



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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MAY 08 2006

In Reply Refer To:
4110.2 (NV-042)

Mr. Dan Hoots
P.O. Box 36
Deeth, NV. 89823

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

MAY 03 2006

Dear Mr. Hoots:

The application to lease (and transfer) the grazing privileges from Dave Perkins for the Cherry Creek and Big Rock Seeding Allotments was received on March 21, 2006. The signed and dated "Acceptance of Terms and Conditions and Request for Grazing Permit" for the Cherry Creek and Big Rock Seeding Allotments was also received on March 21, 2006.

In accordance with Sec. 325, Title III, H.R. 2691, Department of the Interior and Related Agencies Appropriations Act, 2004 (P.L. 108-108), which was enacted on November 10, 2003, your grazing permit can now be renewed under Section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). In accordance with Public Law 108-108 the terms and conditions contained in the expired or transferred permit have been incorporated into your new permit and shall continue in effect under the renewed permit until such time as the Secretary of the Interior completes processing of this permit in compliance with all applicable laws and regulations, at which time this permit may be canceled, suspended, or modified, in whole or in part, to meet the requirements of such applicable laws and regulations.

A grazing permit will be issued for the period May 1, 2006 to February 28, 2009 corresponding to your lease agreement. The permitted use associated with this transfer authorizes cattle grazing on the Cherry Creek Allotment from May 1 to February 28 for 2,276 AUMs and on the Big rock Seeding Allotment from May 1 to July 15 and September 1 to February 28 under a spring/fall rotation system for 340 AUMs. (See the enclosed Acceptance of Terms and Conditions Agreement for details.)

The new grazing regulations require the authorized officer to consult, cooperate, and coordinate (CCC) with affected permittees, the State agencies responsible for managing resources within the area, and the interested public prior to the issuance of grazing permits (43 CFR 4130.2(b)). Therefore, a copy of this letter and a copy of the acceptance form will be sent to individuals, groups or organizations that have expressed an interest in the management of livestock grazing on the Cherry Creek and Big Rock Seeding for the 2006 grazing year (list at end of this letter). You meet all of the qualifications for a grazing permittee outlined in 43 CFR 4110.1, and

this offering and issuance of a permit complies with the regulations governing issuance of permits outlined in 43 CFR 4110.2-1 and 4110.2-2.

You meet all of the qualifications for the grazing permittee outlined in 43 CFR 4110.1, and this offering and issuance of a permit complies with the regulations governing issuance of permits outlined in 43 CFR 4110.2-1 and 4110.2-2.

The terms and conditions outlined in the enclosed acceptance form are those that have historically appeared on previous annual licenses and permits authorizing grazing use on the allotments. The terms and conditions of livestock grazing outlined for the Cherry Creek and Big Rock Seeding Allotments were developed through consultation, cooperation and coordination with the interested public during the allotment evaluation process. The terms and conditions outlined are also consistent with the Egan Rangeland Program Summary, the Egan Environmental Impact Statement and the subsequent Record of Decision

The Cherry Creek Allotment is located within the Butte and Cherry Creek Wild Horse Herd Management Areas and is located within the Goshute Canyon wilderness study area.

If you have any questions please contact *John Longinetti*, Rangeland Management Specialist , at (775) 289-1887. If you would prefer to discuss this matter in person, please call to set up an appointment with us so that we may respond to any questions you may have.

Sincerely,



William E. Dunn
Assistant Field Manager
Renewable Resources

1 Enclosure

1. Acceptance of Terms and Conditions Offer

Interested Public Mailing List (2006)
Grazing Lease Transfer for Cherry Creek and Big Rock Seeding Allotments

cc:

Curtis Baughman, Nevada Department of Wildlife
Gordon Foppiano
Katie Fite, Western Watersheds Project
Steve Foree, Nevada Department of Wildlife
Betsy Macfarlan, Eastern Nevada Landscape Coalition
Nevada State Clearinghouse
John Mclain, Resource Concepts, Inc.
Lincoln County Commissioners

**ACCEPTANCE OF TERMS & CONDITIONS
and
REQUEST FOR GRAZING PERMIT**

I, Dan Hoots, agree to accept the Terms & Conditions listed below and request that we be offered a Grazing Permit to graze the Cherry Creek and Big Rock Seeding Allotments in which I have a grazing preference.

ALLOTMENT		LIVESTOCK		GRAZING PERIOD		% PL	Type Use	AUMs	
Number	Name	Number & Kind		Begin	End			Susp	Actv
403	Cherry Creek	274	Cattle	05/01/06	02/28/07	100	A	1199	2276
428	Big Rock Seeding	45	Cattle	05/01/06	07/15/06	100	A	0	112
428	Big Rock Seeding	38	Cattle	09/01/06	02/28/07	100	A	0	226

Terms and Conditions:

In accordance with Sec. 325, Title III, H.R. 2691, Department of the Interior and Related Agencies Appropriations Act, 2004 (P.L. 108-108), which was enacted on November 10, 2003, this grazing permit or lease is renewed under Section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). In accordance with Public Law 108-108 the terms and conditions contained in the expired or transferred permit or lease have been incorporated into this permit or lease and shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior completes processing of this permit or lease in compliance with all applicable laws and regulations, at which time this permit or lease may be canceled, suspended, or modified, in whole or in part, to meet the requirements of such applicable laws and regulations.

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be included in the grazing permit for the Cherry Creek Allotment and Big Rock Seeding Allotment.

The Cherry Creek Allotment Final Multiple Use Decision (FMUD) issued July 2001 established livestock permitted use at 2,276 AUMs on the Cherry Creek Allotment as listed in the below table:

PASTURE	NUMBER OF CATTLE	SEASON OF USE	PERMITTED AUMS
Native Range	170	5/1 to 2/28*	1,702
North Egan Seeding	41	5/1 to 2/28	400
West Goshute Seeding	10	5/1 to 2/28	108
East Goshute Seeding	23	5/1 to 6/15	34
East Goshute Seeding	5	9/1 to 2/28	32

*Permitted use licensed can not exceed 10% of total permitted use on the native range between May 1 and May 15. Therefore, a maximum of 170 AUMs can be licensed between May and May 15 on the native range.

In accordance with the "Stipulation to Modify Decision and to Dismiss Appeal" signed in November 2003, a total of 565 AUMs from the Cherry Creek Allotment native range will be placed in voluntary non-use until March 1, 2010.

The Cherry Creek Allotment is a common use allotment. The permittees have utilized historical grazing areas. However, the native range portion of the allotment has no specific designated use areas reserved for any individual permitted operator on the Cherry Creek Allotment. Therefore, the entire native range portion of the allotment is open to all permittees authorized on the Cherry Creek Allotment.

Permitted use in the West Goshute Seeding is 108 AUMs and in the East Goshute Seeding is 66 AUMs. Water hauling is required in the West Goshute Seeding when cattle are authorized to use the west pasture of this seeding. The location of the water haul site will be determined by the authorized officer in cooperation with the livestock permittees on an annual basis.

Water hauling is required to the Woodcamp Pasture of the Cherry Creek Allotment located on the east side of Highway 93.

No livestock grazing will be authorized within the Goshute Creek Exclosures, in order to protect riparian vegetation and the habitat of the BLM Nevada sensitive species Bonneville cutthroat trout.

Permitted use in the Big Rock Seeding Allotment is 340 AUMs. A spring/fall rotation grazing system has been established on the Big Rock Seeding. Grazing is authorized in the spring during even numbered years and in the fall during odd numbered years. The season of use in the spring is May 1 to July 15 and in the fall September 1 to February 28.

Livestock numbers identified in the term grazing permit are a function of seasons of use and permitted use for each allotment. Deviations from those livestock numbers and seasons of use may be authorized on an annual basis where such deviations would not prevent attainment of the Multiple-Use Objectives for the allotment.

Deviations from specified grazing use dates will be allowed when consistent with Multiple-Use Objectives. Such deviations will require an application and written authorization from the authorized officer prior to grazing use.

Pursuant to 43 CFR 10.4 (G) the holder of this authorization must notify the authorized officer by telephone, with written confirmation, immediately upon 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 to proceed by the authorized officer.

The authorized officer is requiring that an actual use report (Form 4130-5) be submitted within 15 days after completing your annual grazing use.

The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with Visa, MasterCard or American Express is accepted. Failure to make payment within 30 days of the due date may result in trespass action.

Grazing use will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for grazing administration as developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR Sub-part 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

If future monitoring data indicates that standards and guidelines for grazing management are not being met, the permit will be reissued subject to revised terms and conditions.

Signed: Dan L. Probst

Date: 3-21-2016