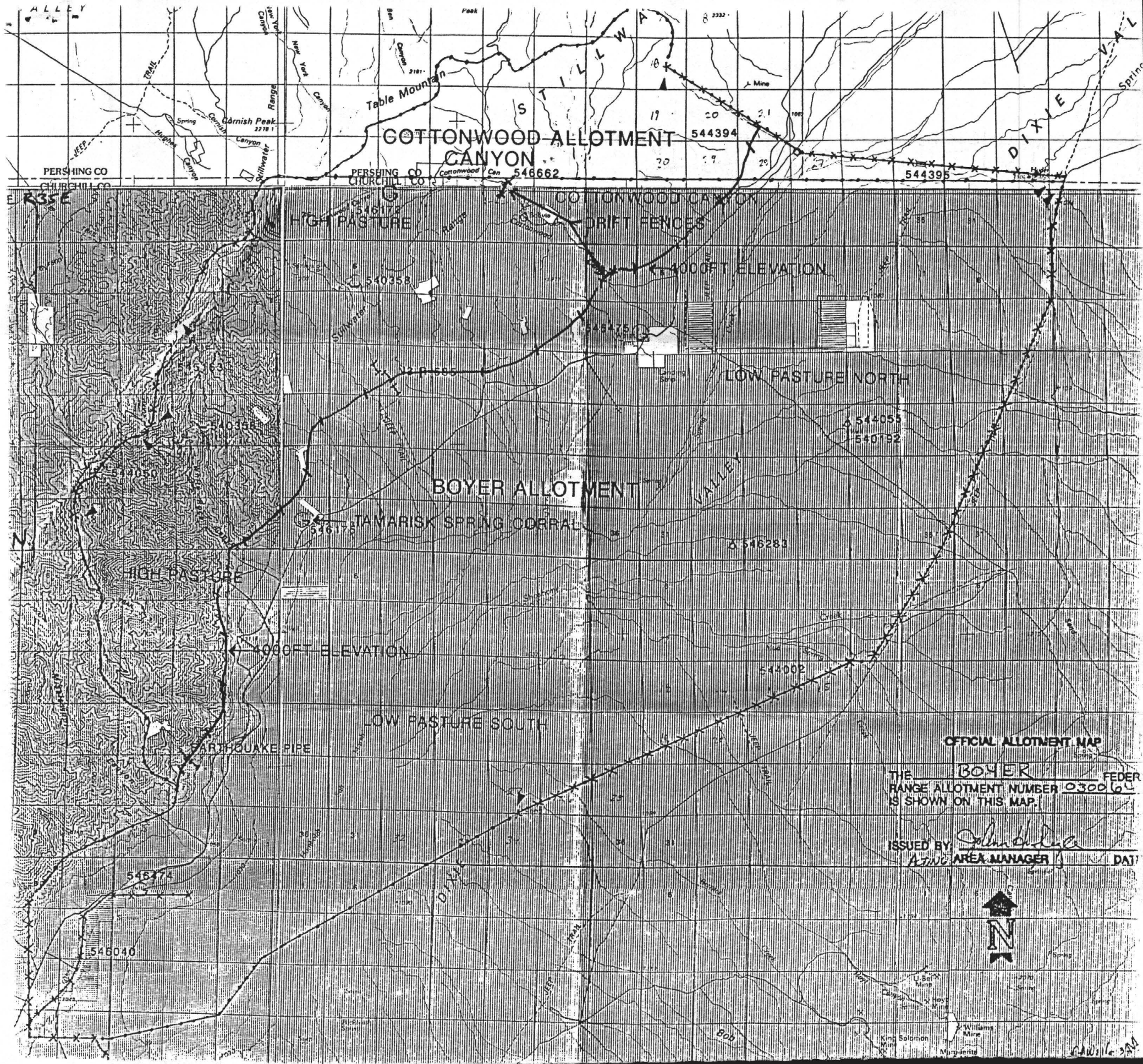
Should you not file a protest within the specified time, my proposed decision shall become my final decision without further notice. If this decision becomes my final decision and you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge in accordance with Title 43 CFR 4.470, you are allowed thirty (30) days from receipt of this notice to file such an appeal with the Area Manager, Carson City District. The appeal shall state clearly and concisely why you believe the decision to be in error.

Sincerely yours,



James M. Phillips
Area Manager
Lahontan Resource Area

Attachment as stated: Map



GOTTONWOOD ALLOTMENT 544394
CANYON

PERSHING CO
CHURCHILL CO

HIGH PASTURE

DRIFT FENCES

4000FT ELEVATION

LOW PASTURE NORTH

BOYER ALLOTMENT

TAMARISK SPRING CORRAL

HIGH PASTURE

4000FT ELEVATION

LOW PASTURE SOUTH

EARTHQUAKE PIPE

OFFICIAL ALLOTMENT MAP

THE BOYER FEDERAL
RANGE ALLOTMENT NUMBER 030064
IS SHOWN ON THIS MAP.

ISSUED BY: John H. Dyer
ACTING AREA MANAGER



CAWILL 3/24