

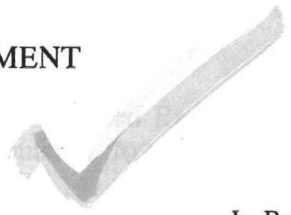
12/3/97



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, NV 89301-9408



In Reply Refer To:
operator #274562

DEC 3 1997

Dear Mr. Wines:
P.O. Box 150813
East Ely, Nv. 89315

lease

"I"

5 permits on one allotment

Your application to transfer grazing privileges from Gordon Foppiano to you on the Cherry Creek Allotment (0403) and the Big Rock Seeding Allotment (0428) was received on November 20, 1997. The signed "Acceptance of Terms and Conditions" form was also received on November 20, 1997. Based on your application, we propose to offer you a three year term grazing permit for the period 1998 to 2001.

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 Allotments. **The interested public(s) is being asked to provide comments by December 19, 1997.**

The terms and conditions outlined in the enclosed acceptance form are those which have historically appeared on previous annual licenses and permits authorizing grazing use in these allotments. The Cherry Creek Allotment is within the Cherry Creek Wild Horse Herd Management Area (HMA).

The terms and conditions outlined are also consistent with the Egan Resource Area Record of Decision and the Egan Rangeland Program Summary. The impacts of livestock grazing under these terms and conditions have been analyzed in the Egan Resource Management Plan Environmental Impact Statement.

If we propose to change the terms and conditions of your grazing permit, following the comment period, we will keep you and other interested parties informed. If we determine that it is necessary to offer you this permit via proposed decision, it will be sent to the interested public(s) and will include a 15-day period for protest and a 30-day period for appeal.

**ACCEPTANCE OF TERMS AND CONDITIONS
REQUEST FOR GRAZING PERMIT**

I, Sterling Wines, agree to accept the Terms and Conditions listed below and request that I be offered a Grazing Permit to graze the allotments in which I have a grazing preference.

TERMS AND CONDITIONS:

Cherry Creek Allotment (0403):

1. The total number of animal unit months of specified livestock use on the Cherry Creek Allotment native range is 497 AUMs. Season-of-use is from March 1 to February 28.
2. The total number of animal unit months of specified livestock use on the South Egan Basin Seeding is 47 AUMs. A spring/fall rotation grazing system has been established on the South Egan Basin Seeding. Grazing is authorized in the fall during even numbered years and in the spring during odd numbered years. The season-of-use in the spring is May 1 to June 30 and in the fall October 15 to February 28.

Big Rock Seeding (0428):

3. The total number of animal unit months of specified livestock use on the Big Rock Seeding is 62 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 June 30 and in the fall October 15 to February 28.

General

4. Signed actual use statements for the period 3/1 to 2/28 are due yearly by 3/31.
5. All range improvements will be maintained prior to livestock turn-out.
6. 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 to proceed by the authorized officer."

Signed: _____

Sterling Wines
Sterling Wines

11-20-97
Date



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, NV 89301-9408

In Reply Refer To:
operator # 274553

Dear Mr. Lear:
HC 33 Box 33695
Ely, Nv. 89301

sale

DEC 3 1997

*"I" category
5 permittees*

Your application to transfer grazing privileges from Dave Carter to you on the Cherry Creek Allotment (0403) was received on August 25, 1997. The signed "Acceptance of Terms and Conditions" form was also received on September 8, 1997. Based on your application, we propose to offer you a ten year term grazing permit for the period 1997 to 2007.

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 Allotment. **The interested public(s) is being asked to provide comments by December 19, 1997.**

The terms and conditions outlined in the enclosed acceptance form are those which have historically appeared on previous annual licenses and permits authorizing grazing use in this allotment. This allotment is within the Cherry Creek Wild Horse Herd Management Area (HMA).

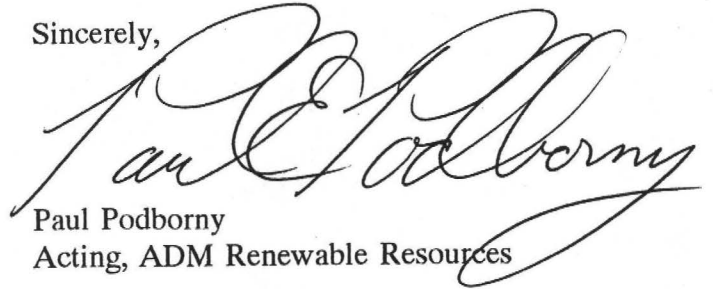
The terms and conditions outlined are also consistent with the Egan Resource Area Record of Decision and the Egan Rangeland Program Summary. The impacts of livestock grazing under these terms and conditions have been analyzed in the Egan Resource Management Plan Environmental Impact Statement.

If we propose to change the terms and conditions of your grazing permit, following the comment period, we will keep you and other interested parties informed. If we determine that it is necessary to offer you this permit via proposed decision, it will be sent to the interested public(s) and will include a 15-day period for protest and a 30-day period for appeal.

*UTAH/NEVADA
Kalkman*

If you have any questions please contact John Longinetti, your assigned Range Management Specialist for the Cherry Creek Allotment, at 702-289-1887.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Podborny". The signature is written in black ink and is positioned above the printed name and title.

Paul Podborny
Acting, ADM Renewable Resources

1 Enclosure

1. Acceptance of Terms and Conditions

**ACCEPTANCE OF TERMS AND CONDITIONS
REQUEST FOR GRAZING PERMIT**

I, Kit Lear, agree to accept the Terms and Conditions listed below and request that I be offered a Grazing Permit to graze the allotments in which I have a grazing preference.

TERMS AND CONDITIONS:

Cherry Creek Allotment (0403):

1. The total number of animal unit months of specified livestock use on the Cherry Creek Allotment native range is 1,932 AUMs. Season-of-use is from April 20 to February 28.
2. ~~The total number~~ of animal unit months of specified livestock use on the Goshute Seeding is 174 AUMs. Livestock turn-out in the seeding is authorized beginning May 1.
3. The total number of animal unit months of specified livestock use on the North Egan Basin Seeding is 400 AUMs. Livestock turn-out in the seeding is authorized beginning May 1.
4. The total number of animal unit months of specified livestock use on the South Egan Basin Seeding is 235 AUMs. A spring/fall rotation grazing system has been established on the South Egan Basin Seeding. Grazing is authorized in the fall during even numbered years and in the spring during odd numbered years. The season-of-use in the spring is May 1 to June 30 and in the fall October 15 to February 28.

Big Rock Seeding (0428):

5. The total number of animal unit months of specified livestock use on the Big Rock Seeding 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 June 30 and in the fall October 15 to February 28.

General

6. Signed actual use statements for the period 3/1 to 2/28 are due yearly by 3/31.
7. All range improvements will be maintained prior to livestock turn-out.
8. 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 to proceed by the authorized officer."

Signed: William L. Lear
Kit Lear

Sept 4 1997
Date



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

1105 Terminal Way
Suite 209
Reno, Nevada 89502
(702) 688-2626

December 19, 1997

Gene Kolkman, District Manager
BLM-Ely District Office
HC 33, Box 33500
Ely, NV 89301-9408

RE: Cherry Creek Grazing Privileges Transfers

Dear Gene,

We are in receipt of two of the grazing transfers for the Cherry Creek Allotment. I have been informed there is a third transfer on the way. In light of the recent discussions and agreements you and I reviewed during the Henrie Complex transfer, I am very surprised at the transfers we just received.

In reviewing the first transfer, I contacted John Longinetti, from your office to determine if this was an "I", "M", or "C", category allotment. During transfers it is important to know what the allotment category is to determine if changes are necessary to improve the habitat and if so, are you taking that opportunity during the transfer to make necessary changes for the benefit of the habitat? This is an "I" Category allotment. During our discussion I was informed that this was only one permittee out of five that co-share the allotment and it would not be equitable to change just one person without changing all. He also informed me that an allotment evaluation was in the process of being completed and that adjustments would be made at that time. Given that information, I agreed that changing one person wouldn't be prudent but did question "why a three year permit if changes will be made within the year?"

He asked if I had also received another transfer for the same allotment and this one was for a ten year permit. I looked through my pile of documents (36 in all), and found another transfer for the same allotment. I was also informed that there was another transfer in the mail for the same Cherry Creek Allotment. Gene, I

Gene Kolkman, District Manager
December 19, 1997
Page 2

could agree to the inefficiency of impacting only one permit out of five in not being able to make any positive impacts on the allotment, but three out of five? In reviewing my file on this Allotment, I found that the other two permits had transferred only 8 months ago. Within 8 months all five grazing permits have changed.

I realize that an AE is in the works, but given the Bureau's schedule and manpower, it could be 1 year, 5 years, or more, before a Final Multiple Use Decision is completed on this allotment. When only the allotment evaluation is done are we then going to be asked to allow a wild horse gather to protect the habitat, as in other recent gathers, when actions are not currently being taken during these transfers to protect and improve the habitat?

Gene, you have the opportunity to make immediate changes to benefit the habitat for all users that otherwise may take many years to achieve. On numerous occasions we have stepped aside and even promoted gathers of wild horses without (required by law) decision documentation to immediately help the habitat prior to decisions that could take years. We have done this in the spirit of doing our part to protect and enhance the habitat for multiple use. I do not understand from our past conversations why you are not making changes on 3/5 of the impact to the allotment when this is an "I" category allotment in need of change. I was informed that you have the documentation currently to affect change however the AE is not completed. You do not need a completed AE to affect change during a transfer, only best available data. This has happened to horses on numerous occasions, the documentation is there, the AE is not done, but we all know we need to do a gather immediately, prior to the "paper" to avoid an emergency and protect the habitat. You cannot deny we've agreed and in fact even facilitated this statewide.

I question why ten year permits are being issued knowing that changes are imminent? I would think at least, for your own protection to avoid a lawsuit, that you would cover the Bureau and note in the transfer that even though you are issuing a ten year permit that the permittee and all affected interests are being made aware that an AE, PMUD, and FMUD are imminent and that changes to the permit are possible. There is no such notation on the transfers.

Gene Kolkman, District Manager
December 19, 1997
Page 3

Gene, I urge you to re-evaluate your decision in this matter and take this immediate opportunity to make adjustments that will benefit the habitat. Otherwise, it may be years before actual adjustments are made to affect range restoration.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb". The signature is written in dark ink and is positioned above the typed name.

CATHERINE BARCOMB
Administrator