



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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



IN REPLY REFER TO:

4130/4700 (NV-042)

APR 1 1997

CERTIFIED MAIL NO. P 313 269 695
RETURN RECEIPT REQUESTED

Ms. Catherine Barcomb
Commission For The Preservation Of Wild Horses
1105 Terminal Way, Suite 209
Reno, Nevada 89502

Dear Ms. Barcomb:

On March 17, 1997 two letters from the Commission For The Preservation of Wild Horses were sent in response to two information letters our office mailed out on March 6, 1997. These information letters were sent to inform the public of an expired permit and an extension of a permit lease agreement in accordance with 43 CFR 4130.2(b). These information letters were not sent out as decisions because an allotment evaluation had not been completed on three of the four allotments nor were any changes to the terms and conditions proposed at this time. The allotment evaluation process currently in place will be used in the future to modify the terms and conditions if warranted.

In one of our letters we informed you of an expired base property lease agreement for the Indian Creek, Goshute Basin, and Cherry Creek Allotments. When a lease agreement expires or is terminated the grazing preference remains attached to the base property. In other words, the grazing privileges revert back to the base property owner in accordance with 43 CFR 4110.2-1(d). The letter explained that the terms and conditions will remain the same for the base property owners. If changes to the terms and conditions of the permittee's permit are needed in the future they will be based on the evaluation of monitoring data in accordance with 43 CFR 4110.3.

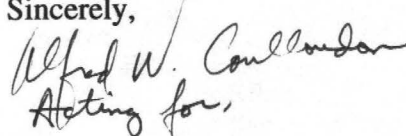
In the letter for the Cherry Creek and Big Rock Seeding Allotments, we informed you that the permittee's base property lease agreement had been extended for three years. The terms and conditions for the Big Rock Seeding (which is not in a Herd Management Area) were developed through consultation, cooperation, and coordination with the interested public during the allotment evaluation process. The Big Rock Seeding is the functional equivalent of a small seeded pasture rather than an allotment.

In your letters you mentioned that "in respect to 43 CFR 4120, consultation would require more extensive information and environmental assessment of data." 43 CFR 4120 does not apply to any of the allotments referenced in your letter. Currently there are **no allotment management plans, activity plans or the functional equivalent** proposed for those

allotments discussed in our information letters. In accordance with 43 CFR 4100.5 Definitions, **Activity Plan** means a plan for managing a resource use or value to achieve specific objectives. For example, an allotment management plan is an activity plan for managing livestock grazing to improve or maintain rangeland conditions. When activity plans affecting the administration of grazing allotments are developed, then the provisions under 43 CFR 4120.2(a)(c) apply as you indicated in your letters.

If, as indicated in your letter, you would like to protest the terms and conditions for the Big Rock Seeding and Cherry Creek allotments, please notify me within fifteen (15) days of receipt of this letter, so we may offer you the opportunity to protest by issuing a proposed decision.

Sincerely,

Handwritten signature of Alfred W. Coulter in cursive script.

Acting for,
Hal M. Bybee
Assistant District Manager
Renewable Resources

4 Enclosures

1. Comm. For The Pres. of WH Letter dated 3/17/97; 0403 and 0428.
2. BLM Interested Public Letter dated 3/17/97; 0403 and 0428.
3. Comm. For The Pres. of WH Letter dated 3/17/97; 0401, 0402, and 0403.
4. BLM Interested Public Letter dated 3/17/97; 0401, 0402, and 0403.

cc: George Irlbeck
Sam Henriod
Indian Creek Ranch
Bertrand Paris & Sons
Louise Lear
Kitt Lear
Kay & Mary Lear
Gordon Foppiano