



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
Star Route 5, Box 1
Ely, Nevada 89301

IN REPLY
REFER TO:

4100
(NV-046)

NOTICE OF DISTRICT MANAGER'S PROPOSED DECISION

12/1/84

CERTIFIED MAIL # PO8 4493353
RETURN RECEIPT REQUESTED

Russell Ranches
c/o Mr. Julian Goicoechea
Goicoechea Home Ranch
Newark Valley
Eureka, Nevada 89316

Dear Mr. Russell:

On November 15, 1982, Mr. Jack Rice requested that we convert his grazing privileges in the Duckwater, Dry Mountain, Sabala Springs and Six Mile, Cold Creek and White Pine Seeding Allotments and on the Warm Springs Trail from sheep use to cattle use. On June 13, 1983, after acquiring Mr. Rice's privileges, you reaffirmed his conversion request and additionally requested a sheep to cattle conversion on your Warm Springs Trail use. Both these requests were to convert all the sheep AUMs to cattle AUMs (i.e. 1 sheep AUM = 1 cattle AUM).

The conversion question with background information and some of the BLM's ideas on a potential conversion were presented to the District Grazing Advisory Board and District Advisory Council on January 25, 1984, and again on May 30, 1984. The BLM solicited their recommendations on the conversion request. Both the Grazing Advisory Board and Advisory Council unanimously agreed, with several minor suggestions which were incorporated, to the BLM's conversion proposals. This agreement came during the May 30th joint meeting.

I have considered your application for conversion and in accordance with 43 CFR 4110.2-3(a)(3), 4130.6-1(a), 4130.6-2(a), and 4160.1-1, it is my proposed decision to allow a sheep to cattle conversion as follows:

1). Within the Sabala Springs and Dry Mountain Allotments, the 3,432 total sheep AUMs (2,466 on Sabala, 966 on Dry Mt.) be converted to 2,377 total cattle AUMs (1,732 on Sabala, 645 on Dry Mt.), provided that an allotment boundary fence is constructed on the west side of the Sabala and Dry Mt. Allotments. This fence would have to fill in those portions of the western boundary not blocked to cattle drift by the mountain ridge (Dry Mountain). No cattle use would be made on Sabala/Dry Mountain until such fence is constructed; use will remain sheep only until fence completion. Fence construction responsibilities will be negotiated in the future, however, construction is not necessarily dependent on BLM funding and may be entirely funded with private money. Maintenance responsibilities will be split 50/50 between yourself and the Newark Allotment permittee.

The 2,377 combined cattle AUMs represents a total obligation of all the available AUMs on Sabala and Dry Mountain. Season of use on both allotments will be November 1st to April 15th. Forage preference is based on current forage information and may be further adjusted in the future based on monitoring results.

2). On the Six Mile Allotment you will be allowed 432 AUMs cattle use in the fenced seedings based on winter/early spring use. This figure represent A 1:1 (sheep AUM to cattle AUM) conversion on the seeding. Season of use will be November 1st to May 15th.

I have considered your application for conversion and in accordance with 43 CFR 4110.2-3(a)(3), 4130.6-1(a), 4130.6-2(a), and 4160.1-1, it is my proposed decision to not allow a sheep to cattle conversion as follows:

1). Conversion of the 1,866 sheep AUMs on the Warm Springs Trail will be denied. Use will remain sheep trailing only for previously determined seasons of use (fall and spring).

2). Conversion on the native portion of the Six Mile Allotment is denied. The native preference (922 AUMs) will remain winter sheep use only, until such time as an overall management plan for Six Mile may be completed. A sheep to cattle conversion may be considered at that time.

3). Conversion of sheep AUMs in the Duckwater Allotment to cattle AUMs is denied. Use will remain wintering sheep use only (November 1 to May 1), until such time as an overall management plan for Duckwater agreed to by all affected permittees may be completed. A sheep to cattle conversion may be considered at that time.

4). Conversion will not be considered on the Cold Creek and White Pine Seeding Allotments because there are no adjudicated AUMs in these allotments that were part of the "Rice" preference. Use was authorized on a temporary, nonrenewable basis due to excess forage and to expedite sheep trailing.

I have considered the following information on file, or obtained since the initial request for the conversion, to be important to my proposed decision:

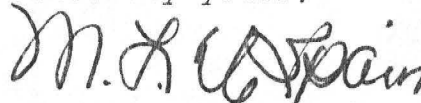
1. The grazing privileges that you requested be converted from sheep use to cattle use are 4,195 animal unit months (AUMs) in the Duckwater Allotment, of which 1,678 AUMs are suspended, 966 AUMs in the Dry Mountain Allotment, 2,466 AUMs in the Sabala Springs Allotment, 1,354 AUMs in the Six Mile Allotment and 1,866 AUMs on the Warm Springs Trail.
2. The Duckwater Allotment is a joint-use allotment currently used by nine cattle operators and four sheep operators. Based on existing survey information and professional judgement, all cattle AUMs in the Duckwater are already obligated to other permittees, assuming current conditions, and none available for conversion.
3. When cattle use was authorized on the Dry Mountain, Sabala Springs and Six Mile Allotments during the winter of 1982-83, cattle drifted off the allotments onto adjacent allotments. As a result of this, you were trespassed for 97 AUMs of unauthorized use on the Newark Allotment. 1983-84 cattle use on Sabala/Dry Mountain also resulted in extensive drift onto the Newark Allotment by Warm Springs cattle. This culminated in a trespass action against you in April 1984. This use was authorized to gain insight on how cattle grazing would "work" on the allotments.
4. There are no boundary fences on the Six Mile Allotment, or on the west side of the Dry Mountain and Sabala Springs Allotments. This is where substantial drift occurred during the winter of 1982-83 and 1983-84.
5. The inventory conducted in the summer of 1983 showed that there were 766 AUMs and 2,061 AUMs of forage available for cattle and/or horses on Dry Mountain and Sabala Springs Allotments, respectively.

6. There are approximately 75 wild horses on the Dry Mountain and Sabala Springs Allotments from November through April for which forage must be allocated. There are also approximately 20 head of horses on the Six Mile Allotment during the same period.
7. The Warm Springs Trail was established for the purpose of trailing sheep from summer range in Elko County to winter range in the Duckwater and Sand Springs Areas.
8. In response to our request in November of 1983, we received 11 letters from individuals or groups that may be affected by this conversion. Four of those letters were totally opposed to the conversion and seven were partially opposed to the conversion. Those partially opposed to the conversion indicated that certain stipulations would have to be attached to the conversion.

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 within which to file such a protest in person, by appointment, or in writing with the District Manager, Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

In the absence of a protest within the time allowed, the above proposed decision shall constitute my final decision. Should this notice become the final decision and if you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470, you are allowed thirty (30) days from receipt of this notice within which to file such appeal in person by appointment, or in writing with the District Manager, Bureau of Land Management, at the above address. The appeal should specify the reasons, clearly and concisely, as to why you think this decision is in error.

Sincerely yours,



Merrill L. DeSpain
District Manager

cc:
Metropolitan Life
All Interested Parties
NDOW
Dan Russell
Ely District Grazing Advisory Board
Ely District Advisory Council



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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
Star Route 5, Box 1
Ely, Nevada 89301

IN REPLY
REFER TO:

4112.1
(NV-046)

November 3, 1983

Ms. Dawn Lappin
Wild Horse Organized Assistance
Box 555
Reno, Nevada 89505

Dear ^{Dawn:} ~~Ms. Lappin:~~

In 1982, Mr. Dan Russell bought the Rice Livestock Company's grazing preference in the Egan Resource Area, Ely District. This grazing preference is in four allotments and one trail, and are for sheep. Mr. Russell has now requested that these sheep AUMs, plus some sheep AUMs he already owned, be converted to cattle AUMs. The allotments and the number of AUMs in each are: Duckwater - 2,517 AUMs, Sabala Springs - 2,466 AUMs, Six Mile - 1,354 AUMs, Dry Mountain - 966 AUMs and Warm Springs Trail - 1,866 AUMs.

We would appreciate any comments you might have on this conversion of sheep AUMs to cattle AUMs. Please send your written comments to me at the address above by November 20, 1983.

Sincerely yours,

Howard Hedrick

Howard F. Hedrick, Manager
Egan Resource Area