



United States Department of the Interior

Bureau of Land Management

Ely Field Office

702 North Industrial Way

H.C. 33 box 33500

Ely, Nevada 89301-9408

In Reply Refer To:

4160

Robert & Vivian Lewis

Grazing Case File

(NV-045.09)

CERTIFIED MAIL #P310374181
RETURN RECEIPT REQUESTED

PROPOSED DECISION
RESCINDING NOTICE OF CLOSURE AND
MODIFYING THE GRAZING PERMIT TO OPEN THE
CLOSURE TO LIVESTOCK GRAZING ON THE
HENRIE COMPLEX ALLOTMENT

Robert & Vivian Lewis
P.O. Box 520
Moapa, NV 89025

Dear Mr. Lewis:

You were issued a full force and effect grazing decision modifying your grazing permit on November 24, 1993. A full force and effect notice of closure was issued on October 7, 1993 closing the burn area to livestock grazing use. The terms and conditions of the grazing decision were made a part of your grazing permit in the terms and conditions. The grazing decision and notice of closure implementing these actions were sent to you and affected interests. The decision was appealed by an affected interest. The settlement has been finalized between the BLM and the appellant.

The Meadow/Pass burn area on the Henrie Complex was closed to grazing for the duration of the closure period. The closure was issued for a minimum of two (2) years beginning on November 24, 1993 to protect the soil resources and allow rehabilitation of vegetative resources to occur within the Meadow and Pass burn area. Specifically, the decision stated the closure "...shall remain in effect for a minimum of two

years, beginning November 24, 1993 and continuing until monitoring indicates resource objectives for the burn area have been attained." Specific resource objectives were identified in the decision. An evaluation of the resources has been completed in order to determine if the objectives were met. The evaluation is available for review in the Caliente BLM Field Station.

The decision required that livestock be excluded from the portion of the allotment west of the Union Pacific Railroad. The decision also required that monitoring data be collected and used to determine if objectives had been met. These management requirements were met fully.

The following table indicates the results of monitoring in relation to resource objectives for the burned area:

RESOURCE DATA ASSESSMENT FOR THE CLOSURE AREA	
RESOURCE OBJECTIVES IDENTIFIED	RESOURCE OBJECTIVES MET/NOT MET AND RESULTS
<p>1. Species diversity of minimum of 15 perennial species on blackbrush rangeland (030XB029NV) with 3 perennial grasses</p> <p>Good plant vigor.</p>	<p>1. MET</p> <p>The burned blackbrush sites had 24 perennial species overall with 4 native perennial grass species.</p> <p>Excellent vigor documented.</p>
<p>2. Seedling, regrowth, and re-sprout of native species.</p>	<p>2. MET</p> <p>All parameters met. Plants were growing from seed, regrowth and sprouting.</p>
<p>3. Perennial species cover of minimum 15%.</p>	<p>3. MET</p> <p>Cover for the 30-29 blackbrush site was 17%.</p>
<p>4. Utilization overall of no measurable use during closure period.</p>	<p>4. MET</p> <p>No measurable use documented.</p>

As the above assessment indicates, the grazing decision burn management actions identified in the livestock grazing decision were followed and the resource objectives have been met. Additionally, the observed trend for the allotment burn was upward based on native plant vigor and diversity.

Therefore, it is my Proposed Decision to modify your existing grazing permit signed March 17, 1994, by rescinding the notice of closure and grazing decision and opening the burn area on the Henrie Complex allotment to livestock grazing. You will be issued a new grazing permit reflecting my decision. This will be issued after this decision becomes final and after the consultation, cooperation and coordination process is completed.

Your ten year Federal Grazing Permit for the Henrie Complex allotment is modified as follows;

FROM:

EXISTING FEDERAL GRAZING PERMIT

11/24/93 to 02/28/2002

ALLOTMENT NAME	NUMBER OF LIVESTOCK	KIND OF LIVESTOCK	BEGIN DATE	END DATE	PERCENT FEDERAL LAND	ACTIVE PREFERENCE AUMS	TEMPORARY SUSPENDED AUMS
Henrie Complex	81	Cattle	03/01	02/28	100	975	0

TO:

MODIFIED FEDERAL GRAZING PERMIT

03/01/97 to 02/28/2007

ALLOTMENT NAME	NUMBER OF LIVESTOCK	KIND OF LIVESTOCK	SEASON OF USE		PERCENT FEDERAL LAND	ACTIVE USE AUMS*
			BEGIN DATE	END DATE		
Henrie Complex	81	Cattle	03/01	02/28	100	975

* This is the total number of animal unit months of specified livestock grazing.

Terms and conditions for the Henrie Complex are listed in Attachment 1.

Any applicant, permittee, lessee or other affected interest may protest the proposed decision in accordance with 43 CFR Sec. 4160.2, in person or in writing to Hal M. Bybee, Assistant District Manager, Renewable Resources, Bureau of Land Management, Ely Field Office, Ely, Nevada 89301 within 15 days after receipt of the proposed decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless other wise provided in the proposed decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision, may file an appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer as, noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above the petition for stay must be filed in the office of the authorized officer.

Sincerely,



Hal Bybee
Assistant District Manager, Renewable Resources

Attachments

- 1 - Terms and Conditions for the Henrie Complex Allotment

CMayer:cm

cc:

NV-043

Resource Concepts, Inc.

Nevada Commission for the Preservation of Wild Horses

Wild Horse Organized Assistance, Inc.

Animal Protection Institute of America

Natural Resources Defense Council

Wilderness Society Regional Associate

U. S. Fish and Wildlife Service

Delamar Valley Cattle Co.

Desert Tortoise Council

Nevada Division of Wildlife

National Wild Horse Association

Int'l Society for the Protection of Mustangs and Burros

Lincoln County Public Lands Commission

Lincoln County Commission

Conservation Chair, Sierra Club (Randy Harness)

Certified Mail No. P310374182

Certified Mail No. P310374183

Certified Mail No. P310374184

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Certified Mail No. P310374191

Certified Mail No. P310374192

Certified Mail No. P310374193

Certified Mail No. P310374194

Certified Mail No. P310374195

Do Not Send Certified

ATTACHMENT 1

SPECIFIC TERMS AND CONDITIONS FOR THE NEW FEDERAL GRAZING PERMIT

Henrie Complex Allotment

1. Grazing will be permitted in accordance with grazing Prescriptions 1 and 2 identified in the Opinion as amended.
2. Grazing prescription areas within your allotment are the same as on the previous full force and effect decision Henrie Complex Allotment issued January 31, 1992.
3. Livestock grazing use shall be authorized in the Henrie Complex allotment 06/15 through 02/28 in Prescription 1 and 03/01 through 02/28 in the Prescription 2 area and Non-Prescription area as identified in the following table and the full force and effect decision for the Henrie Complex Allotment issued January 31, 1992.

SPECIFIC USE AREAS AND IDENTIFIED PERIODS OF USE

PRESCRIPTION AREAS ^{1/}	SEASON OF USE	
	BEGIN DATE	END DATE
Prescription 1 ^{2/}	06/15	02/28
Prescription 2 ^{3/}	03/01	02/28
Non-Prescription	03/01	02/28

^{1/} Refer to full force and effect decision for the Henrie Complex Allotment dated January 31, 1992.

^{2/} Prescription 1, Tortoise Habitat Categories I, II, and Intensive III.

^{3/} Prescription 2, Tortoise Habitat Category III non-intensive.

4. All vehicle use in desert tortoise habitat within the **Henrie Complex allotment** shall be restricted to existing roads and trails.
5. Trash and garbage shall be removed from each camp site that is associated with livestock grazing operations (branding, sheep herding, roundup, etc.) and disposed of off site in a designated facility. No trash or garbage shall be buried at camp sites.
6. Use of hay or grains as a feeding supplemental shall be prohibited in desert tortoise habitat to avoid the introduction of non-native plant species. Mineral, protein and salt blocks are authorized subject to 43 CFR section 4130.6-2(c).
7. The allotment shall include at a minimum the following key species for monitoring purposes **where appropriate based upon density and availability**: galleta grass (*Hilaria jamesii*) and (*H. rigida*), bush muhly (*Muhlenbergia porteri*), sand dropseed (*Sporobolus cryptandrus*), Indian ricegrass (*Oryzopsis hymenoides*), black grama (*Bouteloua eriopoda*), desert needlegrass (*Stipa speciosa*), range ratany (*Krameria parvifolia*), ephedra (*Ephedra spp.*), white burrobrush (*Hymenoclea salsola*) and winterfat (*Eurotia lanata*).
8. The following table identifies key areas, species and the maximum allowable use levels for specified periods of livestock grazing use, which shall be used at a minimum for monitoring

purposes within Prescription 1 and 2 areas in the Henrie Complex allotment. As additional key species and or key areas are determined necessary for monitoring purposes, maximum allowable use levels will be established based upon the conditions as set forth in the Opinion for Prescription 1 and/or 2 areas.

EXISTING KEY AREAS, SPECIES AND ALLOWABLE USE LEVELS

KEY AREA & LEGAL DESCRIPTION	KEY SPECIES	PRESCRIPTION 2	
		10/15 TO 02/28	03/01 TO 10/14
1 T.10S., R.66E., Sec.6 (M-W)	Big galleta grass Nevada ephedra	≤50% ≤45%	≤40% ≤40%

9. The following table identifies the maximum allowable use levels for specified periods of livestock grazing use, which shall be used at a minimum for monitoring purposes within Prescription 1 and/or 2 areas.

ALLOTMENT NAME	PRESCRIPTION	ALLOWABLE USE LEVELS AND USE PERIODS PER GRAZING PRESCRIPTION		
HENRIE COMPLEX	PRESCRIPTION 1	06/15 - 10/14	10/15 - 02/28	03/01 - 06/14
		All Perennial Species - ≤40%	Key Perennial Grasses - ≤50% Key Perennial Shrubs and Forbs - ≤40%	No livestock use will be allowed during this period.
	PRESCRIPTION 2	06/15 - 10/14	10/15 - 02/28	03/01 - 06/14
		All Perennial Species - ≤40%	Key perennial grasses - ≤ 50% Key perennial shrubs & forbs - ≤ 45%	All Perennial Species - ≤40%

10. When the allowable use levels are reached for the Prescription 1 and/or 2 areas, the livestock must be removed from the allotment unless other management alternatives are authorized by the Caliente Resource Area Manager that are consistent with the Opinion and this decision.
11. Adequate livestock control must be provided by existing range improvements within the Henrie Complex allotment to prevent livestock from continually migrating into the Prescription 1 area during the period 03/01 through 06/14. If livestock continually migrate into the Prescription 1 area, the entire allotment will be required to be managed under Prescription 1 until range improvements become available to stop such action.
12. By March 1, 1993 all cattle (six months of age or older at turn out) will be required to be ear tagged by you with BLM issued ear tags. Additionally, you are required to submit a list of ear tag numbered cattle turned out/authorized on the Henrie Complex allotment. The list must be submitted to the Caliente Resource Area office within seven (7) days of turn out. At the end of the authorized grazing period, any ear tag numbers not accounted for, shall be reported to the Caliente Resource Area office within 15 days.
- a. Since your operation is of a year round nature and it would be difficult to ear tag all cattle prior to the March 1, 1992 date, I have extended the date

to ear tag all your cattle to March 1, 1993. In order to assure adequate cattle control is provided to prevent cattle from continually migrating into the Prescription 1 area, all cattle found in the Prescription 1 area during the period 03/01/92 through 06/14/92 shall be ear tagged by you with a BLM ear tag. Terms and Conditions number 15 and 16 will then be followed.

13. You are required to remove and return to the Caliente Resource Area office all BLM issued ear tags of cattle shipped/sold. This must be done prior to being issued replacement tags.
14. Replacement tags for brush loss, unfound death loss, or other unexplained losses will be issued on a case by case basis at the determination of the Authorized Officer.
15. Any livestock found in the Prescription 1 area during the period of 03/01 through 06/14 shall be relocated to the Prescription 2 and/or Non-Prescription area within 72 hours. The ear tag numbers of any cattle found in the Prescription 1 area during the period 03/01 through 06/14 shall be recorded and submitted in writing to the Caliente Resource Area office within five (5) days of being observed.
16. Any livestock found in the Prescription 1 area during the period of 03/01 through 06/14 and which were previously recorded and relocated to the Prescription 2 and/or Non-Prescription area shall be removed from the Henrie Complex allotment within 72 hours of being observed.
17. Applications for changes in grazing use must be in written form and be received by the Caliente Resource Area office no later than 15 days prior to the desired date of change.
18. Applications for changes in grazing use filed after a billing notice has been issued, and which require the issuance of a replacement bill or supplemental bill shall be subject to a ten (10) dollar service charge.
19. Grazing Applications will be issued on a yearly basis showing all grazing use as active by Prescription 1, 2 and/or Non-Prescription areas. If you desire to take all or partial non-use for the grazing year, you must indicate this in writing on your Grazing Application, along with your reason(s).
20. A statement of Actual Grazing Use made on the Henrie Complex allotment by grazing Prescription area, 1, 2 and/or Non-Prescription areas must be received in the Caliente Resource Area office no later than 15 days after the last day of authorized grazing use. In the case of year round grazing, this Actual Grazing Use statement must be received in the Caliente Resource Area office no later than March 15th of each year.



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

1105 Terminal Way
Suite 209

Reno, Nevada 89502
(702) 688-2626

February 20, 1997

Mr. Gene A. Kolkman
Ely District
Bureau of Land Management
HC 33 Box 33500
Ely, Nevada 89301-9408

Subject: Henrie Complex - Meadow/Pass Burn - Protest

Dear Mr. Kolkman:

The Commission for the Preservation of Wild Horses continues to be concerned with the management actions affecting the Meadow Valley Wild Horse Herd. It was the wild fire environment assessment and record of decision that abolished this wild horse herd.

We are pleased to find the re-authorization of livestock grazing included the assessment of wild fire objectives and terms of the Biological Opinion. However, the proposed decision is not supported by an allotment evaluation or multiple use decision.

It is possible that the fate of this wild horse herd lies in the Caliente Management Framework Plan Decisions. If it is found that the area is unsuitable for wild horses, then a consistent livestock management action consistent with the land use plan would be appropriate. The proposed decision is contrary to our stipulated agreement and request the decision be vacated.

Data in previous environmental assessments suggest that portions of this allotment suffered heavy and severe use by livestock and wild horses. Your re-authorization of livestock use must be at levels or within a season of use compatible with the carrying capacity. We encourage the District to proceed in proper planning to address the long term solution for wild horses.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB
Executive Director



In: meadows, fire 2-7-97
green

United States Department of the Interior

Bureau of Land Management

Ely Field Office

702 North Industrial Way

H.C. 33 box 33500

Ely, Nevada 89301-9408

In Reply Refer To:

4160

Kevin Olson

Grazing Case File

(NV-045.09)

FEB 7 1997

CERTIFIED MAIL #P313269657
RETURN RECEIPT REQUESTED

PROPOSED DECISION
RESCINDING NOTICE OF CLOSURE AND
MODIFYING THE GRAZING PERMIT TO OPEN THE
CLOSURE TO LIVESTOCK GRAZING ON THE
HENRIE COMPLEX ALLOTMENT

Kevin D. Olson
P.O. Box 97
Panaca, Nevada 89042

Dear Mr. Olson:

You were issued a full force and effect grazing decision modifying your grazing permit on November 24, 1993. A full force and effect notice of closure was issued on October 7, 1993 closing the burn area to livestock grazing use. The terms and conditions of the grazing decision were made a part of your grazing permit in the terms and conditions. The grazing decision and notice of closure implementing these actions were sent to you and affected interests. The decision was appealed by an affected interest. The settlement has been finalized between the BLM and the appellant.

The Meadow/Pass burn area on the Henrie Complex was closed to grazing with 2,210 AUMS or 69% of active use placed into temporary suspension for the duration of the closure period. The closure was issued for a minimum of two (2) years beginning on November 24, 1993 to protect the soil resources and allow rehabilitation of vegetative resources to occur within the Meadow and Pass burn area.

Specifically, the decision stated the closure "...shall remain in effect for a minimum of two years, beginning November 24, 1993 and continuing until monitoring indicates resource objectives for the burn area have been attained." Specific resource objectives were identified in the decision. An evaluation of the resources has been completed in order to determine if the objectives were met. The evaluation is available for review in the Caliente BLM Field Station.

The decision required that livestock be excluded from the portion of the allotment west of the Union Pacific Railroad. The decision also required that monitoring data be collected and used to determine if objectives had been met. These management requirements were met fully.

The following table indicates the results of monitoring in relation to resource objectives for the burned area:

RESOURCE DATA ASSESSMENT FOR THE CLOSURE AREA	
RESOURCE OBJECTIVES IDENTIFIED	RESOURCE OBJECTIVES MET/NOT MET AND RESULTS
1. Species diversity of minimum of 15 perennial species on blackbrush rangesite (030XB029NV) with 3 perennial grasses Good plant vigor.	1. MET The burned blackbrush sites had 24 perennial species overall with 4 native perennial grass species. Excellent vigor documented.
2. Seedling, regrowth, and re-sprout of native species.	2. MET All parameters met. Plants were growing from seed, regrowth and sprouting.
3. Perennial species cover of minimum 15%.	3. MET Cover for the 30-29 blackbrush site was 17%.
4. Utilization overall of no measurable use during closure period.	4. MET No measurable use documented.

As the above assessment indicates, the grazing decision burn management actions identified in the livestock grazing decision were followed and the resource objectives have been met. Additionally, the observed trend for the allotment burn was upward based on native plant vigor and diversity.

Therefore, it is my Proposed Decision to modify your existing grazing permit signed December 15, 1993, by rescinding the notice of closure and grazing decision and opening the burn area on the Henrie Complex allotment to livestock grazing. You will be issued a new grazing permit reflecting my decision. This will be issued after this decision becomes final and after the consultation, cooperation and coordination process is completed.

Your ten year Federal Grazing Permit for the Henrie Complex allotment is modified as follows;

FROM:

EXISTING FEDERAL GRAZING PERMIT

11/24/93 to 02/28/2002

ALLOTMENT NAME	NUMBER OF LIVESTOCK	KIND OF LIVESTOCK	BEGIN DATE	END DATE	PERCENT FEDERAL LAND	ACTIVE PREFERENCE AUMS	TEMPORARY SUSPENDED AUMS
Henrie Complex	96	Cattle	03/01	02/28	85	975	2,210

TO:

MODIFIED FEDERAL GRAZING PERMIT

03/01/97 to 02/28/2007

ALLOTMENT NAME	NUMBER OF LIVESTOCK	KIND OF LIVESTOCK	SEASON OF USE		PERCENT FEDERAL LAND	ACTIVE USE AUMS*
			BEGIN DATE	END DATE		
Henrie Complex	313	Cattle	03/01	02/28	85	3,185

* This is the total number of animal unit months of specified livestock grazing.

Terms and conditions for the Henrie Complex are listed in Attachment 1.

Any applicant, permittee, lessee or other affected interest may protest the proposed decision in accordance with 43 CFR Sec. 4160.2, in person or in writing to Hal M. Bybee, Assistant District Manager, Renewable Resources, Bureau of Land Management, Ely Field Office, Ely, Nevada 89301 within 15 days after receipt of the proposed decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless other wise provided in the proposed decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision, may file an appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer as, noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final.

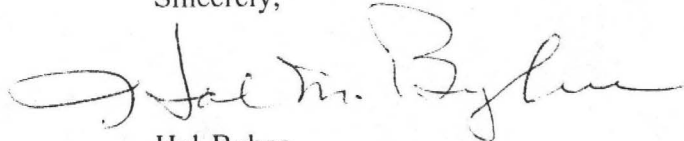
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above the petition for stay must be filed in the office of the authorized officer.

Sincerely,



Hal Bybee

Assistant District Manager, Renewable Resources

Attachments

- 1 - Terms and Conditions for the Henrie Complex Allotment

CMayer:cm

cc:

NV-043

Resource Concepts, Inc.

Commission for the Preservation of Wild Horses

Wild Horse Organized Assistance, Inc.

Animal Protection Institute of America

Natural Resources Defense Council

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Lincoln County Public Lands Commission

Lincoln County Commission

Delamar Valley Cattle Company

Conservation Chair, Sierra Club (Randy Harness)

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ATTACHMENT 1

SPECIFIC TERMS AND CONDITIONS FOR THE NEW FEDERAL GRAZING PERMIT

Henrie Complex Allotment

1. Grazing will be permitted in accordance with grazing Prescriptions 1 and 2 identified in the Opinion as amended.
2. Grazing prescription areas within your allotment are the same as on the previous full force and effect decision Henrie Complex Allotment issued January 31, 1992.
3. Livestock grazing use shall be authorized in the Henrie Complex allotment 06/15 through 02/28 in Prescription 1 and 03/01 through 02/28 in the Prescription 2 area and Non-Prescription area as identified in the following table and the full force and effect decision for the Henrie Complex Allotment issued January 31, 1992.

SPECIFIC USE AREAS AND IDENTIFIED PERIODS OF USE

PRESCRIPTION AREAS ^{1/}	SEASON OF USE	
	BEGIN DATE	END DATE
Prescription 1 ^{2/}	06/15	02/28
Prescription 2 ^{3/}	03/01	02/28
Non-Prescription	03/01	02/28

^{1/} Refer to full force and effect decision for the Henrie Complex Allotment dated January 31, 1992.

^{2/} Prescription 1, Tortoise Habitat Categories I, II, and Intensive III.

^{3/} Prescription 2, Tortoise Habitat Category III non-intensive.

4. All vehicle use in desert tortoise habitat within the **Henrie Complex allotment** shall be restricted to existing roads and trails.
5. Trash and garbage shall be removed from each camp site that is associated with livestock grazing operations (branding, sheep herding, roundup, etc.) and disposed of off site in a designated facility. No trash or garbage shall be buried at camp sites.
6. Use of hay or grains as a feeding supplemental shall be prohibited in desert tortoise habitat to avoid the introduction of non-native plant species. Mineral, protein and salt blocks are authorized subject to 43 CFR section 4130.6-2(c).
7. The allotment shall include at a minimum the following key species for monitoring purposes **where appropriate based upon density and availability**: galleta grass (*Hilaria jamesii*) and (*H. rigida*), bush muhly (*Muhlenbergia porteri*), sand dropseed (*Sporobolus cryptandrus*), Indian ricegrass (*Oryzopsis hymenoides*), black grama (*Bouteloua eriopoda*), desert needlegrass (*Stipa speciosa*), range ratany (*Krameria parvifolia*), ephedra (*Ephedra spp.*), white burrobrush (*Hymenoclea salsola*) and winterfat (*Eurotia lanata*).
8. The following table identifies key areas, species and the maximum allowable use levels for specified periods of livestock grazing use, which shall be used at a minimum for monitoring

purposes within Prescription 1 and 2 areas in the Henrie Complex allotment. As additional key species and or key areas are determined necessary for monitoring purposes, maximum allowable use levels will be established based upon the conditions as set forth in the Opinion for Prescription 1 and/or 2 areas.

EXISTING KEY AREAS, SPECIES AND ALLOWABLE USE LEVELS

KEY AREA & LEGAL DESCRIPTION	KEY SPECIES	PRESCRIPTION 2	
		10/15 TO 02/28	03/01 TO 10/14
1 T.10S., R.66E., Sec.6 (M-W)	Big galleta grass Nevada ephedra	≤50% ≤45%	≤40% ≤40%

9. The following table identifies the maximum allowable use levels for specified periods of livestock grazing use, which shall be used at a minimum for monitoring purposes within Prescription 1 and/or 2 areas.

ALLOTMENT NAME	PRESCRIPTION	ALLOWABLE USE LEVELS AND USE PERIODS PER GRAZING PRESCRIPTION		
HENRIE COMPLEX	PRESCRIPTION 1	06/15 - 10/14	10/15 - 02/28	03/01 - 06/14
		All Perennial Species - ≤40%	Key Perennial Grasses - ≤50% Key Perennial Shrubs and Forbs - ≤40%	No livestock use will be allowed during this period.
	PRESCRIPTION 2	06/15 - 10/14	10/15 - 02/28	03/01 - 06/14
		All Perennial Species - ≤40%	Key perennial grasses - ≤ 50% Key perennial shrubs & forbs - ≤ 45%	All Perennial Species - ≤40%

10. When the allowable use levels are reached for the Prescription 1 and/or 2 areas, the livestock must be removed from the allotment unless other management alternatives are authorized by the Caliente Resource Area Manager that are consistent with the Opinion and this decision.
11. Adequate livestock control must be provided by existing range improvements within the Henrie Complex allotment to prevent livestock from continually migrating into the Prescription 1 area during the period 03/01 through 06/14. If livestock continually migrate into the Prescription 1 area, the entire allotment will be required to be managed under Prescription 1 until range improvements become available to stop such action.
12. By March 1, 1993 all cattle (six months of age or older at turn out) will be required to be ear tagged by you with BLM issued ear tags. Additionally, you are required to submit a list of ear tag numbered cattle turned out/authorized on the Henrie Complex allotment. The list must be submitted to the Caliente Resource Area office within seven (7) days of turn out. At the end of the authorized grazing period, any ear tag numbers not accounted for, shall be reported to the Caliente Resource Area office within 15 days.
- a. Since your operation is of a year round nature and it would be difficult to ear tag all cattle prior to the March 1, 1992 date, I have extended the date

to ear tag all your cattle to March 1, 1993. In order to assure adequate cattle control is provided to prevent cattle from continually migrating into the Prescription 1 area, all cattle found in the Prescription 1 area during the period 03/01/92 through 06/14/92 shall be ear tagged by you with a BLM ear tag. Terms and Conditions number 15 and 16 will then be followed.

13. You are required to remove and return to the Caliente Resource Area office all BLM issued ear tags of cattle shipped/sold. This must be done prior to being issued replacement tags.
14. Replacement tags for brush loss, unfound death loss, or other unexplained losses will be issued on a case by case basis at the determination of the Authorized Officer.
15. Any livestock found in the Prescription 1 area during the period of 03/01 through 06/14 shall be relocated to the Prescription 2 and/or Non-Prescription area within 72 hours. The ear tag numbers of any cattle found in the Prescription 1 area during the period 03/01 through 06/14 shall be recorded and submitted in writing to the Caliente Resource Area office within five (5) days of being observed.
16. Any livestock found in the Prescription 1 area during the period of 03/01 through 06/14 and which were previously recorded and relocated to the Prescription 2 and/or Non-Prescription area shall be removed from the Henrie Complex allotment within 72 hours of being observed.
17. Applications for changes in grazing use must be in written form and be received by the Caliente Resource Area office no later than 15 days prior to the desired date of change.
18. Applications for changes in grazing use filed after a billing notice has been issued, and which require the issuance of a replacement bill or supplemental bill shall be subject to a ten (10) dollar service charge.
19. Grazing Applications will be issued on a yearly basis showing all grazing use as active by Prescription 1, 2 and/or Non-Prescription areas. If you desire to take all or partial non-use for the grazing year, you must indicate this in writing on your Grazing Application, along with your reason(s).
20. A statement of Actual Grazing Use made on the Henrie Complex allotment by grazing Prescription area, 1, 2 and/or Non-Prescription areas must be received in the Caliente Resource Area office no later than 15 days after the last day of authorized grazing use. In the case of year round grazing, this Actual Grazing Use statement must be received in the Caliente Resource Area office no later than March 15th of each year.



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

1105 Terminal Way
Suite 209

Reno, Nevada 89502
(702) 688-2626

February 20, 1997

Mr. Gene A. Kolkman
Ely District
Bureau of Land Management
HC 33 Box 33500
Ely, Nevada 89301-9408

Subject: Henrie Complex - Meadow/Pass Burn - Protest

Dear Mr. Kolkman:

The Commission for the Preservation of Wild Horses continues to be concerned with the management actions affecting the Meadow Valley Wild Horse Herd. It was the wild fire environment assessment and record of decision that abolished this wild horse herd.

We are pleased to find the re-authorization of livestock grazing included the assessment of wild fire objectives and terms of the Biological Opinion. However, the proposed decision is not supported by an allotment evaluation or multiple use decision.

It is possible that the fate of this wild horse herd lies in the Caliente Management Framework Plan Decisions. If it is found that the area is unsuitable for wild horses, then a consistent livestock management action consistent with the land use plan would be appropriate. The proposed decision is contrary to our stipulated agreement and request the decision be vacated.

Data in previous environmental assessments suggest that portions of this allotment suffered heavy and severe use by livestock and wild horses. Your re-authorization of livestock use must be at levels or within a season of use compatible with the carrying capacity. We encourage the District to proceed in proper planning to address the long term solution for wild horses.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB
Executive Director